

CABINET

Minutes of a Remote meeting held on 3rd November, 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, M.R Wilkinson and M.R. Wilson.

Also Present: Councillors I. Buckley and Dr. I.J. Johnson.

C112 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.

C113 MINUTES –

RESOLVED – T H A T the minutes of the meetings held on 20th October, 2022 be approved as a correct record.

C114 DECLARATIONS OF INTEREST –

No declarations of interest were received.

C115 WELSH LANGUAGE STANDARDS ANNUAL MONITORING REPORT 2021-22 (REF) –

The reference from Corporate Performance and Resources Scrutiny Committee of 12th October, 2022 was presented.

The Leader referred to the comments relating to proposed case studies for future reports which would be particularly useful in providing a more qualitative approach rather than a tick box standard. The Leader stated that the Scrutiny Committee had highlighted that the Council operated separate Welsh and English language social media formats as opposed to a single bilingual one. The Scrutiny Committee had therefore recommended for the annual report to be amended to reflect that.

Having considered the reference, it was subsequently

RESOLVED – T H A T reference to social media accounts in the Annual Welsh Language Report 2021 – 2022 be amended to reflect that, wherever relevant, the Council's social media accounts (i.e. Twitter) were operated under separate English and Welsh formats, rather than a single bilingual one.

Reason for decision

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

C116 VALE OF GLAMORGAN PUBLIC SERVICES BOARD ANNUAL REPORT 2020-21 (REF) –

The reference from Corporate Performance and Resources Scrutiny Committee of 12th October, 2022 was presented.

The Leader commented that the Scrutiny Committee had asked Cabinet to consider developing further links and additional information sharing opportunities between the Champion roles, Scrutiny Committees, and the Public Services Board.

Having considered the reference, it was subsequently

RESOLVED –

(1) T H A T the Vale of Glamorgan Public Services Board's Annual Report for 2021-22 and the progress partners were making in implementing the priorities set out in the Well-being Plan be noted.

(2) T H A T the intended way forward to develop the new PSB Well-being Plan 2023-28 be noted.

(3) T H A T the comments of the Corporate Performance and Resources Scrutiny Committee relating to developing further links and additional information sharing opportunities between the Champion roles, Scrutiny Committees, and the Public Services Board, be accepted.

Reasons for decisions

(1-3) Having regard to the contents of the report and discussions at the meeting.

C117 FINAL DRAFT VALE OF GLAMORGAN COUNCIL ANNUAL SELF-ASSESSMENT REPORT 2021/22 (REF) –

The Leader presented the reference from Governance and Audit Committee of 24th October, 2022.

The Leader referred to the discussion at the Governance and Audit Committee relating to the level of individual responses received, but it was worth clarifying that those were specific consultations which did not include the discussions that took place at the Scrutiny Committees or the Governance and Audit Committee. It was also worth recognising that the people who looked at the document could be in the thousands, but the level of physical engagement was often quite low.

Cabinet had been requested to approve changes to Page 9 of the final Draft Self-Assessment Report for 2021-22 relating to the section headed - Improving our Economic Infrastructure. As supplementary information, revised wording for this section was tabled for Cabinet's consideration. The revision to the section was agreed by Cabinet and Cabinet gave approval for the Self-Assessment report to be referred on to Full Council.

Having considered the reference, it was subsequently

RESOLVED –

- (1) T H A T the comments of the Governance and Audit Committee be noted.
- (2) T H A T the revision (as shown within the supplementary information document) to the section headed - Improving our Economic Infrastructure, beginning on page 9 of the Vale of Glamorgan Annual Self-Assessment 2021-22 report, be approved.
- (3) T H A T the final Vale of Glamorgan Annual Self-Assessment 2021-22 be referred to Full Council (9th November, 2022) for approval, with a request to accept the revision to the section headed - Improving our Economic Infrastructure (as shown under supplementary information presented to Cabinet on 3rd November, 2022), and for the revision to be incorporated prior to publication.

Reasons for decisions

- (1) Having regard to the comments of the Governance and Audit Committee.
- (2) Following consideration of the revised section headed Improving our Economic Infrastructure.
- (3) To request Full Council to approve the Final Vale of Glamorgan Annual Self-Assessment 2021-22.

C118 SHARED REGULATORY SERVICES JOINT COMMITTEE: 27TH SEPTEMBER, 2022 –

The minutes of the Shared Regulatory Services Joint Committee meeting held on 27th September, 2022 as contained within the agenda, were submitted.

