

VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 20th July, 2016.

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

195 APOLOGIES FOR ABSENCE -

These were received from Councillors Keith Hatton and Steffan Wiliam.

196 DECLARATIONS OF INTEREST -

The following Members declared a personal, but not prejudicial, interest in the Agenda Item No. shown and, consequently, were able to speak and vote on the matter:

Name of Member	Agenda Item/Nature of Interest
Councillor Bennett	Agenda Item 6 - Former Member of Armed Forces
Councillor Rob Curtis	Agenda Item 6 - Former Member of Territorial Army
Councillor Hacker	Agenda Item 6 - Former Member of the Armed Forces (National Service)
Councillor Jarvie	Agenda Item 6 - President of Royal British Legion, Cowbridge Branch
Councillor John	Agenda Item 6 - Member of Royal British Legion
Councillor Fred Johnson	Agenda Item 6 - Member of the Royal British Legion and former Member of 125 Staffing Field Support Squadron, Royal Engineers
Councillor King	Agenda Item 6 - Former Member of British Merchant Navy
Councillor Mahoney	Agenda Item 6 - Former Member of Royal Marine Reserves
Councillor Powell	Agenda Item 6 - Former Member of Armed Forces and Member of Royal British Legion
Councillor Traherne	Agenda Item 6 - Member of Welsh Guards

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Councillor Clive Williams	Agenda Item 6 - Member of Royal British Legion and former Member of Armed Forces
Councillor Eddie Williams	Agenda Item 6 - Member of Royal British Legion, former Member of Royal Air Force and employee of the Ministry of Defence
Councillor Wilson	Agenda Item 6 - Member of Penarth Royal British Legion.

197 MINUTES -

RESOLVED - T H A T the minutes of the meeting held on 27th April, 2016 and the Annual Meeting held on 11th May, 2016 be approved as a correct record.

198 ANNOUNCEMENTS -

The Mayor made the following announcements -

He welcomed, on behalf of Full Council, recently elected Councillor Adam Riley to his first meeting of the Council.

During his first months in office he had attended civic functions, both inside and outside the Vale of Glamorgan, charity events and concerts and presented certificates to successful open learning centre students.

He had been delighted to officially declare the International Deaf Bowling Association games open, as well as the New Vale Plus Garden and he had also opened a new business and met business owners from Llantwit Major.

The Twinning Weekend had been hugely enjoyable, a team effort which showcased the Vale to its best advantage.

HMS Cambria had exercised their right as Freemen of the Borough, marching from King Square to the Civic Offices, and bringing with them The Band of the Royal Marines, Plymouth. It had been a truly memorable occasion, and also the Council's formal acknowledgement of Armed Forces Week.

He would also like to pass on his congratulations to those who received Honours in the Queen's Birthday List - Sir David Grant, Mr. Arthur Thomas OBE, Mrs. Kate Cassidy OBE, Mr. Julian Banes OBE and Mr. Timothy Moss CBE.

He had also welcomed the new Lord Lieutenant, Morfudd Meredith, and thanked Dr. Peter Beck for his outstanding services to the Vale of Glamorgan during his Lieutenancy.

Finally, the Mayor was pleased to announce that his Civic Celebration would be held on Saturday 10th September and his first charity event for The Llandough Hospital Orchard Project would be a Golf Day, which would take place on 6th October.

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The Leader made the following announcements:

Firstly, he also welcomed Councillor Riley to the Chamber.

He had met with the First Minister and the Cabinet Secretary for Local Government and Finance and thought that the Council might see a different approach than that of the previous postholder. Subsequently, he, together with the Deputy Leader and the Managing Director, had also had a meeting with the Cabinet Secretary for Local Government and Finance as part of his tour of Local Authorities. It seemed clear that, as far as Local Government Reform was concerned, the previous “map” was now “off the table”. As such, he felt the Council should congratulate itself on the stance it had taken. However, Local Government Reform would still take place in some shape or form. The Leader commented that, as far as he was concerned, the possible reforms were nothing to concern the Council as it was already doing much of what was proposed in the previous Bill and consultation documents.

The Cabinet Secretary had also indicated that he was in “listening mode”. The Leader understood he would be making a statement in the Autumn and he was anticipating that Local Authorities would be encouraged to continue the process of collaborating with each other (something that the Council was already doing).

Confirmation had been received that the Council elections in May 2017 would see Members elected for a five year term.

He (together with the other Leaders involved) had also met with the Secretary of State for Wales regarding the City Deal proposals, which were ongoing and would continue to be for some time to come. An update report was being submitted to Cabinet on 25th July, 2016.

The Future Generations Commissioner had met with himself, the Deputy Leader and the Managing Director. It was clear that she was pleased with the progress of the Authority in terms of the Wellbeing and Future Generations (Wales) Act. She was content with the way that the Council’s Corporate Plan had been put together.

The Commissioner had also attended a meeting which the Council had held with CIPFA and she had congratulated the Council on the way it had worked to meet the terms of the Act and, indeed tweeted the same.

Finally, the Leader assumed that Members were aware there was an animated version of the Corporate Plan which had been produced and which had been particularly well-received. He wished to thank all the staff involved and, in particular, the Youth Forum and the Youth Cabinet for their input.

199 PETITIONS -

The following petitions were received:

- (i) Petition calling on the Council to restore the NAT 303/304 and Cardiff Bus X91 services (submitted by Councillor Jeff James).

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- (ii) Petition from residents of Blackwell Close, Barry, referring to recent crime and antisocial behaviour issues and requesting that their street lights be switched back on all night (submitted by Councillor Richard Bertin).
- (iii) Petition from residents of Park Avenue, Barry, referring to a recent increase in criminal damage, antisocial behaviour, fly tipping and graffiti damage and requesting the installation of a CCTV camera system on Park Avenue (submitted by Councillor Nic Hodges).

200 NOTICE OF MOTION -

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

“This Council believes that The Vale of Glamorgan has a proud tradition of welcoming people from around the world and that our diversity makes us stronger. All those who choose to work and live in the Vale of Glamorgan are valued and as elected representatives we pledge to stand together against hate and intolerance in our communities from wherever that comes and whether it is based on race, religion or belief, age, disability, political affiliation, sex or sexuality.”

In introducing the Motion, Councillor Burnett, Deputy Leader, referred to the fact that, following the European Union Referendum, many Councillors had received letters from local residents who were concerned about a perceived rise in hate crime and requesting that such a Motion be put before Council. As a result, the Leader wrote to Group Leaders on 1st July, 2016 notifying them of the intention to bring the Motion to the meeting.

Since the Referendum vote to leave the European Union, Councillor Burnett stated it had become apparent that the level of hate crime in the Vale of Glamorgan had not increased, although the perception of growing levels of intolerance remained. The approaches received from residents had been very specific and narrow in their focus, specifically relating to tackling racism, xenophobia and hate crimes. She alluded to local data as not supporting the assertion that there was a growing issue, in spite of public perception.

She felt that, on occasions, members of the public could become confused by political activities and media coverage and, perhaps, did not realise the level of commitment existing within the Council in terms of its Members as far as equality and diversity was concerned. She pointed out that, as well as being subject to an equality duty, Members were also governed by a Code of Conduct which specifically mentioned equality and respect. The Council's new Corporate Plan also took account of diversity.

Councillor Burnett stated that, given the above, the initial Motion suggested had been expanded to cover the full extent of the Council's desire to respect equality and to reassure Vale residents of the Council's commitment.

