

CABINET

Minutes of a meeting held on 14 March, 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 N. Hodges.

C3105 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 7 March, 2016 be approved as a correct record.

C3106 DECLARATIONS OF INTEREST –

The following declarations of interest were received:

Councillor L. Burnett	<p>Agenda Item No 7 - Capital Monitoring Report for the period 1st April 2015 to 31st January 2016</p> <p>Reason for Declaration –</p> <p>A Local Education Authority (LEA) appointed Governor at St. Cyres school. As an LEA Governor, her personal interest did not equate to a prejudicial interest and therefore she was able to speak and vote on the matter.</p>
Councillor G. John	<p>Agenda Item No 7 - Capital Monitoring Report for the period 1st April 2015 to 31st January 2016</p> <p>Reason for Declaration –</p> <p>A Local Education Authority (LEA) appointed Governor at Llantwit Major Comprehensive. As an LEA Governor, his personal interest did not equate</p>

	to a prejudicial interest and therefore he was able to speak and vote on the matter.
Councillor C.P.J. Elmore	<p>Agenda Item No 7 - Capital Monitoring Report for the period 1st April 2015 to 31st January 2016</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>

C3107 APPOINTMENT OF LOCAL AUTHORITY GOVERNORS ADVISORY PANEL -

The minutes of the Local Authority Governor's Advisory Panel meeting held on 7 March, 2016 were submitted.

Present: Councillor C.P.J. Elmore (Chairman); Councillors P.J. Clarke, C.P. Franks, T.H. Jarvie and Mrs. M.R. Wilkinson.

Also present: Councillor A.G. Powell (substituting for Councillor F.T. Johnson).

(a) Apologies for Absence –

These were received from Councillor F.T. Johnson and Mrs. M. Gibbs (Vale Governors Association).

(b) Declarations of Interest –

Councillor A.G. Powell declared that he was a Governor of Bryn Hafren Comprehensive School.

(c) Guidance Regarding Appointment Process –

The Senior Governance Support Officer outlined the procedure and advised of the requirement for all Applicants to attach a completed skills register to the application.

A full list of current Local Authority Governor vacancies was attached at Appendix 1 to the report. Members were further advised that an advert had been distributed to all Elected Members, all Vale schools and Members of the Vale Governors Association Management Committee in accordance with the Council's policy. All applications that had been received prior to the closing date of midday on Monday, 22nd February, 2016 were attached for consideration.

RECOMMENDED – T H A T the guidance in respect of the appointment process be noted.

(d) Exclusion of Press and Public –

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

(e) Applications for Appointment for Current Local Authority Governors' Vacancies (Exempt Information – Paragraph 12) –

Having fully considered the criteria for the appointment of Local Authority Governors, the application forms and the skills registers submitted, it was subsequently

RECOMMENDED to Cabinet – T H A T the following appointments be made for the schools as set out below:

School	No. of Vacancies	Appointment
Barry Island Primary	1	Officers to offer Ms. J.A. Parkes the position of LA Governor at Barry Island Primary School. Mr. C. Adams to be offered the position if Ms. J.A. Parkes declines the position.
Bryn Hafren Comprehensive	1	Mr. G.G. Powell
Palmerston Primary School	1	Ms. F. Wright
Stanwell School	1	Mr. C. Adams

Sully Primary School	1	Officers to offer Ms. J.A. Parkes the position of LA Governor at Sully Primary School. Mr. C. Adams to be offered the position if Ms. J.A. Parkes declines the position.
Ysgol Gymraeg Bro Morgannwg	5	Mr. G. Evans Mr. R. Evans Mr. D.L. Griffith Mr. H. Llewlyn Morgan Councillor S.T. Wiliam
Ysgol Dewi Sant	1	Mr. M.A. Mason
Ysgol Sant Baruc	3	Councillor N.P. Hodges Mrs. S.A. Hodges Ms. M. Rhys

Reason for decision

To allow Cabinet to consider and agree appointments to the above schools' Government Bodies and for officers to contact two applicants as outlined above with the aim to informing Cabinet accordingly.

NB: Councillor A.G. Powell vacated the room when the appointment for Bryn Hafren Comprehensive School was considered.



RESOLVED – T H A T the following appointments be made for the schools as set out below:

School	No. of Vacancies	Appointment
Barry Island Primary	1	Officers to offer Ms. J.A. Parkes the position of LA Governor at Barry Island Primary School. Mr. C. Adams to be offered the position if Ms. J.A. Parkes declines the position.

Bryn Hafren Comprehensive	1	Mr. G.G. Powell
Palmerston Primary School	1	Ms. F. Wright
Stanwell School	1	Mr. C. Adams
Sully Primary School	1	Officers to offer Ms. J.A. Parkes the position of LA Governor at Sully Primary School. Mr. C. Adams to be offered the position if Ms. J.A. Parkes declines the position.
Ysgol Gymraeg Bro Morgannwg	5	Mr. G. Evans Mr. R. Evans Mr. D.L. Griffith Mr. H. Llewlyn Morgan Councillor S.T. Wiliam
Ysgol Dewi Sant	1	Mr. M.A. Mason
Ysgol Sant Baruc	3	Councillor N.P. Hodges Mrs. S.A. Hodges Ms. M. Rhys

Reason for decision

To consider and agree appointments to the above schools' Government Bodies and for officers to contact the two applicants as outlined above.

C3108 ANNUAL AUDIT LETTER 2014/15 (REF) -

The Audit Committee on 22 February, 2016 considered the above report of the Managing Director.

Committee was presented with the Annual Audit Letter for the 2014/15 Financial Year.

The Appointed Auditor is required under the Public Audit (Wales) Act 2004 to:

- provide an audit opinion on the accounting statements
- review the Council's arrangements to secure economy, efficiency and effectiveness in its use of resources
- issue a certificate confirming that the Appointed Auditor has completed the audit of the accounts.

A copy of the Annual Audit Letter 2014/15 was attached at Appendix A to the report and summarised the key issues arising from the work the external auditors had carried out during 2014/15.

In relation to the Statement of Accounts, the Appointed Auditor issued an unqualified audit opinion on the accounting statements confirming that they presented a true and fair view of the Council's financial position and transactions.

Overall, the Appointed Auditor was satisfied that the Council had appropriate arrangements in place to secure economy, efficiency and effectiveness in the use of its resources.

The work undertaken on grant claims had not identified any significant issues that would impact on the key financial systems.

The Appointed Auditor issued a certificate confirming that the audit of the accounts had been completed on 30th September, 2015.

Having considered the report, it was

RESOLVED – T H A T the External Annual Audit Letter be endorsed and referred to Cabinet for approval.

Reason for decision

To facilitate monitoring of the Audit Functions.

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After presenting this item, the Leader highlighted Paragraph 4 of the report in relation to the Audit letter that was attached to the reference, which stated that: "The letter is designed to communicate their key messages and conclusions to the Council and external stakeholders, including members of the public." He also highlighted page 2 of the letter from the External Auditor that stated "I have not yet issued a certificate confirming that the audit of the accounts has been completed. This is due to a

number of issues that have been brought to our attention by electors, none of which prevented us from issuing our opinion on the financial statements". The Leader commented that these minor issues related to Ysgol Y Deri, environmental issues in Penarth and waste recycling. He confirmed that the department was working on the issues raised. Finally, he was pleased that overall, the unqualified Audit opinion was that the Council had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

Cabinet, having considered the recommendation of the Audit Committee

RESOLVED – T H A T the External Annual Audit Letter be approved and thanks be given to staff for all their hard work in achieving an excellent audit report.

Reason for decision

To facilitate monitoring of the Audit Functions.

C3109 ICT UPDATE FOR MEMBERS (REF) -

The Democratic Services Committee on 10 February, 2016 considered the above report of the Managing Director.

Issues with staff recruitment and retention continued to affect the service. Already in 2016, two staff had left to join the Welsh Assembly, one to the private sector and one more would be retiring at the end of March. This represented a 10% turnover in the first quarter of this year.

A number of meetings had taken place with the other Councils in the South Central Consortium, (RCT, Merthyr, Bridgend, Cardiff and the Vale) to investigate the opportunities to create a shared ICT service across some or all of the five Councils. If this went ahead, it would help to alleviate some of the staffing problems being experienced across the public sector and should generate considerable savings for the Reshaping Services programme. However, it had become apparent that ICT support for Members was handled differently across the Councils.

