

## **CABINET**

Minutes of a Remote meeting held on 19<sup>th</sup> October, 2020.

The Cabinet agenda is available [here](#).

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

### **C338A                    MINUTES –**

RESOLVED – T H A T the minutes of the meeting held on 5<sup>th</sup> October, 2020 be approved as a correct record of the meeting.

### **C339A                    DECLARATIONS OF INTEREST –**

No declarations of interest were received.

### **C340A                    STATEMENT**

The Leader and Cabinet Member for Performance and Resources referred to the announcement today from the First Minister concerning COVID-19 which confirmed that Wales would be entering a ‘fire break’ from 6pm on Friday 23<sup>rd</sup> October, 2020 until 09<sup>th</sup> November, 2020 in response to the continued rise in Coronavirus cases across Wales.

The Leader was grateful that the Welsh Government had sought the views of Council Leaders with regards the introduction of the restrictions. Friday’s measures would replace the previous local restrictions and residents across Wales would be advised to stay at home.

The restrictions would mean that all hospitality, non-essential retail and beauty businesses would be closed during that period. Mixing between households indoors and outdoors would not be allowed, with the exception of those who live alone who could join one other household. People could leave home to work where impossible to do so from home, to take exercise and travel for essential supplies.

Whilst the lockdown measures in the Vale of Glamorgan had been effective in slowing the rate of infection, the Leader supported the introduction of a short period of further restrictions as this would help the NHS and help to slow down the spread of the virus within communities.

The Leader was grateful to the residents of the Vale of Glamorgan for everything they had done so far, thanking everyone for adhering to the local lockdown restrictions over the past three weeks where efforts had made a real difference. The Leader appealed to everyone in the Vale of Glamorgan to continue to work together

during the next two weeks so as to further arrest the spread of Coronavirus across Wales.

The Leader concluded, advising he would make a fuller statement later in the day.

**C341A USE OF THE MANAGING DIRECTOR'S EMERGENCY POWERS (L/PR) (SCRUTINY – ALL) –**

The report advised Cabinet of the exercising of Emergency Powers by the Managing Director as per the Council's Constitution since the last report of 24<sup>th</sup> February, 2020 and the cessation of fortnightly Managing Director's Emergency Powers due to the Coronavirus Pandemic on 12<sup>th</sup> August, 2020 as reported to Members and published on the Vale of Glamorgan website

The Leader and Cabinet Member for Performance and Resources highlighted a number of the decisions within the report that had required prompt action due to the Coronavirus pandemic and showed the continued work of the Council during a difficult period.

This was a matter for Executive decision.

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

RESOLVED – T H A T the use of the Managing Director's Emergency Powers be noted.

Reason for decision

To note the use of the exercising of Emergency Powers by the Managing Director since the last report of 24<sup>th</sup> February, 2020 and the cessation of fortnightly Managing Director's Emergency Powers due to the Coronavirus Pandemic on 12<sup>th</sup> August, 2020 as reported to Members and published on the Vale of Glamorgan website.

**C342A UPDATE ON THE COMMUNITY BENEFITS AND SUSTAINABILITY OUTCOMES OF BAND B OF THE 21<sup>ST</sup> CENTURY SCHOOLS PROGRAMME (DL/ER) (SCRUTINY – LEARNING AND CULTURE) –**

The report provided an update on high level targets and examples of community benefits delivery by the 21<sup>st</sup> Century Schools team and the appointed contractors (Bouygues, ISG and Morgan Sindall) and consultants (AECOM) of the Barry Secondary Learning Communities (BSLC) and Western Vale Primaries (WVP) projects.

Between January 2019 to September 2020 the BLSC and WVP projects had delivered:

- Over 5,000 person weeks of New Entrant Jobs with 58 new full-time jobs;
- Over 3,000 person weeks of New Entrant Training, including 26 apprenticeships and 30 work experience placements;
- Nearly 400 hours of school STEM engagements, reaching over 2,800 pupils;
- 4 supply chain engagement events;
- An average of 99% of construction waste avoiding landfill; and
- An average of 80% construction spend within Wales, with 76% of subcontractors based in Wales and 50% of the workforce coming from the local postcode.

The BSLC project procurement received “highly commended” in the Wales Go Awards, Social Value category. It was recognised and short listed for the Welsh Government and UK Go Awards in Social Value.

The BSLC contractors were working closely with the Council’s Communities 4 Work programme and had successfully provided a number of work placement opportunities.