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She duly moved the Motion, with the Leader formally seconding the Motion and reserving the right to speak later in the debate.

Councillor Dr. Ian Johnson indicated that the Plaid Cymru Group would be supporting the Motion and that he was pleased to have heard Councillor Burnett state the context in which it was being presented for discussion. Whilst there was no evidence locally of an increase in such crimes, he alluded to there being an increase nationally. Referring to migrant levels in the Vale of Glamorgan as being low, Councillor Dr. Johnson referred to those people as having contributed to society over many years. He suggested that the provisions covering diversity within the Corporate Plan could, perhaps, be increased even further.

Councillor Mahoney referred to the number of people who, disappointed at the result of the “Brexit” Referendum, were “whining and moaning” and accusing those who voted yes (and their supporters) of encouraging racism and hate crimes. He considered there to be no need for him to have to lend his support to such a Motion as he would never condone any of the type of actions it sought to oppose / condemn. He considered that it indicated the insecurities of those proposing it.

He referred to the fact that Members were being sent co-ordinated emails from “left wing activist groups” encouraging individual Councils to adopt such a Motion. Given an earlier reference to there being no documented evidence of a rise in hate crime, he questioned the need for the Motion. He confirmed he would not participate in the vote on the Motion.

Councillor Bertin referred to the need for the Council to commit to tackling hate crime and its perception amongst people. He alluded to the need to make sure that people felt welcome in the Vale of Glamorgan. He considered that many people were worried about the potential increase in hate crime which might occur. He indicated his support for the Motion.

Councillor John Thomas, Leader of the Conservative Group felt there to be little grounds for a debate as there was, in essence, no “argument” to be had. He confirmed that the Conservative Group was very supportive of the Motion.

Councillor Traherne pointed out that society had not always been as tolerant as he considered it to now be. He would not want to see any kind of a return to the days when levels of intolerance were greater than now existed. Although he considered there was still much work to do (e.g. regarding the gender pay gap), he nevertheless considered that the Council should be proud of its efforts in terms of developing areas such as Equality Impact Assessments and Equalities Training.

Councillor John felt all individuals should be regarded as ‘one’ and he was appalled at the behaviour of any people who condemned other members / sectors of the population. He confirmed the Llantwit First Independent Group was supportive of the Motion.

The Leader indicated he was slightly disturbed by the comments of Councillor Mahoney in questioning the appropriateness of the Motion being submitted. He considered the Motion to show that the Council was responding to the concerns /

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fears of those people who had contacted the Council and that it wished to ensure that those people who were in fear of discrimination (in any shape or form) , knew they could have the support of the Council.

He referred to the values set out in the Corporate Plan - Ambitious, Open, Together and Proud, with a culturally vibrant society. He was disappointed in some of the comments he had seen on-line saying things like the Motion represented a “political trap”. It actually sought to genuinely respond to an e-mail from a Member of Parliament but also, and more specifically, from members of the public who felt there to be a perceived perception that there a problem existed. Having talked to the Police and Crime Commissioner and the Assistant Chief Constable, he was thankful that there had been no increase in such crimes locally, but he was aware of an increase elsewhere in the country. In conclusion, the Leader stated that the Council would not tolerate discrimination.

In summing up, the Deputy Leader indicated she was grateful for the virtually unanimous support that the Motion had received. She wished to take on board Councillor Dr. Johnson’s suggestion and, consequently, would be moving a slight amendment to the original Motion (subject to the agreement of Full Council), which was, in turn, given.

She considered it worth noting that, within the Motion, it alluded not only to being against hate, but also intolerance. In an area such as the Vale of Glamorgan, where there were not levels of hate crime, she considered intolerance to potentially comprise an “insidious influence” that stopped people participating, reaching their potential or speaking their mind.

In terms of the Motion, the Deputy Leader moved an amendment that the emboldened wording as shown below be added to the original wording. The Leader duly seconded the amended Motion, i.e.:

“.....; a commitment that is reflected in the Council’s Constitution, Code of Conduct and Corporate Plan.....”

Upon being put to the vote, the Motion as amended was carried and it was

RESOLVED - T H A T This Council believes that the Vale of Glamorgan has a proud tradition of welcoming people from around the world and that our diversity makes us stronger; a commitment that is reflected in the Council’s Constitution, Code of Conduct and Corporate Plan. All those who choose to work and live in the Vale of Glamorgan are valued and as elected representatives we pledge to stand together against hate and intolerance in our communities from wherever that comes and whether it be based on race, religion or belief, age, disability, political affiliation, sex or sexuality.’

201 NOTICE OF MOTION -

The following Notice of Motion (submitted by the Leader, Deputy Leader and Councillor Gwyn John) had been included on the agenda for discussion:

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“This Council is proud to support the Armed Forces community and endorses the British Legion “Count Them In” campaign which calls on the UK Government to include specific questions relating to this unique community in the next UK census to help us understand the numbers, locations and needs of members of the Armed Forces community, thereby allowing us to deliver the best possible services for people who have served their country.”

In introducing the Motion, the Leader confirmed the aim was for the Council, together with as many individual Councillors as possible, to sign the pledge to ‘Count Them In’. This could be done via the British Legion website, but also by lobbying of MPs to seek to make the change to the Census when it was next issued. He alluded to the Office for National Statistics (along with their devolved equivalent) as already starting to plan what questions would be contained in the 2021 Census. He pointed that, despite an estimated 1 in 10 of the United Kingdom’s population being members of the Armed Forces community, there was very limited information about where they were or what their needs might be. He considered there to be ‘once in a generation’ opportunity to fill this information void, by the addition of questions to the Census. Access to this additional information would enable the Council, and other public services and charities, to target their resources more effectively to help the Armed Forces community. More and more politicians, leading academics and researchers, as well as other military charities, were signing up to the campaign.

The Leader referred to the Council being proud of its large Armed Forces community, comprising both regulars and reservists, who were currently serving, along with former members of the Armed Forces and their families.

He acknowledged the commitment made by the previous Administration in launching the Armed Forces Covenant in June 2011.

The Deputy Leader formally seconded the Motion.

In also formally seconding the Motion, Councillor John referred to having become the Councils’ Armed Forces Champion in 2012, since which time he had continued the development of the Council’s armed Forces Covenant. He concurred with the sentiments expressed by the Leader and hoped all Members would support the Motion. The British Legion, of which he was a member, worked very hard in support of veterans and he knew locally, people were very supportive of the British Legion. He alluded to a number of Members of the Council as being members of the British Legion.

Councillor John Thomas, Leader of the Conservative Group, stated there could be no doubt as to the Group’s commitment to the Armed Forces, reminding Members that the previous Administration had introduced the Armed Forces Covenant. The Conservative Group would be supporting the Motion.

Councillor Traherne indicated that how veterans were looked after was, for him, a very important issue and that, sadly, it was not being done very well. In 1982, he had served with the 1st Battalion Welsh Guards in the Falklands War, when many men had been lost and a considerable number of soldiers badly injured. In those

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days, he referred to there being little understanding of Post-Traumatic Stress Disorder (or PTSD) and that, whilst the best efforts were made to look after the physically injured, people did not know how to look after those suffering from mental illness.

When those soldiers left the Army there was little or no help and many found solace in drugs and alcohol, and were sadly unable to cope with life on the outside. He considered things to be very much better today and, whilst they are still serving, everything possible is done to ensure that servicemen and women suffering from PTSD receive the necessary medical treatment. However once such people leave the Services they often fall “beneath the radar”.

