

## **CABINET**

Minutes of a meeting held on 23<sup>rd</sup> September, 2019.

Present: Councillor L. Burnett (Vice-Chairman); Councillors B.T. Gray, P.G. King, K.F. McCaffer, Mrs. M.R. Wilkinson and E. Williams.

Apology for Absence –

This was received from Councillor N. Moore (Chairman)

### **C93 MINUTES –**

RESOLVED – T H A T the minutes of the meeting held on 9<sup>th</sup> September, 2019 be approved as a correct record.

### **C94 DECLARATIONS OF INTEREST –**

No declarations were received.

### **C95 PROPOSAL TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES AND ESTABLISH 48 PART TIME NURSERY PLACES AT ST. NICHOLAS CIW PRIMARY SCHOOL (ER) –**

The Deputy Leader and Cabinet Member for Education and Regeneration presented the report the purpose of which was to advise Cabinet of the outcome of the statutory process on the Governing Body's proposal to make a regulated alteration to St. Nicholas CIW Primary School a voluntary controlled school by:

- altering the lowest age range of pupils at St. Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021; and
- increasing the capacity of St. Nicholas CIW Primary School from 126 places to 210 places from September 2021.

In accordance with section 51 of the School Standards and Organisation (Wales) Act 2013 ("the Act"), the Local Authority was responsible for determining proposals published by Governing Bodies under section 48 of the Act when formal objections had been received and not withdrawn.

On 12<sup>th</sup> August, 2019, the Governing Body of St. Nicholas CIW Primary School advised the Council that 47 formal objections had been received and not withdrawn and accordingly issued the relevant documentation to the Council for final determination.

St. Nicholas CIW Primary School was a voluntary controlled school situated in the village of St. Nicholas. The school catered for pupils between 4 and 11 years old

and had a capacity of 126 pupils. St. Nicholas CIW Primary School primarily served the communities of St. Nicholas and Bonvilston.

Cabinet met on 18<sup>th</sup> February, 2019 to consider a report on the proposal to increase the number of school places and establish 48 part time nursery places at St. Nicholas CIW Primary School from September 2021. Cabinet agreed at the meeting to undertake a consultation exercise on the proposal.

In line with the requirements of the Act and the Code, a consultation exercise with prescribed consultees was undertaken between 18<sup>th</sup> March, 2019 and 3<sup>rd</sup> May, 2019. The aim of the consultation was to inform prescribed consultees about the proposal to increase the number of primary school places and change the age range of St. Nicholas CIW Primary School and to seek their views as part of the decision making process.

As a voluntary school, the consultation was undertaken in partnership with the Governing Body of St. Nicholas CIW Primary School.

The establishment of a new 210 place school for St. Nicholas CIW Primary School has been included as part of Band B of the Council's 21st Century Schools Programme.

The proposal was designed to address a number of challenges, including:

- Addressing the issues with the existing St. Nicholas CIW Primary School building which did not comply with Building Bulletin 99: building framework for primary school projects;
- Removal of a split site as reception pupils were currently chaperoned to the 'Old School' building which was located approximately 85m from the main school site;
- Ensuring the Council was able to meet the increased demand for education as a result of recent and proposed housing developments;
- Ensuring there was a consistent approach to planning and delivery of the foundation phase (nursery to year two).

The Deputy Leader and Cabinet Member for Education and Regeneration further outlined that 47 objections to the proposals were received, with a summary of the key themes summarised in paragraph 2.1. In addition, the comments of the Local Ward Member, Councillor Jonathan Bird, were included on page 9 of the report.

The report included a number of appendices, with the Consultation Document attached at Appendix A; the Consultation Report at Appendix B; the Statutory Notice attached at Appendix C and the Objection Report at Appendix D.

The Deputy Leader also referred to discussions around the possibility of a new school site. If this was to happen, and should the new site be within a mile radius of the current school location, then this consultation would still apply.

This was a matter for Executive decision.

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

RESOLVED –

(1) T H A T the Consultation document, Consultation report, Statutory notice, formal objections and Objection report of the Governing Body of St. Nicholas Church in Wales Primary School's proposal to make a regulated alteration by altering the lowest age range of pupils from 4 to 3 and to increase the capacity from 126 places to 210 places from September 2021 be considered.

