

No.

## THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 28<sup>th</sup> June, 2017.

Present: Councillor Janice Charles (Mayor); Councillors Julie Aviet, Vincent Bailey, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, George Carroll, Christine Cave, Millie Collins, Geoff Cox, Robert Crowley, Pamela Drake, Vincent Driscoll, Stewart Edwards, Ben Gray, Owen Griffiths, Stephen Griffiths, Anthony Hampton, Sally Hanks, Nic Hodges, Hunter Jarvie, Gwyn John, Dr. Ian Johnson, Gordon Kemp, Peter King, Matthew Lloyd, Kevin Mahoney, Kathryn McCaffer, Anne Moore, Neil Moore, Michael Morgan, Jayne Norman, Rachel Nugent-Finn, Andrew Parker, Bob Penrose, Sandra Perkes, Andrew Robertson, Leighton Rowlands, John Thomas, Neil Thomas, Steffan Wiliam, Margaret Wilkinson, Edward Williams, Mark Wilson, and Marguerita Wright.

### 80 MINUTE'S SILENCE –

The Mayor referred to the recent sad passing away of former Councillor A.J. Williams and his wife, Faith.

Members stood in silence as a mark of respect.

### 81 APOLOGIES FOR ABSENCE –

This was received from Councillor Ruba Sivagnanam.

### 82 DECLARATIONS OF INTEREST –

The following declarations were received:

<b>Name of Member</b>	<b>Agenda Item / Nature of Interest</b>
Councillor Geoff Cox	Agenda Item 5 – Clerk to the Trustees of the Evan Jenkins Charity. Dispensation granted by the Standards Committee to speak and vote in connection with matters involving the Local Development Plan, save for the Evan Jenkins Charity Site.
Councillor John Thomas	Agenda Item 5 – Personal and prejudicial interest as owns a site within the Local Development Plan area. Councillor Thomas left the meeting prior to consideration of Agenda Item 5 and for the entire consideration of the Item.

83 MINUTES –

The minutes of the meeting held on 26<sup>th</sup> April, 2017 and the Annual Meeting held on 24<sup>th</sup> May, 2017 were approved as a correct record.

84 ANNOUNCEMENTS –

The Mayor made the following announcements:

She referred with great sadness to the sad passing of former Vale of Glamorgan Councillor, A.J. (Tony) Williams and his wife, Faith, on Sunday 18<sup>th</sup> June, tragically in their garden in Welsh St. Donats. Tony represented the Peterston-Super- Ely Ward of the Vale of Glamorgan Council up until his retirement from local government and the Council in 2007. He was also a former Mayor and Deputy Leader of the Council throughout his long and distinguished career and had been recognised in the New Year's Honours List in 2004, when he was awarded an MBE for services to local government and conservation in the Vale of Glamorgan. The Council's sympathies and condolences went to Tony and Faith's daughter, Dr. Ruth Williams.

During her first month in office, the Mayor had attended civic functions, both inside and outside the Vale of Glamorgan, charity events, concerts and visited schools and care homes. She had been honoured to officially start The New Horizons Centre Triathlon, and also to visit their Centre and had thoroughly enjoyed taking part in the community big lunch at Ysgol Y Deri.

The Twinning Weekend had been hugely enjoyable, a team effort which showcased the Vale to its best advantage. She was also grateful to the Mayor of Llantwit Major, Councillor Jayne Norman and her Consort Councillor Margaret Wilkinson, who had given her a very warm welcome to Victorian Fair Day in Llantwit Major.

The Mayor wished to pass on her congratulations to those who received Honours in the Queen's Birthday List:

- Dr. Simon O'Donovan MBE
- Mr. Edward Jenkins, BEM
- Mrs. Janet Parry BEM.

Finally, she was pleased to announce that her Civic Service would be held on Sunday, 1<sup>st</sup> October, 2017 and that her first charity event, A Gin Tasting Evening, would be held on Wednesday, 26<sup>th</sup> July.

85 VALE OF GLAMORGAN LOCAL DEVELOPMENT PLAN (LDP) 2011-2026, INSPECTOR'S REPORT AND ADOPTION (CMRP) –

(Councillor John Thomas, Leader, having declared a personal and prejudicial interest in this item, left the meeting before the item was discussed and for the entire duration of the item.)

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In introducing the report, the Cabinet Member for Regeneration and Planning referred to a letter received earlier in the day from Leslie Griffiths AM, Cabinet Secretary for Environment and Rural Affairs, which he understood had been tabled at the meeting. However, at that point, Councillor Dr. Ian Johnson pointed out that the letter alluded to had not, in fact, been tabled for Members. As such, the Cabinet Member read out the letter so that all Members were aware of its content (and the letter was subsequently copied and circulated to Members during consideration of the item). The letter from the Minister read:

“I note your request of 23<sup>rd</sup> June seeking my agreement as set out in Regulation 25 of the Town and Country Planning Act Regulations 2005 to extend the time period for adoption of the LDP by your Council beyond the statutory eight week period specified in the Regulations. The reasons you give are that the Leader, Councillor John Thomas has expressed concern regarding housing supply figures in the LDP and their basis in historic population projections of the Vale. These matters have already been thoroughly considered as part of the independent examination of the LDP. The Inspector’s report received by Council (25<sup>th</sup> May) is binding. A Local Planning Authority may not question the Inspector’s conclusions. The Local Planning Authority cannot therefore raise any further matters after receipt of the Inspector’s report. There is no reason for delaying the adoption of your LDP beyond the eight week period. A Council report and supporting documentation recommending adoption of the LDP on 28<sup>th</sup> June at Full Council is publicly available on your website.

I therefore decline your request for extending the period within which you must adopt the LDP. I expect you to adhere to your statutory duty and adopt the LDP by 20<sup>th</sup> July in line with Regulation 25 of the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005.

Regards,

Leslie Griffiths AM – Cabinet Secretary for Environment and Rural Affairs.”

The Cabinet Member for Regeneration and Planning confirmed that the purpose of the report was to advise Council of the Inspector's binding report on the Examination of the Vale of Glamorgan Local Development Plan 2011 - 2026 (LDP) and to seek to adopt the LDP.

The recommendations were as set out in the report, but, in brief were:

1. That Council note the findings of the Inspector's binding report, endorse the Adoption Statement and final Sustainability Appraisal and approve the Adoption of the Vale of Glamorgan LDP 2011-2026.
2. That the Head of Regeneration and Planning or Operational Manager for Development Management be authorised to make any outstanding typographical or factual corrections to the LDP in accordance with paragraph 1.13 of the Inspector's report.

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3. That the LDP is translated and published, in accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 (“the Regulations”).