A Member commented that one of the issues faced by the Joint Regulatory Service was around IT support and he stated that a joint ICT service would have helped alleviate these. He therefore expressed the view that plans for a joint IT service should be progressed. The Member went on to query whether the Council had a trainee programme in place, to which the Head of Strategic ICT responded that yes, a programme was in place and that at present IT had four trainees. The Council also

used Foundation Modern Apprentices. An advantage of using trainees and Foundation Modern Apprentices was that the Council could train and up-skill these individuals to suit the needs of the Council, but it was highlighted that retention was an issue.

The report advised that it was hoped to release a tender to replace the hardware that supported the Oracle E-Business suite which provided most of the core systems used by the Council, such as finance, HR, Payroll and the contact centre. The hardware was eight years old and had been excellent over that period but did now need replacing. Consideration was also being given to having the system hosted in the Cloud by Oracle, but full costs would need to be confirmed before taking a decision.

The Council was investigating the use of Cloud technology for office productivity tools such as word processing, spreadsheets and presentations. Microsoft Office was the current supplier provided onsite by the Council's own servers, but increasingly the Council was looking to host these systems on other hardware in the Cloud. The Council was currently investigating both Microsoft Office 365 and Google for Work, both of which could be accessed from anywhere as long as internet access was available. This would make it easier for staff and Councillors to access e-mails and documents whilst out of the office or at home.

Reference was made at the last meeting regarding the use of tablets for Members and the cost of doing so and the potential for adverse publicity for spending money on these devices at a time of financial austerity. However it had been confirmed that if the tablets were used by all Members and paper copies were no longer produced, the cost of the tablets would be covered by the savings in printing costs. As a result, a number of devices were being investigated as to their suitability for use by Members, including tablets, chrome books and touchscreen laptops that could be used as a tablet.

Work was ongoing to look at improving the availability of some of the core Council services, such as e-mail and access to the internet and a report was taken to Corporate Management Team earlier this month to outline some proposals. However, all of the proposals had considerable cost implications.

Members were aware that meetings of the Planning Committee had been webcast for approximately twelve months. Prior to the end of the current Municipal Year, a report on the existing arrangements (including details of the number of "viewings") and whether any expansion of the service was considered appropriate / feasible would be submitted to Members.

In discussing webcasting of meetings, the Committee was in agreement that more Council meetings should be broadcast live, but Members were mindful of the level of staff resources required to support this. The Committee agreed that it would consider this issue further, once the update report was provided by the Head of Strategic ICT. The Head of Democratic Services further advised that there would also be a need for an evaluation of the implications of the draft Local Government Bill should certain parts of the draft promises be enacted (e.g. potentially a requirement for all Council meetings to be broadcast). This could represent a 12 fold increase and would require significant additional staff support. He also mentioned the possibility of webcasting “high profile” Scrutiny Committee meetings which had a large public interest.

With regard to Reshaping Services, a Member asked, what consideration had been given to ICT working on a collaborative basis or as a social enterprise. In answer to this, the Head of Strategic ICT stated that the Council had looked at possible closer partnership working with the private sector, but he was mindful that in some instances where other Local Authorities had done this, the decision to outsource services had been reversed and IT functions had been brought back in-house. An important issue around this related to writing the right legal contract. In terms of social enterprises, the Head of Strategic ICT mentioned the IT arrangements with Bryn Hafren Comprehensive School, and that the aim for the Council was more to do with running a group of service areas together, such as catering and grass cutting, into a possible arms’ length Council organisation.

Further to the points regarding the issues of contractual arrangements around outsourcing services, a Member commented that this was not just about tendering for a contract, but also about implementing the contract in full and he alluded to the issues around a shortfall in service which could be difficult to resolve and the high costs associated with ending contracts. He also stated that there needed to be a very clear business case for entering into such arrangements.

In discussing the use of tablets and the reduction in printing costs, the Committee heard that the Council did have a printing strategy in place. This had led to the removal of costly inkjet printers, which had been replaced with new copiers. The new system therefore allowed the Council to have more control, by which regular printing reports were now sent to managers to inform them of printing within their departments. The Committee also noted that that Head of Strategic ICT had been asked by the Corporate Management Team to develop a digital strategy for the Council. This had been requested because, although the Council did a lot of things electronically, a lot more could be done, such looking at the Council printing out

cheques for payments. Furthermore, he also stated that the Council could be more active in seeking people's preferences around correspondence, with many people happy to receive information via e-mail instead of receiving information through the post. Greater use of digital technology also had another advantage of speeding up processes through messages being sent / received more quickly.

With regard to the use of tablet computers, a Committee Member stated that the use of these needed to be fully justifiable on the basis of cost, but he felt that their use should be pushed ahead. He also queried whether there was any statutory obligation to provide Members with hard copies of agendas. In reply, the Head of Democratic Services stated that the wording of the relevant legislation had not really kept pace with changes in technology, and still referred to "being sent by post". Legislation stipulated that the agenda had to be made available to Members. However, for many years, most Members had been happy to receive electronic links to papers of, for instance, Committees of which they were not actually a Member and, indeed, in some cases where they were a Member of the Committee. Further to this query, the Head of Strategic ICT alluded to the example within the Shared Adoption Service in which lay members of the Adoption Panels had been provided with tablets during the course of meetings. This meant that agenda papers, which could be rather lengthy, did not need to be posted.

Overall, in considering the use of tablets, the Committee was keen for the Council to explore the use of these and possibly for a trial with Members to be undertaken.

With reference to the Cloud, a Member enquired about the number of data breaches and attempts to hack into the Council's IT system. In response, the Head of Strategic ICT advised that in terms of data breaches, the Council had not incurred any fines, although the loss of data was always a potential risk. He also stated that the Council would regularly ask specialists to try and breach the Council's IT security systems, this would show which areas need to be improved. He also advised that following a Public Services Network inspection back in August 2015, the Council's system had passed with flying colours.

The Head of Strategic ICT further added that for the Cloud, a key security element was the location of the data portal. It was a legal requirement for the data portal to be in the UK or European Union, but he stated that some could be anywhere in the world and so it would be difficult to know who had access. To meet the Public Services Networks Requirements, Microsoft had been cleared by the GCHQ up to Level 3 for personal and sensitive data, so this provided an element of reassurance. Finally, he also alluded to the thousands of spam e-mails sent to the Council each

year which contained the potential risk of malware and viruses and he stated that hackers only needed to be successful once and that this was a day to day battle.

With regard to a previous point raised around the IT contract with Bryn Hafren School, the Chairman commented that this was good and he asked if other schools were being considered. In reply, the Committee heard that a new role had been developed within the ICT service to look at IT support to primary schools. If Bryn Hafren School Governors endorsed the approach and support provided by the ICT service, then this would be used as a case study that could be showcased to other schools in the Vale.

The Chairman also made mention of the need for the Council to better advertise its meetings and he also commented about the use of social media such as Twitter. In reply to this, the Head of Democratic Services agreed that there was merit in engaging with a wider.

Further to this, the Head of Strategic ICT added that the Council had a number of Facebook pages and would regularly use Twitter feeds. He advised that following a visit to Monmouthshire Council it had been identified that this organisation would actively encourage all staff to use Twitter and this was something the Vale Council could do more of as a way of updating members of the public on a regular basis. Furthermore, he mentioned the 'Get the Vale Online' initiative and he indicated that the use of Twitter was climbing, with thousands of followers and this was an important means of communication, for example during occasions when schools were closed.

A Committee Member enquired about progress in relation to the Welsh Community Care Information system. In response, the Head of Strategic ICT explained that this new integrated system was a national programme that would allow Health Boards and Local Authorities to share health and social care information across one single IT system. The new system had been developed by an Irish company called Care Works and this was being trialled in Bridgend, which would be up and running by the end of March 2016. All other Local Authorities in Wales would switch to the new system over the next two years with the Vale going live at the same time as Cardiff. In describing some of the current technical issues, he highlighted that Care Works had found it difficult to recruit extra staff in order to increase the company's capacity. Also, there were issues around the transferring of data into the new system, but he reiterated his previous point which was that Bridgend was on track to go live by the end of March and that progress was being made.

RESOLVED –

- (1) T H A T the report be noted.
- (2) T H A T the Council should explore the possibility of more meetings being webcast and this should be referred to Cabinet for the purpose of consideration.
- (3) T H A T the Council should pursue the wider use by Elected Members of tablet computers, specifically in terms of Committee papers and for this to be referred to Cabinet for consideration.

