

CABINET

Minutes of a hybrid meeting held on 29th September, 2022.

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

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

Present: Councillor L. Burnett (Chair); Councillors R.M. Birch, B.E. Brooks, G. John, S. Sivagnanam, E. Williams and M.R. Wilson.

Also Present: Councillor Dr. I.J. Johnson.

C68 ANNOUNCEMENT –

The Leader welcomed all parties to the Cabinet meeting and reminded everyone present that the meeting was being Live Streamed as well as recorded via the internet and this recording archived for future viewing.

She asked if all participants please ‘mute’ themselves when not speaking in order to avoid any background noise or feedback when other participants were speaking, and if a participant wished to speak if they could put their hand up (to be seen on screen) or use the ‘raise hand’ function.

Members were asked to ensure that all debate was raised verbally and not via the ‘chat’ function for the sake of the recording. The ‘chat’ function could be used to highlight any technical issues and/or to get the attention of the Chair or Democratic Services Officer.

C69 APOLOGY FOR ABSENCE –

This was received from Councillor M.R. Wilkinson.

C70 MINUTES –

RECOMMENDED – T H A T the minutes of the meeting held on 8th September, 2022 be approved as a correct record.

C71 DECLARATIONS OF INTEREST –

Councillor R.M. Birch	The interest related to Agenda Item 10 and Part II Item 15 - Purchase of Land at Lower Cosmeston Farm for Education Development for SEN School.
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	Councillor Birch advised that she had made an application for dispensation from Standards Committee which had not yet been granted and withdrew from the meeting during discussion of these matters.
Councillor M.R. Wilson	<p>The interest related to Agenda Item 10 and Part II Item 15 - Purchase of Land at Lower Cosmeston Farm for Education Development for SEN School.</p> <p>Councillor Wilson advised that he had made an application for dispensation from Standards Committee which had not yet been granted and withdrew from the meeting during discussion of these matters.</p>

C72 SPORTS AND PLAY UPDATE (REF) –

The reference from Healthy Living and Social Care Scrutiny Committee of 6th September, 2022 was presented.

Councillor John said the report had been accepted by the Committee who were delighted with the content and had referred the report to Cabinet to note. He said that the report covered the period 2021/22 which had been very successful, but that the 2022/23 period had been even more successful and he looked forward to receiving that report.

Having considered the reference, it was subsequently

RESOLVED –

(1) T H A T the information contained within the Sport and Play Annual Update Report be noted.

(2) T H A T the Sport and Play Team be thanked for their work that had led to the comprehensive report.

Reasons for decisions

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

(2) To recognise the work of the Sport and Play Team.

C73 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. This had been particularly accelerated in the recent past in response to the Coronavirus pandemic.

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.

The report provided Cabinet with the six-monthly update on strategic collaborative working initiatives and captured relevant progress against initiatives.

The Leader said that working collaboratively with partners was now the usual way of working, e.g. other Authorities, Cardiff Capital Region, etc., and would become more common as the Authority and partners work to combat financial pressures. The Council had changed and adapted the way that it worked following the pandemic and established more robust good practice.

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 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 report be circulated by e-mail to all Vale of Glamorgan Council elected Members 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 elected Members and strategic partners with an overview of strategic collaborative working initiatives.

C74 COUNCIL TAX DISCRETIONARY RELIEF FOR UKRAINIAN NATIONALS (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report proposed that Cabinet designated Ukrainian Nationals as a class of person entitled to support under the Council's Discretionary Council Tax Reduction Policy

(Appendix 1), that was approved by Cabinet on 15th April, 2019 and reaffirmed by Cabinet on 9th 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 Ukrainian Nationals be designated as a class of case entitled to support from 1st April, 2022 to 31st March, 2023, under Section 3 (c) of the Council's Discretionary Council Tax Reduction Policy.

(2) T H A T Discretionary Council Tax Reduction would only be awarded to Ukrainian Nationals after all other discounts and exemptions that were applicable had been awarded.

(3) T H A T the award would commence from the date the application was received and any backdated period would be considered depending on the merits of each individual application.

(4) T H A T the amount of the award would not exceed the amount that would have been awarded under the Council Tax Reduction Scheme (CTRS) had the class described as “Ukrainian Nationals” been able to claim CTRS in accordance with current statute.

