

CABINET

Minutes of a meeting held on 3 September, 2018.

Present: Councillor J. Thomas (Chairman), Councillor H. Jarvie (Vice – Chairman)
Councillors: J. Bird, G. Cox, G. Kemp, A. Parker and B. Penrose

Also Present: Councillors; N. Hodges, K. Mahoney.

C396 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 30 July, 2018 be approved as a correct record.

C397 DECLARATIONS OF INTEREST –

No declarations were received.

C398 SHARED REGULATORY SERVICES JOINT COMMITTEE -

The minutes of the Shared Regulatory Service Joint Committee meeting held on 19 June, 2018 were submitted.

Present:

Representing Bridgend County Borough Council – Councillors D. Lewis and Ms. D. Patel;
Representing Cardiff City and County Council – Councillors Ms. N. Mackie and M. Michael;
Representing the Vale of Glamorgan Council – Councillors V.P. Driscoll and T.H. Jarvie.

(a) Appointment of Chairman –

RESOLVED – T H A T Councillor M. Michael be appointed Chairman for the current Municipal Year.

(b) Appointment of Vice-Chairman –

RESOLVED – T H A T Councillor T.H. Jarvie be appointed Vice-Chairman for the current Municipal Year.

(c) Minutes –

RESOLVED – T H A T the minutes of the meeting held on 27th February, 2018 be approved as a correct record.

(d) Declarations of Interest –

Councillor Ms N.Mackie, declared an interest in respect of Agenda Item 7, Shared Regulatory Services Business Plan 2018-2019. The nature of the interest was that Councillor Mackie was a Member of the Port Health Authority Association. Councillor Mackie remained at the meeting whilst this Item was being considered.

(e) Draft Shared Regulatory Services Statement of Accounts 2017/18 (DEH) –

The draft unaudited Statement of Accounts for 2017/18 for the Shared Regulatory Services (SRS) was tabled at the meeting for the Joint Committee's consideration. It was noted that for 2017/18 there was an underspend of £346k, which was more than was previously predicted. This was due to income relating to the service becoming the recipient of the Illegal Money Lending Unit Grant during the year.

In addition, the Committee noted that as at 31st March, 2018, the balance of usable reserves held by the SRS was £740k. Members were informed that 2016/17 was the final year of the Implementation Budget. Due to circumstances beyond the control of the SRS, two items remained outstanding at the end of 2017/18 in relation to the £102k transferred to the usable reserves in 2016/17. These items were in respect of the anticipated actuarial costs of setting up the SRS as a separate employer within the Cardiff and Vale Pension Fund, plus the outstanding partially completed IT consultancy work. It was noted that the costs of which were reflected in the £56k retained in the usable reserves with expenditure to be incurred during 2018/19.

Committee was informed that following the completion of the audit of the accounts, the Joint Working Agreement required the Sec. 151 officers from the three authorities to agree how the underspend should be dealt with. The options would be to either place the sum into the reserves for the Joint Committee or to refund each authority their proportion of the underspend. This proposal would be reported to the next meeting of the Committee

Having considered the draft unaudited Statement of Accounts for 2017/18, it was subsequently

RESOLVED – T H A T the Shared Regulatory Services draft unaudited Statement of Accounts for 2017/18 be approved.

Reason for decision

Following consideration of the draft unaudited Statement of Accounts for 2017/18.

(f) Shared Regulatory Services Business Plan 2018-2019 (DEH) –

The Operational Manager – Enterprise and Specialist Services presented the report, the purpose of which was to ask for approval for the Shared Regulatory Services (SRS) 2018-19 Business Plan.

The purpose of the Business Plan, was specified within the Joint Working Agreement (JWA) which was to update information contained in the previous Business Plan, and to identify proposals for service activities, business and financial objectives, efficiency targets, business continuity planning, risk management, indicative staffing levels and changes, performance targets, costs and income for the current financial year. The JWA further specified that a draft Business Plan should be submitted to the Joint Committee for approval and, once approved, circulated to each participant Authority's Proper Officer.

The Operational Manager stated that the draft SRS Business Plan had a “golden thread” or “line of sight” to the corporate priorities of the respective Councils. The strategic themes of the SRS identified the areas of work that were delivered in support of these corporate priorities.

The draft Plan had been developed through consultation with SRS officers and discussions with different stakeholders. There was broad support for continued use of the existing strategic priorities which were:

- Improving health and wellbeing
- Safeguarding the vulnerable
- Protecting the local environment
- Supporting the local economy
- Maximising the use of resources.

The Plan, attached at Appendix A to the report, set out the full range of services provided by the SRS under the embedded operational arrangements, an indication of the activities planned for the 2018/19 period, the financial projections for the year and a review of performance for 2017/18.

The Joint Committee also received a brief presentation from the Team Manager (Industry) on the work and impact of the SRS's Industry Team. This included makeup and remit of the team, overview of the work as a Primary Authority, the types of training provided and the sort of paid services that were to be launched during 2018/19.

The Team Manager outlined that the Industry Team had a unique mix, which included 4 Environmental Health Officers for Food Safety, 2 Environmental Health Officers for Health & Safety which was equivalent to one full-time equivalent staff, 4 Trading Standards Officers and 2 Business Engagement Officers. The Team Manager advised that the remit of the Team was to manage queries and support business which included Manufactures and Importers of Non-retail items, coordinators of major events such as the Champions League final and businesses of discrete specialisms, for example approved premises and petroleum.

The key aim of the Team was around 'building the infrastructure'. This was carried out by the Team having a lead role in business engagement, paid for services and oversight for the role of Primary Authority. The key activities were:

- To engage with Economic Development Partners, Business Wales and other stakeholders/partners;
- Work with local authorities in England to provide assured advice on wales only devolved matters, such as Food Law;
- Provide bespoke training and paid for advice visits; and
- Service promotion, grant funding bids.

In respect of the Service's role as Primary Authority, the Team Manager advised that there was a broad range of businesses supported. This ranged from large national retailers to smaller local businesses. The Team Manager then provided examples of 3 companies that had received advice and support.

Further to the role of Primary Authority, the Team Manager advised that the process around this had been built up over a long period. The SRS had participated in the national pilot on 'How to engage with Business', which had been successful, with the SRS being the first to have a 'Devolved Matter' Primary Authority Partnership. In addition, the SRS had been recognised as a national strategic provider and had 22 of the 30 partnerships across the whole of Wales. The Team Manager advised that the role of Primary Authority was important as it allowed the SRS and businesses to work together in new ways and allowed the SRS to better recover some of its costs.

The Team Manager also outlined that the SRS provided training in the areas of Environmental Health and Trading Standards. In addition, the SRS was looking at other paid services that could be provided to business, with a number of launches scheduled for 2018/19 including Trading Standards – Buy with Confidence and accredited HACCP training for Food Business.

Finally, the Team Manager provided an overview of the engagement work undertaken by the Industry Team and also in relation to the positive feedback following a food safety event held during 2017.

A Committee Member, in referring to the section of the Plan in relation to key services offered, stated that it was not clear which services were purchased by each individual Local Authority. In reply, the Head of Service stated that this could be addressed.

RESOLVED –

(1) T H A T the contents of the Shared Regulatory Services 2018-19 Business Plan be approved.

(2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the 2018/19 Business Plan should the need arise.

Reasons for decisions

(1) The Joint Working Agreement specifies (at Clause 14) that each year the head of Regulatory Services will develop a draft Business Plan under the direction of the Management Board.

(2) The purpose of the Business Plan, specified by the Joint Working Agreement, is to update the information contained in the previous Business Plan, and to identify proposals for service activities, business and financial objectives, efficiency targets, business continuity planning, risk management, indicative staffing levels and changes, performance targets, costs and income.

(3) The Joint Working Agreement further specifies that the draft Business Plan is submitted to the Joint Committee for approval, and circulated to each participant Authority's Proper Officer.

(g) Shared Regulatory Services Annual Report 2017/18 (DEH) –

The Head of Service presented the report which provided an update on the performance and financial position of the Shared Regulatory Service (SRS) for 2017/18.

Under the Joint Working Agreement (JWA), there was a requirement for the SRS to produce an Annual Report that covered the operational and financial performance of the service for the preceding year.

This was the third Report produced under this requirement and covered the period 1st April, 2017 to 31st March, 2018. This third Annual Report outlined many of the actions undertaken to embed the SRS arrangements into the day to day functioning of each partner Council and the continued delivery of the wide range of statutory functions assigned to the service. The Report also provided a review of operations across the service, a summary of the financial position and outlined performance against the 2017/18 service objectives.

The SRS operated across Bridgend, Cardiff and the Vale of Glamorgan. The SRS delivered a range of statutory services, critical to maintaining the health, safety and economic wellbeing of local communities, through a collaborative model. The operating model delivered an integrated service for the Trading Standards, Environmental Health and Licensing functions, which had three service delivery sectors focusing upon the customer rather than the traditional professional delivery model.

- Neighbourhood Services: activities relating to residential premises or having an impact on the local community;
- Commercial Services: activities relating to business premises (generally where national standards apply);
- Enterprise and Specialist Services: specialist areas of work and income generating services.

As a regional organisation, providing regulatory services across three Local Authority areas, the SRS sought to ensure that the corporate priorities and stated outcomes of

the three Councils were at the heart of all its activities. Using them as a focus, the strategic priorities for the Shared Regulatory Service:

- Safeguarding the Vulnerable;
- Improving Health and wellbeing;
- Protecting the Environment;
- Supporting the local economy;
- Maximising the use of resources

It was noted that these provided a robust base for achieving the outcomes identified in the 2018/19 Business Plan and the partner Councils' corporate aspirations.

