

CABINET

Minutes of a Remote meeting held on 5th October, 2023.

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

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

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

Also Present: Councillors I.R. Buckley, C.M. Cowpe and Dr. I.J. Johnson.

C103 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 the 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.

The Leader welcomed Councillor Sandra Perkes to her first meeting as a Cabinet Member, having been assigned the portfolio for Public Sector Housing and Tenant Engagement. The Leader expressed her thanks to Councillor Gwyn John for his help in managing the portfolio along with her over the last few months; acknowledging that Councillor John had done a fantastic job and that all the Cabinet Members looked forward to working with Councillor Perkes.

C104 APOLOGY FOR ABSENCE –

This was received from Councillor B.E. Brooks.

C105 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 21st September, 2023 be approved as a correct record.

C106 DECLARATIONS OF INTEREST –

No declarations of interest were received.

C107 CARDIFF BAY ADVISORY COMMITTEE –

Councillor M. Wilson had attended the quarterly meeting of the Cardiff Bay Advisory Committee. He advised that he had been appointed as the Chair at the meeting and Councillor N.C. Thomas had been appointed the new Vice-Chair. Councillor Wilson referred to former Councillor Andrew Parker who was there at his last meeting and had provided sterling services to the Committee for many years. Committee Members were saddened that he had left the Committee as he had now retired. The Committee wished him well.

At the Committee meeting itself matters under discussion included the timetable of meetings, Cardiff Harbour Authority presented an item on navigational safety and National Resources Wales provided an update report.

RESOLVED – T H A T the minutes of the Cardiff Bay Advisory Committee held on 6th September, 2023 be noted.

Reason for decision

In noting the minutes.

C108 CABINET QUARTERLY WORK PROGRAMMES – JULY TO SEPTEMBER 2023 AND OCTOBER TO DECEMBER 2023 (EL/PR) (SCRUTINY – ALL) –

The Leader presented the report, the purpose of which was to involve, engage and consult Members of the progress to date in respect of Cabinet Quarterly Work Programmes for the period July to September 2023 and to confirm the Quarterly Work Programme for October to December 2023.

The Leader advised Cabinet Members that this was a standard housekeeping item but was useful for Members as the appendices described work that had been carried out from July to September 2023 and work that was programmed to take place from October to December 2023, including hyperlinks to reports for ease of access for Members and members of the public.

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 to the Cabinet Quarterly Work Programme for July to September 2023, attached at Appendix 1 to the report, be agreed.
- (2) T H A T the Cabinet Quarterly Work Programme October to December 2023, attached at Appendix 2 to the report, be endorsed.

Reasons for decisions

- (1) To monitor progress.
- (2) To approve the Work Programme for October to December 2023.

**C109 SHARED PROSPERITY FUND UPDATE REPORT (EL/PR)
(SCRUTINY – ENVIRONMENT AND REGENERATION) –**

The Leader presented the report, the purpose of which was to inform Cabinet of the progress against the Shared Prosperity Fund Local Investment Plan. The appendix attached to the report showed a wide range of funding but also detailed the wider research that underpinned the decisions. The Fund itself covered the whole of Wales but was being administered for the South East Region by Rhondda Cynon Taff County Borough Council. The report would also be referred to Environment and Regeneration Scrutiny Committee for their consideration as part of their Forward Work Programme.

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 further reports would be presented to Cabinet which set out progress against the allocations as set out in the report.
- (3) T H A T the report and Appendix A be referred to Environment and Regeneration Scrutiny Committee for consideration as an item on the relevant Scrutiny Committee Forward Work Programme.

Reasons for decisions

- (1) Having regard to the contents of the report and discussions at the meeting.
- (2) To allow further updates to be presented to Cabinet.

- (3) To update Scrutiny Committee as part of their Forward Work Programme.