Councillor Traherne considered it to be sad fact of life that the Ministry of Defence did not seem to co-ordinate its efforts with the National Health Service. Consequently, Councils such as the Vale of Glamorgan had no idea how many veterans were living in their areas and, indeed, how they were coping. He was, therefore, delighted to support the Motion because ‘Count Them In’ had the potential to improve the quality of life for many of those who had served their country at great personal cost and who now needed some help.

Councillor Dr. Johnson regarded the matter as being of great importance to him and to the fact that he had previously been involved in a campaign that had sought make Military Covenants part of legislation. He alluded to the number of Members who had declared an interest in the agenda item as being part of the “family of veterans” and he considered it very important that the additional questions be added to the Census.

He thought the Armed Forces would have unanimous support from the Council and hoped all Councils would support such an approach.

Councillor Penrose confirmed the Independent Group obviously supported totally the Motion and its intentions and outcomes.

Councillor Bertin expressed his support for the Motion and expressed the hope that the Office for National Statistics (ONS) made sure the Armed Forces were factored into the next Census count. He understood the Council would be the first Council in Wales to sign up to such a Motion.

The Leader, in summing up, confirmed he had nothing to add to his earlier comments.

Upon being put to the vote, the Motion was carried unanimously and it was

RESOLVED - T H A T this Council is proud to support the Armed Forces community and endorses the British Legion “Count Them In” campaign which calls on the UK Government to include specific questions relating to this unique community in the next UK census to help us understand the numbers, locations and needs of members of the Armed Forces community, thereby allowing us to deliver the best possible services for people who have served their country.”

202 ALLOCATION OF SEATS ON COMMITTEES (MD) -

Section 15(5) of the Local Government and Housing Act 1989 required that the total number of seats across all Committees should, as far as practicable, reflect the political balance of the Council.

At the Annual Meeting in May 2016, the appointment, membership and terms of reference for Committees for 2016/17 was determined. In doing so, the seats formerly occupied by former Councillor Clarke remained vacant pending the outcome of the resultant by-election (following which any adjustments to Groups' entitlements to seats were to be submitted to Council for consideration).

As a result of the above, five seats had remained vacant, i.e. on the following:

- (former Scrutiny Committee (Economy and Environment))
- Licensing Committee
- Investigating Committee
- Early Retirement / Redundancy Committee
- Appointment of Local Authority Governors' Advisory Panel.

Members were aware from the last two Annual Meetings of the procedure agreed by Full Council to determine the allocation of seats across Committees. This included giving specific consideration initially to the allocation of seats across the five Scrutiny Committees.

Attached as Appendix A to the report was the calculation relating to the political balance requirement for Committees in accordance with the Local Government and Housing Act 1989, following the election of (Independent) Councillor Riley to the Council. Whilst there were currently a total of five vacancies following the reduction in the size of the Independent Group from five to four, the total allocation of seats for the Independent Group actually reduced by four, as opposed to five. However, it was important to note that (given the procedure referred to above regarding dealing with Scrutiny Committee memberships initially), one of those four seats that the Independent Group was required to give up came from within their overall allocation of seats across Scrutiny Committees. In essence, the Group's entitlement across Scrutiny Committees reduced from five to four seats.

As an individual Member of the Council, Councillor Riley's entitlement to seats on Committees was a matter for Full Council to consider and determine.

The Leader asked that Councillor Penrose indicate during the discussion which four seats (including one seat on a Scrutiny Committee) the Independent Group would be giving up, given that meetings of certain of the Committees involved were taking place in the near future.

Councillor Penrose echoed the Leader's earlier welcome to Councillor Riley. The view of the Independent Group was that the overall process for the allocation of seats (as amended in 2015) did not reflect the relevant legislation covering this subject. However, the Group had decided they would go along with the 'spirit' of the

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report and would give further consideration to the matter when an Administration was in place following the 2017 Council elections.

Councillor Penrose confirmed that the four seats that the Independent Group would be relinquishing would be on the following:

- Environment and Regeneration Scrutiny Committee
- Investigating Committee
- Early Retirement/Redundancy Committee
- Appointment of Local Authority Governors' Advisory Panel.

The Independent Group would be retaining its seat on the Licensing Committees.

In thanking Councillor Penrose for his clarification, the Leader also pointed out that the Wales Audit Office (WAO) had given consideration to the way in which the Council had determined the overall allocation of seats on Committees and he confirmed that the WAO were content with the arrangements in place.

RESOLVED -

(1) T H A T, in accordance with the process agreed and used at the Annual Meeting in May 2016, the allocation of seats on Committees be as set out in Appendix A to the report.

(2) T H A T it be noted that the Independent Group would be relinquishing seats on the following:

- Environment and Regeneration Scrutiny Committee
- Investigating Committee
- Early Retirement/Redundancy Committee
- Appointment of Local Authority Governors' Advisory Panel.

and that the Independent Group would be retaining its seat on the Licensing Committees.

Reason for decisions

(1&2) To comply with the requirements of the Local Government and Housing Act 1989 in terms of political balance.

203 DESIGNATION OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER DUTIES (MD) -

The Monitoring Officer, Mrs. D. Marles, left the room for the duration of the discussion of this item.

Debbie Marles, Head of Legal Services / Monitoring Officer was designated as the Council's Returning Officer on 12th November, 2014 alongside the associated role of Electoral Registration Officer.

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The above designation was approved initially on a two year interim basis (up to 12th November, 2016) in the light of the retirement of the previous Managing Director and in order to ensure stability and leadership in this key area. It was agreed at the time that the position would be reviewed following the UK Parliamentary elections in 2015, the Welsh Assembly elections in 2016 and in the context of a review of the Council's Senior Management structure. It was now considered timely to put in place more formalised arrangements for such designation in order to ensure continuity over the coming years.

Arrangements for the elections over the last two years (including the recent EU Referendum) had been well managed thanks to the leadership provided by the officer concerned and the Council's Electoral Registration Team. Commendations in relation to the planning and execution of the election process were received from the Electoral Commission and, in respect of the recent EU Referendum from the Regional Counting Officer.

The Returning Officer role included overall responsibility for the conduct of elections and is an appointment made in accordance with the Representation of the People Acts 1983, 1985 and 2000 (as amended). Within this Council, the role of Returning Officer was undertaken alongside the related role of Electoral Registration Officer (ERO). The main duty of the ERO was the creation and maintenance of the Register of Electors and similar tasks in relation to the Absent Voters List.

It was proposed that the current Head of Legal Services / Monitoring Officer now be formally designated as the Proper Officer for all Electoral Registration and Returning Officer functions on an ongoing basis from 20th July, 2016.

The above designation would continue to include the undertaking of the role of:

- Returning Officer for local, community, parish and town council elections / referenda.
- Acting Returning Officer for Assembly / Parliamentary elections / referenda.
- Local Returning Officer/Counting Officer for European elections / referenda (if applicable)
- Deputy Returning for Police and Crime Commissioner elections
- Electoral Registration Officer.

Responsibility for the above needed to be undertaken by an existing senior officer of the Council. Such a role was separate from an officer's duties as a local government officer and required the undertaking of responsibilities of a personal nature and being directly accountable to the court as an independent statutory office holder. On that basis, the allocation of responsibility to the Head of Legal Services / Monitoring Officer would not have implications for the post holder's current salary and terms and conditions. Fees would, however, continue to be due for duties undertaken as Returning Officer in respect of elections and referenda as and when they happen. Such fees were referenced in the Council's current Employee Pay Policy 2016/17.

