

**MINUTES OF A MEETING OF THE CABINET HELD REMOTELY - VIA MICROSOFT TEAMS
ON TUESDAY, 16 NOVEMBER 2021 AT 14:30**

Present

Councillor HJ David – Chairperson

CE Smith
SE Baldwin

HM Williams

D Patel

NA Burnett

Officers:

Claire Marchant	Corporate Director Social Services and Wellbeing
Janine Nightingale	Corporate Director - Communities
Gill Lewis	Interim Chief Officer – Finance, Performance and Change
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Shephard	Chief Executive
Andrew Rees	Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Democratic Services Officer - Committees
Gareth Denning	Policy Team Leader
Justin Kingdon	Strategic Asset Management and Investment Manager
Richard Matthams	Development Planning - Team Leader
Robert Morgan	Senior Development Control Officer
Jonathan Parsons	Group Manager Development
Helen Picton	Operational Manager Enterprise & Specialist Services

735. DECLARATIONS OF INTEREST

None.

736. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of Cabinet of 19 October 2021 be approved as a true and accurate record.

737. LOCAL AIR QUALITY MANAGEMENT - ANNUAL PROGRESS REPORT 2021

The Operational Manager– Enterprise and Specialist Services (Shared Regulatory Services) submitted a report, which sought approval of the 2021 Bridgend County Borough Council Local Air Quality Management (LAQM) Annual Progress Report (APR) based upon on air quality datasets obtained in 2020, to submit a final version to Welsh Government (WG). She also reported on an update on progress towards the Draft Air Quality Action Plan for the Park Street Air Quality Management Area.

The Operational Manager– Enterprise and Specialist Services reported that under Section 82 of the Environment Act 1995 every local authority has an obligation to regularly review and assess air quality in their areas, and to determine whether air quality objectives to protect health are likely to be achieved. Where the air quality reviews indicate that the air quality objectives are not being achieved, or are not likely to be achieved, Section 83 of the 1995 Act requires local authorities to designate an Air Quality Management Area ('AQMA'). Section 84 of the Act ensures that action must then be taken at a local level which is outlined in a specific Air Quality Action Plan (AQAP) to ensure that air quality in the identified area improves.

She informed Cabinet that the Annual Progress Report provided details on the ratified data for the air quality monitoring undertaken in 2020 within the County Borough and in general, air quality continues to meet the relevant air quality objectives as prescribed in the Regulations. She stated that a noticeable effect of the strict lockdown arrangements put in place in March 2020 and subsequent lockdowns due to the pandemic, had seen a significant reduction in road traffic in line with the prohibition of non-essential travel and the requirement to work from home wherever possible. In 2020, across the County Borough, there was an average reduction of 22% in NO₂ annual mean concentration experienced at roadside diffusion tube monitoring sites, relative to 2019. However, air quality continued to be a concern along Park Street, Bridgend, coinciding with the boundary of the Air Quality Management Area.

The Operational Manager– Enterprise and Specialist Services reported that due to delays in planning permission and legal agreements being in place an automated air quality monitoring system (AMS) was now located in the grounds of the Quaker Meeting House on Park Street. The monitoring site measures and records on a 24/7 basis the levels of NO₂ and PM₁₀, and forms part of the Welsh Air Quality Network. She presented an update of the Park Street, AQMA Action Plan, in that a Steering Group from various departments of the Council and partner agencies had been established to develop ideas and to ensure an effective Action Plan. The Steering Group had concluded, supported by feedback from public engagement sessions that queuing and inconsistent traffic flows would appear to be the principal cause of the poor levels of air quality on Park Street. The following had been developed as preferred mitigation options: implementation of a 4-phase junction (3 traffic, 1 pedestrian) at the Heol-y-Nant turning (Measure 21); denying all access onto St Leonards Road (Measure 18); and optimise the Park Street/ Angel Street/ Tondu Road Junction (Measure 20). She stated that Measure 21 was unlikely to bring about the desired improvement in air quality due to queuing traffic, however it is a condition of the Persimmon planning permission that a right turning be introduced into Heol-y-Nant. Air quality modelling was due to be run on this arrangement. Next will follow work to model Measures 18 and 20 for both transport and air quality considerations and once the outcomes of this modelling work are understood, the Air Quality Action Plan for the Park Street AQMA can be compiled accordingly and presented to Cabinet for consideration prior to public consultation.

The Operational Manager– Enterprise and Specialist Services reported that the unprecedented circumstances of the COVID 19 pandemic had impacted on local air quality monitoring and the development of the action plan for the Park Street AQMA, both in terms of its scheduling and delivery. She stated that the Welsh Government has been kept up to date with the position and inevitable delays in delivering the action plan. The Welsh Government had agreed to allow for a further extension period to facilitate the delivery of the action plan, with a revised deadline of 31 March 2022 for its submission.

