

CABINET

Minutes of a remote meeting held on 21st December, 2020.

The Committee 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.

C416 MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 30th November, 2020 and 7th December, 2020 both be approved as correct records.

C417 DECLARATIONS OF INTEREST –

No declarations were received.

C418 STATEMENT –

The Executive Leader and Cabinet Member for Performance and Resources reminded residents of the Vale of Glamorgan that the COVID-19 pandemic remained present and a full lockdown had been announced before Christmas. There was concern about the escalation of cases of COVID-19 in the Vale of Glamorgan and today it was announced that the more prevalent variant of the pandemic was present in the Vale and within Wales. Residents of the Vale needed to take this issue seriously as during the initial lockdown there had been around 50 cases reported per 100,000 of the population in the area, whereas currently that figure is around 700 per 100,000 population. It was estimated that there was a possibility that by Christmas that figure could be over 1,000, which explained why it was now only possible to mix with limited numbers of family members on Christmas Day. The Leader asked residents to continue to take the situation seriously as the variant was present and today it had been announced that a further 10 people had passed away in Wales. He reminded residents to continue to wash their hands, do not go out unless it's necessary / for essential goods, wear a face mask and keep two metres apart when social distancing. One household could meet with another on Christmas Day, but otherwise he urged people to continue to take care.

C419 CARDIFF CAPITAL REGION CITY DEAL REGIONAL CABINET MEETING –

The minutes of Cardiff Capital Region City Deal Regional Cabinet meeting held on 16th November, 2020 as contained within the agenda were submitted.

RESOLVED – T H A T the minutes of the Cardiff Capital Region City Deal Regional Cabinet held on 16th November, 2020 be noted.

Reason for decision

In noting the minutes.

C420 GLAMORGAN HERITAGE COAST ADVISORY GROUP –

The minutes of the Glamorgan Heritage Coast Advisory Group meeting held on 27th November, 2020 as contained within the agenda were submitted.

The Deputy Leader and Cabinet Member for Education and Regeneration had attended the meeting and stated it had been interesting to hear about the discussions with Dunraven Estates concerning upgrading and improving the visitor centre and potentially having some form of hospitality setting.

RESOLVED – T H A T the minutes of the Glamorgan Heritage Coast Advisory Group meeting held on 27th November, 2020 be noted.

Reason for decision

In noting the minutes.

C421 LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL – AN UPDATE (L/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report set out the various elements of the Local Government and Elections (Wales) Bill and set the context to enable Cabinet to respond to various consultations that were currently ongoing and were reported to the Cabinet.

Attached at Appendix A to the report was an Action Plan which listed all relevant provisions and the work undertaken to date to ensure that the Council was prepared for the introduction of various elements of the Bill in due course.

Cabinet was asked to consider the report and the Action Plan and refer the same to Scrutiny Committee (Corporate Performance and Resources) for consideration.

The Leader advised that some actions within the report were also being reported separately as part of the meeting agenda today. The report itself set out the context of the Act which was likely to become enacted in January 2021.

The Leader noted that comments had been received from the Leader of the Plaid Cymru Group who felt there had been available time to have discussed some of the matters through scrutiny or via meetings with Group Leaders in advance of the Cabinet report. It was noted by Cabinet that the reports would be going to Scrutiny for consideration and would be brought back to Cabinet where appropriate. Two of

the reports had called for the use of the urgency procedure in order to meet Welsh Government response deadline dates, however comments would be sought from Scrutiny and where comments were received, reported back to Welsh Government as an addendum.

The Managing Director reaffirmed that the report set out the context for further reports on the agenda and provided comfort for the Cabinet that there was an Action Plan linked to the requirements of the Bill so that the Authority would be well placed when it does become legislation in January 2021.

This was a matter for Executive decision.

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

RESOLVED –

- (1) T H A T the contents of the report and the appended Action Plan be noted.
- (2) T H A T the report and appended Action Plan be referred to the Corporate Performance and Resources Scrutiny Committee for consideration.
- (3) T H A T further reports detailing progress against the Action Plan be submitted to Cabinet in due course.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To enable the matter to be considered by the Corporate Performance and Resources Scrutiny Committee.
- (3) To keep Cabinet apprised of progress.

C422 CORPORATE JOINT COMMITTEES – RESPONSE TO WELSH GOVERNMENT CONSULTATION (L/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report set out the various elements of proposals by Welsh Government to introduce four Corporate Joint Committees (CJCs) and set out a response to the current consultation on the same.

