

## CABINET

Minutes of a remote meeting held on 25<sup>th</sup> April, 2022.

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

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

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

Also Present: Councillor S.G. Griffiths

### **C913 ANNOUNCEMENT –**

Prior to the commencement of the business of the Committee, the Leader read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

The Leader stated that as this was the last Cabinet meeting of this administration, he wanted to thank the other Members of Cabinet for all the work that they had done. At the end of the meeting, the Leader also thanked officers and all staff, commenting that we could not have achieved what we had without them. There were comments of thanks from the Cabinet Members to the Leader for his 33 years plus of dedication and service, and particularly in relation to his leadership during the Covid-19 pandemic. Cabinet Members also had further words of appreciation for the hard work and dedication of staff.

### **C914 MINUTES –**

RECOMMENDED – T H A T the minutes of the meeting held on 11<sup>th</sup> April, 2022 be approved as a correct record.

### **C915 DECLARATIONS OF INTEREST –**

No declarations were received.

### **C916 LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021: STANDARDS OF CONDUCT STATUTORY GUIDANCE (REF) –**

The reference from Corporate Performance and Resources Scrutiny Committee of 14<sup>th</sup> April, 2022 was presented.

The report apprised the Scrutiny Committee of Welsh Government's consultation relating to guidance on duties set out under the Local Government and Elections (Wales) Act 2021. These duties included:

- Promoting and maintaining high standards of conduct
- Co-operation with the Council's Standards Committee
- Providing advice and training
- Making an Annual Report.

The provisions of the Local Government and Elections (Wales) Act 2021 (Section 62) provided a new duty on the Leaders of political groups to take steps to promote and maintain high standards of conduct of their members.

The duty recognised that those in positions of leadership and influence within a Principal Council should have responsibility for combating bullying and harassment amongst elected Members and Council staff and must act as a positive role model. The consultation was launched on 21<sup>st</sup> February, 2022 and was scheduled to end on 16<sup>th</sup> May, 2022.

Paragraph 2.2 of the report detailed the questions within the consultation and the suggested responses to the questions by the Monitoring Officer.

Having considered the reference, it was subsequently

RESOLVED – T H A T the suggested response to the consultation be accepted and submitted to Welsh Government as part of the consultation process prior to 16<sup>th</sup> May, 2022.

#### Reason for decision

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

### **C917 UNACCEPTABLE ACTIONS BY CITIZENS AND SOCIAL MEDIA POLICIES (REF) –**

The reference from Corporate Performance and Resources Scrutiny Committee of 14<sup>th</sup> April, 2022 was presented by the Leader.

The accompanying report outlined that the Policy on Unacceptable Actions by Citizens (Appendix 1) set out the Council's approach to those whose actions or behaviour against staff and Councillors were considered unacceptable.

The term 'citizen' included any person who contacted the Council or acted on behalf of another individual in doing so, any complainant, and any person who requested Council information.

The Policy built, expanded on and replaced the Council's Unreasonable Complainants Policy, and recognised that opportunities for interaction with the Council and its officers had multiplied with increasing popularity of social media

platforms. Communication was quick and easy but could quickly become intrusive and difficult to manage on both professional and private profiles.

The Policy defined the actions of individuals who were angry, demanding or persistent to the extent that they resulted in unreasonable demands on the Council or unacceptable behaviour towards Council staff. The Policy also set out expectations and provided guidance on how to communicate with clients and options/remedies along with a defined process to progress actions/response where there were transgressions. The Policy set out the internal process for managing the Policy and reviewing its application, including guidance for Chief Officers.

In addition, the Social Media Policy set out how the Council would use social media to keep people informed about services and events as well as promoting the work of the Council and how it engaged with people online. The Policy would formalise the way the Council had been working in these areas for the last few years, thereby ensuring there was transparency with this approach and would share with residents exactly how the Council operated these accounts.

The Leader advised that the Scrutiny Committee had endorsed both the Unacceptable Actions by Citizens Policy and Social Media Policy, while recommending that it (Corporate Performance and Resources Scrutiny Committee), Cabinet and the Governance and Audit Committee all receive an annual update on both Policies, as part of the Annual Complaints and Compliments report.

