

**CABINET**

MINUTES of a meeting held on 18<sup>th</sup> October, 2006.

Present: Councillor H.J.W. James (Chairman); Councillors G.A. Cox, A.D. Hampton, M.R. Harvey, T.H. Jarvie, G.C. Kemp, J.W. Thomas and A.C. Williams.

Also present: Councillors Mrs. M. Kelly Owen and A.J. Readman.

**C2692 APOLOGIES FOR ABSENCE -**

These were received from Councillors A.M. Ernest and A.J. Williams.

**C2693 MINUTES -**

RESOLVED - T H A T the minutes of the meeting held on 4<sup>th</sup> October, 2006 be approved as a correct record, subject to it being recorded in Minute No. C2680 "Christmas Lights" that Councillor A.C. Williams had vacated the room whilst this matter was under consideration.

**C2694 DECLARATIONS OF INTEREST -**

A declaration of interest was received from Councillor G.A. Cox in respect of Agenda Item No. 7 in that his wife had been an applicant to become an LEA Governor. Councillor Cox vacated the room whilst this matter was under consideration.

**C2695 POLICE MATTERS (REF) -**

Community Liaison Committee on 26<sup>th</sup> September, 2006 received an address from Inspector Taylor on police matters within the Vale.

During the course of the discussions, Members of the Committee noted that within the Vale, Orders had been made for various areas in relation to illegal drinking and it was suggested that the police and the Council consider other areas being added to the list, for example, "the dump - Illtyd Ward",

Community Liaison Committee had agreed that Cabinet be requested to consider additional areas within the Vale to be designated under the Illegal Drinking laws.

Cabinet, having considered the recommendation,

RESOLVED - T H A T Kate Thompson, Operational Manager (Regulatory Services) prepare a report on this matter for consideration at a future meeting of Cabinet.

**C2696 CABINET ADVISORY COMMITTEE - BUILDING MAINTENANCE: 2<sup>ND</sup> OCTOBER, 2006 -**

RESOLVED - T H A T the following report be accepted and that the recommendations contained therein be adopted:

**Present:** Cllr. A.M Ernest (Chairman)  
Steven Morris (Head of Building & Vehicle Services)  
Keri Hutchings (Cabinet Support Officer)  
John Stiff (Asbestos Unit Manager)

**Apologies for Absence:**

*Received from Cllr. H.J.W. James (Leader), Cllr. J.W. Thomas and Cllr G.A Cox.*

**(a) MINUTES-**  
*That the minutes of the meeting held on the 6<sup>th</sup> October, 2005 had previously been agreed by Cabinet on the 19<sup>th</sup> October 2005.*

*As a result of the meeting being inquorate an informal discussion was held.*

**(b) DECLARATIONS OF INTEREST –**

*None were declared.*

**(c) Building and Vehicle Services Cost Trend Report;**

*The Cabinet Advisory Committee for Building Maintenance received a report from the Head of Building & Vehicle Services to inform them of the cost pressures affecting the Building Maintenance trading account for the period 2002/03 to 2006/07.*

*The report is attached at appendix A.*

**Recommendation – that Cabinet be requested to consider the following proposal(s):**

**1. That Cabinet note the contents of this report and the measures being adopted to address the trading deficit in Building Services.**

**Reasons for Recommendations**

1. ***To ensure the Cabinet remain informed of the financial information and controls for services that are operating in deficit.***
  
- d) ***Proposed Corporate Policy and Procedure for the Management and Control of Asbestos Containing Materials in Non-Domestic Properties (Presentation);***

*The Committee received a verbal presentation from the Asbestos Unit manager regarding the policy for the management of asbestos in buildings. The presentation is attached at appendix B.*

***Recommended – That Cabinet be requested to consider the following proposals***

1. ***That Cabinet note the content of the presentation***

**Reasons for Proposals**

- 1 ***To keep the Cabinet informed of the issues relating to management of asbestos.***

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**C2697 CABINET ADVISORY COMMITTEE - EDUCATION AND TRAINING: 5<sup>TH</sup> OCTOBER, 2006 -**

RESOLVED - T H A T the following report be accepted and that the recommendations contained therein be adopted:

**Present:** *Cllr. A.D. Hampton (Chairman)*  
*Cllr A Clive Williams MBE*  
*Cllr. C.L. Osborne.*  
*Bryan Jeffreys (Director of Learning & Development)*  
*Dave Prosser (Head of Lifelong Learning Services)*  
*Sheila Kelly (Head of Inclusion & Access)*  
*Mark Petherick (Cabinet Officer)*

***Apologies for Absence:***

*Cllr. H.J.W. James (Leader).*  
*Cllr AJ Williams (Deputy Leader)*

**(a) MINUTES-**

*Recommended - That the minutes of the meeting held on the 13<sup>th</sup> October, 2005 be approved.*

**(b) DECLARATIONS OF INTEREST –**

*No Declarations were received*

**(d) Presentation on Special Education Needs**

*The Cabinet Advisory Committee for Education and Training received an update by the Head of Service (Inclusion and Access) on Special Education Needs. The original presentation is attached at appendix A.*

**Recommended - That Cabinet be requested to consider the following recommendation**

- 1 That Cabinet receive a more detailed report on Special Education Needs Provision in the Vale of Glamorgan.**
- 2 That Cabinet raise with the Welsh Assembly the need to review funding formula to take into account the incidence of Children with Special needs.**

