

CABINET

Minutes of a Cabinet meeting held on 27th September, 2021.

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

The Meeting recording is available [here](#).

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

C665 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 13th September, 2021 be approved as a correct record.

C666 DECLARATIONS OF INTEREST –

Name of Councillor

Councillor B.T. Gray

Nature of Interest

The interest related to Agenda Item 11 - Request to appeal Non-determination of Planning Application relating to Maes y Ffynnon, Bonvilston as a Member of the Planning Committee that would ultimately discuss the matter. Councillor Gray left the meeting when this matter was being considered.

Councillor E. Williams.

The interest related to Agenda Item 11 - Request to appeal Non-determination of Planning Application relating to Maes y Ffynnon, Bonvilston as a Member of the Planning Committee that would ultimately discuss the matter. Councillor Williams left the meeting when this matter was being considered.

C667 WELSH GOVERNMENT CONSULTATION ON THE DRAFT LOCAL ELECTIONS (PRINCIPAL AREAS) (WALES) RULES 2021 AND DRAFT LOCAL ELECTIONS (COMMUNITIES) (WALES) RULES 2021 (REF) –

The reference from the Corporate Performance and Resources Scrutiny Committee of 22nd September, 2021 was presented to Cabinet as contained within the agenda.

The Leader referred to the discussion concerning Question 11 and said that the Rules should require individuals standing for election to be on the Register of

Electors where they lived, as this would assist with confirming identity by the Returning Officer.

There was further discussion concerning the provision of personal statements and the Scrutiny Committee had recommended to Cabinet Committee's agreement to the option of a personal statement to be provided by candidates for Principal Council elections.

The Returning Officer clarified that the response in Appendix A relating to personal statements was calling for the draft Rules to be more in line with the Police and Crime Commissioner Elections Order 2012. Currently, the draft Rules allowed a candidate to state why they were standing for election in any personal statement, and it was recommended in Appendix A that they should not be able to comment on other candidates.

Cabinet, having considered the reference

RESOLVED – T H A T the reference and the comments from the Scrutiny Committee be noted, and that the Scrutiny Committee's agreement to the option of a personal statement to be provided by candidates for Principal Council elections be endorsed in order to submit a response to Welsh Government by 28th September, 2021.

Reason for decision

Having regard to the contents of reference and the report which had been considered by the Scrutiny Committee on 22nd September 2021.

C668 CARDIFF CAPITAL REGION REGIONAL CABINET –

The minutes of the Cardiff Capital Region Regional Cabinet meeting held on 28th June, 2021 as contained within the agenda, were submitted.

The Leader informed Cabinet that the meeting had considered the draft statement of accounts, draft governance arrangements, Annual Business Plan, Cardiff Capital Region Energy Strategy and implementation priorities together with a proposal for attending a future MIPIM event in 2022.

RESOLVED – T H A T the minutes of the Cardiff Capital Region Regional Cabinet meeting held on 28th June, 2021 be noted.

Reason for decision

In noting the minutes.

C669 CORPORATE PARENTING PANEL –

The minutes of the Corporate Parenting Panel meeting held on 5th July, 2021 as contained within the agenda, were submitted.

Councillor Gray drew Cabinet’s attention to the continuing pressures on external placements and finding foster homes for children. The Foster Wales brand had recently been launched, with adverts in the national press, which was hoped would attract and support more people fostering with the Local Authority. The pressure on finding placements and the costs that incurred was something Corporate Parenting Panel were monitoring.

RESOLVED – T H A T the minutes of the Corporate Parenting Panel meeting held on 5th July, 2021 be noted.

Reason for decision

In noting the minutes.

C670 JOINT CONSULTATIVE FORUM –

The minutes of the Joint Consultative Forum meeting held on 19th July, 2021 as contained within the agenda, were submitted.

The Leader advised that there had been good discussion on the use of pool cars, travel issues during the pandemic, an update on wellbeing surveys, modern slavery statement, an update on iDev/e-learning, the Oracle system and an update on the Welsh Government NHS and Social Care Recognition Scheme.

RESOLVED – T H A T the minutes of the Joint Consultative Forum meeting held on 19th July, 2021 be noted.

Reason for decision

In noting the minutes.

C671 STRATEGIC COLLABORATIVE WORKING INITIATIVES UPDATE (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

Collaborative working activity had increased at pace in response to the challenging financial climate and in recognition of the value that working in partnership to share skills, expertise and experience could have in tackling complex issues.