4. That the adopted Supplementary Planning Guidance documents (SPGs) continue to be used as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn.

## **Background**

There was a statutory requirement on each Local Authority in Wales to prepare a Local Development Plan (LDP) for its area. The Council commenced its LDP process in June 2006. The LDP was submitted to the Welsh Government and the Planning Inspectorate for independent examination on 24<sup>th</sup> July, 2015. The LDP would be used to guide and manage development, and would replace the Vale of Glamorgan Unitary Development Plan 1996 - 2011.

## **Examination in Public**

The Deposit LDP was submitted for independent examination to Welsh Government and the Planning Inspectorate on 24<sup>th</sup> July, 2015. 22 hearing sessions were held, which commenced on 19<sup>th</sup> January, 2016 and concluded on 20<sup>th</sup> April, 2016. Matters Arising Changes (MACs) were proposed in response to the action points and matters raised at these hearing sessions and the Inspector held a further 4 hearing sessions between 24<sup>th</sup> January, 2017 and 1<sup>st</sup> February, 2017 to conclude proceedings.

## **Inspector's Report - Key points**

A copy of the Inspector's report was attached electronically as Appendix 1 to the report. The Inspector's recommended and binding changes needed to meet legal and statutory requirements and to ensure that the Plan was sound and as set out in the Appendices to that report. A non-technical summary of the Inspector's report, including a summary of the changes made to the LDP, was attached electronically as Appendix 2 of the report.

The report concluded that, subject to the recommended changes, the Plan met the tests of soundness set out in Planning Policy Wales. In concluding this, the Inspector had considered that the Council had provided sufficient evidence to support the LDP Strategy and had shown that it had a realistic prospect of being delivered.

The 2005 LDP Regulations required the Authority to adopt the LDP within eight weeks of receipt of the recommendations and reasons given by the Inspector. Recommended changes had been shown in bold in the Inspector's report.

Almost all of the recommended changes were put forward by the Council as part of the MACs or Further MACs process in response to matters raised during the examination to be incorporated in the Adopted LDP. A small number of changes were not considered necessary for soundness but would provide helpful additional

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clarity and precision MAC1 – the forward and MAC79 – typo changes. They were not subject to the Inspector's binding recommendations, however were able to be incorporated into the final version of the LDP.

The changes not recommended by the inspector were: FMAC6 and 7 (development quality requirements for affordable housing), MAP FMAC04 and MAP MAC64 (ensuring a map of Argoed Isha quarry was retained) and MAP MAC120 - 122 (wind search areas - map not required because less than 5 MW).

Three additional Inspector proposed changes or IMACs had been recommended.

- IMAC1 clarified the requirements for on-site delivery of affordable housing in Policy MG4 (Affordable Housing).
- IMAC2 provided clarification to the wording of criteria in Policy MD17 (Rural Enterprise).
- IMAC3 included additional wording to Policy MG22 (Dormant Mineral Sites) to clarify that, whilst Argoed Isha was identified as a dormant minerals site, a prohibition order would not be served given the potential for the site to be reworked in future.

The Inspector at paragraph 1.13 gave Council authorisation to amend any typographical or factual errors arising from the examination, and any other presentational matters following the recommended changes.

A tracked changes version of the Deposit LDP illustrating the recommended changes endorsed by the Inspector was attached electronically as Appendix 3 to the report. A final composite version of the LDP Written Statement was also attached as Appendix 4.

## **Key Issues and Options**

As alluded to above, the Council was required to adopt the LDP within 8 weeks of receipt of the Inspector's report. The Inspectors' Report and its recommendations were binding on the Council and there were no opportunities to request changes after the receipt of the Inspector's Report.

As the existing Unitary Development Plan was now time expired, to protect the Vale of Glamorgan from unchecked speculative development, it was essential to ensure an up-to-date policy framework was available to effectively guide future development.

The LDP would become operative on the date it was adopted by the Council. Should the Council not agree to adopt the LDP, the Welsh Government had default powers to intervene and approve the LDP on the Council's behalf and charge the Council for the process.

National planning policy required that local planning authorities demonstrate there was a five-year housing land supply at the time the plan was adopted and without an adopted LDP the Council would be unable to formally demonstrate a sufficient

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housing land supply which severely weakened its position when dealing with speculative development .

The Council's Housing Land Supply Trajectory prepared for the Examination indicated that housing land supply would be 5.6 years. The LDP provided a stronger policy framework for matters that had moved forward in the planning system since the preparation and adoption of the Unitary Development Plan.

### **Next Steps**

In accordance with the 2005 LDP Regulations, the adopted LDP would be published by means of a statutory notice and the LDP and associated documents would be published on the Council's website and made available at deposit locations. Once adopted, the LDP would be subject to a six week challenge period to the High Court.

### **Supplementary Planning Guidance (SPG)**

The Council had a number of adopted Supplementary Planning Guidance documents (SPGs); in order to ensure conformity with LDP policies, a review of these would be carried out as soon as is practicable following adoption of the LDP. In the interim it was proposed that existing SPG would be carried forward, bar Golf-Related Development, which would be deleted and no longer used in development management decisions.

Draft Affordable Housing and Planning Obligations SPGs had been prepared that took account of LDP policies as well as the latest evidence and guidance. Public consultation on the draft documents took place concurrently with the Matters Arising Changes from- 16<sup>th</sup> September to 28<sup>th</sup> October, 2016. The adoption of these SPGs would be subject to a separate report to Cabinet in the future.

Additional SPGs and Development Briefs would also be required, including the following:

- Renewable Energy SPG (within one year)
- Travel Plan SPG (within two years)
- Householder Design Guidance SPG (within one year)
- Enterprise Zone Strategic Development Framework within one year).

Minerals Safeguarding SPG (within one year) would come forward over the next two years as required.

### **Plan Monitoring, Review and Amendment**

Following the LDP's adoption the Council must submit an Annual Monitoring Report (AMR) with the first AMR being required by 31<sup>st</sup> October, 2018. This would assess the extent to which LDP strategies, policies and key sites were being delivered (i.e. whether the Plan's policies were being implemented as intended). The Council must also undertake a mandatory Plan review within four years following its adoption to

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ensure that the LDP remained up to date.

The Plan review would need to consider the effectiveness of the Plan in delivering the Strategy and having regard to the findings of monitoring, evidence from updated surveys and changes to national policy. This would include ensuring that there would be sufficient provision to meet future needs over the new Plan period. Alternatively, if a major infrastructure project came forward that was demonstrated as being needed and deliverable, this could also be considered as part of the Plan review process.