**Reasons for Recommendations**

**1&2 That Cabinet note contents of the presentation.**

**(d) Presentation on Lifelong Learning Budget.**

*The Committee received a presentation from the Head of Lifelong Learning Services advising Members of the current issues facing the lifelong learning budget. The presentation is attached at Appendix B*

**Recommended - That Cabinet be requested to consider the following recommendation**

- 1. That Cabinet Note the Contents of the Presentation.**
- 2. That Cabinet consider the potential for the Open Learning Centre to use the space vacated by the relocation of the Library from Barry Leisure Centre to the Barry Town Hall.**
- 3 That the Holmview review is progressed and concluded and a report is submitted to a future Cabinet meeting.**

**Reasons for recommendations**

**1&2 That Cabinet note contents of the presentation.**

**3 To progress matters.**

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**C2698 APPOINTMENT OF LEA GOVERNORS ADVISORY PANEL -**

The following minutes of a meeting held on 10<sup>th</sup> October, 2006 were agreed:

*Present: Councillor A.D. Hampton (Chairman), Councillors J. Clifford, F.T. Johnson, G.C. Kemp, M.R. Wilson and Mrs. M. Gibbs (Vale Governors Association).*

*Also present: Councillors Mrs. S.I Sharpe (substituting Councillor A.D. Hampton), S.T. Wiliam (substituting Councillor C.P. Franks) and N. Moore (substituting Councillor Mrs. M.R. Wilkinson).*

(a) Apologies For Absence -

*These were received from Councillors C.P. Franks and Mrs. M.R. Wilkinson.*

(b) Declaration of Interest -

*Councillor A.D. Hampton declared an interest in respect of the appointment for Barry Comprehensive School in that he was a Governor of the school.*

(c) Guidance Regarding Appointments Panel -

**RECOMMENDED -**

(1) *T H A T the Guidance Note regarding the Appointments Process be noted.*

(2) *T H A T it be noted that Members are precluded from taking part in the consideration of vacancies at schools where they themselves are a governor and substitutes were permitted in those cases.*

(3) *T H A T the dates for future panel meetings be approved as detailed below:*

*Tuesday, 13<sup>th</sup> February, 2007 at 3.00 p.m.  
Tuesday, 10<sup>th</sup> July, 2007 at 4.30 p.m.*

(d) Appointment of Vice-Chairman -

*RECOMMENDED - T H A T Councillor M.R. Wilson be appointed Vice-Chairman of the LEA Governors Advisory Panel for the meeting.*

(e) Exclusion of Press and Public -

*RESOLVED - T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.*

(f) Applications for the Appointments of Current LEA Governors Vacancies (Exempt Information Paragraph 12) -

*The Panel, having considered the criteria for the appointment of LEA Governors and the applications received*

*RECOMMENDED - T H A T the following appointments be made:*

<u>School</u>	<u>Appointment</u>
<i>Barry Comprehensive</i>	<i>Mr. D.M. Lloyd</i>
<i>Colcot Primary</i>	<i>Mr. C.P.J. Elmore</i>
<i>Fairfield Primary</i>	<i>Dr. M.J. Barber</i>
<i>Gladstone Primary</i>	<i>Councillor Ms. M.E. Alexander</i>
<i>High Street Primary</i>	<i>Councillor S.C. Egan</i>
<i>Llanfair Primary</i>	<i>Mrs. S.M. Cox</i>
<i>Pendoylan C/W Primary</i>	<i>Mrs. A. Murphy</i>
<i>St. Athan Primary</i>	<i>Mrs. L.E. Fraser</i>
<i>St. Brides Major C/W Primary</i>	<i>Councillor Mrs. A.J. Preston</i>
<i>St. Nicholas C/W Primary</i>	<i>Mr. N.V. Wellard</i>
<i>Y Bont Faen Primary</i>	<i>Mrs. I. Heyburn.</i>

**C2699 COMMUNITY STRATEGY ACTION PLAN (CMT) (SCRUTINY - ALL) -**

Cabinet were informed of progress on the implementation of the Community Strategy Action Plan 2004-8.

The Strategy covered the period 2003-2013 and was due for review after the local government elections in 2008. The Action Plan, which covered 2004-8, set out the major actions to be taken by the Council and its partners to contribute to meeting the objectives of the Community Strategy. In order to comply with the Welsh Assembly Government Guidance, progress on the Action Plan was reviewed annually. To that end, the first interim review was completed and reported to Cabinet last year. The second interim review had now been completed and was attached to the report. It had been endorsed by the Vale of Glamorgan Partnership in September 2006. Of the 99 actions enumerated, 90 had been achieved or were on track for completion, whilst in 7 cases there were concerns about progress. For 2 of the actions there was a significant risk that they would not be achieved within agreed timescales. In these particular cases, progress was dependent on external factors outside the Council's control.

This was a matter for Executive decision.

RESOLVED - T H A T the progress on implementing the Vale of Glamorgan Community Strategy be noted.

Reason for decision

In order to apprise Cabinet of progress.

**C2700 WELSH LANGUAGE SCHEME 2006/09 - REVISED FINAL DRAFT (CX) (SCRUTINY - CORPORATE RESOURCES) -**

Cabinet were presented with the revised final draft of the Welsh Language Scheme.

Cabinet considered a final draft of the Welsh Language Scheme 2006/09 for consultation on 24<sup>th</sup> May, 2006 and agreed that it should be submitted to the Welsh Language Board for approval.