The Cabinet Member Communities questioned whether Measure 21 would still be proceeding even if it did not deliver the desired outcome of improving air quality and reducing queuing traffic. He asked when access on to St Leonards Road, Measure 18 would be put in place as this would divert traffic on to Heol y Nant and whether tree planting could be considered to aid air quality. He also asked what the next steps for the Air Quality Plan for Park Street are. The Operational Manager– Enterprise and Specialist Services stated that she would explore the idea of tree planting in order to improve air quality along Park Street. The Operational Manager– Enterprise and Specialist Services informed Cabinet that the mitigation measures had been developed by the Steering Group, and that Measures 18 and 20 which are softer measures will be progressed and that public awareness will be undertaken. The Group Manager Planning and Development Services informed Cabinet that the turning lane off Park Street is a condition of the planning consent for the Persimmon development, which is in the

interests of highways safety and air quality. Monitoring data is awaited and once that data is received, the highway implications and impact on air quality and its impact on pedestrians and active travel will be looked at by officers.

RESOLVED:

That Cabinet:-

- Noted and accepted the results of air quality monitoring gathered in 2020
- Noted the progress made in developing the Air Quality Action Plan for Park Street; and
- Agreed the finalisation of the 2021 Annual Progress Report (attached as Appendix 1) for submission as a final version to Welsh Government.

738. BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) - REVISED DELIVERY AGREEMENT

The Corporate Director Communities reported on the need to revise the LDP Delivery Agreement (DA), for Cabinet to agree the revised DA and to recommend that Council approve the amendments to the LDP Timetable and approve submission of the revised DA to Welsh Government for agreement.

The Corporate Director Communities reported that the Welsh Government had written to Local Planning Authorities to advise them to undertake a review of the technical evidence base underpinning the replacement LDP alongside the preferred strategy and policies in terms of sensitivity to the consequences of the Coronavirus pandemic. The Welsh Government had also advised that DA's should be adjusted to account for any necessary changes to the LDP timetable in light of delays caused by the pandemic. The Corporate Director Communities informed Cabinet that the LDP Deposit Draft has been the subject of consultation and progress to the next stage, being its submission to the Welsh Government and the Planning Inspectorate has been delayed due to the need to revise the Delivery Agreement, as the supporting evidence base needs reviewing and refining as a result of the representations received from our communities and key stakeholders. The Group Manager Planning and Development Services informed Cabinet that the Council is well advanced in its progress with the Draft LDP within the region and is one of the first local authorities to be at this stage.

The Strategic Planning Policy Team Leader reported that over 1,200 representations had been received, the volume of correspondence was being dealt with and once complete, officers will collate all responses and present a consultation feedback report to Cabinet. He outlined the strands of work which needed to be resolved prior to the submission of the Draft LDP in June 2022, together with the revisions to the timetable. He stated that it was imperative that the Local Planning Authority continues to progress with the statutory review of the LDP. The Replacement LDP will avoid 'planning by appeal' and ad hoc development coming forward outside the development plan system and not in accordance with the Plan's strategy, which will strengthen the Council's framework for determining planning applications and provide enhanced certainty to communities in this respect.

The Cabinet Member Wellbeing and Future Generations was pleased to see the number of residents engaged with the LDP process, which had seen the greatest number of responses to any of the Council's consultations, despite the pandemic. The revised timetable gives officers the time needed to respond to the consultation received. The Cabinet Member Communities stated that the LDP needed to be future proofed and there is a need to look at future trends with more home working and housing required. The Leader stated there were critical strands which needed to be addressed such as the former Ford site, which will contribute to the robustness of the LDP. He drew Members'

attention to the forthcoming Member Development session on Technical Advice Note 15 – Development & Flood Risk (TAN15), which is another important strand of the LDP.

RESOLVED: That Cabinet noted and agreed the content of the report and recommended that Council approve the revisions to the timetable and authorise the Group Manager Planning & Development Services to submit the revised Delivery Agreement (attached at Appendix 1) to Welsh Government.

739. PURCHASE OF BRIDGEND TOWN CENTRE POLICE STATION

The Corporate Director Communities reported on progress on the potential purchase of Bridgend Town Centre Police Station at Cheapside with a view to support the aspirations of Bridgend College to relocate their main campus to the Town Centre, and approval was sought to progress with the acquisition.

