

**CABINET**

Minutes of a meeting held on 8 February, 2016.

Present: Councillor N. Moore (Chairman), Councillor S.C. Egan (Vice – Chairman);  
Councillors: B.E. Brooks, L. Burnett, C.P.J. Elmore and G. John.

Also Present: Councillor(s) J. James, P. Clarke, K. Hatton, B. Penrose.

Before starting the meeting the Leader explained that after considering the references on the agenda, he would bring agenda item 13 – Library Strategy: Establishing Community Libraries, forward for those present who only attended the meeting to hear this report.

**C3060 MINUTES –**

RESOLVED – T H A T the minutes of the meeting held on 25 January, 2016 be approved as a correct record.

**C3061 DECLARATIONS OF INTEREST –**

The following declaration was received.

Councillor C. Elmore.	<p><b>Agenda Item 5 – Summary of School Inspection Reports for the Autumn Term 2015</b></p> <p>Reason for Declaration –</p> <p>A Local Education Authority (LEA) appointed Governor at Barry Comprehensive School. As an LEA Governor, his personal interest did not equate to a prejudicial interest and therefore he was able to speak and vote on the matter.</p>
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**C3062 CARDIFF BAY ADVISORY COMMITTEE –**

The minutes of the Cardiff Bay Advisory Committee meeting held on 13 January, 2016 were submitted.

Present:

Councillor I. Burnett (Chairman)	Vale of Glamorgan Council
Councillor G. Roberts	Penarth Town Council
Mrs. N. DeLonghi	Natural Resources Wales
Mr. S. Jones	Quay Marinas Ltd
Mr. C. Michael	RSPB

Also present:

Mr. A. Vye-Parminter	Cardiff Harbour Authority
Mr. S. Ellery	Cardiff Harbour Authority
Mr. G. Soltys	Penarth Tourism and Visitor Association
Mr. C. Hope	Vale of Glamorgan Council

(a) Apologies for absence -

These were received from Mrs. C. Dimond (Vice-Chairman), Mr. J. Maidment (Cardiff Harbour Authority), Mr. C. Parsons (Cardiff Bay Yacht Club), Mr. M. Chidlow (Associated British Ports), Councillor B. Derbyshire (Cardiff Council), Mr. C. Atherton (Waterfront Partners), Ms. S. Newbold (British Marine Federation and Royal Yachting Association) and Mr. A. Parker.

(b) Minutes -

AGREED - T H A T the minutes of the meeting held on 18<sup>th</sup> November, 2015 be approved as a correct record.

(c) Matters Arising -

There were no matters arising.

(d) Navigational Safety - Mr. A. Vye-Parminter -

(i) Dredging of the navigational channels was due to start this coming Saturday and would take two weeks to complete..

(ii) Since the start of December 2015, some 200 tonnes of debris (including large trees) had been removed from the rivers and Bay and this work was ongoing.

(iii) The steel dolphins in the outer harbour had been removed following the failure of some of the chains holding them in place. They had been very rarely used by

vessels and had been deemed to be unfit for purpose. Alternative provision was being considered.

(e) Progress Report - Mr. A. Vye Parminter and Mr. S. Ellery -

(i) The applications for dredging licences had been approved under Section 3 of the Cardiff Bay Barrage Act 1993. The licences would apply for the next three years and the Marine Licence for the disposal of the material had been extended by Natural Resources Wales until it can issue a new licence for the July dredge campaign.

(ii) Biodiversity controls had been introduced to prevent invasive species from being transferred between vessels (invasive shrimps and Zebra Mussels).

A Member enquired as to the spread of invasive species within the Bay and was advised that there had been no increase in the biomass of Zebra Mussels.

(iii) 'Storm Central' was now fully operational and had combined real-time water quality, weather and flow information. It was accessible through [www.cardiffharbour.com](http://www.cardiffharbour.com).

(iv) At the recent ASERA (Association of Severn Estuary Relevant Authorities) AGM and in their published guide to recreational boating in the Severn Estuary, Cardiff Harbour Authority were identified as an exemplar for their implementation of biosecurity measures. It was intended to share this best practice with the relevant authorities that make up ASERA and also strengthen knowledge of invasive species through continued collaboration across the UK and Europe..

The Chairman enquired if the recent heavy rain had impacted on water quality in the Bay and was advised that the water quality had been no different to what is normally expected at this time of the year.

A Member enquired if the high river flows had created problems for migratory fish and was advised that Natural Resources Wales monitored the annual migratory fish information. There had been no obvious trend.

The Chairman enquired where the dredged material was deposited and was advised that the material was deposited at Orchard Ledgers near to the Bay.

It was noted that Orchard Ledgers was in the vicinity of the planned location of the Newport/Cardiff Lagoon.

The Committee were advised that should the Lagoon proceed, an alternative site will have to be considered to deposit the dredged material.

In referring to the Dredging Licence, a Member enquired if consideration had been given to boat movements at low tide when considering the times of year of dredging.

The Committee were advised that the dredging was limited to certain times of year so as not to disturb the migratory fish.

(f) Update Report - Mrs. N. DeLonghi, Natural Resources Wales -

(i) It was confirmed that the Dredging Licences had been issued.

(ii) There had been no reported incidents of pollution within the Bay since the last meeting of the Advisory Committee.

(iii) A barge had sunk in the Wharf but this had not resulted in any issues for the Bay.

(iv) A request had been received for the closure of the fish pass in order that routine maintenance could be carried out.

(v) New 'rod and line' data would be available soon.

(vi) Fish stocks were low and no improvement was expected.

(g) Timetable of Meetings -

The Advisory Committee considered suggested dates for future meetings of the Committee in line with the decision of the Advisory Committee on 18<sup>th</sup> November, 2015.

Members expressed the view that the date of the meeting proposed for 4<sup>th</sup> May, 2016 should be reconsidered and changed to a date following the Annual Meetings of the Vale of Glamorgan and Cardiff Councils.

AGREED -

(1) T H A T the next meeting of the Cardiff Bay Advisory Committee be held on a date following the meetings of the Vale of Glamorgan and Cardiff Councils and that the Chairman be authorised to agree such a date.

(2) T H A T the remainder of the dates for future meetings of the Advisory Committee be as follows:

- Wednesday, 14<sup>th</sup> September, 2016 @ 5.15 p.m.
- Wednesday, 14<sup>th</sup> December, 2016 @ 5.15 p.m.
- Wednesday, 15<sup>th</sup> March, 2017 @ 5.15 p.m.

and that the provisional venue for the meetings be Cardiff International White Water.

(h) Any Other Business -

(i) Events -

The Chairman enquired if the Advisory Committee could receive presentations on the programme of forthcoming events within the Bay and Barry/Penarth areas.

(ii) Lagoons -

The Chairman requested a presentation at the next meeting of the Advisory Committee on the proposed Tidal Lagoons should there be a favourable announcement.

(iii) Cardiff Master Plan -

The Chairman enquired as to the current position of the Cardiff Master Plan and was advised that the Master Plan had yet to be considered by Cardiff Council's Cabinet.

(iv) The Chairman enquired as to progress on the Volvo Race and was advised that it was still very early days and the date had yet to be set.

(v) Cardiff City Deal -

The Chairman felt that there may well be an announcement in respect of the above in the near future and felt that if appropriate, the Advisory Committee should receive a presentation.

(vi) World Half Marathon -

It was reported that the World Half Marathon would be a major event and would be held on Easter Saturday. The event would involve significant road closures between Penarth and Cardiff.

(vii) Date of Next Meeting -

AGREED - T H A T the Members of the Advisory Committee be advised of the date of the next meeting.

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At the meeting the Cabinet Member for Regeneration reported that a World Half Marathon Event was being organised and would be held on Easter Saturday. She further commented that the event would involve significant road closures between Penarth and Cardiff.

The Cabinet Member confirmed that all relevant departments were working with Cardiff Council with regards to traffic management, signage, and planning to ensure that the event runs as smoothly as possible, with the least amount of disruption to residents although the event was not being organised by the Vale of Glamorgan Council.

RESOLVED – T H A T the minutes of the Cardiff Bay Advisory Committee meeting be noted.

Reason for decision

To note the minutes.

**C3063      SUMMARY OF SCHOOL INSPECTION REPORTS FOR AUTUMN TERM 2015 (REF) –**

The Scrutiny Committee (Lifelong Learning) on 11 January, 2016 considered the above report of the Director of Learning and Skills.

The Head of School Improvement and Inclusion advised that Wenvoe Playgroup and Albert Primary School had been inspected during the Autumn term 2015 with a summary of the inspection findings for each of the named school / playgroup appended to the report.

The report advised the school inspections were governed by the Education Act 2005 and related regulations. The purpose of inspections was to:

- Provide accountability to the users of the services and other stakeholders through public reporting on providers
- Promote improvement, education and training
- Inform the development of national policy by Welsh Government.

The report advised that the overall judgement achieved by the Vale of Glamorgan schools which were inspected was as follows:

	Current Performance	Prospects for Improvement
Albert Primary	Excellent	Good
Wenvoe Playgroup	Good	Good

When undertaking the inspections, Estyn recognised the unique position to showcase some of the excellent practice identified across the education and training sectors that it inspects. One way it did this was by asking schools in which it had identified excellence to write case studies, outlining how excellence had been achieved in identified areas. Following recent inspections, Vale schools had produced the following case study:

School	Case Study
Albert Primary	"Pupils Shape Their Curriculum"

During the Autumn term 2015 Estyn monitored Llanfair Primary School and Barry Comprehensive School. The results being:

School Name	Overall Judgement	Outcome
Barry Comprehensive	Satisfactory Progress against 2 recommendations and limited progress against 4	Placed in Significant Improvement
Llanfair Primary	Strong Progress against 4 recommendations and Very Good Progress against 2 recommendations	Removed from follow-up activity

The details of the progress in each of the progress made against each of the recommendations was provided at Appendix 3.

The Vale of Glamorgan also had two schools in Estyn monitoring, namely Bryn Hafren Comprehensive and Wenvoe Playgroup. In addition, three schools were monitored by the Local Authority. These were Albert Primary, Romilly Primary and Y Bont Faen Primary.

Appendix 4 to the report provided an overall summary of Estyn activity for the period September 2015 to December 2015.

The Chairman in referring to the identification of schools with excellent practice queried whether a report on this would be provided to the Committee. In response, the Head of School Improvement and Inclusion explained that the termly report to Scrutiny on inspection outcomes, always highlighted any excellence identified by Estyn. This together with the forthcoming report on the outcomes of national

categorisation and previously reported school performance data would help inform the Committee and facilitate the identification of good practice that they may wish to learn more about.