The JWA, executed in April 2015, and updated in July 2017, underpinned the entire service provision. The JWA contained a number of "milestones and requirements". In accordance with those requirements:

- The Wales Audit Office completed an independent financial audit of the service in September 2017, there were no recommendations for improvement;
- The service set its budget in December 2017 for the 2018/19 period, along with a financial projection for the following two years setting out a budget reduction of 5% p.a. for the next three years;
- The Business Plan for 2018/19 was presented for political approval in other papers to the June 2018 Committee, following consultation with stakeholders;
- The Annual Report was presented for consideration by the Joint Committee;
- The Joint Committee would receive an audited statement of accounts in September 2018.

The 2016/17 Annual report highlighted the following items as the principal challenges for the service:

- Delivery of the SRS Business Plan 2017-2018;
- Implementation of the SRS Workforce Plan;
- A review of the partnership, governance and scrutiny arrangements for the SRS;
- A review of the JWA;
- Delivery of the identified budget contribution reductions for partners;
- Refinement of the fee-generating activities approach to better understand the SRS cost base;
- Exploration of new ways of generating income for the service and future savings;
- Continue the process of channel shift by increasing the customer's ability to use self-help and undertake transactions online;
- Continue to harmonise working practices across the region, ensuring an effective, improved delivery and achievement of key performance indicators.

In terms of Human Resources, the Head of Service advised that throughout 2017/18, filling vacancies had continued to be a challenge and the SRS had struggled to recruit suitable individuals into the service. However, the service's programme of "growing its own" officers, particularly in the food and trading standards disciplines,

had seen a number of individuals achieve higher accreditation levels which allowed them to undertake a wider range of inspections. Additionally, the service had continued to run the core competency programme in regulatory professional practice. This training had been fundamental in ensuring that officers were equipped to deal with regulatory breaches competently and effectively.

All officers underwent a Personal Development Review (PDR) process last year and this was fed into a personal training plan for each officer which formed part of the new workforce development plan for the service.

In terms of sickness, the Head of Service stated that sickness absence levels for 2017/18 were 6.89 days per FTE staff member. This was an increase on the previous year where absence rates were recorded as 5.39 per FTE staff member. It was advised that there were mitigating factors with a number of staff undergoing planned medical interventions. The increase, however, compared favourably when viewed in a wider context through comparison against the average sickness rates across the partner Councils.

The Committee was also advised that during January 2018 the SRS Employee Survey was undertaken. The timing of the survey followed communications on proposed budget cuts to the service. The survey was distributed electronically to all staff and achieved an approximate response rate of 77%. Officers were asked to rate their satisfaction with aspects of the service and their employment conditions. The survey contained 44 questions and officers were asked to indicate how much they agreed or disagreed with a statement. 30 out of the 44 statements (68.18%) achieved very good to excellent results. 13 out of the 44 statements (29.54%) achieved good results with only one statement (2.27%) achieved a very poor result. This related to opportunities to progress within the service. A plan was now in place to address this outstanding concern.

In terms of the operational performance for the SRS, the Head of Service stated that the SRS for all but one of the indicators had achieved or exceeded performance targets. The only indicator with a Red RAG status related to the number of significant breaches that were rectified by intervention of Trading Standards during the year. It was noted that 8 investigations remained outstanding for Trading Standards. This was due to the nature of this measure where ongoing investigations could often be lengthy and complex which had yet to be concluded. The investigations however were within timescales of associated legislation.

The report also outlined a number of achievements worthy of note during 2017/18 which demonstrated progress towards delivering the outcomes associated with the SRS priorities. These were detailed between paragraphs 32 and 60 of the report.

With regard to financial performance, it was reported that the service had achieved an overall underspend of £346k against the gross revenue budget of £8.830m. For the core services, the approved gross budget for 2017/18 was £6.252m which showed a provisional underspend of £426k. For Authority specific services, the approved gross budget of £2.578m was projecting a provisional overspend of £80k.

Finally, the Head of Service related to challenges facing the SRS. Over the last three years, the SRS had consolidated service delivery in accord with the agreed standards, the requisite financial savings had been delivered in Year 3, but more demands were being placed upon the service at a time of reducing resources. In the next three years, the service's principal challenge was to continue to deliver high quality services and to help its partners manage their respective financial pressures. The Key Milestones for 2018/19 included:

- Delivery of the SRS Business Plan 2018/19;
- A review of the organisational structure for the SRS to meet the budget savings set out for 2019/20 and 2020/21;
- Consequently, to implement the financial savings agreed for the delivery of the SRS for the period 2018 – 2020;
- As with any law enforcement agency, new legislation and new policy developments continued to place greater responsibilities upon the service; and with those responsibilities greater expectations. The likely consequences arising from the Grenfell disaster, changes to the Public Health regime, the increased exploitation of vulnerable people, the challenges of improving air quality, the increase in the number of major commercial events could not be underestimated. The need to have a competent core of officers ready to meet this challenge at a time of reducing budgets could not be understated. Delivering more with less meant that the SRS needed to undertake a degree of future proofing to meet the partner Councils' statutory responsibilities. Anything less represented a real risk for the health and well-being of those living, working and visiting the region.

Having considered the report, it was

RESOLVED – T H A T the Shared Regulatory Services Annual Report for 2017/18 be approved with authorisation being given to the Managing Director, Vale of Glamorgan Council, to forward a copy of the report to the Heads of Paid Service for the other partner Councils.

Reason for decision

To meet the requirements set out in Clause 5.1 of the Joint Working Agreement.

(h) Health and Safety Enforcement Service Plan 2018/19 (DEH) –

The Operational Manager – Neighbourhood Services presented the report the purpose of which was to seek approval for the Health and Safety Enforcement Plan for the Shared Regulatory Service (SRS) for 2018/19.

The SRS, covering the areas of Bridgend, Cardiff and the Vale of Glamorgan, together with the Health and Safety Executive, was responsible for the enforcement of the Health and Safety at Work etc. Act 1974 (the Act).

Section 18 of the Act required Local Authorities to produce a Health and Safety Service Plan setting out the arrangements in place to discharge these duties. A copy of the draft Health and safety Enforcement Service Plan was attached at

Appendix 1 to the report. The Service Plan detailed the aims and objectives of the service in respect of health and safety enforcement, were determined annually. The Plan detailed:

- The demands on the service;
- The risk based work programme; and
- The resources available to deliver the required work.

The Plan explained the Health and Safety Executive's expectations of Local Authorities, some of the achievements in 2017/18 and the challenges for the year ahead.

It was reported that the SRS had approximately 9,245 premises that required a range of health and safety interventions such as inspection, survey, monitoring, advice and enforcement. Furthermore, Cardiff as the Capital City of Wales attracted numerous outdoor events across a wide range of venues within the city. As entertainment and cultural activities were within Local Authority enforcement, the enforcement of health and safety requirements in the majority of these events fell to the Health and Safety Service.

In outlining some of the key activity undertaken during 2017/18, the Committee noted the following:

- 575 businesses that were targeted for proactive health and safety interventions;
- Beverage gas safety in the hospitality sector;
- Inspection of residential care homes;
- Visiting golf clubs;
- A duty to manage asbestos.

Councillor Mackie of Cardiff Council commented on the relatively low number of prosecutions, which was indicated within the Health and Safety Service Plan as 2 businesses prosecuted since 2014. This was in comparison to a lot more businesses receiving prohibition notices. In reply, the Head of Service stated that there would not normally be many prosecutions in the area of Health and Safety as the issues that the service was dealing with related to breaches such as checking for asbestos, unsafe operating procedures, etc. and not the accidents or fatalities that HSE might investigate. The Head of Service offered reassurance that where it was deemed necessary, the service would seek to prosecute, but in many instances the service would take the view that it was better to address issues through training and promoting a positive health and safety ethos.

Following consideration of the Health and Safety Service Plan, it was

RESOLVED –

(1) T H A T the Health and Safety Enforcement Service Plan for 2018/19 be approved.

(2) T H A T the Head of Shared Regulatory Services be authorised to make administrative amendments to the 2018/19 Health and Safety Enforcement Service Plan should the need arise.

Reason for decisions

(1&2) To ensure that the Shared Regulatory Service had robust arrangements in place to deliver its obligations as an enforcing authority under the Health and Safety at Work etc. Act 1974 and to comply with statutory guidance.

(i) Harmonisation of Fireworks Licensing Conditions (DEH) –

The Head of Service presented the report, the purpose of which was to seek approval for the introduction of common conditions for fireworks in order to achieve harmonisation across the Shared Regulatory Services (SRS) region and to ensure that conditions remained fit for purpose and reflected best practice going forward.

The report advised that the storage of fireworks and associated activities were controlled by the Explosives Regulations 2014. The Regulations were made under the Health and Safety at Work etc. Act 1974. The Regulations identified Local Authorities as the competent authority to licence premises to store fireworks. That licensing function had been assigned to the Joint Committee under the Joint Working Agreement.

The licence conditions prevailing in each of the three Local Authority areas upon the creation of the Shared Service in 2015 had continued to operate since that time. This meant that three sets of licence conditions applied, depending on the location of the premises.