The draft scheme was submitted to the Welsh Language Board for their views on 23<sup>rd</sup> June, 2006. A response had been received from the Board on 18<sup>th</sup> August, 2006 a copy of which was attached at Appendix 1 to the report. A subsequent meeting was held between the Chief Executive and representatives of the Welsh Language Board on 24<sup>th</sup> August, 2006 in order to come to a mutual understanding of the areas that were in need of revision.

The revised final draft of the Welsh Language Scheme 2006/09 was attached at Appendix 2 to the report. It contained a number of amendments as required by the Board. The proposed completed Action Plan, which had also been amended in line with the Welsh Language Board requirements, was attached at Appendix 3 to the report.

The scheme now needed to be agreed by Cabinet before being presented once again to the Welsh Language Board for their approval. The final version would need to be agreed by Full Council.

With regard to Sub-reference WLS18, it was reported the production of guidelines would be the responsibility of the Corporate Equalities Officer and that responsibility for communication would be the responsibility of the Operational Manager (Policy and Communications).

This was a matter for Executive decision.

RESOLVED -

- (1) T H A T the revised final draft Welsh Language Scheme be endorsed.
- (2) T H A T the revised final draft now be forwarded to the Welsh Language Board for their approval.
- (3) T H A T the work programme as set out in the Action Plan be agreed.

Reasons for decisions

- (1) In order to progress the Scheme.
- (2) In order to obtain approval of the Welsh Language Board prior to adoption by the Council.
- (3) In order to begin work on the Action Plan.

**C2701 REVISED VALE OF GLAMORGAN COUNCIL ENVIRONMENTAL POLICY (CX) (SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet were presented with a revised Environmental Policy for endorsement.

The Council's Environmental Policy, adopted in January 2003, and revised in 2004, to assist in the achievement of quality awards, was now in need of revision. The proposed revised version of the policy was attached at Appendix 1 to the report.

Revisions had been made to ensure the policy is as relevant as possible and reflected the Council's current practice. The changes included:

- clear reference being made to sustainable practices and policy;
- highlighting of the need to use renewable energy sources and materials and minimise the use of non-renewable sources;
- specific mention of the need for staff to use alternative travel arrangements for the journey to and from work in line with the Vale of Glamorgan Council Travel Plan.

The revised Environmental Policy reinforced the Council's commitment to limiting its environmental impact, and would assist the Council in achieving further environmental awards.

The benefits associated with adopting the revised Environmental Policy included

- providing community leadership in environmental matters;
- assuring customers of commitment to demonstrable environmental management;
- maintaining good public/community relations;
- enhancing image;
- improving cost control;
- reducing incidents that resulted in liability;
- conservation of raw materials and energy;
- sharing of environmental solutions;
- improving industry/government relations.

This was a matter for Executive decision.

RESOLVED - T H A T the revised Environmental Policy be endorsed.

Reason for decision

To show high level support for the Environmental Policy and promote good environmental practice.

**C2702 WALES AUDIT OFFICE REPORT: GROUNDS MAINTENANCE (CX) (SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet were advised of the results of the progress report on Grounds Maintenance Service undertaken by the Sales Audit Office (WAO) in 2006.

The Council carried out a review of its Grounds Maintenance and Green Spaces Services in 2004. The review covered both the Grounds Maintenance Service and the Countryside and Environmental Projects Service.

The WAO undertook an assessment of the progress that the services had made in implementing these actions and recommendations in December 2005.

The original review resulted in the production of an Action Plan containing a total of 42 strategic actions which had been incorporated into an Improvement Review Action Plan. A further 104 operational recommendations from the Review were being progressed and would be incorporated into team and service plans for 2006/07.

The Wales Audit Office concluded that the Council was making good progress in implementing the Action Plan and recommendations from the review although a few areas still required attention.

Almost all the strategic actions had been either completed, on target or were underway. Operational recommendations had also made good progress

although a small number of recommendations in Countryside and Environmental Projects had not been followed through. The Grounds Maintenance Service had not yet completed the land survey and production of the new specification and bill of quantities which was an important part of the proposed new contracts for 2006. Reporting and monitoring of the progress on strategic actions was good, but operational recommendations had no formal reporting process.

The report made three recommendations:

R1 - The Council needed to undertake the grounds survey and prepare the specification and bill of quantity for Parks Grounds Maintenance as a high priority. This was needed if an accurate price for the required work was to be obtained in tendering which was to be carried out during 2006 and 2007.

R2 - The Council needed to ensure that all operational recommendations were included within Countryside and Environmental Projects team plans for 2006/2007 and that they were monitored for progress to ensure that they were all either implemented or referred back to the Council for deletion from the plans.

R3 - The Council needed to consider how Members could be updated on the overall progress of the operational recommendations from the review. Such an update on progress could also allow completed actions to be removed from the list once satisfactorily implemented and reported.

Tracking of scrutiny recommendations was being implemented in respect of scrutiny reviews, which would enable recommendations from the reviews to be monitored more effectively.

This was a matter for Executive decision.

RESOLVED -

- (1) T H A T the contents of the report be noted.
- (2) T H A T the Cabinet Members for Visible Services and for Economic Development and Leisure be apprised by the Director of Environmental and Economic Regeneration of progress on implementing the remaining outstanding actions on a monthly basis.
- (3) T H A T a further report be submitted to Cabinet to specify the progress on the implementation of the Action Plan.

Reasons for decisions

- (1) To be aware of the progress being made in Grounds Maintenance.
- (2)&(3) To ensure monitoring of progress in respect of the operational actions arising from the original review.