Reason for decision

- (1) To ensure Members are made aware of any developments to their ICT service and the wider Council.
- (2) To allow Cabinet to consider the number of meetings that could be webcast live over the internet.
- (3) In order to consider Members using Tablet computers as a way of reducing printing costs for the Council.



At the meeting, the Leader congratulated the Democratic Services Committee for their questions during the discussion of this report as they had considered all options, including examples from other Councils and usage of ICT services, and as such the reference was very comprehensive.

The Managing Director raised the issue of Social Media, as a report had been presented to the Corporate Management Team the previous week, that reviewed how the Council would manage its social media output.

Finally, the Cabinet Member for Adult Services commented that the Aneurin Bevan University Health Board had implemented use of Tablet Computers for Committee Papers two years ago and this method had many benefits. As such he recommended that the Council research this issue, including discussions with the Health Board on the effectiveness of Tablet Computers for the distribution of Committee Papers.

Cabinet, having considered the recommendations of the Democratic Services Committee

RESOLVED –

- (1) T H A T the contents of the report be noted.
- (2) T H A T the possibility of more meetings being webcast be explored and a future report be brought back to Cabinet and the Democratic Services Committee.
- (3) T H A T the Council pursue the wider use by Elected Members of tablet computers, specifically in terms of Committee papers, and a future report be brought back to Cabinet and the Democratic Services Committee, that includes findings from a review of the Aneurin Bevan and Cardiff and Vale University Health Board's use of Tablet Computers.

Reasons for decisions

- (1) To note the contents of the report.
- (2) To consider the number of meetings that could be webcast live over the internet.
- (3) To pursue the wider use by Elected Members of tablet computers, specifically in terms of Committee papers.

C3110 CAPITAL MONITORING REPORT FOR THE PERIOD 1ST APRIL 2015 TO 31ST JANUARY 2016 (L) (SCRUTINY COMMITTEE – ALL) -

Cabinet was advised of the progress on the 2015/16 Capital Programme for the period 1 April, 2015 to 31 January, 2016.

Appendix 1 attached to the report detailed the financial progress on the Capital Programme as at 31 January, 2016.

For all schemes where it was evident that the full year's budget would not be spent during the year, officers were required to provide an explanation for the shortfall and this would be taken to the next earliest available meeting of Cabinet.

Appendix 2 attached to the report provided non-financial information on capital construction schemes with a budget of over £100k. Where a budget shown in Appendix 1 was more than £100k but was made up of several schemes that individually were less than £100k, the scheme was not included in Appendix 2.

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 scheme met this criteria:-

Llantwit Learning Community - A valuation covering works undertaken in January 2016 had been carried but had not yet been processed on the financial ledger, resulting in actual expenditure that was less than the initial spend profile. This did not adversely affect the final cost of the project.

After presenting this item, the Leader commented that he was disappointed that many projects had slipped and were not going forward until next year. He suggested that in future more robust information was provided for each scheme, that could include a chart that presented timescales for key stages of each project, to ensure that slippage was kept to a minimum and kept members informed of project completion dates. He also highlighted Paragraph 18 of the report that stated a scheme had been delayed "due to a number of Property staffing resource issues" and he suggested that such work could be tendered, or other mechanisms used, to reduce delays.

In agreement with his colleague, the Cabinet Member for Adult Services commented that at the last meeting of Scrutiny Committee (Social Care and Health), concerns had been raised on the slippage of social services capital schemes and he was asked as the Cabinet Member responsible to raise these issues. However, he was glad to receive this report and the comments of the Leader, as he could now report back to the Scrutiny Committee that the issue of slippage of Capital Schemes would be addressed by the approach suggested by the Leader.

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 2015/16 and 2016/17 Capital Programme be approved.

- Llantwit Learning Community - The carry forward of £560k into the 2016/17 Capital Programme.
- Penarth Learning Community - The carry forward of £100k into the 2016/17 Capital Programme.
- Modular Building Resiting Ysgol Dewi Sant - The carry forward of 157k into the 2016/17 Capital Programme.
- Sandstone Repairs - The carry forward of £110k into the 2016/17 Capital Programme.
- Barry Comprehensive School Internal and External Refurbishment Works - The carry forward of £95k into the 2016/17 Capital Programme.
- St Brides Expansion - The carry forward of £32k into the 2016/17 Capital Programme.
- Penarth Library Damp Proofing and Lift Works - The carry forward of £6k into the 2016/17 Capital Programme.
- Cartref Porthceri Electrical Upgrade - The carry forward of £36k into the 2016/17 Capital Programme.
- Southway Electrical Upgrade - The carry forward of £44k into the 2016/17 Capital Programme.
- Cartref Porthceri Subsidence - The carry forward of £15k into the 2016/17 Capital Programme.
- Rhoose Road Health and Safety Works - The carry forward of £24k into the 2016/17 Capital Programme.
- Social Services Lift Refurbishments - The carry forward of £19.5k into the 2016/17 Capital Programme.
- Dinas Powys to Cardiff Corridor Bus Priority Measures - Increase the 2015/16 Capital Programme by £15k to be funded by a contribution from the Road Safety Revenue budget.
- Coldbrook Flood Management - The carry forward of £149k into the 2016/17 Capital Programme.
- Broad Street Crossing - To vire and carry forward £41k into the 2016/17 Capital Programme to the Asset Renewal Highway Structures Budget.
- Additional Highways/Environmental Improvements - To vire and carry forward £32k into the 2016/17 Capital Programme to the Asset Renewal Highway Structures Budget.

- Asset Renewal - The carry forward of £90k into the 2016/17 Capital Programme.
- Parks and Grounds Maintenance Asset Renewal - The carry forward of £12k into the 2016/17 Capital Programme.
- Vehicles Renewal Fund - The carry forward of £1,200k into the 2016/17 Capital Programme.
- Housing Improvement Programme - The carry forward of £1m for Common Parts and £200k for WHQS Environmental Improvements into the 2016/17 Capital Programme.
- Barry Regeneration Partnership Project Fund - The carry forward of £57k into the 2016/17 Capital Programme.
- Barry Regeneration Partnership Project Fund/Tackling Poverty - The carry forward of £50k from the Barry Regeneration Partnership Project Fund into the 2016/17 Capital Programme and vire to the Tackling Poverty Scheme. The carry forward of £49k from the Tackling Poverty Scheme into the 2016/17 Capital Programme. In 2016/17 vire £60k from the Barry Regeneration Partnership Project Fund to the Tackling Poverty scheme. Carry forward £72k from the 2015/16 Barry Regeneration Partnership Project Fund into the 2016/17 Capital Programme.
- Five Mile Lane Road Improvements - The carry forward of £400k into the 2016/17 Capital Programme.
- Marketing & Disposal of Nell's Point - The carry forward of £16k into the 2016/17 Capital Programme.
- Footpath Improvements Cowbridge - The carry forward of £64k into the 2016/17 Capital Programme.
- Penarth Cycle Parking Project - The carry forward of £25k into the 2016/17 Capital Programme.
- Pedestrian Crossing across Thompson Street/Holton Road - The carry forward of £24k into the 2016/17 Capital Programme.
- Maximising the employment potential of the Glamorgan Heritage Coast - Increase this scheme budget by £21k, of which £6k is to be funded by a grant from The Big Lottery and £15k is to be vired from the Regeneration Fund scheme.
- Castleland Renewal Area/Penarth Renewal Area - Request to vire £85k of this budget to Penarth Renewal Area in 2015/16 and also carry forward the balance of £125k into the 2016/17 Capital Programme.

- DDA adaptations to Council Buildings - The carry forward of £99k into the 2016/17 Capital Programme.
- Marketing & Disposal of Part of Cowbridge Livestock Market - The carry forward of £50k into the 2016/17 Capital Programme.
- Demolition of Block at Court Road Depot - The carry forward of £48k into the 2016/17 Capital Programme.
- Unix Infrastructure Refresh - 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.

C3111 REVENUE MONITORING FOR THE PERIOD 1ST APRIL 2015 TO 31ST JANUARY 2016 (L) (SCRUTINY COMMITTEE – ALL) -

Cabinet was advised of the progress related to revenue expenditure for the period 1 April, 2015 to 31 January, 2016.

Cabinet on 22 February, 2016, minute C3081 refers, agreed that the projected underspend for 2015/16 of £492k be set aside in the Social Services Legislative Changes reserve. This was in recognition of the pressure on the service in coming years due to legislative changes.

Taking the above change into account, the forecast for the 2015/16 revenue budget was now a breakeven position as shown in the following table. The Housing Revenue Account (HRA) budget for 2015/16 was also forecast to outturn on target.