It was noted that the three sets of conditions were not greatly different from each other as they should be based on national best practice standards. However, the current arrangements required enforcement officers and licensing staff to ensure on every occasion that a licence was being granted under the specific set of conditions pertaining to a particular location.

This gave rise to confusion among businesses, particularly those trading indifferent locations across the SRS region. Harmonisation of fireworks licensing by the creation of a single set of conditions for the region would result in greater efficiency for SRS officers and greater certainty for businesses, particularly those with a presence in more than one of the SRS Local Authority areas.

The proposed harmonised conditions were set out in Appendix 1 to the report, with the existing conditions in Bridgend, Cardiff and the Vale of Glamorgan set out in Appendices 2, 3 and 4 respectively.

Given the minor, harmonising nature of the proposed changes, it was not thought necessary to go out to formal consultation with the trade; however licensees would be made aware of the changes well ahead of their taking effect in September 2018.

Having considered the request, it was

RESOLVED –

- (1) T H A T the contents of the report be noted and the minor amendments proposed to achieve harmonisation of fireworks licence conditions across the Shared Regulatory Services region be approved.
- (2) T H A T the Head of Shared Regulatory Services be authorised to make any further amendments that may prove necessary over time, to fireworks licence conditions.

Reasons for decisions

- (1) Harmonisation of licence requirements into a single, SRS-wide set of conditions would ensure greater efficiency for enforcement and licensing staff and greater certainty and clarity for the businesses concerned.
- (2) Authorisation for the Head of Shared Regulatory Services to make minor amendments as the need arises would enable changes in licensing best practice to be reflected promptly, without the need to bring repeated reports to the Joint Committee.



At the meeting the Deputy Leader and Cabinet Member for Regulatory and Legal Services, commented that he was pleased to announce that he had been appointed Vice-Chairman of the committee for the current Municipal Year.

RESOLVED – T H A T the minutes of the Shared Regulatory Service Joint Committee meeting be noted.

Reason for decision

To note the minutes.

C399 CARDIFF BAY ADVISORY COMMITTEE –

The minutes of Cardiff Bay Advisory Committee meeting held on 27 June, 2018 at Cardiff International White Water were submitted.

Present:

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| Mr. A. Parker (Chairman) | |
| Mrs. C. Dimond (Vice-Chairman) | Cardiff Flood Action Committee |
| Mrs. N. De Longhi | Natural Resources Wales |
| Councillor J.C. Bird | Vale of Glamorgan Council |
| Mr. N. Ajax Lewis | Wildlife Trust of South and West Wales |

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| Commodore D. Cairncross | Cardiff Bay Yacht Club |
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Also present:

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| Mr. A. Vye-Parminter | Cardiff Harbour Authority |
| Mr. S. Ellery | Cardiff Harbour Authority |
| Mrs. K. Bowen | Vale of Glamorgan Council (Democratic and Scrutiny Services Officer) |

(a) Apologies for Absence –

These were received from Councillor M. Michael (Cabinet Member for Environment, Cardiff Council), Councillor N. Humphrey (Penarth Town Council), Councillor C. Wild (Cardiff Council), Ms. S. Newbold (British Marine Federation and Royal Yachting Association), Mr. J. Maidment (Cardiff Harbour Authority).

(b) Minutes –

AGREED – T H A T the minutes of the meeting held on 6th December, 2017 be approved as a correct record, subject to it being noted that Commodore D. Cairncross was present

(c) Matters Arising –

There were no matters raised at this point with it being noted that update reports would be presented under the relevant items later in the agenda.

(d) Navigational Safety – Cardiff Harbour Authority –

- In December, January and February over 150 tonnes of rubbish had been removed from the bay. In accepting that 150 tonnes was considered to be a fairly high level, Committee was further advised that up to 1,000 tonnes of rubbish could be accumulated in 12 months depending on weather conditions.
- The Centre for Research into Environment and Health had been commissioned to produce a new predicative water quality model for Cardiff Bay and this would allow better predictions of the bacterial quality and also comply with the revised Bathing Waters Directive. Following a query as to whether Welsh Water had plans to undertake any work, it was confirmed that this was not known but officers would seek further information from Welsh Water and inform the Committee accordingly

AGREED – T H A T the report be noted and thanks extended to the officer.

(e) Progress Update – Cardiff Harbour Authority –

The Committee was advised that a despite a high amount of pressure on staffing levels during the recent snow event, Barrage staff continued to man the Barrage as per normal operations.

At Lock 3 the site had been closed on Tuesday 13th and Wednesday 14th March and all stop beams had been removed on the 13th with only clear up works and fencing removal being required on the Wednesday.

During the high winds, over the previous two months, sections of the anti-climb fencing and significant amounts of netting had been damaged. The anti-climb fencing had been repaired and all damaged netting removed, renewal of the netting was being programmed in.

A cycle hire scheme was due to be rolled out across the City and as part of this initiative eight bikes had been allocated to the Barrage. Members were informed that at present a suggested location for the bikes was to be adjacent to the car park bus shelter. The bikes would be attached to a frame and could be accessed for use and then dropped off at another hire location (similar to the London Boris Bike Scheme).

The Vice-Chairman raised concerns in relation to the number of cyclists that used the Barrage in an unsafe manner which was proving particularly dangerous for pedestrians. Although notices were displayed around the Barrage, it was queried as to whether anything further could be done in order to request cyclists to be more responsible. Officers confirmed that the path had been widened in parts to 4m but they would look into any further ideas that could be presented.

Volvo Race – Mr. Vye-Parminter confirmed that the Harbour Authority had met with Penarth Traders and that he would be attending a meeting with the Cardiff and the Vale Highways departments in the next few weeks to run through the current programme for the Volvo Race.

Following a query regarding how recyclable products were going to be utilised during the Race, it was confirmed that drinking stations would be arranged on site, with no water to be sold in plastic bottles. Further consideration as to whether such facilities could also be placed in an around Cardiff City centre were also to be explored by Cardiff Council. Members queried whether they could be invited to view the boats at the boatyard and Mr. Vye-Parminter advised that he would consult with the relevant organisations to ascertain the possibility.

AGREED –

- (1) T H A T the report be noted and thanks extended to the officer.
- (2) The Committee confirmed that they were interested in undertaking a site visit in relation to trash collection prior to the June meeting.

(f) Update Report – Natural Resources Wales –

Ms. De Longhi informed the Committee that in relation to the discussion at the last meeting regarding any research that had been undertaken in respect of cormorants in the area confirmed that a trial was taking place in the Usk area to identify hot spots and to record the number of birds. Although it was a local initiative in a local area, there was a possibility that the research and information received could assist

other areas. Ms. De Longhi agreed to keep the Cardiff Bay Advisory Committee informed of progress.

(g) Timetable of Meetings –

During consideration of this item, the frequency of meetings was also considered. The report suggested a number of future dates for the Committee with Members being informed that with regard to custom and practice meetings took place at 5.15 p.m. on a Wednesday evening. The dates had been considered in conjunction with previous years' timetables of meetings, with it being noted that the June meeting would be the Annual General Meeting.

Discussion ensued regarding the frequency of meetings, with the Chairman advising that although the nature of the original Act had slightly changed, the role of the Cardiff Bay Advisory Committee remained to ensure that the Committee was undertaking scrutiny and monitoring of the role of the Harbour Authority and seeking views from key stakeholders, for example Natural Resources Wales.

Following the consideration of the above it was

AGREED – T H A T the following timetable of meetings be approved:

| DATE | VENUE |
|--|---|
| Wednesday, 27th June, 2018 at 5.15 p.m. (Annual General Meeting) | Cardiff International White Water |
| Wednesday, 19 th September, 2018 at 5.15 p.m. | The agenda and reports to be forwarded to all Members of the Committee via email with comments on the documents to be collated and disseminated by the Clerk. |
| Wednesday, 19 th December, 2018 at 5.15 p.m. | Cardiff International White Water |
| Wednesday, 20 th March, 2019 at 5.15 p.m. | The agenda and reports to be forwarded to all Members of the Committee via email with comments on the documents to be collated and disseminated by the Clerk. |

(h) Any Other Business –

The Vice-Chairman requested that the relevant officer / Professor for ground water monitoring advice be invited to attend the next meeting in June to provide an update on ground water monitoring to date and the impact for local residents.

A further concern related to de-watering wells and whether they were still in operation, Mr. Vye-Parminter advised that he would obtain the information and report back to Committee.

The Chairman took the opportunity to apprise Members that he had recently been informed that Welsh Government had provided £100k for the Vale of Glamorgan Council to undertake surveys to look at the technical issues and economic and transport benefits of several schemes in the Penarth area including the Penarth Headland link, buses across the barrage and a park and ride facility at Cosmeston Country Park. The work was currently underway with draft reports to be prepared for the Vale Council to consider.

It was subsequently suggested that the Cardiff Bay Advisory Committee agendas contain a standing item titled Penarth Headland Link in order that future updates could be reported as and when available.

Councillor Bird referred to a planning application in respect of the Swing bridge at Penarth Marina which had recently been withdrawn by Penarth Quays Marina however, the Council's Highways Department had advised that the area was a public footway and should remain open. Councillor Bird agreed to provide further updates to the Committee in due course.

(i) Date of Next Meeting –

Wednesday, 27th June, 2018 at Cardiff International White Water at 5.15 p.m.
(Annual General Meeting).

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

Reason for decision

To note the minutes.

