

VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 16th December, 2015.

Present: Councillor Fred Johnson (Mayor); Councillors Antony Bennett, Richard Bertin, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, Philip Clarke, Geoff Cox, Claire Curtis, Pamela Drake, John Drysdale, Kate Edmunds, Stuart Egan, Christopher Elmore, Christopher Franks, Howard Hamilton, Val Hartrey, Keith Hatton, Nic Hodges, Jeff James, Hunter Jarvie, Gwyn John, Dr. Ian Johnson, Maureen Kelly Owen, Peter King, Kevin Mahoney, Anne Moore, Neil Moore, Andrew Parker, Bob Penrose, Anthony Powell, Audrey Preston, Rhona Probert, Gwyn Roberts, John Thomas, Ray Thomas, Rhodri Traherne, Stefan Wiliam, Margaret Wilkinson, Christopher Williams, Clive Williams, Edward Williams and Mark Wilson.

675 APOLOGIES FOR ABSENCE –

These were received from Councillors Janice Birch, Rob Curtis and Eric Hacker.

676 DECLARATIONS OF INTEREST –

Councillor Richard Bertin asked if the Monitoring Officer would advise whether, as a Trade Union Representative, he would be required to declare an interest in Agenda Item No. 5 (the Notice of Motion submitted in respect of the Trade Union Bill 2015). It was agreed that Standing Orders be suspended in order to allow the Monitoring Officer to provide the advice and she duly informed Councillor Bertin that his interest would be deemed to be personal, but not prejudicial. As a result, he would be entitled to remain in the meeting and participate in the debate on that item. The same applied to those other Members shown below, who also subsequently declared an interest in Agenda Item No. 5.

The following Members declared an interest in the Agenda Items shown:

Name of Member	Agenda Item / Nature of Interest
Councillor Richard Bertin	Agenda Item No. 5 – Trade Union Representative – Unite
Councillor Rhiannon Birch	Agenda Item No. 5 – Trade Union Member – NASUWT
Councillor Bronwen Brooks	Agenda Item No. 5 – Trade Union Member – GMB
Councillor Lis Burnett	Agenda Item No. 5 – Trade Union Member – UCW
Councillor Claire Curtis	Agenda Item No. 5 – Trade Union Member – Unite

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Councillor Pamela Drake	Agenda Item No. 5 – Trade Union Member – GMB
Councillor John Drysdale	Agenda Item No. 5 – Trade Union Member – Unite
Councillor Kate Edmunds	Agenda Item No. 5 – Trade Union Member – Unite
Councillor Stuart Egan	Agenda Item No. 5 – Trade Union Member – Unison
Councillor Christopher Elmore	Agenda Item No. 5 – Trade Union Member – GMB / Unison
Councillor Howard Hamilton	Agenda Item No. 5 – Trade Union Member – Unite
Councillor Nic Hodges	Agenda Item No. 5 – Trade Union Member – PCS
Councillor Frederick Johnson	Agenda Item No. 5 – Trade Union Member – TSSA
Councillor Dr. Ian Johnson	Agenda Item No. 12 – Member of Barry Town Council – dispensation granted by the Standards Committee to speak and vote at meetings of the Vale of Glamorgan Council and Barry Town Council on matters relating to the Vale of Glamorgan Council's "Reshaping Services Strategy"
Councillor Peter King	Agenda Item No. 5 – Trade Union Member – Unison
Councillor Kevin Mahoney	Agenda Item No. 5 – Trade Union Member – GMB
Councillor Anne Moore	Agenda Item No. 5 – Trade Union Member – GMB (retired)
Councillor Anthony Powell	Agenda Item No. 5 – Trade Union Member – Unison
Councillor Rhona Probert	Agenda Item No. 5 – Trade Union Member – Unite
Councillor Gwyn Roberts	Agenda Item No. 5 – Trade Union Member – GMB
Councillor Margaret Wilkinson	Agenda Item No. 5 – Trade Union Member – Unison (retired)
Councillor Mark Wilson	Agenda Item No. 5 – Trade Union Member – UCU

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677 MINUTES –

The minutes of the meeting held on 28th September, 2015 were approved as a correct record.

678 ANNOUNCEMENTS –

The Mayor made the following announcements.

- (i) He reminded Members to return their stubs of any raffle tickets purchased as the draw for the Mayor's Christmas raffle would be taking place shortly.
- (ii) He asked Members if they would remember, in their thoughts, Councillor Anthony Powell's father, Leonard, who had recently passed away.

The Cabinet Member for Children's Services and Schools referred to the fact that, subject to a moderation exercise, the Authority was to be removed from the Estyn category of special monitoring. Again, subject to the moderation exercise, he anticipated that two specific areas would now be assessed as "very good". He was personally delighted at the progress made and wished to place on record his thanks to Jennifer Hill, Director of Learning and Skills, and her team for their hard work over the last three years. He was grateful for their continuing efforts and he also wished to thank the Scrutiny Committee (Lifelong Learning) for their support, in particular, the Chairman, Councillor Hodges, and also his Cabinet colleagues for their ongoing support.

679 NOTICE OF MOTION –

The following Notice of Motion (submitted by Councillors Stuart Egan and Neil Moore) had been included on the agenda for discussion:

"The Vale of Glamorgan Council condemns the provisions contained with the Trade Union Bill 2015 and agrees to write to the UK Conservative Government urging them in the strongest possible terms to abandon this Bill, but instead make a commitment to work in partnership with the Trade Union movement to achieve a fairer society."

In moving the motion, Councillor Egan considered the issue of the Trade Union Bill to be a very serious one. He wished to pick up on a couple of points. Firstly, regarding the right to strike and the proposed imposition of a 50% turnout threshold (and, for what were considered important public services, a 40% "yes" vote). As such, should 50% of a Union membership vote, 80% of those members would be required to vote yes for strike action.

In terms of democracy, he pointed out that there would be no government in the country if the same rules were applied to General Elections.

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Councillor Egan considered the Bill to represent a divisive attack on Trade Union members and he was pleased that there were a lot of Trade Union members within the composition of the Council's membership. He referred to the fact that the Bill would prevent Unions being allowed to use electronic, or workplace, ballots. He considered that to represent a further hurdle and to run contrary to technological advances used in other elections. He also considered it a serious matter that employers (under the provisions of the Bill) would be allowed to use agency workers to defeat strikes. He felt the right to strike was essential in terms of effective bargaining and partnership working which, in turn, supported the provision of high quality public services. The Bill also sought to introduce attacks on facility time and "check off" (i.e. the latter being where members paid their subscriptions through their salaries).

Reserving the right to speak later in the debate, the Leader formally seconded the Motion. In doing so, he referred to having been a previous Trade Union member of the Transport and General Workers Union, NALGO and Unison.

Councillor Dr. Ian Johnson considered the Bill to be a piece of legislation being pushed through by the Westminster Government and which had a number of restrictive practices attached to it (including in respect of strike ballots, picketing and agency staff). He referred to Plaid Cymru having been part of the coalition of opposition to the legislation as it had passed through Central Government. Referring to the Labour Party as being "very interested" in the provisions of the Bill, he suggested that this was related to the significant amount of financial contributions to the Labour Party from the Trade Unions.