Directorate/Service	2015/16 Amended Budget	2015/16 Projected Outturn	Variance (+) Fav (-)
	£'000	£'000	£'000
Adv			
Learning and Skills			
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
Social Services			
Children and Young People	14,540	14,078	+462
Adult Services	37,579	38,196	-617
Business Management & Innovation	304	249	+55
Youth Offending Service	679	679	0
Environment & Housing			
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
Managing Director & Resources			
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	17,988	+100
Total	216,120	216,120	0
Met from General Reserve	-2,500	-2,500	0
Grand Total	213,620	213,620	0

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

Social Services - The forecast for Social Services at year end was an overspend of £100k.

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

Managing Director and Resources - It was currently projected that overall services under this department would outturn with a favourable variance of £100k at year end.

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.

C3112 CIVIC OFFICES WORKS AND SPACE PROJECT (L) (SCRUTINY COMMITTEE – CORPORATE RESOURCES) -

Approval was sought to appoint a contractor to undertake necessary works to the Civic Offices and Barry Library as described in the report and to relocate staff from Provincial House to the Civic Offices.

Cabinet endorsed phase one of the Space Project on 25 February, 2013 to relocate approximately 94 Children & Young People Services staff and associated facilities from Haydock House to the Docks Office and in so doing, the vacation and disposal of Haydock House was realised. The sale of the property was completed in May 2014 realising a capital receipt and annual savings of approximately £90k associated with the running costs of the building.

Haydock House was the first of the Council's corporate office buildings to be disposed of as part of the Space Project. Following this, the Council had considered

a second stage of the project which involved termination of the lease on Provincial House based at Kendrick Road, Barry, in order to deliver annual financial savings and operational efficiencies through the co-location of services.

The Council took over a lease agreement for Provincial House on 24 March, 2006, which was due to come to an end on 11 November, 2016. On 27 July, 2015 Cabinet granted delegated authority to the Head of Finance in consultation with the Leader to relinquish the lease of Provincial House when the contractual term came to an end in November 2016, subject to a separate report being presented to Cabinet outlining detailed proposals for the relocation of staff in due course. (Minute C2871 refers).

The Council's Human Resources (HR) service and Learning and Skills directorate was based in Provincial House, which was primarily used for office accommodation. In addition, the building accommodated the Council's Occupational Health suite as well as the Open Learning Centre which delivered training courses to members of the public in a classroom environment.

The termination of the lease relating to Provincial House would generate estimated revenue savings of £363k per annum, based on the current running costs of the building. This contributed to the Council's Reshaping Services Programme, which contained a project seeking to deliver operational efficiencies and financial savings from the Council's office accommodation portfolio.

Appendix A attached to the report illustrated the services that were currently based on each floor of the Civic Offices and which services would be based on each floor of the Civic Offices should the proposals contained in the report be implemented.

The report outlined that the implementation of the changes detailed in Appendix A offered the opportunity for the co-location of teams in larger open plan spaces. For example, moving HR into the Civic Offices complemented the recent restructure to merge TransAct and HR functions and further supported the future development of the service.

The report highlighted the electrical and data works that would be required at the civic offices to accommodate the moves. Subject to approval of the report and formal execution of contracts, a period of mobilisation would commence with the appointed contractor. Work was currently underway on post-tender negotiations related to the scope of works and therefore the overall duration of the contract. Further updates would be presented to Cabinet as the project progressed.

At the meeting the Leader commented on the importance of these works and highlighted Paragraph 18 of the report, stating that a Fixed Electrical inspection was required by regulations every five years and “testing of the Civic Offices was conducted by a third party supplier on a floor by floor basis in 2014 and 2015, with the results being “unsatisfactory” on each of the six floors”. As such, the Leader commented that the works required were not cosmetic and the Council had a responsibility for the health and safety of staff. He also noted that the communications infrastructure was at capacity, and loss of Information Communication Technology services would affect the Council’s ability to carry out work. Finally, he highlighted Paragraph 49 of the report, which detailed how the Council could achieve significant savings once the works had been completed.

The Managing Director also stated that as part of the Reshaping Services Agenda, the electrical works would need to be programmed at the same time as the ‘Space Project’ as this would minimise costs as well as disruption to staff and the work of the Council.

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 proposals to carry forward the following capital amounts from the 2015/16 Capital Programme to the 2016/17 and 2017/18 Capital Programmes be approved:
 - £862k related to the Space Project be carried forward from 2015/16 to 2016/17
 - £30k related to the Space Project be carried forward from 2015/16 to 2017/18 in respect of release of retention monies required at the end of the defect liability period, including associated fees
 - £200k related to the Civic Offices Electrical Rewire be carried forward from 2015/16 to 2016/17
- (3) T H A T subject to resolution 2 above, delegated authority be granted to the Head of Finance, in consultation with the Managing Director and Leader, to award contracts and accept the most economically advantageous tenders to

deliver the project as described in the report and for the Head of Legal Services to prepare and execute the required works contracts, subject to the total value of these contracts being contained within the approved funding.

- (4) T H A T subject to resolutions 2 and 3 above, the relocation of staff from Provincial House to the Civic Offices as described in the report be approved.
- (5) T H A T subject to resolutions 2 and 3 above, the relocation of the Open Learning Centre service and its associated staff from Provincial House to Barry Library as described in the report be approved.
- (6) T H A T subject to resolutions 2 and 3 above, the vacation of Provincial House at the appropriate time be approved.
- (7) T H A T subject to resolutions 2 and 3 above, the proposals for works to be completed at the Civic Offices site as described in the report be approved.
- (8) T H A T subject to resolutions 2 and 3 above, the proposals for works to be completed at the Barry Library site as described in the report be approved.
- (9) T H A T subject to resolutions 2 and 3 above, delegated authority be granted to the Head of Finance, in consultation with the Leader and Managing Director, to manage the project as described in the report, including the temporary relocation of staff if required within the Council's existing office building portfolio.
- (10) T H A T Cabinet receive further updates on the project as it progresses.

Reasons for decisions

- (1) To note the progress of the project.
- (2) To amend the 2015/16 and future years' Capital Programme.
- (3) To ensure that contracts were awarded in a timely manner and consistently with the Council's procurement requirements so as not to cause any delays to the project, subject to the total value of these contracts being contained within the approved funding.
- (4&5) To enable Provincial House to be vacated.

- (6) To enable the Council to relinquish the lease on Provincial House at the appropriate time to deliver the benefits outlined in the report and minimise any impact on the Council's business operations.
- (7) To ensure that the Civic Offices site could accommodate the staff and associated services currently located at Provincial House and that the building was compliant with relevant legislation.
- (8) To ensure that the Open Learning Centre could be relocated to the Barry Library site.
- (9) To enable the project to be efficiently managed and any potential disruption to services limited.
- (10) To ensure that Cabinet was kept informed of progress.

C3113 ANNUAL EQUALITY MONITORING REPORT (L) (SCRUTINY COMMITTEE – CORPORATE RESOURCES) -

Approval was sought of the Annual Equality Monitoring Report.

The Annual Equality Monitoring Report for 2014 - 15 was available to view on the Council Website via the following link:

www.valeofglamorgan.gov.uk/Documents/_Committee%20Reports/Cabinet/2016/16-03-14/Appendices/Annual-Equality-Monitoring-Report-Appendix-A.pdf

and a copy had been placed in the Member's room.

The Equality Act 2010 included a public sector equality duty (the 'general duty') as well as specific duties for Wales. Specific duties included the requirement to publish an annual report by 31 March each year. The annual report had to set out:

- the steps the Council had taken to identify and collect relevant information;
- how the Council had used the information in meeting the three aims of the general duty;
- any reasons for not collecting relevant information;
- a statement on the effectiveness of the Council's arrangements for identifying and collecting relevant information;
- progress towards fulfilling each of the Council's equality objectives;
- a statement on the effectiveness of the steps that the Council had taken to fulfil each of its equality objectives;

- specified employment information, including information on training and pay (unless it had already published this information elsewhere).

The Council may include in its annual report any other matter it felt was relevant to meeting the general duty and specific duties.

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 Annual Equality Monitoring Report for 2014 - 15 be approved for publication.

Reason for decision

That progress towards meeting the public sector equality duty and the specific duties for Wales could be published and was available for scrutiny by the Equality and Human Rights Commission and others.