C400 JOINT CONSULTATIVE FORUM –

The minutes of the Joint Consultative Forum meeting held on 2 July, 2018 were submitted.

Present: Mrs. J.E. Charles (Chairman); Councillors Mrs. P. Drake, B.T. Gray, G. John and N.C. Thomas.

Representatives of Trade Unions: Miss. M. Canavan (NUT), Mr. G. Davies (Unison), Mr T. Greaves (GMB), Mr. G. Pappas (Unison), Mrs. L. Lancaster (NASUWT) and Mr. A. Unsworth (GMB).

Officers: Mr. T. Baker, Mr. L. Bonnie, Mrs. A. Davies, Mr. H. Isaac and Ms. E. Morgan.

(a) Apologies for Absence -

These were received from Mr. N. Stokes (GMB) and Mr. R. Hughes (GMB).

(b) Minutes and Matters Arising -

AGREED - T H A T the minutes of the meeting held on 12th February, 2018 be approved as a correct record.

(c) Declarations of Interest -

Councillors Mrs. J. Charles, Mrs. P. Drake, B.T. Gray, G. John and N.C. Thomas all declared an interest in respect of Agenda Item 9 - Reshaping Services Update. These Councillors had received dispensation from the Standards Committee to speak and vote on related agenda items.

(d) Minutes of the Directorate Consultative Groups -

The minutes of the following Directorate Consultative Groups were received:

- Learning and Skills - 28th February, 2018
- Resources - 24th April, 2018
- Social Services - 21st February, 2018
- Social Services - 22nd March, 2018
- Social Services - 19th April, 2018
- Visible Services - 7th April, 2018
- Visible Services - 4th April, 2018.

It was subsequently

AGREED - T H A T the minutes of the Directorate Consultative Group meetings be noted.

(e) Minutes of the Corporate Health and Safety Meeting -

It was noted that the Corporate Health and Safety Group had not met since the last JCF held in February 2018.

(f) Dates of Future Directorate Consultative Groups -

AGREED - T H A T the following dates for Directorate Consultative Group meetings as detailed below be noted:

- Learning and Skills - to be arranged
- Resources - 24th July, 2018
- Social Services - 27th June, 2018
- Visible Services - meetings scheduled for the 1st Wednesday of every month.

(g) Update from the Employees Survey (2017) -

The Head of Human Resources by way of PowerPoint presentation provided a detailed analysis of the results from the Employee's Survey for 2017. This included an analysis of engagement levels by Directorate, Service Area, length of service and grade.

The Forum was advised that there were 1415 responses to the survey which equated to an overall return rate of 57%. The Head of Human Resources stated that this was an encouraging rate of return, which exceeded industry standards for such engagement exercises and represented an improvement on the return rate for 2016 of 48%.

It was noted that the Council received a 33% return rate from those employees who received hard copy surveys and 71% from those who accessed the survey through email. Return rates were relatively even across the four Directorates ranging from 42% for Social Services to 73% for the Resources Directorate.

In summarising some of the key outcomes from the survey, the Head of Human Resources advised:

- The average positive response rate to the 20 expectations within the Staff Charter was 72% i.e. those employees either strongly agreeing or agreeing with the assertions made. This was an improvement on last year's positive rating of 71%.
- The level of positive responses was again high across all Directorates ranging from 67% in the Environment and Housing Directorate to 76% in the Social Services Directorate.
- The level of positive responses from within the 22 Service Areas was slightly more diverse ranging from 59% in the Additional Learning Needs Division within Learning and Skills to 97% in the Directors Office within the same Directorate.
- Positive response ratings were highly in 15 out of the 20 Staff Charter expectations which was encouraging considering the volume of change across the Council during 2016/17 and the ongoing response to budgetary and service demands.
- The highest overall positive response rate related to the assertion 'I am trusted to get on with my job'. Some 92.5% of employees responded positively to this statement compared to 91.5% in 2016. This statement also attracted the highest score in all Directorates and in 12 out of the 22 Service Areas.
- The next two highest responses were in relation to 'I am clear what is expected of me' (83.2%) and 'I am treated with respect' (82.5%). These were 78.4% and 80.6% in the previous year.
- The expectations which had shown the overall biggest improvement of the preceding 12 month period were 'I am clear about what is expected of me', 'I am listened and my view considered' and 'I receive strong and supportive leadership'.

- Improvement in 'clarity about what is expected of me' was not only the expectation with the best level of improvement but also the most consistent improvement area of four of the 22 Service Areas.
- The lowest level of positive responses was in relation to assertions 'I have the opportunity to test out new ideas' (63.2%), 'I am kept informed about the wider work of the Council' (58.6%) and 'I am helped to understand my contribution to the wider Council' (50.5%).
- The assertion with the highest improvement rate was 'I am clear about what is expected of me'. The assertion with the highest fall in positive responses was 'I am kept informed of the wider Council'.
- The forum noted that for those staff employed for 20 years or more, there was a low positive response rate (59.66%) to the assertion 'I feel supported in achieving my potential'.
- The responses relating to the opportunity for employees to test out new ideas had also been identified as a specific Staff Charter related work stream.

A Member queried how an analysis would be undertaken of staff attitudes. In reply, the Head of Human Resources stated that for 2017 this was difficult as there was not a free text box within the survey. This would be changed for 2018. A key aspect was that the data would be considered by all Directorates and would be used to understand some of the views expressed by staff.

Subsequently it was

AGREED - T H A T the presentation on the Employees Survey 2017 be noted.

(h) Update on the Employee Awards Evening -

The Head of Human Resources provided a short video following the Employee Awards evening. Prior to the video, the Head of Human Resources stated that the key aim of the evening was to be accessible, sustainable and cost neutral. It was noted that an amount of £730 had been raised, with a contribution made to the Mayor's Charity.

Subsequently, it was

AGREED - T H A T congratulations be sent to the winners of the Employee Awards for 2018.

(i) Reshaping Services Update -

The Head of Performance and Development referred to the report for April 2018 which provided an overview of progress for all projects associated with the Reshaping Services Programme.

Mr. Pappas of Unison raised the point regarding the Youth Service project and stated that the programme criteria was not presented correctly to the unions. In reply, the Head of Human Resources advised that this had been corrected through a recent report to Cabinet.

Subsequently it was

AGREED - T H A T the contents of the report be noted.

(j) Response to Government Green Paper - Strengthening Local Government - Delivering for People -

The Head of Performance and Development presented the Council's response to the Welsh Government Green Paper - Strengthening Local Government: Delivering for People. He advised that the proposal had since been withdrawn by the Welsh Government Minister, which would have resulted in the forced merger between the Vale of Glamorgan Council and Cardiff Council. This was something that the Vale Council had objected to.

It was subsequently

AGREED - T H A T the contents of the report be noted.

(k) Policy Review Update -

The Operational Manager for Human Resources advised that the current position, as at 2nd July, 2018, on HR Policy Development, since the last JCF meeting was as follows:

- Further issues to be clarified prior to proceedings
- Violence and aggression at work
- Terms and Conditions
- Re-deployment procedure (revisions approved)
- Compensatory rest a local collective agreement
- Flexible working procedure
- Mental health and Being Policy
- Grievance Policy and Guidance
- Re-grading Procedure
- Change Forum
- Management of Absence (revisions approved)
- Professional fees retention agreement
- Grievance Policy and Guidance
- Flexi Scheme and Special Leave Scheme.

AGREED - T H A T the current position in relation to the HR Policy Development be noted.

(l) NJC Single Status Pay Award -

The Operational Manager, Employee Services provided a verbal update on the National Joint Council Single Status Pay Award. He advised that the Council was currently working on the second year pay deal, which would affect 4,000 Council and school staff. The award for 2018/19 had been successfully implemented and so work was currently progressing for the 2019/20 pay award. This was more

complicated as a new pay structure needed to be agreed, which was further complicated due to the different pay structures required for Council based and school based staff.

The Operational Manager added that a number of options were being explored and consideration was needed around affordability, equal pay, usability and retention of staff. Another important consideration was to do with timeliness. This was because the new pay structure had to be in place before April 2019 and so there would be a lot of work behind the scenes such as updating of the IT systems. In order to progress the new pay structure, the Operational Manager had met with the three school cluster headteachers and the Council's Corporate Management Team had been consulted. The Operational Manager advised that it was reassuring to know that the Vale was ahead of most other local authorities in Wales.

Mr. Pappas of Unison asked what would happen if the new pay structure was unaffordable. In reply, the Operational Manager stated that the Council was adopting a similar approach to the one used previously and it was hoped that the Council would only have to make small tweaks as opposed to wholesale changes.

AGREED - T H A T the verbal update be noted.

(m) Trade Union Items -

- Foundation Living Wage

Mr. Pappas advised that it had been requested for the Council to consider implementing the Foundation Living Wage. He also asked whether the Council would be implementing the Accreditation Living Wage, which would see contractors or occasional staff paid the Living Wage. In reply, the Head of Human Resources stated that the Council's minimum hourly rate was £9.18, and so was probably higher than the projected Living Wage. This was as a result of the Cabinet decision to remove the lowest spinal point on the pay structure and was a good step towards achieving the aim. The Head of Human Resources also stated that the Council was well aware of the difference between the Foundation Living Wage and the Accredited Living Wage, but he was unable to answer on the future direction of the Council's Administration.

- Flexible Working Scheme

At the meeting, and having received reassurance, Mr. Pappas withdrew this item.