There was also statutory provision for the Returning Officer to appoint a Deputy Returning Officer (or officers) as the need arose and without recourse to a separate

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decision by Council. It was also good practice for an officer to be formally designated as Deputy Electoral Registration Officer. Such a decision would, however need to be approved by Council. It was therefore proposed that Ms. Victoria Davidson (Operational Manager - Legal Services) be formally designated in this role. The arrangements would strengthen the informal arrangements that had been in place over the last two years and help ensure continuing resilience in this key area. As was the case with the ERO, there were no implications for the postholder's existing terms and conditions and deputy cover would only be necessary in the absence of the ERO. There were no fees attributable to the role and, therefore, no additional resource implications.

RESOLVED -

(1) That the designation of Mrs. D. Marles as the Council's Returning Officer and Electoral Registration Officer with immediate and ongoing effect be formalised.

(2) That the designation of Mrs. V. Davidson as the Council's Deputy Electoral Registration Officer with immediate and ongoing effect be approved.

Reasons for decisions

(1) To comply with the statutory requirements of the Representation of the People Acts 1983, 1985 and 2000 (as amended).

(2) To provide continuing resilience for the Council's Electoral Registration Team.

204 USE OF THE MANAGING DIRECTOR'S EMERGENCY POWERS (MD) -

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

(a) The replacement of Councillor Pamela Drake with Councillor Bronwen Brooks on the Early Retirement / Redundancy Committee.

(Scrutiny - Corporate Resources)

(b) The replacement of Councillor Neil Moore with Councillor Pamela Drake on the Planning Committee with immediate effect and until further notice.

(Scrutiny - Corporate Resources)

RESOLVED - T H A T the report be noted.

Reason for decision

To inform Council.

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205 NEW BYE-LAWS - RHOOSE POINT PUBLIC OPEN SPACE

At its meeting of 14th March 2015, Cabinet, having considered the report on this matter and all the issues and implications contained therein

RESOLVED –

(1) T H A T it be agreed to proceed with the introduction of byelaws at the open space and lagoon areas at Rhoose Point prohibiting swimming and camping and also prohibiting fishing that has not been duly authorised.

(2) T H A T a notice of intention to make the new byelaws be publicised and that Cabinet recommends to Council the following:

- That Council approve and make the byelaws related to the public open space and lagoon areas at Rhoose Point under sections 12 and 15 of the Open Spaces Act 1906.
- That the Head of Legal Services be authorised to seal and date the byelaws on behalf of the Council.

(3) T H A T delegated authority be granted to the Director of Environment and Housing Services in consultation with the Head of Legal Services and the Cabinet Member for Visible and Leisure Services to take such steps necessary under the Local Government (Wales) Act 2012 and any statutory guidance under the Act to publicise and implement the byelaws.

(4) T H A T should the bye-laws be implemented as proposed any decisions to either designate an area for fishing or to provide permission for such activities will be the subject of a future report to Cabinet.

Under the Council's Constitution, byelaws can only be made by a meeting of Full Council.

Following the Cabinet's recommendations of 14th March and in accordance with the provisions of the Local Government (Wales) Act 2012 and the statutory guidance under the Act, a second written statement was publicised on the Council's website detailing the outcome of the consultation process and the decision of Cabinet to progress with the introduction of the byelaws.

As required by the Act and statutory guidance, a notice of intention to make the byelaws was also publicised. This notice of intention gave six weeks' notice that the byelaws were due to come before this Council Meeting and also gave a further opportunity for the public to make comments and / or objections to or in connection with the making of the byelaws.

No further significant objections / comments had been received during this six week period. Only two comments were received:

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Comment 1: That they wanted to see the open space remain.

Comment 2: Wanted to see the byelaws enforced.

The Council therefore wished to proceed with the implementation of the byelaws.

Where the byelaws were not subject to the confirmation procedure, the 2012 Act prescribed that an Authority may not make a byelaw later than six months after the date they published the notice of their intention to do so.

For byelaws not requiring confirmation, the 2012 Act further provided that the Authority may set the date on which the byelaws will come into force. If no date was fixed, the byelaw would come into force at the end of one month from the date the byelaws were made.

Discussions were also ongoing about the enforcement of the byelaws with a short term contract currently being negotiated with an external environmental enforcement partner.

The administrative cost of implementing the byelaws was within the existing Parks budget. In addition to these costs, the installation of the necessary signage would be approximately £5,000, which would be funded from within the existing Parks revenue budget for 2016 / 2017. There was likely to be an ongoing cost of an enforcement mechanism and a further report would be presented to Cabinet on this in due course. The short term cost of any enforcement would be met from existing resources.

In moving the report, Councillor John, Cabinet Member for Visible, Leisure and Regulatory Services indicated that, if agreed, the byelaws would be sealed by the end of the week, with an enforcement date of 29th July, 2016.

The Leader duly seconded the report. In doing so, he reminded Members of the additional representations which had been received regarding the matter and which had been circulated to Members prior to the meeting. He also moved an amendment to Recommendation (2) of the report as worded to reflect the reference to a sealing date for the byelaws of 22nd July, 2016, with an enforcement implementation date of 29th July, 2016. Councillor John was in agreement with the proposed amendment, which was duly approved.

The Leader acknowledged there to be an issue in terms of fishing, but assured Members that any future Designated Area could only be applied for by a bona-fide Fishing Club, would have to meet the requirements of the Council and be subject to approval by Full Council.

Councillor James was very pleased that the byelaws were before Council for consideration. He alluded to local residents (particularly in Rhoose Point) who had experienced difficulties as a result of the behaviour of some individuals. The key issue for both himself and the residents was that the byelaws, if approved, were appropriately enforced. Residents were disappointed that the proposals actually provided for the possibility of future activities being approved (albeit he acknowledged any such activity would need to be subject to the approval of Full Council).

No.

Councillor Mahoney, whilst having no objection to the byelaws, questioned the effectiveness of their introduction in terms of whether they would be appropriately enforced. In doing so, he alluded to the recent publicity regarding the extensive amount of litter observed at Barry Island. In response, Councillor John referred Members to a report to Cabinet on 25th July, 2016 setting out the action the Council intended to take regarding such matters. With regard to the issue of enforcement, he pointed out that the Police would have responsibility (if contacted) to enforce the byelaws.

Councillor Riley referred to fishing as being a divisive issue amongst local residents. Some anglers had used the area to fish for many years, but others had generated anti-social behaviour. He considered the outcome of the public consultation exercise to have been clear in terms of the vast majority of local residents expressing support for the banning of, camping and fishing (figures of 81%, 87% and 65% respectively). He alluded to Cabinet having, nevertheless, recommended a proposal that would potentially allow fishing to continue in the event of a bona fide fishing club entering into a formal agreement with the Council. He referred to there having been some apparent confusion in terms of the consideration by Cabinet of the report from the Scrutiny Committee and to whether the Scrutiny Committee had, in fact, agreed that there should be a Designated Fishing Area. He referred to Rhoose Point residents being concerned that, despite public consultation on two separate occasions, there was now an option for fishing to potentially be allowed to continue (when this aspect had not been subject to public consultation). He was of the view that further consultation should occur before byelaws were enacted.