C3114 IMPLEMENTATION OF THE SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014 (L) (SCRUTINY COMMITTEE – SOCIAL CARE AND HEALTH) -

Cabinet was provided with an overview of the changes that would be introduced by the Social Services and Well-being (Wales) Act 2014.

The Social Services and Well-being (Wales) Act 2014 was the most substantial piece of primary legislation enacted by the Assembly that would have a profound impact on the provision of social care in Wales.

The Act was very extensive, consolidating in one place much of the legislative framework for social services in Wales. It repealed many previous laws and guidance related to care and support and replaced them within the Act. Appendix 1 attached to the report listed the consequential repeals and amendments to existing primary legislation. The new law built on the White Paper, Sustainable Social Services for Wales: A Framework for Action, which called for modernisation of the law for care and support in ways that reflected the strengths of structures, systems and policy in Wales. It was intended to transform the way social services was delivered in Wales and covered adults, children and carers. The Act brought in new duties for local authorities, local health boards and other public bodies.

The Act provided a new statutory framework for social services in Wales which would operate in its entirety from 6 April, 2016. It consisted of three main elements – the Act itself, regulations made under the Act, and supporting codes of practice and statutory guidance. Appendices 2 and 3 attached to the report contained links to those which were approved by the Assembly in December 2015. The key principles described in the Act were summarised as follows:

- We must support people who have care and support needs to achieve well-being.
- People are to be put at the heart of the new system by giving them an equal say in the support they receive.
- Partnership and co-operation must drive service delivery.
- Services will promote the Prevention of escalating need and ensure that the right help is available at the right time

A great deal of preparatory work had been done by the Council in collaboration with regional partners, especially Cardiff Council. This would continue right up to April and beyond. The programme of change involved nine workstreams, set out in Appendix 4 attached to the report. It was managed through task and finish groups, each of them led jointly by the relevant heads of service from both councils. The Director of Social Services in the Vale of Glamorgan was the regional lead director for the programme. The Welsh Government had provided a Delivering Transformation Grant (DTG), since 2014/15, to support plans by local authorities for making the transition to the new arrangements. As required by this grant, regional governance arrangements were in place to monitor and oversee progress.

New services were being developed. This included moves towards providing an Information, Advice and Assistance Service, as required by the Act. It was being designed to ensure that people could get access to the right help at the right time to meet their individual situation. Appendix 5 attached to the report contained a draft diagram that set out what the service would include across the region. The development of the service was still work in progress as the Council gained a better understanding of what was required and what currently exists.

An important part of this Information, Advice and Assistance Service would be single points of access for social care services which adults, children and carers could use easily. A national resource directory was being developed that would help people to get accurate, up-to-date information at any time, either at home using the internet or by contacting a single telephone number or email address. This resource directory would be available across Wales and its success would depend on local authorities,

health boards, third sector and the independent sector uploading details of the resources they provided to assist people looking for care and support. This national information portal for Wales had been named Dewis Cymru. It already existed for residents in North Wales, helping people to think about their well-being needs and to find services/resources which could assist them. Dewis Cymru could be accessed via this link www.Dewis.Cymru / www.Dewis.Wales. Work on establishing the regional content for the Vale and Cardiff was progressing well.

As the Act implementation date approached, briefings on the Act would increase at a team level to support staff through this period of transition. The delivery of services and business continuity would remain the top priority but it had to be balanced by work to continue to deliver changes in services and policy at pace over the next twelve months and beyond, in line with the core principles outlined in the Act. It was important that the Director was equipped with the delegated authority needed to manage this balance as well as possible. The new Statutory Code of Guidance setting out the duties and responsibilities of Directors of Social Services in Wales was currently laid before the National Assembly for Wales.

After presenting this item, the Cabinet Member for Adult Services stated that he was pleased to have attended the Member's presentation on this matter that was held the previous week and he was very grateful to Officers for their thorough briefing. He also reminded Cabinet that he was mindful of the legal implications that could arise in future from the new legislation.

The Director of Social Services recommended that the report be referred to the Scrutiny Committee (Social Care and Health) for information.

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 delegated authority be granted to the Director of Social Services in consultation with the relevant Cabinet Member(s) to ensure that the Authority was compliant with any new charging arrangements made under the Social Services and Well-being (Wales) Act 2014 ("the Act") and to take all necessary action to comply with the Act

- (3) T H A T delegated authority be granted to the Director of Social Services in consultation with the relevant Cabinet Member(s) to undertake such duties and functions pursuant to the Social Services and Well-being (Wales) Act 2014 and associated regulations as they come into force.
- (4) T H A T a review of the existing officer delegations for the Social Services Directorate be undertaken in light of the Social Services and Well-being (Wales) Act 2014 and associated regulations.
- (5) T H A T the report be referred to the Scrutiny Committee (Social Care and Health) for information.

Reasons for decisions

- (1) To ensure that elected Members were kept informed about fundamental changes in the legislative and policy framework which underpinned the work of Social Services.
- (2) To ensure that the Authority was compliant with any new charging arrangements made under the Social Services and Well-being (Wales) Act 2014 ("the Act") and to take all necessary action to comply with the Act.
- (3) To ensure that the appropriate delegated authority was given to the Director of Social Services in consultation with the relevant Cabinet Member(s) to manage implementation effectively.
- (4) To ensure that a review of existing officer delegations was undertaken following implementation of the Social Services and Well-being (Wales) Act 2014 and associated regulations.
- (5) To keep members of the Scrutiny Committee (Social Care and Health) informed.

C3115 PROPOSED EVENTS PROGRAMME 2016 – 2017 (L) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Cabinet was informed of the outline programme of proposed events and sources of funding for the financial year 2016 - 2017 as set out in Appendix A attached to the report.

After presenting this item, the Cabinet Member for Regeneration commented that 2015 had been a very successful year for events, which had been well received by visitors, residents and traders alike and she was looking forward to build on this success with the events programme for 2016-2017.

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 proposed events programme and associated costs for the financial year 2016 – 2017 as attached at Appendix A to the report be approved.
- (2) T H A T the Head of Regeneration and Planning be granted delegated authority in consultation with the Cabinet Member for Regeneration, to award uncommitted funding from the Devolved Events Grant Budget, to any additional events which support the local economy up to the value of £1000 per event.

Reasons for decisions

- (1) To approve the proposed events programme and associated costs for the financial year 2016 – 2017 as attached at Appendix A to the report.
- (2) To facilitate innovative in events and economic development within the Vale of Glamorgan.

**C3116 PLANNING POLICY WALES REVISIONS TO TECHNICAL ADVICE
NOTE 20: PLANNING AND THE WELSH LANGUAGE (R) (SCRUTINY
COMMITTEE – ECONOMY AND ENVIRONMENT) -**

Cabinet was advised of the Welsh Government's consultation and proposed revision of Technical Advice Note 20: Planning and the Welsh language which provided guidance on how Welsh language considerations should be taken into account by local planning authorities when Local Development Plans (LDPs) were prepared and decisions on planning applications were made.

The Welsh Government was committed to encouraging a bilingual Wales and to supporting and promoting the Welsh language across Wales.

The Well-being of Future Generations (Wales) Act 2015 sought to improve the social, economic, environmental and cultural well-being of Wales. It contained seven well-being goals which certain public bodies (including local authorities and National Park authorities) had to achieve in order to improve well-being both now and in the future. One of the well-being goals was "A Wales of vibrant culture and thriving Welsh language".

The planning system could help create the conditions for the Welsh language to thrive, by facilitating development including new housing, new employment areas, improved community facilities and schools. It could also help sustain existing services and facilities that supported the use of the Welsh language.

The Welsh Government's planning policy on the Welsh Language was set out in Section 4.13 of Planning Policy Wales the latest version of which was issued on 4 January, 2016. This was supported by TAN 20: Planning and the Welsh language (October 2013) which provided further guidance on how local planning authorities should take account of the needs and interests of the Welsh language when producing development plans. TAN 20 applied equally to areas where the Welsh language was widely spoken as the first language of the community and to areas where it was less widely spoken – it enabled and encouraged Local Planning Authorities to take actions that were proportionate and suitable to the characteristics of the local area. TAN 20 was supplemented by practice guidance on planning and the Welsh language (June 2014).

The Welsh Government consultation sought views on a revision of TAN 20 to reflect provisions contained in the Planning (Wales) Act 2015 that related to the Welsh language. The Welsh Government was also proposing that elements of the TAN 20 Practice Guidance document were incorporated into TAN 20, so that all relevant guidance was contained in one place.