He considered workers' rights to be hugely important, but (referring to the Council's own employees) pointed out that the Council had yet to introduce the Living Wage.

Councillor Dr. Johnson confirmed that Plaid Cymru would be supporting the Motion, but wished to add a specific "Welsh reference" to the wording. As such, he moved an amendment that, in addition to the existing wording, "the Council calls on all parties in the National Assembly for Wales to support a Legislative Consent Motion that will prevent these provisions being applied to devolved services in Wales".

Councillor Franks duly seconded the amendment to the Motion.

Councillor Bertin indicated he would be supporting the Motion and that he considered the Bill to be vindictive in threatening the basic right to strike (a provision he considered to be totally unacceptable). He felt the ability to utilise additional agency workers undermined this basic right to strike. Restrictions on picketing were unjust, as were the proposed voting thresholds. In his view, electronic voting should, indeed, be permitted and he also felt that limitations on facility time would make it even harder for Trade Unions who, he felt, played a valuable role within the workplace.

Councillor Clarke stated he was unable to agree with the previous speakers. He considered a capitalist system to provide the opportunity for everyone to have a

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good, fair education, achieve qualifications and earn a decent salary. He referred to events during the 1970s under a Labour Government (e.g. accumulations of rubbish and electricity blackouts) and also to his own experience of being involved in strike-breaking in Australia.

Councillor Mahoney was of the view that the Trade Unions did need reforming and referred to them as having held the country “to ransom” on numerous occasions. However, he considered it to be disgraceful that thresholds / restrictions were being proposed in respect of Trade Union elections, which bore no resemblance to the voting mechanisms / majorities required in respect of elections generally.

Councillor Hodges stated that, to work constructively in any major organisation, required the agreement of staff. He considered one of the best ways of organising staff in terms of agreements was to be through Trade Unions. He supported the Motion, together with the amendment put by the Plaid Cymru Group.

Councillor Traherne indicated he was unable to support the Motion. He considered a number of clauses in the Bill to be “eminently sensible”. He agreed with the proposed 50% voting threshold (considering the current situation to be undemocratic). He cited a scenario whereby, if five employees of a total of 100 voted, three of whom voted for strike action, a strike could take place with only 3% of the work force having voted for such.

Councillor Traherne also supported the clause that, with regard to “important public services”, in addition to the 50% turnout threshold, there would be a requirement for a “yes” vote of at least 40% of those entitled to vote in the ballot. Within such vital services, he considered it essential that there was realistic support for a strike. He also felt that the clause that would make it unlawful to require a member of a Trade Union to contribute to a political fund unless they had indicated in writing willingness to do so to be fair and just.

He felt sure that, before the Bill became an Act, some of the issues causing concern were likely to be addressed by the Parliamentary process but, nevertheless, trusted that the new laws would be more appropriate.

Councillor Elmore referred to the Trade Unions as having been fundamental in achieving for employees a weekend, a five day week, Sunday Trading Laws, maternity / paternity and adoption pay. Fundamentally, he suggested that employees would not have paid holidays if it had not been for the Trade Union movement.

Councillor Elmore reiterated some of the earlier comments in that he considered it to be totally unjust that voting thresholds of such levels were being proposed. He suggested that, what was appropriate for Trade Union elections should, in turn, be similarly so for Parliamentary, Welsh Assembly and Council elections.

As far as Trade Union contributions to the Labour Party were concerned, he would prefer that income to, for example, hedge funds and “tax avoiders” involvement.

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In conclusion, he considered the proposed legislation to be a disgrace and confirmed his support for the Motion.

Councillor Wilson felt the Bill to illustrate the lack of a “level playing field”. He also compared the ability of the electorate to utilise electronic / proxy voting in national elections and compared that to the proposed restrictions and limitations to be placed on Trade Union ballots. He considered the Conservative Party to “stand for unfairness and inequality”.

Councillor James referred to having once been a Trade Union member and to having represented some 250 employees during a factory closure process. As such, he supported Trade Unions and acknowledged that they had been a force for good. However, he also felt there was a need to recognise that, on occasions, they had been led by “politically motivated leaders”. He suggested that the Trade Union members who did not currently vote in ballots were being denied the opportunity to have their say. He referred to historical incidences of the Trade Union movement having been used for political purposes in terms of defeating a Conservative Government. As such, he considered the provisions within the Bill as being designed to make the process more democratic. He considered the current system to largely support Trade Union leaders and felt that the revised arrangements would provide a greater legitimacy to the process by replacing current, outdated arrangements.

Councillor Roberts referred to an earlier comment regarding the education system within a capitalist society. He pointed out that the ability to access a fair and full education was largely attributable to the Trade Union movement. In terms of suggestions of Trade Unions “holding the country to ransom”, he felt Trade Unions to have assisted greatly in developing a fair society and fair economy. Contrary to claims regarding Trade Unions, he considered the bankers to have been the people who have held the country to ransom. He felt the Bill to be one of a “dogmatic government”. He supported the Motion.

Councillor John Thomas pointed out that the Bill represented a key manifesto commitment from the Conservative Party going into the last election. Given that the Conservative Party had won that election, he questioned how much more democratic a process could be.

In summing up, Councillor Egan confirmed he was happy to accept the amendment to the Motion moved by the Plaid Cymru Group and, indeed, considered it to be helpful. He pointed out that very few strikes occurred, but that striking was the only alternative available to workers to express their total dissatisfaction with employers. He referred to a lot of good work as having happened over time in terms of partnership working between employers and the Trade Union movement.

Councillor Egan referred to his own experience within the National Health Service of the introduction by the Government of a Pay Review Body in an attempt to try and stop disputes over pay awards. However, the last time that Body had recommended an uplift in salary for employees, that had not been honoured by the Conservative Government.

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In concluding, Councillor Egan also indicated he was asking for a Recorded Vote to take place. The requisite number of Members stood to confirm that this would be the case.

At the request of the Mayor, Councillor Dr. Ian Johnson repeated the proposed Amendment to the Motion, i.e. “the Council calls on all parties in the National Assembly for Wales to support a Legislative Consent Motion that will prevent these provisions being applied to devolved services in Wales”; the Amendment to be in addition to the existing wording of the Motion.

Voting took place as follows and it was

RESOLVED – T H A T the following amended Motion be approved:

“The Vale of Glamorgan Council condemns the provisions contained with the Trade Union Bill 2015 and agrees to write to the UK Conservative Government urging them in the strongest possible terms to abandon this Bill, but instead make a commitment to work in partnership with the Trade Union movement to achieve a fairer society.

The Council calls on all parties in the National Assembly for Wales to support a Legislative Consent Motion that will prevent these provisions being applied to devolved services in Wales.”