**C2703 SINGLE NON-EMERGENCY NUMBER (SNEN) UPDATE (CX)  
(SCRUTINY - CORPORATE RESOURCES) -**

Cabinet were provided with an update on the progress of the All Wales Single Non-Emergency Number Partnership bid subsequent to the report presented to Cabinet on 19<sup>th</sup> July, 2006, and Cabinet endorsement for the bid was sought.

The report presented to Cabinet on 19<sup>th</sup> July, 2006 outlined the background to the SNEN project and detailed the proposal to develop an All Wales Partnership bid for Wave 2 implementation.

Approval was given for the Council to work with partners engaged in the SNEN project, specifically in the investigation into the viability of an All Wales Partnership bid. In addition, the Chief Executive was authorised to continue discussion with Cardiff SNEN Partnership regarding potential participation.

The proposal had to be submitted to the Home Office by 5<sup>th</sup> October, 2006 and implementation must be achieved by April 2008.

The volume of calls received by the Wave 1 Partnership between SW Police and Cardiff Council was below expectations, totalling only 5,742 for the first month of operation (200 per day). Consequently, the cost per call was significantly above what had been anticipated, although no specific details had been published on this. The number of calls resolved at first point of contact was also well below target at 12%. This reflected the fact that 63% of calls received related to out of scope services. In addition to these figures, to date no reduction in 999 calls had been observed. This performance was typical of those experienced in the other Wave 1 Partnerships.

Although the concept of SNEN was one that was broadly supported, there were some concerns about how it worked in practice. These related in the main to how it would integrate with OneVale and were as follows:

- potential impact on efficiency of Contact OneVale with reduced call volumes being due to calls being diverted to SNEN Centre (an average of circa 600 calls per month);
- potential confusion for customers faced with a choice of dialling 999, 101 or the Vale of Glamorgan Single Number to access services;
- guarantee of standards of service provided by the SNEN Centre;
- how could the Council configure its services to accommodate SNEN implementation?

The timescales for the creation of a pan Wales proposal were very tight and may not provide sufficient time to carry out a thorough evaluation of the options available.

The model proposed was significantly more expensive to operate on a cost per call basis than the existing Wave 1 Partnerships. Funding from the Home

Office was only guaranteed until 2010 at the latest. There was a potential risk that local councils would become liable for operational costs after this date.

There was some impetus for the scope of activities for SNEN to be extended further. This was likely to be heightened if call volumes continued to be below forecasts in order to achieve improved cost per call ratios and value for money.

This was a matter for Executive decision.

RESOLVED - T H A T participation in the Wave 2 Partnership be agreed subject to the following conditions:

- Full Home Office funding is received;
- An exit strategy for local authorities is clearly defined in the event that Home Office funding was withdrawn;
- The Council specifically will incur no financial liability;
- The services offered remained within the national scope activities, unless specific agreement was reached;
- Marketing of the service remained focused on the core national scope of activities;
- The number of participating partners was sufficient to achieve demonstrable operational efficiencies and the financial viability of the service;
- 101 Operators signpost all out of scope enquiries relating to Vale of Glamorgan services to Contact OneVale;
- The 101 services to not impact on the operational efficiency of Contact OneVale or the other services delivered by the Vale of Glamorgan Council'
- Effective complaints procedures are in place;
- Any expansion of the scope of local government services offered through 101 was first agreed by all regional partners;
- The Council retains the right to withdraw participation of the partnership at any time without any financial or other forms of penalty, subject to providing a pre-agreed period of notice.

#### Reason for decision

Whilst reservations about the viability and effectiveness of the All Wales Wave 2 proposal remain, given the current focus on shared services and collaborative working in the public sector, active participation provides for the opportunity to influence the shape of any SNEN implementation to ensure the best possible fit with OneVale programme objectives, maximising Contact OneVale operational efficiency and the quality of services offered to our customers.

**C2704 HIGHWAY SURFACING PROGRAMME: 2006/07 (DEER)  
(SCRUTINY - ECONOMY AND ENVIRONMENT) -]**

Cabinet approval was sought for the proposed highway surfacing programme for 2006/07.

The proposed programme was appended to the report and was based on the following priorities and principles:

- (i) Roads that had reached the end of their structural life.
- (ii) Cost of maintaining the roads i.e. excessive pothole repairs.
- (iii) Changing profiles.
- (iv) Riding quality.
- (v) Resolving drainage and other defects.

It was reported that reference in Site No. 4 as detailed on the appendix should read "Golden Mile" and not "Golden Cups".

This was a matter for Executive decision.

RESOLVED - T H A T the proposed programme of highway surfacing for 2006/07 be approved.

Reason for decision

To enable the proposed works to be implemented.

**C2705 OLD PLACE, CASTLE STREET, LLANTWIT MAJOR (DEER)  
(SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet received an update regarding:

- the sale of Old Place;
- discussions with Cadw, Welsh Historic Monuments regarding the site, and to consider future options.

Advice had now been received that, in Cadw's view, the disposal of the Monument by the Council should be considered only as a last resort, as it was considered desirable to retain such assets in public ownership and management. However, the Council's lack of available resources to repair and maintain the site was also acknowledged. Attention had been drawn to the potential for grant aid to support future repair.

Both parties were in agreement that if the Monument were to be retained in Council ownership, and grant aid applied for, there was a need to update the Monument Management Plan prepared in 1996. This was necessary in order to obtain an up-to-date understanding of the condition of the structure and estimates of the costs of repair. Given the very high level of costs previously identified, a range of simpler options for repair than those previously identified

would be necessary, with costs apportioned over a number of years. The objective would be to provide the minimal level of consolidation necessary in order to provide public access to the site and interpretation.