The Leader referred to an email from a member of the public which included three key points. The first point related to the issues with the delivery of emails to the Council. The Leader commented that there were issues associated with emails being received which began last Friday night and unfortunately had continued over the weekend. This had now been picked up by the IT department that morning and issues had been resolved, with Officers looking at emails made to the Contact Centre. The Leader apologised for the issues experienced which were beyond the Council's control.

The second point raised related to the original policy 'Unreasonable Complainants' which came into effect in November 2009 and which had never been placed online. In response the Leader commented that it was correct that the full policy had never been published online as it was focused on the complaints process and mainly internal facing. However, the new Policies were broader in terms of the range of contacts between the residents and the staff and the Council as well as Councillors, so it was appropriate that they should be published on the website. The Leader therefore tabled an additional recommendation for the Unacceptable Actions by Citizens and the Social Media Policies to be published on the Council's website.

The third point sought the inclusion of a section explaining the remedies available to citizens who experienced unacceptable actions by Officers and Members. This also included reference to a refusal regarding the convening of a meeting of the Investigating Committee. The Leader referred to the Local Authority (Standing Orders) (Wales) Regulations 2006 stating that in relation to the Investigating Committee suggestion, this was not something that members of the public could call for. The Leader explained that although this point was not relevant to the draft

Policies under consideration, the Council had a Corporate Concerns and Complaints Policy that was available for citizens' complaints regarding staff; and that concerns relating to the conduct of Members and Officers may be referred to the Monitoring Officer/Head of Legal and Democratic Services or, in the case of Members, directly to the Public Services Ombudsman for Wales.

It was subsequently

**RESOLVED –**

(1) T H A T the Unacceptable Actions by Citizens and Social Media Policies be approved.

(2) T H A T the Unacceptable Actions by Citizens and Social Media Policies be published on the Council's website.

Reason for decisions

(1) Having regard to the contents of the report, comments of the Corporate Performance and Resources Scrutiny Committee and discussions at the meeting.

(2) In order to allow members of the public to access the Policies.

**C918 CARDIFF BAY ADVISORY COMMITTEE –**

The minutes of the Cardiff Bay Advisory Committee meeting held on 16<sup>th</sup> March, 2022 as contained within the agenda, were submitted.

Having considered the minutes, it was

**RESOLVED – T H A T** the minutes of the Cardiff Bay Advisory Committee meeting held on 16<sup>th</sup> March, 2022 be noted.

Reason for decision

In noting the minutes.

**C919 SHARED REGULATORY SERVICES JOINT COMMITTEE –**

The minutes of the Shared Regulatory Services Joint Committee meeting held on 23<sup>rd</sup> March, 2022 as contained within the agenda, were submitted.

The Cabinet Member for Legal, Regulatory and Planning Services commented that the Service had performed exceptionally well and over the last year or so, and it was important to note that there had recently been a change to the Head of Service. The Service continued to look after the welfare of the residents and some high-profile cases had come through which were recorded in the Appendices for prosecutions.

In relation to Licensing, issues had been picked up where people had failed to look after their vehicles properly. It was also reported that air quality was improving. There were also comments regarding a proposal to Welsh Government regarding the resources as a recognition that in Wales particularly, Councils were struggling to attract staff with the necessary skills and expertise.

RESOLVED – T H A T the minutes of the Shared Regulatory Services Joint Committee meeting held on 23<sup>rd</sup> March, 2022 be noted.

Reason for decision

In noting the minutes.

**C920 JOINT CONSULTATIVE FORUM –**

The minutes of the Joint Consultative Forum meeting held on 4<sup>th</sup> April, 2022 as contained within the agenda, were submitted.

The Leader commented that the Hybrid Working Strategy and the People’s Strategy had both been endorsed by the Forum.

Having considered the minutes, it was

RESOLVED – T H A T the minutes of the Joint Consultative Forum meeting held on 4<sup>th</sup> April, 2022 be noted.

Reason for decision

In noting the minutes.

**C921 APPOINTMENT OF LOCAL AUTHORITY GOVERNORS ADVISORY PANEL –**

The minutes of the Appointment of Local Authority Governors Advisory Panel meeting held on 6<sup>th</sup> April, 2022 as contained within the agenda, were submitted.

The Deputy Leader and Cabinet Member for Education and Regeneration referred to one candidate who had been offered positions at two schools, with checks being undertaken to confirm if this was appropriate or not.

