

CABINET - TUESDAY, 5 SEPTEMBER 2017

MINUTES OF A MEETING OF THE CABINET HELD IN COMMITTEE ROOMS 1/2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 5 SEPTEMBER 2017 AT 2.30 PM

Present

Councillor HJ David – Chairperson

HM Williams

D Patel

RE Young

Apologies for Absence

CE Smith and PJ White

Officers:

Kelly Watson	Group Manager Legal & Democratic Services
David Holland	Head of Shared Regulatory Services
Andrew Rees	Senior Democratic Services Officer Committees
Randal Hemingway	Head of Finance and S151 Officer
Mark Shephard	Corporate Director Communities
Jacqui Davies	Head of Adult Social Care
Lindsay Harvey	Interim Director Education and Family Support

52. DECLARATIONS OF INTEREST

None.

53. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 5 September 2017 be approved as a true and accurate record.

54. COMMUNITY FUND ACTION FUND 2017-18

The Head of Finance sought approval of the Community Action Fund 2017-18.

He reported that the Medium Term Financial Strategy 2017-2021 included a new budget of £285,000 for the creation of a Community Action Fund, which aimed to create localised intervention by Members within their own ward to the benefit of the local community. He stated that Officers have developed processes and procedures to implement the fund and deigned the scheme with the aim of minimising administrative costs. He informed Cabinet that the burden of responsibility for the eligibility of payments is placed on Members, who were required to sign a certification that they have to the best of their knowledge complied with the rules of the scheme.

The Head of Finance reported that Members will have significant discretion over how to use the money with the overarching caveat that expenditure must be lawful and it must not contravene council policy. Similarly, funding should not be awarded to profit making organisations or for political purposes. He stated that subject to approval of the scheme, Members will be required to attend mandatory training before they are able to submit applications for payment. It was anticipated that some Members would wish to use their allocation to fund works or services which the Council would itself carry out, incremental to existing provision. In such cases, Members will be encouraged to discuss proposals at an early stage with officers in order to best accommodate requests in an efficient manner. It was important to recognise, however, it may not be possible to

accommodate all requests and that the relevant corporate director retained the right to refuse such work.

The Head of Finance also informed Cabinet that questions relating to financial probity and the financial wellbeing of contractors would be addressed at the mandatory training and a series of Frequently Asked Questions would be put together.

The Deputy Leader in commending the Community Action Fund stressed that the project is a pilot and that training for Members will be essential and monies would not be released until they had received the mandatory training. The Leader stated that it was important to note that the project is a pilot and would be evaluated at the end of the pilot. He also stated that it was important that resources were targeted effectively and that the scheme was about making an impact on communities.

RESOLVED: That Cabinet approved the Community Action Fund detailed in the report and the procedures attached in the appendix to the report.

55. **TENDER FOR THE PROVISION OF ADVICE AND SUPPORT FOR PERSONAL INDEPENDENCE PAYMENTS (PIP) CLAIMANTS**

The Head of Finance sought approval to tender for the provision of advice and support for Personal Independence Payments (PIP) claimants.

He reported that the corporate risk register had recognised the risk of the implementation of welfare reform to the delivery of the Council's aims and objectives. The risk score of 18 out of a maximum of 24 is one of the most substantial faced in the delivery of the corporate plan. He stated that the finance service plan for 2016-17 included a goal to "work with other areas of the council to explore and implement further opportunities for joint working and/or commissioned services between finance service and the third sector". Mitigating Welfare Reform was identified as a key area for joint working/commissioned services and a working group was set up to develop this.

He reported that the working group had found a clear and compelling case to provide targeted support for PIP claimants. A tender had been developed to deliver advice and support for current recipients of PIP and Disability Living Allowance (DLA) and new claimants of PIP. He informed Cabinet that one off funding of £500k had been set aside in an earmarked reserve for an eighteen month tender period with a value of £150k with an option for the Council to extend for a further period of a year. The tender would commit up to 50% of the available funding, leaving the remainder to be targeted towards emerging need as the roll out of universal credit continues.