A full Plan review would also require the Council to undergo a statutory plan preparation process including an Examination in Public on any replacement Plan. In summary, this would involve preparation of a new Delivery Agreement, engagement with key stakeholders, a call for candidate sites, a review and update of the evidence base and public consultation on Pre-Deposit proposals (Spatial Options and draft Preferred Strategy) and a replacement Deposit Plan.

The Cabinet Member for Regeneration and Planning formally moved the recommendations in the report before Council and recommended all Members to vote to accept the LDP. In doing so, he also assured Members that the Council would start reviewing parts of the LDP and SPGs in the very near future, with a full review as soon as resources allowed.

The Cabinet Member for Regeneration and Planning formally moved the four recommendations contained in the report before Council, this being duly seconded by the Deputy Leader. The Cabinet Member also indicated his intent to seek a Recorded Vote on the recommendations before Council and on any amendments proposed during consideration of the item. As provided within the Constitution, the requisite number of six Members stood, which meant that a Recorded Vote would take place.

Councillor Dr. Ian Johnson wished to thank all of the staff who had worked on the huge undertaking of the LDP over the eleven years that it had been in progress. However, he considered there to be a gap at the heart of the Plan – caused by the economic recession that started in 2007 and, he felt, ignored by successive Council Leaders. That recession had reduced economic growth, reduced population change and, consequently, he considered the Council should have reduced its targets.

He considered that the withdrawal of plans for the St. Athan Defence Training Academy and the impact of Brexit uncertainty had also been ignored. In Plaid Cymru's opinion, those flaws were so significant that the LDP could not be accepted.

He reminded returning Members that, in 2013, he had "exposed" how the population growth figures in the 2011 census were 40% different from those underpinning the LDP. The then-Chairman of the Planning Committee had challenged him to accept the revised Welsh Government housing figures when they were next published. He had and the Welsh Government housing projections in 2014 confirmed Plaid Cymru's stance that the LDP included far more housing than was needed in the Vale. The principle projection was for 5,600 houses, whereas the LDP provided for around 10,000. Since the Plan was submitted to the Inspector, further Welsh

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Government household projections were published earlier this year. Those showed a required housing growth of 4,000 houses from 2011 to 2026, but the Council wanted to build 10,000.

Acknowledging that there was an issue in terms of providing much-needed social housing, Councillor Dr. Johnson felt that delays to the Brecon Court redevelopment had undermined the commitment locally, while the Conservatives' "bedroom tax" had massively skewed house building policy, forcing the building of large numbers of one bed units, rather than deal directly with need and overcrowding.

In terms of housing projections, he felt the Council to be out of step with Welsh Government projections. The City Region, which the previous Administration had approved a few months ago (and which gave the Council responsibility for housing and planning) used the Welsh Government figures that the LDP rejected. The same applied to the Cardiff and Vale University Health Board Population Needs Assessment, also agreed by the former Administration.

Councillor Dr. Johnson considered the LDP to offer no infrastructure solution to deal with the housing growth and inevitable congestion it would create (for example, there was no Dinas Powys Bypass in the LDP).

Councillor Dr. Johnson moved the following amendment to Recommendation (1) of the report before Council:

"That Council note the findings of the Inspector's report and recommend to the National Assembly that further time is provided so that the Inspector may reconsider issues relating to projected levels of housing numbers and transport infrastructure in the south-east of the Vale of Glamorgan, with further recommendations deleted."

The above amendment proposed was duly seconded by Councillor Hodges.

The Cabinet Member for Regeneration and Planning reiterated the fact that the new Administration had written to the Welsh Government seeking an extension of the time period for adoption of the LDP, but that the request had been turned down.

Councillor Bailey expressed great sympathy with the situation in which the Administration found itself, in being forced by the Welsh Government's planning law to adopt Labour's LDP and having no other avenues left to explore in order to delay a decision. As such, it was on that basis and "with a heavy heart", that he would be voting to adopt the LDP.

Councillor Bailey wished to put on record his concerns about the target for 10,000 homes to be built over the lifetime of the Plan and he alluded to the Minister's letter read out earlier as indicating the Council was not allowed to question the Inspector's conclusions. Given that, he asked (given Welsh Government's unwillingness to listen to the concerns of elected Members and residents) whether the Cabinet Member would be willing to recommend an urgent and immediate review of aspects of the LDP. He felt that would send a strong message to Barry residents that the Administration would continue to fight "inappropriate development". As far as his



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own Ward was concerned, there had been longstanding concerns around proposals at Bryn Hill and Weycock Cross and he sought reassurance that such sites would be afforded greater protection from development.

Councillor Dr. Ian Johnson referred to the Cabinet Member for Regeneration and Planning as having previously declared an interest when the Local Development Plan had been discussed and he asked whether that interest still applied. The Mayor reminded Councillor Dr. Johnson that no such interest had been declared at the commencement of the meeting.

Councillor Mahoney felt Plaid Cymru to have acted disingenuously in terms of the Dinas Powys Bypass. He felt Members such as himself, who were in favour of the Bypass, had actually voted against it simply because the Plaid Cymru amendment included accepting the transport plan if that was included. He felt some Members had voted against the amendment because Plaid Cymru had been too unintelligent to present it correctly.

Councillor Mahoney considered the LDP to contain too many houses. He felt the point was that, if the Council was forced into such housing numbers, there were too many houses in the wrong places.

Councillor Hodges referred to certain things that had happened within the Council's planning processes that he felt showed the inability of the LDP to carry forward the wishes and needs of the Vale of Glamorgan and its people. He referred to a huge growth of housing on the Waterfront, contained within the LDP and now a threat of the promised leisure, retail and associated industries within that area as seeming to be "sliding away", with the threat of being lost. He quoted an inability in a Planning Committee meeting to show a local business of long-standing the possibility of providing space within Barry for them to expand and retain their business in this town and to an inability to show a prospective new supermarket and the jobs that it would provide a space within the town.

Councillor Hodges alluded to the lack of progress at St. Athan (for example, in terms of the Academy) and to the lack of provision within the LDP for the Dinas Powys Bypass. He considered this to be not only vital to Dinas Powys, but to the future of South Barry and the connections between the Vale and Cardiff.

Councillor Hodges concurred with Councillor Dr. Johnson's earlier comments regarding an ever-increasing amount of residents of Barry and to the west of Barry travelling to Cardiff, but he felt the appropriate infrastructure was simply not there. If SPGs were going to be reviewed, he asked that the review include the recently-agreed Parking Standards. He also considered there to be a need for an urgent review of burial space within the Vale of Glamorgan.