It had been confirmed that Cadw would consider meeting 80% of the cost of an updated study. Such costs would include the clearance of vegetation within the site and any safety measures required to enable inspection of the structures to take place.

The Welsh Assembly was not in a position to prevent a sale, subject to full and adequate consultation having taken place. However, to proceed with the sale where disapproval in principle had been expressed by Cadw (on behalf of WAG), would present the risk of challenge by judicial review. Three courses of action therefore appeared to be open to the Council:

- (a) Do nothing and continue to monitor/secure the site as a dangerous structure.
- (b) Proceed as previously with disposal. In this respect, it was noted that highly speculative interest was experienced prior to auction.
- (c) Evaluate prospects for repair.

Given the views of Cadw/WAG and the offer of potential grant aid, option (c) was considered to offer the best way forward. The survey would also enable the Council to be better informed concerning future prospect for repair and public access to the site. Proceeding with auction/sale at this stage did present the risk of challenge by judicial review.

This was a matter for Executive decision.

#### RESOLVED -

- (1) T H A T, subject to confirmation from Cadw that an 80% grant be made available, authorisation be given to commission a survey of the structure to establish its condition and schedule of repair.
- (2) T H A T Cadw be urged to deal with the grant application as a matter of urgency.

#### Reason for decision

- (1) In order to inform the Council of the cost of and provision for repair, and to inform decisions regarding the future management and ownership of the site.
- (2) So as to prevent delay in progressing the scheme.

**C2706 CONSULTATION ON DRAFT MINISTERIAL INTERIM PLANNING POLICY STATEMENT ON “PLANNING, HEALTH AND WELL-BEING” (DMIPPS 02/2006) (DEER) (SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet were advised of the publication by the Welsh Assembly Government (WAG) of draft Ministerial Interim Policy Statement (MIPPS) “Planning, Health and Well-Being” and endorsement was sought of the Council’s formal response to the consultative draft document, a copy of which was provided at paragraph 6 of the report. Responses were requested by WAG before 27<sup>th</sup> October, 2006.

The draft MIPPs indicated that factors such as environment, employment, transport and design could all contribute to good or poor health and well-being, and highlighted the importance for local planning authorities to consider health and well-being as a material consideration in the planning process. The MIPPS advocated the use of health impact assessments (HIAs) as a useful way to inform decisions, stimulate early community involvement and increased public confidence in the planning process. In due course, WAG intended to produce a new Development Control Technical Advice Note (TAN) covering procedural advice on development control matters including health and well-being. Members would be briefed on the content of this document as and when it was published for public consultation.

The following representations had been made in respect of the draft MIPPS for Members to consider prior to submission to WAG:

Paragraph	Comment
2.1	The Council is concerned as to whether there exists professional expertise and sufficient financial resources within local planning authorities to assess the technical aspects that the Welsh Assembly Government consider should be included within the scope of Health Impact Assessments. Especially in view of the wide range of factors that can have both positive and negative effects on health and well being, including physical and mental.
2.4	<p>The MIPPS suggests that HIAs can be used to assess specific aspects a development such as noise, chemicals, electromagnetic fields, and radiation. Again, the Council expresses concern over whether local planning authorities have sufficient in house expertise to assess the technical findings of such reports.</p> <p>The Health and Safety Executive have specialist expertise to assess the impact of issues such as telecommunications but are now relying on standard advice. As a consequence the approach that is advocated will undoubtedly place an additional burden on local government, not only in terms of assessing the HIA’s submitted by third parties. Such an approach may well in all likelihood also lead to longer timescales for determining planning applications.</p>

	<p>In view of these concerns, the Council suggests that it would be more appropriate/beneficial if Health Impact Assessments sought to consider the likely wider health and well being impacts of new developments. Such assessments could for example examine the demand placed on existing health services or other community facilities' or measure the positive benefits that a development would bring for those using the development- e.g. for a large housing development this could assess the positive impacts of providing of open space, public transport services and other community facilities. The Council already has experience in assessing such impacts and are familiar with undertaking HIA's that measure the health and well being benefits of specific developments and projects initiated as a service provider.</p> <p>However, guidance should be provided by the WAG on the types of development and the scope of information required for such assessments (see section 3.5 and 4.1 below).</p>
<b>3.3</b>	<p>The Council considers that the requirement for Local Development Plans to undertake Strategic Environmental Assessment and Sustainability Appraisal will take account of issues associated with health and wellbeing. Therefore, whilst not proposed in the MIPPS, the Council would not wish to see HIAs to become a mandatory requirement of Local Development Plans</p>
<b>3.5</b>	<p>The MIPPS does not provide any clear guidance on the types of development that would benefit from HIA, but suggest that local planning authorities should produce guidance on the types of applications that they would expect to be accompanied by the HIA. Since HIAs are not a mandatory requirement the Council considers this approach would be difficult to establish, particularly given that there is often a lack of consensus surrounding the health risk associated with certain proposals, for example those associated with telecommunications.</p>
<b>4.1</b>	<p>It is the Council's view that the WAG provides local planning authorities further guidance to assist in determining the types of development where an HIA would be appropriate and also the level of information required. This is similar to that provided for Environmental Impact Assessments (EIAs). It is also recommended that if HIAs are seen as necessary then their submission should be mandatory for certain developments as laid out in WAG guidance. Although local planning authorities discretion, with no additional guidance for WAG will lead to an inconsistent approach and lack of clarity as to what is and is not required as part of a planning application submission. Furthermore if a HIA is not a Statutory requirement, developers will be reluctant to prepare and submit such assessments.</p>

<b>5.1</b>	It is arguable that a general consensus can be agreed on the findings of an HIA; as it is feasible to counter argue evidence on the likely health impacts of a development, which has been the case with the health impacts of telecommunications.
<b>General</b>	In addition, the Council is concerned that the proposal relating to Health Impact Assessments has not been progressed as part of the review of Development Control, but is being outlined separately in MIPPS. For completeness it is concluded that consideration of this important area of works ought to be considered as part of the WAG's Development Control Review.