Reason for decisions

(1-4) To determine a class of cases that were entitled to claim a reduction under Section 3 (c) of the Council's Discretionary Council Tax Reduction Policy in accordance with the provisions contained in section 13A (1) (c) of the Local Government Finance Act 1992.

C75 ORACLE UPGRADE UPDATE (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The report provided Cabinet with an update on the progress to implement the upgraded core line of business system, Oracle Fusion, which supported the Council's essential Financial, Payroll and HR processes. The implementation of Oracle Fusion had been rescheduled to November 2022, twelve months later than originally planned. The report outlined the approach to managing the project in order to secure a successful transfer to the new system and the leveraging of associated benefits.

The cost of the Go Live had been reassessed and it was anticipated the final cost would amount to £3.858m. There was an Emergency Powers report in April which had highlighted some of the additional cost but at that time the Go Live was expected to be August 2022.

There were four key drivers to the additional cost of £2.358m:

- i. Additional input from the Implementation Partner Evosys, £0.363m.
- ii. There had been insufficient internal capacity and expertise to support the implementation and a reliance on scarce external resource, £1.409m
- iii. The delay had meant that there had been additional ongoing support for the existing Oracle EBS R12 system, £0.348m
- iv. There had been some extension of the original scope to include additional testing environments, external training and archiving, £0.224m.

The additional cost would be funded from the ICT Reserve £1.223m and the Policy Budget £0.460m.

The ongoing costs of supporting the system were now forecast to be £0.805m, an increase of £0.130m compared to the original forecast due to the need for further external system support for Oracle Fusion. This would come forward as a pressure in the 2023/24 budget.

The Leader expressed her thanks to the teams of staff that had been working to deliver the system upgrade alongside their existing responsibilities.

Councillor Williams said that staff had been redirected due to Covid over the last two years which had had an impact on the delivery of statutory duties but had still worked to ensure that their responsibilities were met. He said that he had also seen the benefits that could be derived from the software upgrade in other organisations and would provide staff with additional functionality and aid the digitisation of some services.

Councillor Wilson said that the upgrade would be more sustainable as it required less maintenance going forward and that the self-service aspect would enable staff to administer some tasks themselves and speed up HR processes.

Councillor Sivagnanam said that it was important to remember that staff working on delivery of the upgrade had been redeployed over the previous two years and would allow staff to be more in control of their own administration.

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 updates outlined in the report, including the benefits to be realised from upgrading to Oracle Fusion, as well as the revised Go Live date of November 2022 be noted.

(2) T H A T the additional costs were approved to be met from:-

- i. ICT Fund £1.223m

- ii. Policy Budget £0.460m (Funding for £0.675m of the increase over the Original Forecast was addressed in the April 2022 Emergency Powers report).

(3) T H A T the additional recurrent costs of £125k would be built into the 2023/24 Budget.

(4) T H A T the appointment of Oracle to deliver the second line support for the Oracle Fusion system be approved.

Reasons for decisions

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

(2) The implementation was going live later and costing significantly more than originally planned. The report had identified how the project could be funded and sought Cabinet approval for the use of reserves and the Policy Budget.

(3) There were also additional annual running costs to support the system and those had been identified in the report and would need to be built into the 2023/24 Budget.

(4) To allow for external support for the system to be in place in accordance with the project timeline and enable a sufficient handover from the project implementer as part of the ‘hypercare’ arrangements.

C76 AMENDED SCHOOL AND COLLEGE TRANSPORT POLICY (DL/SP) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

Following a complaint that was made to the Council regarding school transport from the Rhoose area to Cowbridge Comprehensive school, recommendations were made by the Public Services Ombudsman in March 2022 in relation to amending the School and College Transport Policy to make it clearer.

The Ombudsman requested that the Policy be updated to ensure consistency, clarity, and accuracy of phrasing in relation to the purchase of bus passes, school catchment areas and transport entitlement.

The proposed revised School and College Transport Policy was therefore published on the Council’s website on 12th July, 2022:

https://www.valeofglamorgan.gov.uk/en/living/transportation/school_transport/School-and-College-Transport-Policy-2022-consultation.aspx

A total of 16 responses were received to the consultation which ran from Tuesday, 12th July, 2022 to Friday, 12th August, 2022.

Most responses to the consultation required clarification with only two leading to changes to the Policy document as well as a revised spare seat purchase form

(Appendix D). The minor changes to the Policy were in red text within the proposed Policy document (Appendix A).