(2) T H A T the implementation of the proposal to make regulated alterations as set out in section 2.3 of the School Organisation Code 2018 ("the Code") be approved by:

- altering the lowest age range of pupils at St. Nicholas CIW Primary School from 4 to 3, to consist of the addition of a new nursery class containing 48 part time places from September 2021; and
- increasing the capacity of St. Nicholas CIW Primary School from 126 places to 210 places from September 2021.

(3) T H A T it be noted that the major investment towards a new school building set out in the proposal was subject to the necessary funding being approved by Welsh Government.

#### Reasons for decisions

(1) To ensure that all relevant information is considered by Cabinet in reaching a decision on whether to approve the implementation of the proposal.

(2) To ensure that there are sufficient school places to meet the increased demand for primary education as a result of recent and proposed housing developments in the areas of St. Nicholas and Bonvilston.

(3) To ensure Cabinet is aware that the full investment in the school building described in the consultation documentation is dependent on Welsh Government funding.

### **C96 LOCAL AIR QUALITY MANAGEMENT ANNUAL PROGRESS REPORT 2019 (LRPS) –**

The Cabinet Member for Legal, Regulatory and Planning Services presented the report, which outlined that under Section 82 of the Environment Act 1995 every Local Authority had an obligation to regularly review and assess air quality in their areas, and to determine whether or not air quality objectives were likely to be achieved.

Welsh Government issued statutory policy guidance to Local Authorities under Section 88 of the Environment Act 1995 to bring the local air quality management

system in Wales into line with the sustainable development principle outlined in Welsh Government's Well-being for Future Generations legislation, 2015. This guidance, with which Local Authorities must have regard to when carrying out their air quality functions under the Environment Act 1995, set out that Authorities in Wales had to produce an Annual Progress Report (APR) in draft by 30<sup>th</sup> September each year and publish it by 31<sup>st</sup> December at the latest. This report must include monitoring results for the previous calendar year, a progress report on action plan implementation and an update on any new policies or developments likely to affect local air quality.

The report satisfied the above criteria examining results of air quality monitoring undertaken across the Vale during 2018.

A draft copy of the report needed to be approved and issued to Welsh Government no later than 30<sup>th</sup> September, 2019.

The report confirmed that air quality within the Vale of Glamorgan continued to meet all the relevant air quality objectives, including within the existing Air Quality Management Area (AQMA) on Windsor Road, Penarth.

As a result of continual compliance over a three year period with the national air quality objectives set for Nitrogen Dioxide (NO<sub>2</sub>) and in accordance with Local Air Quality Management in Wales Policy Guidance, June 2017, the Vale of Glamorgan Council would look to revoke the AQMA on Windsor Road, Penarth.

As suggested by the previous APR published in 2018, the monitoring within the Windsor Road Air Quality Management Area (AQMA) showed continued compliance of the Air Quality Standard of 40 µg/m<sup>3</sup> for NO<sub>2</sub>. Welsh Government Policy Guidance indicated that where compliance within an AQMA occurs over a period of three years or more then the Local Authority should consider revoking the need for the continued presence of the AQMA.

A supporting detailed assessment had been undertaken by appointed external professional air quality consultants to support the decision to revoke the Windsor Road, Cogan, Penarth AQMA. That report, attached at Appendix 2 to the report, outlined that predicted concentrations of NO<sub>2</sub> and PM<sub>10</sub> at all modelled receptors within the Windsor Road, Cogan, Penarth AQMA were compliant with both the annual mean and short term air quality objectives for all modelled year scenarios. Three modelling year scenarios were chosen for this study (2018, 2023 and 2028).

Following an appropriate public consultation period, Cabinet would receive a further report requesting a formal decision on the revocation of the AQMA order for Windsor Road, Penarth.

The Cabinet Member for Legal, Regulatory and Planning Services highlighted that one of the key considerations within the report was the monitoring of air quality. As it was clear that over the period the level NO<sub>2</sub> was shown to be within the national requirements, it was important to recognise that monitoring of the air quality would still continue. The Cabinet Member advised that consultation with residents of Windsor Road had been carried out, with a drop in session organised and leaflets

handed out. Further and wider consultation would be undertaken should the report be approved.