The Cabinet Member added that Cabinet had approved an additional £900,000 for Barry Comprehensive School. He explained that this money would help implement some parts of the school's Post Inspection Action Plan and would be used as a capital spend on both internal and external building works. In querying the progress of improvement made within Barry Comprehensive School, the Director of Learning and Skills advised the Committee that the summer inspection by Estyn took place before an improved set of GSCE results were published. Estyn had therefore considered the school's results and benchmarking from 2014 and the Director indicated that Estyn's outcomes may have been different if the latest results had been available although it was not possible to be certain about this. Furthermore, and in terms of intervention at the school, the Director explained that following the formal warning letter, additional Governors had been appointed, she therefore assured Members that all powers of intervention were being used. She also made mention of the support that was being provided to the school, which included the work of School Challenge Cymru and the mentoring role provided by Treorchy Comprehensive School. She further stated that a lot was in place and that the Directorate was working closely with the school from which encouraging signs had been observed. She finally added that the Directorate would continue to monitor, challenge and support the school.

Further to the Director's comments, the Cabinet Member explained that the issues around the culture within Barry Comprehensive School had not been a new thing and that this was something that had been inherited by the new Headteacher. He commented that both the Head and the Chair of Governors had challenged the culture and that a new ethos had been brought into the school. He went on to state that improvement had been made within the school which he believed was sustainable.

A Committee Member, in querying the improvement recommendation around providing a daily act of collective worship, was advised that limited progress had been made by the school. This was because the strategy around daily worship had been developed but had not been fully implemented. The Head of School Improvement and Inclusion was able to confirm, that since Estyn had carried out its inspection, he had been to the school and had witnessed that daily worship had taken place.

#### RECOMMENDED –

(1) T H A T the inspection judgements about schools inspected during the Autumn term be noted.

(2) T H A T the judgements made by Estyn in its monitoring visits with regard to schools in the Local Authority be noted.

(3) T H A T the judgements made by Estyn with regard to schools in Local Authority monitoring be noted.

(4) T H A T a letter of congratulations be forwarded on behalf of the Scrutiny Committee by the Chairman to Albert Primary School.

(5) T H A T the report be referred to Cabinet for its consideration, highlighting the overall judgements for the schools visited in the autumn term.

Reason for recommendations

(1-3) In order that Members are aware of Estyn judgements about local schools.

(4) To offer the Committee's congratulations.

(5) For Cabinet's consideration.

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Cabinet, having considered the recommendations of the Scrutiny Committee (Lifelong Learning)

RESOLVED – T H A T the contents of the report be noted.

Reason for decision

To note the contents of the report.

**C3064 FEEDBACK FROM ESTYN MONITORING VISIT 2015 (REF) –**

The Scrutiny Committee (Lifelong Learning) on 11 January, 2016 considered the above report of the Director of Learning and Skills.

For this item, the Committee welcomed Mr. Gerald Kerlake, Lead Safeguarding Officer and Mr. Tony Bate, Estyn Lead Inspector.

Mr. Bate began by advising the Committee that since the Autumn 2014, Estyn had undertaken a process of providing Scrutiny Committees with direct feedback of their findings following detailed inspection work. He stated that although the inspection

had concluded ongoing regular contact would be maintained with the Directorate as was the case for all Councils in Wales.

As a background summary, Mr. Bate advised Members that following the outcome of the inspection of the education service in May 2013, the Authority was identified as requiring Estyn monitoring. Following this the Directorate developed a Post Inspection Action Plan, the purpose of which was to address the six recommendations made by Estyn. Estyn's first monitoring visit took place from 13<sup>th</sup> – 15<sup>th</sup> October, 2014 and a final monitoring visit took place from 16<sup>th</sup> – 20<sup>th</sup> November, 2015. The visit during October 2014 had focused on two specific recommendations, these being Recommendations (2) and (6) which related to the level of challenge provided to schools and the arrangements for monitoring and evaluating the wellbeing of children and young people. Previously, back in December 2015, against these two recommendations the Committee heard that good progress had been made.

In terms of Estyn's final monitoring visit in November 2015, the Committee heard that of the six recommendations, very good progress had been made in two, whilst strong progress had been made with the remaining four recommendations. The Authority, therefore, no longer required Estyn monitoring.

The Committee was then provided with a summary of some of the key messages to have come out of the recent monitoring visit.

In terms of Recommendation (1) around the need to raise standards in schools at Key Stage 2 and 3, the Committee heard that strong progress against this recommendation had been made by the Directorate. The performance of schools within the Authority at the Foundation Phase had remained relatively strong. Over the last three years, the percentage of pupils achieving expected Outcome 5 had gradually improved, and at a similar rate of improvement to that of the Wales average. Performance at the higher than expected level (Outcome 6) had also improved over the last three years.

At the time of the inspection at Key Stage 2, the performance of schools was below average when compared to the performance of similar schools on the Welsh Government's Free School Meal benchmark around which too few schools were in the top 25% or higher 50%. The Committee noted that in 2015, there was a marked improvement, with the majority of schools now in the higher 50%.

Overall performance in respect of Key Stage 3 showed consistent improvement over the last three years, the percentage of pupils achieving the Key Stage 3 core subject indicator had improved at a faster rate than the Wales average. In 2012, three quarters of secondary schools had performance significantly below average in Key Stage 3. In 2015, the performance of the majority of secondary schools was now

above average when compared to similar schools, with half of the secondary schools in the top 25%.

Since the inspection, there had been improvement in most of the Key Stage 4 indicators. For example, the percentage of pupils achieving the Key Stage 4 core subject indicator had improved consistently, and this was the highest in Wales in 2015. However, Estyn had noted that performance in 3 of the 8 secondary schools was below average in 2015 when compared to similar schools.

In terms of the performance of pupils entitled to Free School Meals, Members were advised that their performance had improved since 2012 although this was not always at the same rate as other pupils. Since 2012, in the Foundation Phase and at Key Stage 3, the performance of pupils entitled to Free School Meals in the Authority had improved and the gap to those pupils not entitled to Free School Meals had narrowed.

Estyn had also recognised that the performance gap between boys and girls had varied since 2012. In Key Stages 3 and 4, boys' performance had improved at a much faster rate than girls. However, in the Foundation Phase and at Key Stage 2, the performance of girls had improved at a faster rate than boys.

With regard to Recommendation (2) and the need to improve the rigour and level of challenge provided to schools about their performance and quality of leadership, Members were advised that very strong progress had been made in addressing this recommendation. Since the inspection, it was outlined that the Authority had worked well with headteachers, governors and the Central South Consortium to secure improvements. These had led to targeted and worthwhile improvements in leadership, provision and standards in many of the schools in the Authority.

The Committee noted that strong progress had been made in addressing Recommendation (3) around the use of the full powers available to the Authority to improve schools that were underperforming. Estyn had recognised that the Directorate had used its powers well overall in order to improve schools that were underperforming. During the inspection, Estyn had evaluated minutes from School Progress Panels and inspectors had noted that these were effective and did add value around challenging performance. However, Estyn had reported that intervention at one primary school could have been earlier and Estyn considered that the Directorate should consider what aspects trigger formal intervention in primary schools.

In terms of Recommendation (4) which was around the need to make sure that planning for improvement was thorough and consistent throughout all services, Estyn had recognised that the Authority had made very good progress in addressing this recommendation. The highlight within this recommendation was the

Directorate's plan which included a detailed review of the previous year's outcomes. Furthermore, Estyn had recognised an improvement around the planning of services within the Directorate which was carried out systematically, coherently and consistently. The use of evidence by the Directorate was good and this led to the Directorate undertaking actions that were well informed and based on factual evidence. In addition, it was noted that the Directorate measured performance well and that it was effective at monitoring school progress. Estyn had found that the Directorate was outward looking and they had commended the Authority's ambition to match the performance of similar Authorities within England.

There was also a reflective culture within the Directorate, and this was evident through well designed processes for monitoring progress around the implementation of actions and assessing initiatives. Estyn also reported that the Authority worked well with stakeholders, who effectively contributed to the development of service plans and so understand the future priorities of the Authority. This was evidenced through regular team meetings, ongoing reviews, impact evaluations and thorough formal reporting mechanisms.

In terms of Recommendation (5) around the need to ensure that robust systems were in place for evaluating the outcomes of initiatives to ensure that they demonstrated good value for money, it was noted that the Authority had made strong progress in addressing this recommendation. Since 2013, the Directorate had improved how it evaluated the outcomes of its capital programmes, its education services and learner support initiatives. Estyn had found that impact evaluation assessments were good and that the Directorate was effective at assessing the impact of any proposals. Evidence also showed that the Directorate was able to make informed judgements about which initiatives should be supported or continued and which of these may need to be changed, reduced or decommissioned.

With regard to Estyn's sixth recommendation which related to the need to strengthen arrangements for monitoring and evaluating the wellbeing of children and young people, the Committee heard that the Authority had made strong progress in addressing this recommendation.

Highlights around this included the implementation of the Wellbeing Strategy that was now well embedded and had been revised to provide direction for the next three years. In addition, the Authority's effective use of data and intelligence was recognised as was the development of school data packs. Estyn had also found that the Authority monitored attendance effectively and Estyn had looked at how well the Authority had used the 'Callio' initiative to manage poor attendance. Furthermore, the Committee was advised that the Authority has improved the work to reduce the number of young people not in employment, education or training and mention was made of how the Directorate had revised its safeguarding processes which now fell under the same monitoring arrangements.

A Committee Member commented that it would be useful for the Committee not to lose sight of the issues raised within the inspection and for the Committee to look again at this during the summer months. The Member then raised a number of queries. In reply to the Member's first query, around how the inspection report related to three secondary schools in the Vale that required improvement, the Committee was advised that this was something that the Directorate and the Scrutiny Committee should pick up as specific areas to drill down into.

The Member's second query related to improvements observed around governor training. Mr Bate responded by stating that Estyn had been able to engage with a number of governors and Estyn had wanted to hear their views on how well the Council worked with schools. The Committee noted that Estyn had heard a lot of positive aspects around the training provided to governors and they noted that the information held by the Directorate was much clearer and easier to understand. Overall, Mr Bate commented that Estyn had been happy with evidence it had seen. Mr. Kerslake further advised the Committee that it was fair to say that Estyn had been able to collate a range of evidence around governor support from their visits to schools and they were provided with a balanced view that showed that improvements had been undertaken to address the Estyn recommendations.

The Committee Member's third query related to the performance of children with English as a secondary language. In reply to this, Mr. Bate advised the Committee that this was not a specific area that the monitoring visit had focused upon. This would however be something that was considered under Estyn's first recommendation, which related to raising standards in schools. Further to this query, the Director of Learning and Skills advised the Committee that Members would have been previously provided with a report on the Directorate's progress against recommendation 1 which had included information about the attainment of learners for whom English is an additional language and pupils from minority ethnic backgrounds.