The Compendium of Strategic Working Initiatives (Appendix A) provided an oversight of the strategic level collaborative working activity in which the Council was involved and captured the detail of the various initiatives underway.

A review of the Compendium had been undertaken to reflect the change in some partnership activities becoming part of core business.

It was suggested that Cabinet moved from receiving quarterly updates on strategic collaborative working initiatives to six monthly updates to capture relevant progress against initiatives. It was also suggested that progress reporting moved to exception reporting, with detailed progress reported to Cabinet through the Cabinet Report rather than through the Compendium document itself.

Councillor Williams stated that reports would still be regularly available separately through other avenues, e.g., community safety would still report on a monthly basis, information on Corporate Joint Committees would be presented via the Cardiff Capital Region, etc. The Leader added that any matters that required attention would still be able to be presented to Cabinet by exception or by means of an urgent report, as required.

This was a matter for Executive decision.

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

RESOLVED –

- (1) T H A T the strategic collaborative working initiatives that were in place to support the delivery and development of Council services and the Council's well-being outcomes and objectives be noted.
- (2) T H A T the proposals to move to exception update reporting and to receiving reports on a six-monthly basis in relation to these matters be approved.
- (3) T H A T the report be circulated by e-mail to all Vale of Glamorgan Council elected Members, Clerks of all Town and Community Councils and members of the Public Services Board for their information.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To provide detailed updates on progress against the strategic collaborative working initiatives.
- (3) To provide elected Members, local partners and strategic partners with an overview of strategic collaborative working initiatives.

C672 DRAFT RESPONSE TO WELSH GOVERNMENT'S CONSULTATION ON THE CORPORATE JOINT COMMITTEES: DRAFT STATUTORY GUIDANCE (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The Local Government and Elections (Wales) Act 2021 created the framework for a consistent mechanism for regional collaboration between local government, namely Corporate Joint Committees (CJC). The Act provided for the establishment of CJsCs through Regulations.

Welsh Government had been consulting on the introduction of regulations and guidance to accompany the introduction of CJsCs over the last year. The report sought endorsement from Cabinet of the Council's response (Appendix A) to the latest consultation regarding the guidance which supports the setting up of the four CJsCs.

Consultation on further legislation for the operation of the CJsCs and its functions was planned for the Autumn of 2021 and a further consultation in the Spring of 2022 would cover any remaining provisions which a CJC might need but which were unlikely to be needed at the point at which they began to deliver their functions. Further reports to Cabinet would follow in due course.

The Leader in referring to the reference listed as agenda item 17 informed Cabinet that that the Scrutiny Committee had recommended that Cabinet be requested to consider in the response the views of the Scrutiny Committee in relation to the role of the Scrutiny of Corporate Joint Committees being adequately provided for. The Leader agreed that should the Cardiff Capital Region become the Corporate Joint Committee there needed to be adequate scrutiny in place. Question 5 within Appendix A also referred to the sufficient and appropriate guidance on governance and scrutiny within the CJsCs.

This was a matter for Executive and Full Council decision.

Cabinet, having considered the report and the reference 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 agreed and endorsed for submission to Welsh Government.

(2) T H A T the Urgent Decision Procedure set out in Section 14:14 of the Council's Constitution be approved in respect of Resolution (1) in order to meet the deadline of 4th October, 2021.

Reasons for decisions

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

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

**C673 STRONG COMMUNITIES GRANT FUND 2020-2025 (DL/ER)
(SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –**

The report provided Cabinet with an update on the Strong Communities Grant Programme (SCGF) in the current year and sought approval for the award of funding to the second round of applications to the Main Grant Fund.

The Deputy Leader advised that the funding source had been specifically designed to fit in with the previous Corporate Plan as 'Stronger Communities' and now 'Working Together for a Brighter Future'.

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 grant funding of up to £150,264 and endorsement of the Evaluation Panel's recommendations as outlined in Appendix A to the report be approved.

(2) That the content of the report and Appendices B and C be noted.

Reasons for decisions

(1) To enable Strong Communities Grant Funding to be awarded to submissions as outlined in Appendix A attached to the report, in line with the Council's Constitution and the scope of the scheme.

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

**C674 REQUEST TO APPEAL NON-DETERMINATION OF PLANNING
APPLICATION RELATING TO MAES Y FFYNNON, BONVILSTON (HB)
(SCRUTINY – HOMES AND SAFE COMMUNITIES) –**

(Councillors Gray and Williams had declared an interest and left the meeting for this item.)

