

MINUTES OF A MEETING OF THE CABINET HELD HYBRID IN COUNCIL CHAMBER/REMOTE ON TUESDAY, 15 NOVEMBER 2022 AT 14:30

Present

Councillor HJ David – Chairperson

JC Spanswick
HM Williams

N Farr
JPD Blundell

W R Goode

J Gebbie

Officers:

Alex Rawlin	Corporate Policy & Public Affairs Manager
Carys Lord	Chief Officer - Finance, Performance & Change
Claire Marchant	Corporate Director Social Services and Wellbeing
Janine Nightingale	Corporate Director - Communities
Kelly Watson	Chief Officer Legal, HR and Regulatory Services
Mark Shephard	Chief Executive
Deborah Exton	Deputy Head of Finance
Mark Galvin	Senior Democratic Services Officer - Committees
Lindsay Harvey	Corporate Director Education and Family Support
Michael Pitman	Technical Support Officer – Democratic Services
Jason Bale	Operational Manager (Enterprise and Specialist Services)
Sara Davies	Graduate - Policy, Performance & Public Affairs
Gareth Denning	Policy Team Leader
Richard Matthams	Development Planning - Team Leader
Jonathan Parsons	Group Manager Development
Delyth Webb	Group Manager - Strategic Regeneration
Casey French	Graduate - Policy, Performance & Public Affairs

70. DECLARATIONS OF INTEREST

Cllr H Williams – item 6
Cllr JP Blundell – Item 9

71. APPROVAL OF MINUTES

RESOLVED: That the minutes of the 18/10/2022 be approved as a true and accurate record.

72. REGIONAL ADVOCACY AND INDEPENDENT VISITING SERVICE FOR CHILDREN AND YOUNG PEOPLE

The Corporate Director Social Services presented a report which sought approval to:

- extend the Inter-Authority Agreement (IAA) with Rhondda Cynon Taf County Borough Council (RCT) and Merthyr Tydfil County Borough Council by 12 months (with the option to extend by a further 12 months), to continue the delivery of the regional service for Independent Professional Advocacy (IPA) and Independent Visiting (IV); and
- suspend the Council's Contract Procedure Rules (CPRs) in respect of the proposed extension of the Professional Advocacy (IPA) and Independent Visiting (IV) service contract with Tros Gynnal Plant (TGP) Cymru.

The Corporate Director Social Services provided background to the report at section 3 of the report.

She added that the lead contracting authority (RCTCBC) have recommended delaying re-commissioning for a period of 12 months, whilst awaiting further information and guidance from WG. Both the contract and the regional IAA is due to expire in April 2023 and there is no option to extend further. To extend the service contract, RCT are proposing the direct award of a short term contract to the same service provider on the same terms as the existing contract. Cabinet approval is therefore being sought to extend the regional IAA beyond the original term, from 1st April 2023 to 31st March 2024, with the option to extend by a further 12 months, depending on the outcome of the review and development of a revised WG 'range and level' tool and to suspend the requirements of the Councils CPRs to approve the proposed direct award.

Further detail was provided at section 4 of the report.

The Deputy leader stated that she was more content that we would be challenged over not having an advocacy provision than suspending our contract procedure rules while we wait for the review by Welsh Government. She believed while there was uncertainty over the outcome of the review, she preferred our children to have some stability in their relationships with the professionals able to support them. The Leader agreed with these comments are suggested that we make representations via the WLGA to that effect.

RESOLVED: That Cabinet:

1. Extends the Inter-Authority Agreement (IAA) with Rhondda Cynon Taf County Borough Council and Merthyr Tydfil County Borough Council by 12 months, with the option to extend by a further 12 months, depending on the on the outcome of the review and development of a revised WG 'range and level' tool; and
2. Suspends the Council's CPRs in respect of the proposed extension of the Professional Advocacy (IPA) and Independent Visiting (IV) service contract with Tros Gynnal Plant (TGP) Cymru.

73. **SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS ANNUAL REPORT 2021/22**

The Corporate Director Social Services presented a report of the 2021/22 Annual Report on social services representations and complaints as required by Welsh Government guidance.

She explained that the 2021/2022 report contains statistical information in relation to the representations and complaints received during the year for both Adult Social Care and Children's Social Care.