The response form was attached at Appendix A to the report and this had been completed for the consideration of Cabinet so that the Council could respond to the consultation by the deadline date of 4th January, 2021.

CJCs were described as a new statutory mechanism for regional collaboration by local government. The consultation was seeking views on draft regulations which would create four regional CJCs to exercise functions relating to strategic

development planning, regional transport planning and the economic well-being of their areas.

The consultation documents included an overarching document on CJsCs as well as specific regulations for the four separate CJsCs. Given that the Vale of Glamorgan fell within the proposed South East Wales CJC, the report and the consultation response focused on this particular set of regulations.

The Leader noted the use of the urgency procedure in order to meet Welsh Government response deadline of 4th January, 2021, and that the report would be referred to Scrutiny Committee and any further comments would be sent as an addendum to Welsh Government even though the response deadline would have passed.

The Welsh Local Government Association (WLGA) had taken reports from all Councils on this issue and there would be a full response from WLGA to Welsh Government also.

The Managing Director advised that comments back to Welsh Government related to the need to resource the undertaking the CJC requirements and could not be at the expense of the existing Local Government structure if they are to function efficiently. The Leader added that would have to consider both the set-up costs as well as ongoing costs.

Cabinet thanked Officers for the work undertaken on a complicated matter.

This was a matter for Executive decision.

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

RESOLVED –

- (1) T H A T the contents of the report and the draft response to the consultation be noted and the same agreed for submission to Welsh Government.
- (2) T H A T the report and appended consultation response be referred to the Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees for consideration, with any additional recommendations reported to Cabinet for further consideration in advance of submission to Welsh Government as an addendum, if necessary and appropriate.
- (3) T H A T the urgency procedure set out in section 14:14 of the Council's Constitution in respect of Recommendation (1) above be approved.

Reasons for decisions

- (1) To enable the Council to respond to the Consultation on CJsCs.

(2) To enable the matter to be considered by the Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees.

(3) The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

**C423 LOCAL GOVERNMENT AND ELECTIONS BILL – PART 6
PERFORMANCE AND GOVERNANCE OF PRINCIPAL COUNCILS –
CONSULTATION RESPONSE (L/PR) (SCRUTINY – CORPORATE
PERFORMANCE AND RESOURCES) –**

The report provided Cabinet with an update on Part 6 of the Local Government and Elections Bill which was currently being considered by the Senedd and would receive Royal Assent in early 2021.

Welsh Government was currently consulting on the statutory guidance (attached at Appendix A to the report) that described how the Council would be required to demonstrate compliance with the duties contained in Part 6 of the Bill.

The consultation was due to close on 3rd February, 2021 and the report sought Cabinet endorsement for the submission of the draft consultation response (Appendix B to the report).

This was a matter for Executive decision.

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

RESOLVED –

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

(2) T H A T the draft consultation response (attached at Appendix B to the report) be endorsed for submission to Welsh Government in principle and that the report be referred to the Corporate Performance and Resources Scrutiny Committee for consideration, with any comments to be referred back to Cabinet for consideration prior to the response being submitted.

(3) T H A T updates on the progression of the Local Government and Elections (Wales) Bill and progress to its implementation in due course be received by Cabinet as referenced in the previous report to Cabinet on this agenda.

Reasons for decisions

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

(2) To enable the Council to submit views on the guidance to accompany the performance provisions of the Bill by the deadline of 3rd February, 2021 and for the

views of the Corporate Performance and Resources Scrutiny Committee to be sought.

(3) To enable Cabinet to receive timely updates on the implementation of the Bill.

C424 PRECEPT PAYMENT DATES 2021-2022 (L/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report sought approval of the dates on which precepts were to be paid to the Police and Crime Commissioner for South Wales and the Town and Community Councils within the Vale of Glamorgan area.

The Council as billing authority was required to notify Precepting Authorities by 31st December 2020 of the proposed precept payment dates for 2021-2022.

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 payment due to the Police and Crime Commissioner for South Wales be paid in 12 equal instalments on the last working day of each month.

(2) T H A T payment due to Town and Community Councils be paid in 3 equal instalments on the last working days of April, August and December 2021.

Reason for decisions

(1&2) The dates are determined to optimise the Council's cash flow in line with the regulations.

C425 COUNCIL TAX UNOCCUPIED DWELLINGS: 2021-2022 (L/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report proposed that Cabinet reaffirms its previous decision not to grant any discount in Council Tax for long term empty properties and furnished second homes for the 2021-22 financial year.