This was a matter for Executive decision.

RESOLVED -

- (1) T H A T the report be endorsed as the Council's formal response to the Welsh Assembly Government's consultation draft MIPPS "Planning, Health and Well-Being".
- (2) T H A T once the MIPPS had been formally adopted by the Welsh Assembly Government, a further report be presented to Cabinet for information.
- (3) T H A T the report be referred to Planning Committee for consideration.

Reasons for decisions

- (1) To advise Members of the consultation exercise together with the Council's representations made to the Welsh Assembly Government.
- (2) To ensure that Members are kept informed of developments in national planning policy.
- (3) For the views of Planning Committee to be considered.

**C2707 THE EMERGENCY PLANNING SERVICE: CORPORATE ISSUES (DLRS) (SCRUTINY - CORPORATE RESOURCES) -**

Cabinet were informed of the progress being made on the future direction of the Emergency Planning Unit following the report and recommendations of Marsh Consultants.

Generally the report concluded that the arrangements the Council had in place until 31<sup>st</sup> January, 2006 appeared satisfactory for pre-civil contingencies legislation era but there was a great deal of work to be done by the new team to ensure that the Council met its obligations under the new Act. The appointment of the new team was seen as a great opportunity to rectify the shortcomings in service provision in this respect.

Most of the recommendations contained in the Marsh report were operational issues which the progress report attached at Appendix B to the main report addressed. A report had also been made to the Scrutiny Committee (Community Wellbeing and Safety) on Comah Sites as recommended in the report.

Some of the recommendations had a wider corporate theme and these were brought to the attention of the Cabinet as follows:

1. Management of the Service

Marsh recommended that the principal Emergency Planning Officer continued to report to the Director of Legal and Regulatory Services to ensure the new resilience agenda had a corporate identity and did not get lost within a service area. It also gave the function the ability to work across all service areas to ensure that the Council was fully prepared as a category one responder. Since the report the Principal Emergency Planning Officer attended meetings of the Directorate DMT.

2. Strong Senior Management Support

Marsh had recognised the Corporate Management Team support for the function to ensure a corporate resilience agenda for the Council.

3. Corporate Plan

The report recommended that a reference to the Service be included in the Corporate Plan and a reference had been inserted in this year's plan.

4. Reporting and Training Arrangements

Marsh recommended that Elected Members' awareness of this Service be raised with regular reports to the most appropriate committee and the provision of increased training awareness. Regular reporting arrangements had been put in place and reports had already been made to Scrutiny Committees as had been recommended by Marsh. The issue of training was currently being considered for inclusion in the Council's Corporate Training Programme.

5. Name of Service

Marsh recommended that consideration be given to changing the name of the Unit to reflect the greater scope of the duties set out in the Civil Contingencies Act and had suggested titles such as Civil Contingencies Unit or Civil Resilience Team as possible alternatives. Civil Contingencies Team was considered last year when the new structure was approved but discounted as the Act did not cover all the functions of the Unit. The UK government currently favoured the term

“Civil Protection” so “Civil Protection Service or Team” could be considered.

6. Representation at Local Resilience Forum (LRF) and Operational Sub Group

The Chief Executive continued to represent the Council on the South Wales Local Resilience Forum and a liaison arrangement with the Emergency Planning Unit on Local Resilience Forum issues had been established. The Principal Emergency Planning Officer attended the LRF co-ordinating group and provided feedback to the Director of Legal and Regulatory Services at fortnightly meetings and to the Chief Executive.

7. Out of Hours Call Out Arrangements

Marsh recommended that the out of hours call out arrangements and all staff with operational roles in Emergency Planning were placed on a formal 24 hours call out rota. The Emergency Planning Unit's officers' salaries were inclusive of call out arrangements although this was likely to have cost implications across the Council for most services.

The Principal Emergency Planning Officer was currently working with other service areas to review out of hours service to see how this dovetails. This would ensure that the Council was resilient and the Council had the ability to respond on a 24/7 basis to an emergency. Information was also being collected on how other councils undertake the service.

This was a matter for Executive decision.

RESOLVED - T H A T the Marsh Report and Progress Report be noted.

Reason for decision

To progress improvement initiatives for the Emergency Planning Service.

**C2708        ITEM WHICH THE CHAIRMAN HAD DECIDED WAS URGENT -**

RESOLVED - T H A T the following item which the Chairman had decided was urgent be considered.

**C2709 BARRY TOWN HALL - EXHIBITION AREA (LEADER)  
(SCRUTINY - ECONOMY AND ENVIRONMENT) -  
Urgent by reason of the need to make a decision prior to the next meeting  
of the Cabinet**

The future use of the exhibition hall at Barry Town Hall was to promote footfall in Barry shopping centre. It would act as an additional attraction to the town centre and could be a valuable asset to the community.