The number of representations (complaints, comments and compliments) received during the reporting period is broken down as follows:

16	Statutory Stage 1 and Stage 2 Complaints
2	Corporate Complaints
55	Concerns resolved pre-complaints procedure
1	Public Services Ombudsman

The Corporate Director Social Services and Well Being provided a summary of the above as highlighted in section 4 of the report and Appendix 1 of the report.

The Deputy Leader was pleased to see the level of complaints reducing. It was fair to say that it was important that residents did make complaints or suggestions if they were not happy with a service in order that we can improve what we provide.

The Cabinet Member Regeneration asked if we would be regularly reviewing these processes and also if we have learnt any lessons from previous complaints. The Corporate Director Social Services and Wellbeing explained that process were regularly reviewed and complaints were important to be looked into and resolved at the early stage.

The Cabinet Member Wellbeing and Future Generations said it was encouraging to see that there were more compliments than complaints. He explained that there was pressures on the care system and it was evident that delays in service often lead to complaints, he asked if partners working with BCBC were also held to account on there end and any delays that they were responsible for.

The Corporate Director Social Services and Wellbeing explained that BCBC and partner organisations had robust methods of informal and formal accountability processes and highlighted a number of these for Members.

The Cabinet Member Communities asked if the referrals received into Social Services directorate had increased as they had in the communities directorate. The Corporate Director Social Services and Wellbeing explained that she did not have that data to hand but would provide it after the meeting.

The Leader asked about the objectives set this year. Are we confident that we are on track with these. The Corporate Director Social Services and Wellbeing explained stated that the the most challenging is the Welsh community care information, however we were on track for all these objectives.

RESOLVED: That Cabinet approved the Annual Report on social services representations and complaints for 2021/22 in Appendix 1 to the report.

74. **COUNCIL TAX PREMIUMS - LONG TERM EMPTY HOMES AND SECOND HOMES**

The Chief Officer – Finance, Performance and Change presented a report which:

- provided information to Cabinet on the discretionary powers that the Council has to charge higher amounts of Council Tax (a premium) on long term empty homes and second homes, as provided for by the Housing (Wales) Act 2014.
- sought approval from Cabinet to initiate a consultation exercise on the proposed use of these powers in respect of long term empty homes and second homes.
- sought approval from Cabinet to bring back the results of the consultation exercise in order for Cabinet to determine a way forward for recommendation to full Council.

The Cabinet Member Wellbeing and Future Generations – explained that there was particular pressure regarding this and while it was not the fastest option, it was important to look at all aspects this hoped that the consultation will be fruitful. The Leader agreed with the cabinet member comments and stated that residents that he had spoke to want to see empty homes brought back into use.

The Deputy Leader welcomed the report and stated that the extra funding was necessary. There were a number of empty properties and yet many people living on the street so this was an important task ahead. The Chief Officer Finance, Performance and Change highlighted the various premiums that were to be paid on empty homes after a number of years.

RESOLVED: That Cabinet noted the report and:

- Agreed to initiate a consultation exercise on the proposed use of these powers in respect of long-term empty homes and second homes.
- Further agreed to bring back the results of the consultation exercise in order for Cabinet to make a recommendation to full Council.

75. **TREASURY MANAGEMENT HALF YEAR REPORT 2022-23**

The Chief Officer – Finance, Performance and Change presented a report which:

- updated Cabinet on the mid-year review and half year position for treasury management activities and treasury management indicators for 2022-23.
- highlighted compliance with the Council's policies and practices.

The Chief Officer – Finance, Performance and Change provided background as set out in section 3 of the report. She stated that a summary of the treasury management activities for April 2022 – September 2022 is shown at table 1 in Appendix A. Since the start of the financial year the Council has had surplus funds for investment. The balance on investments at 30 September 2022 has decreased from £102.2 million in Quarter 1, to £98.45 million as a result of day to day cash movements, with an average rate of interest of 0.88%.

The Chief Officer – Finance, Performance and Change explained that the Council had not taken out any long term borrowing since March 2012. TMS approved for 2022-23 included an assumption that the Council would need to borrow £9.36 million during the year, based on the Council holding £76 million usable reserves that it could use in the short term to finance expenditure. These figures were based on the assumption that the Council's reserves would reduce by £11.04 million from balances held at 31 March 2021. However, as a result of slippage in the Capital Programme 2021-22, the amount of reserves needed to be drawn down to fund the capital programme in 2021-22 was significantly lower than anticipated. Further information was at section 4 of the report.