(n) Proposed Timetable of Meetings -

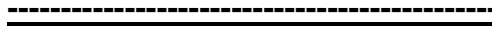
Following consideration of the proposed further meeting dates for the municipal year 2018/19, it was

AGREED - T H A T the proposed meetings dates as listed below be agreed:

- 15th October, 2018
- 11th February, 2019.

(o) Chairman's Announcement -

The Chairman paid tribute to the Head of Human Resources who was leaving the employment of the authority. The Chairman expressed thanks and appreciation for his hard work and dedication and wished him well for the future. These sentiments were echoed by Mr. Pappas on behalf of the Trade Unions.



At the meeting the Leader and Cabinet Member for Performance and Resources highlighted that he was hopeful that when the foundation living wage rates were published that all direct employees of the Council would be paid above the foundation living wage.

RESOLVED – T H A T the minutes of the Joint Consultative Forum meeting be noted.

Reason for decision

To note the minutes.

C401 RESHAPING SERVICES: ARRANGEMENTS FOR THE OPERATION AND TRANSFER OF ASSETS OR SERVICES TO TOWN AND COMMUNITY COUNCILS IN THE VALE OF GLAMORGAN (REF) -

The Community Liaison Committee on 3 July, 2018 considered the above report.

Cabinet had, on 2nd July, 2018, approved in principle the approach and principles for the Protocol as a basis for referral to the Community Liaison Committee and the Corporate Performance and Resources Scrutiny Committee for consideration, prior to reaching a final determination. The report provided an update on the work undertaken to date with Town and Community Councils (TCCs) in line with the Reshaping Services programme and it sought Cabinet approval for the Protocol.

The Head of Service for Neighbourhood Services and Transport advised that the Council's Reshaping Services programme set out how the Council's desire to continue to operate priority services placed an increased requirement on the Council to work with others. The Programme was well established and projects sought alternative service delivery models where appropriate to do so. The Strategy underpinning Reshaping Services recognised the important role that the Council's partners had in achieving the Council's objectives.

“Town and Community Councils and Voluntary Sector”, was one of the Corporate work streams in the Reshaping Services programme. To date many discussions had taken place between senior officers of the Council and TCC officers and elected

Members concerning the possible transfer of Vale of Glamorgan Council assets and responsibilities.

The Well-being of Future Generations (Wales) Act 2015 placed a legal duty on public bodies to work together to improve the well-being of Wales. It also placed specific well-being duties on certain TCCs depending on their annual turnover. As an articulation of this Council's commitment to the Five Ways of Working introduced by the Act, Reshaping Services project teams comprised representatives from the voluntary and TCC sectors. The regular updates provided on Reshaping Services to the Community Liaison Committee demonstrated a commitment to involving and collaborating with colleagues in this part of the public sector.

As part of the Reshaping Services programme, Vale of Glamorgan Council officers had been engaged with TCCs for some time, seeking to establish which services or assets they may be interested in taking on, either to supplement a reduction in service frequency or standards due to reduced budgets, or in the worst case scenario to fulfil a service in some form due to its complete withdrawal.

Interest had generally been from TCCs to become involved in services and functions local to their respective administrative boundaries and at a scale commensurate with their administrations and resources. This had always been with the proviso that such services / functions should be operated at a lower overall cost to the tax payer and to at least the same standard as was currently the case.

The discussions undertaken to date had provided a useful learning opportunity for all concerned and as expected, different TCCs had expressed varying levels of interest in this agenda so far. Through effective management of Council services, there had also not been a need to progress discussions relating to the wholesale withdrawal of services or the closure of assets. Whilst this demonstrated successful management of services to date, there were clearly future pressures that were likely to change this situation. Without providing details of services or assets that were to be withdrawn or to cease, TCCs had also lacked some clarity in terms of their scope and the desired outcomes from any potential projects. The discussions had also prompted the need to address the question of which services and assets the Vale of Glamorgan Council operated at a very "local" level (i.e. for specific local communities) and those which were strategically operated (i.e. for the benefit of the area / region / country as a whole). This had again not provided clarity for potential partners of which services / assets the Council would be willing to progress discussions in order to fulfil the Council's Well-being Objectives and to deliver the sufficient level of financial saving that this Council would ultimately require from such arrangements.

All Councils required clarity as to how they should prepare to work together in the future to ensure that we grasp all opportunities to meet the needs of our citizens and communities, and the report sought to assist in this purpose by producing a Protocol or 'blueprint' for future engagement, building on the experiences to date, this Council's Corporate Plan, its Medium Term Financial Plan and the national legislative context.

Over the next five years, at its projected minimum financial settlement provision, the report noted that the Council should be able to resource its statutory and strategic services with all other services likely to reduce in standard / frequency, be made at least cost neutral, transferred to others (including TCCs), or cease altogether at some point during the period.

The Protocol was intended to provide clarity by indicating the services and types of assets which the Council would consider to be non-strategic and those that may be available for transfer or operation by others, including the broad terms of any such arrangements.

The categories of assets (and the associated operations) that were considered to be non-strategic included some examples as identified in paragraph 22 of the report.

Where a TCC was interested in pursuing opportunities within their area, they were encouraged to contact the Council for further discussion and more information on the specific assets which fell into the non-strategic categories could then be provided which was relevant to the particular area in question. This would enable relevant information to be provided and for informed discussions to take place. In addition to this Protocol, Cabinet would also be considering proposals for changes to the operation of single-use sports facilities (for example bowling greens and tennis clubs) which were also being reported on the agenda.

Based on lessons learned from projects both within the Vale of Glamorgan and elsewhere, there were several possible forms of arrangement for the operation or transfer of services and assets to TCCs.

- Community Asset Transfer – The Council had an established Community Asset Transfer (CAT) guidance and protocol which set out a process through the submission of an Expression of Interest and (where judged to be viable) a business case that was considered by the Council's CAT Working Group, Insight Board and Cabinet. This guidance was currently under review. TCCs may wish to consider the CAT process for asset categories listed above where a viable business case existed for operating these.
- “Soft-CAT” or pilot. There was also the possibility of TCCs working on a “soft-CAT” or pilot basis, whereby the TCC could operate the service / asset on a service level agreement basis for a period of time (for example, two years) initially to enable risks to be managed and to develop learning and understanding. These forms of arrangement would be developed on the basis of a “light touch” business case, produced collaboratively. The TCC would assume the responsibility for operating the service / asset on the basis of an agreed service level. This might lead to a formal CAT application in time for assets or a more permanent arrangement regarding service delivery. It was proposed that this “soft-CAT” option would be reflected in the updated Corporate CAT guidance which would be reported to Cabinet later this summer.

Committee was further informed that any transfer or operation of services or assets should be at a lower overall cost to the public, there may also be employment

implications associated with any proposals, for example, the potential transfer of staff to another organisation. These would be identified and managed in accordance with the Council's local arrangements and any relevant legislative duties on a case by case basis.

In the first instance during consideration of the report, a Member queried the accuracy of the detail referring to the community centre listed as Glyndwr Avenue, Penarth suggesting that this was incorrect. The Head of Service agreed to look into this and report back to Members.

A number of questions were raised with specific reference to the Council's determination of what it considered to be a strategic asset and a local asset. A Member also referred to the fact that it would have been more advantageous for further consultation to have been undertaken on the report prior to it being presented to the Committee.

In response, the officer advised that the consultation being undertaken at the Committee meeting was indeed part of the consultation process and a copy of the report had been forwarded under the Urgent Decision procedure as approved by Cabinet on 2nd July to all TCCs in order that they could consider the report during their meetings in July prior to reporting back to Cabinet in September. The officer also referred to the fact that based on experience of the Council's work with TCCs, they had considered how they interpreted local or strategic but reminded all present that if they had any issues they could respond during the consultation with any comments.

Committee was further advised that the list of assets detailed in the report was also not exhaustive but provided a basis to work on. A TCC representative also advised of the importance for TCCs to have as much information as possible which had not been provided in detail in the past. The Head of Service, in response, advised that a number of discussions were currently taking place with individual TCCs and the report had been prepared in response to a number of queries that had been raised.

A number of representatives of TCCs at the meeting raised concern regarding the potential issue of double taxation. In response the Head of Service advised that should a service not be undertaken by the Vale of Glamorgan, then there should be no double taxation issue, and by way of an example for instance if the Vale Council agreed to undertake only four grass cuts a year out of eight, other TCCs could actually take on the other four themselves, so it would not be double taxation per se. The key was the overall cost of the service and, in particular, that it should not be any greater than the current cost. The Head of Service urged all TCCs to consider whether there was anything they could do differently in their areas which could be done cheaper. The Library Service was noted as an example of a service that was currently being run by communities.

In referring to the report, the Head of Service also advised that it was clear that the Council needed to keep assets that were strategically important to the Vale as these needed to be managed in a consistent way and could also have extra income opportunities for the Vale to pay for other services the Vale provided.

The Member for Llangan stated that in his view, although the methodology was appropriate, more dialogue needed to take place between TCCs and the Vale.

Some Members commented that it was important to understand that a number of TCCs were happy to take on services but that the Vale of Glamorgan Council should be generous and reasonable but get on with the matter. A query was also raised in relation to the reference to the Well-being of Future Generations Act and how the implications would impact on future generations, with a further request for details in relation to what assets the Council considered to be strategic and local to be provided. In commenting further they stated their disappointment that there were only 12 TCCs represented at the Community Liaison Committee.