The Council's current policy is not to allow any discount on unoccupied dwellings (classes A, B and C). It was proposed to continue this policy for 2021-2022. The report recommendation referred to the report being referred to full Council for approval, however the Leader advised that as there was no change to the Policy proposed, that the decision was an Executive decision and therefore amended the recommendation accordingly.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein and with the amendment to the wording of the recommendation

RESOLVED – T H A T the Policy with regard to Council Tax due on unoccupied dwellings as agreed for 2020/21 be agreed for 2021/22.

Reason for decision

The Council was required to determine its policy on discounts in relation to unoccupied dwellings as defined in classes A, B and C to the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 1998 each year.

C426 CABINET QUARTERLY WORK PROGRAMMES – OCTOBER TO DECEMBER 2020 AND JANUARY TO MARCH 2021 (L/PR) (SCRUTINY – ALL) –

The purpose of the report was to inform Members of the progress to date in respect of Cabinet Quarterly Work Programmes for the period October to December 2020 and to confirm the Quarterly Work Programme for January to March 2021 in order that the Annual Strategic Work Programme could be amended and uploaded to the Council's website.

The report sought Cabinet approval and any comments in respect of the progress update for the quarter October to December 2020.

Approval was also sought in respect of the updated Cabinet Quarterly Forward Work Programme from January to March 2021.

The Leader advised there had been some slippage due to the pandemic, however some matters had been progressed earlier in the year with the use of Emergency Powers.

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 Cabinet Quarterly Work Programme for October to December 2020 (Appendix 1 to the report) be agreed.

(2) T H A T the Cabinet Quarterly Work Programme for January to March 2021 attached at Appendix 2 to the report be endorsed.

(3) T H A T the Annual Strategic Cabinet Work Programme at Appendix 3 to the report be updated in line with Recommendations (1) and (2) above and uploaded to the Council's website.

Reasons for decisions

- (1) To monitor progress.
- (2) To approve the Work Programme for January to March 2020.
- (3) To comply with the requirements of the Local Government Act 2000, subordinate legislation and the Council's Constitution in setting annual work programmes.

C427 USE OF THE MANAGING DIRECTOR'S EMERGENCY POWERS (L/PR) (SCRUTINY – ALL) –

The Leader presented the report, the purpose of which was to advise Cabinet of the exercising of Emergency Powers by the Managing Director since the last report on 30th November, 2020.

The Council's Constitution at page 271 (delegated powers) states:

“MANAGING DIRECTOR OR, IN HIS ABSENCE, THE NOMINATED DEPUTY

1. Power to act, after consulting the appropriate Cabinet Member and, in the case only of matters involving the Council in financial commitments, the Leader, Section 151 Officer and the appropriate Chief Officer, in respect of any matter which, in his opinion:

- (a) requires immediate action; and
- (b) does not justify holding a special meeting of the body which would ordinarily consider the matter or is of such urgency or emergency as not to allow time for such a meeting; use of such delegated powers to be subsequently reported back to the Cabinet or Council as appropriate.

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 as contained within the report.

Reason for decision

To note the exercising of Emergency Powers by the Managing Director since the last report on 30th November, 2020.

C428 UPDATE ON THE PROPOSAL TO INCREASE THE NUMBER OF PRIMARY SCHOOL PLACES IN COWBRIDGE TO MEET THE INCREASED DEMAND AS A RESULT OF RECENT AND PROPOSED HOUSING DEVELOPMENTS (DL/ER) (SCRUTINY – LEARNING AND CULTURE) –

The purpose of the report was to advise Cabinet of the outcome of the statutory consultation on the proposal to increase the number of primary school places in Cowbridge from September 2022 by:

- Changing the age range of Cowbridge Comprehensive School from 11-19 to 3-19;
- Increasing the capacity of Cowbridge Comprehensive School from 1,586 places to 1,796 places to accommodate 210 English medium primary school places with an additional 48 part-time nursery places; and
- Constructing a new school building on the Cowbridge Comprehensive School site to accommodate the primary and nursery places.

The Council received 251 individual responses by the closing date of 23rd November, 2020. Consultees were asked to indicate whether they “support”, “do not support” or have “no opinion” on the proposal. Of the total 251 individual responses received, 83 were in favour of the proposal, 163 were opposed and 5 stated no opinion either way.