The report brought to the attention of Cabinet, a proposal to seek authority to appeal the non-determination or refusal (as necessary) of a planning application relating to Maes y Ffynnon, Bonvilston.

The planning application related to the proposed delivery of 10 no. much needed new Council homes, including older persons' accommodation, in the Wenvoe ward.

At its meeting on 1st September 2021, Planning Committee Members failed to determine the planning application and could not provide a valid planning reason to refuse the application.

The matter then was deferred for a future Planning Committee for consideration.

Councillor Wilkinson advised that she was no longer a Member of Planning Committee and as such could remain and speak to the item. She said that there were currently 196 people currently on the Council's housing waiting list who wanted to live in the Wenvoe Ward.

The Leader said that the area in question was a former dis-used garage site and it was recommended that Cabinet endorsed the appeal for non-determination as no planning reason had been given to reject it.

The Deputy Leader advised that it was a brownfield site of dis-used garages which could be used for 10 units as part of a pocket development within a community.

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 authority be delegated to the Head of Housing and Building Services or the Housing Development Programme Manager on behalf of 'Housing and Building Services' [the applicant] to appeal the non-determination or refusal (as necessary) of the planning application relating to Maes y Ffynnon, Bonvilston.

Reason for decision

To ensure that the development proposal is considered by an independent planning inspector in the event that the Planning Committee either fail to determine or refuse the application in the hope that planning permission can be secured for much needed affordable housing.

C675 VALE OF GLAMORGAN REPLACEMENT LOCAL DEVELOPMENT PLAN 2021-2036: CONSULTATION ON DRAFT REVIEW REPORT AND DRAFT DELIVERY AGREEMENT (LRPS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

Following Cabinet's approval to progress with a review of the adopted Local Development Plan in October 2020, a draft Review Report and a new draft Delivery Agreement had been prepared. The report recommended the endorsement of those draft documents for public consultation purposes.

The Review Report was a key part of the Replacement Local Development Plan evidence base. It set out the key legislative, national and policy changes that had occurred since the adoption of the Local Development Plan in 2017 and included an

assessment of the current Local Development Plan policies to establish which ones were still effective and which policies may need to be reviewed.

The new draft Delivery Agreement included two key elements. A timetable setting out how the Council would project manage the Replacement Local Development Plan and a Community Involvement Scheme (CIS) which set out who, when and how the Council would carry out engagement and consultation during the preparation of the Replacement Local Development Plan.

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 Review Report and draft Delivery Agreement (subject to consideration of any recommended changes by the Environment and Regeneration Scrutiny Committee) for public consultation purposes be endorsed.
- (2) T H A T the draft Review Report and draft Delivery Agreement be referred to the Environment and Regeneration Scrutiny Committee for its consideration.
- (3) T H A T a 6-week public consultation be undertaken on the draft Review Report and draft Delivery Agreement.
- (4) T H A T a follow up report on the outcome of the public consultation and any proposed changes be prepared and considered by Council.
- (5) 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 41 and Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended 2015).
- (2) To ensure appropriate scrutiny of the report.
- (3) To comply with Regulation 41 and Regulation 9 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended 2015).
- (4) To comply with Regulation 41 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (as amended 2015).
- (5) To make typographical or other minor changes as necessary without the need to seek Cabinet approval.

C676 ANIMALS AS PRIZES AND THE RELEASE OF BALLOONS ON VALE OF GLAMORGAN COUNCIL LAND (LRPS) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

The Council had been contacted by the RSPCA in relation to implementing a ban on the giving of live animals as prizes on Council owned land.

The RSPCA had provided a list of reasons why the giving of such prizes caused them concern including animal welfare, release of unwanted prizes into the environment and the practices surrounding such prizes.

As well as considering a ban on live animals the opportunity also arose, with reference to the recently declared 'Nature Emergency', to look at other practices that were potentially damaging to the environment and had occurred on Council land in the past such as the release of Balloons.

The Council banned the release of Chinese Lanterns on its land in 2015.

It was therefore recommended to ban the release of Balloons.

In addition, it was also proposed to write to the Welsh Government to seek a national ban on all public and Private Land for the giving of live animals as prizes and the release of Chinese Lanterns and Balloons.

The Leader informed Cabinet that he had previously received correspondence concerning the giving of goldfish as prizes which would he said be covered by Recommendation (1) to the report.

The Deputy Leader welcomed the report as in her view no decision to have a pet should be done lightly or on the spur of the moment at an event. Balloons could also end up on agricultural land or out to sea and cause damage to marine animals. It was important to note that this was not a ban on balloons themselves, more an issue of where they could end up and the use of balloons responsibly.