The Cabinet Member Resources welcomed the report and thanked the team involved. He explained that it was important to seek external advice and asked if the independent advice was sought regularly as and when needed. The Chief Officer – Finance, Performance and Change confirmed that this was the case with regards to investments.

RESOLVED: That Cabinet:

Noted the Council's treasury management activities for 2022-23 for the period 1 April 2022 to 30 September 2022 and the projected Treasury Management Indicators for 2022-23.

76. **RE-DEVELOPMENT OF MAESTEG TOWN HALL**

The Corporate Director Communities presented a report which sought approval from Cabinet to modify the Maesteg Town Hall re-development construction works contract in accordance with rules 3.3.2 and 3.3.3 of the Council's Contract Procedure Rules, and to update Cabinet with delays to the programme timescales.

She provided background to the project as detailed at section 3 of the report. The works started on site in March 2020, just 2 weeks before the national lockdown due to the Covid-19 pandemic. Whilst works were able to continue to some degree during this period, delays to date have been unavoidable due to a number of factors including; a reduced workforce because of pandemic working restrictions and staff self-isolation requirements; difficulty in securing materials and sub-contractors as a result of pandemic closures and changes in the economic climate; Contamination to areas of the site covered by original structures. None of these could have been foreseen at the outset. Further details were at section 4 of the report.

The Corporate Director Communities explained that due to this, there was an increase in project costs over the current contract limit of £7,027,011. Therefore, in order to enable the construction to proceed without further delay and to prevent a stop to the works, authorisation was required to modify the contract to include the anticipated and any further unforeseen elements. This would increase the works contract value to a limit of £7,708,418.

The Cabinet Member Wellbeing and Future Generations explained that it was important to remedy issues early on and do it properly, so that future generations can benefit from it. He asked that given the delays, however, have we worked with AWEN to ensure that events that were usually held at the town hall were able to be held elsewhere. The Corporate Director Communities confirmed that AWEN had worked with local community groups to find other areas to host events and this has been important to the community to ensure that inclusiveness with decision making.

The Deputy Leader added that she advised at a Cabinet/CMB meeting that a Delegated Power would be more appropriate to ensure timeframes as well

The Cabinet Member Regeneration asked why a delegated power was needed. The Corporate Director Communities explained that at the end of October the project managers had discovered problems with the line plasterwork. The cost of the work was over the contracted sum that was in place and so a DP was necessary to ensure there was no delays in the works. The Cabinet Member Regeneration asked further questions relating to the works which were answered by the Corporate Director.

The Leader added that it was important to learn from the process and welcomed engagement with the overview and scrutiny committees in the future. The Corporate Director Communities agreed that an important part of the process was the review. A completion report will also be undertaken once the works have been finished and this would include a review on the process, what went well and what could be improved in the future.

RESOLVED: That Cabinet:

1. Authorised the modification of the Maesteg Town Hall re-development construction works contract to include additional works and services by the contractor which have and continue to be necessary since the initial procurement and increase the contract value to £7,708,417 in accordance with rules 3.3.2 and 3.3.3 of the Council's Contract Procedure Rules.
2. Note the delays in the project timescales and that a revised timetable is being developed with the contractor as part of on-going discussion.

77. REPLACEMENT LOCAL DEVELOPMENT PLAN DELEGATED AUTHORITY

The Corporate Director Communities presented a report which sought Cabinet's agreement to provide officers with delegated authority to act on behalf of the Council should the Inspector propose changes arising out of the examination of the soundness of any aspect of the Replacement Local Development Plan (RLDP) during the examination hearing sessions.

The Corporate Director Communities provided background to the report as set out in section 3 of the report. She added that the hearing sessions will be conducted on-line and commence during the week of 22nd January 2023 and that the Inspector will lead a discussion on the issues they feel need clarifying to determine the soundness of the RLDP. If necessary, at the end of each hearing session, the Inspector will confirm with officers any actions they need to take in response to soundness issues raised during the discussion.