The Cabinet Member for Visible, Leisure and Regulatory Services pointed out that in terms of a Designated Fishing Area, any future applications would (via the Director of Environment and Housing) be subject to the Council's Cabinet and Scrutiny processes and any eventual decision regarding approval would be a matter for Full Council. He considered the likelihood of any Designated Fishing Area being established as being very remote.

Upon being put to the vote, it was

RESOLVED –

(1) T H A T the new byelaws relating to the public open space and lagoon areas at Rhoose Point under Sections 12 and 15 of the Open Spaces Act 1906 in the form attached as Appendix A to the report be approved, adopted and made.

(2) T H A T the new byelaws be sealed on 22nd July, 2016, and come into force on 29th July, 2016.

(3) T H A T the Head of Legal Services be authorised to seal and date the byelaws on behalf of the Council and to take such steps necessary under the Local Government (Wales) Act 2012 and any statutory guidance under this Act to publicise and implement the byelaws.

No.

Reasons for decisions

- (1) To enable the approval, adoption and making of the new byelaws.
- (2) To enable publicity and implementation of the byelaws.
- (3) To comply with legislation.

206 CAPITAL MONITORING REPORT FOR THE PERIOD 1ST APRIL TO 31ST MAY, 2016 -

Councillor Hodges, whilst welcoming the proposed increase of £1.2m in the Dimming of Street Lighting / Fitting of LED Lanterns Scheme, considered it represented bad planning and showing a need to have had to respond to public pressure. He asked whether the proposed programme of expenditure could be made available.

The Leader indicated he did not accept that the proposal represented bad planning. It had always been the Council's intention to move to LED lights, but having made the initial changes, which had been self-funding, it was now time to move on to the next phase of installing LED lighting as an alternative to the current system.

As far as the programme of works was concerned, he confirmed that these would be primarily in residential areas and would take into account any specific complaints and the need to identify priority areas.

RESOLVED - T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C3235, 11th July, 2016 be approved.

Reason for decision

To gain Council approval prior to inclusion in the Capital Programme.

207 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 8.2. -

Due notice had been given of the following questions:

(i) **Question from Councillor C.P. Franks**

Will you detail the effects of funding challenges on staffing levels for both teaching and non-teaching staff in Vale of Glamorgan Schools?

Reply from the Cabinet Member for Regeneration and Education

When setting the 2016/2017 budget, the Council honoured the Welsh Government's minimum funding commitment for schools of 1.8% and allocated an additional £1.655m to the schools budget. Whilst a significant amount, it did not completely cover the schools budgeted cost pressures and so some schools are making use of

No.

school reserves built up in previous years to balance the current year budget without impacting staff.

Schools have also experienced reductions in Welsh Government grant funding: the Education Improvement Grant decreased by £224k and the Post 16 grant has decreased by £181k.

In order to agree balanced budgets, schools across the Vale have made 30 staff redundant in the current financial year.

There has been a decrease in demand for residential placements at Ysgol Y Deri which has led to 12 redundancies in the current financial year. These redundancies are within the residential unit and not the school itself, and will not affect staffing ratios in the classroom.

Four primary schools have made redundancies in the current financial year. A total of 7 redundancies have been recorded, consisting of 5 teachers and 2 LSAs. Teaching redundancies in primary schools are posts that cover planning, preparation and assessment time or where there are teachers surplus to the staffing ratio required.

Four secondary schools have made redundancies in the current financial year. A total of 11 redundancies have been recorded consisting of 8 teachers, 2 members of senior leadership teams and 1 LSA.

Supplemental

Councillor Franks asked whether the Cabinet Member could indicate the anticipated loss of teaching and non-teaching staff over the next 12 months.

The Cabinet Member indicated she did not have the information, but that, when it became available, Members would be informed.

(ii) Question from Councillor C.P. Franks

Will you indicate how we ensure that Looked After Children receive adequate education support?

Reply from the Cabinet Member for Regeneration and Education

As a Council we take seriously our corporate parenting responsibilities to Looked After Children. Ensuring Looked After Children receive high quality education is a key priority. Social Workers within Children and Young People Services work closely with the Looked After Children Education (LACE) Team and with schools to achieve this goal.

The LACE team supports and challenges schools on the educational outcomes of all Looked After Children.

No.

The role of the LACE Team involves work to set targets and monitor education outcomes at both a school level and Local Authority level. Our school admission criteria ensure that Looked After Children are prioritised in the school admissions process.

In keeping with the recent Welsh Government guidance and in line with the recent best practice Estyn report, the LACE Team, alongside its partners, perform the following roles to support the educational outcomes of Looked After Children and challenge any underperformance:

- (a) promote the education of Looked After Children placed within and out of area;
- (b) work with LAC Education Co-ordinators in other Authorities in relation to out of area placements and to establish working arrangements;
- (c) bridge the gap between Children's Services, carers, schools and other stakeholders, especially in the cases of children with additional learning needs (ALN) provision and admission arrangements;
- (d) liaise with Careers Wales, Health and Youth Services to ensure appropriate and timely support and access to universal entitlements;
- (e) provide training for school staff, governors and carers;
- (f) work in partnership to build capacity for schools and carers to meet the educational needs of Looked After Children
- (g) provide challenge in cases of proposed exclusion;
- (h) ensure Personal Education Plans are in place and provide guidance on their implementation;
- (i) establish and maintain a list of designated teachers for each school and for schools attended by children placed out of area;
- (j) attend LAC reviews as appropriate.

The LACE team quality assures the education support through LAC reviews, Personal Education Plans, targeted school-based support and school meetings, providing challenge and support.

Supplemental

Councillor Franks asked whether the Cabinet Member could indicate whether she considered that Looked After Children in the Council's care achieved their full education potential.

The Cabinet Member acknowledged the challenge in supporting Looked After Children to meet their full potential and, as a 'foster' aunt to two Looked After Children, she was aware of the wide range of factors that could impact on them achieving that potential. Figures she had received demonstrated that, within the younger age group, Foundation Phase, Key Stage 2 and even Key Stage 3, the desired outcomes were generally being reached but that, looking up towards Key Stage 4, there were discrepancies. As only small numbers were involved, differences in one or two children could significantly skew the figures. She reiterated the commitment of the Council to this issue and to the range of processes in place. She was on a same Governing Body as Councillor Franks, with the issue being a standard item on the agenda, something she would expect to be the case in schools across the Vale.

No.

(iii) **Question from Councillor Mrs. V.M. Hartrey**

In the interests of transparency, will you consider a change to the Constitution to ensure that the vote of each Member of the Planning Committee is recorded?

Reply from the Leader

I am a little surprised at the question, coming as it does after the Notice of Motion considered at Council on 27th April, 2016. At that meeting Council agreed that a report on the matter be submitted to the Democratic Services Committee. That report is included on the agenda for the 26th July, 2016 meeting of the Committee.

I would remind Councillor Hartrey that several Members, including her Group Leader and Councillor Hodges (who is Chairman of the Democratic Services Committee) expressed the view that this was the appropriate way to proceed.

Members will recall the various Group Leaders referring at the above Council Meeting to the extensive review of the Constitution, in which they had played a full (and valuable) role. Given that the review was so comprehensive, and so recent, the report to Democratic Services recommends no change to the process regarding the recording of votes. However, it will be a matter for the Committee to consider, and determine, whether it wishes to recommend any changes, which would, in turn, then need to be considered by Full Council.