The Cabinet Member for Community Engagement, Equalities and Regulatory Services, present at the meeting on 27th September 2022, referred to an Audit Wales report in relation to the financial accounts for 2021/22 for the Shared Service, for which there were no major issues to report.

The Joint Committee also received a quarterly update report, which highlighted that there had been some successful prosecutions for animal cruelty, but there were some issues relating to staff recruitment.

Subsequently, Cabinet

RESOLVED – T H A T the minutes of the Shared Regulatory Services Joint Committee meeting held on 26th September, 2022 be accepted.

Reason for decision

In noting the minutes.

C119 CAPITAL MONITORING FOR THE PERIOD 1ST APRIL TO 30TH SEPTEMBER, 2022 (EL/PR) (SCRUTINY – ALL) –

The Leader presented the report the purpose of which was to advise Cabinet of the progress on the 2022/23 Capital Programme for the period 1st April to 30th September, 2022 and to request changes to the Capital Programme.

The report provided an update on the progress of the Capital Programme for the period 1st April to 30th September, 2022. Details by scheme were shown in Appendix 1 to the report.

Appendix 2 to the report, provided a summary of the position of the Capital Programme by Directorate from approval at Council on 7th March, 2022 to 30th September, 2022, and included any changes requested within the report. The report set out any requested changes to the 2022/23 and future years Capital Programme.

Capital schemes were facing challenges due to significant cost increases, which could necessitate scheme re-engineering or re-tendering, resulting in delays to projects. Project officers were also reporting long lead time on the delivery of materials and a shortage of skills in some areas.

The report noted the current approved programme of £95.105m but it was important to note that this was unlikely to be delivered and slippage was requested of £2.524m. Schemes would continue to be monitored closely as part of the regular

monitoring arrangements with project managers and sponsors. Further slippage would be reported in future reports.

The Leader outlined that there was a typographical error in report and advised that the Barry Regeneration Partnership Fund recommendation requested to carry forward £689k into the 2022/23 Capital Programme, however that should say carry forward £689k into the 2023/24 Capital Programme.

The same change also needed to be made to paragraph 2.12 of the report, also referring to the Barry Regeneration Partnership Fund.

This was a matter for Executive decision.

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

RESOLVED –

(1) T H A T the progress made on delivering the 2022/23 Capital Programme be noted.

(2) T H A T the use of Delegated Authority as set out in the report be noted.

(3) T H A T the use of Emergency Powers as detailed in Appendix 1 attached to the report be noted.

(4) T H A T the following changes to the 2022/23 and future years Capital Programme be approved:

- Street Lighting along Frampton Lane – Increase this scheme budget by £5k in the 2022/23 Capital Programme, to be funded by a contribution from S106 monies.
- Dinas Powys Library Bridge – Include this scheme in the 2022/23 Capital Programme with a budget of £2k to be funded from an Environment and Housing revenue contribution.
- Cosmeston Play Area – Vire £13k from the Cosmeston Play Area scheme to the Porthkerry Play Area Scheme.
- The Knap Gardens – water and biodiversity project – Include this scheme in the 2022/23 Capital Programme with a budget of £6k, to be funded from a contribution from S106 monies.
- Ysgol Sant Curig – Lighting renewal – Carry forward £56k into the 2023/24 Capital Programme.
- Review alterations of parking permit schemes - Carry forward £55k to 2023/24 Capital Programme.
- Penarth Leisure Centre – High Level Glazing - Carry forward £1,546k into the 2023/24 Capital Programme.
- Barry Regeneration Partnership Fund - Carry forward £689k into the 2023/24 Capital Programme.
- Murchfield Community Sports Facilities - Carry forward £178k into the 2023/24 Capital Programme

Reasons for decisions

- (1) To advise Cabinet of the progress on the Capital Programme.
- (2) To advise Cabinet of the use of Delegated Authority.
- (3) To advise Cabinet of the use of Emergency Powers.
- (4) To allow schemes to proceed in the current and future financial years.

C120 A FAIRER TAX CONSULTATION (EL/PR) (SCRUTINY – ALL) –

The Leader presented the report the purpose of which was to inform Cabinet and seek endorsement of the response made to the Consultation.

Welsh Government was undertaking a two stage Consultation on reforming the Council Tax system in Wales. Stage 1 of the Consultation sought broad views with detailed proposals to follow. The key issues were the need for property revaluation with the last revaluation back in 2003 and the number of bands with the existing arrangements being viewed as regressive.