The Corporate Director Communities reported that officers had been authorised by Cabinet in June 2021, to progress discussions with South Wales Police on the acquisition of the current Bridgend Town Centre Police Station via the Welsh Government Estate Co-location & Land Transfer Protocol. Officers were also authorised to pursue and accept grant funding from WG to support the initial acquisition and future demolition of the current Police Station building. Grant funding had been secured to support the acquisition and demolition of the site, with the aim of the Council leasing the site to Bridgend College, enabling its relocation from the Cowbridge Road campus to the town centre. The value of the land had been set by the District Valuer as £650k, with all parties concurring with the valuation. The contract for sale includes a leaseback agreement to SWP for 12 months, to sufficient time to prepare newly developed offices at their Headquarters site. Officers are continuing to work with SWP to help identify and progress a smaller satellite office within the Town Centre to accommodate a day-to-day police presence.

The Corporate Director Communities informed Cabinet that the proposal for a town centre College campus will bring much needed vibrancy to the town centre, increasing footfall, public realm improvements and a net carbon zero environment for learners. She highlighted the financial implications to the Council for the first phase of the project.

The Cabinet Member Education and Regeneration thanked officers for their work in progressing the scheme and he thanked the Governors of Bridgend College for their enthusiasm for the project, which will see further and higher education being delivered in the town centre, with facilities for the public and a performing arts space being developed. He stated that the risk of the Council not buying into the project was high on the College's risk register and he hoped that the proposed acquisition of the police station site would turn the risk to green on the College risk register.

The Cabinet Member Social Services and Early Help commented on the positivity of the development as a town centre regeneration project but stated that caution needed to be exercised so that town centre residents are not impacted negatively especially regarding car parking. She sought assurances that the construction phase of the college would not impact negatively on residents. The Corporate Director Communities informed Cabinet that considerate methods of construction would be looked at so that groundworks such as times for the driving of piling would be constrained. She stated there would be a public communication campaign to inform the public. She also informed Cabinet that parking permits are being trialled and this would continue, the College would also promote active travel, using trains and buses. Bus routes would be reconfigured, being routed to Cheapside.

The Cabinet Member Communities requested detail on the proposed height of the college building, in order to allay the fears of the public. The Corporate Director Communities stated that it was premature to be looking at the proposed height of the building, but there was a possibility that it could be 4 to 5 storeys in height, stepped from the front to the rear. Architects had yet to be commissioned by the College, but there would be a need to ensure that it fitted into the existing landscape. She stated that Cabinet would be informed of the proposals once the feasibility had been concluded.

The Leader hoped that a high-quality design would be at the heart of the project, which would offer the best facilities to learners. He commented on the outstanding new learning facilities which the College had delivered at its Pencoed campus, which had a real impact on the learning experience and this had to be the same aspiration and vision of the town centre campus. He also commented on the structure of the lease arrangement and its importance on the police having a town centre presence. The Deputy Leader stated that the project represented an important stepping stone for the future and that it was a good day not only for Bridgend town centre, but for the County Borough to provide lifelong learning opportunities.

RESOLVED: That Cabinet:

- Noted the progress that had been made in connection with the proposed acquisition of the current Bridgend Town Centre Police Station at Cheapside and the regeneration proposals to create a new Bridgend College Campus at the site.
- Authorised officers to complete the legal documentation and transaction to acquire the SWP site at Cheapside Bridgend in accordance with WG Estate Co-location & Land Transfer Protocol.

740. **LEVELLING UP FUND PRIORITY PROJECTS**

The Corporate Director Communities reported on the UK Government Levelling Up Fund (LUF) and sought endorsement on the proposed package of projects being developed for Bridgend constituencies for submission to a future application round of the LUF programme and to utilise the Council's and UK Government resources to do so.

The Corporate Director Communities informed Cabinet that the LUF was announced by the UK Government at the 2020 Spending Review, with up to £4.8 billion set aside until 2024-25 across the UK. The LUF will invest in local infrastructure and capital projects that have a visible impact on people and their communities. This includes a range of high value local investment priorities, including local transport schemes, urban and economic regeneration projects and supporting cultural assets. She informed Cabinet that Local Authorities can only receive funding for one bid for every Member of Parliament (MP) whose constituency lies wholly within their boundary and each Local Authority is eligible to make one additional bid for potential transport projects in the area. Enabling the Council to make 3 bids, one for each constituency, Bridgend and Ogmere, and a third for a strategic transport project. Constituency bids can be up to the value of £20m, with scope for larger, high-value transport projects, of up to £50m, with each bid being encouraged to contribute a minimum of 10% funding from local and third-party contributions.