In response to a Member's query regarding the gap in performance between boys and girls, Mr. Kerslake advised that it was important for the Directorate to analyse trends and patterns over a period of time as the performance of boys and girls could fluctuate between years and also within schools. This was important in order to assess the impact of any extra provisions and resources that a school had allocated. It was also important to understand that it had been generally observed that in some cases, where it was expected boys would outperform girls, the opposite could occur during certain years and therefore schools needed to understand the patterns around performance. He confirmed that over time, the rate of progress for boys had improved and the gap had narrowed with girls, but it was worth looking back at previous year's performance trends, especially between the single sex and mixed education schools.

The Chairman commented the he was pleased with the inspection report and the outcomes of the Estyn inspection. He went on to query whether the use of Progress Panels was a good idea and whether the Panels should do more around the identification of best practice. In reply, Mr. Bate stated that from what they had observed the Panels appeared to be working well and the Panels were an important part in helping to raise the bar of school improvement. He went on to state that resources was also an important consideration and so it was important to ensure that the process was not 'diluted'. Mr. Kerslake added that the sharing of best practice may not necessarily require a 'Panel' and that as resources and the time of the schools was limited it would be important for the Scrutiny Committee to be selective and to focus on specific areas of improvement. He also commented that there was a lot of intelligence and data available and it was important for the Council to make use of it and to consider areas of improvement in more depth. As an example, he cited the effectiveness of school governing bodies as one area to possibly consider.

Further to these comments on the use of Panels and the identification and sharing of best practice, the Director of Learning and Skills indicated that a report would be presented once the process of school categorisation had been completed.

A Committee Member questioned whether the Estyn inspectors had identified any issues in how the Authority was working with Looked After Children. In response, Mr. Kerslake advised that in terms of the education outcomes for Looked After Children, they were not in a position to make any direct comments. One aspect that had been identified from working with other Local Authorities was the idea of providing work opportunities within the organisation for Looked After Children as would be the case for children and their actual parents. This could be something that the Council could consider. Further to this, the Chairman confirmed that the Committee had received update reports on Looked After Children in the past to which the Cabinet Members added that the Scrutiny Committee (Social Care and Health) would discuss this cohort of children in more detail.

As a final point, the Committee was advised that further monitoring of the Directorate's progress around implementing the Post Inspection Action Plan will continue as part of the main improvement planning process.

Having considered the report, the Committee

**RECOMMENDED –**

(1) T H A T the Committee's thanks be forwarded to the representatives from Estyn.

(2) T H A T the Committee welcomes Estyn judgement that the Learning and Skills Directorate had made sufficient progress which has resulted in the Authority no longer requiring monitoring.

(3) T H A T Estyn's feedback letter and the comments of the Committee be referred to Cabinet in order to report the findings from the Estyn Monitoring visit.

(4) T H A T the Committee's thanks and appreciation be forwarded to staff as a result of the good work and the improvements made in addressing the recommendations of Estyn.

Reasons for recommendations

(1) To offer the Committee's thanks.

(2) To highlight the work undertaken in respect of the Estyn inspection.

(3) In order to update Cabinet of the Estyn inspection and the removal from Estyn monitoring.

(4) To convey the Committee's thanks and appreciation to staff for their hard work and dedication.



Cabinet, having considered the recommendations of the Scrutiny Committee (Lifelong Learning)

RESOLVED –

(1) T H A T the contents of the report be noted.

(2) T H A T thanks be given to all officers for their hard work and the improvements made in addressing the recommendations of Estyn.

Reasons for decisions

(1) To note the contents of the report

(2) To show appreciation to staff for their hard work and dedication.

The Leader brought forward Agenda Item 13 for those in attendance who only wanted to hear this report.

**C3065 LIBRARY STRATEGY: ESTABLISHING COMMUNITY LIBRARIES (AS) (SCRUTINY COMMITTEE – LIFELONG LEARNING) –**

Cabinet was asked to reach a decision about the future of the libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose having considered the following information:

- a) the viability of business cases submitted by community groups from Dinas Powys, Sully, Wenvoe, St Athan and Rhoose to run the library in their area;
- b) the impact the establishment of community libraries is likely to have on the Council's ability to meet its obligation to provide a comprehensive and efficient library service;
- c) the outcome of the Equality Impact Assessment of the proposal to establish community libraries.

The Library Strategy attached at Appendix A to the report was prepared following a review of the service during 2013/14. The aim of the strategy was for the Council to continue to provide a comprehensive library service to all residents, whilst also ensuring that it was more relevant, efficient and sustainable. The strategy sought to strike a balance between helping the library service to reduce costs, evolve and remain a vibrant community resource.

At the Cabinet meeting of 11 August, 2014 eleven of fourteen recommendations arising from the review of library services were approved. It was agreed to consult on three further, and more significant, proposed changes to library services:

- The development of community-led libraries in St Athan, Dinas Powys, Sully, Wenvoe and Rhoose.
- Reduced library opening hours in Barry, Penarth, Cowbridge and Llantwit Major.
- Relocating library services in St Athan.

Following Cabinet's consideration of the results of consultation at its meeting of 9 March, 2015 it was resolved that the opening hours of the libraries at Barry, Penarth, Cowbridge and Llantwit Major should be reduced with effect from 1 June, 2015. It was further resolved that:

- Expressions of Interest should be sought from groups interested in developing a community library in Dinas Powys, Rhoose, St Athan, Wenvoe or Sully, with a deadline for submission of 18 May, 2015.
- If one or more Expressions of Interest were received, delegated authority be granted to the Director of Learning and Skills in consultation with the Leader

and the Cabinet Member for Adult Services to consider whether or not the groups or individuals expressing such an interest be requested to submit a business case by 12 July 2015.

- Provided one or more Expressions of Interest to run a community library in St Athan were received, discussions would be held with interested parties on the location of the library.
- That a further report on the evaluation of any submitted business cases be reported to Cabinet in the autumn of 2015.

On 27 March, 2015 the Deputy Leader wrote to residents, informing them that the Council had decided to explore the development of community led libraries in each of the five communities. The Council invited Expressions of Interest from groups interested in running one or more of these libraries. The letter set out the support that the Council intended to provide – the book stock, peripatetic professional librarian support and back up support accessible through any of the four town libraries. The Deputy Leader confirmed that the Council would also support the recruitment and training of volunteers, ICT equipment would be transferred to the community group and agreements would be entered into in respect of the future maintenance and ownership of the library buildings.

8 Expressions of Interest were received by the 18 May, 2015 deadline. There was at least one for each of the proposed community library areas. There were two Expressions of Interest for Rhoose Library. Each group that had submitted an Expression of Interest was invited to submit detailed business cases. It was suggested that the two groups who had expressed an interest in Rhoose Library should work together.

Reduced opening hours at Barry, Penarth, Cowbridge and Llantwit Major Libraries were implemented from 1 June, 2015 and the service was restructured in response to reduced staffing requirements. Early retirement and voluntary redundancy was approved for a significant number of staff from across the service avoiding the need for compulsory redundancies. The opening hours of the 5 proposed community libraries had not been reduced; they were to operate on their existing opening hours, appropriately staffed, until a decision was made about their future.

Cabinet had recognised that support would be needed to prepare business cases. The Expression of Interest Form asked groups whether they would need help or advice to develop a business case, and if so, it asked them to indicate what kind of support they thought would be needed. A detailed guidance pack was provided and contact details supplied. Support included assistance with preparing business cases, training and the provision of consultancy support to develop the business case if required.

The Glamorgan Voluntary Service was also commissioned to deliver training and to provide one to one group support to assist groups to become constituted as Charitable Incorporated Organisations and to make them aware of governance requirements and the responsibilities of trustees. The groups were put in touch with the Council's Principal Rural Regeneration Officer who visited groups to discuss funding opportunities. Officers also attended meetings with community groups and provided additional information on request. In addition the following training was provided:

- 6 June, 2015 – Group training on Leadership and Governance of Community Organisations
- 23 June, 2015 – Group training on Business Planning and Business Case Development
- 24 June, 2015 – Group training on Building Management and Community Asset transfer
- 1 and 7 July, 2015 – visits to Neath Port Talbot community libraries
- 17 August, 2015 – advice and guidance on developing an ICT strategy

In order to assist community groups with the development of their business cases, officers indicated the level of support that the Council would provide should it decide to proceed with community libraries. The support included:-

- Transfer of existing book stock and on-going replenishment
- Transfer of all equipment such as fixtures and fittings and ICT equipment
- Peripatetic librarian support for 50% of the opening hours
- Additional advice and guidance from the Council run libraries when peripatetic librarian support was not present.
- Community Asset Transfer where the Council owned the building, on either a long term lease or freehold.
- Addressing building conditions issues before any buildings were transferred. Recent building condition surveys showed that the estimated cost of addressing building issues ranges from £1,820 at Rhoose library to £40,000 at Dinas Powys
- One-off start-up costs, based on an analysis of the business cases.

Business cases to run the libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose were received by 12 July, 2015 from:

- Dinas Powys Activity Centre
- Rhws Community Library
- St Athan Library Working Group
- Sully and Lavernock Community Library Trust
- Wenvoe Library Action Group

A comprehensive business case template was provided to groups, which covered the following areas:

- Details and status of the group/organisation.
- Vision, overview of proposals and community benefits.
- Evidence of community engagement in identifying services required and which services would be used.
- Governance and management structure.
- Resource requirements.
- 3 year financial projection including income and expenditure.
- Proposed opening hours.
- Meeting legal requirements.
- Asset and access requirements.
- Risk assessment and production of risk register.
- Other supporting information, e.g. SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis, PEST (Political, Economic, Social, Technological) analysis.

The business cases were assessed on 3 August, 2015 by a group comprising of the Cabinet Member for Adult Services and officers that represented a range of services including libraries, finance, legal and estates. All five community groups were asked to revisit their business cases to address gaps or to clarify certain issues. Additional support was commissioned for one group where its business case was under developed and further advice was provided to the other groups as necessary. Five revised business cases were re-submitted by 24 August, 2015. These could be viewed via the following links ([Dinas Powys](#), [Rhoose](#), [St Athan](#), [Sully](#), [Wenvoe](#)) and a hard copy was available in the member's room. Further assessment of the revised business cases was carried out on 26 August, 2015 and it was agreed that the gaps and issues previously identified had been addressed. The group considered all 5 of the revised business cases to run community libraries to be viable.

Each group had requested start-up funding to ensure the viability of the library over the next 3 – 5 years and some stipulated that funding was also provided to address building condition issues identified in the building condition surveys carried out by the Council in 2015. The costs of addressing the building condition issues at St Athan were significant. This together with the unsuitability of the building gave rise to a recommendation in the Library Strategy that the library at St Athan be moved to an alternative building. The St Athan community group wished to continue running the library in the current building but requested that asbestos be removed from the building before it was transferred; this work was completed last year. The library at Wenvoe was owned by the Community Council which was responsible for any building related costs.