A summary of key themes and issues raised during the consultation exercise was included in the Consultation Report attached at Appendix B to the report.

Following the completion of the consultation period, a decision was now required on whether to progress the proposals further with the publication of the proposal for the regulated alteration in the form of a statutory notice.

The Cabinet Member for Social Care and Health referred to the comprehensive report and the range of the responses and information contained within the Appendices. He noted the importance of seeing those responses in the context of what was being proposed and taking those comments on board. It was further noted that some of the suggested practical issues would be addressed as work progressed. The Cabinet Member also thanked Officers for the work done to capture the comments made and give context and understanding as to how they related to the proposals.

The Deputy Leader also noted the constructive comments from Estyn and from the Council in response to the themes and issues raised.

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 report, the consultation report and other appendices included as part of the report, which included minutes of the Learning and Culture Scrutiny Committee meeting held on 15th October, 2020, be noted.

(2) T H A T the proposal to increase the number of primary school places in Cowbridge to meet increased demand as a result of recent and proposed housing developments by:

- Changing the age range of Cowbridge Comprehensive School from 11 - 19 to 3 - 19;
- Increasing the capacity of Cowbridge Comprehensive School from 1,586 places to 1,796 places to accommodate 210 English medium primary school places with an additional 48 part-time nursery places; and
- Constructing a new school building on the Cowbridge Comprehensive School site to accommodate the primary and nursery places

be noted.

(3) T H A T the proposal, through the publication of the proposal in the form of a statutory notice, be approved.

Reasons for decisions

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

(2) To ensure the Council is able to meet projected demand for English medium primary education in Cowbridge.

(3) To progress the proposal in accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.

C429 UPDATE ON THE PROPOSAL TO ESTABLISH A SPECIALIST RESOURCE BASE AT WHITMORE HIGH SCHOOL FROM SEPTEMBER 2021 (DL/ER) (SCRUTINY – LEARNING AND CULTURE) –

The purpose of the report was to advise Cabinet of the outcome of the statutory consultation on the proposal to transform specialist education by establishing a specialist resource base at Whitmore High School from September 2021. The Council received 19 responses by the closing date of 20th November, 2020. Consultees were asked to indicate whether they ‘support’, ‘do not support’ or have ‘no opinion’ on the proposal. All respondents indicated they were in favour of the proposal.

A summary of key themes and issues raised during the consultation exercise was included in the consultation report attached at Appendix B to the report.

Following the completion of the consultation period, a decision was now required on whether to progress the proposals further with the publication of the proposal for the regulated alteration in the form of a statutory notice.

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 report, the consultation report and other appendices included as part of this report, which included minutes of the Learning and Culture Scrutiny Committee meeting held on 12th November, 2020, be noted.

(2) T H A T the proposal to establish a specialist resource base at Whitmore High School from September 2021 be noted.

(3) T H A T the proposal through the publication of the proposal in the form of a statutory notice be approved.

Reasons for decisions

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

(2) To ensure the delivery of the Council's strategy to transform special education to best meet the needs of its most vulnerable learners.

(3) To progress the proposal in accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018.

C430 RESPONSE TO THE WELSH GOVERNMENT CONSULTATION ON THE TOWN AND COUNTRY PLANNING (STRATEGIC DEVELOPMENT PLAN) (WALES) REGULATIONS 2021 (LRPS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

To report sought Cabinet endorsement of the Council's response to the Welsh Government (WG) Consultation on The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021.

The WG consultation was seeking views on the policy approach for the subordinate legislation required to establish the procedure for Strategic Development Plans (“SDPs”) to be prepared across Wales by Corporate Joint Committees (“CJCs”) and associated matters. The Regulations would be called the Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021. The proposals replaced the previous framework for preparing an SDP with a Strategic Planning Panel that had been the subject of a previous report and endorsement by the Council on 29th July, 2019 (Minute Number 215 refers) which would become defunct.

The consultation document can be found by following the link:

<https://gov.wales/establishing-town-and-country-planning-strategic-development-plan-wales-regulations-2021>. The consultation included a set of specific questions to be submitted on or before 4th January, 2021. The draft response on behalf of the Vale of Glamorgan Council was attached at Appendix A to the report.

The key issues raised in the response were:

- the implications for resources of preparing a SDP in addition to the Local Development Plan (LDP);
- the governance arrangements for SDPs, CJs and consultation with individual Local Authorities;
- concerns over the WG's expectation that the SDP could be prepared in the same manner and timeframe as the LDP; and
- the missed opportunity to gain certainty and remove risk as the SDP was prepared (i.e. endorsement of a 2-stage Examination).