Councillor Carroll considered the Welsh Government's disappointing response earlier in the day to have put the Cabinet Member in a difficult position and he had every sympathy with him for that. He would be voting for the adoption of the LDP, but under some duress. He felt it would have been beneficial for the new Administration to have been given more time to enable it to reconsider the current

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situation. In light of that, Councillor Carroll asked whether the Cabinet Member would join him in expressing his disappointment at the Welsh Government's response and acknowledging that more time should have been allowed to consider what he regarded as inappropriate and arbitrary housing targets for the Vale.

Councillor Driscoll, referring to the big increase in housing in Dinas Powys, asked the Cabinet Member for Regeneration and Planning to comment on the absence of the Dinas Powys Bypass from the LDP.

At the request of the Mayor, Councillor Dr. Johnson repeated the amendment which had been moved and seconded earlier, i.e.:

“That Council note the findings of the Inspector's report and recommend to the National Assembly that further time is provided so that the Inspector may reconsider issues relating to projected levels of housing numbers and transport infrastructure in the south-east of the Vale of Glamorgan, with further recommendations deleted.”

In summing up, the Cabinet Member for Regeneration and Planning again reminded Members of the contents of the Minister's letter and questioned why any Member could not understand what it meant, i.e. that the Council's request for more time had been denied by Welsh Government.

As far as “reassurances” were concerned, he stated that having an LDP would protect unmentioned sites (i.e. sites that were not in the LDP). Not having an LDP would leave those sites very vulnerable in terms of potential development. He assured Members that having an LDP was far safer than not having one.

The LDP would, indeed, be reviewed – each part and as quickly as possible. A full review had to be completed within four years and attempts would be made to do so quicker. SPGs would be looked at straight away.

In terms of infrastructure, if not in the LDP, but if proved viable and deliverable, provisions could be put into the LDP without too much difficulty. The Council was at Stage 1 with the Dinas Powys Bypass investigation, shortly to move into Stage 2. Funding was in place for the M4 link for Stage 1 and Stage 2 and that would be progressing very shortly. The Council was also in talks with Welsh Government, who had requested the Council meet them along with neighbouring Authorities to discuss infrastructure issues.

In concluding, the Cabinet Member reiterated his disappointment regarding Welsh Government's “bully boy” attitude. The 2014 projections were more realistic, but the Council's request had received a bullish reply. Unless the LDP was accepted, the Council would be risking the Welsh Government adopting the LDP on the Council's behalf and charging the Council for the process of doing so. He urged Members to adopt the LDP

A Recorded Vote then took place as indicated below on the following amendment:

No.

“That Council note the findings of the Inspector's report and recommend to the National Assembly that further time is provided so that the Inspector may reconsider issues relating to projected levels of housing numbers and transport infrastructure in the south-east of the Vale of Glamorgan’, with further recommendations deleted.”

<b>Councillor</b>	<b>For the Amendment</b>	<b>Against the Amendment</b>	<b>Abstain</b>
Julie Aviet		X	
Vincent Bailey		X	
Rhiannon Birch		X	
Jonathan Bird		X	
Bronwen Brooks		X	
Lis Burnett		X	
George Carroll		X	
Christine Cave		X	
Janice Charles		X	
Millie Collins	X		
Geoff Cox		X	
Robert Crowley		X	
Pamela Drake		X	
Vince Driscoll		X	
Stewart Edwards		X	
Ben Gray		X	
Owen Griffiths		X	
Steve Griffiths		X	
Tony Hampton		X	
Sally Hanks		X	
Nic Hodges	X		
Hunter Jarvie		X	
Gwyn John		X	
Ian Johnson	X		
Gordon Kemp		X	
Peter King		X	
Matthew Lloyd		X	
Kevin Mahoney		X	
Kathryn McCaffer		X	
Anne Moore		X	
Neil Moore		X	
Michael Morgan		X	
Jayne Norman		X	
Rachel Nugent-Finn		X	
Andrew Parker		X	
Bob Penrose		X	
Sandra Perkes		X	
Andrew Robertson		X	
Leighton Rowlands		X	
Neil Thomas		X	
Steffan Wiliam	X		

No.

Margaret Wilkinson		X	
Eddie Williams		X	
Mark Wilson		X	
Marguerita Wright		X	
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The amendment was, therefore, not carried.

A Recorded Vote then took place as indicated below on the four recommendations contained in the report before Council:

<b>Councillor</b>	<b>For</b>	<b>Against</b>	<b>Abstain</b>
Julie Aviet	X		
Vincent Bailey	X		
Rhiannon Birch	X		
Jonathan Bird	X		
Bronwen Brooks	X		
Lis Burnett	X		
George Carroll	X		
Christine Cave	X		
Janice Charles	X		
Millie Collins		X	
Geoff Cox	X		
Robert Crowley	X		
Pamela Drake	X		
Vince Driscoll	X		
Stewart Edwards	X		
Ben Gray	X		
Owen Griffiths	X		
Steve Griffiths	X		
Tony Hampton	X		
Sally Hanks	X		
Nic Hodges		X	
Hunter Jarvie	X		
Gwyn John	X		
Ian Johnson		X	
Gordon Kemp	X		
Peter King	X		
Matthew Lloyd	X		
Kevin Mahoney		X	
Kathryn McCaffer	X		
Anne Moore	X		
Neil Moore	X		
Michael Morgan	X		
Jayne Norman	X		
Rachel Nugent-Finn	X		
Andrew Parker	X		
Bob Penrose	X		

No.

Sandra Perkes	X		
Andrew Robertson	X		
Leighton Rowlands	X		
Neil Thomas	X		
Steffan Wiliam		X	
Margaret Wilkinson	X		
Eddie Williams	X		
Mark Wilson	X		
Marguerita Wright	X		
	<b>40</b>	<b>5</b>	

It being duly RESOLVED -

(1) T H A T the findings of the Inspector's binding report be noted and the Adoption Statement and final Sustainability Appraisal (incorporating the Environmental Report) (Appendix 5 and 6) endorsed and the Adoption of the Vale of Glamorgan Local Development Plan 2011 – 2026 be approved.

(2) T H A T the Head of Regeneration and Planning or Operational Manager for Development Management be authorised to make any outstanding typographical or factual corrections to the Local Development Plan arising from the changes made during the examination, together with any other presentational matters or consequential amendments following the recommended changes, in accordance with paragraph 1.13 of the Inspector's Report.

(3) T H A T officers make the necessary arrangements to translate and publish the Local Development Plan and make it available on the Council's website and deposit locations, in accordance with the 2005 LDP Regulations.

(4) That the adopted Supplementary Planning Guidance documents (SPGs) which were prepared to supplement the policies contained in the Adopted UDP listed at paragraph 27 of the report continue to be used as material considerations in the determination of planning applications until they are replaced or otherwise withdrawn.