Community Library Funding Requirements					
Start Up Funding	Dinas Powys £	Rhosee £	Sully £	Wenvoe £	St Athan £
Year 1 (2016/17)	7,000	5,000	10,000	10,000	5,000
Year 2 (2017/18)	5,000	2,500	0	0	3,000
Year 3 (2018/19)	2,000	1,250	0	0	2,000
Total Start-up funding	14,000	8,750	10,000	10,000	10,000
Building Funding					
Year 1	40,000	1,820	2,740	0	0
Total funding requirement	54,000	10,570	12,740	10,000	10,000

The establishment of community libraries at Dinas Powys, Sully, St Athan and Rhosee would require the transfer of the building (asset) to the relevant community group from the Council. With regards to Sully library which was currently leased by the Council, the lease would need to be transferred to Sully and Lavernock Community Council subject to the consent of the landlord. The Council owned the library buildings at Dinas Powys, Rhosee and St Athan on a freehold basis: there were options to transfer these assets on either a long term lease or a freehold basis. The nature of the community asset transfer for Dinas Powys, Rhosee and St Athan would be subject to negotiation with the relevant groups/organisations and would be developed in line with the Council's Community Asset Transfer Protocol which was part of the Council's Corporate Asset Management Plan. The library building at Wenvoe was owned by Wenvoe Community Council. Discussions between the Community Council and the Wenvoe community library group regarding rental of the building was on-going.

The analysis attached at Appendix B to the report outlined the Council's ability to meet its section 7 duty to provide a comprehensive and efficient library service and concluded that the duty could be met by providing the service from the four town libraries. Thus the 5 proposed community libraries were not required for the Council to fulfil its obligation to deliver the statutory service. Nevertheless, it was considered that if the community libraries were delivered on the basis of the terms of the agreements presently envisaged, those libraries would also fall within the scope of the statutory service. As such, the 5 proposed community libraries would enhance this service, provided that service delivery standards were good. Given the level of support the Council would be providing, it was anticipated that the performance of the community libraries could be maintained and improved in some instances. The

libraries would be required to provide relevant data on performance for inclusion in the Council's annual return to Welsh Government on performance against the Welsh Public Library Standards.

The level of support to be provided by the Council, the service to be delivered by the community libraries and other details would be set out in a legal agreement which should be put in place prior to transfer. Such an agreement would cover a wide range of areas including:

- Opening hours and services to be provided
- Legal status
- Terms of lease or freehold community asset transfer
- Start-up funding to be provided
- Contents to be transferred
- Services to be provided by the Council (including training and support)
- ICT service specification
- Branding/marketing/signage
- Record keeping and provision of data
- Equal Opportunities
- Insurance
- Fines, fees and charges
- Book stock
- Staffing and volunteers
- Data protection
- Monitoring and review.

Analysis of the efficiency of the library service shown in Appendix B attached to the report highlighted that revenue expenditure on library services in the Vale of Glamorgan had been consistently high for a number of years. Over the financial years 2011-12 to 2014-15, revenue expenditure on libraries per 1,000 of the population in the Vale had exceeded the Wales average by between £3,583 to £5,330 per 1,000 of the population and the UK average by £2,820 in 2011-12 up to £4,234 per 1,000 of the population in 2014/15.

The draft Medium Term Financial Plan considered by Cabinet in December 2015 estimated that there remained £13.1m of savings to be identified for the 3 year period 2015/16- 2018/19 and this was after already identifying £17.8m savings including the anticipated savings from the implementation of the library strategy. Failure to deliver this level of savings would significantly impact on the Council achieving its required financial strategy which was based on an estimated reduction of £30.9m by 2018/19. The reshaping of the library service was estimated to deliver savings of £525,000 over 2015/16 and 2016/17. A detailed breakdown was attached at Appendix C to the report.

Start-up funding requested from community groups/organisations amounted to £52,750, the estimated cost of addressing building conditions at Dinas Powys, Rhoose and Sully was £44,560. The community groups at Dinas Powys and Sully had requested that funding for the buildings was transferred to them to enable it to be used as match funding for grants which could substantially increase investment in the community library buildings and facilities. The £97,310 funding required for the establishment of the community libraries would be met from the Library Fund.

The library service was restructured during 2015 to reflect the reduction in opening hours at the four town libraries. At that time, all library service staff, including those based at the five community libraries, were given an opportunity to express an interest in posts in the new structure for any library and to request early retirement and/or redundancy. As a result, staff based at the proposed community libraries were either granted early retirement and/or voluntary redundancy or secured a position at one of the four town libraries. Some staff had retired, taken a redundancy payment or had taken up new positions, others were due to leave on or before 31 March, 2016 or to transfer to one of the town libraries. The community libraries were currently fully staffed and would remain so pending a decision on the establishment of community libraries. Consultation with staff and the recognised trade unions had been an integral part of restructuring the service.

The Council had incurred £72,640 to date (excluding the cost of the recent hearing referred to in paragraph 31 of the report) in respect of legal fees for defending the claim for Judicial Review. These costs had been met from the Library Fund.

The claim for judicial review was for a decision taken by the Cabinet on 9 March, 2015, "for Rhoose library to become a community led library or to be closed in the absence of expression of interest and accepted business case". Following a hearing on 13 and 14 October, 2015 Mrs Justice Elizabeth Laing concluded (a) that the March 2015 decision was a conditional decision to close libraries for which no Expression of Interest was received, and (b) that by the time the claim was lodged it was clear that the condition had not been and would not be fulfilled (because Expressions of Interest had been received); with the consequence (c) that no relevant closure decision had been made. Thus by that time there was no operative decision to close any library and no-one had authority delegated by cabinet to take steps to close any library.

The application for judicial review was dismissed. However, the judge did identify deficiencies in that had the conditions not been met and the library closed, the decision would have been unlawful as the Council had not complied with its duty to assess needs for library services before making a decision to close any library and there was insufficient evidence that Members had paid due regard to statutory

requirements under section 149 of the 2010 Equality Act. The full judgment was available at: <http://www.bailii.org/ew/cases/EWHC/Admin/2015/3194.rtf>.

The report also discussed the Council's duty under Section 7(1) of Public Libraries and Museums Act 1964 to provide a comprehensive and efficient library service for those living and working in its area who wished to use it. The courts held that a 'comprehensive' service was one which was accessible by all those wished to use it, using reasonable means, including digital technologies. An efficient service had to make the best use of the assets available in order to meet its core objectives and vision, recognising the constraints on Council resources. They said that there was 'leeway for judgement' as to whether the service in any particular Council area met the test.

The courts also recognised that the question of what constituted a comprehensive and efficient library service could not be divorced from resource issues, so it was lawful for the Council to make an overall budget decision and consider how best to structure its library service provision in light of the available funding. However, the courts also held that a decision as to how to fulfil the duty under section 7 required the library authority to assess the needs which the library service should meet, so that it could form a rational view of whether the proposed service was comprehensive and efficient.

A detailed needs assessment (attached at Appendix D to the report) had been prepared by the library service drawing on data collected by the service on demographics, usage and access. This informed the Equality Impact Assessment (attached Appendix Ei to the report), as well as an assessment (attached Appendix B to the report) of whether the Council could continue to meet its obligation to provide a comprehensive and efficient library service through the 4 town libraries.

The needs assessment and the section 7 duty assessment demonstrated that the Vale of Glamorgan Council provided a comprehensive library service. The annual assessment report returned to the Council in response to the library standards return stated that the Council should be commended for meeting all the indicators which had targets, and being the only authority to do so. It also confirmed that the Vale of Glamorgan was the highest spender on library services in Wales.

The assessment in Appendix B concluded that the Vale of Glamorgan library service would continue to provide a comprehensive and efficient library service under the provision of the Public Libraries and Museums Act (1964) and in accordance with Welsh Public Library Standards. These provisions could be met through the 4 town libraries alone with the 5 proposed community libraries contributing to an enhanced service. The planned reduction in funding of £525,000 would result in funding for the library service remaining above the average funding in other local authorities in England and Wales.

The report noted that it was open to the Council of its own volition to support library services beyond the extent required to meet its section 7 duties. The Council had the power (under the well-being power in the Local Government Act 2000) to provide further support to communities for whom accessing a statutory library would be more difficult than accessing a library under the previous provision. This enabled local authorities to do anything they considered was likely to promote or improve the economic, social or environmental well-being of their area and /or persons in it provided they were not restricted from doing so by other legislation. There was no express prohibition against a local authority supporting its communities to provide their own services. The proposals outlined in the report would mean that the Council would be able to meet its statutory obligations and provide further support to libraries within its local communities beyond those obligations.

The Council had to comply with the public sector equality duty (section 149 of the Equality Act 2010) when coming to a decision on the proposal to establish community libraries. Section 149 required the Council to have due regard to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that was prohibited by or under the Equality Act 2010;
- Advance equality of opportunity between persons who shared a relevant protected characteristic and persons who did not share it;
- Foster good relations between persons who shared a relevant protected characteristic and persons who did not share it: Equality Act 2010 s149 (1).

The relevant protected characteristics were: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149 (7) of the Equality Act.

Section 149(3) of the Equality Act stated that having due regard to the need to advance equality of opportunity involves due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by persons who shared a relevant protected characteristic that are connected to that characteristic;
- take steps to meet the needs of persons who shared a relevant protected characteristic that are different from the needs of persons who did not share it;
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons was disproportionately low;
- the steps involved in meeting the needs of disabled persons that were different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

In reaching their decision on the establishment of community libraries, Cabinet members had to satisfy themselves:

- a) that they understood the proposed decisions were capable of adversely affecting persons who had any protected characteristic (and had sufficient information before them to reach a decision on this, one way or the other); and
- b) that they had conscientiously and rigorously addressed whether there were steps that could be taken to remove or mitigate any such disadvantages identified for particular equality groups. Cabinet members should then consider whether or not to modify the proposed decision to incorporate such steps (if there were any). In addition, Cabinet members should scrutinise the decision against the other public sector equality duty criteria (i.e. advancing equality of opportunity, and fostering good relations). Here too if the proposed decision provided the opportunity to serve either of these objectives (in its proposed form, or if any modification were made to it), this too should be considered.

An Equality Impact Assessment on the proposal to introduce community libraries was attached at Appendix Ei to the report. A summary of the possible adverse impacts and how they might be avoided was also attached at Appendix Eii to the report.

Officers had sought to investigate whether establishing community libraries would result in gaps in service provision, or some other adverse impact on people sharing any of the protected characteristics. Consultation took place with service users and residents between November 2013 to December 2013, and October 2014 to December 2014; feedback was provided via focus groups (the Vale 50+ Forum, the Vale of Glamorgan Youth Forum, representatives from school councils, Vale Plus and Vale People First Real Lives Group); and responses to the Chartered Institute of Public Finance and Accountancy Plus Survey 2012 and the impact assessment were considered. The potential for adverse impacts as a result of establishing community libraries on groups with protected characteristics and proposed mitigating actions to address them should they arise were set out in the summary of the Equality Impact Assessment attached at Appendix Eii to the report which was summarised in the table at paragraph 59 of the report.