He stated that the tender would not create a need for recurrent expenditure and the tender would set a target return of at least £5 in annual benefit awarded for every £1 of tender value. A full contract value of £250,000, including extension, would equate to supporting household income of £1.25 million for local residents. As such, the tender was expected to contribute towards supporting a successful economy, as well as reduce demand for council services; in particular those linked with household debt such as housing and council tax arrears.

The Deputy Leader in commending the proposal for the proposed procurement stated that the tender was necessary due to welfare reform being a significant risk to the Council. He stated that the proposed procurement would ensure that those citizens who are in need received the support they need. The Cabinet Member Communities in welcoming the report stated that the proposal would help the Council in supporting the most vulnerable of citizens who were placed under increasing hardship. The Leader

stated that the procurement was necessary due to the shift in claimants from DLA to PIP which posed risks to the Council. He was pleased to see the Council helping individuals receive the support they are entitled to receive.

RESOLVED: That Cabinet:

- (1) Noted the information contained in this report in relation to the business case behind the proposed procurement.
- (2) Approved the proposed procurement, up to a maximum value of £250,000 (including extension) to be funded from earmarked reserves.
- (3) Delegated authority to the Head of Finance to decide whether to award the contract extension at the appropriate time, based on successful delivery of the outcomes during the initial contract duration.

56. TREASURY MANAGEMENT CUSTODIAN ACCOUNTS

The Head of Finance and Section 151 Officer sought approval to open a custody account for treasury management purposes.

He reported that the Council is looking to diversify into more secure and/or higher yielding asset classes but any new instruments used will be in full consultation with the Council's Treasury Management advisors Arlingclose as detailed in the Treasury Management Strategy. In order to be able to use negotiable instruments it is essential for the Council to hold at least one custody account with a third party as it was unable to deal direct. He informed Cabinet that the Council was proposing to open an account with King & Shaxson, which would be at no cost to the Council. The Head of Finance and Section 151 Officer assured Cabinet that the recommendation was financially sounder than maintaining the status quo.

The Deputy Leader in commending the proposal to open a custody account commented on the importance of Treasury Management in local government to maximise the cash the Council holds.

RESOLVED: That Cabinet:

- (1) Approved the opening of a King & Shaxson custody account for Treasury Management purposes.
- (2) Delegated authority to the Section 151 Officer, in consultation with the Monitoring Officer, to open additional custody accounts to support delivery of Treasury Management responsibilities.

57. STRATEGIC REVIEW INTO THE DEVELOPMENT AND RATIONALISATION OF THE CURRICULUM AND ESTATE PROVISION OF PRIMARY, SECONDARY AND POST-16 EDUCATION

The Interim Corporate Director Education and Family Support reported on an update on the work to date of the strategic review in to the development and rationalisation of the curriculum and estate provision of primary, secondary and post-16 education.

He stated that a Schools Task Group had been established to consider the way forward for schools within the County Borough and to ensure the Council continues to plan for and provide a high-quality education system for its young people, that gives them the very best opportunities for their lives in the 21st century and builds upon the excellence and good practice already in the county. Six work streams were established by the Schools Task Group and five principles were developed to underpin the process of developing and implementing school improvement proposals. The Interim Corporate Director Education and Family Support informed Cabinet that due to a lack of expertise externally, a more cost effective approach had been undertaken by increasing and supporting internal resources to deliver a strategic review into the development and rationalisation of the curriculum and estate provision of primary, secondary and post-16 education and four work streams were established. He presented a summary of each work stream and informed Cabinet of a proposal to close the Leadership and Collaboration and Curriculum and Workforce work streams as the Central South Consortium had initiated similar projects, on a regional basis.