Subsequently, it was

RESOLVED – T H A T the minutes of the Local Authority Governors Advisory Panel meeting held on 6<sup>th</sup> April, 2022 be noted.

Reason for decision

In noting the minutes.

**C922 DRAFT MULTI-LOCATION MEETINGS POLICY (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –**

Cabinet had received a report at its meeting on 20<sup>th</sup> December, 2021 which provided a progress update on the legislative requirements of the Local Government and Elections (Wales) Act 2021 ("the Act") and on a hybrid solution for use at Council meetings. That report had advised that as at 1<sup>st</sup> May, 2021 Section 47 of the Act required that all Local Authorities MUST make and publish arrangements for the purpose of ensuring that meetings were able to be held by means of any equipment or other facility which enabled persons who were not in the same place to attend the meetings.

In compliance with the provision under the use of the Managing Director's (as amended to Chief Executive 24<sup>th</sup> January, 2022) Emergency Powers, the Council, from 1<sup>st</sup> May, 2021, published its arrangements for Attendance at Local Authority Meetings and agreed at the same time, in light of COVID 19, that all meetings would be live-streamed going forward.

The report provided Cabinet with a revised Attendance at Local Authority Meetings Policy, namely a Multi-Location Meetings (MLMs) Policy having regard to the requirements of the Act and Welsh Government's Interim Statutory Guidance on Multi-Location Meetings published in August 2021.

Cabinet was requested to consider and approve the Draft Multi-Location Meetings Policy attached at Appendix A to the report and to refer the same to Council and for inclusion into the Council's Constitution. The Policy provided detailed guidance regarding the Council processes when conducting MLMs.

The Leader outlined an amendment to the draft Policy, requesting that paragraph 6.7 in the Draft Multi-Location Meetings Policy at Appendix A to the report be amended to read "A participant at a meeting (as defined in paragraph 6.1 above) wishing to speak in Welsh or a person wishing to use the Welsh Language translation service at a meeting, is required to contact Democratic Services at least 72 hours before the meeting." Cabinet agreed for this amendment to be reflected with an additional resolution.

This was a matter for Executive and Council decision.

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

**RESOLVED –**

(1) T H A T it be noted that the Council's current Remote Attendance at Meetings Procedure within the Council's Constitution had been reviewed in light of the provisions of Sections 46 and 47 of the Local Government and Elections (Wales) Act 21 and Welsh Government's Interim Guidance on Multi-Location Meetings (published in August 2021).

(2) T H A T the Draft Multi-Location Meetings Policy attached at Appendix A to the report be recommended to Full Council for approval and that the draft Multi-Location Meetings Policy be included in the Council's Constitution.

(3) T H A T a review of the Policy be undertaken upon receipt of any further statutory guidance from Welsh Government, any accessibility requirements and the Council's Public Participation obligations.

(4) T H A T the use of the urgent decision procedure as set out in Section 14:14 of the Council's Constitution be exercised in order that the Draft Policy and the report can be considered by Full Council on the same day as considered by Cabinet.

(5) T H A T paragraph 6.7 in the Draft Multi Locations Policy at Appendix A to the report be amended to read "A participant at a meeting (as defined in paragraph 6.1 above) wishing to speak in Welsh or a person wishing to use the Welsh Language translation service, at a meeting is required to contact Democratic Services at least 72 hours before the meeting."

#### Reasons for decisions

(1) Having regard Legislation and Statutory Guidance.

(2) In order that a Multi-Locations Meetings Policy can be approved to be in place by 5<sup>th</sup> May, 2022.

(3) Having regard to statutory guidance received, accessibility requirements and the Council's Public Participation obligations.

(4) In order for Full Council to be able to consider the matter on 25<sup>th</sup> April, 2022.

(5) Having regard to the Council's Welsh Language Standard number 33.

### **C923 ANNUAL EQUALITY MONITORING REPORT 2020-2021 (EL/PR) (SCRUTINY – LEARNING AND CULTURE) –**

The report brought to the attention of Cabinet the Council's progress against the equality objectives of the Strategic Equality Plan 2020–2024 and other actions taken to improve equality for people living and working in the Vale of Glamorgan.