The Corporate Director Communities that any changes being proposed will be generated by the Inspector and all that the Inspector will be seeking from Council is an agreement in principle for the proposed change. Further information was at section 4 of the report.

The Cabinet Member Communities stated that he was confident that the replacement plan that has been submitted to Welsh government was solid.

The Deputy Leader asked for the benefit of the public what was a minor change and what was a major change.

The Corporate Director Communities stated that a minor change may ask us to strengthen some policy wording. They may also ask when we refer to policies, we ensure that we refer to national policies. A Major change may refer to housing allocation being added or removed to the plan or the number of houses referenced is changed. Any major changes to the plan would need to come back to cabinet council, however these changes are unlikely.

The Leader asked if any changes were made, would this be subject to public consultation, and also if this was standard practice across all authorities and that it followed the framework set out by Welsh Government. The Corporate Director Communities stated that it was a standard procedure and authority was delegated as part of this. Any change requested would form a schedule of changes and these were all documented and subject to a 6 week public consultation.

RESOLVED: That Cabinet

agreed that delegated authority as described in Paragraph 4.6 of the Report, be given to the Corporate Director - Communities and Group Manager Planning and Development Services or in their absence the Strategic Planning and Transportation Manager and the Strategic Planning Team Leader, to agree amendments to the RLDP as part of the Examination process and to propose the appropriate Matters Arising Changes to address those amendments.

78. BRIDGEND BIODIVERSITY DUTY PLAN, 2022-2025

The Corporate Director Communities presented a report which updated Cabinet on the Bridgend Biodiversity and Ecosystem Resilience Progress Report, 2018-21 and to seek Cabinet approval for the adoption of the Bridgend Biodiversity Duty Plan, 2022-25 and the implementation of resulting actions.

The Corporate Director Communities provided background as set out in section 3 of the report. A review has been carried out of the Council's delivery against the BER Plan 2018- 21. This review included a series of workshops with relevant departments throughout the Council. As part of the workshops, each of the actions set out in the BER Plan were reviewed, providing the opportunity for multiple departments to collectively inform progress in delivery, whilst also providing feedback on challenges in delivery and opportunities for improved ways of working.

The outcome of the review has been presented as the Bridgend Biodiversity and Ecosystem Resilience Progress Report, 2018-21 and can be seen at appendix 1. Further information was set out in section 4 of the report. She added that an updated version of the Bridgend Biodiversity Duty Plan 2022-25 was at appendix 2 of the report.

The Cabinet Member Communities thanked the team that worked on this report. he stated the importance of biodiversity as a statutory duty and an important one as a whole Council.

The Leader asked in relation to the climate change how we can fully reflect the affects of the changes in our plan. The Corporate Director Communities explained that the biodiversity plan sits in tandem with the Climate emergency programme as well as the 2030 carbon neutral strategy. A key part of the Carbon Neutral Strategy was to look at bringing into use land that can be used to plant on and protect for biodiversity plans.

The Leader recommended that an annual report on this be brought to Cabinet to provide an update as the plan progresses.

RESOLVED: That Cabinet

- noted the Bridgend Biodiversity and Ecosystem Resilience Progress Report, 2018-21 (appendix 1 to the report) and approved the adoption of the Bridgend Biodiversity Duty Plan, 2022-2025 (appendix 2).

79. PROPOSED EXTENSION OF FROG POND WOOD LOCAL NATURE RESERVE

The Corporate Director Communities presented a report which sought approval from Cabinet to extend the Frog Pond Wood Local Nature Reserve.

She provided background to the report as set out in section 3. She added that on 6 April 2021 Cabinet resolved to approve the extension of Frog Pond Wood LNR to incorporate an additional parcel of contiguous land known as Village Farm Meadow to within the LNR designation.

The Corporate Director Communities explained that the proposed extension plot is within the site boundary of the Village Farm Industrial Estate, Pyle, and is approximately 0.5 hectares in area. This plot is identified in the Frog Pond Wood LNR Management Plan 1994 as a wooded area/screen, which would indicate that this plot has been wooded for more than 30 years. Besides not being within the Frog Pond Wood LNR boundary, this plot is physically separated from the LNR by means of a steep bank with no formal path access connecting both sites. Further information was at section 4 of the report.