As supplementary information, an email sent on behalf of Friends of the Earth Barry & Vale was tabled for Cabinet's consideration. The Cabinet Member for Legal, Regulatory and Planning Services advised that the email suggested that the review did not clearly demonstrate that national air quality objectives were being met and how would they continue to be met. The Cabinet Member stated that this would happen anyway. He also stated that the public could also submit comments through the formal consultation process.

The Cabinet Member for Neighbourhood Services and Transport, as local Ward Member for Cogan, stated that this was a comprehensive report. He added that there was the impression that the Vale of Glamorgan would no longer be monitoring air quality in the Windsor Road area. This was not the case. It was also important to recognise that new vehicles, such as hybrids, had meant that the concentration of NO<sub>2</sub> was not as intense as it had been in the past. The Cabinet Member also highlighted the impact on congestion following a change to the phasing of the traffic lights in the local vicinity.

The Cabinet Member for Social Care and Health commented that although it was clear that a drop in session had been arranged for residents of Windsor Road, the report proposed the launch of public consultation of the recommendation to revoke the Air Quality Management Area for Windsor Road. If agreed, this would be considered at a future Cabinet meeting.

Finally, the Deputy Leader and Cabinet Member for Education and Regeneration, in referring to the email tabled as supplementary information, commented that this had been received at 8:37am and the contents of which had been reviewed. It would be suggested, to the person who had sent the email, that comments should be submitted once consultation to revoke the order commenced. This would be the subject of a future Cabinet report which would consider any comments received.

This was a matter for Executive decision.

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

**RESOLVED –**

(1) T H A T the monitored results gathered in 2018 be noted the finalisation of the 2019 Annual Progress Report, attached at Appendix 1 to the report, be recommended for submission to Welsh Government for approval.

(2) T H A T it be noted that the detailed assessment in Appendix 2 to the report supports the revocation of the Air Quality Management Area on Windsor Road and that Shared Regulatory Services (SRS) will undertake a public consultation in relation to this.

(3) T H A T following the public consultation to make a formal decision on revoking the AQMA a further report be received by Cabinet.

Reason for decisions

(1-3) To fulfil the requirements of the statutory Local Air Quality Management (LAQM) process under Part IV of the Environment Act 1995.

**C97 HOUSING AND PROPERTY ACQUISITIONS POLICY 2019 (HBS) –**

The Housing and Property Acquisition Policy 2019 established the process by which the Council would be able to acquire housing or property to supplement the number of new social housing units it had committed to deliver.

The Policy discussed the principles by which housing or property should be acquired, having regard to financial viability, housing need and strategic priorities.

The Policy established the governance and approval process under which housing and property could be acquired.

The Deputy Leader and Cabinet Member for Education and Regeneration advised that there was an amendment to Recommendation (3) within the report and suggested that the following words to be added to the delegation for the Head of Finance / Section 151 Officer:

“to negotiate the individual terms and conditions for the purchase of housing or property”.

Cabinet agreed to the amendments to Recommendation (3).

This was a matter for Executive decision.

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

**RESOLVED –**

(1) T H A T the details of the Housing and Property Acquisitions Strategy be noted and referred to the Homes and Safe Communities Scrutiny Committee for its consideration.

(2) T H A T, subject to Recommendation (1), the Strategy and the views of the Scrutiny Committee be further considered by Cabinet prior to the final agreement of the Housing and Property Acquisitions Strategy.

(3) T H A T delegated authority be granted to the Head of Finance / Section 151 Officer, in consultation with the Director of Environment and Housing, to negotiate the individual terms and conditions for the purchase of housing and or property.

(4) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services, to finalise the individual terms and conditions for the purchase of housing and or property.

(5) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services, to execute the associated contracts and all legal documentation on behalf of the Council.

Reasons for decisions

(1) To note the process by which housing and property can be acquired, in order to contribute to and support the aims and objectives of the Council's Corporate Plan, the Council's Well Being Plan, the Council's Local Housing Strategy and the Council's Housing Development Strategy.

(2) To ensure appropriate Scrutiny of these important documents.

(3) To allow Cabinet to make a fully informed decision on the final Policy.

(4) To allow the terms and conditions of the acquisition of housing and property to be finalised, in order for officers in the Legal and Estates Teams to complete the acquisition.

(5) To grant authority to execute all legal documentation