The representative of Llangan Community Council asked the Council to also consider instead of making a list of tangible assets, to look at services that were of concern to all, for example road signs as these in his view needed considerable maintenance throughout the Vale of Glamorgan. However, it was noted that this was a statutory service and as such the responsibility of the Vale.

Councillor Cuddy, the TCC Representative on the Vale of Glamorgan Council's Reshaping Services Board, then provided a short presentation reviewing the work that had been undertaken to date. He referred to the paragraph in the Green Paper of Welsh Government's proposals to provide the catalyst to create a new kind of local government in Wales delivering alongside stronger TCCs, providing a sustainable model for local public services and democracy. The Well-being of Future Generations (Wales) Act also brought the challenge of working together. The Independent Panel Review Report on the role of TCCs was anticipated later in the year and would be reported to all TCCs when available. He acknowledged that the Vale had sustained services and assets at a level that was better than some other unitary Authorities, although in his view, the report before the Committee in his view focused on finance as opposed to the detail for reshaping services. There was also a need to ensure value added by local delivery. He referred in the main to the services being limited to the Visible Services Directorate and welcomed the revision to the Community Asset Transfer Guidance and the soft-CAT approach. He too wished the Local Authority was clearer in relation to the strategic and local implications and that TCCs should be made aware of improvement requirements, the commitments that they may be taking on and that it was about taking on an asset rather than a liability. Local Councils should also be made fully aware of the limitations should they enter into any service level agreements and consideration given to the length of lease / impact on grant applications.

A number of Councils already managed some of the services listed in the schedule and this was already reflected in their precepts. In conclusion, he stated that TCCs should seek advised from One Voice Wales, Welsh Government and continue to attend Clerks networks. It was important to look for opportunities for reshaping services for local benefit rather than business as usual in the face of the Well-being of Future Generations Act and in the spirit of partnership to interrogate costings, revenue forecasts and consider ways for overcoming barriers.

In conclusion the Head of Service advised that from her perspective, she considered that the debate had raised a number of issues, in particular TCCs were asking for the definition of strategic and local, a comprehensive list of facilities and costs. It was subsequently

AGREED – T H A T the comments considered at the meeting be referred to Cabinet for its information and consideration.

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At the Meeting the Leader had commented that since the Cabinet and Community Liaison Committee considered the report, the Independent Review Panel on Community and Town Councils in Wales' had published its draft recommendations. These would now be considered by the Welsh Government and Officers would continue to identify any implications for the work underway in this Council.

In referring to comments made at the Community Liaison Committee that a number of issues relating to the way the protocol was raised included a request for the definition of what is meant as being 'local' and what as 'strategic'. The Leader considered that this had been answered within the original cabinet report at paragraphs 20-22.

Referring to the Town and Community Councils request further information in the form of a comprehensive list of services and assets as to what could be subject to discussion. The third recommendation in the original cabinet report he stated was a way of approaching this and rather than issuing a list Cabinet had suggested that the types of assets be communicated to TCC clerks with an open invitation for them to contact the Council on any items of interest locally.

Cabinet therefore, having considered the comments of the Community Liaison Committee

RESOLVED – T H A T the contents of the minutes be noted and on the issue of strategic and local assets it be reaffirmed that the advice considered in the report of the 2 July, 2018 was clear and concise, and that further dialogue between included Town and Community Council's should progress on a locality basis.

Reason for decision

To note the contents of the minutes and reaffirm the advice considered in the report of the 2 July, 2018.

C402 RESHAPING SERVICES: A SUSTAINABLE APPROACH TO THE PROVISION OF SINGLE USER OUTDOOR SPORTS FACILITIES (REF) –

The Community Liaison Committee on 3 July, 2018 considered the above report.

Cabinet had, on 2nd July, 2018, agreed in principle as the basis for referral to Community Liaison Committee and Healthy Living and Social Care Scrutiny Committee, that the Council work towards recovering the actual cost of maintaining sports grounds and pitches at sites where the facilities were used almost exclusively by one club or organisation rather than retaining a charging structure where individual fees were applied at each location.

The report referred to the fact that the Vale of Glamorgan Council was the major provider of outdoor sports facilities in the county. The provision of sites and facilities, such as sport pitches, was central to achieving the Council's well-being outcome of an Active and Healthy Vale. Indeed, the Council's Corporate Plan (2016-20), under objective 7, "Encouraging and promoting active and healthy lifestyles" had a number of actions that sought to encourage and increase levels of participation in sport and activity. To this end, the Council had traditionally charged a fixed hire fee for its outdoor sports facilities. However, the fees charged did not cover the costs associated with providing and maintaining the facilities. The level of subsidy varied greatly from sport to sport and also within sports as the quality of pitches, bowling rinks, cricket squares and other facilities varied across the area due to a number of factors such as league requirements, soil type, drainage systems and frequency of use.

The majority of these sites and facilities were used by a variety of clubs and organisations, as well as being accessible to the wider community, at times when organised and competitive sport was being played. Examples included the Buttrills Football pitches and Jenner Park in Barry. In contrast, some facilities were used exclusively by one club or organisation. The report was presented to provide clarity on the latter category of provision and aimed to set out a sustainable way forward in the provision of single club, single use facilities.

The proposals outlined in the report were consistent too, with the Council's Income Generation and Commercial Opportunities Strategy which contained a strategic objective whereby the Council would aim towards achieving full cost recovery where it was appropriate to do so.

In contrast with outdoor sport, indoor sport operated by the Council via its Leisure Centres no longer required a significant revenue subsidy with the Leisure Centre Contract delivering a revenue surplus. Pursuing a strategy which sought to put these types of provision on an equal footing was considered to be an efficient use of Council funds, whilst retaining and encouraging participation in sporting activity.

As set out above, the justification for significant revenue subsidy for outdoor sports provision needed to be challenged given the financial pressures on the Council's budget. Whilst the important role sport plays, for all sectors of the community in terms of health and wellbeing, was not questioned, the cost of provision needed to be examined to ensure value for money was being achieved.

There were a number of private sports clubs in the Vale of Glamorgan which provided outdoor sports provision and had active junior / youth sections but did not benefit from any direct subsidy from the Council. There were, however, a number of clubs / organisations which had almost exclusive use of some Council owned facilities. The manner in which the Council managed such assets did not reflect the need to ensure that budgets were used effectively. Notably, the fees that were charged fell well short of covering the costs of operating these facilities.

Attached at Appendix A to the report was a breakdown of Council owned outdoor single user sport sites which were in scope of these proposals. Due to the manner in which these single user sites had developed and the specific nature of the sport in question (in relation to certain sites) there appeared very limited opportunity for these sites to develop into multi-use sites.

The level of subsidies afforded to single use facilities varied depending upon the location and type of sport. However, bowling greens were approximately £25,000 per annum. For large, fine turfed sports fields the cost to maintain and manage these facilities was approximately £80,000 per annum. The income from these facilities fell significantly short of the cost to operate. This was estimated to result in a net cost to the Council of approximately £400,000 per annum.

In order to ensure that resources did not continue to be diverted away from facilities and pitches used across the community, it was recommended that a new approach be adopted for all single use sites.

The proposed approach was summarised as below.

The Council would amend the fees charged to clubs and organisations for single use facilities from their current level to the actual cost of operating and maintaining these (after any income), from 1st April, 2019.

However, the Council would initially make contact with the existing users of the facilities identified in Appendix A to the report. Details of the current costs of maintaining and operating these sites would be shared in order that these organisations and clubs be encouraged, wherever possible, to explore the opportunity to take over the management of these facilities from 1st April, 2019. This would be subject to an agreement that ensured it was maintained to a satisfactory condition.

In recognising that this would be a significant change to the pricing structure, the Council's preference was to provide clubs / organisations with the opportunity to maintain the facility themselves.

The proposal to introduce this new arrangement from 1st April, 2019 was designed to allow clubs to plan for the changes and it was proposed that frequent contact would be maintained with any club or organisation throughout the coming months.

Although understanding the position for the Vale of Glamorgan, a number of Members advised that the suggested proposals to pitch fees could result in local clubs struggling as the cost would inevitably have to be borne by the families themselves. However, in contrast, other Members advised that some of the football clubs also paid their players and where there were bar facilities they were actually earning incomes. A comment was also made in relation to whether clubs would wish, if they were paying for the facility, to have them fenced off and this would not help local communities as this could then not be used by the general public.

The Head of Service advised that the particular details would need to be discussed with the clubs. A Member stated that they supported the principle but also wished to support the use by others if the club was not using the facility at any given moment. A Member also referred to the Well-being of Future Generations Act, advising that increasing costs may have an impact on discouraging people from using sports facilities. Reference was made to the fact that if the fees and charges proposed were to be introduced by 1st April, 2019, it was important to note that a number of clubs had already set their charges for the current year and there would not be much time in the remaining months to consider income generation suggestions.

The Head of Service, in response, informed Committee that it was important for the Council to consider its own costs as a number of the facilities that were being funded by the Vale were significantly high in cost and the Authority needed to seek cost recovery for such services provided. In recognising that some facilities were being subsidised to a significant extent, e.g. bowling greens, the need for the Vale of Glamorgan to reduce its costs and to seek alternative ways for the service to be provided was important. It was recognised that as these services were having significant subsidies, other services were not.