It was necessary, therefore, to identify the future management of the area, take bookings, promote exhibitions, Farmers and Christmas markets, as well as other art, exhibition and display uses.

Originally a room in the renovated Town Hall had been identified for police use. However, the police had confirmed that they have no specific plans for the room and therefore it was proposed that the room be utilised by the Council.

This was a matter for Executive decision.

**RESOLVED -**

- (1) T H A T essential works and equipment be procured to ensure use of the exhibition area from the Family Opening day onwards.
- (2) T H A T a further report be submitted to Cabinet by the Director of Environmental and Economic Regeneration on future staffing, funding and programme use of the area.
- (3) T H A T the area originally identified for possible police use be utilised for storage and an administration area for the Exhibition Area Organiser.

**Reasons for decisions**

- (1) To agree an initial way forward.
- (2) To agree future arrangements.
- (3) To establish a better use for the room.

**C2710 EXCLUSION OF PRESS AND PUBLIC -**

RESOLVED - T H A T under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 4 of Schedule 12A (as amended) of the Act, the relevant paragraphs of the Schedule being referred to in brackets after the minute heading.

**C2711 PENARTH CENTRAL RENEWAL AREA: GROUP REPAIR PHASE 4D - APPOINTMENT OF CONTRACTORS (DCS) (EXEMPT INFORMATION - PARAGRAPH 9) (SCRUTINY - COMMUNITY WELLBEING AND SAFETY) -**

Cabinet consent was sought for the appointment of contractors to undertake Phase 4D of the Group Repair Scheme in the Penarth Central Renewal Area.

This was a matter for Executive decision.

RESOLVED - T H A T, subject to the contractor providing a satisfactory Health and Safety Plan for the construction stage and the required Performance Bond, that the tender of £616,536.81 received from M.J. Cosgrove (Builders) Limited be accepted and that the Council enter into a contract with them to undertake Phase 4D of the Group Repair Programme for the Penarth Central Renewal Area.

Reason for decision

To enable progress of the Group Repair Programme and the Penarth Central Renewal Area Strategy 2004-2008.

**C2712 PENLLYN GLEBE, LLANGAN (DCS) (EXEMPT INFORMATION - PARAGRAPH 3) (SCRUTINY - COMMUNITY WELLBEING AND SAFETY) -**

Clarification was sought from Cabinet regarding the current and future occupation of the Penllyn Glebe, Llangan site by Mr. W.C. and family.

Mr. W.C.'s occupation of the site had a long history. His family commenced occupation on 26<sup>th</sup> May, 1995, under a licence from South Glamorgan County Council at which time there was a temporary planning permission for a single family travellers site in place. This permission was subsequently quashed in 1996 following a challenge by local residents and the licence terminated. Attempts by this Council to repossess had foundered under threat of Judicial Review. An application in 2002 for temporary planning permission for use of the site as a single family traveller was undetermined until it was withdrawn on 17<sup>th</sup> June, 2004.

Recently the Council had taken further Counsel advice on this matter following a High Court Judgement on a travellers site case.

This was a matter for Executive decision.

RESOLVED -

(1) T H A T Mr. W.C.'s occupation of the Penllyn Glebe, Llangan site be regularised by the grant of a tenancy or personal Licence to Occupy, that the planning status be also regularised by the grant of a temporary personal planning permission for use of the site as a gypsy site, and that the Director of

Legal and Regulatory Services, the Director of Finance, ICT and Property and the Director of Community Services be authorised to negotiate and complete a Licence to Occupy in favour of Mr. W.C.

This would enable the Council to impose conditions to regulate the use of the site, which would not otherwise be possible, address health and sanitation issues and obtain a revenue from the use of the site. Attempts should then be made to find a suitable alternative site.

(2) T H A T the Director of Legal and Regulatory Services be instructed to defend any legal action instituted against the Council in connection with this matter.

Reasons for decisions

- (1) To comply with Article 8 and 14 of the Human Rights Act.
- (2) To defend the Council's position should the need arise.

**C2713        HOLTON ROAD / THOMPSON STREET PUBLIC REALM IMPROVEMENTS (DEER) (EXEMPT INFORMATION - PARAGRAPH 20) (SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet received a report which

- sought approval for the Director of Environmental and Economic Regeneration to use delegated authority to accept the most advantageous tender in consultation with the Cabinet Member for Regeneration, Tourism and Leisure, the Cabinet Member for Visible Services and the Director of Finance, ICT and Property;
- sought approval to waiver Contract Standing Orders to nominate within the above tender a sub-contractor to supply public realm paving materials.

This was a matter for Executive decision.

**RESOLVED -**

- (1) T H A T the Director of Environmental and Economic Regeneration in consultation with the Cabinet Member for Regeneration, Tourism and Leisure, the Cabinet Member for Visible Services and the Director of Finance, ICT and Property be granted delegated authority to accept the most advantageous tender.
- (2) T H A T the Director of Legal and Regulatory Services be authorised to sign and execute the contract on behalf of the Council.

(3) T H A T a waiver of Contract Standing Orders be granted to nominate Charcon (Aggregate Industries plc) as the sub-contract for supplying paving products for the contract.

Reasons for decisions

(1) To enable the contract to be let at the earliest opportunity and to provide sufficient lead-in time for the works to commence in January 2007 and facilitate the draw-down of PRF grant in accordance with the agreed expenditure profile for 2006/07.

(2) To protect the Council's interests and effect practical completion of the contract.