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

An Advocate General at the European Court of Justice, Michal Bobek, has said that the UK's position on pollution levels at Aberthaw Power Station is 'untenable'. It would seem that the site has been pumping out more than double the legal amount of toxic nitrogen oxides for many years. Does this concern you?

Reply from the Leader

It would concern me, if it were proven, which is, as I understand it, not the case, because the European Court of Justice has not yet made a final ruling. I would also confirm, as an aside, that the responsibility for monitoring rests with Natural Resources Wales and not with this Council.

Supplemental

Councillor Traherne asked whether the Leader would speak to Natural Resources Wales, with a view confirming that there was not a problem at Aberthaw Power Station he also thought it would be useful if there was a review of all the other potential industrial polluting plants in Wales.

The Leader considered that Councillor Traherne should know very well that the Council took issues of air quality monitoring very seriously and invested significant resources into local air quality monitoring.

No.

Aberthaw Power station was regulated through an Environmental Permit issued by Natural Resources Wales (NRW). Officers had contacted NRW in respect of the current infraction case before the European Court of Justice and they had been advised it would be inappropriate to comment at this stage as they were still awaiting the final judgement from the Court.

It was the Leader's understanding that the Advocate General advised the European Court of Justice, but the Court had yet to adjudicate. He also understood the UK Government did not agree with that advice given to the European Court and suggested it would be interesting where one stood in terms of "Brexit" as a result of that (in terms of any appeal). He further understood that they considered that the permit that had been issued by NRW to Aberthaw Power Station complies with the European Directive.

The Leader quoted from NRW as follows:

"NRW has regularly reviewed air quality impacts associated with all the permitted emissions to air from Aberthaw power station, including oxides of nitrogen, and has found no evidence of breaches of local Air Quality Standards or Objectives when operating within the current emission limit values. Similarly, long-range air quality impacts have been assessed and are found to have had no significant effect on sensitive conservation sites in Wales or in England."

"NRW will provide information to Welsh Government in relation to this case if required, and is awaiting the judgement. It would not be appropriate to comment further at this stage"

The Leader stated that, In terms of our "own tests", the Council did not deal with that, but it did have a statutory duty to monitor local air quality for a range of pollutants which could be harmful to health. There have been reports to Scrutiny Committees and Cabinet in the last year or so. Officers undertook specific regular monitoring at locations across the Vale for ambient air Nitrogen Dioxide and Particulate Matter. He knew the network of monitoring included one automated monitoring site located at Windsor Road and 47 non-automatic sites located throughout the Vale. Recent monitoring over the last 5 years indicated that the trend for recorded levels of Nitrogen Dioxide was positive, with the levels either decreasing or remaining stable during that period. This included levels within the one Air Quality Management Area (AQMA) that was declared due to levels of Nitrogen Dioxide but he understood that, since installation, monitoring had continued it and it looked like that was also reducing. It was an issue that was constantly being reviewed..

The Leader alluded to there being another issue in terms of Aberthaw Power Station, not in terms of the Council, but regarding economic development. It was known that the facility was possibly under threat due to falling demand for energy and the power station had, over the years, had to implement many improvements in terms of its performance when it came to emissions. It was probably the main reason why the remaining coal mines in the South Wales Valleys still operated and its closure would impact severely on the South Wales economy. However, he reiterated no decision had been made and he knew that Aberthaw was currently appealing for Business

No.

Rate levels as a means of trying to reduce costs. Therefore if they reduced costs they would be able to invest more in the plant should it be necessary.

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

A recent report by Gofal, the well-respected mental health charity, concluded that it was extremely concerning that outcomes did not appear to have improved despite the introduction of the Mental Health (Wales) Measure in 2012. What do you think could be done to improve matters here in the Vale of Glamorgan?

Reply from the Cabinet Member for Housing, Social Care and Health

A number of important initiatives are in place in the Vale of Glamorgan to improve outcomes for people with mental health problems.

Secondary Mental Health Services are developing proposals, in partnership with the Council, for reconfiguring the Community Mental Health Teams. It is anticipated that these proposals will need to provide a structure for the service which can manage the increasing demand for support and advice. This is likely to include a specific function which considers new referrals and assessments to support closer working arrangements with Primary Care.

It is also worthy of note that the Central Vale Cluster (a group of general practices in the Barry area) have developed a partnership with Mind in the Vale of Glamorgan, to provide enhanced support to people who require more than is currently offered by the Primary Mental Health Support Service provided by Cardiff and Vale UHB. Following evaluation, and with additional funding, other cluster areas in the Vale of Glamorgan could replicate this model if successful.

Supplemental

Councillor Traherne acknowledged the great deal of work going on in this area, but stated that it was clear to him from speaking to both Council and NHS staff when he had visited the Amy Evans Centre, that by far the most pressing issue of both staff and patients was the fact that there were too many patients and insufficient staff to deal with their needs. He asked whether that had been taken into account in the review.

The Cabinet Member responded that it had and she totally acknowledged the pressure on the service.

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

In a report to Cabinet on 4th July, 2016, Annual Sickness Absence Report – April 2015 to March 2016 the figures for Social Services saw an increase in days lost per 'Full Time Employee' from 12.65 to 13.57 days. The report also indicated that stress was the cause of the sickness absence in 33.4% of the cases. What are you doing to address this very serious issue?

No.

Reply from the Cabinet Member for Housing, Social Care and Health

An increasing focus has been placed on the management of attendance over the last 12 months and in recognition of an upturn in absence rates. Such work has been progressed on both a corporate and service basis and can be grouped into the following areas:-

- a/ The level of **performance management** has been significantly tightened across the Council with reviews of 'priority' absence issues being considered on a monthly basis at all Directorate Management Teams and by the Corporate Management Team.
- b/ The Council continues to invest in **preventative health support** for all employees and particularly to help reduce occupational-based health risks. In Social Services this has included support on manual handling training, take-up of the flu vaccination for 21% of all staff and training for managers in relation to managing stress in the workplace.
- c/ A significant improvement has now been made to the Council's counselling support from 1st June with the launch of a new Care First **Employee Assistance Programme**. This will be particularly helpful in seeking to reduce the levels of stress-related absence through the provision of a 24 hour counselling services 365 days a year.
- d/ Members will also be aware that agreement has now been reached with the trade unions in relation to a new **Management of Attendance Policy**. The policy distinguishes between the management of short term and long term absence and, as such, helps to provide a more tailored approach to the range of sickness issues.
- e/ Of greatest significance, however, is the investment the Council is making on its employee engagement strategy and, in particular, the launch of the new Staff Charter. The link between high levels of employee engagement and high levels of attendance are well-documented and continue to drive the Council's work in this area.

Whilst the out-turn absence figures for 2015/16 were disappointing, there is clear evidence that the range of measures as outlined above are starting to work. The table below sets out the current comparative figures for the first quarter of 2016/17, which I will provide to Councillor Traherne.

Area	Absence Days Lost Per Full Time Employee		
	First Quarter 2015/16	Target 2016/17	First Quarter 2016/17
Social Services	3.40	2.90	2.58
Corporate	2.29	2.23	2.12

No.

The work in relation to managing attendance clearly needs to be maintained and there is no room for complacency. It is suggested, however that the broad strategy as set out above will help to address the concerns as raised.

Supplemental

Councillor Traherne referred to there being many reasons why someone working in Social Care for the Council might need to take time off work due to stress, and suggested the reasons would be exacerbated if there was insufficient staff to manage ever-increasing demand. He asked whether the Cabinet Member would undertake to carry out a review to ensure that all areas of the Social Services workforce were properly staffed and that teams had the necessary resilience to cope.