In order for the Revised Policy to be in force from 1st September, 2023, the new Policy needed to be placed on the Council's website by 1st October, 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 consultation responses and replies to each as contained at Appendix B to the report be agreed.
- (2) T H A T the Revised School and College Transport Policy as attached at Appendix A to the report be approved.
- (3) T H A T the use of paragraph 15.14.2(ii) of the Council's Constitution (urgent decision procedure) be approved to allow the revised policy to be published on the Council's website by 1st October, 2022.

Reasons for decisions

- (1) To ensure Cabinet acknowledges the responses from the public consultation and subsequent answers to each.
- (2) To ensure the revised policy document, which clarifies eligibility for free school transport, can be introduced.
- (3) To ensure the Policy can be implemented from 1st September, 2023.

C77 PROPOSAL TO ADD ST RICHARD GWYN TO THE CAPITAL PROGRAMME (EAWL) (SCRUTINY – LEARNING AND CULTURE) –

On 18th August, 2022, the Council was notified that that the revised strategic outline programme submitted to Welsh Government had been approved which reviewed and amended the intervention rates for projects, by type, to ensure that over the programme the Council was contributing the correct intervention rate and removed projects which were not required in Band B.

St Richard Gwyn RC High School had been identified as an urgent project due to the implications relating to the viability of the scheme due to the requirements of the new TAN 15 guidance set to be adopted in June 2023. To deliver the project within the required timeframe, the scheme would be added to the Council's Band B Capital Programme. A variation to the strategic outline programme would be required to approve the change and would need to be submitted to Welsh Government by 14th October, 2022.

The project would increase the Council's contribution by £8.250m. This would be funded through unallocated s.106 monies, reserves and borrowing. £466k was required to be invested in the scheme before the variation to the strategic outline programme was determined to ensure the design and planning works were addressed before the new TAN15 guidance was adopted in June 2023.

The Leader said that this was the last of the Vale of Glamorgan's secondary schools to be re-built and that the children and families concerned had been waiting patiently for this to come forward. She was proud to be able to say that once this proposal had been completed, every secondary school in the Vale of Glamorgan would have been renewed, remodelled or upgraded since 2010.

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 position relating to the Council's Sustainable Communities for Learning Band B Programme be noted.
- (2) T H A T the amended Band B profile of the Council's Sustainable Communities for Learning Programme and submission to Welsh Government be approved.
- (3) T H A T the inclusion of initial design and feasibility works in relation to the 3-16 Faith School Project including a budget of £466k into the 2022/23 Capital Programme be approved.
- (4) T H A T the use of article 15.14.2 A(ii) of the Council's Constitution (urgent decision procedure) be authorised in respect of Recommendations (2) and (3).

Reason for decision

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To ensure the Council could deliver a more robust Band B programme and continue to deliver improvements to schools within the Vale of Glamorgan that reflected pupil demand and school condition.
- (3) To allow initial feasibility works on the scheme to be progressed.
- (4) To allow the Council to progress with the design and planning consultancy costs for the project as soon as possible in order to minimise risk to the Council due to the implications of the new TAN 15 guidance being released in June 2023.

C78 PURCHASE OF LAND AT LOWER COSMESTON FARM FOR EDUCATION DEVELOPMENT FOR SEN SCHOOL (EAWL) (SCRUTINY – LEARNING AND CULTURE) –

(Councillors Birch and Wilson withdrew from the meeting for this item.)

The report sought Cabinet approval to delegate authority to the Monitoring Officer / Head of Legal and Democratic Services / Operational Manager Legal Services to negotiate, agree and execute all necessary legal documentation to facilitate the purchase of Land at Lower Cosmeston Farm subject to the receipt of outline planning consent. The land would be utilised to deliver the Ysgol Y Deri Expansion project included in the Council's Band B of the Sustainable Communities for Learning Programme. Further details on the land valuation were outlined in the Part II item on this agenda.

The project would deliver 150 places to meet demand arising from the existing Ysgol Y Deri site and address capacity issues at the site. The project cost for the scheme has increased from £12.1m to £21.9m and a Business Case had been submitted to Welsh Government to request additional grant funding for the increased costs for the project. These increased costs were not related to the land purchase but reflected cost increases in the sector and requirements relating to sustainable drainage and access considerations on the site.