The Career Changers programme had been hosted by the Vale, two opportunities had already been filled through this programme, and one individual had moved from one contractor to another at the end of their initial 12 month training period.

Work experience placements opportunities had been taken by a number of Vale pupils and individuals from various work programmes.

All of the contractors had worked with local charities providing Christmas hampers and food / donations for the food bank.

The three contractors had worked in partnership with the Job Centre Plus and Y Prentis to advertise opportunities and had attended a number of job and career fairs.

A number of assemblies had been undertaken at the schools to inform the pupils about the building projects, such as site safety and career opportunities in construction, including how to gain experience through the work placement programme.

The main BSLC contractors were upskilling a number of local sub-contractors to enable them to gain access to Tier 1 contractors approved supply chain databases.

A new social business had been developed with Ysgol y Deri, the Vale’s special school, which would provide site catering for the three BSLC projects.

Three community initiatives had also been accepted as part of the support for the wider community. These were two community garden projects and one school garden project; at Palmerston Adult Learning Centre, another near Pencoedtre High School, ‘Everyone’s Garden’ and the grounds shared by Ysgol Gwaun Y Nant and Oak Field Primary School.

Schools had been supported through COVID-19 by creating an app to help schools return safely (ISG), PPE and signage had been delivered, and construction and ecology themed activities suitable for social distancing developed.

The report also provided an update on how the 21<sup>st</sup> Century Schools programme was considering and implementing sustainability within its current schemes and future work to be delivered by 2024.

All new build schools were designed to meet BREEAM Excellent standard which included delivering energy efficient buildings and enhancing habitats for wildlife.

The contractors would also participate in site hoarding competitions, one of which would celebrate the artistic talent of pupils and the other would be an experimental 'green wall' (a vertical structure covered by vegetation). There would also be opportunities as the programme progressed for pupils to get involved in landscaping, particularly tree planting and the allotment areas.

The 21<sup>st</sup> Century Schools programme monitored a range of sustainability outcomes post-occupancy; including educational attainment, energy consumption, and community use of facilities.

The Council had also been working on a process to approach sustainability more holistically and in particular to decarbonise its new school buildings with consideration of the whole life cycle; the overarching aim was to achieve net-zero carbon in future projects.

To further embed sustainability and well-being, the Council had developed a directory in collaboration with Constructing Excellence in Wales, other industry partners and the Office of the Future Generations Commissioner to help integrate the Well-being of Future Generations (Wales) Act 2015 into the design and delivery process.

The Deputy Leader and Cabinet Member for Education and Regeneration also added thanks from the Cabinet to the 21<sup>st</sup> Century Schools team for all their achievements to date.

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 progress towards community benefits targets made by the 21<sup>st</sup> Century Schools team and the appointed contractors and consultants of the Barry Secondary Learning Communities and Western Vale Primaries schemes set out in the report be noted.

(2) T H A T the sustainability measures already put in place within the 21<sup>st</sup> Century Schools programme and progress towards further measures to be implemented in future schemes be noted.

(3) T H A T the report be referred to the Learning and Culture Scrutiny Committee for consideration with regards to the delivery of community benefits for existing and future 21<sup>st</sup> Century Schools schemes.

(4) T H A T Cabinet write to each of the contractors, thanking them for their work and efforts in contributing to this incredibly successful scheme.

#### Reasons for decisions

(1&2) Having regard to the contents of the report and discussions at the meeting.

(3) To ensure the Learning and Culture Scrutiny Committee are updated on the progress made to date and for further consideration of future schemes.

(4) To acknowledge the work carried out by the contractors on achieving those goals outlined within the report.

#### **C343A LOCAL HOUSING MARKET ASSESSMENT (LHMA) 2019 (HBS) (SCRUTINY – HOMES AND SAFE COMMUNITIES) –**

The report was presented to Cabinet in order to request the adoption of the 2019 Local Housing Market. Section 8 of the Housing Act 1985 required Local Authorities (LAs) to undertake a review of their Local Housing Market Assessments (LHMAs) every 2 years. In November 2014 Welsh Government (WG) issued the methodology by which they required all LAs to carry out the LHMA reviews. A review of the Vale LHMA was carried out using the above methodology and with data extracted on 30<sup>th</sup> September, 2019.