#### Reasons for decisions

(1) To Adopt the Vale of Glamorgan Local Development Plan 2011 - 2026 as required by the 2005 LDP Regulations and to endorse the Inspector's Report, Adoption Statement and final Sustainability Appraisal (incorporating the Environmental Report).

(2) To ensure the published version of the Adopted Local Development Plan does not contain any factual, typographical or presentational inaccuracies, as authorised by the Inspector's Report.

(3) To publish the Adopted Vale of Glamorgan Local Development Plan 2011 - 2026 as required by the 2005 LDP Regulations.

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(4) To ensure the advice and guidance provided in existing SPGs is carried forward to offer support to the policies of the Adopted LDP.

#### 86 USE OF THE MANAGING DIRECTOR'S EMERGENCY POWERS (MD) –

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

(a) At the Annual Meeting, Councillor Rachel Nugent-Finn was appointed to both the Appeals Committee and Early Retirement / Redundancy Committee. However, the Terms of Reference of both Committees prevented a Member being appointed to either Committee should they be appointed to the other. Emergency Powers had therefore been used to replace Councillor Nugent-Finn with Councillor Ben Gray on the Appeals Committee.

(b) Councillors Hunter Jarvie and Gwyn John were appointed to the Standards Committee Appointments Panel by Council at the Annual Meeting on 24<sup>th</sup> May, 2017. However, both Members, on being made aware of the applicants, indicated they were closely acquainted to some of the applicants. Emergency Powers had therefore been used to replace Councillor Hunter Jarvie with Councillor Leighton Rowlands and Councillor Gwyn John with Councillor Sally Hanks on the Panel.

(c) Councillor Gwyn John to replace Councillor Jayne Norman on the Joint Consultative Forum.

RESOLVED – T H A T the report be noted.

#### Reason for decision

To inform Council.

#### 87 JOINT CONSULTATIVE FORUM: ELECTION OF CHAIRMAN AND VICE-CHAIRMAN (MO) –

The recent Annual Meeting dealt with the appointment of the various Chairmen and Vice-Chairmen to the Council's Committees and Forums, which included the Joint Consultative Forum. Councillors Charles and Hampton were subsequently appointed as Chairman and Vice-Chairman to these positions.

Since the above meeting taking place, it had been made known that the inclusion of the Joint Consultative Forum in the above process was an error as the Forum's Constitution required the appointment of both positions to be undertaken at the first meeting of the Forum following the Local Government elections and for the duration of the current Administration. The first meeting of the Forum would be held on 3<sup>rd</sup> July, 2017.

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The situation was an unusual one in that Council had the responsibility of agreeing the Forum's Terms of Reference, with the Forum itself responsible for agreeing its Constitution.

The relevant section of the Forum's Constitution was as set out below:

### **"Composition**

5.1 The Forum shall consist of seven elected members of the Council. In the event of an elected member being unable to attend the place will be taken by the Member's named substitute.

5.2 The employee representatives shall consist of a total of twelve representatives in the employ of the Council nominated collectively by the appropriate Trade Unions with the Teaching Association Trade Unions being provided with four representatives. In the event of an employee representative being unable to attend a meeting a substitute member in the employ of the Council can be nominated.

5.3 The Chairperson of the Forum will be elected at the first meeting of the Joint Consultative Forum following the local government elections for the duration of the current administration.

5.4 The Vice Chairperson of the Forum will be elected by the Trade Unions representatives and will chair the Forum in the absence (and at the request) of the Chairperson.

5.5 The quorum at a meeting will be three elected members and six trade union / employee representatives.

5.6 The Standing Joint Secretary to the Forum will be the Head of Human Resources. (In his / her absence the Operational Manager for Human Resources will act as substitute). The Joint Secretary for the employee representatives shall be nominated on an annual basis by the appropriate trade unions."

Consequently, it was now necessary to correct the error and regularise the appointment process, so that the appointment of the Chairman and Vice-Chairman was in accordance with Forum's Constitution. The Leader informed Members that the Chairman of the Forum would be one of the Elected Members on the Forum, with the Vice-Chairman to be elected by the Trade Unions (as referred to in 5.4 above). The Leader also referred to paragraph 5.1 of the Forum's Constitution, which provided for named substitutes for each Elected Member. Group Leaders confirmed that substitute Members would be as follows:

#### Conservative Group

- Councillor Janice Charles (substitute – Councillor Kathryn McCaffer)
- Councillor Ben Gray (substitute – Councillor Leighton Rowlands)

No.

- Councillor Steven Griffiths (substitute – Councillor Vincent Driscoll)
- Councillor Anthony Hampton (substitute – Councillor Vincent Bailey).

### Labour Group

Councillor Neil Moore, Leader of the Labour Group, indicated he would notify the Head of Democratic Services of substitute Members for Councillors Pamela Drake and Neil Thomas.

As far as Plaid Cymru and Llantwit First Independent Groups were concerned, there remained an anomaly in terms of their resolving the respective Groups' membership on the Joint Consultative Forum and the Audit Committee. However, in the event that either Group took up a place on the Joint Consultative Forum, the relevant Group Leaders confirmed that substitutes would be as follows:

### Plaid Cymru Group

Councillor Dr. Ian Johnson (substitute – Councillor Nic Hodges).

### Llantwit First Independent Group

Councillor Gwyn John (substitute – Councillor Jayne Norman).

In addition to the above, it was also considered prudent to add to the existing Terms of Reference of the Forum the above wording (i.e. Section 5) taken from the Forum's Constitution so that the relevant requirements were reflected and to avoid potential discrepancies in the future.

RESOLVED –

(1) T H A T the administrative error that arose at the Annual Meeting be noted and that the election of the Joint Consultative Forum Chairman and Vice-Chairman be undertaken at its first meeting of the Forum which is due to be held on 3<sup>rd</sup> July, 2017.

(2) T H A T the addition to the current Terms of Reference of the Joint Consultative Forum of the wording as set out in paragraph 5 of the report be approved.

### Reasons for decisions

(1) To ensure the election process meets the requirements of the Joint Consultative Forum Constitution.

(2) To amend the Joint Consultative Forum's Terms of Reference and the Council's Constitution to take account of the Forum's Constitution.



88 REVIEW OF THE COUNCIL'S CONSTITUTION / OFFICER DELEGATIONS (MO) –

In introducing the report, the Cabinet Member for Regulatory and Legal Services informed Members that there was a typographical error in Recommendation (4) in that (at the end of the recommendation) the wording should read "... the applicability of Recommendation (3) above." rather than Recommendation (2).

Since the formal introduction of the Council's new Executive arrangements in May 2002, the Constitution had remained under review and would continue to be so on an ongoing basis. Under Section 2.4 of the Constitution, the Monitoring Officer had a duty to monitor and review the operation of the Constitution to ensure that the aims and principles contained therein were given full effect.