The Cabinet Member considered the issue to be one to be dealt with corporately across the Council and one which the Council was very aware of. That was why the various contingencies were in place because there were pressures. She and her Cabinet colleagues and, she was sure, all Members, were fully committed, to the welfare of its staff.

(vii) Question from Councillor R.L. Traherne

As part of the Reshaping Services Programme, I understand that you are seeking to save £623,000.00 over the next two financial years from Additional Learning Needs (ALN) Services. Furthermore I understand that the ALN Service is predicting a reduction in recoupment income of £400,000.00 resulting in a total savings requirement of £1.123 million to balance the ALN budget. Are you sure that you can find such a large sum of money without seriously damaging the future prospects of our most vulnerable children and young people?

Reply from the Cabinet Member for Regeneration and Education

The Reshaping Services target is indeed £623k. A Strategic Plan for Reshaping Special Educational Needs Services has been developed which sets out a range of actions to change service delivery in order to achieve the savings required without impacting negatively on children and young people.

The savings target will be profiled over a three year period and the savings for this financial year have been identified and secured. The proposals for year 2 and 3 are under development and will be reported to elected members.

The service faces an anticipated reduction in recoupment income of £861k this year although this may reduce if there are further out of county enrolments. This position can be partly offset by underspends of £128k.

As part of the Closure of Accounts report for 2015/16, £500k has been set aside in a reserve which will be used to mitigate the shortfall. The Director of Learning and Skills will review options for achieving the remaining shortfall and report ongoing progress to the Scrutiny Committee.

No.

Supplemental

Councillor Traherne considered the draft Plan as requiring schools to undertake a greater range of Additional Learning Needs provision (without any corresponding increase in resources), which he considered was bound to have an impact on the classroom, children and attainment levels and asked whether that concerned the Cabinet Member.

The Cabinet Member was always concerned that measures taken by the Council should not negatively impact on children and young people. However, she also felt strongly that children should be educated as close as possible to their local communities, so supported the move for young people with Additional Learning Needs to be supported in local schools wherever possible. She reiterated her earlier comment that options for achieving any shortfall would be reported to the Scrutiny Committee.

(viii) Question from Councillor R.J. Bertin

Given that two out of six comprehensive schools were over-subscribed this year, these being St. Cyres in Penarth and Cowbridge Comp but none in the Barry area – what do you think this says about the Barry schools?

Reply from the Cabinet Member for Regeneration and Education

Assuming you are talking about 2 of the 8 Secondary Schools in the Vale, in recent years the Council has invested significantly in the redevelopment of local schools with assistance from the Welsh Government's 21st Century Schools Programme. We recognise the need to provide cutting edge learning environments to meet the needs of our young people and their communities.

We have accomplished a great deal, the £49 million Penarth Learning Community which includes St. Cyres Comprehensive School followed the earlier redevelopment of Cowbridge Comprehensive School. Work continues with the new Llantwit Learning Community (another £21m redevelopment), which includes the redevelopment of Llantwit Major Comprehensive, as well as new buildings for both Welsh and English Primary education. These projects enhance the learning environments, opportunities and facilities available to young people, making them a popular choice with students and their families, although there is still more work to be done.

The focus of transforming secondary education has shifted to Barry – Cabinet has proposed an ambitious programme of redevelopment and expansion, with a budget of over £63 million. This would expand Welsh Medium education at Ysgol Gymraeg Bro Morgannwg and redevelop the current Bryn Hafren site, and provide a new school building on the Barry Comprehensive site. Consultation on the proposals for Ysgol Bro Morgannwg is underway and consultation about our proposals for the transformation of English medium education will start on 5th September. In the meantime, we have invested £900,000 in the learning environment of Barry

No.

Comprehensive School: the impact of this expenditure will be visible to every student at the start of term.

We recognise the need for this investment in Barry and have been working with the schools, their governing bodies, parents, young people, staff and other key stakeholders to ensure we deliver a transformational solution.

Supplemental

Whilst pleased to hear reference to the investment in Barry schools, Councillor Bertin was concerned regarding the lack of capital investment at the Barry schools in previous years, suggesting it had possibly resulted in 'years of academic drift'. He asked whether the Cabinet Member considered this could affect the future and life chances of past pupils.

The Cabinet Member refuted there had been a lack of investment in the schools concerned and indicated she would welcome any details from Councillor Bertin to that effect. She referred to the second consultation exercise underway in terms of redeveloping secondary education in Barry and the Council was working closely with all stakeholders. The process had been ongoing for a number of years under the guidance of her predecessor as Cabinet Member and now herself and she looked forward to a comprehensive consultation exercise regarding English medium secondary schools commencing in September 2016.

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

What is the Council's strategy for Public Art?

Reply from the Cabinet Member for Regeneration and Education

http://www.valeofglamorgan.gov.uk/en/enjoying/arts_and_culture/public_art.aspx

The Council's Public Arts Strategy and how this is interlinked with the planning of regeneration and residential developments can be seen on the Council's web pages.

Supplemental

Councillor Dr. Johnson asked the Cabinet Member whether, in the future, it would be more of an effort to either link Section 106 funding (instead of grouping projects) and how that would be interpreted in the Council's Future Regeneration Projects.

The Cabinet Member referred to the new Arts Strategy as being under development and to public art being driven by Supplementary Planning Guidance. She intended that both aspects would link up when the new Arts Strategy was produced.

No.

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

As part of this Council's commitment to assisting refugees from Syria under the Vulnerable Persons Relocation Scheme, agreed last year, will the Council also investigate how we can support unaccompanied child refugees, for example through fostering, and begin discussions with Welsh Government, UK Government and neighbouring Local Authorities as to how this can be achieved?

Reply from the Cabinet Member for Housing, Social Care and Health

The Home Office has written to all Local Authorities in the UK indicating their proposals to introduce a voluntary regional relocation scheme for unaccompanied children. We are presently awaiting further guidance and details on what form this scheme will take and a report will be presented to Cabinet as soon as this information is received.

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

What assessment is the Council carrying out on the impact of Brexit on the Vale of Glamorgan, including available Council funding, economic and social impacts?

Reply from the Leader

It is too early to make an assessment of the impact on the economy and on funding sources. Assessment of long term economic impacts will be possible when there is a clear picture of the exit agreement and new arrangements with non-European Countries (and, indeed, European countries) on trade. This will take some years to establish. In respect of grant funding, we are in ongoing discussions with Welsh Government but information remains scant whilst Welsh Government determines its own position. In some case we are being told 'business as usual', in others we are being told that new bidding rounds are paused until clarity is achieved.

Supplemental

Councillor Dr. Johnson asked whether it would be possible for the Council to publish on its website a list of schemes that had received European funding so it could be seen where money had been utilised previously and what threat there might be in terms of the future.

The Leader referred to historic funding as being part of the Creative Rural Communities initiative. The Council had benefitted from European Social Fund (ESF) funding in terms of Inspire2Achieve and, in the near future, would benefit from Inspire2Work. He referred Councillor Dr. Johnson to a report to Cabinet on 11th April, 2016 relating to external funding schemes and ESF grants. He acknowledged there would be a future impact and indicated he would ask officers to assemble some information regarding previously funded schemes but suggested that the loss of funding for Creative Rural Communities would have the biggest impact that the area would incur.

No.