The Interim Corporate Director Education and Family Support reported on the School Modernisation Band B work stream whereby it was determined that the statutory duty on the Council to ensure there is sufficient supply of school places should take precedence over building condition. The emerging priorities for band B were shared with the Welsh Government to assist them in establishing the potential funding requirement across Wales for the 21st Century Schools and Education Programme. He stated that the Welsh Government had also advised that a standardised cost would be applied to building elements, where appropriate, resulting in a maximum value for a school that can be benchmarked and inflated year on year. Welsh Ministers confirmed that there would be a capital and revenue funding element to Band B, as with Band A, capital would be funded on a 50:50 intervention rate. Work in developing a plan for promoting Welsh-medium education to 2050 is ongoing and is projected to be completed by the end of summer 2017. The Interim Corporate Director Education and Family Support informed Cabinet that the work stream recommended that an options appraisal of secondary school catchments must be undertaken by 2022, plus work relating to area reviews; this work would help inform future bands of the programme and this was agreed by the over-arching review board.

The Interim Corporate Director Education and Family Support reported that the Post-16 Education work stream would be finalising its report in mid-September 2017 and making a detailed submission to Cabinet in October 2017.

The Leader in commending the proposals for the strategic reviews stated that Group Leaders and the Chairperson of the appropriate of the Overview and Scrutiny Committee would be consulted on future reports on the Band B programme.

RESOLVED: That Cabinet:

- (1) Noted the recommendations of the Leadership and Collaboration and Curriculum and Workforce workstreams and the next steps for the School Modernisation Band B workstream which are detailed in appendix A-C.
- (2) Agreed the closure of the Leadership and Collaboration and Curriculum and Workforce workstreams with work transferring to CSC.
- (3) Agreed the closure of the School Modernisation Band B workstream through the strategic review with work progressing at

an operational level with strategic oversight from the School Modernisation Board; and

(4) Agreed to receive the full Post-16 Education report on 31 October 2017.

58. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT - SECTION 65
POWER TO FIX FARES FOR HACKNEY CARRIAGES - APPLICATIONS TO VARY
THE HACKNEY CARRIAGE FARES TARIFF

The Head of Shared Regulatory Services reported on three proposals to vary the current hackney carriage table of fares which had been received from Mr James Borland and Mr Richard Parrott, Mr Tom Burke and Mr Dario Nelson.

He stated that the application from Mr James Borland and Mr Richard Parrott for the increase in fares had been made due to the drivers facing increasing costs and the current tariff in Bridgend is below the Welsh and national averages. The application from Mr Tom Burke sought to increase the rate of fares to bring drivers' incomes closer to the minimum wage. The application also sought to change the times at which the different tariffs are applicable and the introduction of two new tariffs for the Christmas and New Year period. The application by Mr Dario Nelson also sought to increase the fares by amending the hours the tariffs will be in operation and includes additional tariffs for the hours between 3.00am – 6.00am. Mr Nelson had also requested that due to the large amount of dead mileage experienced in a rural area such as Bridgend, fares should generally be higher than in urban areas. In addition to the dead mileage figure, Mr Nelson had asked the Council consider the additional cost to proprietors of licensing new vehicles under the current council policy which also affects drivers who lease vehicles, the higher cost of insurance for taxi drivers as well as vehicle running costs and the Council's taxi licensing costs.

The Head of Shared Regulatory Services reported that the current table of fares had been in place since 15 August 2011 and he summarised a table which provided details of the daytime rate of the 2 mile fare currently authorised by the Council together with a comparison with the proposed fares authorised by a sample of other licensing authorities. He stated that Bridgend is currently 322nd in the mile fare league table out of 366 local authorities.

The Head of Shared Regulatory Services informed Cabinet that should it agree to vary the tariff, the variation would need to be advertised for a period of at least 14 days to permit persons to make an objection. Should there be no objections; the variation would then come into effect on the date of the expiry of the period of notice. However, should an objection be received the objection would need to be re-considered by Cabinet before the variation is implemented. Members are advised that there is no known formally constituted trade organisation within the Borough at present but consultation must follow the statutory format laid down in the Local Government (Miscellaneous Provisions) Act 1976 by statutory notice in a newspaper.