Section 2.6.2 of the Constitution provided for changes considered by the Monitoring Officer to be "required to be made to remove any inconsistency, ambiguity or typographical correction" to be made and then reported to the next Full Council meeting for information.

The Scheme of Officer Delegations (Section 25 of the Constitution), in the case of certain delegations required the officer to consult a Cabinet Member. In the vast majority of such cases, the wording used was "... the relevant Cabinet Member". As such, the recent changes to Cabinet portfolios had no impact on the carrying out of most delegations. However, there were a very limited number of references to specific Cabinet portfolios, the terminology of which had changed. These were as follows:

Page 260 – Delegation No. 1 – "Cabinet Member for Human Resources" – to now read "Cabinet Member for Performance and Resources"

Page 265 – Delegation No. 35 – "Leader as Cabinet Member for Finance" – to now read "Leader as Cabinet Member for Performance and Resources"

Page 282 – Delegation (unnumbered) – "Cabinet Member for Visible and Leisure Services" – to now read "Cabinet Member for Neighbourhood Services and Transport"

Page 292 – Delegation No. 16 – "Cabinet Member for Regeneration and Education" – to now read "Cabinet Member for Regeneration and Planning"

Page 294 – Delegation No. 32 – "Cabinet Member for Housing and Social Care and Health" – to now read "Cabinet Member for Performance and Resources". As far as this particular delegation was concerned, it had been pointed out that the Council's Housing Renewal Policy already included arrangements for Disabled Facilities Grant waivers and it was proposed, therefore, that the delegation be amended to read "To approve, in consultation with the Section 151 Officer and the Cabinet Member for Performance and Resources, requests for waiving conditions outside of existing policies relating to the repayment of money up to the value of £10,000 in relation to

No.

Disabled Facilities Grants (house renovation) grants and group repair schemes in accordance with Council policy."

In addition to the above, a number of ad hoc delegations had previously been granted to Officers to consult with Member(s) in their capacity as Cabinet portfolio holders. Given the changes to the Cabinet portfolios as notified by the Leader at the Annual Meeting on 24<sup>th</sup> May, 2017, consultation in such circumstances was to be construed as aligning with the current Cabinet portfolios with the nature of the business / function informing which was the relevant Cabinet portfolio. If there was any doubt, it was proposed that the Monitoring Officer be given delegated authority to determine the relevant Cabinet portfolio.

RESOLVED –

(1) T H A T the changes to Cabinet Member portfolio terminology as set out in paragraph 4 of the report be noted and the Constitution be amended accordingly.

(2) T H A T the existing delegation No. 32 to the Head of Regeneration and Planning and Operational Manager (Regeneration) be amended to read "To approve, in consultation with the Section 151 Officer and the Cabinet Member for Performance and Resources, requests for waiving conditions outside of existing policies relating to the repayment of money up to the value of £10,000 in relation to Disabled Facilities Grants (house renovation) grants and group repair schemes in accordance with Council policy".

(3) T H A T ad hoc delegations to Officers to consult a Cabinet portfolio holder be construed as consulting the current Cabinet portfolio holder in line with paragraph 5 of the report.

(4) T H A T the Monitoring Officer, in consultation with the Cabinet Member for Regulatory and Legal Services, be granted delegated authority to determine the Cabinet portfolio holder to be consulted by an Officer regarding previously granted Officer delegations, when there is doubt about the applicability of Recommendation (3) above.

#### Reasons for decisions

(1) To update the Officer Delegation Scheme to reflect current Cabinet portfolio terminology.

(2) To reflect current procedures.

(3) To align existing Officer delegations with the current Cabinet portfolios.

(4) To provide authority for the Monitoring Officer to determine relevant Cabinet portfolio holders to be consulted.

No.

89 COUNCIL APPROVAL FOR THE INSTRUMENT OF GOVERNMENT FOR ST. HELEN'S CATHOLIC PRIMARY SCHOOL (LEGAL PROCESS FOR NAMING OF SCHOOL) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C3549, 24<sup>th</sup> April, 2017) as set out in Section 14.14 of the Council's Constitution, to ensure that the naming of the school complied with the legal framework by 1<sup>st</sup> May, 2017, be noted.

Reason for decision

To ensure that the naming of the school complied with the legal framework by 1<sup>st</sup> May, 2017.

90 QUESTIONS PURSUANT TO SECTIONS 4.18 OF THE COUNCIL'S CONSTITUTION –

Due note had been given of the following questions:

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

Following the recent tragic events at Grenfell Tower in London, can the Cabinet Member give assurances regarding the safety of Council and Registered Social Landlord-owned properties with multiple occupants? I recognise that it will be some time before a full investigation will be completed on the situation at Grenfell Tower, but will the Cabinet Member ensure that a review is carried out as quickly as possible to ensure that the Council and others have cut no corners when it comes to residents' safety – either in our own Council owned homes, those owned by RSLs or within the private sector?

**Reply from the Cabinet Member for Housing and Building Services**

Firstly, may I take this opportunity to offer our condolences and sympathy to those families whose loved ones may have died or been injured in the tragic events of the 14<sup>th</sup> June. This was clearly an event of catastrophic proportions and continues to be of considerable concern to all of us.

You will by now have received an e-mail advising of the actions of our officers and our plans to reassess our tenants, but I would update you as follows.

Over the last 2 weeks Officers have reviewed and evaluated our fire safety protocols and procedures in light of the Grenfell Tower disaster. Officers have been in direct contact with our contractors and specialist External Wall Insulation providers to seek the necessary assurances regarding the type and insulation materials that have been applied to some of our flats and houses. Neither the Council nor local Registered Social Landlords own any high rise flats in the Vale of Glamorgan and the cladding system used in the refurbishment of Grenfell Tower has not been used on any other residential social housing in the Vale.

No.

For your reassurance all of our flats with communal areas have been risk assessed by appropriately trained staff. Those assessments are supported by monthly scheduled communal area inspections highlighting any fire protection and repair issues that may have subsequently become evident. In addition the Council undertakes cyclical servicing and maintenance of all fire protection systems and has auditable reports which are regularly reviewed by the Housing Health and Safety Compliance Team.

The Compliance Team remit is to consider all health and safety related matters in Council Housing and the team was involved in discussions relating to the specification for and the application of External Wall Insulation (EWI) systems. The insulation / cladding system used (which is not the same as in London) is deemed safe under the existing guidance and exceeds current building regulations; however this may change in light of recent events.

The Contractors' work has already been independently checked as the work progressed and on completion.