For the Motion Councillors	Against the Motion Councillors	Abstain Councillors
R.J. Bertin	A.G. Bennett	
Ms. R. Birch	J.C. Bird	
Ms. B.E. Brooks	P.J. Clarke	
L. Burnett	G.A. Cox	
Mrs. C.L. Curtis	H.J.W. James	
Mrs. P. Drake	T.H. Jarvie	
J. Drysdale	Mrs. M. Kelly Owen	
Ms. K.E. Edmunds	A.C. Parker	
S.C. Egan	R.A. Penrose	
C.P.J. Elmore	Mrs. A.J. Preston	
C.P. Franks	J.W. Thomas	
H.C. Hamilton	R.P. Thomas	
Mrs. V.M. Hartrey	R.L. Traherne	
K. Hatton	A.C. Williams	
N.P. Hodges	C.J. Williams	
G. John		
F.T. Johnson		
Dr. I.J. Johnson		
P. King		
K.P. Mahoney		
Mrs. A. Moore		
N. Moore		

A.G. Powell		
Ms. R.F. Probert		
G. Roberts		
S.T. Wiliam		
Mrs. M.R. Wilkinson		
E. Williams		
M.R. Wilson		
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680 NOTICE OF MOTION –

The following Notice of Motion (submitted by Councillors Stuart Egan and Christopher Elmore) had been included on the agenda for discussion:

“This Council resolves:

To write to the Secretary of State for Communities and Local Government, local MPs, AMs, the Welsh First Minister, and all Welsh EU constituency MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process.

To write to the Local Government Association and WLGA to raise our serious concerns about the impact of the TTIP on local authorities and ask them to raise these with Government on our behalf.

To call for an impact assessment on the impact of TTIP on local authorities.

To publicise the Council’s concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.

To contact the local authorities of municipalities twinned with the Vale of Glamorgan Council asking them to consider passing a similar motion on TTIP.”

In introducing the Motion, Councillor Egan assumed Members were aware that “TTIP” stood for the “Transatlantic Trade and Investment Partnership” (between the European Union and the USA). He referred to negotiations having been ongoing since July 2014, but to those negotiations taking place in a very secretive manner. He referred to there having been no agreements on the level or scope of which goods and services would be covered under the Partnership. Referring to the “secret” discussions, he indicated that meant that even Members of Parliament were unable to scrutinise the negotiation documents.

Given the lack of an assessment of the extent of such a Partnership, Councillor Egan pointed out that the impact on Local Government was unknown. He asked that Members be mindful of certain factors. For instance, the European Union’s Food, Environmental and Labour Standards were better than those in the United States.

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As such, he was concerned that existing standards would be lowered. He referred to the proposed Investor State Dispute Settlement Mechanism as having been used by large corporations to overturn democratic decisions taken by various levels of Government. He quoted an example of one such trade agreement, involving the United States, Canada and Mexico where, currently, the province of Quebec was being taken to arbitration for announcing a moratorium on fracking in the province. He suggested that, potentially, a similar situation could occur in Wales under such a Partnership (i.e. with the Welsh Government being taken to arbitration and being sued under such an arrangement).

Councillor Elmore formally seconded the Motion.

Councillor Dr. Ian Johnson concurred that, whilst of great international interest, the matter was little known about by most members of the public (albeit he referred to several million people having signed various petitions that had been submitted to the European Parliament making this clear). He referred to TTIP as being pushed by national state governments (including the United Kingdom Government) as a means of exiting “economic growth holes” that they had created over recent years. He alluded to the Investor State Dispute Settlement Mechanism as being an “alternative shadow justice system” to which the public would have no access or ability to understand what was happening in their name. Under such arrangements, multi-national corporations would be able to go to the “shadow courts” and be able to take a government to court on the grounds that government actions were costing such corporations money. He considered there to be a need for much greater transparency on the matter and felt there to be a need for an impact assessment in terms of the impact on Wales. As such, he would be supporting the Motion.

Notwithstanding his support of the Motion, Councillor Dr. Johnson proposed the following amendments, i.e. that, rather than the Secretary of State for Communities and Local Government, the Council write to the Minister for Public Services in the Welsh Government. Secondly, he moved an addition to the end of the first paragraph of the Motion, to the effect that Council also call on the National Assembly for Wales to have a veto over the implementation of TTIP in Wales.

Councillor Mahoney referred to UKIP as having sought amendments to proposed legislation to, for example, protect the National Health Service from TTIP. He felt it to be hypocritical of representatives of the Labour Party to now be protesting about TTIP, when it had refused to back UKIP in “protecting the NHS”.

Councillor Franks duly seconded the amendments moved by Councillor Dr. Ian Johnson.

Councillor Traherne indicated that he was not in support of the Motion and was of the view that it was alarmist, not fully informed, isolationist and failed to take account of the aspirations of hard-working people of the Vale of Glamorgan. He quoted from a speech by the President of the European Commission, Jean-Claude Juncker, in which he had referred to the Commission as negotiating a “reasonable and balanced trade agreement with the United States of America”. He referred to Mr. Juncker as also having stated that he would not sacrifice Europe’s safety, health, social data

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and protection standards in the interests of free trade. In the words of Mr. Juncker, the safety of food and protection of personal data would be “non-negotiable”. Similarly, he had indicated he would not accept the jurisdiction of courts being limited by special regimes for investor disputes.

Councillor Traherne referred to the Prime Minister as having quoted clear opportunities for Britain of trading with the United States in terms of extra jobs, more choice and lower prices in shops. Councillor Traherne did not accept the argument that TTIP would damage the National Health Service. He also referred to the former Director of the CBI, who was of the view that the Partnership was vital for future growth and prosperity for citizens across the European Union.

Councillor Bertin opposed TTIP and was of the view that it would affect the public in terms of planning, procurement and the environment. He considered TTIP to be a “real threat to democracy” and he also alluded to the secretive nature of the discussions. As such, he would be supporting the Motion.

Councillor Clarke felt that insufficient information was before Members to allow an informed view to be made and moved that the matter be deferred and considered at a future meeting.

Councillor King referred to negotiations having been taking place in secret for some 17 months. As a result, far too few people had any awareness of the matter and the implications of such a Partnership being introduced. He also alluded to the situation of Quebec having passed a resolution to oppose fracking, which had resulted in them being taken to court under the Investor State Dispute Settlement Mechanism. Quebec was being sued for approximately \$205m and he was concerned that a similar situation could occur in terms of fracking should the Welsh Assembly take a similar stance and find itself subject to a similar mechanism under TTIP. He indicated his support for the Motion.

Councillor Wilson also alluded to the secretive nature of the negotiations. He also referred to the potential implications for animal welfare in terms of the potential increasing use of chemicals and their effect on the natural growth of animals. He was also concerned that TTIP would place disproportionate power in the hands of multi-national corporations to sue local Councils, or any other organisation, in the event that they opposed that Council’s / organisation’s stance. Councillor Wilson confirmed his support for the Motion.

Councillor Drysdale was concerned that, in the event of the dispute procedure being utilised, decisions would be made by a very small group (of some three or so people) within the field of business and law. He took no reassurance from the quoted remarks by Councillor Traherne and, again, was concerned regarding the secretive nature of the negotiations. He felt the suggestion that TTIP was designed to facilitate improved trade, standardised markets and opportunities to be “fraudulent”. He suggested that it would actually, in removing “barriers to trade”, result in a reduction in food standards, pollution standards and various other areas. He considered the process to be profoundly anti-democratic and to represent a move by multi-national corporations to achieve control to foster their own interests and profits

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at the expense of nations, states and economies. He referred to another example of dispute settlement courts in that, in Australia, tobacco companies were suing the Government which had attempted to protect people's health by introducing smoking restrictions.