The Head of Shared Regulatory Services summarised the effects of the proposals on the rise in fares; the standard timings and the Christmas and Bank Holiday periods and the changes to the structure of the table of fares.

The Head of Shared Regulatory Services informed Cabinet that the proposals received were from individual drivers and not from the taxi trade and that it was hoped to get a taxi forum together. In response to a question from the Cabinet Member Wellbeing and Future Generations as to the cost of living and the number of licensed drivers, the Head of Shared Regulatory Services informed Cabinet that the cost of fuel had varied since

2011 and that overall running costs had on balance decreased. The number of licensed drivers had stayed the same.

Cabinet considered the responses received to increase the current hackney carriage table of fares and that it would be minded to increase the contamination fee to £125. The Leader stated that it was essential to consult on the proposals in order to have the view of the taxi trade and also the public who rely on using taxis.

RESOLVED: That Cabinet rejected the three proposals received to vary the current Bridgend County Borough hackney carriage table of fares and recommended the legality and practicalities of consulting on hackney carriage fees with the taxi trade and public be explored.

59. DISCLOSURE AND BARRING SERVICE CHECKS FOR ELECTED MEMBERS

The Group Manager Legal Services sought agreement from Cabinet recommending that Council change the existing Disclosure and Barring Service (DBS) policy in relation to DBS checks for elected members, to ensure that the public can have trust and confidence in their elected members.

The Group Manager Legal Services reported that under the current DBS policy elected members are not subject to a DBS check. It was proposed that all elected members are subject to a Basic Disclosure to demonstrate to the public that they can trust and confidence in their elected representatives. In addition to this, it was proposed that Cabinet members and Scrutiny Chairs, in line with their responsibilities to “discharge functions” relating to the social care of vulnerable people and children, are subject to an Enhanced DBS check to reflect the important role they play in scrutinising services that are delivered in relation to safeguarding and education functions. She stated that all members would need to individually consent to undertaking a DBS check. The Group Manager Legal Services highlighted the financial implications to be incurred for each Basic Disclosure check and for Enhanced DBS checks.

The Leader in commending the proposal for members undertaking DBS checks stated that this would give the public confidence that all members will undergo checks voluntarily.

RESOLVED: That Cabinet approved:

- (1) That a report is prepared for Council that recommends that the Council’s DBS policy is amended to reflect the proposals outlined in the report;
- (2) That Council seeks individual consent from all Members to undertake DBS checks;
- (3) That if consent is received, the Council arranges for DBS checks for elected members in line with the proposals in the report.

60. CABINET FORWARD WORK PROGRAMME

The Group Manager Legal Services sought approval for items to be included on the Cabinet Forward Work Programme for the period 1 October 2017 – 31 January 2018. She stated that the Forward Work Programme will contain matters which the Cabinet, Overview and Scrutiny Committees and Council are likely to consider. The Cabinet Forward Work Programme will be reviewed by Cabinet on 5 September and 28

November 2017 and 27 February 2018 and once approved the schedule of publication will be advertised in the Glamorgan Gazette.

The Leader stated that the Forward Work Programme had been developed with the Corporate Management Board and consultation undertaken with the Chairpersons of the Overview and Scrutiny Committees who were supportive of the items to be included on the programme. Dialogue would continue with the Chairpersons of the Overview and Scrutiny Committees on the content of future Forward Work Programmes.

RESOLVED: (1) That Cabinet approved the Cabinet Forward Work Programme;

(2) Noted the Council and Scrutiny Forward Work Programme.

61. **APPOINTMENT OF INVITEES TO THE CABINET COMMITTEE CORPORATE PARENTING**

The Group Manager Legal Services sought approval for the nomination of Champions from each of the Overview and Scrutiny Committees to the Corporate Parenting Cabinet Committee and reported on proposals for additional invitees to the Committee.