The revised TAN would provide local authorities with clarity regarding how Welsh language considerations should feed into the preparation of their LDP.

The consultation documents were issued on 4 January, 2016 and responses were required by 30 March, 2016. The consultation documents could be viewed on the Welsh Government website via the following link:

<http://gov.wales/consultations/planning/tan-20-planning-and-the-welsh-language/?lang=en>

As standard practice with Welsh Government consultation exercises, a series of consultation questions had been posed in relation to the revised TAN20. In this regard, while the Council had made a number of comments in response to the consultation questions which it hoped would assist the Welsh Government to formalise its policy position, it was not considered that the revisions to the TAN20 would give rise to significant changes within the Vale of Glamorgan at this time. The Council's proposed response to the consultation questions were set out in Appendix 1 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 the completed consultation response form attached at Appendix 1 to the report be endorsed as the Council's formal response to the Welsh Government consultation on Technical Advice Note 20: Planning and the Welsh language.
- (2) T H A T the report be referred to Planning Committee for information.

Reasons for decisions

- (1) To endorse the response submitted to the Welsh Government consultation on Technical Advice Note 20: Planning and the Welsh language.
- (2) To advise the Planning Committee.

C3117 RHOOSE POINT PUBLIC OPEN SPACE – INTRODUCTION OF BYELAWS (VLS) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Approval was sought to agree the draft byelaws for the public open space areas at Rhoose Point and forward to Council for approval.

There had been ongoing concern over recent years amongst a number of Rhoose Point residents regarding various forms of anti-social behaviour on the development and officers had engaged residents to progress the introduction of various byelaws in an attempt to identify and address the specific problems being experienced.

Cabinet at its meeting of 9 September, 2013 (Minute C2017 refers), approved a public consultation exercise to seek views on the introduction of byelaws at Rhoose Point. This consultation was undertaken between 27 January, 2014 and 1 March, 2014.

Cabinet at its meeting held on 28 July, 2014 (Minute C2416 refers) agreed to submit a report to full Council seeking authority to progress a bye-law application to Welsh Government.

Full Council on 29 September, 2014 (Minute 466 refers) approved that a bye-law application to be made to the Welsh Government.

Since this Council decision the Welsh Government had passed new legislation which allowed local authorities, in some instances, to enact byelaws without the need to have the byelaws confirmed by the Welsh Ministers. The new legislation also introduced a more direct option for the enforcement of byelaws through the introduction of fixed penalty fines. This new legislation also required that another public consultation be undertaken and required the publication of an initial written statement to begin the process of introducing byelaws to the area. A consultation exercise conducted on this basis opened on 20 May, 2015 and closed on 7 August, 2015.

At its meeting of 21 September, 2015 Cabinet considered a report detailing the outcome of this consultation exercise and resolved:

- (1) T H A T the outcome of the 2015 public consultation exercise in respect of the introduction of byelaws at Rhoose Point be noted.
- (2) T H A T the introduction of byelaws prohibiting swimming, camping and fishing at the open spaces and lagoon areas at Rhoose Point, with the exception of a designated area for fishing that is provided, managed and

policed by a bone fide fishing club that has entered into a service level agreement with the Council, be agreed to proceed.

- (3) T H A T a notice of intention to make the new byelaws be publicised and the following be recommended to Council:
- That Council approve and make the byelaws relating to the public open space and lagoon areas at Rhoose Point under sections 12 and 15 of the Open Spaces Act 1906 in the form attached to the report at Appendix B, with the exception of Part 3 Paragraph 6 which should be amended accordingly to reflect resolution 2, above.
 - That the Head of Legal Services be authorised to seal and date the byelaws on behalf of the Council.
- (4) T H A T delegated authority be granted to the Director of Environment and Housing Services, in consultation with the Head of Legal Services and the Cabinet Member for Visible and Leisure Services, to take such steps necessary under the Local Government (Wales) Act 2012 and any statutory guidance under this Act to publicise and implement the byelaws
- (5) T H A T a further report outlining recommendations regarding enforcement of both these byelaws and other byelaws (including dog control orders) be presented to Cabinet in due course.

Reasons for decisions

- (1) To advise Cabinet of the consultation outcomes.
- (2) To progress the introduction of the new byelaws, and to ensure that designated fishing areas are accredited and properly managed to reflect the concerns raised as part of the consultation exercise as outlined in the report.
- (3) To allow the submission of recommendations to full Council to make the byelaws as required by the Constitution.
- (4) To enable publicity and implementation of the byelaws.
- (5) To provide Cabinet with proposals for implementation of an enforcement regime.

The decisions of Cabinet led to a 'call-in' to the Scrutiny Committee (Economy and Environment), from Councillor H.J.W. James, and the 'call-in' was considered at a meeting of this Committee on 6th October 2015. The Committee subsequently recommended:

- (1) THAT Cabinet be requested to reconsider its Resolution (2) "...with the exception of a designated area for fishing that is provided, managed and

policed by a bone fide fishing club that has entered into a service level agreement with the Council, be agreed to proceed.” In view of the issues raised at the meeting, especially with regard to no consultation and that the introduction of an alcohol free zone at Rhoose Point be also considered.

Reason for Recommendation

- (1) In view of the concerns raised at the meeting and the issues of antisocial behaviour.

At its meeting of 16 October, 2015, Cabinet, having considered the views of the Scrutiny Committee (Economy and Environment), resolved:

- (1) T H A T it be noted that the Scrutiny Committee agreed for an area to be designated as a fishing area, and also that consideration should be given to the provision of litter bins and benches in the area, as well as considering declaring the area an alcohol-free zone.
- (2) T H A T these matters will be further considered in a future Cabinet report on the possible byelaws for the area.
- (3) T H A T in relation to the alleged legal interest of Welsh Water, as no knowledge of such interest was known, future enquiries would be made and would form part of the future Cabinet report.

Reasons for decisions

- (1) To note the comments of the Scrutiny Committee.
- (2) To further consider the points raised.
- (3) To determine any alleged legal interest by Welsh Water.

The report sought to address all the outstanding matters referred to above and to progress the introduction of the most appropriate byelaws at Rhoose Point, based on the information currently available.

On reading the minutes and recommendation (1) of the Scrutiny Committee (Economy and Environment) of 6 October, 2015 it appeared to be somewhat at odds with the later resolution of Cabinet which advised that the Scrutiny Committee "agreed for an area to be designated as a fishing area". The Scrutiny Committee recommendation did not seem to indicate such agreement.

Certain members of the Scrutiny Committee were clearly concerned with what they deemed to be a significant amendment to the original recommendation put forward within the Cabinet report of 21 September, 2015, the information they were given as part of the Cabinet report prior consultation and the details contained in the public consultation exercise of August 2015 on Rhoose Point byelaws.

The resolution; "That Cabinet agree to proceed with the introduction of byelaws prohibiting swimming, camping and fishing at the open space and lagoon areas at Rhoose Point", had the following statement added to reflect the views of the Cabinet members at that meeting; "With the exception of a designated area for fishing that is provided, managed and policed by a bone fide fishing club that has entered into a service level agreement with the Council".

As part of the Cabinet report protocol local ward members were consulted prior to the Cabinet meeting and provided with a summary of the main points of the Cabinet report. They were advised that the report sought to give the Council powers to "make and implement byelaws to cover, regulate, and control swimming, fishing and camping". It was not stated that fishing would be prohibited. A copy of the summary was attached at Appendix A to the report.

Turning to the public consultation exercise undertaken in August 2015, respondents were asked, "Do you agree with the following activities being prohibited?" With 'Swimming', 'Fishing' and 'Camping' listed.

Of the 199 respondents, 182 of which were local residents, 81% felt swimming should be prohibited with 87% suggesting the same for camping. Though still in the majority a lesser figure of 65% suggested that fishing should be prohibited. In the free text section of the consultation document there was a suggestion of a permit for activities and alternative control measures for fishing.

On consideration of all the information made available at its meeting, Cabinet decided to add the supplementary statement to reflect a wish to permit suitably controlled and managed fishing swimming at some time in the future, should this become a viable option. For the avoidance of doubt, there was no such proposal currently under consideration. Also, such an arrangement would have to be the subject of a further report to Cabinet. As it stood the proposal was therefore to prohibit swimming, fishing and camping via a byelaw arrangement. Enforcement of the byelaws was still an issue that was under consideration by officers.