The Leader said that the much-praised documentary about Ysgol Y Deri was being shown again on the BBC currently.

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 and recommendations considered in conjunction with the Part II report later in the agenda.

Reason for decision

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

C79 ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2021/22 – FINAL VERSION (SCH) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

A Challenge Version of the Director's report was considered by Healthy Living and Social Care Scrutiny Committee in July. Committee Members provided positive feedback.

A finalised version following feedback from partners was being presented to Cabinet for approval.

The report contained a number of priorities which the Director of Social Services had determined. Those had been set in the context of the pandemic and significant changes in demand. Cabinet was asked to agree these improvement priorities.

Councillor John said that this was a department working under tremendous stress but working hard to meet demands. There was a shortage of carers in the Vale of Glamorgan as there was in Wales generally.

Councillor Sivagnanam agreed that this was an area under huge pressure where successes were not always publicised and should be. There were issues concerning recruitment and resources to address that would continue to be monitored and addressed.

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 be noted.
- (2) T H A T the Director's Annual Report for 2021/22 as attached as Appendix A to the Report be approved.
- (3) T H A T the improvement priorities for Social Services as set out in the Director's Annual Report for 2021/22 be agreed.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To ensure that the Director's Annual Report for 2021/22 had the approval and agreement of Cabinet.
- (3) To ensure that the priorities as set out by the Director of Social Services were approved by Cabinet.

**C80 VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026:
PUBLIC CONSULTATION ON DRAFT SUPPLEMENTARY PLANNING GUIDANCE
ON RETAIL AND TOWN CENTRE DEVELOPMENT AND ECONOMIC
DEVELOPMENT, EMPLOYMENT LAND AND PREMISES (CEERS) (SCRUTINY –
ENVIRONMENT AND REGENERATION) –**

The report sought Cabinet approval to undertake a 6-week public consultation on new draft Supplementary Planning Guidance (SPG) on Retail and Town Centre Development and Economic Development, Employment Land and Premises. The need for the preparation of these two new SPGs had been previously identified in the Local Development Plan (LDP) Annual Monitoring Reports.

The report summarised the purpose and aims of the draft SPGs which were attached at Appendices 1 and 2 of the report. It should be noted that the Retail and Town Centre Development SPG would supersede the existing Upper Holton Road SPG which was now outdated. The Cabinet report also referred to some recent policy updates to the existing Affordable Housing SPG which were undertaken via delegated powers by the Director of Place.

Councillor John thanked the Officers for producing the comprehensive report.

Councillor Wilson said that consultation was crucial as it would determine future planning applications. The views of the public were important, needed to be widely publicised and was essential reading for all Councillors and Town and Community Councillors.

The Cabinet Member said that consultation was important and that it was important to adapt to recent changes, e.g. more people now working from home and how that affected employment centres and high streets.

The Leader agreed that the draft SPGs reflected the changing natures of town centres.

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 new draft SPGs attached to the report for public consultation purposes, with delegated powers for the Director of Place, in consultation with the Cabinet Member for Community Engagement, Equalities and Regulatory Services to make typographical or other minor changes as necessary prior to publication for public consultation purposes be approved.
- (2) T H A T all Members, including Planning Committee Members, be invited to attend a Member briefing session to advise them of the forthcoming consultation and the content of the draft SPGs.
- (3) T H A T a further report be presented to Cabinet following the public consultation to report the findings of the public consultation exercise and consider any changes to the draft SPGs prior to their formal adoption for development management purposes.
- (4) T H A T the existing Upper Holton Road SPG be withdrawn and replaced by the new Retail and Town Centre Development SPG when adopted.

Reasons for decisions

- (1) To enable public consultation on the draft SPGs in accordance with the Council's protocol for the production of SPG and to afford the SPGs additional weight as a material consideration in determining planning application and appeals.
- (2) To advise all Members of the draft SPGs and forthcoming public consultation exercise.
- (3) To advise Cabinet of the responses to the public consultation exercise and to seek approval for the formal adoption of the SPGs as a material consideration in development management decisions.
- (4) In accordance with Council Minute No. 85, 28th June, 2017.