The results of the LHMA 2019 showed a net need for an additional 890 units of affordable housing per annum for the next five years, comprising 799 units for social rent, 21 for low cost home ownership and 70 units of intermediate rented accommodation. The assessment was carried out by ward taking account of the property type and size identified as being required. The demand for adapted and accessible accommodation was also assessed as well as the need for accommodation for older persons.

The LHMA was essential to enable the Vale to meet the demand for affordable housing and would feed into the Local Development Plan (LDP) review due in 2021 as well as inform any required review of the Supplementary Planning Guidance for Affordable Housing.

The LHMA would normally be presented to Cabinet for acceptance early in the year preceding the assessment period (2019). It was important that this assessment was fully considered by Elected Members and hence this report was put on hold during

the pandemic until a time when Cabinet and the relevant Scrutiny Committee could properly consider the matter.

The Cabinet Member for Housing and Building Services emphasised the need for new homes with the greatest need in Barry, Penarth and Llandough and where within the wards they were most required.

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 Local Housing Market Assessment 2019 attached at Appendix A to the report be accepted and the Policy implications be noted (subject to any comments from the Homes and Safe Communities Scrutiny Committee).

(2) T H A T that the Local Housing Market Assessment 2019 be referred to the Homes and Safe Communities Scrutiny Committee, for consideration.

#### Reasons for decisions

(1) To ensure the Council could meet the demand for affordable housing units required in the Vale of Glamorgan.

(2) To enable the Scrutiny Committee to consider the implications of the assessment.

#### **C344A VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026: ANNUAL MONITORING REPORT 2019/2020 (LRPS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –**

The report related to the second Local Development Plan (LDP) Annual Monitoring Report (AMR) which assessed the performance of the policies in achieving the integrated Plan objectives which incorporated sustainable development and Strategic Environmental Assessment having regard to the Monitoring Framework set out in the LDP, and agreed by the Inspector as part of the LDP Examination and consequently adopted by the Council on 28<sup>th</sup> June, 2017.

The format of the AMR followed the suggested format set out in the latest Development Plans Manual. It included both core and local monitoring indicators and a 'traffic light' rating system was used as a visual aid to monitor the effectiveness of the Plan's policies and to provide a quick overview of policy performance.

The report set out the key policy achievements to date and confirmed that the majority of relevant monitoring targets had been met. It highlighted the indicators where further research / investigation was required and noted that COVID-19 had delayed progression of some Supplementary Planning Guidance (SPG) and Member training in relation to Policy MD1 as recommended in the first AMR.

Overall, the AMR showed that good progress was being made in implementing the majority of the Plan's policies and that the LDP strategy remained sound.

Accordingly, it was recommended that the second AMR be submitted to the Welsh Government and published on the Council's website in accordance with LDP Regulation 37. In addition, it recommended that the Council commence a review of the LDP before 28<sup>th</sup> June, 2021 in line with LDP Regulation 41.

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 second Local Development Plan Annual Monitoring Report (subject to any recommended changes by the Environment and Regeneration Scrutiny Committee) be endorsed for submission to the Welsh Government and for publication on the Council's website.
- (2) T H A T a review of the LDP be commenced before 28<sup>th</sup> June, 2021 in line with LDP Regulation 41.
- (3) T H A T the LDP AMR be referred to the Environment and Regeneration Scrutiny Committee for its consideration and if Scrutiny make no comments then those recommendations stand unaltered.
- (4) T H A T the outstanding Supplementary Planning Guidance be progressed in accordance with the Council's approved procedures.
- (5) T H A T Member training be undertaken in relation to Policy MD1 and development outside settlements.
- (6) T H A T delegated authority be granted to the Head of Regeneration and Planning, in consultation with the Cabinet Member for Legal, Regulatory and Planning Services, to make typographical or other minor changes as necessary prior to publication.

#### Reasons for decisions

- (1) To comply with Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
- (2) To comply with Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
- (3) To ensure appropriate scrutiny of the report and Cabinet recommendations.

- (4) To provide further guidance and clarity in relation to employment and retail policies in the LDP.
- (5) To ensure that the LDP policies were being implemented as intended.
- (6) To make typographical or other minor changes as necessary without the need to seek Cabinet approval.