The Deputy Leader asked what protection the area had once it became part of the nature reserve. The Corporate Director Communities explained that the land has designation within LDP and protection afforded to it. She added that it also has a management plan in relation to improving biodiversity.

The Leader added that this area sat adjacent to the Mynnig Cynfig Comprehensive School and this school had a very active eco club and would be interested in being involved in this initiative as this would strengthen the understanding of biodiversity on their doorstep and a sense of ownership of the new extension by the local community.

RESOLVED: That Cabinet

- approved the extension of Frog Pond Wood Local Nature Reserve proposed in this report and authorise the Corporate Director Communities to take any action necessary to achieve the extension.

80. **CONSULTATION PROCESS FOR ROAD TRAFFIC REGULATION ORDERS**

RESOLVED: That Cabinet deferred this report to a later date

81. **PUBLIC SPACE PROTECTION ORDERS**

RESOLVED: That Cabinet deferred this report to a later date

82. **APPOINTMENT OF LOCAL AUTHORITY GOVERNORS**

The Corporate Director Education and Family Support presented a report which sought approval from Cabinet for the appointment of local authority governors to the school governing bodies listed at paragraph 4.1.

He explained that for the six current local authority governor vacancies at the six schools in the table at 4.1, all applicants met the approved criteria for appointment as a local authority governor and there was no competition for these vacancies. Therefore, the recommended appointments were detailed as follows

Name of applicant	School
Cllr Paul Davies	Newton Primary School
Mr Karl Jones	Oldcastle Primary School
Mr Damien Faulkner	Ysgol Gynradd Gymraeg Calon y

	Cymoedd
Miss S Wootton	Coleg Cymunedol Y Dderwen
Mrs Tracey Evans	Pencoed Comprehensive School
Dr Elaine Venables	Newton Primary School

RESOLVED: That Cabinet approved the appointments detailed at paragraph 4.1.

83. SCHOOL MODERNISATION PROGRAMME – WELSH MEDIUM SEEDLING SCHOOL

The Corporate Director Education and Family Support presented a report which sought Cabinet approval to present a report to Council seeking permission for a capital budget for the proposed Porthcawl Welsh-medium seedling school scheme's design and survey costs up to tender stage to be included in the Council's capital programme, funded from Bridgend County Borough Council (BCBC) resources initially, on the assumption that costs will be recovered once Welsh Government has approved the re-submitted business justification case.

The Corporate Director Education and Family Support provided background as set out in section 3 of the report. He explained that despite the business justification case being submitted to Welsh Government for approval in May, the local authority has recently been advised that it needs to be re-submitted once tenders relating to the scheme have been returned.

The Welsh-medium capital grant commits Welsh Government to 100% of the scheme funding but only upon their approval of the business case.

He added that Cabinet approval was now required therefore, to submit a report to Council on 16 November 2022 seeking permission for a capital budget for this scheme's design and survey costs (up to tender stage) to be included in the Council's capital programme.

The Cabinet Member Communities explained that this was an important step in growing Welsh Medium education in the borough and welcomed this report. The Leader echoed this and stated that it had been an ambition of the Welsh language community that this happen in Porthcawl.

RESOLVED: That Cabinet

- recommended to Council that a capital budget for the proposed Porthcawl Welsh-medium seedling school scheme's design and survey costs up to tender stage (£370k) be included in the Council's capital programme, initially funded from BCBC resources on the assumption that costs will be recovered from grant once Welsh Government has approved the resubmitted business justification case.

84. LOCAL AIR QUALITY MANAGEMENT - ANNUAL PROGRESS REPORT 2022

The Chief Officer Legal & Regulatory Services, HR and Corporate Policy presented a report which sought approval for the 2022 Bridgend County Borough Council (BCBC) Local Air Quality Management (LAQM) Annual Progress Report (APR) based upon the air quality datasets obtained in 2021. This report requires Cabinet approval in order to submit a final version to Welsh Government (WG).

The Operational Manager – SRS provided background to the report as set out in section 3. He explained that The 2022 Annual Progress Report confirms that in 2021, two sites located on Park Street exceed the air quality objective for nitrogen dioxide as prescribed in the Air Quality (Wales) Regulations 2000 and the Air Quality (Amendment) (Wales) Regulations 2002. All other locations within Bridgend County Borough continue to meet the relevant air quality objectives.