C110 THE VALE OF GLAMORGAN COMMUNITY REVIEW – DRAFT PROPOSALS (EL/PR) (SCRUTINY – CORPORATE PERFORMANCE AND RESOURCES) –

The Leader presented the report, the purpose of which was to update Members on the Vale of Glamorgan Council's Community Review and to recommend a response to the Commission's draft proposals. The proposals took into consideration the amendment of any local anomalies and catered for increases in the numbers of Vale residents at the Community Council level. This was a piece of work the Council was required to do and would be further discussed at the Community Liaison Committee meeting later the same day.

The proposals that had been submitted were as a result of a cross-party working group within the Council, so all parties had had an input into the proposals. New wards were proposed to be created to represent local demography, for example at the Waterfront. The Leader expected there to be an in-depth discussion at Community Liaison Committee and any reference from that Committee would be sent back to Cabinet for consideration as appropriate. Town and Community Councils were able to respond themselves to the proposals.

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 response to the Commission's Draft Proposals, as set out in paragraphs 2.7 to 2.26 of the report, be approved.
- (2) T H A T the deadline of 30th October, 2023 for comments to be submitted to the Commission be noted.
- (3) T H A T the report would be considered by the Community Liaison Committee on 5th October, 2023 and forwarded to all Clerks of Town and Community Councils in the Vale of Glamorgan for information.
- (4) T H A T any recommendations from Community Liaison Committee be referred back to Cabinet for further consideration.

Reasons for decisions

- (1) Having noted and considered the Commission's Draft Proposals Report and to recommend responses to that consultation.
- (2) In noting the deadline for the submission of comments.

- (3) To allow consideration by the Community Liaison Committee, whilst being mindful that all Town and Community Councils would be able to submit their own responses to the Commission.
- (4) To allow Cabinet the opportunity to further consider any additional recommendations from the Community Liaison Committee.

C111 VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN 2011-2026: ANNUAL MONITORING REPORT 2022/2023 (CEERS) (SCRUTINY – ENVIRONMENT AND REGENERATION) –

The Cabinet Member presented the report, the purpose of which was to report to Cabinet the findings of the Council's fifth Local Development Plan (LDP) Annual Monitoring Report and to seek approval to submit it to Welsh Government by 31st October, 2023.

Councillor Sivagnanam said that the Council was currently undergoing the review of the LDP to take forward from 2026. The report being presented today was the Annual Monitoring Report for 2022/23 and going forward would inform the revised LDP which was currently in the pre-deposit stage. The Annual Monitoring Report illustrated that good progress had been made in implementing most of the plans and policies and overall, the revised LDP strategy remained sound. The Monitoring Report confirmed that whilst most Monitoring Report targets continued to be met, in some areas some targets were not achieved, primarily relating to areas that had been affected by the current economic climate across Wales and the UK which would continue to be monitored. It was a requirement of the Local Development Plan Regulations and Monitoring Framework that the Annual Monitoring Report be endorsed by the Council and submitted to Welsh Government by 31st October each year.

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 fifth Local Development Plan (LDP) Annual Monitoring Report (AMR) be endorsed (subject to consideration of any recommended changes by the Environment and Regeneration Scrutiny Committee) be submitted to the Welsh Government by 31st October, 2023 and for publication on the Council's website.
- (2) T H A T the LDP AMR be referred to the Environment and Regeneration Scrutiny Committee for its consideration. Should the Scrutiny Committee resolve to accept the LDP AMR, the LDP AMR would be considered as agreed and could be submitted to Welsh Government by 31st October, 2023.
- (3) T H A T delegated authority be granted to the Head of Sustainable Development, 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.

Reasons for decisions

- (1) To comply with Regulation 37 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.
- (2) To ensure appropriate scrutiny of the report.
- (3) To make typographical or other minor changes as necessary without the need to seek Cabinet approval.

C112 MATTERS WHICH THE CHAIR HAD DECIDED WERE URGENT –

RESOLVED - T H A T the following matters which the Chair had decided were urgent for the reasons given beneath the minute headings be considered.