Consideration of a possible alcohol ban at Rhoose Point was requested by both the Scrutiny Committee (Economy and Environment) and Cabinet, though the imposition

of a byelaw was not the correct legislative process for this. Anti-social behaviour powers were reformed by the 'Anti-social Behaviour, Crime and Policing Powers Act 2014', and this permitted Council's to implement Public Spaces Protection Orders (PSPO) to cover land where there was a risk of nuisance detrimental to the local community's way of life. The maximum duration of a PSPO was three years and they were designed to break cycles of inappropriate behaviour.

As PSPO's were a reasonably new legislative process that could be applied across many areas of the Vale of Glamorgan, particularly for dog related offences, this would be the subject of a future, more detailed report, to Cabinet. The report would review the position with alcohol related incidence at Rhoose Point and other areas, though if byelaws were introduced at Rhoose Point this may well negate the need for any further related restriction.

In terms of the concerns raised about any possible interest in the land designated for the byelaws from Dwr Cymru (Welsh Water), this should not have any impact on the byelaw process. Dwr Cymru had a permit arrangement with Natural Resources Wales (NRW) to discharge sewage from their sewage pumping station into one of the lagoons in an emergency situation. This was similar to the consent that was in place initially for Cofton Ltd and then for the Vale of Glamorgan when Council officers managed the pumping station. The frequency and levels of discharge was monitored by NRW. As was the case with waste water infrastructure, Dwr Cymru would also have easements over areas of Vale of Glamorgan land which would permit their access, and prevent construction on top of the infrastructure. Again this would have no bearing on any byelaw, or regulated activities that could result at any point in the future.

Unless otherwise specified the proposed new byelaws, a copy of which was attached at Appendix B to the report, would prohibit the following activities:-

- Swimming;
- Fishing;
- Camping;

The next stage of the procedure was the publication on the Council's website of a second written statement detailing the outcome of the consultation process and the decision of Cabinet to progress with the introduction of the byelaws by authorising the publication of a notice of intention to make the byelaws and recommending to Council to make the byelaws. The notice of intention to make the byelaws had to give at least 6 weeks' notice before the byelaws were made. Under the Council's

constitution byelaws could only be made by Council and therefore, the matter of making the byelaws would be referred to the next available meeting of Council.

At the meeting, the Director of Environment and Housing services noted that the byelaws route would not be the correct legislative process to ban alcohol at the site. Instead, this issue would be dealt with separately pursuant to a Public Spaces Protection Order, should such problems still exist after the introduction of bye-laws. He also noted that Welsh Water had consent from Natural Resources Wales to discharge sewage from their sewage pumping station into one of the lagoons in an emergency situation. He confirmed that this would have no bearing on any byelaw, or regulated activities that could result at any point in the future.

In concluding this item, the Leader confirmed that fishing would be prohibited, unless a satisfactory business plan was received by a bone fide fishing group. In such case a report would be submitted to Cabinet seeking approval of the proposed arrangements, should it be acceptable to do so.

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 it be agreed to proceed with the introduction of byelaws at the open space and lagoon areas at Rhoose Point prohibiting swimming and camping and also prohibiting fishing that has not been duly authorised.
- (2) T H A T a notice of intention to make the new byelaws be publicised and that Cabinet recommends to Council the following:
 - That Council approve and make the byelaws related to the public open space and lagoon areas at Rhoose Point under sections 12 and 15 of the Open Spaces Act 1906 in the form attached to the report at Appendix B
 - That the Head of Legal Services be authorised to seal and date the byelaws on behalf of the Council
- (3) T H A T delegated authority be granted to the Director of Environment and Housing Services in consultation with the Head of Legal Services and the Cabinet Member for Visible and Leisure Services to take such steps

necessary under the Local Government (Wales) Act 2012 and any statutory guidance under the Act to publicise and implement the byelaws.

- (4) T H A T should the bye-laws be implemented as proposed any decisions to either designate an area for fishing or to provide permission for such activities will be the subject of a future report to Cabinet.

Reasons for decisions

- (1) To progress the introduction of the new byelaws.
- (2) To allow the submission of recommendations to full Council to make the byelaws as required by the Constitution.
- (3) To enable publicity and implementation of the byelaws.
- (4) To ensure that such decisions were only taken by Cabinet and were subject to suitable Scrutiny.

C3118 THE TREATMENT OF BIODEGRADABLE MUNICIPAL WASTE TENDER ACCEPTANCE (VLS) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Approval was sought to appoint a service provider for the treatment of biodegradable municipal waste following completion of a competitive tendering process.

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 contents of the report be noted and the matter be considered alongside the Part II report later on the agenda.

Reason for decision

To consider the report alongside the Part II Report.

C3119 MANAGEMENT AND OPERATION OF THE COUNCIL'S TWO HOUSEHOLD WASTE RECYCLING CENTRES (HWRC) – TENDER ACCEPTANCE (VLS) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Approval was sought to appoint the most economically advantageous contractor following a competitive tendering process to manage the operation of the Council's two Household Waste Recycling Centres located at Atlantic Trading Estate and Llandow Trading Estate.

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 contents of the report be noted and the matter be considered alongside the Part II report later on the agenda.

Reason for decision

To consider the report alongside the Part II Report.

C3120 MATTER WHICH THE CHAIRMAN HAD DECIDED WAS URGENT

RESOLVED - T H A T the following matter, which the Chairman had decided was urgent for the reason given beneath the minute heading be considered.

C3121 BARRY ISLAND BEACH HUTS (REF) -

Urgent by reason of the need for Cabinet to consider the recommendations of the Scrutiny Committee prior to the commencement of the tourism season in 2016

The Scrutiny Committee (Economy and Environment) on 8 March, 2016 considered the above report.

Cabinet had, on 22nd February, referred the report to the Scrutiny Committee for consideration. The report had been prepared in order to update the Cabinet on the policy and rental arrangements for the 24 beach huts located at Barry Island, to review a range of options for the future letting and management of the units and to advise on the lessons learnt from the first year's use of the beach huts.

Previously a report had been considered by Cabinet 16th June, 2014 in respect of the rental policy and arrangements for the Barry Island Beach Huts following consideration by the Scrutiny Committee on 20th May, 2014. A copy of the current Beach Hut Policy was attached at Appendix A to the report which covered rental charges and seasonal operating hours. The Director of Environment and Housing advised that the beach huts had been available for rent since Easter 2015, with bookings being generally taken over the telephone via the Council's Contact Centre. There had been 233 bookings made for the beach huts from Easter 2015 to February 2016, generating £8,026 of income. A graph detailing the number of booking days from March 2015 to March 2016 was tabled at the meeting for Members' information.

Going forward the Director stated that there was a need to consider how the beach huts should be managed, with it being imperative that everyone continued to have the opportunity to rent a beach hut at an affordable rate with occupancy of the beach huts being maximised all year round. The report before Committee outlined a number of options for the management of the beach huts with the first option being to continue with the current Beach Hut Policy, the second to lease some or all of the beach huts either annually or for a longer period of time and a third option being to amend the current Beach Hut Policy to allow for the purchase of weekly, monthly and annual season tickets for some of the beach huts. A fourth option that was suggested for consideration, which could be implemented for the 2016 summer season, was to include the beach huts within the coastal concessions for Barry Island.

The Director, in his comments, advised that there was a need to consider whether local businesses would be willing to hold keys in order that day trippers could hire the beach huts on a daily basis with key access being more readily obtainable. The possibility of introducing season tickets was also one aspect that could be considered. He also took the opportunity to inform Members that there had been very few complaints in respect of the beach huts from users. The Director also mentioned that he was aware of some comments having been made that the costs of hiring the beach huts were too high and that although these were anecdotal comments, further consideration would need to be given.

The Cabinet Member for Regeneration, having had portfolio responsibility for the beach huts when they were established, took the opportunity to advise that previous discussions with the Scrutiny Committee had identified that the beach huts were part of a wider plan as they brought colour and vitality to the eastern end of the promenade. A great amount of publicity had also been afforded to the beach huts

over the previous 12 months, with pictures of the huts being distributed via the media and social media sites. In her view, this was an important aspect that needed to be borne in mind, as media coverage had further assisted with raising the profile of Barry Island. The Cabinet Member also stated other potential opportunities could be explored and referred to the potential usage by schools and the voluntary sector out of season, advising that there were some children in Barry who she was aware had actually never been to the seaside. She was of the opinion that although usage had been low, the beach huts had certainly raised the profile of Barry and their management had been a learning curve for the Council hence the decision to pilot the scheme on an initial basis.