It summarised what Services had done to collect and analyse equality data on how people with protected characteristics had used their services. It noted what they had done to make improvements in the reporting period 2020–2021.

It commented on progress made with each of the equality objectives and where the Council needed to continue to focus its efforts.

It referred to appendices which showed the data collected and analysed by Services and a detailed report on employment information.

Following consideration and approval by Cabinet, the report published and referred to Learning and Culture Scrutiny Committee for comments to inform how the Council continued to progress this work.

The report outlined that the Equality Act 2010 included a public sector equality duty (the 'general duty') and there were specific duties for Wales.

The specific duties included the requirement to publish an annual report for the previous year by 31<sup>st</sup> March each year to demonstrate the progress made on equalities issues that were contained within the Council's Strategic Equality Plan and any associated equalities activity. The Leader advised that a no status draft had been published on the Council's website.

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 Annual Equality Monitoring Report 2020 – 2021 as described in the body of the report and at Appendix A be approved for publication.
- (2) T H A T the report be referred to Learning and Culture Scrutiny Committee to seek the views of the Committee to inform how to continue to address this work, with comments being referred back to Cabinet

Reasons for decisions

- (1) To allow the Council to meet its reporting duty under the specific duties for Wales and continue to make progress towards meeting the public sector equality duty and to ensure its equality work was available for scrutiny by the Equality and Human Rights Commission and others, it being noted that a no status draft had been published on the website in the meantime to meet the requirement to publish the report by 31<sup>st</sup> March, 2022.
- (2) To enable Learning and Culture Scrutiny Committee to consider the contents of the report and share views on the future focus of activity in delivering the Council's Strategic Equality Plan 2020-24.

**C924 CABINET ANNUAL STRATEGIC FORWARD WORK PROGRAMME JUNE 2022 TO APRIL 2023 AND CABINET QUARTERLY WORK PROGRAMMES – JANUARY TO MARCH 2022 AND APRIL TO JUNE 2022 (EL/PR) (SCRUTINY – NONE) –**

The report sought approval of the Annual Strategic Forward Work Programme of the Cabinet for the 12-month period June 2022 to April 2023; approval and any comments in respect of the progress to date in respect of Cabinet Quarterly Work



Programmes for the period January to March 2022; and sought approval of the updated Cabinet Quarterly Work Programme for April to June 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 the Annual Strategic Work Programme, attached at Appendix 1 to the report, for the period June 2022 to April 2023 be approved and published on the Council's website.
- (2) T H A T the updates to the Cabinet Quarterly Work Programme for January to March 2022, attached at Appendix 2 to the report, be agreed.
- (3) T H A T the Cabinet Quarterly Work Programme April to June 2022, attached at Appendix 3 to the report, be endorsed.

Reasons for decisions

- (1) To comply with the requirements of the Local Government Act 2000, subordinate legislation and the Council's Constitution in setting annual work programmes.
- (2) To monitor progress.
- (3) To approve the Work Programme for April to June 2022.

**C925 DISPOSAL OF LAND AT MURCH ROAD, DINAS POWYS FOR COMMUNITY AND RECREATIONAL USES (EL/PR) (SCRUTINY – ENVIRONMENT AND REGENERATION) –**

Over the past three to four years, the developer of the former St. Cyres Lower School site located at Murch Road, Dinas Powys, (Barratts David Wilson) had been constructing new private and affordable homes. A key part of the development was an area zoned for community and recreational uses (edged red in Appendices A and B to the report). The Community and Recreational Use Zone (CRUZ) extended approximately 7.4 acres and had been partly used as a temporary site compound by the developer during the construction of the new homes.

In accordance with the sale contract, the freehold interest of the CRUZ was to be transferred back to the Council following the completion of various works, including releveling and reseeding. It was proposed to dispose of this area of land to Dinas Powys Community Council by virtue of a long leasehold interest for the purpose of facilitating community and recreational uses for the benefit of the local community.

The Deputy Leader stated that it was important to mention, that not only was there the community land, but there was also the environmental land which the Council's Ecology Team had been working closely with the developers to meet and enhance environmental requirements.

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 authority be granted to the Chief Executive to dispose by virtue of a 99 year lease at a peppercorn rental (at less than best consideration pursuant to the General Disposal (Wales) Consent 2003) the zone of land edged red in Appendices A and B to the report for community and recreational uses.

