

SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3 - MONDAY, 2 OCTOBER 2023

**MINUTES OF A MEETING OF THE SUBJECT OVERVIEW AND SCRUTINY COMMITTEE 3
HELD HYBRID IN THE COUNCIL CHAMBER - CIVIC OFFICES, ANGEL STREET,
BRIDGEND, CF31 4WB ON MONDAY, 2 OCTOBER 2023 AT 16:00**

Present

Councillor P Davies – Chairperson

S J Bletsoe	C Davies	M J Evans	P W Jenkins
MJ Kearns	W J Kendall	J E Pratt	G Walter
I Williams	MJ Williams		

Apologies for Absence

N Clarke

Officers:

Meryl Lawrence	Senior Democratic Services Officer - Scrutiny
Jessica Mclellan	Scrutiny Officer
Janine Nightingale	Corporate Director – Communities

53. APOLOGIES FOR ABSENCE

Councillor Norah Clarke

54. DECLARATIONS OF INTEREST

Councillors Jonathan Pratt, William Kendall and Mike Kearns declared personal interests as Members of the Development Control Committee and advised that if the Committee started discussing the planning application, that would make it a prejudicial issue and they would then declare a prejudicial interest and leave the meeting.

Councillor Melanie Evans declared a personal interest as a representative of the Coity Wallia Board of Conservators, and advised that if discussions started to include the planning application it could result in her declaring a prejudicial interest and leaving the meeting.

55. CALL-IN OF CABINET DECISION: HYBONT PROJECT GATEWAY REVIEW

The Senior Democratic Services Officer - Scrutiny presented the report the purpose of which was to enable the Committee to scrutinise the decision of Cabinet of 19 September 2023 in relation to the report on HyBont Project Gateway Review.

She advised that:

- In accordance with Section 7.23 of the Council's Constitution, which states that 3 Members of an Overview and Scrutiny Committee, and a Scrutiny Chair, are needed for a decision to be called in, a Notice of Call-In had been received from 4 Members and a Chair, requesting that the Executive decision made by Cabinet on the 19 September 2023 be Called-In.
- The role of Scrutiny Committees in calling in a decision was:
 - To test the merits of the decision;
 - To consider the process by which the decision has been formulated;

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- To make recommendations (to support the decision, change aspects of the decision, or to invite the decision-making person or body to reconsider);
 - To suggest further steps before a decision is made (but not to try to carry out those steps in place of the decision-making person or body);
 - To come to a view in a relatively short time scale, so as not to compromise the speed and efficiency of the decision-making process.
- The recommendation of the report asked the Committee to consider the Call-In of the Cabinet decision of 19 September 2023 relating to HyBont Project Gateway Review and to determine whether it wished to, either:
- a) refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns, or;
 - b) decide not to refer the matter back to the Cabinet.

The Chairperson clarified the Members of the Committee and the Members not on the Committee who had supported the Call In.

The Chairperson invited the Members who had supported the Call In to speak on the reasons for the Call In.

Members stated the main reasons for the Call-In included:

- Lack of professional curiosity, challenging or questioning of the assumptions made in the report.
- No consideration of alternative options in either the report or the Cabinet's deliberations.
- Insufficient financial information to make an informed decision as to whether the project still represented a good return on investment.
- The land issues were not addressed.
- There was no discussion of how money spent to date could be recovered or whether alternative funding could be sought.
- The decision contradicts the Council's Net Zero Carbon 2030 Strategy in that financial considerations were given greater weight than carbon reduction to counter the climate emergency.
- The decision required further scrutiny.

The Chairperson invited any other Members who had supported the Call-In to speak and then invited any other Members of the Committee to ask questions or comment.

Detailed discussions between Members, Cabinet Members and Officers included:

- The lack of budget to fund the necessary technical due diligence to completion to verify whether the proposed project was effective, deliverable and would produce the benefits proposed.
- The inability to share the costs of legal due diligence due to the advice being specific to Bridgend and legally privileged.
- The balance of risk and reward and whether there had been due consideration given to trying to understand the prospect of a return before withdrawal.
- Potential future fleet costs for hydrogen, inflationary pressures, whether there could be potential financial benefits to the project and whether there was an option to reach out to other local authorities.
- Any implications from the withdrawal from the Memorandum of Understanding made between the Council and partners.
- Clarification that no decision had yet been made on the land.

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- Consideration given to the potential carbon reduction and the potential future benefits of the Heat network and hydrogen production.
- Council had reduced its carbon by at least 40m tonnes (38%) and 70% of Council's carbon footprint came from procurement.
- Officer time on the project to date and the impact of withdrawal on Bridgend's capacity to continue with other projects.

The Chairperson advised that Members of the Committee who wanted to ask questions had all spoken, so as there were no further questions for the invitees, thanked them for their attendance and they left the meeting.

The Chairperson invited Members of the Committee, having regard to whether it was satisfied with the responses, whether it wished to:

- a) Refer the decision back to the Cabinet for reconsideration, setting out the reasons and rationale for the request;

or

- b) Decide not to refer the matter back to the Cabinet.

RESOLVED: Following its examination of the decision, and having regard to the above, the Committee decided not to refer the matter back to the Cabinet for reconsideration.

The meeting closed at 18:21