In terms of reassurance visits and information, senior staff have checked all records regarding inspections and these are up to date. Staff have also attended coffee mornings at our sheltered schemes providing fire safety awareness advice. Officers are currently visiting and providing fire safety information leaflets and evacuation advice to tenants in communal flats and this should be completed by the end of this week.

In terms of private rented properties, the Council does not have an over-arching legal responsibility in relation to fire safety, but does have a duty of care to carry out an inspection where advised that a hazard exists. The Council must apply the Housing Health and Safety Rating System, which is an evidence-based methodology for assessing risk against 29 potential hazard categories, including Fire. Where a "Category 1" hazard is found (a higher risk hazard) then the Council will be under a duty to take action, for example by requiring certain works (an "Improvement Notice") or by prohibiting use of part or all of the premises (a "Prohibition Order"). The Council also has mandatory licensing powers in respect of larger Houses in Multiple Occupation (HMO) and "additional licensing" powers for a number of smaller HMOs in the Castleland Renewal Area. Means of escape in case of fire is considered at every licensing inspection and license conditions requiring fire safety facilities and equipment are routinely applied within the license conditions.

In relation to Homelessness and the discharge of housing duties into the private sector the Housing Department has a duty to ensure that the accommodation provided adheres to Chapter 19 of the Code of Guidance. This requires Authorities to ensure that the conditions of properties which are sourced / allocated for people under Part 2 of the Housing (Wales) Act 2014 are of a safe physical condition. All sourced private rented accommodation is inspected by qualified Environmental Health officers before it is deemed appropriate for use.

No.

Supplemental

Indicating he was pleased to have received an assurance that the Council had been proactive on such an issue of great concern, Councillor Dr. Johnson asked whether the Council had considered arranging “drop in” sessions to allow residents to ask further questions of Councillors and whether a report could be produced for Members on the provision of linked smoke alarms in blocks of flats with multiple occupancies.

The Cabinet Member reiterated the fact that safety was the Council’s major concern at this stage. He would inform relevant officers of Councillor Dr. Johnson’s comments and ask that any other Members who had concerns should contact him accordingly. He understood and appreciated the need to keep residents informed.

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

How will the Cabinet Member maintain Communities First services in Barry following the Welsh Government announcement on February 14<sup>th</sup> that funding for this programme will be phased out at the end of this financial year?

**Reply from the Cabinet Member for Regeneration and Planning**

Communities First is being phased out as a national programme, and in the current year the Council has 70% of its previous grant to deliver the programme.

This does not affect the Communities For Work programme delivered by the Communities First team, for which extended funding has been offered.

Officers engaged with Welsh Government during the consultation on the closure of the programme and as a result 2 new funding streams have been identified. There will be a “Legacy Fund” available to the Council to continue the strongest elements of Communities First for at least a further two years. There will also be an ‘Employability Grant’ available which will allow further work with unemployed individuals, not just limited to the current Communities First area, but to the whole of the council’s area. Research is currently underway to inform the design of a new programme using these funds.

Supplemental

Councillor Dr. Johnson asked whether it would be possible to meet with the Cabinet Member and, perhaps, other Members who represented the areas concerned to discuss how the funding was going to be determined in future.

The Cabinet Member indicated that would be possible.

No.

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

What plans does the Cabinet Member have to improve Barry's Holton Road shopping area during the 2017-18 financial year?

**Reply from the Cabinet Member for Regeneration and Planning**

- A budget of £121000 has been identified in the Capital Programme to provide grant assistance for improvements to Barry town centre properties.
- Loan funding of £850 000 has been identified for a town centre affordable housing scheme to be delivered by a Registered Social Landlord. This will lead to the creation of 8 flats at first and second floor level. The money has been identified through the Welsh Government Town Centre loans scheme.
- A budget of £70k has been identified in the Capital Programme to undertake survey and design work at key locations in the Gladstone Road and Dock View Road areas of the Town Centre as part of a proposed major gateway improvement scheme. It is intended that this important scheme will form the basis for seeking further grant support to deliver in due course, as part of Welsh Government's Vibrant and Viable Places funding due to be re-launched in 2018/19.
- Several loading bays in Holton Road have recently been converted to 2 hour parking bays on a trial basis in an attempt to improve customer parking especially in the lower part of the town centre. This trial came about through consultation with the Town Centre Forum set up by the Council. Other initiatives will be considered in due course.
- Tenders are currently being invited for an improved ice rink facility in the run up to Christmas, and the Council will deliver events to support this. Further funds are still available to new event organisers.
- Works will be completed in the Autumn on a major refurbishment of Gladstone Gardens, which will also help to enhance the broader town centre.
- The Council's Town Centres Development Officer continues to work closely with and support traders throughout the year, including providing support at the traders' own meetings and through the forum which was set up last year.

**Supplemental**

Councillor Dr. Johnson asked whether there was a strategy in place for reducing the number of vacant properties within the Holton Road shopping area.

The Cabinet Member understood that the matter was being worked on and he informed Councillor Dr. Johnson that he would come back to him with further information.

No.

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

When does the Cabinet Member intend to bring forward a report on the effectiveness of private sector environmental enforcement in the Vale of Glamorgan and its impact upon street cleanliness, as promised by the previous Administration but not as yet included in the Cabinet Forward Work Programme?

**Reply from the Cabinet Member for Neighbourhood Services and Transport**

A report detailing the performance of the Council's environmental enforcement partners, including 3GS, will be presented to the Environment and Regeneration Scrutiny Committee and then on to Cabinet in November 2017. This is detailed in the 'Cabinet Annual Strategic Work Programme' for June 2017 to April 2018, which is available on the Council's website

**Supplemental**

Councillor Dr. Johnson asked how the Council was going to assess the performance of the company, which had been shown to have issued an average of just 1.5 tickets per day.

The Cabinet Member indicated he would await the report alluded to in his initial reply, as he believed he could then provide a more accurate response. It was possible that the report might be submitted to the relevant Scrutiny Committee prior to Cabinet in November 2017.

(v) **Question from Councillor K.P. Mahoney**

Whilst it is accepted that the Conservative and Labour Groups on the Vale of Glamorgan Planning Committee voted to approve planning permission for the already under construction Biomass plant / incinerator located on Barry Dock in the heart of a residential area, there is currently no licence for it to operate granted by Natural Resources Wales (NRW). Given the concerns expressed by many Councillors including myself and now increasing numbers of the public and in view of the fact that the preliminary report commissioned by Barry Town Council has exposed glaring faults and omissions in the applicants' licence application, has, or will, the new Conservative Vale of Glamorgan Administration be engaging independent environmental or biomass plant / incinerator experts of national renown and expertise to investigate the full implications of the effects of this plant on the surrounding areas and implications for residents' health in order that formal representations can be put forward by the Vale to NRW before the granting of any such licence in order to protect the public interest?