He explained that the Park Street, Bridgend Air Quality Management Area Order was raised on the 1st January 2019. The area comprising the Bridgend County Borough Council Air Quality Management Area Order Number 1, Park Street is outlined in Figure 1. He highlighted the various figures as set out in section 4 of the report.

The Cabinet Member Wellbeing and Future Generations welcomed the report and noted that air quality is of high importance for the health of our borough and poor air quality costs the NHS millions every year. He added that Bridgend as a whole has good air quality but there are many areas that require improvement such as Park Street. He encouraged residents to get their responses in for the consultation.

The Leader asked about the Pencoed sampling site and the proximity to the level crossing in Pencoed. It was often reported that there were problems with vehicles idling at that area and asked if this was being monitored. The Operational Manager – SRS explained that this was monitored and the area complied with the nitrogen dioxide air quality standard with last years results being 18.5 which was well within the standard of 40micrograms. He added that more real time monitoring may be used to monitor traffic as they were queueing.

The Cabinet Member Communities asked if it was correct in the report that many areas of Park Street were in fact within the compliance of 40micrograms and it was just a few areas that fell outside the compliance. The Operational Manager – SRS confirmed this was the case and provided a technical response.

RESOLVED: That Cabinet

- noted the results of air quality monitoring gathered in 2021 and to agree the finalisation of the 2022 Annual Progress Report (attached as Appendix 1) for submission as a final version to Welsh Government by 31st December 2022.
- noted the progress made in developing the Air Quality Action Plan for Park Street.

85. **LOCAL LAND CHARGES NATIONAL PROGRAMME**

The Chief Officer Legal & Regulatory Services, HR and Corporate Policy presented a report which updated Cabinet in relation to the Local Land Charges National Programme and the schedule for Bridgend County Borough Council (BCBC) to migrate across its Local Land Charges data in 2022/23.

She provided background as set out in section 3 of the report. she explained that a report was presented to Cabinet on 9 March 2021 outlining the schedule for BCBC to migrate across its LLC records in 2022/23 and seeking authority to enter into a Collaborative Agreement with HMLR to formalise the arrangements and enable HMLR to receive data from BCBC and begin data assessment activities. Since project inception, the Council has worked collaboratively with the Early Engagement Team at HMLR in relation to the first stages of the migration process and completed a number of tasks to

ensure the data in the Council's LLC register is ready for migration and to ensure an efficient transfer

She added that On 18th October 2022 officers from HMLR visited the Civic Offices to formally start the project and introduce the mobilisation / discovery on-site meeting whereby the Council's data sources were interrogated in detail. BCBC officers will continue to work with HMLR to maintain the smooth data transitions required to coordinate the move of the LLC data to the national digital register. Further information was at section 4 of the report.

The Cabinet Member Wellbeing and Future Generations expressed concerns on the speed of current searches while data was being migrated to the new system and hoped that any potential delays would be resolved, he asked that any concerns raised by the team on current issues be brought back to Cabinet. The Chief Officer Legal & Regulatory Services, HR and Corporate Policy explained that there was currently a 30 day turn around for local land charges. She asked that if there were anyone requiring an urgent search that was time bound to get in touch with the team.

RESOLVED: That Cabinet noted the report and:

- Delegated authority to the Chief Officer – Legal and Regulatory Services, HR and Corporate Policy to formalise the delivery arrangements with HMLR and sign off the delivery plan on behalf of the Council and enter into further contractual agreements as necessary with HMLR;
- In consultation with the Section 151 Officer, formally accept all appropriate funding from HMLR and determine appropriate expenditure in order to meet the Council's obligations under any formal delivery plan;
- awaited a further report as the project progresses.

86. **INFORMATION REPORT FOR NOTING**

The Chief Officer Legal & Regulatory Services, HR and Corporate Policy presented a report to inform Cabinet of the Information Report for noting that has been published since its last scheduled meeting.

Section 4 highlighted the report and this was available via the councils website.

The Corporate Director Communities explained that this work was undertaken to strengthen the columns in the car park at Brackla. The estimate for the urgent works was around £40,000, however additional works have needed to be carried out and the costs will be in the region of £60,000. This extra cost will be taken from existing budgets within the communities directorate.

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

87. **URGENT ITEMS**

None

The meeting closed at 17:15