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 an outright ban on the giving of live animals as prizes, in any form, on Vale of Glamorgan Council land be implemented.

(2) T H A T the release of balloons be banned on all Vale of Glamorgan Council land.

(3) T H A T the Council write to the Welsh Government requesting an outright ban on the giving of live animals as prizes, and the release of Chinese Lanterns and Balloons on both public and private land in Wales.

Reasons for decisions

- (1) To prevent the giving of live animals as prizes on Council land due to the distress caused to animals by such prizes.
- (2) To prevent balloons being released from Council that can cause harm to wildlife/livestock.
- (3) To urge the Welsh Government to implement a wider ban on the giving of life animals as prizes and the release of Chinese Lanterns and Balloons for the reasons detailed in the report.

C677 LOCAL AIR QUALITY MANAGEMENT ANNUAL PROGRESS REPORT 2021 (LRPS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

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 are likely to be achieved.

In pursuance of this, the Council produced a Local Air Quality Management report. The report satisfied the relevant legal requirements examining results of air quality monitoring undertaken across the Vale of Glamorgan during 2020.

A draft copy of the Annual Progress Report needed to be approved and issued to Welsh Government no later than 30th September, 2021.

The report confirmed that air quality within the Vale of Glamorgan continued to meet all the relevant air quality objectives.

Councillor Williams stated that it should be recognised that active monitoring continued across the Vale of Glamorgan but that all areas were now within specific recommended guidelines.

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 2020 be noted.
- (2) T H A T the finalisation of the 2021 Annual Progress Report, attached at Appendix 1 to the report, for submission to Welsh Government for approval be approved.

Reason for decisions

(1&2) The report fulfilled the requirements of the statutory Local Air Quality Management (LAQM) process under Part IV of the Environment Act 1995, and the report contained results of air quality data captured in 2020.

**C678 BARRY BIOMASS INDEPENDENT REVIEW REPORT (LRPS)
(SCRUTINY – ENVIRONMENT AND REGENERATION) –**

The report related to a resolution of Council on 26th February, 2020 concerning the Barry Biomass Plant which called for “an Independent Review of the Vale of Glamorgan Council’s determination of all planning applications related to the Barry Incinerator”.

An independent barrister specialising in Planning and Environmental Law, Annabel Graham Paul was appointed by the Monitoring Officer/Head of Legal and Democratic Services on behalf of the Council to undertake the independent review.

Attached at Appendix 1 was the Independent Review Report with the findings summarised in paragraphs 2.2 – 2.6 of the Cabinet report, together with additional information provided at paragraph 2.7 in respect of linked matters arising post February 2020.

The Independent Reviewer’s observations were also set out at paragraphs 2.7.9 and 2.7.10 in respect of Welsh Government’s interim decision dated 29 July, 2021.

The Leader referred to Paragraph 2.7.10 of the report where the independent barrister had stated that whether the development should or should not have had an EIA historically was in the Reviewer's opinion academic at this point in time. Councillor Williams added that Welsh Government were now looking at the matter of an EIA since the report was made available.

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 Independent Review Report attached at Appendix 1 to the report be noted.
- (2) T H A T the report be referred to the Environment and Regeneration Scrutiny Committee and Planning Committee for consideration.

Reasons for decisions

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

- (2) To ensure appropriate scrutiny and noting of the Independent Review.

C679 ROMILLY PARK TENNIS COURTS (LAC) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

Following the Cabinet report in January 2021 and the subsequent advertisement of the proposed disposal relating to the tennis courts in Romilly Park, objections had been received in relation to the proposals.

Having considered the objections it was noted that they related to plans to apply charges for the facilities that were previously accessible without payment. Fees were previously set for the use of all public tennis courts but due to the costs involved in collecting fees they had not been applied for several years. Fees would be collected via an app that would also advise players of availability and offers.

The grant offers from Tennis Wales and Sport Wales to fully refurbish the courts were conditional on Tennis Wales managing the facilities in the future. The grant on offer was likely to be offered to another Council if not accepted by the Council. The condition of the courts at present was also a concern and the refurbishment would protect them for future generations.

Tennis Wales motivation for investing in the courts was to encourage more tennis usage. Where these schemes had been implemented across Wales they had seen an increase in participation. Free use would be offered at certain times and other courts in Barry operated by the Council would continue to be free to use.

All funds generated by the Courts in Romilly Park would be re-invested by Tennis Wales to maintain the courts or for further Tennis development work in the Vale of Glamorgan.