The Council was supportive of the need for reform and was engaged in the Consultation. There was a clear need to move towards more regular revaluations to maintain the credibility of the system and additional bands to increase fairness. The Council was generally content with a number of the other features of the existing system in respect of discounts, reductions and premiums and the national Council Tax Reduction Scheme.

This was a matter for Executive decision.

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

RESOLVED – T H A T the report be considered and the response to the Consultation set out in Appendix 1 to the report be endorsed.

Reason for decision

To inform Cabinet of the response to the Consultation and seek any additional comments to feed into the consultation.

C121 PROPOSAL TO TRANSFER SPECIALIST RESOURCE BASE AT LLANDOUGH PRIMARY TO YSGOL Y DDRAIG (EAWL) (SCRUTINY – LEARNING AND CULTURE) –

The Cabinet Member for Education, Arts and The Welsh Language presented the report, the purpose of which was to advise Cabinet of the outcome of the statutory

consultation on the proposal to relocate the Specialist Resource Base (SRB) at Llandough Primary School to Ysgol Y Ddraig.

Llandough Primary School had hosted the Local Authority provision for pupils with Speech and Language barriers to learning since 2002. The provision was made up of classes for pupils aged 4-11 year with Speech, Language and Communication Needs. The staff were employed by the local authority and the school received a resource budget based on the number of pupils attending the provision.

The pupils were dual registered with their home schools and spent 3 days in the resource base and 2 days in their home school. This model enabled pupils to be taught and practice specific speech and language skills within the base and practice them through the week, in their home schools.

Ysgol Y Ddraig was an English medium community school located in Llantwit Major which currently catered for 3–11-year-olds. An area of the building had been allocated for the SRB and it was proposed that the SRB would follow the same model as used at Llandough Primary School.

During the consultation period, the Council received 4 responses by the closing date of 22nd September 2022. Consultees were asked to indicate whether they 'supported', 'did not support' or had 'no opinion' on the three individual elements of the proposals. Out of the 4 responses received all respondents supported 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 and was summarised in the body of 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 proposals 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 consultation report (attached at Appendix A to the report), the Consultation Response report (attached at Appendix B to the report) and other appendices included as part of the report, comprising the Equality and Community Impact Assessments be agreed.

(2) T H A T the proposals to relocate the Specialist Resource Base (SRB) at Llandough Primary School to Ysgol Y Ddraig be agreed.

(3) T H A T the proposal to relocate the Specialist Resource Base to Ysgol Y Ddraig through the publication of the proposals in the form of a statutory notice be approved.

Reasons for decisions

- (1) To ensure that all relevant information is considered by Cabinet in reaching a decision on whether to publish a statutory notice on the proposals.
- (2) To ensure the Specialist Resource Base can continue to operate in the Vale of Glamorgan in a modern education environment.
- (3) To progress the proposals in accordance with the School Standards and Organisation (Wales) Act 2013 and the School Organisation Code 2018 (“the Code”).

C122 AWARD OF ENGINEERING CALL-OFF CONTRACT FOR DIRECT LABOUR AND PLANT 2022-2024 (NBS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

The Cabinet Member for Neighbourhood and Building Services presented the report, the purpose of which was to obtain the approval to award the Call-off Contract for Direct Labour and Plant 2022-2024.

The report detailed the tender process required for the Design and Construction Section's Direct Labour and Plant Call-Off Contract 2022 - 2024. An existing Direct Labour and Plant Call-off Contract 2019/22 had successfully run for the last 3 years with the term extended for a further 6 months to October 2022 (Cabinet Minute C878 refers) to allow time to procure a new contract for financial years 2022/23 and 2023/24.

The contract provided for suitable labour resource in the form of 2 or 3 person construction gangs to undertake Capital financed projects. It sought to deliver value and efficiency by using external labour resource to strengthen the Council's in-house provision.

The contract was retendered via the Sell2Wales portal on 13th April, 2022 with tenders being returned on 13th May, 2022 following which a detailed evaluation exercise was carried out. This was detailed in the Part II report later on the agenda. It was proposed to appoint 3 Contractors, ranked in the order that was the most financially advantageous to the Council.

It was intended that the appointment of the three contractors to the Call off Contract would be initially for a period of 24 months; however, also included conditions for an extension of a further 12 months on agreement with the relevant contractors. The award of services under the contract would be financed from Welsh Government funded schemes, Section106 funding and various internal and/or external budgets.

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 contents of the report be noted and considered in connection with the Part II report later on the agenda.