The Group Manager Legal Services reported that the Corporate Parenting Cabinet Committee had previously established the principle of appointing one invitee from each of the Overview and Scrutiny Committees as Corporate Parenting Champions. In accordance with that principle, the Overview and Scrutiny Committees have appointed Members as Corporate Parenting Champions to be invited to meetings of the Corporate Parenting Cabinet Committee. She stated that consultation has taken place with the Group Leaders who have been nominated to attend meetings of the Committee.

The Group Manager Legal Services also informed Cabinet that the Leader had requested that Councillor CA Green, the Chairperson of Subject Overview and Scrutiny Committee 2 which takes the lead on social services items be an invitee to meetings of the Corporate Parenting - Cabinet Committee.

The Leader informed Cabinet that all members take their role as corporate parents seriously. He stated that consultation had taken place with Group Leaders and the Overview and Scrutiny Committee Chairpersons who were enthusiastic for a range of voices on the Committee which would also strengthen the Committee.

RESOLVED: That Cabinet:

(1) Noted the appointment of the following Members as Corporate Parenting Champions to be invited to meetings of the Corporate Parenting - Cabinet Committee as appointed by the Overview and Scrutiny Committees:

- Corporate Overview and Scrutiny Committee – Councillor J Gebbie
- Subject Overview and Scrutiny Committee 1 – Councillor J Radcliffe
- Subject Overview and Scrutiny Committee 2 – Councillor DBF White
- Subject Overview and Scrutiny Committee 3 – Councillor C Webster

(2) Approved the appointment of the following Members or their nominated substitute to represent their political groups as listed below as invitees to attend meetings of the Corporate Parenting - Cabinet Committee:

- Conservative Group – Councillor K Watts
- Independent Alliance Group – Councillor N Clarke
- Plaid Cymru Group – Councillor RM James
- Llynfi Independents Group - Councillor R Penhale-Thomas

Cabinet approved the appointment of Councillor CA Green as Chairperson of Subject Overview and Scrutiny Committee 2 which takes the lead on social services items to be invited to meetings of the Corporate Parenting - Cabinet Committee.

62. **REPRESENTATION ON OUTSIDE BODIES & JOINT COMMITTEES**

The Group Manager Legal Services presented a report which sought approval for the appointment of three representatives to serve on the Bridgend Community Health Council.

RESOLVED: That Cabinet appointed Cllr Cheryl Green, Cllr David White and Cllr Altaf Hussain as the Authority's representatives on the Bridgend Community Health Council.

63. **INFORMATION REPORTS FOR NOTING**

The Group Manager Legal Services presented a report, the purpose of which was to inform Cabinet of the Information Reports which had been published since the last meeting.

The Cabinet Member Wellbeing and Future Generations questioned what steps were being taken to address the judgement of adequate for Wellbeing in the Estyn progress report for St Mary's Primary Catholic School. The Interim Corporate Director Education and Family Support stated that he would clarify the steps being taken with the Challenge Advisor and inform Cabinet of the action being taken accordingly.

RESOLVED: That Cabinet acknowledged publication of the documents listed in the report:-

<u>Title</u>	<u>Date Published</u>
St Mary's Primary Catholic School - Estyn Progress Report	30 August 2017
Welsh in Strategic Education Plan: Current Position	30 August 2017
Youth Justice Plan 2017-18	30 August 2017
Annual Treasury Management Outturn Report 2016-17	30 August 2017

64. **URGENT ITEMS**

There were no urgent items.

65. EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, the public be excluded from the meeting during consideration of the following items of business as they contain exempt information as defined in Paragraphs 14 and 15 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

Following the application of the public interest test in consideration of this item, it was resolved that pursuant to the Act referred to above, to consider it in private, with the public being excluded from the meeting as it would involve the disclosure of exempt information of the nature as stated above.

66. APPROVAL OF EXEMPT MINUTES

67. ESTABLISHMENT OF A FRAMEWORK AGREEMENT FOR THE PROVISION OF DOMICILIARY CARE