The report stated that if Cabinet decided to establish community libraries, officers would work closely with community groups to ensure as far as possible, that current standards of service delivery were maintained. This would be achieved by establishing agreed service standards with each group and the provision of on-going support from the Council in the form of a peripatetic librarian being based at each library for 50% of the planned opening hours, advice and support from staff based at

the main libraries when required, provision and rotation of book stock and support with the recruitment and training of volunteers.

The obligation under section 149 of the Equality Act would continue to be addressed in the course of the process of determining the terms of any legal agreement for the provision of a community library, and would be considered further taking account of the details of such terms as the Council was able to agree in each case. It was envisaged that the community libraries would develop to offer supplementary services which were specifically tailored to the needs of the local community, this was very much central to the vision set out by the community groups in their business cases.

Given that services would be maintained and even enhanced by the community libraries the report did not expect that the establishment of community libraries would ultimately adversely affect the persons in any of the protected groups.

Although the Council would work in partnership with community groups to ensure the on-going sustainability of each library the report recognised that due to a variety of reasons it was possible that a library could fail in the future resulting in its closure. Should any of the 5 libraries proposed as community libraries close in the future, that would be capable of having an adverse impact on certain protected groups. The potential for adverse impacts as a result of establishing community libraries on groups with protected characteristics and proposed mitigating actions to address them should they arise were set out in the summary of the Equality Impact Assessment attached at Appendix Eii to the report.

Presenting the report to Cabinet, the Deputy Leader confirmed that he would give a briefing to ensure the Cabinet fully understood the implications contained within the report.

The Deputy Leader began by confirming that Cabinet had received an email from Clifford Darlington which was tabled at the meeting. The Deputy Leader asked officers to address any questions outlined in the email presented by Mr Darlington, after he provided an overview of the report.

Secondly he explained that after he had presented his report, he would invite Cabinet Members to ask any further questions to officers present at the meeting before concluding with the final resolutions.

The Deputy Leader read out the following statement:

“At the outset Members are asked to confirm that they have had an opportunity to consider and digest the report; the appendix documents, including the EIA and the needs assessment, and the analysis of how the Council intends to meet its duty

under s.7 of the 1964 Act which can be found at Appendix B. In addition, Members should confirm that they have considered in detail the business cases. I propose to adopt a stepped approach in looking at all aspects (facets) of the report which incorporates the salient points from the appendix documents.

The report in respect of the Sully, Dinas Powys, St Athan, Rhoose and Wenvoe libraries provides a comprehensive analysis of information regarding the Councils libraries review proposals which is intended to enable Cabinet to reach a decision about their future by providing information on the viability of the business cases submitted by the community groups. It also advises Cabinet of the impact on the establishment of the said community libraries and further the impact this is likely to have on the Council's ability to meet its obligation to provide a comprehensive and efficient library service; advising Cabinet of the outcome of the Equality Impact Assessment of its proposal to establish community libraries.

The Library Strategy which Members have considered at Appendix A was as Members will be aware prepared following a review of the service during 2013/14. The aim of the strategy is for the Council to continue to provide a comprehensive library service to all residents, whilst also ensuring that it is more relevant, efficient and sustainable. The strategy seeks to strike a balance between helping the library service to reduce costs and helping it to evolve and remain a vibrant community resource. Cabinet has sought to avoid the closure of libraries; this report is based on this premise.

On 27 March 2015, I wrote to groups interested in running one or more of the libraries informing them that the Council had decided to explore the development of community led libraries in each of the five communities. Expressions of Interest were sought, with the letter setting out what the Council intended to provide to run the libraries and the support which it intended to provide them in doing so.

Expressions of Interest were received by 18 May 2015. There was at least one for each of the proposed community library areas. There were two expressions of interest for Rhoose Library. Each group that had submitted an expression of interest was invited to submit detailed business cases. It was suggested that the two groups who had expressed an interest in Rhoose Library should work together.

Members will be aware that a claim for judicial review of a decision taken by the Cabinet on 9 March 2015, "for Rhoose library to become a community led library or to be closed in the absence of expression of interest and accepted business case" was received in June 2015. Four grounds of challenge were pursued as outlined in this report.

The hearing of the judicial review was held on the 13 and 14 October 2015, the judgment was handed down on 5 November 2015. The application for judicial review

was dismissed. As a result it was not possible to report to Cabinet on the viability of the business cases during the autumn as agreed, due to the scheduling of the hearing.

The Council is committed to supporting the groups identified who wish to run the communities libraries. To this end the Glamorgan Voluntary Service was commissioned to deliver training which took place on three dates in June 2015, two occasions in July and one session which took place in August 2015. Groups were provided with one to one group support to assist groups to become constituted as Charitable Incorporated Organisations and to make them aware of governance requirements and the responsibilities of trustees. The groups were put in touch with the Council's Principal Rural Regeneration Officer who visited groups to discuss funding opportunities. Officers also attended meetings with community groups and have provided additional information on request;

In order to assist community groups with the development of their business cases, officers indicated the level of support that the Council would provide should it decide to proceed with community libraries. This is set out in paragraph 13 of the report along with details of the funding to be provided by the Council as referred to in paragraph 17;

The business cases which were deemed viable by the Libraries Project group on 26 August 2015 are hyperlinked to the report and hardcopies have been made available in the Members room. I would ask Cabinet members having considered these to raise any points of concern, questions or any issues arising, which can form the basis of further debate or discussion. Can I take it that Members are content/satisfied with the information provided in the business cases.”

All Members agreed.

“Having considered the business cases as assessed, I would invite Members to go on to consider the analysis of the Council's ability to meet its duty under section 7 of the 1964 Act, which is to provide a comprehensive and efficient library service. This is highlighted in paragraph 19 of the report and in full detail in the analysis document found at Appendix B. Cabinet members must satisfy themselves that there is sufficient evidence before them so that they can be fully satisfied that the Council is able to meet its duty as outlined. Members will need to have regard to the salient points which I will go through in further detail in presenting this report to Cabinet. You should be fully satisfied that there is sufficient information before you enabling you to make the decisions as recommended in the report. Can I take it that Members are satisfied with the information before them.”

All Members agreed.

“The analysis in Appendix B and referred to in the report outlines the Council’s ability to meet its section 7 duty to provide a comprehensive and efficient library service and concludes that the duty can be met by providing the service from the four town libraries. Thus the 5 proposed community libraries are not required for the Council to fulfil its obligation to deliver the statutory service. Nevertheless, it is considered that if the community libraries are delivered on the basis of the terms of the agreements presently envisaged, those libraries will also fall within the scope of the statutory service. As such, the 5 proposed community libraries would enhance this service, provided that service delivery standards are good. Given the level of support the Council will be providing, it is anticipated that the performance of the community libraries can be maintained and improved in some instances. The libraries will be required to provide relevant data on performance for inclusion in the Council’s annual return to Welsh Government on performance against the Welsh Public Library Standards;

This is fully illustrated for members in the report at paragraphs 32 to 46 inclusive. Further, Members will note paragraphs 42 to 46 which provide a summary of the evidence of the analysis of the assessment of that duty as undertaken by Officers. Members are reminded of the precise duty under s.7(1) of the Act which is best described as follows:

Section 7(1) of Public Libraries and Museums Act 1964 places a duty on a Council to provide a comprehensive and efficient library service for those living and working in its area who wish to use it. Section 7(2) of the 1964 Act indicates what the section 7(1) duty can require in practice. Section 7 (2) says that in fulfilling the section 7(1) duty, the Council must have regard in particular to the “... desirability of

- a) *securing, by the keeping of adequate stocks, by arrangements with other library authorities, and by any other appropriate means, that facilities are available for the borrowing of, or reference to, books and other printed matter, and pictures, gramophone records, films and other materials, sufficient in number, range and quality to meet the general requirements and any special requirements both of adults and children; and*
- b) *of encouraging both adults and children to make full use of the library service, and of providing advice as to its use and of making available such bibliographical and other information as may be required by persons using it; and*
- c) *of securing, in relation to any matter concerning the functions both of the library authority as such and any other authority whose functions are exercisable within the library area, that there is full co-operation between the persons engaged in carrying out those functions.”*

Further, Cabinet will have had regard to the courts guidance in its approach in terms of how a Council should meet this duty, paragraphs 33 to 35 refer, and in particular...’the courts having held that a decision as to how to fulfil the duty under

section 7 requires the library authority to assess the needs which the library service should meet, so that it can form a rational view of whether the proposed service is comprehensive. Members are referred to the detail contained in paragraph 34 of the report which provides that the courts have also recognised that the question of what constitutes a comprehensive and efficient library service and the fact resource issues are a factor.

I would remind Members of the requirements regarding the standards which are relevant to the decision making in relation to this Council in ensuring that the s.7 duty is met. In this regard I would refer Members to paragraphs 36 to 39 of the report. The needs assessment can be found at Appendix D and draws on data collected by the service on demographics, usage and access. It informs the Equality Impact Assessment, at Appendix E1 and key to Members consideration is our assessment of whether the Council can continue to meet its obligation to provide a comprehensive and efficient library service through the 4 town libraries. I refer specifically to Appendix B. The evidence for this, Members will recall at paragraphs 42 to 46 of the report.

The needs assessment and the section 7 duty assessment I would submit to Cabinet demonstrates that the Vale of Glamorgan Council provides a comprehensive library service. The annual assessment report returned to the Council in response to the library standards return stated that the Council should be commended for meeting all the indicators which have targets, and being the only authority to do so. It also confirmed that the Vale of Glamorgan is the highest spender on library services in Wales.

The assessment in Appendix B concludes that the Vale of Glamorgan library service will continue to provide a comprehensive and efficient library service under the provision of 1964 Act and in accordance with Welsh Public Library Standards. These provisions can be met through the 4 town libraries alone with the 5 proposed community libraries contributing to an enhanced service.

The comprehensive and efficient service will be achieved by the continuation of good library services principles and practices, meeting all 18 core entitlements outlined in the Welsh Public Library Standards and working towards the 16 quality indicators. Up until now very few libraries have met all library standards but as in previous years, and in common with most authorities, the Council is expected to meet the average number of standards and to seek improvement where performance is weak.

The planned reduction in funding of £525,000 will result in funding for the library service remaining above the average funding in other local authorities in England and Wales. Performance projections show that the Council is likely to achieve the core entitlements and the majority of the standards by providing the service from the

town libraries. The service will be delivered within the reduced funding, resulting in improved service efficiency.

It should be noted that it is open to the Council of its own volition to support library services beyond the extent required to meet its section 7 duties. The Council has the power (under the well-being power in the Local Government Act 2000) to provide further support to communities for whom accessing a statutory library will be more difficult than accessing a library under the previous provision. This enables local authorities to do anything they consider is likely to promote or improve the economic, social or environmental well-being of their area and /or persons in it provided they are not restricted from doing so by other legislation. There is no express prohibition against a local authority supporting its communities to provide their own services. The proposals as outlined would mean that the Council would be able to meet its statutory obligations and provide further support to libraries within its local communities beyond those obligations. I would invite Members to confirm that they are in agreement with the information before it, in particular, the assessment in meeting this statutory duty.”