In understanding the Vale's position, a Member stated that his main concern was in relation to the potential enclosure of public open spaces although understanding that if clubs were paying for the facilities they would want absolute control of them.

AGREED – T H A T the comments of the meeting be referred to Cabinet for its consideration.

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At the meeting the Cabinet Member for Healthy Living and Social Care commented that the Committee had been advised at the time, individual meetings with various clubs and organisations listed would be necessary prior to establishing any new operating arrangements. Such meetings would have to start from the basis of consideration of current costs and income arrangements.

Cabinet having considered the comments of the Community Liaison Committee

RESOLVED – T H A T the comments made at the Community Liaison Committee meeting be noted and taken into account as and when discussions take place with individual clubs and organisations, alongside the strategic objective of achieving full cost recovery as set out in the Councils Income Generation and Commercial Opportunities Strategy 2017 – 2020.

Reason for decision

To note the comments made at the Community Liaison Committee and to ensure that discussions take place with individual clubs and organisations alongside the strategic objective of achieving full cost recovery as set out in the Councils Income Generation and Commercial Opportunities Strategy 2017 – 2020.

C403 RESHAPING SERVICES: A SUSTAINABLE APPROACH TO THE PROVISION OF SINGLE USER OUTDOOR SPORTS FACILITIES (REF) -

The Scrutiny Committee Healthy Living and Social Care on 10 July, 2018 considered the above report.

Cabinet, on 2nd July, 2018, considered the report which brought to the attention of Cabinet the costs incurred in maintaining and providing sites and facilities that were predominantly for the benefit of single clubs and organisations. Cabinet had subsequently referred this issue on to the Scrutiny Committee for its consideration prior to final determination.

The Operational Manager for Neighbourhood Services, Healthy Living and Performance presented the report which indicated that there were a number of private sports clubs in the Vale of Glamorgan that provided outdoor sports provision and had active junior / youth sections but did not benefit from any direct subsidy from the Council. There were, however, a number of clubs / organisations that had almost exclusive use of some Council owned facilities. The manner in which the Council managed such assets did not reflect the need to ensure that budgets were used effectively. Notably, fees which were charged fell well short of covering the costs of operating these facilities.

Attached at Appendix A to the report was a breakdown of Council owned outdoor single use sport sites which were in the scope of the proposals.

The level of subsidies afforded to single use facilities varied depending upon the location and type of sport. However, for bowling greens, the level of subsidy was approximately £25k per annum. For large, fine turfed sports fields the costs to maintain and manage these facilities was approximately £80k per annum. The

income from these facilities fell short of the cost to operate. This was estimated to result in a net cost to the Council of approximately £400k per annum.

It was therefore proposed that the Council would amend the fees charged to clubs and organisations for single use facilities from the current level to the actual cost of operating and maintaining these (after any income), from 1st April, 2019.

It was proposed for the Council to initially make contact with the existing users of the facilities identified within Appendix A with details of the current costs of maintaining an operating these sites to be shared in order that the organisations and clubs are encouraged to explore the opportunity to take over the management of these facilities from 1st April, 2019. This would be subject to agreement that ensured that they were maintained to a satisfactory condition.

Discussions would be undertaken on a facility by facility basis, reflecting the varying agreements currently in place and would also enable an Equality Impact Assessment to be developed which reflected the specific local circumstances of the facility.

In recognising that this would be a significant change, the Council's preference was to provide clubs / organisations with the opportunity to maintain the facility themselves.

To assist clubs / organisations which wished to adopt this scenario, the Council was currently reviewing the Community Asset Transfer Protocol to enable a "fast track" process to be established that could assist with the transfer of responsibilities in this area as appropriate. In addition, signposting to organisations such as the Glamorgan Voluntary Service would take place in order to provide advice and support in the development of business cases for the running of facilities for potential sources of income.

It was also reported that it was likely, particularly for bowls, that the current level of single user provision at individual sites was unsustainable. Where it was clear, from initial meetings, that this was the case, the option of consolidation of facilities would be discussed with the clubs / organisations concerned so that they would be supported to bring new arrangements into effect.

Consultation would also be encouraged with Town and Community Councils and the Voluntary Sector, particularly where it was apparent that a single use sports facility may be unaffordable to the club / organisation currently occupying the site, or where the capacity and skills did not exist to allow that club or organisation to progress by way of a Community Asset Transfer or lease agreement. Such discussions would also likely include potential alternative approaches, including whether the Town / Community Council or another voluntary group could manage the facility or provide financial support to the club or organisation.

The Committee queried the possible transfer of assets at Corntown, with a Member advising that information on the costs had not been forthcoming from the Council. In reply, the Operational Manager stated that he was aware of this and the issue related to some of the site not being used since the 1990s.

A Committee Member asked why it appeared that fees had not increased for many years. In reply, the Operational Manager stated that fees had increased but there had not been a review of the costs associated to run each facility.

In reply to a query regarding progress around the transfer of Barry Athletics Club, the Operational Manager stated that it was unclear whether a full Community Asset Transfer was necessary in this case, and so, other possible options were being explored.

Discussion then ensued around the proposals and the following points were made:

- The organisations and clubs in question were small in comparison, and so, would not always be willing to go through the Community Asset Transfer route. Faced with an increase in fees and with low capital, the Committee expressed concern of the support available in these scenarios;
- Some Town and Community Councils had already applied for the transfer of facilities with proposals rejected by the Vale of Glamorgan Council. This had caused some Town and Community Councils to question the process and so were unwilling to partake in any further opportunities;
- There was a need to be more specific around staff transferring to TUPE and also in regard to the impact on staff;
- The Committee questioned the definition of a single use sports facility and Members provided examples where facilities were used by multiple organisations and had events held regularly;
- There was a query regarding Rights of Way access;
- The Committee was concerned with the lack of detail provided in respect of the costs and the use of each individual site and a request was made for more information to be gathered and presented to the Committee prior to any decision be made;
- There was concern with the impact on mass participation sports such as rugby and football which in terms of player numbers were already facing significant pressures;
- The facilities in question were community facilities that were of benefit to a number of people in the local population;
- The Council's proposals could make some of the facilities unaffordable;
- The Committee requested that all possible avenues be explored with each individual organisation / club, which in the first instance should include consideration of fees;
- There should be a detailed analysis on the impact of any possible increase in fees;
- The Council should facilitate meetings with all clubs and organisations in order to gather their views of the proposals;
- The Council should also look at why participation in some sports were dwindling.

In response to some of the points raised, the Operational Manager stated that the aim of the proposals were not to take away or change the ability of people to partake in sport or to make these facilities unaffordable. He assured the Committee that meetings would be held with all clubs / organisations in order to hear their views and

to explore all options. He also agreed that there was not a clear definition around the use of single use sports facilities but this would be considered as part of contact with the clubs / organisations.

In summary, following consideration of the report, the Committee agreed that the proposals should be referred back to Cabinet asking for a further detailed analysis to be undertaken of all costs and use associated with the facilities, and for this to be reported back to the Committee. This further report should also include reference to the Council's well-being objectives. The Committee also felt that it was vital for clubs / organisations to be contacted on a 1:1 basis in order to explore all other options beforehand and for more information to be presented on how the Council could support them.

Subsequently, it was

RECOMMENDED –

- (1) T H A T Cabinet be advised of the Committee's view that a more detailed cost base analysis should be undertaken for each individual site referred to in Appendix A.
- (2) T H A T Cabinet be advised that detailed discussions should take place with each individual club / organisation in order to gather their views and also to understand what options were available.
- (3) T H A T a further report on this matter to be presented to the Scrutiny Committee prior to any final determination.

Reasons for recommendations

- (1) In order that a more detailed analysis of the associated costs be undertaken.
- (2) In order that the views of each individual club / organisation is considered.
- (3) In order for the Committee to consider the views of each individual club / organisation and also the costs associated with each individual site."

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At the meeting the Cabinet Member for Healthy Living and Social Care reiterated his comments that he made in relation to the Community Liaison Committee report that was considered by Cabinet earlier on the agenda in "that individual meetings with various clubs and organisations listed would be necessary prior to establishing any new operating arrangements. Such meetings would have to start from the basis of consideration of current costs and income arrangement".

He further stated that professional officers would seek to ensure the correct balance in any new agreements between users and price and that he would be consulted on any new arrangements.

It was not accepted that the Committee needed to be involved prior to any decisions on new arrangements being taken and it was suggested that the delegations remained as detailed in the report of 2nd July, 2018.

Cabinet having considered the recommendations of the Scrutiny Committee Healthy Living and Social Care

RESOLVED – T H A T the comments made at the Healthy Living and Social Care meeting be noted and taken into account as and when discussions take place with individual clubs and organisations, alongside the strategic objective of achieving full cost recovery as set out in the Councils Income Generation and Commercial Opportunities Strategy 2017 – 2020.

Reason for decision

To note the contents of the minutes and to ensure that discussions take place with individual clubs and organisations, alongside the strategic objective of achieving full cost recovery as set out in the Councils Income Generation and Commercial Opportunities Strategy 2017 – 2020.

**C404 CORPORATE SAFEGUARDING ANNUAL REPORT 2017/18 (L)
(SCRUTINY COMMITTEES – SOCIAL CARE AND HEALTH, LEARNING AND
CULTURE, CORPORATE PERFORMANCE AND RESOURCES) -**

Cabinet was updated on the work that had been undertaken to improve corporate arrangements for safeguarding and protecting children and adults who required specific Council services and to ensure that the arrangements were effective.