Councillor Burnett, whilst acknowledging the obvious advantages of profit, considered that to be the case only if gained in a social responsible way. She considered TTIP to represent multi-national corporations actually overturning the democratic control within countries. Smaller countries, in particular, needed to be protected against the interests of such multi-national corporations.

Councillor James moved an amendment to the affect that the Council support the Prime Minister's renegotiation of European legislation and the treaty (given he had never previously heard members of the Labour and Plaid Cymru Groups speaking as one against the European Union). He considered it to be in the interests of employees and Trade Union members to have better work and job opportunities and referred to one of the purposes of the European Union as being to assist free trade. He felt that existing benefits would be widened if the United States was combined with Europe to form a free trade area. Referring to various Members' references to secretive negotiations, he pointed out that it would not be the European Union who would make such decisions on this matter, but the Council administrators. As such, any final decision would not be made "behind closed doors". In conclusion, he referred to TTIP as being a trade agreement that was being negotiated and, as such, necessitated a degree of confidentiality.

Councillor Wiliam considered TTIP would undermine public services and reduce the quality of standards the public expected, for example, in terms of food products. He, too, alluded to the secretive discussions that were taking place and to European MEPs having been "humiliated" in the way they had been unable to access relevant documentation. He also referred to the facility under TTIP which would allow multi-national corporations to sue democratically elected governments on the grounds of their profits being affected by such governments' decisions. He suggested that most people would not be against efficient business and trading and trade agreements. However, he considered TTIP would undermine the democratic process within countries. He confirmed his support for the Motion.

Councillor Egan confirmed he was happy to accept the amendments moved by Councillor Dr. Ian Johnson. He was pleased with most of the contributions he had heard from Members during the debate, given those contributions clearly recognised the potential dangers of TTIP. He considered Councillor Traherne to have been somewhat selective in quoting certain elements regarding, for example, potential job creation. Councillor Egan suggested that the existing Trade Agreements which had been alluded to as not having created additional employment. He felt that the agreement within the United States, Canada and Mexico had actually resulted in job losses.

Upon being put to the vote, it was

RESOLVED – T H A T the following amended Motion be approved:

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“This Council resolves:

To write to the Welsh Government Minister for Public Services, local MPs, AMs, the Welsh First Minister, and all Welsh EU constituency MEPs raising our serious concerns about the impact of TTIP on local authorities and the secrecy of the negotiating process and requesting the National Assembly for Wales to have a veto over the implementation of TTIP in Wales.

To write to the Local Government Association and WLGA to raise our serious concerns about the impact of the TTIP on local authorities and ask them to raise these with Government on our behalf.

To call for an impact assessment on the impact of TTIP on local authorities.

To publicise the Council’s concerns about TTIP; join with other local authorities which are opposed to TTIP across Europe and work with local campaigners to raise awareness about the problems of TTIP.

To contact the local authorities of municipalities twinned with the Vale of Glamorgan Council asking them to consider passing a similar motion on TTIP.”

681 CABINET PORTFOLIOS (L) –

The Leader asked that Council note that responsibility for Arts, Culture and Heritage had been transferred from the Cabinet Member for Regeneration to the Cabinet Member for Adult Services.

RESOLVED – T H A T the change in Cabinet portfolios be duly noted.

682 USE OF THE MANAGING DIRECTOR’S EMERGENCY POWERS (MD) –

The following use of the Managing Director’s Emergency Powers was reported:

(a) **Membership of Scrutiny Committee (Lifelong Learning)**

Authority to replace Councillor Rhona Probert with Councillor Kate Edmunds with immediate effect.

(Scrutiny - Lifelong Learning)

(b) **Imposition of Ban on a Member of the Public**

Authority to impose a six month ban on a member of the public following an incident at the Planning Committee on 3rd September, 2015; the ban to prohibit attendance at Council meetings or events which are ordinarily open to the public to attend and

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attendance at meetings of the Council and its Committees, Cabinet and Community Cabinet meetings.

(Scrutiny - Corporate Resources)

683 REVIEW OF THE COUNCIL'S CONSTITUTION (MO) –

In introducing the report, the Leader referred to the fact that Appendix A to the report had been tabled at the meeting. It had also been e-mailed to all Members earlier in the day.

In approving a revised Council Constitution on 28th September, 2015, Council also authorised the Monitoring Officer to make any minor amendments, correct typographical or drafting errors and ensure all cross-references within the Constitution were correct prior to publication; these being reported to Members accordingly. It was further resolved that the Monitoring Officer be authorised to undertake a review of the Licensing Committee arrangements operating within the Council, in consultation with Group Leaders, and reflect the same in the Constitution.

Since the September meeting, and as part of the cross-checking of the document, the opportunity had been taken to clarify the definition of Chief Officer and to insert footnotes and updates regarding various legislative provisions which had been repealed / replaced. In addition, and at the request of the Council's Internal Audit Section, two specific amendments (shown in bold below) had been made to the Financial Procedure Rules and Contracts Procedure Rules as follows:

- Financial Procedure Rule 16.1.3 amended to read "These Rules are intended to be read in conjunction with the Council's Contracts Procedure Rules (CPRs) and will be supported, where necessary, by Financial Procedure Notes which give instructions on specific areas of financial control. **These rules apply to schools, who must also have regard to the Financial Scheme for Schools, which is based on the legislative requirements of the Schools Standards and Framework Act 1998**
- Contracts Procedure Rules 17.4.2 to be amended to include reference to 'the officer from time to time with operational responsibility for **Internal Audit**'.

In accordance with the decision of Council of 28th September, 2015, all Group Leaders (together with the Chairman of Licensing Committee) were contacted regarding the Licensing Committee arrangements. The delegation to undertake a review was designed to address the issue of whether the Council should, in fact, have two distinct Licensing Committees (in essence a "statutory" and a "general" one). Having considered the Council's existing arrangements and also taking into account specific guidance issued in 2014, draft Terms of Reference for two distinct Committees were drawn up and circulated to Group Leaders for consideration. These were attached as Appendix A to the report. The "statutory" Licensing Committee would be responsible for all matters regulated by the Licensing Act 2003 and the Gambling Act 2005. It was proposed that the "general" Committee be entitled the "Public Protection Licensing Committee". This second Committee would

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discharge those licensing activities which were not governed by the 2003 or 2005 Acts and which did not fall within the remit of the:

- (i) Council, any of its Committees or the Executive;
- (ii) The joint Committee for Shared Regulatory Services.

Both Committees would be able to appoint Sub-Committees if desired.

The two Committees would need to be separately constituted; it being noted that the "statutory" Licensing Committee did not need to be politically balanced (although it could be) as it would not be a Committee created under the Local Government Act 1972. However, the Public Protection Licensing Committee would have to be politically balanced. As such, if the Membership of both Committees was the same, only one need count (as it did now) in terms of the overall political balance calculations. Subject to those provisions, both Committees could, indeed, comprise the same Members and have a similar structure with regard to Sub-Committees.