The Cabinet Member for Legal, Regulatory and Planning Services noted the use of the urgency procedure in order to meet Welsh Government response deadline of 4th January, 2021, and that the report would be referred to Scrutiny Committee and any further comments would be sent as an addendum to Welsh Government even though the response deadline would have passed.

It was further noted that staff had completed a considerable amount of work under difficult conditions during the pandemic and the Cabinet passed on their thanks to all those concerned.

This was a matter for Executive decision.

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

RESOLVED –

(1) T H A T the Council's response to the Welsh Government Consultation on The Town and Country Planning (Strategic Development Plan) (Wales) Regulations 2021 at Appendix A to the report be endorsed.

(2) T H A T the report and appended consultation response be referred to the Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees for consideration, with any additional recommendations reported to Cabinet for further consideration in advance of submission to Welsh Government as an addendum, if necessary and appropriate.

(3) T H A T the urgency procedure set out in section 14:14 of the Council's Constitution in respect of Recommendation (1) above be approved.

Reasons for decisions

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

(2) To enable the matter to be considered by Corporate Performance and Resources and Environment and Regeneration Scrutiny Committees.

(3) The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

C431 OBJECTION REPORT: PENARTH ESPLANADE AND ADJACENT STREETS – PROPOSED TRAFFIC REGULATION ORDER (NST) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

There was a statutory duty that had to be followed to introduce any changes to on-street car parking restrictions. The duty required public consultation on the proposal in order to progress an amendment to the existing Traffic Regulation Orders (TROs) and implement any changes.

A request was submitted to the Cabinet Member for Neighbourhood Services and Transport and the Head of Neighbourhood Services and Transport on 22nd July, 2020 for authority to give public notice of a proposal to amend the existing TRO. This amendment aimed to increase the number of parking spaces available for visitors to Penarth Esplanade and adjacent streets, including the prevention of overnight parking by motor caravans and Large Goods Vehicles (LGVs), exceeding 3.5 tonnes, on Cliff Hill and Cliff Road.

Public notice of the proposed changes to parking restrictions on the Penarth Esplanade and adjoining streets was given on Thursday, 30th July, 2020, with a statutory consultation period of 21 days until Thursday, 20th August, 2020. During the statutory consultation period twelve formal objections to the proposals and four written comments were received.

After the statutory consultation period closed, two further letters of objection were received and two further written comments were also received after the closing date for statutory consultation. For completeness, these have also been included in the deliberations.

Section 2 of the report advised of the details of the 20 objections received to the proposed TRO received in total and the technical officers' responses to these objections. Cabinet was required to consider the objections and, in light of the objections, determine whether the proposed parking controls should be implemented.

The Cabinet Member for Neighbourhood Services and Transport summarised that the report was a move to amend existing TROs with the specific aim of increasing the number of parking spaces available to visitors to Penarth Esplanade and the adjacent streets, including the prevention of overnight parking by caravans and large goods vehicles.

Paragraphs 2.2 and 2.3 of the report detailed support for the proposals, with businesses and individuals recognising the advantage of turn-over of parking spaces as beneficial to a number of businesses as well as avoiding the need for some to

drive further away in order to find a parking space. The Alexandra Court Management Company wrote on behalf of 51 residential units and welcomed the proposals.

The Cabinet Member also thanked Officers who had completed a considerable amount of work under difficult circumstances during the pandemic and the Cabinet passed on their thanks to all those concerned.

Councillor Gray stated that parking around the Esplanade was a cause of concern for local residents who wanted people to be able to access the seafront and use the businesses on the seafront. The ability of the Council to enforce in the area had been an issue and the proposals would increase the number of spaces available which would allow greater turn-over of visitors and allow people to access the seafront. It would also be important to monitor any impact on surrounding streets and re-visit any issues experienced. Councillor King reassured Cabinet that the matter would be kept under review and could amend proposals in future if 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 report, objections and the Officers' responses be noted.
- (2) T H A T the objections be not agreed and the proposed amendments to the Traffic Regulation Order as detailed in the report at Appendix A (Drawing Reference T/20/48/AA) be approved for implementation.
- (3) T H A T the objectors and those who made comments be advised of this decision.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To implement the Traffic Regulation Order.
- (3) To advise persons who responded of the decision to implement the Traffic Regulation Order.