The Corporate Director Communities reported on the proposed project for the Bridgend constituency, which bring about the redevelopment of the Grand Pavilion in Porthcawl, to include: new function spaces at first floor (Esplanade) level; new rooftop function and cafe spaces offering elevated sea-views across the Bristol Channel; new Studio theatre

and ancillary facilities, increased and improved welfare facilities including new changing places facility; business incubation or workshop spaces to street level and new office facilities.

The Corporate Director Communities reported on the proposed bid for the Ogmore constituency to create the Bridgend Enterprise Development Project (EDP) to increase employment through investments in prioritised sites and infrastructure, supporting the Council's strategic approach towards economic development. The EDP project is required due to a lack of available modern buildings, obsolescence and a decrease of available floor space impacting on a variety of economic sectors. The project will provide support to valleys communities through new business start-ups; the development of resilience in the early years of trading; access to new markets and supply chains and the provision of business premises for start-up and new businesses. The proposed investment will take place in or near to wards of multiple deprivation, opening opportunities for business start-ups and re-locations for the communities of the Llynfi, Garw and Ogmore Valleys.

The Corporate Director Communities reported on the proposed transport project bid to result in the rebuilding of the Penprysg road bridge, in order to accommodate two-way traffic leading to the eventual closure of Pencoed's level railway crossing, and an all-new active travel bridge for pedestrians and cyclists. She stated that the Pencoed level crossing is on the South Wales mainline railway as well as local Metro routes. When in operation there is a resultant build-up of road traffic leading to significant congestion in the town centre. The current alternative road bridge on Penprysg Road is a substandard single lane with limited pedestrian/active travel provision. Due to these constraints, there is a longstanding moratorium on development west of the level crossing. The plans will unlock potential development land located to the west of the current level crossing, enabling fresh investment and facilities to be introduced. Once the level crossing is closed, the proposal also provides opportunity to enhance the public realm in and around the commercial area at the level crossing and to enhance the local environment.

The Corporate Director Communities outlined the financial implications for the development work of the three bids, for which, the Council has received £125,000 in development funding to support the bids. She stated that each of the bids will have their own financial packages to be brought together and as the details of the development costs related to each project emerge following further feasibility and design work, each project will be seeking the support of partner organisations and other external funding sources to support the delivery of the projects. The Corporate Director Communities informed Cabinet it will receive a further report in advance of the applications being submitted in May 2022 to consider and agree any further financial commitment from the authority relating to the three individual proposals. There were no existing financial commitments within the Council's capital programme for the delivery of these three projects.

The Leader thanked officers for the work they had undertaken on these schemes in such a short time. Meetings had taken place with the MPs who were very supportive of the schemes in their constituencies and that the transport project had significance not only for the County Borough, but regionally and nationally. The Cabinet Member Education and Regeneration stated that the Penprysg road bridge project is truly strategic with significance for the whole of South Wales improving connectivity and thereby will improve economic activity. He hoped that the UK Government would support this project and that the road bridge would be future proofed in the event of electrification of the railway west of Cardiff.

The Cabinet Member Communities referred to the current consultation with businesses which he had been involved in on the Penprysg road bridge and asked how the wider infrastructure concerns raised during the consultation can be captured so that routes are linked up. The Corporate Director Communities stated that it was vital for connectivity to work and it had been designed into the bid, with roads either side of the bridge, active travel and signage. There would also be a need to look at public realm, the town square and parking and park and ride provision.

The Leader stated that the Penprysg road bridge could allow the lifting of the moratorium on development and commented that the proposal is the single biggest engineering project the Council will have undertaken. He also stated that the Grand Pavilion project was vital to the visitor economy and the Enterprise Development Project significant to creating clusters of business, all projects will be undertaken with involvement with partners, such as the Welsh Government and Heritage Lottery Fund.

RESOLVED: That Cabinet:

- Noted the overview and application process associated with the LUF.
- Endorsed the projects proposed by officers to be developed in readiness for a future application round.
- Delegated authority to the Director of Communities to utilise the LUF Capacity Grant to procure external support that would be needed for the production of bid/s to the fund and to utilise existing in-year resources in the Communities Directorate to procure required architectural and survey support for the Enterprise Development Programme.
- Noted that the Director of Communities to liaise with the Section 151 Officer to consider how any additional commissioning costs could be funded if costs exceeded the estimated budget of £250,000 and available in-year resources within the Communities Directorate.
- Agreed to receive a future report which set out a final package of projects to be submitted to the LUF including any further financial requirements to support those projects or bids.

741. **AMENDMENT TO THE FINANCIAL PROCEDURE RULES (FPRS) WITHIN THE COUNCIL'S CONSTITUTION**

The Interim Chief Officer Finance, Performance and Change sought amendments to the Council's Financial Procedure Rules within the Council's Constitution.