C81 STATUES, MONUMENTS, STREET NAMES AND BUILDING NAMES - REVIEW PANEL – UPDATE (CEERS) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

The last meeting of the Review Panel took place on 16th September, 2021 and was then followed by the Local Government Elections which took place on 5th May, 2022. As a result of those elections and changes in elected Members and to reflect the new Cabinet portfolios and approach, it was necessary to update the membership and Terms of Reference for the Panel accordingly.

Cabinet was also asked to note the work done to date by the Review Panel and other south-east Wales Local Authorities on the matter and to approve a further reminder to be sent to Town and Community Councils to submit any further views to inform the Panel's work in addition to inviting any views from the wider community via the Council's social media channels.

The Cabinet Member said that Penarth Town Council had provided some feedback during the initial call for matters for consideration and thanked them for that submission.

She said this was important work within the context of the new Administration's overall key objective to increase visibility and participation, a key element of her Portfolio responsibilities and worked towards strides to improve equality across the Vale of Glamorgan in the spirit of the new participation strategy. The project should not be seen in negative terms but more as a conversation with communities about how the Council wanted to commemorate those from within ethnic communities who had contributed to society and reflect diversity within its communities.

Councillor Birch said that Penarth Town Council had been very interested in the process, looking at place names in Penarth that were often connected to landed gentry, aristocracy and historical battles. It was felt that educating people further as to why those names were used as they had been was interesting. Primary Schools were interested in being able to place parts of the town in context for the children.

The Leader agreed that having a diversity of commemoration with communities was important to help people understand where they were from.

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 changes proposed to the Review Panel membership and the previous Terms of Reference following the Local Government Elections which took place on 5th May, 2022 as described in the report and Appendix A be approved.
- (2) T H A T, subject to Resolution (1) being approved, Democratic Services contact the Leaders of the Council's political groups to request one nomination each to join the Review Panel.
- (3) T H A T the work completed to date by the Review Panel be noted.
- (4) T H A T a new call to Town and Community Councils and members of the public to submit matters for consideration by the Panel prior to any recommendations being made to Cabinet be authorised.

Reasons for decisions

- (1) To update the membership of the Review Panel to reflect recent changes of elected Members and to reflect those changes in the Panel's Terms of Reference.
- (2) To ascertain nominations from the political groups and update the Review Panel membership.
- (3) To note the work carried out by the Review Panel to date.
- (4) To request any representations from Town and Community Councils and to publish a public call for representations.

C82 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.

C83 PURCHASE OF LAND AT LOWER COSMESTON FARM FOR EDUCATION DEVELOPMENT FOR SEN SCHOOL (EAWL) (SCRUTINY – LEARNING AND CULTURE) (EXEMPT INFORMATION – PARAGRAPH 14) –

(Councillors Birch and Wilson withdrew from the meeting for this item.)

The report sought Cabinet approval to delegate authority to the Monitoring Officer / Head of Legal and Democratic Services / Operational Manager Legal Services to negotiate, agree and execute all necessary legal documentation to facilitate the purchase of Land at Lower Cosmeston Farm subject to the receipt of outline planning consent. The land would be utilised to deliver the Ysgol Y Deri Expansion project included in the Council's Band B of the Sustainable Communities for Learning Programme.

The project would deliver 150 places to meet demand arising from the existing Ysgol Y Deri site and address capacity issues at the site. The project cost for the scheme had increased from £12.1m to £21.9m and a Business Case had been submitted to Welsh Government to request additional grant funding for the increased costs for the project. Those increased costs were not related to the land purchase but reflected cost increases in the sector and requirements relating to sustainable drainage and access considerations on the site.

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 approval be granted to the Director of Learning and Skills in consultation with the Head of Finance / S151 Officer and Head of Legal Services / Monitoring Officer to continue negotiations with Welsh Government with the aim of agreeing appropriate Heads of Terms to acquire the Site at Market Value, having regard to the proposed use of the Site, existing site constraints and abnormal costs.

(2) T H A T, subject to receiving the requisite planning consent and agreement of Head of Terms, the Monitoring Officer / Head of Legal and Democratic Services / Operational Manager for Legal Services be authorised to prepare and execute the appropriate legal documentation to acquire the Site.

Reasons for decisions

(1) To continue negotiations with Welsh Government in order to establish agreed Heads of Terms for the acquisition of the Site for a Special Education Needs School, for the purpose of providing much needed pupil places as part of Ysgol Y Deri.

(2) To allow the Council to acquire the land subject to the relevant planning consent.