All Members agreed.

“Members need to have regard to the Legal Implications of making the decision recommended. Members should have regard to paragraphs 29 and 30, further, having due regard to these before reaching a decision (the full judgment is available on the hyperlink referred to in paragraph 31). Can I take it that Members have read and considered this information and have regard to the legal implications arising.”

All Members agreed.

“I remind Members of the Council’s duty to comply with the public sector equality duty as provided for by s.149 of the Equalities Act 2010 when reaching a decision on the proposals outlined in this report. What Members need to have regard to in being satisfied that this duty is being met is set out fully at paragraph 52. The detailed needs assessment undertaken informs the Equalities Impact Assessment and the s.7 duty on the basis of the proposals as outlined in relation to which the Members are being invited to make a decision. Paragraphs 48 to 51 explain what the s.149 duty is. I would ask that Members confirm that they have indeed had full regard to this.”

All Members agreed.

“We should remind ourselves that as decision makers we must analyse all the relevant material with the specific statutory consideration in mind. This includes considering whether the proposed decision is capable of having an adverse impact on persons who have any of the relevant protected characteristics. If it is,

consideration should be given to whether there are any steps that could be taken (by way of modification of the proposed decision) to avoid or mitigate that impact. If there are such steps, consideration must be given to whether or not to adopt any of them as part of the final decision. Cabinet will note that this has been addressed in the relevant material before it, and in particular any adverse impact on persons who have the relevant protected characteristics as identified is mitigated against. Cabinet should confirm whether having considered all of this information as outlined in paragraph 59, that there are no further measures which could be identified.”

All Members agreed.

“In addition and pivotal in reaching our decision on the establishment of community libraries, Members must satisfy themselves:

(a) that Cabinet appreciate the proposed decisions are capable of adversely affecting persons who have any protected characteristic being satisfied that we have sufficient information before us to reach a decision on this, one way or the other);

and

(b) that we have conscientiously and rigorously addressed whether there are steps that could be taken to remove or mitigate any such disadvantages identified for particular equality groups. Members should then consider whether or not to modify the proposed decision to incorporate such steps (if there are any). In addition, members should scrutinise the decision against the other public sector equality duty criteria (for example advancing the equality of opportunity, and fostering good relations). Here too if the proposed decision provides the opportunity to serve either of these objectives (in its proposed form, or if any modification were made to it), should too be considered.

All of the evidence for this is set out in Appendix Ei which was informed by the Consultation which was undertaken, and which Members are aware, and which is described at paragraph 55 of the report. The summary of the possible adverse impacts and how these might be avoided is set out in Appendix Eii. The salient points are summarised in the report and are contained in the table provided at paragraph 59 of the report which is a summary of the key information to remind Members of that what is contained in Appendix Eii.

Members will be aware of and will note that...’the obligation under section 149 of the Equality Act will continue to be addressed in the course of the process of determining the terms of any legal agreement for the provision of a community library, and will be considered further taking account of the details of such terms as the Council is able to agree in each case. It is envisaged that the community libraries will develop to offer supplementary services which are specifically tailored to the needs of the local community, this is very much central to the vision set out by the community groups in their business cases’. This demonstrates that this Council has had I would submit due regard to the duty, based on a full investigation undertaken

by Officers as outlined, it being fully recognised by Cabinet members that this is an on-going duty.

A good example of how Officers have approached the task of meeting this duty to date is referred to in the report, and I quote ..... 'Given that services would be maintained and even enhanced by the community libraries it is not expected that the establishment of community libraries will ultimately adversely affect the persons in any of the protected groups. It is possible that the particular model of community library proposed could have a positive impact on certain protected groups, dependent on the type and success of supplementary services introduced. For example, the St Athan group is looking to develop additional services and activities for elements of the community not currently provided for, such as a networking group for people who work from home, informal interest groups to bring forces families which are based at Athan together with the local community and a teenager hangout and activities resource. These interest groups have the potential to positively affect people from all of the protected groups. A number of other examples are set out in the Equality Impact Assessment (EIA) in Appendix Ei. These are matters which as I have reminded Members is summarised in the table at paragraph 59. I would conclude by saying that this Council is fully committed to working in partnership to ensure on-going sustainability in respect of all of the libraries concerned.

I would invite Members to confirm that they are satisfied that the report and recommendations fully address the Council's duty under s.7 and the equality duties. Members should confirm that from the perspective of the equality impact assessment undertaken that there is sufficient justification to proceed on the basis of this information, and that the measures proposed to mitigate any adverse impact have been appropriately addressed so that Cabinet are fully satisfied that they can proceed as recommended."

All Members agreed.

The Deputy Leader returned to the email that had been received from Mr Clifford Darlington which was tabled at the meeting. He asked officers present if all the points raised by Mr Darlington had been addressed.

The Head of Strategy, Community Learning & Resources confirmed that the issues raised in the email from Mr Darlington related to the consultation carried out for the libraries service and she confirmed that Cabinet had received a report on the outcome of that consultation on the 9 March, 2015 and as a result had decided to seek expressions of interest to run community libraries.

The Leader of the Council thanked his colleague for his comprehensive presentation on the salient points of the report. He also thanked officers for all their hard work in producing the detailed and important report.

The Leader invited Cabinet Members to ask any further outstanding questions they may have on the report. He started by asking the following question;

Paragraph 16 of the report referred to assessment of the business cases, what process was used to assess them?

The Head of Strategy, Community Learning & Resources responded as follows;

'As it states in the report, officers from across the authority carried out an assessment of the business cases. They were each risk assessed against agreed criteria and were rated as high, medium or low risk. Where risks were identified in particular business cases, the community groups were contacted and asked to address those risks or to provide clarification of certain issues. One of the business cases was under developed and support was commissioned to assist the community group to develop a viable business case. Revised business cases were submitted and these were further assessed to ensure that the identified risks had been addressed.'

The Cabinet Member for Regeneration highlighted Paragraph 12 of the report, explaining that she was keen that communities accessed Section 106 funding to enhance facilities. She asked the following question.

To what extent have the community library groups recognised this potential source of funding?

The Head of Strategy, Community Learning & Resources responded as follows;

'There is reference to Section 106 funding in the business cases, some community groups were in a position to pursue this source of funding, for example the Wenvoe group had worked with the Community Council to submit a bid for the replacement of library facilities from community facilities s.106 funding. Officers from the Council were supportive of the approach. It was recognised that for some groups this would be a new area for them, and they would need support to access that funding.'

The Cabinet Member for Housing, Building Maintenance and Community Safety, asked the following question;

What would happen to the libraries if the Council was not able to get a legal agreement in place by April 1st?

The Head of Strategy, Community Learning & Resources responded as follows;

'It is acknowledged that there had been a delay in bringing the report back to Cabinet and the Directorate would be hard pushed to meet the 1st April deadline. I think we should still aim to do that although what I would recommend is that a date by which they must be agreed is noted in the recommendations.'

The Leader acknowledging that there were some groups who were anxious to proceed, but recognised that others needed further time. The Deputy Leader commented that he was going to address this in the recommendations.

The Cabinet Member for Visible and Leisure Services asked the following question;

It is proposed that funding to address the condition of the libraries at Dinas Powys, Sully and Rhoose is transferred to the groups so that they can use it to attract grant funding. What measures would be taken to ensure that the funding was used appropriately?

The Head of Strategy, Community Learning & Resources responded as follows;

'The report referred to the legal agreement and the fact that this would cover the use of the funding to address the building conditions. We would not expect community groups to come back in future years for funding for the buildings by providing the additional funding now we would expect this to be addressed already. Two of the groups; Sully and Dinas Powys had requested the funding up front so that it could be used as match funding for grants thereby increasing the amount of investment in the buildings. Rhoose had not requested this but it was an option which could be provided, alternatively the Council could undertake the work required to the library instead. This would be subject to negotiation and would form part of the legal agreement.'

The Cabinet Member for Children's Service and Schools asked the following question;

What would happen if a community library could not be sustained in the future?  
Would the Council offer further financial support?

The Head of Strategy, Community Learning & Resources responded as follows;

'The Council would provide the one-off set-up funding requested as well as on-going support in the form of professional librarians who would be based at each library for 50% of the opening hours, professional support from each of the town libraries and book stock. The Council will not be able to provide additional funding in terms of financial support in the future, this would not be available, however, the groups

would have the opportunity to apply for grant funding, and the Council would make them aware of grant funding opportunities but there would be no additional grant from the Council on top of the support already provided.'

The Leader then made reference to the following paragraphs, and highlighted the specific points contained therein.

He made reference to paragraph 2 of the report, outlining that the aim of the strategy was for the Council to continue to provide a comprehensive library service to all residents, whilst also ensuring that it was more relevant, efficient and sustainable. The strategy sought to strike a balance between helping the library service to reduce costs and help it to evolve and remain a vibrant community resource. He further commented that Cabinet had sought to avoid the closure of libraries and the report was based on this premise.

He highlighted paragraph 19 of the report which addressed the need of the Council to meet its Section 7 duty of the 1964 act that was attached at Appendix B to the report 'that placed a duty on the Council to provide a comprehensive and efficient library service'

He made reference to paragraph 28 of the report by explaining that the establishment of community libraries would enable the library service to be sustained within reduced funding levels.

He commented that paragraphs 29 – 31 of the report covered the legal implications which included a short summary of the judgment only. The full judgment of the Judicial Review was available at:

<http://www.bailii.org/ew/cases/EWHC/Admin/2015/3194.rtf>.

Further he made reference to paragraph 34 of the report by highlighting that it was lawful for the Council to make an overall budget decision and consider how best to structure its library service provision in light of the available funding.

The Leader made reference to Paragraph 41 of the report that highlighted the detailed needs assessment that was attached at Appendix D to the report explaining that it had been prepared by the library service drawing on data collected by the service on demographics, usage and access. He explained that this informed the Equality Impact Assessment attached at Appendix E1 to the report, as well as an assessment attached at Appendix B to the report of whether the Council could continue to meet its obligation to provide a comprehensive and efficient library service through the 4 town libraries.

He further commented that the assessment in Appendix B concluded that the Vale of Glamorgan library service would continue to provide a comprehensive and efficient

library service under the provision of the Public Libraries and Museums Act (1964) and in accordance with Welsh Public Library Standards. These provisions could be met through the 4 town libraries alone with the 5 proposed community libraries contributing to an enhanced service.

The Leader highlighted paragraph 48 of the report explaining that the Council must comply with the public sector equality duty (section 149 of the Equality Act 2010) when coming to a decision on the proposal to establish community libraries and that Members had given regard to any equal opportunities implications.