(2) T H A T, subject to Resolution (1) being agreed, authority be granted to the Monitoring Officer / Head of Legal and Democratic Services to prepare, execute and complete all legal documentation required to facilitate the lease to Dinas Powys Community Council.

Reasons for decisions

(1) To facilitate the disposal by virtue of a long lease the Community and Recreational Use Zone to Dinas Powys Community Council.

(2) To enable the preparation, execution and completion of the legal aspects of the disposal.

**C926 DRAFT MODEL CONSTITUTION GUIDE (EL/PR) (SCRUTINY – CORPORATE AND PERFORMANCE RESOURCES) –**

The Leader presented the report and outlined that Section 45 of the Local Government and Elections (Wales) Act 2021 placed a duty on Principal Councils to publish a Guide to the Constitution and for both the Council's Constitution and the Guide to be published electronically.

The Council's Constitution had been available electronically for some time, however from 5<sup>th</sup> May, 2022 a Guide which explained in ordinary language the Constitution itself must be prepared and published electronically as well. Browne Jacobson (Solicitors) were commissioned by the All-Wales Monitoring Officers Group to prepare a Draft Model Constitution and a Draft Model Constitution Guide.

At the last meeting of Full Council on 7<sup>th</sup> March, 2022, a number of amendments to this Council's Constitution relating to provisions in the Local Government and Elections (Wales) Act 2021 required to be in place by 5<sup>th</sup> May, 2022 were agreed.

As referred to in paragraph 2.3 of the report, having regard to the upcoming Local Government Elections in May 2022, should any further changes be recommended to local choice functions within the Council's Constitution, following discussions with the new Administration, the Monitoring Officer would present further reports for consideration as appropriate.

Following approval of the Draft Multi-Location Meetings Policy considered earlier in this meeting, all amendments including those agreed on 7<sup>th</sup> March, 2022, would be included within a revised Constitution which would be circulated to all Members and published on the Council's website, together with the Draft Guide, if approved by Cabinet and Council, no later than 5<sup>th</sup> May, 2022.

The Leader requested that Recommendation (3) in the report be amended to include the word "Guide" at the end of the sentence.

This was a matter for Executive and Council decision.

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

RESOLVED –

(1) T H A T it be recommended to Council that all references to the use of the term "Executive" for the Council's decision-making body be amended to read "Cabinet" within the Council's Constitution.

(2) T H A T the report and the draft Model Constitution Guide attached at Appendix A be endorsed and forwarded to Full Council for approval.

(3) T H A T the Monitoring Officer / Head of Legal and Democratic Services be granted delegated authority in consultation with the Leader to address any typographical errors and make any minor amendments in the Council's Constitution Guide.

(4) T H A T the use of the urgent decision procedure as set out in 14:14 of the Council's Constitution be exercised in order that the draft Model Constitution Guide and the report can be considered by Full Council.

#### Reasons for decisions

(1) Having regard to legislation and in the interest of clarity and for consistency purposes.

(2) Having regard to the requirements of the Local Government and Elections (Wales) Act 2021.

(3) In order that the Council's Constitution Guide can be amended as appropriate.

(4) In order that the report and draft guide can be considered by Full Council on the same day as Cabinet.

**C927 REGISTRATION SERVICE – CIVIL FUNERALS (LRPS) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –**

The Cabinet Member for Cabinet Member for Legal, Regulatory and Planning Services present the report which sought Cabinet approval to introduce additional services and associated fees and charges within the Council's Registration Services department for 2022/23.

The proposed fees reflected the additional staff time and expertise necessary to design and deliver a funeral ceremony.

In the last 20 years, non-religious funerals had become the norm. As an established provider of ceremonies and civil celebrants, the Vale Registration Service was well placed to provide such a service and enter this market.

The Cabinet Member clarified that the changes would not take work away from funeral directors.

This was a matter for Executive and Council decision.

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

**RESOLVED –**

- (1) T H A T the report be noted.
- (2) T H A T, in pursuance of Resolution (1), the introduction of the additional services and associated fees for the Registration Service as detailed in the report be approved.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To improve the options available to both Vale of Glamorgan residents and non-residents in choosing the Vale of Glamorgan for a funeral and to obtain Cabinet's approval to introduce associated fees and charges