No adverse comments were received from any of the Group Leaders or the Chairman of the existing Licensing Committee. Revised Licensing Committee arrangements, incorporating two distinct Committees with the Terms of Reference as set out in Appendix A to the report, and each comprising the same existing Licensing Committee members, were, therefore, recommended for approval.

The revised version of the Constitution would be uploaded onto the Council's website during December 2015.

RESOLVED –

- (1) T H A T the amendments made to the Constitution since its approval by Council on 28th September, 2015 be noted.
- (2) T H A T the Council's existing Licensing Committee arrangements be replaced by the setting up of two Licensing Committees, i.e. a "Statutory Licensing Committee" and a "Public Protection Licensing Committee".
- (3) T H A T the Terms of Reference of the two Committees be as set out in Appendix A to the report and both Committees comprise the same existing Licensing Committee members.

684 TREASURY MANAGEMENT (REF) –

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C2973, 16th November, 2015, be approved.

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685 INITIAL CAPITAL PROGRAMME PROPOSALS 2016/17 (REF) –

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C2974, 16th November, 2015, be approved.

686 PUBLIC SPEAKING AT SCRUTINY COMMITTEES (REF) –

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C2993, 30th November, 2015, be approved.

687 COUNCIL TAX REDUCTION SCHEME (REF) –

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C2999, 30th November, 2015, be approved.

688 GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES 2016-2019 (REF) –

The Leader reminded Members that the reference from Cabinet of 14th December, 2015 had been tabled at the meeting.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C3009, 14th December, 2015, be approved.

689 WELLBEING OF FUTURE GENERATIONS (WALES) ACT: DRAFT GUIDANCE –

RESOLVED – T H A T the use of the Urgency Decision Procedure (Cabinet Minute No. C2977, 16th November, 2015) as set out in Article 14.14 of the Council's Constitution, in order to enable a response to the consultation to be submitted by the deadline of 16th November, 2015, be noted.

690 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 8.2 -

Due notice had been given of the following questions:

(i) **Question from Councillor R.J. Bertin**

Can you please remind us just how many of our staff earn over £100k per year at this Authority?

No.

Reply from the Leader

Two – excluding teachers, who are the responsibility of each school under LMS and their salaries are agreed by the individual Governing Bodies.

Supplemental

Councillor Bertin asked whether it would be possible to put on the Council's website a clear description of what the two jobs entailed and the related salaries.

The Leader indicated that he would look into the matter and to the appropriateness of such. However, he was of the view that most Members would realise who the two officers were.

(ii) **Question from Councillor R.J. Bertin**

Do you think that the Public Services Minister, Leighton Andrews, has given proper thought to his proposal to merge Welsh Councils?

Reply from the Leader

No.

Supplemental

Councillor Bertin referred to the potential for up to 1,900 jobs to be lost and to the latest report as not indicating how the matter would be funded or achieved. He asked the Leader whether he would support putting a proposed merger out to a public referendum.

The Leader reminded Members that he was not actually proposing a merger.

(iii) **Question from Councillor R.L. Traherne**

In view of the increasing levels of obesity among children and young people, what are we doing to increase the delivery of physical education in our schools?

Reply from the Cabinet Member for Children's Services and Schools

Physical Education is a statutory part of the school curriculum.

Physical development is part of the new Baseline Assessment, which has to be administered during the first 6 weeks of a child's entry into reception class. It relates to the development of children's body control and coordination of large movements, fine manipulative skills, spatial awareness and balance. It also focuses on a healthy lifestyle upon which physical well-being depends.

No.

The PE curriculum in schools embraces the following elements:

- Health, Fitness and Wellbeing
- Adventurous Activities
- Creative Activities
- Competitive Activities.

Schools support students' commitment to physical activity through extracurricular activities.

The Challenge Advisors provided through the Central South Consortium have the responsibility to challenge, monitor, and support individual schools. Where schools need support in specific areas, they are able to access this from the central Physical Literacy Team.

The remit of the Physical Literacy Team is to promote health and physical fitness throughout all schools in the region. Two of their most recent activities within the Vale of Glamorgan have been:

- At Cadoxton Primary School, the 'Getting Hooked on Sport' project, which involved the school in embedding physical literacy across the school using initiatives developed through Physical Education and School Sport and the Physical Literacy Programme for Schools and underpinned by the principles of the Physical Literacy Framework.
- Bryn Hafren Comprehensive was invited to take part in a pilot involving four other schools from the region to:
 - improve participation levels and reported enjoyment of PE and school sport.
 - improve general physical activity levels.
 - give a group of young people support, training and the opportunity to influence the delivery of PE and school sport in their school.

In addition, the Vale has a proven track record of developing strong, sustainable sporting activities and this is evidenced by the results of the School Sport Survey (2015), which ranked the Vale of Glamorgan 3rd across Wales for the 'Hooked on Sport' target. Over a two year period, participation rates amongst children and young people in the Vale have increased by 8% to 52%. This figure is 4% above the Welsh average.

Schools are supported to develop sport and physical activity interventions via two main schemes; Dragon Sport (primary) and 5 x 60 (secondary). The principal aim of the interventions is to increase the quantity and quality of sport and physical activity opportunities for young people in the Vale of Glamorgan.

The Active Young People Team plans, monitors and evaluates interventions. As a result, the Vale has above average participation in frequent extra-curricular participation and regular participation at clubs outside of school. The School Sport Survey 2015 also highlighted that young people are twice as likely to be hooked on

No.

sport if they are confident and five times as likely to be hooked on sport if they enjoy extra-curricular sport. The Vale scored higher than the Welsh average for both of these key variables.

Significant emphasis is placed on the involvement of young people in the development and delivery of sport in school and community settings. Initiatives such as the Young Ambassador programme and Pupil Voice Groups provide an important avenue to ensure young people have their say on barriers to participation and consequently help shape future provision. Our Young Leader development pathway offers a variety of leadership and coaching experiences and accredited training opportunities for young people between the ages of 9 and 18 years old.

Supplemental

Councillor Traherne referred to a recent Scrutiny Committee (Social Care and Health) meeting at which Members had been informed by Fiona Kinghorn, a consultant in public health in Cardiff and the Vale University Health Board, that schools in the Vale delivered 109 minutes of physical education a week, compared to the minimum target of 120 minutes. Councillor Traherne asked the Cabinet Member how the gap was to be closed.

In response, the Cabinet Member assured Members that the matter would be addressed, that he would raise it with the Director and the Departmental Management Team and provide a full written response to all Members.

(iv) Question from Councillor R.L. Traherne

I understand that on the 30th of September 2015 local councils and other public bodies in Wales received compliance notices outlining new rules on what services need to be provided in Welsh. Issued by the Welsh Language Commissioner, the notices set out a new set of standards for Councils, the Welsh Government and National Parks designed to improve services for Welsh-speakers and offer guidance on what actions organisations need to take to help protect the Welsh language. Have we received our compliance notice and are there any new services that we are required to provide to the people of the Vale of Glamorgan?