The Interim Chief Officer Finance, Performance and Change reported that the management of the Council's financial affairs are conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution. Financial Procedure Rules had been reviewed by officers, and a number of changes made to bring them up to date to reflect new financial processes and procedures, and new legislation and guidance, which, had come into effect, changing the way in which the Council operated.

RESOLVED: That Cabinet:

- approved the amendments to the Financial Procedure Rules attached as Appendix 1 to the report;

- noted that a separate report would be presented to Council to incorporate the revised Financial Procedure Rules into the Constitution.

742. REAL LIVING WAGE

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy reported on progress on the implementation of the Real Living Wage (RLW) and sought Cabinet approval to apply to become a Real Living Wage accredited employer.

She reported that in accordance with the law all employers have to pay the national living wage to all employees aged 23 and over, and national minimum wage to employees under 23, with the current national living wage rate being £8.91 per hour as at April 2021. The Real Living Wage (RLW) Foundation campaign for employees to be paid a rate which is based on what is needed to live and is calculated independently considering wider factors than those used to set the national living.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy reported that whilst not an accredited organisation, the Council had committed to paying the RLW to its own employees for the last two years. The RLW Foundation had yesterday set the new rate as £9.90 per hour and if the Council becomes accredited it would implement this rate from April 2022.

Officers had met with Cynnal Cymru, who in Wales, work in partnership with the RLW Foundation and established a pathway to accreditation to ensure the Council's employees were paid the RLW. She stated that the more difficult aspect of accreditation relates to the requirements for commissioned and procured services and an action plan will be developed with support from Cynnal Cymru to set out the steps to encourage contractors and suppliers to pay the RLW. The Council, as part of its Corporate Procurement Strategy is committed to increasing community benefits delivered by suppliers, however the Council could not mandate current suppliers to become RLW employers part way through a contract. She stated that the RLW will be addressed via social value conditions when contracts are being renewed or commissioned. If accreditation is received, it would be subject to annual monitoring and Cabinet will also receive annual updates.

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy informed Cabinet of the financial implications of implementing the RLW, in that it could create a significant budget pressure, currently not factored into the Medium Financial Strategy. Its implementation across externally commissioned services will have significant financial implications and create a large recurrent budget pressure, that is currently unknown.

The Deputy Leader in commending the proposal stated that it represented a good day a clear direction for the County Borough to be a high paid economy. The Cabinet Member Social Services and Early Help stated that its implementation will have a positive impact on social services staff and that the pandemic had proved how dependent such staff. The Cabinet Member Wellbeing and Future Generations in supporting the proposal thanked the Deputy Leader for pursuing its implementation. The Leader thanked the Chief Officer Legal and Regulatory Services, HR and Corporate Policy for the work undertaken on this initiative which was about fairness and equity for staff who are paid the least but who undertake most important roles, delivering essential public services. He stated that the authority is finding it difficult to retain staff and the point had been reached where it was difficult to deliver all care packages due to staff shortages.

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RESOLVED: That Cabinet:

- noted the content of the report;
- delegated authority to the Chief Officer Legal, Regulatory, HR and Corporate Policy to make an application for RLW accreditation.

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

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy sought approval for the appointment of a replacement Member to sit on the Cwm Taff Morgannwg Community Health Council.

RESOLVED: That Cabinet appointed Councillor Matthew Voisey as one of the three representatives on the Cwm Taff Morgannwg Community Health Council.

744. **INFORMATION REPORT FOR NOTING**

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy presented a report, which informed Cabinet of the following information report which had been published since its last scheduled meeting.

RESOLVED: That Cabinet acknowledged the publication of the document listed in the report:

<u>Title</u>	<u>Date Published</u>
Ombudsman Annual Letter 2020 – 2021	10 November 2021

745. **URGENT ITEMS**

There were no urgent items.

746. **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 Paragraph 14 of Part 4 and Paragraph 21 of Part 5 of Schedule 12A of the Act.

Following the application of the public interest test it was resolved that pursuant to the Act referred to above, to consider the following items in private, with the public excluded from the meeting, as it was considered that in all circumstances relating to the items, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

747. **APPROVAL OF EXEMPT MINUTES**

748. **ACQUISITION OF LAND OFF FFORDD CADFAN, BRACKLA, LINKING TO BAND B OF THE SCHOOL MODERNISATION PROGRAMME**

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749. **ESTABLISHMENT OF A FRAMEWORK AGREEMENT FOR THE PROVISION OF SUPPORTED LIVING SERVICES**

The meeting closed at 17:02