Reason for decision

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

C123 CONSULTATION OF PROPOSALS FOR PRIMARY LEGISLATION IN RELATION TO CHILDREN'S SOCIAL CARE, CONTINUING HEALTH CARE, MANDATORY REPORTING AND REGULATION AND INSPECTION (SCH) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

The purpose of this report was to approve the consultation response for Welsh Government's proposals for changes to primary legislation in relation to children's social care, continuing health care, mandatory reporting and regulation and inspection.

The consultation covered the following areas:

- legislative proposals for eliminating profit from the care of children looked after;
- proposals enabling access to Direct Payments for adults who were eligible for Continuing NHS Healthcare;
- existing duties to report children and adults at risk in Wales, and asked whether these duties should be expanded; and
- areas within existing regulation of service providers, responsible individuals, and the social care workforce, and sought views on potential amendments.

Cabinet Members commented on the level of detail provided in the Council's response, which was considered to be comprehensive. Therefore, Cabinet agreed to support the responses provided within Appendix 1 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 consultation response attached at Appendix 1 to the report be considered and approved for submission to Welsh Government.
- (2) T H A T the use of paragraph 15.14.2(ii) of the Council's Constitution (urgency decision procedure) in respect of Resolution (1) be approved.
- (3) T H A T the consultation response be referred to the Healthy Living and Social Care Scrutiny Committee for consideration.

Reasons for decisions

- (1) To ensure that the response is considered by Cabinet and if appropriate, formally endorsed.
- (2) To ensure the response is submitted on or before the deadline of 5th November, 2022.
- (3) To ensure that Members have the opportunity to consider the consultation documents and the response, with any additional comments referred back to Cabinet for further consideration.

C124 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.

C125 AWARD OF ENGINEERING CALL-OFF CONTRACT FOR DIRECT LABOUR AND PLANT 2022-2024 (NBS) (EXEMPT INFORMATION – [PARAGRAPHS 12A, 13 AND 14] (SCRUTINY – ENVIRONMENT AND REGENERATION) –

The purpose of the report was to obtain the approval to award the Call-off Contract for Direct Labour and Plant 2022-2024.

An existing Direct Labour and Plant Call-off Contract 2019/22 had successfully run for the last 3 years with the term extended for a further 6 months to October 2022 (Cabinet Minute C878 refers) to allow time to procure a new contract for financial years 2022/23 and 2023/24. The report detailed the tender process required for the Design and Construction Section's Direct Labour and Plant Call-Off Contract 2022 - 2024, which included conditions for an extension of a further 12 months on agreement with the relevant contractors.

The contract provided for suitable labour resource in the form of 2 or 3 person construction gangs to undertake Capital financed construction projects and other necessary highway works. It sought to deliver value and efficiency when delivering Capital projects by using external labour resource to supplement and strengthen the Council's in-house provision.

The contract was retendered via the Sell2Wales portal on 13th April, 2022 with tenders being returned on 13th May, 2022 following which a detailed evaluation exercise was carried out as provided in Appendices A, B & C to the report.

It was proposed to appoint 3 Contractors, ranked in the order that was the most financially advantageous to the Council, with allocation of work based on resources

available to meet the delivery requirements of the Design and Construction Section's work programme. It was intended that the appointment of contractors to the Call-off Contract would be initially for a period of 24 months in accordance with the contract with an option to extend the contract for a further 12 months.

The award of services under the Contract would be financed from Welsh Government funded schemes, works identified via Section 106 funding and various internal and/or external budgets approved for Highway improvement/ maintenance schemes on an annual basis. The Contract(s) would be administered within the Engineering Section of Neighbourhood Services and Transport.

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 award of the Direct Labour and Plant Call-Off Contract 2022 - 2024, for the provision of direct labour for future Highway schemes as referred to in the report to approved.
- (2) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services to draft and execute the contract for the award of the Direct Labour and Plant Call-Off Contract 2022 – 2024.
- (3) T H A T delegated authority be granted to the Director of Environment and Housing, in consultation with the Cabinet Member for Neighbourhood and Building Services, to extend the Call-off Contract for Direct Plant and Labour 2022 – 2024 after the initial 2 years, for a further 12 months in accordance with the contract terms, subject to the agreement with relevant contractors, should this be economically advantageous at that time.

Reasons for decisions

- (1) To ensure compliance with the Council's Contract Standing Orders and Financial Regulations.
- (2) To ensure that the necessary legal documentation is in place for the Contract.
- (3) To ensure business continuity and delivery of ongoing capital financed construction projects.