In response, a Member of the Committee stated that it had indeed been a learning curve for the Council, and that there were lessons to learn from the pilot scheme but that after a year it was now important to assess and take on board any suggestions. The Member referred to the need to ensure that the hire of a beach hut was more readily available, with payments being able to be made via mobile phones etc., in light of the public's current use of technology, Wi-Fi was paramount. It was important that wherever possible, anyone wishing to hire a hut could do so via their mobile phone etc. The Member also raised concerns in respect of the lack of facilities (e.g. electricity and running water) in some of the beach huts. A business plan, in their opinion, was also essential and they concurred with other Members' views that co-operation with schools should be considered, including the further education sector.

Councillor N.P. Hodges, not a Member of the Committee, was granted permission to speak, and stated that he too believed the beach huts had become instantly recognisable and associated with Barry Island through publicity, but stated that the first year had been, in his opinion, very poor performance. He also advised that he would welcome the involvement of schools and again the ability to pay with cash was imperative. Local businesses could be asked to hold keys he suggested and that the Council should not wait for another year as such measures should be put in place immediately.

Other Members concurred with the suggestions that it was important that people could purchase the beach huts with cash in order that the Council can take in as much income as possible. The Council should consider reducing the hire prices and they were aware that many people visiting the Island had been of the view they could have been purchased on the spot. Technology was also essential as many people used debit and credit cards more readily. A number of Members agreed that the Council should give itself another year with adequate thought being given to the management of the beach huts and the development of further publicity and

marketing opportunities being made before passing over management to anyone else. In conclusion it was considered that more flexibility should be afforded to officers in the implementation of any policy.

The Chairman stated that the beach huts had been built as an integral part of the regeneration programme and, in her view, other opportunities should be explored including consideration of reducing the rental price of the huts, a different charging system, relaxing the policy for one year to allow schools to rent the facilities and for other organisations to also be allowed to use them. It was important that a new payment system be considered and work be undertaken with the Tourism Department to further promote and advertise the beach huts and possible management of them. Actively marketing the product she considered would reap rewards and was of the firm opinion that they should not be put out to concession.

All Members agreed that further marketing and publicity was essential to encourage usage and to capitalise on the positive way the beach huts at Barry Island were being portrayed.

Having fully considered the reference and report, it was subsequently

RECOMMENDED –

- (1) T H A T Cabinet further explore options 1, 2 and 3 as outlined within paragraphs 11, 12 and 13 of the report and that a more flexible approach be afforded to officers within the Beach Huts Policy.
- (2) T H A T option 4 (concession proposal) as outlined within paragraph 15 of the report be not pursued at this time.
- (3) T H A T the minutes of the meeting be referred to Cabinet for their consideration in order that a further report can be prepared having regard to the suggestions of the Scrutiny Committee contained therein and recommendations (1) and (2) above.

Reasons for recommendations

- (1) In order that options can be explored to determine the long term management and operation of the beach huts with a flexible approach being incorporated to allow officers to amend the policy as and when required having regard to service requirements.

- (2) The Committee consider that further exploration of other options needs to be addressed before a concession route is considered.
- (3) In order that Cabinet can be apprised of the views of the Scrutiny Committee in making its decision.

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After presenting this item, the Cabinet Member for Regeneration commented that there had been an excellent discussion by the Scrutiny Committee, concluding that the Beach Huts should remain in Council control.

In agreement with his colleague, the Leader commented that Cabinet had been unhappy with the suggestion to tender the beach huts and he was pleased that the Scrutiny Committee agreed. He confirmed that the second recommendation of the Scrutiny Committee, that the concession proposal should not be pursued, should be upheld, and that the Beach Huts should continue to be managed by the Council for the next year and reviewed later.

The Director of Environment and Housing services added that he would bring a report to Cabinet on 11 April, 2016 that considered the discussed options for the management of the Beach Huts.

In concluding this item, the Managing Director suggested that the Council should continue to proceed with the current round of concessions until 31 April, 2016 with the new concessions starting on 1 May, 2016.

Cabinet, having considered the recommendations of the Scrutiny Committee (Economy and Environment)

RESOLVED –

- (1) T H A T option 4 (concession proposal) as outlined within paragraph 15 of the original report to Cabinet be not pursued at this time.
- (2) T H A T the current concessions continue until 31 April, 2016 with new concessions starting on 1 May, 2016.
- (3) T H A T Cabinet receive a further report on 11 April, 2016 considering the management of the Barry Island Beach Huts.

Reasons for decisions

- (1) To consider further exploration of other options.
- (2) To confirm the current policy of concessions.
- (3) To consider further exploration of other options.

C3122 EXCLUSION OF PRESS AND PUBLIC -

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

C3123 THE TREATMENT OF BIODEGRADABLE MUNICIPAL WASTE TENDER ACCEPTANCE (VLS) (EXEMPT INFORMATION – PARAGRAPH 14) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Approval was sought to re-appoint a service provider for the treatment of biodegradable municipal waste following completion of a competitive tendering exercise.

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 appointment of Cowbridge Compost Limited to treat biodegradable municipal waste arising within the Council from 1 April, 2016 to 31 March, 2017 with the option to extend, in monthly intervals, to 31 March, 2018 be approved.
- (2) T H A T the Director of Environment and Housing Services be granted delegated authority in consultation with Head of Legal Services and the Cabinet Member for Visible Services and Leisure to enter into a formal Contract with Cowbridge Compost Ltd.

- (3) T H A T the use of article 14.14 of the Council's Constitution (urgent decision procedure) be authorised to enable the new contract to commence on 1 April, 2016.

Reasons for decisions

- (1) To enable the Vale of Glamorgan Council to enter into a Contract for the Treatment of Biodegradable Municipal Waste for the period from 1 April, 2016 to 31 March, 2017, with the option to extend, in monthly intervals, to 31 March, 2018.
- (2) To allow officers to contact bidders with the relevant letter and advise the current service provider; Cowbridge Compost Limited of the decision and the service commencement date of the 1 April, 2016.
- (3) To permit the new contract to start at 1 April, 2016.

C3124 MANAGEMENT AND OPERATION OF THE COUNCIL'S TWO HOUSEHOLD WASTE RECYCLING CENTRES (HWRC) – TENDER ACCEPTANCE (VLS) (EXEMPT INFORMATION – PARAGRAPH 14) (SCRUTINY COMMITTEE – ECONOMY AND ENVIRONMENT) -

Approval was sought to appoint the most economically advantageous contractor following a competitive tendering process to manage the operation of the Council's two Household Waste Recycling Centres located at Atlantic Trading Estate and Llandow Trading Estate.

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 appointment of F.C.C. Waste Services (UK) Limited to manage and operate the Council's two HWRCs at Barry and Llandow from 1 April 2016 to 31 March, 2019 with the option to extend annually up to a maximum of 3 years be approved.
- (2) T H A T the use of Article 14.14 of the Council's Constitution (Urgent Decision Procedure) be authorised to enable the award of the contract to take place in

order to facilitate commencement of the Household Waste Recycling Centre Services at Atlantic Trading Estate, Barry and Llandow Trading Estate.

- (3) T H A T the Director of Environment and Housing Services be granted delegated authority in consultation with Head of Legal Services and the Cabinet Member for Visible Services and Leisure to enter into a formal Contract with F.C.C. Waste Services (UK) Limited.
- (4) T H A T the Director of Environment and Housing Services be granted delegated authority in consultation with the Director of Finance, and the Leader of the Council to pay the current service provider, Biffa Municipal Ltd. sums up to the European threshold value of £164,157 should there be any delays in the contract transfer.
- (5) T H A T dispensation be granted to waive the Council's Contract Standing Orders to enable the continuation of the service to take place as set out in Resolution 4 above should this requirement arise.

Reasons for decisions

- (1) To enable the Council to enter into a Contract for the management and operation of its two household waste recycling centres for the period from 1 April, 2016 to 31 March, 2019 with possible annual extensions of a year up to a maximum of 3 years (31 March, 2022); and formalise the legal arrangement between the Council and FCC Waste Services (UK) Limited.
- (2) To enable provision of the services at these two sites to take place on the contract commencement date of 1 April, 2016.
- (3) To allow officers to contact the bidders with the relevant letter which would also advise the existing service provider Biffa Municipal Ltd of the decision and to start the "Transfer of Undertakings (Protection of Employment) Regulations" (TUPE) process that may affect the relevant staff within the existing service.
- (4) To allow payment to be made to the current service provider in the event of any delay in the transfer of staff.
- (5) To facilitate the continued HWRC service provision pending commencement of the new contract.