Finally the Leader reminded Members that in reaching their decision on the establishment of community libraries, Cabinet Members must satisfy themselves:

(a) that they understand the proposed decisions were capable of adversely affecting persons who had any protected characteristic (and had sufficient information before them to reach a decision on this, one way or the other); and

(b) that they had conscientiously and rigorously addressed whether there were steps that could be taken to remove or mitigate any such disadvantages identified for particular equality groups. Cabinet Members should then consider whether or not to modify the proposed decision to incorporate such steps (if there are any). In addition, Cabinet Members should scrutinise the decision against the other public sector equality duty criteria (i.e. advancing equality of opportunity, and fostering good relations). Here too if the proposed decision provided the opportunity to serve either of these objectives (in its proposed form, or if any modification were made to it), this too should be considered.

The Leader explained that although the Council would work in partnership with community groups to ensure the on-going sustainability of each library it should be recognised that due to a variety of reasons it was possible that a library could fail in the future resulting in its closure. Should any of the 5 libraries proposed as community libraries close in the future, that would be capable of having an adverse impact on certain protected groups. The potential for adverse impacts as a result of establishing community libraries on groups with protected characteristics and proposed mitigating actions to address them should they arise were set out in the summary of the Equality Impact Assessment in Appendix Eii attached to the report.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T having regard to the content of the report, the appendices to the report and the content of the Business Cases submitted by the community groups, the establishment of community libraries at Dinas Powys, Sully, Wenvoe, St Athan and Rhoose by no later than 31 May, 2016 be agreed.
- (2) T H A T following resolution 1 above, delegated authority be granted to the Head of Legal Services in consultation with the Director of Learning and Skills and the Leader of the Council, (a) to enter into legal agreements for the running of each library; (b) to enter into lease agreements and (c) to agree the transfer of assets where applicable.
- (3) T H A T subject to the establishment of legal agreements for running each library, the transfer of up to £97,310 be approved to the community groups to cover set up costs and building maintenance and development, from the Library Fund at such date each group/organisation was constituted and a legal agreement was in place.
- (4) T H A T in the event a legal agreement could not be reached with one or more of the community groups a further report about the future of the library in question be presented to Cabinet together with an updated Equality Impact Assessment addressing the future of the library in question which should include the option of closure.
- (5) T H A T a copy of the report be sent to all elected Members, Clerks of Town and Community Councils, Members of the Voluntary Sector Joint Liaison Committee, Community Liaison Committee and the Local Service Board for their information and in order to provide an update on the establishment of community libraries.
- (6) T H A T a progress report be presented to Cabinet once the community libraries had been in operation for a year.

#### Reasons for decisions

- (1) To ensure the library service could be sustained through engaging communities in running their local library and that financial savings targets were met.
- (2) To enable service standards expected from each community group, and the conditions in relation to the use of funding and the support to be provided by the Council, to be clearly set out and formally agreed by all concerned; and to enable the transfer of library buildings to the community groups.

- (3) To ensure the on-going viability of the community libraries and to encourage the maximisation of investment in community library buildings and facilities.
- (4) To enable Cabinet to reach a decision about the future of the library in question.
- (5) To provide the committees, groups and the Local Service Board with information on the progress made with reshaping the library service through the establishment of community libraries.
- (6) To ensure Cabinet was kept informed of the progress made by the community libraries.

**C3066 CAPITAL MONITORING REPORT FOR THE PERIOD 1ST APRIL TO 31ST DECEMBER 2015 (L) (SCRUTINY COMMITTEES – ALL) –**

Cabinet was advised of the progress on the 2015/16 Capital Programme for the period 1 April, 2015 to 31 December, 2015 and changes to the capital programme were requested.

On 16 November, 2016 Cabinet approved the Amended Capital Programme for 2015/16 (minute no C2974 refers).

Appendix 1 as attached to the report detailed financial progress on the Capital Programme as at 31 December, 2015. For all schemes where it was evident that the full year's budget would not be spent during the year, the relevant officers were required to provide an explanation for the shortfall and this would be taken to the earliest available Cabinet. Appendix 2 as attached to the report provided non-financial information on capital construction schemes with a budget of over £100k.

Cabinet had previously agreed that further information would be provided where schemes had a value of over £500k and showed a variance of 20% or more between actual spend and the profile. The following schemes met this criteria as amendments to programming/sequencing of works had resulted in actual expenditure that was less than the initial spend profile: Penarth Learning Community, Llantwit Learning Community; and more than the initial spend profile for Modular Building Resiting Ysgol Dewi Sant. The budgets for these schemes were being re-profiled for the remainder of the year and changes would be reported as part of the ongoing capital monitoring process.

At the meeting the Cabinet Member for Visible and Leisure Services commented that it was good news to hear that funding for the Boverton Flooding scheme would be carried into the 2016/17 Capital Programme. He further commented that he was pleased that the Gileston to Oldmill scheme as outlined in Paragraph 16 of the report

was completed and that since completion there had been no further flooding at the site despite the recent inclement weather. It was also noted that the scheme at Gileston had been delivered under budget.

He also highlighted paragraph 18 of the report with regard to the 3G pitch at Jenner Park, explaining that it was only one of two pitches that was operational during the last weekend of bad weather and this was testament to how well the pitch was planned and installed by the Council.

The Cabinet Member for Regeneration made reference to Paragraph 23 of the report, the lighting scheme for the Zig-Zag path in Penarth, by commenting that delays to the design had been due to wildlife concerns, but she was pleased that implementation would be undertaken during 2017.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED – T H A T the following changes to the Capital Programme be approved:

- Gwenfo Primary Expansion - The carry forward of £60k into the 2016/17 Capital Programme.
- Penarth Library Damp Proofing and Lift Works - The carry forward of £60k into the 2016/17 Capital Programme.
- Llanfair Demountable - To vire £25k from the Sandstone Repairs scheme to the Llanfair Demountable scheme.
- Romilly Demountable - To vire £5k from the Sandstone Repairs scheme to the Romilly Demountable scheme.
- ICT Infrastructure - The carry forward of £400k into the 2016/17 Capital Programme.
- Hen Goleg Works - The carry forward of £221k into the 2016/17 Capital Programme.
- Cartref Porthceri Electrical Upgrade/ Southway Electrical Upgrade - To vire £23k from the Residential Homes Call and Assistance Systems scheme to the Cartref Porthceri Electrical Upgrade scheme, and £38k from the Social Services Lift Refurbishments scheme and £6k from Residential Homes Call and Assistance Systems scheme to the Southway Electrical Upgrade scheme.

- Boverton Flooding - The carry forward of £130k into the 2016/17 Capital Programme.
- Cross Common Bridge - The carry forward of £500k into the 2016/17 Capital Programme.
- Llanmaes Flood Management Scheme - The carry forward of £972k into the 2016/17 Capital Programme.
- Ashpath Footpath Improvements - The carry forward of £86k into the 2016/17 Capital Programme.
- Jenner Park and Colcot Pitches - The carry forward of £337k into the 2016/17 Capital Programme.
- St Paul's Church - The carry forward of £233k into the 2016/17 Capital Programme.
- Housing Improvement Programme - The carry forward of £825k for Common Parts, £775k for WHQS Environmental Improvements and £1,178k for Regeneration into the 2016/17 Capital Programme.
- Barry Regeneration Partnership Scheme - The reprofile of projects as set out within the report, paragraph 21.
- Cogan Hall Farm - Dinas Powys to Cosmeston Cycleway Link - The carry forward of £150k into the 2016/17 Capital Programme.
- Lighting Scheme for Zig Zag Path - The carry forward of £70k into the 2016/17 Capital Programme.
- Tackling Poverty - The carry forward of £10k into the 2016/17 Capital Programme.
- High Street Broad Street Traffic Management - The carry forward of £268k into the 2016/17 Capital Programme.
- Marketing & Disposal of the Innovation Quarter - The carry forward of £19k into the 2016/17 Capital Programme.
- Court Road Depot - Survey, feasibility and Infrastructure - The carry forward of £347k into the 2016/17 Capital Programme.
- Dock Offices External Repairs - The carry forward of £40k into the 2016/17 Capital Programme.
- Dock Offices - Mechanical & Electrical - The carry forward of £200k into the 2016/17 Capital Programme.

#### Reason for decision

To allow schemes to proceed in the current or future financial years.

**C3067 REVENUE MONITORING FOR THE PERIOD 1ST APRIL TO 31ST DECEMBER 2015 (L) (SCRUTINY COMMITTEES – ALL) –**

Cabinet was advised of the progress related to revenue expenditure for the period 1 April to 31 December, 2015.

On 16 November 2015, Cabinet approved the Amended Revenue and Housing Revenue Account Budgets for 2015/16 (minute no C2975 and C2976 refers respectively).

The forecast for the 2015/16 revenue budget was for a favourable variance of £492k as shown in the following table. The Housing Revenue Account (HRA) budget for 2015/16 was also forecast to outturn on target.

<b>Directorate/Service</b>	<b>2015/16 Amended Budget</b>	<b>2015/16 Projected Outturn</b>	<b>Variance (+) Fav (-)</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Adv</b>			
<b>Learning and Skills</b>			
Education and Schools	92,524	92,524	0
Libraries	2,311	2,311	0
Adult Community Learning	263	263	0
Youth Service	1,030	1,030	0
Catering	1,788	1,788	0
Arts Development	150	150	0
<b>Social Services</b>			
Children and Young People	14,540	14,090	+450
Adult Services	37,579	38,129	-550
Business Management & Innovation	304	304	0
Youth Offending Service	679	679	0
<b>Environment &amp; Housing</b>			

Visible Services	21,707	21,707	0
Transportation	5,178	5,178	0
Building Services	0	0	0
Regulatory Services	2,107	2,107	0
Council Fund Housing	1,116	1,116	0
Public Sector Housing (HRA)	1,265	1,265	0
<b>Managing Director &amp; Resources</b>			
Resources	558	558	0
Regeneration	2,562	2,562	0
Development Management	1,063	1,063	0
Private Housing	11,308	11,308	0
General Policy	18,088	17,496	+592
<b>Total</b>	<b>216,120</b>	<b>215,628</b>	<b>+492</b>
Met from General Reserve	-2,500	-2,500	0
<b>Grand Total</b>	<b>213,620</b>	<b>213,128</b>	<b>+492</b>

**Learning and Skills** - There were significant pressures within the Inclusion Service in relation to inter authority recoupment, however, it was now anticipated that the Learning and Skills Directorate could outturn within budget at year end.

**Social Services** - The current forecast for Social Services Directorate at year end was an overspend of £100k. This was an improved position from the £300k overspend reported last month.

**Environment and Housing** - It was currently projected that the outturn for the Environment and Housing department at year end would be within target.

**Managing Director and Resources** - It was currently projected that overall services for the Managing Director and Resources department would outturn with a favourable variance of £592k at year end.

At the meeting the Cabinet Member for Regeneration highlighted that costs within the Countryside division were below budget as filming income at Country Parks was higher than anticipated and that staff costs were lower due to the recent reorganisation of the department. She further commented that income for Building

Control was high and commented about the high standard of development within the Vale of Glamorgan which was overseen by the Council's Building Control Team.