(N.B. At the meeting, Councillor Traherne confirmed that, having read the Cabinet report of 14th December, 2015 regarding this matter, his question had, in fact, been answered).

(v) Question from Councillor R.L. Traherne

What are you doing to help hard pressed businesses, particularly retailers, cope with the burden of paying business rates?

No.

Reply from the Leader

I am happy to confirm that we are carrying out a great deal of work and support in this respect.

Many rate support schemes are in operation which businesses can apply for and many receive considerable levels of relief. During the current financial year the Council has applied statutory Small Business Rate Relief to all occupied businesses, which has helped 1,947 local businesses so far this year.

The Council has also adopted Retail Rate Relief, which gives relief of up to £1,500 on the business rates bill of occupied retail properties with a rateable value of £50,000 or less provided an application is approved. This has helped 459 local businesses so far this year and applications continue to be received. To that end, application forms were sent in July to all businesses who could be identified as retailers and who may meet the qualifying criteria, in line with the eligible business listed in the Welsh Government guidance.

The Council's website is regularly updated to give local ratepayers relevant information on relief and the Council offers assistance in explaining the criteria needed to meet the application for relevant NDR relief when requested.

Supplemental

Councillor Traherne asked whether the Council had made use of hardship relief under Section 49 of the Local Government Finance Act 1988 in order to save businesses from bankruptcy.

The Leader was aware that such provision was considered but indicated he would provide a written response.

(vi) Question from Councillor R.L. Traherne

On page 16 of the Corporate Plan under 'encouraging healthy lifestyles' HSCW4 states: *Increase levels of physical activity and reduce rising levels of obesity by delivering the Local Authority Partnership Agreement and the Council's responsibilities in the Healthy Communities Food and Fitness Framework Action Plan.* Are we making any progress in delivering this objective?

Reply from the Cabinet Member for Visible and Leisure Services

Yes we are.

Supplemental

Councillor Traherne referred to the Welsh Health Survey 2013 as stating that 57% of the adult population of the Vale of Glamorgan was either overweight or obese and to only 32% of adults eating at least five portions of fruit and vegetables a day (with this

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continuing to decline). Unless there had been a dramatic improvement since the report, he asked the Cabinet Member whether he considered the Council should be doing more and whether the introduction of Vale food charities had been considered.

The Cabinet Member responded that the Vale of Glamorgan had recently retained its top 3 position in the recent independent school sports survey, commissioned by Sport Wales, that measured physical activity levels for children and young people. It had recorded an increase in physical activity of 8% in the two years since the previous survey. This survey was believed to be the most accurate and inclusive of its type in the whole of Western Europe. Combined with the Vale's ranking of first in the most recent adult participation survey, also commissioned by Sport Wales, there was a strong argument that the Vale was now the most physically active area of Wales. The Local Authority Partnership Agreement was being delivered year on year creating more opportunities for the population of the Vale to have access to physical activity opportunities. Whilst the Council, and in particular the Sports Development Team, have been praised by Sport Wales for its achievements, it was also recognised that, without the contribution of hundreds of volunteers in the Vale of Glamorgan who gave their time week in week out to run sports clubs or help with coaching, the recent survey results would not have been possible.

The ongoing success of the Council's Leisure Centre partnership with Legacy Leisure, combined with the investment made by the Council in these facilities had also made a difference as gym memberships had increased significantly as the quality of the products the Council provided continued to progress. He found it greatly encouraging that the two most visited indoor facilities owned by this Council are Barry and Penarth Leisure Centres.

In addition, he was pleased to inform Council that a recent Wales Audit Office report into the provision of Leisure Services highlighted the Vale as an example of good practice in Wales. The Council was praised for the approach it had taken in developing a partnership approach an external organisation. The report highlighted the clear focus the Council had developed in terms of increasing customer satisfaction, increasing the range and quality of services provided at its leisure centres, whilst also improving its own financial situation.

The National Exercise Referral Scheme (NERS) operated directly by the Council, via external funding, was also having a positive effect and a presentation on the impact of this scheme would be given to the next meeting of the Scrutiny Committee (Social Care and Health) in January.

It was, however, also accepted that encouraging healthy lifestyles and reducing obesity levels at a population level was an ongoing challenge. In addition to the work within the Leisure section, therefore, a joined-up approach was being developed between the Council, the Health Board and other local Partner organisations via the Cardiff and Vale of Glamorgan Health and Well-being Board. The Board had identified population obesity as its top priority and aimed to develop an innovative approach across the region. Partnership plans had been aligned across the region into separate food and physical activity plans and the Board regularly monitored their implementation. The Council had actively contributed to the

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development and running of the Board. Action undertaken as a result of the partnership plans included the following:

1. Nutritional Skills for Life work was being delivered by the Wellbeing Coaches within Community First. Projects delivered through Communities First to address the obesity issue included: Healthy Eating, becoming more active, weight loss (through the Foodwise Community Weight Management programme), a Food Co-op and StreetGames. Communities First report directly into the Regeneration function of the Council.
2. Healthy Schools Scheme interventions with all Vale primary and secondary schools raised awareness of the importance of a healthy lifestyle. The Council and its schools representatives worked tirelessly to ensure that the key messages around healthy eating and the importance of physical activity were communicated and embedded in schools.
3. Schools Catering Service maintained schools were compliant with the Food in Schools Measure (2014), previously Appetite for Life, and contributed to making the healthy choice the easy choice for children and young people.
4. Work was underway to develop a Food Network and Charter for the Vale of Glamorgan. The Public Health Team was working in partnership with a variety of Council departments to develop this including Regeneration, Creative Communities, Town Centre Management, Tourism, Leisure, and Parks, Catering and Education for example.
5. The Financial Inclusion Group, which reported into the LSB, was including actions to tackle food poverty and increasing community skills and knowledge around healthy eating on a budget in its action plan.
6. The Council was working in partnership with Sustrans, Barry Communities First Cluster and Vale Healthy Schools Scheme to increase levels of active travel to schools situated in deprived areas of Barry. This work was funded by the Welsh Government's Wellbeing and Activity Grant as recommended by Cardiff and Vale Public Health Team.

Clearly, there is was a significant amount of work ongoing but it was important that the Council continued to work with our various partners to increase levels of physical activity and to reduce obesity.

(vii) **Question from Councillor J.W. Thomas**

Have you spoken to our Assembly Member, Jane Hutt, about the reorganisation of Local Government? Does she support the merger of the Vale of Glamorgan Council with Cardiff City Council?

No.

Reply from the Leader

Yes – as a Minister of the Welsh Government who supported the proposals and voted in favour of the Bill, I believe that answers your question.

Supplemental

Thanking the Leader for having stated on a number of occasions his opposition to a merger and to having confirmed it at the meeting, Councillor Thomas referred to the forthcoming stepping down of Councillor Hedley McCarthy as Leader of Blaenau Gwent Council. Given that one of Councillor McCarthy's reasons for doing so related to his serious concerns regarding the way Local Government Reorganisation had been handled, he asked whether the Leader (given his similar concerns) had considered doing likewise or whether he was content to campaign for a Labour Party in Wales that would abolish the Vale of Glamorgan Council.