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

You will be aware of the concern of parents from Eglwys Brewis regarding school transport to Llantwit Major Comprehensive School.

The Council deem this road to be suitable to walk to school, in my opinion and that of many others, including the police, it is not safe for pedestrians.

The increase in the cost has brought this to a head but it doesn't change the fact that this road is not safe to walk.

The road has no pavement and very few opportunities to get off the carriageway, due to the Council's money saving decision of not cutting the verges until July the banks have been overgrown until the week before the schools break up for the Summer.

In the winter children would have to leave the house at 7.15 a.m. in order to get to school on time so will have to walk the worst part of this unlit road in darkness. The majority of this road has a 40 mph speed limit.

Could you tell me what you intend to do to make the journey to and from school safe for the residents of Eglwys Brewis?

Reply from the Cabinet Member for Building Services, Highways and Transportation

I am aware of the concerns of parents and I can confirm that a walking route assessment was carried out for the walking route from Picketston Road to Llantwit Major Comprehensive on the morning of 6th July, 2015 and the afternoon of 2nd November, 2015.

Having read the report produced by the Road Safety Officer I am satisfied that the assessment meets the Guidelines, as set by the Welsh Government's Learner Travel Measure 2014. The Guidelines prescribed in this measure are used by all local Authorities in order to assess the availability of walking routes to schools.

The report highlighted a number of points:

The available route from Eglwys Brewis to Llantwit Major Comprehensive School is less than 3 miles.

Traffic flow on the walking route is light – both on the walk to and from school. Grass verges are present along the route which can be used to step on and off. The line of sight along the walk is sufficiently good.

I can also confirm that officers have reviewed the collision records and the most recent five year period for the stretch of road in question shows there has been one slight collision that occurred in March 2012.

No.

Although the route has been classed as available, I have made arrangements to ensure the grass verges along the route are cut back more frequently than at present.

In view of the concerns raised regarding lighting, I have instructed officers to undertake a further assessment during December 2016 to ensure that the route is still available at this time of year, both in the morning and in the afternoon.

I would be interested in the criteria by which the Police deem a walking route to be suitable or otherwise and would be happy for the Police Officer concerned to make contact with our Road Safety Officer to advise of their views direct. As a Local Authority we use Welsh Government guidelines to make such an assessment.

Supplemental

Councillor Thomas referred to the Police Community Support Officer from whom he had received the information as having been instructed by her Inspector to not walk or ride a bike along the route. Consequently, he asked whether the Cabinet Member would join him to walk the route sometime in the near future and, again, perhaps in November/December if no action was taken by then.

The Cabinet Member confirmed he would be happy to do so.

208 QUESTIONS FROM THE PUBLIC -

The following question was submitted and replied to as shown, in accordance with the protocol agreed by Council on 5th May, 2010:

(i) **Question from Mrs. J. Harkus**

In January 2012, Labour Party candidates for the Council election described how the Labour team had committed to gift land at Cemetery Approach to Barry Town Council. During that election campaign promises were made to make improvements to the land after many years of neglect. In their letter to the local newspaper Councillors C. Curtis and Powell wrote "Our manifesto promises can only become reality if Labour take control of the Vale Council in the local elections". 2 years ago the Council submitted a scheme of improvement for grant approval which was, apparently, turned down. Following on from that, the site has been levelled and temporary railings erected around the land and Barry Town Council has completed a process of public consultation. However, after more than 4 years the community are still waiting for the much promised scheme of improvements. Will the Council Leader confirm that the manifesto promises including the proposed scheme of improvements are completed by the end of this summer; that match funding with the Town Council has been agreed, and that the land is to be transferred to Barry Town Council?

No.

Reply from the Leader

I can confirm that we are continuing to work with the Barry Town Council with an aim of delivering this scheme as soon as possible. It is true that a grant application was submitted to the Armed Forces Community Covenant Grant Scheme and, as that was unsuccessful, it caused a delay. However, both this Council and the Barry Town Council agreed to progress the scheme alone and that is progressing. A design scheme has been agreed and the Barry Town Council has very recently signed a Grant Agreement in order to provide joint funding for the scheme. Heads of Terms, which will form the basis of the leasehold transfer from the Vale of Glamorgan Council to the Town Council, is also in place.

Officers of the Vale of Glamorgan Council have been working with consultancy support now the design has been finalised and the tendering exercise for the construction works recently went live on the SelltoWales site. I cannot, at this time, be definitive when the works will be completed, but officers have advised me that works might be completed by November 2016 given the expected length of the construction works contract, but most certainly as soon as practically possible.

209 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 items of business on the grounds that they involve 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.

210 TEMPORARY EXTENSION OF TERMS OF REFERENCE AND DELEGATED POWERS TO THE COUNCIL'S EARLY RETIREMENT / REDUNDANCY COMMITTEE AND THE APPEALS COMMITTEE (EXEMPT INFORMATION PARAGRAPHS 12, 13, 14 AND 17) (DLS) -

Consideration was given to the temporary extension of the terms of reference and delegated powers of the Council's Early Retirement/Redundancy committee in order to facilitate the consideration and determination of the potential redundancy, financial and appeal arrangements relating to a specific postholder as identified in the associated report presented to Council.

RESOLVED -

- (1) T H A T the Terms of Reference of the Early Retirement / Redundancy Committee be extended on a temporary basis to authorise the Committee to consider and determine the redundancy and financial arrangements relating to a specific postholder as identified in the associated report presented to Council.
- (2) T H A T the Terms of Reference of the Appeals Committee be extended on a temporary basis to enable the Committee to consider and determine any potential dismissal appeal (including any necessary changes to the redundancy and financial arrangements) of the specific postholder alluded to above.

No.

(3) T H A T the Director of Learning and Skills, in consultation with the Leader of the Council, the Deputy Leader and Cabinet Member for Regeneration and Education, the Managing Director, the Head of Legal Services and the Head of Human Resources, be given authority to undertake any other necessary actions to realise Resolution (2) above and to safeguard the position of the those concerned, including the Council.

Reasons for Decisions

(1) To facilitate arrangements to enable the Council to consider, determine and implement arrangements in respect of the displacement and potential redundancy of a specific postholder as identified in the associated report presented to Council

(2) To provide a potential appeals mechanism to consider and determine any potential appeal against dismissal / redundancy by the specific postholder alluded to above.

(3) To ensure that any other matters arising in relation to the termination of employment of the specific postholder can be dealt with expeditiously.

211 DETERMINATION OF PENSION/REDUNDANCY SEVERANCE PAYMENT (EXEMPT INFORMATION - PARAGRAPHS 12, 13 AND 14) (DLS) -

Consideration was given to the proposed early retirement on the grounds of redundancy of one officer within the Learning and Skills Directorate.

RESOLVED - T H A T in accordance with the recommendations of the Early Retirement / Redundancy Committee on 27th June, 2016:

(1) The application in respect of the early retirement on the grounds of redundancy of P be approved, subject to no suitable alternative employment being found for P during the relevant notice period.

(2) That subject to, and on the basis of (1) above, the statutory redundancy payment for P be approved, together with the release of pension benefits in accordance with the financial parameters as set out in paragraphs 14 to 18 of the report.

Reasons for decisions

(1) To support the Council in achieving the financial efficiencies and organisational changes necessary to maintain sustainable service delivery.

(2) To ensure compliance with the Council's Employee Pay Policy 2016/17 and guidance issued by Welsh Government under section 40 of the Localism Act 2011.