C113 AGREEMENT TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE DEVELOPER FOR THE CONSTRUCTION OF NEW COUNCIL APARTMENTS AT CADOXTON, BARRY (EL/PR) (SCRUTINY – HOMES AND SAFE COMMUNITIES) –

(Urgent in order to ensure that Council can enter into a contractual relationship with the nominated Construction Management Company to ensure a seamless transition and avoid any unnecessary delay to the Scheme)

The Leader asked Cabinet to note the Part I report as the detailed financial discussion would take place as part of the Part II report later on the agenda which outlined the intention to enter into a Supplemental Agreement with the developer of a site in Cadoxton, Barry for new Council apartments and to seek authority going forward to manage all matters relating to the appointment of the management contractor and sub-contractors to recommence construction work at that site. Details of the relevant procurement considerations were detailed in the Part II report which Cabinet would be considering later on the agenda. The Leader also referred to a request within the recommendations of the Part I report that the urgency decision procedure as set out in Section 15.14 of the Council's Constitution be used in respect of the recommendations within the Part II report which had also been agreed with the relevant Scrutiny Committee Chair.

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 and considered in connection with the Part II report later on the meeting agenda.

(2) T H A T the use of the urgent decision procedure as set out in Section 15.14 of the Council's Constitution be used in respect of recommendations contained within the Part II report.

Reasons for decisions

- (1) To allow the Part I and Part II reports to be considered together.
- (2) To ensure that the Council could continue to deliver the scheme at Cadoxton, Barry.

C114 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.

C115 AGREEMENT TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE DEVELOPER FOR THE CONSTRUCTION OF NEW COUNCIL APARTMENTS AT CADOXTON, BARRY (EL/PR) (SCRUTINY – HOMES AND SAFE COMMUNITIES) (EXEMPT INFORMATION – PARAGRAPHS 13 AND 14) – (Urgent in order to ensure that Council can enter into a contractual relationship with the nominated Construction Management Company to ensure a seamless transition and avoid any unnecessary delay to the Scheme)

The Leader presented the report, the purpose of which was to inform Cabinet of proposals to enter into a Supplemental Agreement with Pegasus Developments (Barry) Ltd for the construction of new Council apartments at Coldbrook Road East, Cadoxton, Barry and appoint Synergy Construction Management Ltd to continue the construction at the same scheme with the Council acting as Principal Contractor.

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 delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services, in consultation with the Director of Environment and Housing, to formalise the terms and conditions of a Supplemental Agreement to the JCT Design and Build 2016 edition contract (“Works Building Contract”) between the Council and Pegasus Developments (Barry) Ltd (“the parties”).

(2) T H A T delegated authority be granted to the Director of Environment and Housing, in consultation with the Executive Leader and Cabinet Member for Performance and Resources and the Head of Finance / Section 151 Officer, to agree and manage all matters relating to the appointment of Synergy Construction Management Ltd and Sub-contractors, to recommence construction works at Coldbrook Road East, Barry.

(3) T H A T delegated authority be granted to the Monitoring Officer / Head of Legal and Democratic Services to agree, prepare, execute and complete as necessary all agreements and contract documentation, relating to the appointment of Synergy Construction Management Ltd and Sub-contractors required to complete the construction works at Coldbrook Road East, Barry.

(4) T H A T use of the urgency procedure set out at Section 15.14 of the Council's Constitution be authorised in respect of recommendations contained within the Part II report.

Reasons for decisions

(1) To agree to cease the design and construction of the Works and to record the terms of the agreement within a Supplemental Agreement which will form a supplemental and collateral agreement to the Building Contract, the terms of which are varied as agreed between the parties.

(2) To address all matters relating to the appointment of resources to complete the construction of works at Coldbrook Road East, Barry.

(3) To permit the appointment of Synergy Construction Management Ltd and Sub-contractors to complete the construction works at Coldbrook Road East, Barry.

(4) To ensure that the Council could continue to deliver the Scheme at Cadoxton, Barry.