Councillor Gray said it was important to note the recent surge of interest in tennis to support young people in accessing high quality provision and that it was also important to work with partners to be able to provide such community facilities. The Leader added that the proposal would also help with the development of young players to be able to play to a higher standard.

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 objections received relating to the disposal of Romilly Park tennis courts by way of a lease to Tennis Wales be noted.

- (2) T H A T having considered the objections and, for reasons contained in this report, the disposal of the land to Tennis Wales by way of lease for 7 years be approved.
- (3) T H A T authority be granted to the Monitoring Officer/Head of Legal and Democratic Services to execute the lease.
- (4) T H A T a media release be produced advising of the reasons for the decision including confirmation that free use of the tennis courts will be available at certain times.
- (5) T H A T the Objectors be notified of the Cabinet's decision.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To ensure that the tennis courts at Romilly Park remain fully operational for the foreseeable futures with the benefit of grant support from Tennis Wales and Sport Wales.
- (3) To complete the legal documentation required to grant the lease for the tennis courts to Tennis Wales.
- (4) To publicly advise the full circumstances for leasing the tennis courts to Tennis Wales.
- (5) To confirm the Council's position.

C680 MATTERS WHICH THE CHAIRMAN HAD DECIDED WERE URGENT

–

RESOLVED – T H A T the following matters which the Chairman had decided were urgent for the reason given beneath the minute heading be considered.

C681 DRAFT RESPONSE TO WELSH GOVERNMENT CONSULTATION ON THE CORPORATE JOINT COMMITTEES: DRAFT STATUTORY GUIDANCE (REF) –

(Urgent by reason of the need for Cabinet to consider the comments of the Scrutiny Committee prior to the Council's response being submitted to Welsh Government by 4th October, 2021)

The urgent reference from the Corporate Performance and Resources Scrutiny Committee of 22nd September, 2021 was presented to Cabinet.

The Leader asked Cabinet to note the reference at this stage as the comments made within the reference had also been incorporated into the Cabinet report listed as Item 9 on the Cabinet agenda.

RESOLVED – T H A T the feedback from the Corporate Performance and Resources Scrutiny Committee be noted and the matter further considered under Item 9 of the Cabinet agenda.

Reason for decision

To consider the reference and report under Item 9 of the Cabinet agenda.

C682 REVIEW OF SENIOR EXECUTIVE LEADERSHIP TEAM STRUCTURE (REF) – (Urgent for the need to ensure Cabinet receive the comments of the Scrutiny Committee prior to Full Council on 28th September, 2021)

This item was taken at the end of the meeting. Senior Officers who had an interest in the item were asked to leave the meeting during the discussion of this item.

The urgent reference from the Corporate Performance and Resources Scrutiny Committee of 22nd September, 2021 was presented to Cabinet.

The Leader said that the report and Cabinet's proposals had been referred to Corporate Performance and Resources Scrutiny Committee for consideration and that any recommendations made by the Scrutiny Committee were to also be considered at a Special Full Council meeting to be held on Tuesday, 28th September, 2021.

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

RESOLVED – T H A T the reference and comments made by the member of the public which were considered by the Corporate Performance and Resources Scrutiny Committee, be noted.

Reason for decision

Having regard to the contents of the reference, discussions at the Scrutiny meeting and in noting that the reference is to be considered by Full Council on 28th September .

C683 LOCAL AUTHORITY GOVERNORS ADVISORY PANEL – Urgent by reason of the need for Cabinet to consider and approve LA Governor appointments for the autumn school term.

The urgent report of the meeting of the Local Authority Governors Advisory Panel of 23rd September, 2021 was presented to Cabinet.

The Deputy Leader advised that having applied for the various positions it was important that the candidates be informed of the decisions as soon as possible, in order that schools could begin to access their expertise.

Panel Members had received a number of applications from committed and talented people and the appointments were laid out on Pages 2 to 3 of the minutes. There were a few positions where positions were not filled, and the Deputy Leader would encourage anyone interested in those roles to contact the Governors Support team.

RESOLVED –

(1) T H A T the minutes of the Local Authority Governors Advisory Panel meeting held on 23rd September, 2021 be noted.

(2) T H A T the relevant appointments as contained within the minutes of 23rd September 2021 be made to the schools and the vacancies be advertised as appropriate.

Reason for decision

(1) To note the minutes.

(2) To agree the appointments to the various schools' Governing Bodies, having regard to the applications received and in order that vacancies can be advertised as appropriate.