The Cabinet Member concluded by explaining that the Council's Employment Training Team had turned around the service from a deficit to become one of the best performing in Wales and the South West Area.

The Cabinet Member for Adult Services commented that the Social Services department was still facing significant cost pressures, he further explained that there was continuing demand for community care services, particularly for frail older clients and that there was continued pressure on this area of the service to manage demand, not only to avoid a further increase in the overspend, but also to reduce the overspend.

At the meeting the Leader commented that there was still a lot of work to do to reduce budget pressures and that this work was ongoing.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED – T H A T the position with regard to the Authority's 2015/16 Revenue Budget be noted.

Reason for decision

To note the projected revenue outturn for 2015/16.

**C3068 NATIONAL LIVING WAGE/EMPLOYEE PAY POLICY 2016/17 (L)  
(SCRUTINY COMMITTEE – CORPORATE RESOURCES) –**

Approval was sought for interim changes to the National Joint Council (NJC) Pay Scale in light of the implementation of the National Living Wage from 1 April, 2016 and the Council's Pay Policy for 2016/17 prior to its submission to Council for consideration and approval.

On 1 April, 2016 the National Living Wage was going to be introduced at a rate of £7.20 per hour which would mean that the current bottom three pay points on the 'Green Book' pay spine would be below the statutory minimum level. The incorporation of the new National Living Wage as part of the NJC pay spine was subject to discussion between the National Employers and Unions and as part of the 2016 pay negotiations. The indications were however, that an agreement would not be reached prior to the end of the current financial year. The advice from the

National Employers was therefore to begin making preparations for employees to have their pay increased in accordance with the National Living Wage. A copy of such advice was attached at Appendix B to the report. A copy of the existing NJC pay-spine and the effect of the proposed interim measures was set out in Appendix C as attached to the report.

The Council also had a statutory requirement under the Localism Act 2011 to prepare a pay policy statement for the new financial year 2016/17. The statement needed to be approved and published by 31 March, 2016. The Pay Policy Statement for 2016/17 had been produced on the basis of statutory guidance, advice from the Welsh Local Government Association and guidance from Welsh Government. It had also been drafted on the basis of the imminent statutory requirements of the National Living Wage from 1 April, 2016 and in anticipation of the interim arrangements as set out in paragraphs 10 to 15 of the report being approved.

At the meeting the Leader highlighted that there was a small typographical error at paragraph 4.3 of the Pay Policy Statement attached at Appendix A to the report, the figure of £13,981 should have read £13,891.

This was a matter for Executive and Council decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the interim changes to spinal column points 6, 7 and 8 of the National Joint Council (NJC) 'Green Book' pay spine as from 1 April, 2016, in the absence of the outcome of the current NJC Pay Negotiations as set out in paragraphs 10 to 15 of the report, be approved.
- (2) T H A T the required changes to the Council's Pay Policy for 2016/17 as set out in the report (including those anticipated as a result of the approval of resolution 1 above) and as incorporated in the revised statement attached at Appendix A to the report, be noted.
- (3) T H A T the Pay Policy be endorsed and referred to the Scrutiny Committee (Corporate Resources) for consideration on 9 February, 2016 and for final consideration and approval by Council on the 2 March, 2016.

#### Reasons for decisions

- (1) To accommodate those changes required as a result of the implementation of the UK National Living Wage as from 1 April, 2016.

- (2) To respond to the legal requirement under the Standing Orders (Wales) Amendment Regulations 2014, the Local Government (Wales) Act 2015 and related advice from Welsh Government.
- (3) To respond to the legal requirement under the Localism Act and to provide openness and accountability in how the Council rewards its staff.

**C3069 LOCAL GOVERNMENT (WALES) BILL DRAFT FOR CONSULTATION – PROPOSED COUNCIL RESPONSE (L) (SCRUTINY COMMITTEE – CORPORATE RESOURCES) –**

Approval was sought for the proposed response by the Council to Welsh Government's Local Government (Wales) Bill consultation draft.

Welsh Government had published a consultation document, the Draft Local Government (Wales) Bill, which set out the intended programme for previously announced Council mergers and a legislative framework for local authority democracy, accountability, performance and elements of finance. The Draft Bill built on the previous White Paper "Reforming Local Government: Power to Local People" (February 2015), to which the Council responded in April 2015. Responses to the Draft Bill currently out for consultation were required by 15 February, 2016.

The Council's proposed response to the Draft Bill was contained in Appendix A as attached to the report. In summary, there was much that the Council agreed with in these provisions; however the report considered that a common trend was a tendency for huge over-prescription, so that Councils would be directed in a great many activities. For example, the need to respond formally to "improvement requests" from any community body, the requirement to establish community area committees, the details of how peer performance reviews should be carried out, the requirement to broadcast all meetings, prescription on the participation of children and young people and prescription on the performance of Elected Members.

The report considered that such over prescription could be a result of Welsh Government fears that not all Councils were equipped to deliver the necessary changes without detailed regulation; if that was the case, then the best performing Councils such as the Vale of Glamorgan would be unfairly penalised by being caught in the same net. As such the report recommended a more flexible approach.

At the meeting the Leader requested changes be made to Appendix A attached to the report, to the effect that 1.2 to 1.4 reflects the Council's position on local government reorganisation as outlined in the response provided at 1.1 of Appendix A.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T paragraphs 1.2 to 1.4 of Appendix A to the report be amended to reflect the Council's position on local government reorganisation as outlined in paragraph 1.1 of Appendix A.
- (2) T H A T the proposed response to Welsh Government's Local Government (Wales) Bill consultation attached at Appendix A to the report, amended in line with resolution 1 above, be approved.
- (3) T H A T the use of Article 14.14 of the Council's constitution (urgent decision procedure) be authorised to submit the response to Welsh Government by 15 February.

Reasons for decisions

- (1-2) To make Welsh Government aware of the Council's views.
- (3) To ensure that the response is submitted by the due deadline.

**C3070 VALE OF GLAMORGAN COUNCIL ANNUAL SELF-ASSESSMENT (L) (SCRUTINY COMMITTEES – ALL) –**

Cabinet was provided with a strategic self-assessment of the Council's performance for the period 2015 -2016 that identified strengths, achievements, key challenges and areas for improvement.

Self-assessments formed a core part of the statutory local government inspection processes in Wales. Under the Local Government (Wales) Measure 2009, the Council was required to undertake a self-evaluation of all its services and use this information to inform planning for improvement. The Vale of Glamorgan Annual Self-Assessment was a position statement on the Council's performance over the past year in delivering its priorities. It provided an honest and balanced account of the Council's achievements and identified strengths, areas where further progress was required and the challenges that existed to address in the future. The information contained in the report would inform the Council's Service Plans for 2016/2017.

The Self-Assessment Report attached at Appendix 1 to the report demonstrated a refinement in the way annual performance was assessed. The report moved away

from a focus solely on service performance to one that incorporated aspects of governance, resource management and collaborative working for the Council as a whole.

The report was based on the key themes of the Wales Audit Office's (WAO) Annual Improvement Report: Performance Management, Governance, Resource Management and Collaboration and Partnerships. The report presented the strengths and areas for improvement relative to each of these themes and drew on an internal assessment of performance data, the Council's Annual Governance Statement, Internal Audit reports, the Annual Improvement Report issued by the WAO, reports by other external regulators and service based information. It also outlined the arrangements that were in place (the processes, systems, governance and policies) to support and identify any improvements in how the Council worked and delivered services

At the meeting the Managing Director confirmed that the self-assessment reflected a change in how the Council reviewed its performance. He commented that the Council's Self-Assessment report demonstrated a refinement in the way annual performance was assessed. The report moved away from a focus solely on service performance to one that incorporated aspects of governance, resource management and collaborative working for the Council as a whole.

He further commented that the Council's self-assessment process would continue to evolve and work was already underway to ensure it dovetailed with other forms of self-assessment in line with the wider Local Government agenda as proposed in the recent draft Local Government (Wales) Bill and the Wellbeing of Future Generations Act.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the Council's Annual Self-Assessment Report attached at Appendix 1 to the report, including identified areas for improvement for 2016/17 onwards, be approved.
- (2) T H A T the use and contents of the Self-Assessment Report to be used as the basis for service planning for 2016/17 be endorsed.
- (3) T H A T the report be referred to all Scrutiny Committees for their consideration as part of the 2016/17 service planning process.

### Reasons for decisions

- (1) To meet the requirements of the Local Government (Wales) Measure 2009 to undertake a self-assessment of all Council services and use the information as the basis to drive improvement.
- (2) To ensure the Council identified and took appropriate action to address its improvement priorities.
- (3) To ensure that relevant Scrutiny Committees confirmed that the issues identified within the Self-Assessment were a fair reflection of the challenges facing both the Council as a whole and individual Service Directorates and that the information contained in the report was appropriate to inform service planning for 2016/17 onwards.

### **C3071 REVIEW OF THE CORPORATE RISK MANAGEMENT STRATEGY (L) (AUDIT COMMITTEE) –**

Approval was sought of the revised Risk Management Strategy attached at Appendix B to the report and the associated Risk Management Guide attached at Appendix C to the report.

The Council's Risk Management Strategy set out the way in which the Council managed risk, that provided a framework for identifying, recording, assessing, managing, monitoring and reviewing risks. The strategy could be applied to corporate risks (that were cross-cutting and longer term in nature), service risks (service specific/day to day risks) as well as project management risks (associated with project delivery).

It was considered good practice to regularly review and update the Council's Risk Management strategy to ensure that it strengthened the Council's approach to risk management. The Strategy was last reviewed in April 2013.

In addition to the review of the Risk Management Strategy, a Risk Management Guide had also been produced that provided an overview of the strategy that could be used by elected Members and all officers to gain a greater knowledge and awareness of Risk Management. It was proposed that the risk guide be placed on StaffNet and publicised via the Core Brief (for all staff and Members) and Departmental Management Team Meetings, as well as being used to inform the service planning process.

At the meeting the Managing Director commented that the Corporate Risk Management Strategy attached at Appendix B to the report would be made available

on the Council's staff net and published in the Council's Core Brief and would be discussed at departmental meetings.

This was a matter for Executive decision

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the revised Risk Management Strategy attached at Appendix B to the report and the associated guide attached at Appendix C to the report be endorsed.
- (3) T H A T the report be forwarded to Members of the Audit Committee and the Scrutiny Committee (Corporate Resources) for information.

Reasons for decisions

- (1) To make Members aware of the changes to the Risk Management Strategy and the associated guide.
- (2) To ensure that a robust Risk Management Strategy was in place to effectively identify, manage and monitor risks.
- (3) To ensure that Members of the Audit Committee and Scrutiny Committee (Corporate Resources) were aware of the changes made to the Council's Risk Management Strategy.