The Corporate Safeguarding Working Group was established within the authority to learn lessons from the 2011, Care Inspectorate Wales (CIW) and Estyn joint report following their investigation into the way Pembrokeshire County Council managed allegations of professional abuse and its arrangements for safeguarding and protecting children in education. The group had been working through an action plan to improve safeguarding across the Council.

Cabinet agreed a Safer Recruitment Policy for the Council and Schools (January 2013). It had been adopted by all Vale of Glamorgan schools and throughout the

Council. The Annual Report attached at Appendix 1 to the report clearly outlined the sustained improvements for safer recruitment policies across the Council, including education and demonstrated that practice continued to improve.

In the past, safeguarding activity by different parts of the Council had been reported separately to Cabinet, relevant Scrutiny Committees and Corporate Management Team.

During 2017/18 the Environment and Housing Directorate joined the Corporate Safeguarding Working Group. The directorate already took a key role in a number of safeguarding and protection approaches and this activity would be included as part of the reporting arrangement from 2018/19.

The Social Services and Wellbeing (Wales) Act 2014 was implemented in April 2016. The Act brought about changes in particular relating to the introduction of a 'Duty to report' which meant a revision of the corporate safeguarding policy to bring staff's attention to this duty.

The new 'Working Together to Safeguard People Guidance' under Part 7 of the new Act was now published. Guidance on handling individual cases (volumes 5 and 6) to protect children and adults at risk was launched for public consultation by Welsh Government on 31st January 2017. The guidance provided advice on what should happen if an individual had concerns about the well-being or welfare of a child or an adult at risk. The guidance was published in 2018.

This was a matter for Executive decision

RESOLVED –

- (1) T H A T the work undertaken to improve corporate arrangements for safeguarding and protecting children and adults be noted.
- (2) T H A T Cabinet continue to receive six-monthly reports on work carried out to improve corporate safeguarding arrangements and the effectiveness of relevant policies.
- (3) T H A T the report be referred to the Social Care and Health, Learning and Culture and Corporate Performance and Resources Scrutiny Committees for consideration.

Reasons for decisions

- (1) To note the recent developments in corporate arrangements for safeguarding
- (2) To allow Cabinet to exercise effective oversight of this key area of corporate working.
- (3) To respond to requests that each Scrutiny Committee was provided with update reports.

**C405 RESHAPING SERVICES – CATERING PROJECT UPDATE (LC)
(SCRUTINY COMMITTEE – LEARNING AND CULTURE) –**

Cabinet was provided with an update regarding the Reshaping Services Catering Project and the intended creation of the Council's first Local Authority Trading Company ('LATC').

The Catering Service was identified as a Tranche 1 project as part of the Council's Reshaping Services Programme with total required savings of £347,000. All savings were achieved in October 2015 through cost-saving measures and the principle aim of the project then changed to focus on the sustainability of services for the future, in light of reduced budgets.

Three key objectives were set in respect of the following:

- To identify and implement the most suitable service delivery model for the Catering Service
- To create an efficient service that is able to adapt to future financial challenges
- To capture opportunities to increase uptake and promote healthy school meals

In April 2017, Cabinet approved the business plan which was based upon the proposed creation of a LATC for the delivery of Catering Services. This model was deemed to be the most sustainable, following a robust options appraisal which evaluated a range of options for the future of the Catering Service to meet the above objectives. The Cabinet Report containing the business plans and options appraisal, was attached at Appendix 1 to the report.

A number of activities had taken place since April 2017 in line with the business plan and associated Short Term Strategy, which outlined the Council's aspirations for the first two years ('the transition phase').

The Short Term Strategy outlined in the business plan for the development of the LATC aimed to:

- Facilitate cultural change and staff 'buy-in' across both the service and wider Council;
- Establish a new brand and identity across the service;

- Implement opportunities to increase meal uptake;
- To establish a shared understanding of commercialisation as it relates to the aims of the LATC by developing a bespoke training plan and supporting staff through the transition;
- Further develop commercial business plans to be implemented in the next phase as outlined in the business plan.

The Council had created an Income Generation and Commercial Opportunities Strategy, which aimed to support the delivery of Strong Communities with a Bright Future through the development and implementation of a range of income generation and commercial opportunities, that would complement other sources of funding. The strategy formed part of the Council's Reshaping Services Programme.

A Programme Board met on a monthly basis to consider and prioritise commercial opportunities across the authority of which the Catering Project formed part of the programme of work. It should be noted that one of the objectives of the LATC was that all profits would be reinvested to develop the company and the schools that used the service, rather than generating income for the Council. As the Council intended to establish the LATC as a "Teckal" company, in accordance with the requirements of the Public Contracts Regulations 2015 ('PCR15') this would enable the Council to enter into public contracts directly with the LATC, without the need for prior procurement under the PCR15. It was intended that the company would become self-sufficient by trading up to the Teckal value with the external market.

Work was underway to determine how the LATC would engage with the Council and to review how the client/contractor relationship would work both on a Council wide level and with individual service areas. During the next phase of implementation, an assessment would be made as to how ready the Council was to provide services externally. This would be considered in the context of the intention included in the business plan for the LATC to use Council services for the first three years of trading.

As part of the above piece of work, central recharges would be considered and that discussions would take place around whether these charges should apply to a Council company providing a statutory provision on behalf of the Local Authority and if so, how these charges compared to external options and any internal implications which may arise as a result of any possible changes to arrangements.

During June 2018, an external gateway review of the Catering Project was undertaken by a company called CCo (who are part of CIPFA). The review approach was to conduct an initial 'desktop' review of project documentation and to discuss key elements of the project during an on-site period. The assessment was undertaken using an established, evidence-based model for local government 'spin outs' that considered implications and responsibilities for governance, Human Resources; ICT; Legal; Finance; together with arrangements for the buyback of Council services.

The key findings of the review were that the project was still deliverable but would require a structured project plan with clear priorities and accountability for the delivery of actions, the clear commitment of the wider organisation to the project's

priority status, the designation and freeing up of appropriate resource to support the delivery of the project and the recognition and remediation of the Council's commercial knowledge and skills gaps.

The recommendations from the CCo review were a focus for the project team going forward and had been incorporated into the implementation plan to ensure they remained a priority.

The project was being governed by the Project Sponsor acting as a liaison between the Project Team and the Income Generation and Commercial Opportunities Programme Board who meet on a monthly basis. The Income Generation and Commercial Opportunities Programme Board was a programme of work, which formed part of the Council's Reshaping Services Programme. It was intended that as the project progressed this continued as the formal mechanism for reporting project progress, as it ensured all key stakeholders were represented and updated.

Governance arrangements for the LATC were currently being considered as part of the project. Initial proposals were that the Board of Directors for the company would constitute seven members including an Independent Chair, a Primary School representative, a Secondary School representative, one Officer, one Member, the Managing Director of the LATC and an Industry Expert, as it had been recognised that there was a need for expert advice in regard to external trading.

A full equality impact assessment ('EIA') had been undertaken which had due regard to the protected characteristics shared within schools for both staff and pupils. This document was attached at Appendix 2 to the report. It concluded that the creation of a LATC would have a neutral impact on the protected characteristics shared within the service which would continue to comply with Section 512 of the Education Act 1996 (LEA functions concerning the provision of school meals). Any changes to this function would be reported in a timely manner to Cabinet.

This was a matter for Executive decision

RESOLVED –

- (1) T H A T the update on the Reshaping Services Catering Project provided, which formed part of the Council's overall Reshaping Services Programme and the creation of the Council's first Local Authority Trading Company be noted.
- (2) T H A T a further update report be brought to Cabinet in March 2019 to report on progress and readiness to trade as a Local Authority Trading Company for the provision of Catering Services.
- (3) T H A T the report be referred to the Scrutiny Committee (Learning and Culture) for its consideration.

Reasons for decisions

- (1) To note the update on the development of proposals for the Catering Service (minute C3547 refers) and to comply with the following resolutions made by Cabinet on the 24 April 2017:
- That the contents of the report, which addresses the issues raised during the on-going consultation relating to the Reshaping Services Catering Project, be noted.
 - That the proposals contained in the business plan (attached at Appendix C of Appendix 1 to the report) to create a LATC as outlined in the report, be approved.
 - That subject to resolution two above, the implementation plan as outlined in the report and the proposed creation of a LA in Year 3 as referred to in the business plan as set out in Appendix 1 attached to the report, be approved.
 - That subject to resolutions two and three above, delegated authority be granted to the Director of Learning & Skills, in consultation with the Leader, Cabinet Member for Regeneration & Education and Managing Director to:
 - Undertake the necessary consultation and engagement activity as described in the report;
 - Respond as appropriate to any points raised as part of the engagement and consultation process;
 - Report back to Cabinet any material changes to the proposals resulting from the consultation process; and
 - Progress the implementation of the proposals following conclusion of all necessary consultation and engagement activity.
 - That Cabinet receive a further report detailing the progress made following implementation of the first year of the business plan, including progress made against the actions taken; and to take account of any changes required to the underpinning assumptions made as implementation progresses and further the setting out of proposals related to the governance arrangements of the proposed company.
- (2) To ensure that Cabinet was satisfied that all necessary work had been undertaken to allow the LATC to begin trading for the provision of Catering Services.

- (3) The Scrutiny Committee (Learning and Culture) had requested an update on progress.