(3) Charcon (Aggregate Industries) is the most appropriate paving products supplier. To enable the contract to be let at the earliest opportunity and to provide sufficient lead-in time for the works to commence in January 2007 and facilitate the draw-down of PRF grant in accordance with the agreed expenditure profile for 2006/07.

**C2714 CHAPTER 2 ARTS CENTRE: ENVELOPING THE HYDRAULIC PUMPHOUSE, THE INNOVATION QUARTER, BARRY WATERFRONT (DEER) (EXEMPT INFORMATION - PARAGRAPH 21) (SCRUTINY - ECONOMY AND ENVIRONMENT) -**

Cabinet received a report which

- reported on the recent submission for a grant from the Welsh Assembly Government under the Physical Regeneration Fund (Implementation) scheme to facilitate the restoration of the Hydraulic Pumphouse and provide accommodation for a contemporary arts centre, subject to planning and contract;
- reported on a formal expression of interest received from Chapter Cardiff Limited to utilise the Hydraulic Pumphouse (if restored) for a contemporary arts centre to serve Barry, the Vale of Glamorgan and South Wales;
- sought approval for the disposal of the Pumphouse (subject to resolving legal and funding issues) to Chapter by way of an appropriate lease and a service level agreement to ensure required and appropriate outputs;
- sought authority to submit grant applications to other potential sources (e.g. Department of Enterprise, Innovation and Networks and Heritage Lottery Fund subject to consultation with the Director of Finance, ICT and Property).

This was a matter for Executive decision.

RESOLVED -

(1) T H A T authority be granted to submit a grant application(s) to other potential sources (e.g. WAG Department of Enterprise, Innovation and Networks and Heritage Lottery Fund subject to consultation with the Director of Finance, ICT and Property) to fund the project.

(2) T H A T authority be granted for the disposal of the Pumhouse and associated land to Chapter by way of an appropriate lease as detailed in the report on terms and conditions to be negotiated by the Director of Finance, ICT and Property subject to approval of the Welsh Assembly Government (DEIN), a Service Level Agreement to be negotiated by the Director of Environmental and Economic Regeneration in consultation with the Cabinet Members for Legal and Public Protection and Regeneration, Tourism and Leisure, and the resolving of legal and funding issues.

(3) T H A T the Director of Legal and Regulatory Services be authorised to prepare, complete and execute all the necessary legal documentation required.

#### Reasons for decisions

(1) To obtain authority to submit a grant application(s) to other potential sources e.g. WAG Department of Enterprise, Innovation and Networks and Heritage Lottery Fund, subject to consultation with the Director of Finance, ICT and Property.

(2) To obtain authority for the disposal of the Pumhouse and associated land to Chapter by way of an appropriate lease at a peppercorn rent subject to approval of the Welsh Assembly Government (DEIN), a Service Level Agreement to be negotiated by the Director of Environmental and Economic Regeneration, subject to Section 123 of the Local Government Act 1972, and resolving certain legal and funding issues.

(3) To enable the scheme to be implemented and the disposal to be completed.

#### **C2715 PENARTH HEIGHTS - POST CONTRACT (DEER) (EXEMPT INFORMATION - PARAGRAPHS 20, 21 AND 25) (SCRUTINY - CORPORATE RESOURCES) -**

Cabinet received a report which

- set out the next steps for the delivery of the Penarth Heights development project, following the Council successfully entering into a legal contract with Crest Nicholson (South West) Limited with development and payment obligations guaranteed by the appropriate parent company, in respect of the disposal of the freehold interest of the land at Harbour View/Royal Close (Penarth Heights), i.e. the post contract stage of the project;

- sought authority for the agreement in principle of the Council exercising its Compulsory Purchase Order powers (if required) to facilitate full vacant possession of the development site;
- sought authority to extend the appointment of Capital Law LLP to continue acting as the project lawyers;
- sought authority to extend the budget for the delivery of the project.

Due to the need for additional funding from Capital receipts, the approval of full Council would need to be required.

RESOLVED -

- (1) T H A T Cabinet agree the exercising of its Compulsory Purchase Order powers (if required) to facilitate full vacant possession of the development site.
- (2) T H A T authority be granted to extend the appointment of Capital Law LLP for the estimated sum of £20,000 and for the Capital Programme to be increased accordingly.
- (3) T H A T authority be granted to extend the appointment of Complete Weed Control Ltd. at a sum of £6,750 and for the Capital Programme to be increased accordingly.
- (4) T H A T authority be granted to earmark an annual budget of £15,000 for continuing the eradication of the knotweed if not fully eradicated following the completion of the spraying programme by Complete Weed Control Ltd.
- (5) T H A T the additional funding required for the project be provided from capital receipts subject to the approval of Full Council.

Reasons for decisions

- (1) To obtain authority from Cabinet for the principle of the Council exercising its Compulsory Purchase Order powers (if required) to facilitate full vacant possession of the development site.
- (2) To authorise the extended appointment of Capital Law LLP as the project lawyers for the Capital Programme to be amended accordingly.
- (3) To extend the appointment of Complete Weed Control Ltd for the spraying of Japanese knotweed for the sum specified in the report and for the Capital Programme to be amended accordingly.
- (4) To obtain authority for an annual budget for continuing the eradication of the Japanese knotweed (if not fully eradicated) following the completion in mid 2007 of spraying programme by Complete Weed Control Ltd.

- (5) To identify the source of funding as capital receipts and the need to refer this financial matter for the consideration and approval of Full Council.