The Leader confirmed that he understood Councillor McCarthy's concerns, but that that had not been the only reason he was standing down. The Leader reiterated his own position in terms of not approving of the proposals and being on record as stating such. He suggested that the proposals currently in circulation might, in any event, not happen, dependent upon the outcome of the Welsh Assembly elections in May 2016. As to whether he had thought about standing down, he had, but assured Members he would not be doing so.

(viii) Question from Councillor P.J. Clarke

Our Constitution States:

7.1.1 The Council is required by law to discharge certain overview and scrutiny functions which are an essential component of local democracy. "Scrutiny committees" should be powerful and contribute to the development of Council policies and also hold the Cabinet to account for its decisions. Another key part of the overview and scrutiny role is to review existing policies, consider proposals for new policies, and suggest new policies.

7.1.2 Overview and Scrutiny should be carried out in a constructive and should aim to contribute to the delivery of efficient and effective services that meet the needs and aspirations of local inhabitants. Scrutiny Committees should not shy away from the need to challenge and question decisions and make constructive criticism.

Mindful of the above, does the Leader and Cabinet consider, that the current system which allows a Leader or Cabinet Member to operate these functions whilst their spouse are chairing a Scrutiny Committee, gives robust scrutiny?

No.

Reply from the Leader

I am really disappointed that you should ask this question or infer what you have, bearing in mind this Council has a robust Equal Opportunities Policy and a Strategic Equality Plan. I would recommend that you read them. They are easily available on the website, but to be helpful, I can give you copies. All you need to do is ask.

I would suggest that this remark edges on the boundary of bringing you as a Member, and this Council into disrepute and is potentially a breach of the Members' Code of Conduct, which I would remind you states under the heading 'Equality and Respect':

"Members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion, and show respect and consideration for others."

Under the Equalities Act 2010, it is against the law to discriminate against anyone because of many 'protected characteristics' including:

- being married or in a civil partnership
- sex (i.e. the sex of a person)
- you are associated with someone who has a protected characteristic, e.g. a family member or friend.

These protections from discrimination include when:

- at work (here)
- when using public services.

Perhaps I should also remind Members that Councillor Anne Moore is one of the longest serving Members on this Authority, who has a breadth and depth of knowledge on how the Council operates. She has been democratically elected to serve as a Councillor on this Council and has been selected to this position on merit by our Group and not because she is married to me.

I would also remind Council that the practice of having couples elected to this Council is a very long held tradition and basic right. We have more than one. There have been many couples elected and under the last Administration the Leader's spouse held the position of Vice Chair and, subsequently, Chair of a Scrutiny Committee and she too held those positions with dignity and independence, as does my spouse (as you put it).

I should, therefore, treat this question with the disdain it deserves, but for clarity and transparency I will give an answer.

No.

I do believe that Scrutiny is robust and, in particular, the Scrutiny Committee conducted by Councillor Anne Moore and Councillor Peter King is done so ably and independently.

You should know that to be the case as you are a member of that committee. You should also know that that Scrutiny Committee has rejected proposals being considered by Cabinet and has made (on many occasions) recommendations to Cabinet on various issues. They have scrutinised many aspects of the Council's work, including calling evidence from members of the public and Members - such as on the LDP and, more recently, car parking charges and the Rhoose Point issue - as you very well know.

The meetings are conducted in a very stringent manner, with clear protocols, especially where evidence is being given to the committee by members of the public or other Councillors who are not on that Committee. Every member of the Committee is given the opportunity to make any comment or make any recommendations to the committee to refer to Cabinet, as should be the case.

Anne will not be pressurised by me or any other member of Cabinet.

To conclude, I refute absolutely your inference and would call upon you to make a formal apology to this Council and those present.

Supplemental

Councillor Clarke stated that he had written the question believing it to be true and he continued to be of the view that there was a conflict of interest. He referred to the object of scrutiny as being to scrutinise properly and he considered that difficult when the Leader and spouse were a couple, because it could depend on the relationship and take many forms. He suggested that there had been no criticism from the Conservative Group, given that the previous Administration had included the same situation. As such, he would not apologise.

(ix) Question from Councillor Dr I.J. Johnson

What assessment has the Leader made of the impact of the Welsh Government draft budget and local government spending allocation upon the Vale Council's base budget for 2016-17?

Reply from the Leader

I have been assessing the budget since its announcement last week. I can confirm that there has been a reduction in funding from Welsh Government as a result of the cuts imposed on the Welsh Government by the UK Tory Government. The level of reduction is not as great as we had originally assumed. However, the details and how they apply to different services across this Council are still being assessed.

No.

Final consideration of the overall impact after delving into the details of the Local Government Settlement will be brought to the Cabinet in the New Year.

Supplemental

Councillor Dr. Johnson referred to the Scrutiny Committee (Social Care and Health) as having raised a number of issues regarding cost pressures as a result of Welsh Government policy. He asked the Leader whether there was any indication in the budget (or outside of the budget) from Welsh Government as to whether they would look into some of those issues / cost pressures.

The Leader understood that the Welsh Government indicated that most of the legislation they proposed had a negative, or neutral, impact but did not think that was possibly true. One element that might be included and which the Council would need to look into was whether there would be extra provision. Indeed, part of the budget settlement in the Ministerial statement had referred to extra monies for social services. As such, he assumed there would be some additional finance but doubted it would be sufficient.

(x) **Question from Councillor Dr. I.J. Johnson**

How many Syrian refugees, including children, will the Vale of Glamorgan Council have re-settled either temporarily or permanently by Christmas 2015?

Reply from the Cabinet Member for Housing, Building Maintenance and Community Safety

None.

Supplemental

Councillor Dr. Johnson referred to the first Syrian refugees as having started to arrive in Wales. He asked the Cabinet Member what obstacles the Council was facing in being able to resettle people within the Vale of Glamorgan.

The Cabinet Member was unsure as to whether the term “obstacles” was appropriate. She reiterated comments she had made previously regarding the Council working regionally with Cardiff. She wanted the approach to this matter to be a considered and appropriate one and not for the Council to become (as termed by the Home Office) “trail blazers”. She considered that terminology to potentially “glorify” a situation, which required a more considered approach.

She informed Members that officers from the Vale and Cardiff Councils were meeting with Home Office officials the following day. The Council was moving forward and was working with the Leadership Board, the University Health Board, Muslim Council for Wales, Churches Together and the South Wales Police. However, it was important to ensure that people relocated within the Vale of Glamorgan did so within the right welfare settings, accessing appropriate housing and support and that they could actually settle and integrate into the community.

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(xi) **Question from Councillor Dr. I.J. Johnson**

What is the value of investment to Barry under regeneration schemes provided (a) as a Strategic Regeneration Area and (b) through the Vibrant and Viable Places Scheme? How many jobs have been created or secured in Barry under both of these schemes?

Reply from the Cabinet Member for Regeneration

The Barry Regeneration Area programme brought a total of £9.8m of Welsh Government investment between the years 2010/11 and 2013/14 inclusive. The programme addressed largely physical improvements to the environment, leading to long term investment or increases in tourism. While there is a Welsh Government evaluation in the programme which was discussed at Scrutiny Committee (Economy and Environment) on 6th October, no evaluation of job growth has yet been carried out by Welsh Government as far as we are aware.