**C345A VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026: BRO TATHAN Y PORTH DRAFT DEVELOPMENT BRIEF PUBLIC CONSULTATION (LRPS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –**

The report sought Cabinet's endorsement of the draft development brief for public consultation purposes. All comments received and any proposed amendments to the draft development brief would be reported back to Cabinet for consideration prior to formally adopting it for development management purposes in due course

The report referred to a new development brief which had been prepared by consultants (White Young Green Group) in conjunction with the Council for the Welsh Government (WG). The draft development brief provided guidance and planning advice in relation to new development proposals for the gateway site known as 'Y Porth' at the Bro Tathan Business Park. Bro Tathan was identified as a Strategic Opportunity Area in the Wales Spatial Plan 2008 Update and was one of three key areas in the WG's Cardiff Airport and Bro Tathan Enterprise Zone.

The main purpose of the draft development brief was to:

- establish a clear set of design principles that would be applied to achieve WG's vision for the site;
- provide the starting point for dialogue between developers, their design teams and the Council before the submission of any planning application; and
- play an important role in assessing developers' proposals before and after the submission of a planning application.

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 draft development brief attached to the report be approved for public consultation purposes.
- (2) T H A T the report and development brief be referred to the Environment and Regeneration Scrutiny Committee for its consideration as part of the consultation process.



(3) T H A T a further report be presented to Cabinet following the public consultation to present the findings of the public consultation exercise and consider any changes to the draft development brief prior to the formal adoption of the document for development management purposes.

#### Reasons for decisions

(1) To enable public consultation on the draft development brief in accordance with the Council's protocol for the production of development briefs and to afford the document additional weight as a material consideration in the determination of relevant planning applications and appeals.

(2) To ensure appropriate scrutiny of the report and associated development brief.

(3) To advise Members of the responses to the public consultation exercise and to seek Members' approval for the formal adoption of the development brief as a material consideration in development management decisions.

#### **C346A SAFER VALE PARTNERSHIP STRATEGY 2020-2023 (LRPS) (SCRUTINY – HOMES AND SAFE COMMUNITIES) –**

The report advised Cabinet of the changes made to the Safer Vale Partnership and requested that Cabinet adopt the Safer Vale Partnership Strategy 2020-2023 (attached at Appendix 1).

The Safer Vale Partnership was made up of five statutory partners (Police, Local Authority, Health, Probation and Fire and Rescue Service) who had the statutory responsibility for responding to and reducing crime and disorder in the Vale of Glamorgan. The Partnership was required to produce a strategic assessment each year to guide future work.

The Partnership agreed that the 2018-2019 strategic assessment should shape the development of a three year strategy and action plan which set out the steps required to deliver positive outcomes for those affected by crime and disorder in the Vale of Glamorgan.

The finalised Safer Vale Partnership Strategy and corresponding action plan would cover the next three-year period 2020-2023 but would be a working document which would be kept under constant review. It would be delivered using partners' existing resources and would seek to ensure there was an effective response to crime and disorder in the Vale of Glamorgan. The strategy, created in consultation with residents and partners and based on evidence gathered from the strategic assessment, detailed the four priorities for the Safer Vale Partnership. These were:

- **Prevent and Reduce Crime and Disorder.** The Partnership would work to prevent and reduce crime and anti-social behaviour to keep people who lived, worked and visited the Vale safe and free from the fear of crime;

- **Engage.** The Partnership would improve the way it connected with, involved and informed the community to increase awareness, the feeling of belonging and positive community cohesion in the Vale;
- **Safeguard.** The Partnership would work to safeguard the most vulnerable in the community;
- **Work together.** The Partnership was committed to strengthening partnership working to improve efficiencies and problem solving.

As part of the development of the Strategy, the Safer Vale Strategic Group carried out a review of the current structure of the Partnership. The review included discussions with key staff involved in delivering the outcomes agreed within the strategy. It was agreed that the Safer Vale Strategic Group would result in a smaller multi-agency group which would meet less frequently and would be responsible for strategic decision making, governance and oversight of a newly created 'Safer Vale Operational Group'. This multi-agency Operational Group was responsible for delivering and monitoring the actions from the action plan and reported directly to the Safer Vale Strategic Group.

The Cabinet Member for Legal, Regulatory and Planning Services added that it had been noticeable that the partnership had been working closely together as a result of COVID-19, the Leader agreeing that working together was important. The Deputy Leader also noted the benefits of this partnership over the last 6 or 7 months in particular to the challenges faced by the community in the Vale of Glamorgan and was fundamental for collaborative action across the Vale.

