

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 2

3 NOVEMBER 2022

REPORT OF THE CHIEF OFFICER – LEGAL & REGULATORY SERVICES, HR & CORPORATE POLICY

CALL-IN OF CABINET DECISION: PORTHCAWL WATERFRONT REGENERATION: APPROPRIATION OF LAND AT GRIFFIN PARK AND SANDY BAY

1. Purpose of report

- 1.1 The purpose of this report is to enable the Committee to consider the decision of Cabinet of 18 October 2022 in relation to Porthcawl Waterfront Regeneration: Appropriation of Land at Griffin Park and Sandy Bay.

2. Connection to corporate improvement objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
1. **Supporting a successful sustainable economy** – taking steps to make the county borough a great place to do business, for people to live, work, study and visit, and to ensure that our schools are focussed on raising the skills, qualifications and ambitions for all people in the county borough.
 2. **Helping people and communities to be more health and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 3. **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 In accordance with the Rule 18 of the Overview and Scrutiny Procedure Rules in the Council's Constitution, five Members of the Overview and Scrutiny Committees and two Scrutiny Chairs, have requested that an Executive decision made by Cabinet on the 18 October 2022 be Called-In.
- 3.2 For the purposes of informing the Committee more fully regarding the reasons for Call-In, the following appendices have been attached:
- **Appendix A** – Cabinet Decision Record of 18 October 2022;
 - **Appendix B** – Notice of Call-In Form;

- **Appendix C** – Report of the Corporate Director - Communities: Porthcawl Waterfront Regeneration: Appropriation of Land at Griffin Park and Sandy Bay on 18 October 2022.

4. Current situation/proposal

- 4.1 The role of Councillors exercising Overview and Scrutiny is, amongst other things, to ensure that the development of the Council's policies and the way they are being implemented reflect the needs and priorities of local Communities in the County Borough. As such, in holding to account the Cabinet for the efficient exercise of the executive function, the Overview & Scrutiny process aims to strengthen accountability for the decisions and performance of Bridgend County Borough Council.
- 4.2 Five Members of Overview and Scrutiny Committees and two Scrutiny Chairs have requested to Call-In the Cabinet decision of 18 October 2022.
- 4.3 The role of the Committee within the Call-In process is to consider the proposed decision taken by Cabinet including the reasons for the decision, factors taken into account by Cabinet when making the decision and whether the decision is in line with corporate priorities and policies. Further details as to the reasons for Call-In are provided at **Appendix B** and set out below:
 - Members have expressed the wish to call-in for further scrutiny the Cabinet decision on the appropriation of land at Griffin Park and Sandy Bay in more detail following representations from members of the public.
 - Members note that responses to the public consultation were overwhelmingly against the appropriation of land for the purposes outlined with reasons including loss of open space, changes to Griffin Park, concerns about proposed housing at Sandy Bay, lack of investment in tourism facilities, as well as the impact on wildlife and ecology.
 - To provide public assurance, Members would like further clarification as to why the appropriation of ALL of this land is necessary to enable Porthcawl Waterfront Regeneration.
 - Members would like to question the Cabinet Member on whether there was sufficient consideration of the representations to the consultation and why Cabinet did not discuss the option of a reduction in the area of the land proposed for appropriation, as suggested by members of the public in their consultation responses.
 - While Members acknowledge that appropriation does not predetermine what happens with the land for planning purposes, it does remove the protection that exists whilst it is held in trust for recreational purposes.
 - Furthermore, the Cabinet report did not make reference to the survey which expressed a desire to retain a suitable and sufficient area of land which would protect it from permanent development.

- Members would like to scrutinise how the Cabinet has considered relevant legislation in reaching this decision including The Well-being of Future Generations (Wales) Act 2015, the 5 ways of working embedded in this Act, and Planning Policy Wales guidance.
- Members would like assurances that the 5 ways of working embedded in the WBFG Act including involvement and collaboration with the community (which goes beyond the statutory minimum) has occurred.

4.4 Following consideration of the decision, the Committee if it is still concerned about it, may recommend that the decision be reconsidered by the Cabinet, setting out in writing the nature of its concerns. If referred to the Cabinet, it must be reconsidered by Cabinet within a further 7 clear working days, amending the decision or not, before adopting a final decision. If the Committee does not refer the matter back to the Cabinet, the decision may be determined on the date of the Overview and Scrutiny Committee meeting.

5. Effect upon policy framework and procedure rules

5.1 The work of the Overview & Scrutiny Committees relates to the review and development of plans, policy or strategy that form part of the Council's Policy Framework and consideration of plans, policy or strategy relating to the power to promote or improve economic, social or environmental wellbeing in the County Borough of Bridgend.

6. Equality Act 2010 implications

6.1 The equality implications are outlined in Section 6 of the Cabinet report attached as **Appendix C**.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 An assessment under the Wellbeing of Future Generations (Wales) Act 2015 has been made and is outlined in Section 7 of the Cabinet report attached at **Appendix C**.

8. Financial implications

8.1 The financial implications are outlined in Section 8 of the Cabinet report attached as **Appendix C**.

9. Recommendation

9.1 The Committee is asked to consider the Cabinet decision of 18 October 2022 relating to Porthcawl Waterfront Regeneration: Appropriation of Land at Griffin Park and Sandy Bay and to determine whether it wishes to:

- i) refer the decision back to Cabinet for reconsideration;
- ii) decide not to refer the matter back to the Cabinet.

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28 October 2022

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Background documents: None