Under Vibrant and Viable Places, Welsh Government has awarded the Council £1m in capital funding through the Tackling Poverty Fund over the three financial years 2014/15, 15/16 and 16/17 and also £842,857 through the Town Centre Repayable Funding Scheme for the financial year 2015/16 which is then recyclable. The Tackling Poverty Fund addresses investment in retail areas and community facilities and we are only halfway through the programme, which the Town Centre Repayable Fund is committed for housing led projects. It is also too soon to evaluate the impact at this stage. However, the Regeneration Area and Vibrant and Viable Places are part of the whole town approach to regeneration in Barry adopted by this Council. Alongside this, through delivery of the work programme, the Council has helped long term unemployed people in the Vale to secure 853 jobs with an additional 175 people in Communities First areas supported into employment in the last 2 ½ years.

Supplemental

Councillor Dr. Johnson asked whether the Cabinet Member agreed that, in overall terms, being nominated as a Strategy Regeneration Area with committed funding had been better for the county and the town of Barry than the Vibrant and Viable Places Scheme (which had been based on bids and project-led programmes). He asked whether the Cabinet Member would look to revert to a Regeneration Area approach once the Vibrant and Viable Places scheme came to an end.

The Cabinet Member reiterated that the Council was taking a “whole town” approach to regeneration, working with funding streams from Welsh Government, but also looking to innovative funding streams, such as the use of Section 106, and other, funding streams. Those funding streams had assisted in providing a hugely solid foundation for young people to move forward and she considered the establishment of five new schools in three years (with more to come) as an impressive achievement for any Council. She referred to there being many achievements which had resulted from other associated regeneration schemes (not just those funded by

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Welsh Government). The Council knew there was likely to be second phase of Vibrant and Viable Places and would be applying for the funding. However, it would also continue to take an innovative “whole town” approach. She quoted Professor Dave Adams of Regeneration Excellence Wales, who had recently referred to Barry as being a great exemplar of what could be achieved by locally driven, and locally inspired, regeneration. The Council would continue with the same approach.

(xii) **Question from Councillor Dr. I.J. Johnson**

How many incidents of anti-social behaviour, including damage to property, have been reported at Barry Library in 2015, and what is the cost to the Vale Council of damage to property at the site?

Reply from the Cabinet Member for Adult Services

Since June 2015, ten anti-social incidents involving young people have been recorded on the ASBIT system, including vandalism, graffiti and fire setting. We do not currently have figures relating to the costs to the Council of any damage to property.

To date this year, the Council has spent £1,724.15 on repairs/cleaning to the building following anti-social behaviour events. The major expense (£1,365.79) has been the replacement of the 22 broken windows as a cherry picker is often needed for safe access on site which adds to the cost.

Council officers, including detached and mobile teams from the youth service, have worked with the police and fire service in order to improve the reporting of incidents and to combat these incidents. The Youth Service is engaging with young people who are in the area using sports and other diversionary tactics. On Friday 11th December the mobile bus, V-pod, was in the area in order to engage young people.

Supplemental

Councillor Dr. Johnson asked the Cabinet Member how the Council was planning to quantify the security risks to the building and whether they were based on costs or risk-based assessment.

The Cabinet Member considered the Council to have been very proactive in, for example, ensuring that the Youth Service was engaging with individuals who had been causing anti-social behavior. He referred to the pattern which often occurred where the elimination of anti-social behavior in one area simply resulted in it moving to another. The Council would continue to proactively engage with the young people concerned in an effort to move them away and deter them from damaging Council property. Information which had been publicised regarding the fact that security had been removed from the library had led to some of the occurrences, which he considered somewhat disappointing in one sense as it appeared certain elements of society took pleasure in the fact that there was no security present. He assured

No.

Members that the Council would keep a close eye on matters, given that he viewed the building as a valuable asset for the whole of Barry.

(xiii) **Question from Councillor Dr. I.J. Johnson**

What plans does the Vale Council have for outsourcing Council services to private firms as part of the Reshaping Services programme?

Reply from the Leader

There are no plans to outsource council services to private firms in the Reshaping Services programme or elsewhere.

Supplemental

Councillor Dr. Johnson asked the Leader whether he would ensure that Members were made aware of any changes to the stated stance.

The Leader assured Members that he would do so. As Members were aware, the Reshaping Services programme involved looking at all Council services and, should any proposals materialise, they would, indeed, be reported to Cabinet and, where appropriate, Council in due course.

(xiv) **Question from Councillor P.J. Clarke**

Sometime in the distant past it was recommended and agreed following a Task and Finish project (E and E) that the road from the Lidl's to Gilbert Lane East should be progressed to become a Bridleway. This would avail the opportunity for residents to cycle from the East of Barry via Gilbert Lane and the Westra to Dinas Powys. Since this former road, which has much use until recently, it was agreed that very little engineering would be required for this project with low cost to the Council.

Most roads in England are declassified to bridleways when they are no longer used by the public in motor vehicles. I am concerned that this project on the Eastern side of Barry has not progressed, as we are supposed to have a Rights of Way Improvement Plan. Please supply an update.

Reply from the Cabinet Member for Regeneration

The current position in respect of the route is that it is being considered as part of the Council's Active Travel Plan Consultation, which closes on 18th December 2015. It is, however, important that this route is looked at in context and that there is consideration given to how it would link in with surrounding roads and uses. The outcome of the consultation process will be considered in the New Year.

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691 QUESTIONS FROM THE PUBLIC –

The following questions were submitted and replied to as shown, in accordance with the protocol agreed by Council on 5th May, 2010 (neither of the questioners were present at the meeting):

(i) **Question from Ms. N. Ross**

With reference to Penarth Renewal Phase 5B, can the Vale explain how they are going to rectify the problem with the certification, i.e. the Final Certificate is dated 31st May, 2008, yet the site is still to be completed to date. The Practical Completion Certificate was dated nine months after the final certificate 18th March, 2009. The Certificate of Making Good is yet to be issued. Please let me know how this invalid sequence of certification is to be remedied?

Reply from the Cabinet Member for Housing, Building Maintenance and Community Safety

The Council instigated further works at this location, intended to address the defects in work carried out previously by contractors. Officers are working diligently to address any ongoing concerns of residents. The Council is committed to working towards a finalisation of the project and will be writing to all householders in due course regarding the position in relation to the warranties in respect of the remedial works undertaken.

(ii) **Question from Mr. D. Jenkins**

Can the Vale of Glamorgan let me know what action has been taken against B3 Burgess and Orbit Construction regarding Penarth Renewal Phase 5B with reference to the amount of public money that has been spent on this site to date to try and rectify all the defects and poor workmanship made by those agents on behalf of the Vale of Glamorgan?

Reply from the Cabinet Member for Housing, Building Maintenance and Community Safety

The matter is not finalised. No further details can be provided. This is to ensure that the parties involved are not prejudiced, or, indeed, any future process.