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 Safer Vale Partnership Strategy 2020-2023 and Action Plan, attached at Appendices 1 and 2 respectively to the report, be adopted.
- (2) T H A T the Safer Vale Partnership Strategy and Action Plan be referred to the Homes and Safe Communities Scrutiny for consideration.

#### Reasons for decisions

- (1) To ensure that the Council met its Statutory Duty under the Crime and Disorder Act 1998 in order to demonstrate the Council's commitment to preventing, reducing and addressing crime and disorder in the Vale of Glamorgan and to enable the Council to continue contributing strategic and operational support to a programme of work that has already achieved successful outcomes.
- (2) To enable the Scrutiny Committee to consider and comment on the Strategy and Action Plan.

**C347A RETENDER OF A SUPPORTED LIVING SERVICE FOR PEOPLE WITH A LEARNING AND / OR PHYSICAL DISABILITY (SCH) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –**

The report requested permission for a procurement exercise to be undertaken in order to retender the Council's Supported Living Service for people with a learning and / or physical disability and further requested that permission to award the Contract be delegated to the Director of Social Services in consultation with the Cabinet Member, Social Care and Health, the Managing Director and the Head of Finance / Section 151 Officer. The start date for the new contract would be the 1st October 2021 for an initial period of 5 years, with an option to extend by a period of no more than 5 further years.

The Cabinet Member for Social Care and Health noted the procurement had been delayed as a result of COVID-19 and that the involvement of service users as part of any re-tendering exercise would be important. This was a matter for Executive decision.

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

RESOLVED – T H A T the report be noted and considered in connection with the Part II report later in the Agenda.

Reason for decision

To allow the Part I and II reports to be considered together.

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The Leader and Cabinet Member for Performance and Resources noted there was one item for discussion under Part II of the agenda which was a report of the Cabinet Member for Social Care and Health concerning the 'Retender of a Supported Living Service for People with a Learning and/or Physical Disability', following on from the discussion under Item 10 of today's agenda.

As there were matters that were considered commercially sensitive, it was necessary to move into private session where confidential matters could be discussed under Part II. Therefore, the Cabinet Officer would ensure that the recording was closed at this point and would ensure that only relevant parties remained to hear the detail of the item being discussed.

Following the meeting, the outcome of the Part II discussion would be formally captured as part of the minutes of the meeting, advising all parties of the final decision of the Cabinet for this item.

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**C348A EXCLUSION OF PRESS AND PUBLIC –**

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

**C349A RETENDER OF A SUPPORTED LIVING SERVICE FOR PEOPLE WITH A LEARNING AND / OR PHYSICAL DISABILITY (SCH) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) (EXEMPT INFORMATION – PARAGRAPH 12) –**

The report requested permission for a procurement exercise to be undertaken in order to retender the Council's Supported Living Service for people with a learning and / or physical disability.

The report further requested that permission to award the Contract be delegated to the Director of Social Services in consultation with the Cabinet Member, Social Care and Health, the Managing Director, the Head of Finance / Section 151 Officer. The start date for the new contract would be the 1st October 2021 for an initial period of 5 years, with an option to extend by a period of no more than 5 further years.

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 Officers undertake a procurement exercise in order to identify the preferred provider/s of Supported Living Services for people known to Social Services who have a learning and/or physical disability and have been assessed as requiring care and support.

(2) T H A T the award of the above contract, and any subsequent extension period, be delegated to the Director of Social Services in consultation with the Cabinet Member for Social Care and Health, the Managing Director and the Head of Finance / Section 151 Officer.

(3) T H A T the Head of Legal and Democratic Services be authorised to prepare, execute and complete all Legal documentation as may be required to facilitate the Supported Living Service.

Reasons for decisions

(1) The Council's Financial Procedure Rules require that contracts with an estimated value of £75,000 or higher should be subject to an appropriate procurement process that ensures value for money, compliance with legislation

governing the spending of public money, and protecting individuals from undue criticism or allegation of wrongdoing. The retendering of the supported living service had been designed to ensure that these three principles were fulfilled. Furthermore, the procurement process would allow for:

- The ongoing provision of a cost effective, local service;
- A review of service provision to ensure that it continued to appropriately meet the needs of individual people;
- Provided a sound contracting basis upon which service could be monitored against agreed costs, quality standards and individual outcomes.

(2&3) Delegated authority would allow agreements to be entered into and varied in a timely manner, whilst maintaining the requirements of the Council's Contract Procedure Rules and Financial Procedure Rules.