**Reply from the Cabinet Member for Regeneration and Planning**

I would advise you that the current environmental permit application is for determination by Natural Resources Wales (NRW) and deals with matters that only

No.

that organisation has a statutory responsibility for. NRW have received all relevant information held by the Local Planning Authority, including the report to the Planning Committee and the planning permission that was issued by the Council. NRW also have full access to all the relevant information held by the Council through the online planning register.

Accordingly, there is no further relevant information that could be provided to NRW. It should be noted that the decision on the Environmental Permit will be NRW's alone and will be made on the basis of all relevant information submitted to them. That said, I am aware that the Leader of the Council recently wrote to a member of Barry Town Council to advise that he has asked that colleagues from the Shared Regulatory Service make contact with NRW to discuss the matter further and to ensure that the concerns of the community are clearly understood and taken on board when reaching their decisions. To this end, the public health of residents and the future public health of our communities is of vital importance to this current Administration. Such an approach is, in my view, proportionate and measured.

### Supplemental

Referring to the appointment by Barry Town Council of an expert and a volunteer group as having produced a series of questions for Natural Resources Wales (NRW) regarding the licence, Councillor Mahoney asked why the Council could not do likewise, given its greater resources than the Town Council, in order to present questions to NRW prior to their making a decision.

The Cabinet Member alluded to NRW having far greater resources than the Council, which itself was under financial restraints. As such, he did not consider it appropriate that the Council should be funding the work of NRW.

### (vi) Question from Councillor K.P. Mahoney

Given that the site of the unauthorised Traveller encampment at the former waste amenity site in Hayes Road, Sully, has been declared by the Welsh Assembly Planning Inspectorate to be unsafe and not suitable for accommodation or housing development and especially by vulnerable communities, is the Vale of Glamorgan failing in its statutory duty and corporate responsibility of duty of care towards those persons currently in residence by allowing them to remain there? What immediate steps are you taking to remove the occupants to a safe site and what personal legal repercussions are all Councillors and officers of the Vale of Glamorgan Council liable for if a safety related incident occurs following the Welsh Assembly Inspectorate ruling given that it is known that the site has been adjudged as being located in an unsafe location?

### Reply from the Cabinet Member for Regulatory and Legal Services

I know the issue is of great concern to you and to my Cabinet colleague, who is also your fellow Ward Member.



No.

It is clear that the suggestion that the *'site in Hayes Road, Sully, has been declared by the Welsh Assembly Planning Inspectorate to be unsafe'* is not correct. The northernmost section of the site is identified by the Welsh Government's Development Advice Maps (developed on their behalf by Natural Resources Wales) as being within a C2 Flood Zone as set out in Technical Advice Note 15. The Advice Note is intended to provide a framework within which risk arising from flooding can be assessed when considering the location of new development as part of the Development Management process. A C2 area is an area identified in the Note as being *'Used to indicate that only less vulnerable development should be considered subject to application of justification test, including acceptability of consequences. Emergency services and highly vulnerable development should not be considered'*. As such, the identification of part of the former Civic Amenity site as being within a C2 flood zone is not an indication that the site is at imminent risk of flooding or indeed is it intended or designed to be used in a health and safety context. It is a tool to be used and advise future development management decisions and to guide the location of new development. Indeed, there are a number of dwellings within the area also within the C2 Flood Zone (they were there long before the designation was devised) and yet there is no requirement for the Council to rehouse those households under the provisions of the planning legislation, the relevant Technical Advice Note or, indeed, any other health and safety legislation.

With the above in mind, the Local Development Plan (LDP) Inspector did not find the site to be 'unsafe', he found the site to be an unsuitable location for a permanent allocated Gypsy and Traveller site having regard to the development management process only.

Having clarified that the site has not been declared unsafe by the Planning Inspectorate, with regard to the statutory duty towards those persons currently in residence on the site, it should be noted that under the provisions of section 101 of the Housing (Wales) Act 2014, the Council has a duty to prepare an assessment of the accommodation needs of gypsies and travellers within its area (GTAA). The Council has undertaken an assessment that has been considered by the Welsh Ministers and, subject to some minor non-consequential amendments, the Minister has agreed with the assessment and its findings. The assessment was undertaken in accordance with the Welsh Government Guidance on Undertaking Gypsy and Traveller Accommodation Assessments. The occupiers at Hayes Road were considered as having their needs met on the site as the Hayes Road site is a 'tolerated' site for the purposes of the guidance.

In terms of meeting the identified need, Section 103 of the 2014 Act sets out that, if a GTAA identifies needs within the Authority's area with respect for the provision of sites on which mobile homes may be stationed the Authority must exercise its powers under the Mobiles Homes (Wales) Act 2013 so far as may be necessary to meet those needs. As the occupiers of Hayes Road were not identified in the GTAA as being in need, the Council does not at present have a statutory duty under the 2014 Act with regard to the relocation of the occupiers.

Notwithstanding this, the Council is aware that when the next assessment is undertaken the site will no longer be 'tolerated' and the occupiers of the site, if still

No.

resident, will be identified as being in need. In light of this, a Project Board has been established with the aim of identifying and procuring a site for the Hayes Road residents to move on to. The work of the Project Board is underway and is currently on track to seek to secure planning permission by May of next year. The Project Board officers are seeking the engagement of the occupiers in order to identify their needs and aspirations and are in the process of considering where best to accommodate them, taking into account as far as possible their input into the process.

This approach was agreed following the Cabinet decision of 6<sup>th</sup> June, 2016 (which included the relevant timetable) and the subsequent referrals to both the Homes and Safe Communities Scrutiny Committee and the Environment and Regeneration Scrutiny Committee.

Welsh Government Guidance on the management of unauthorised camping, together with case law provides that where a Local Authority does not have an authorised site, toleration on unauthorised sites should be considered as is the case here. Should the occupation of the site present a danger to persons the Council would be in a position to seek to remove the occupiers. To date, no danger has been identified or raised during the period of the occupation.

The Council takes its obligations under health and safety legislation very seriously and continues to keep health and safety matters at the site under review. In this context a “trespasser” is not a visitor and is not owed a common law “duty of care”, and the relevant legal provisions of the Occupiers Liability Act (1984) relating to protecting non-visitors (but not their personal property) is limited to a duty to take “such care as is reasonable....to see that the trespasser does not suffer injury on the premises” by reason of any danger potentially posed. I would draw the Councillor’s attention to the fact that the LDP inspector did not find the site to be “unsafe”, rather he found the site to be an unsuitable location for a permanent allocated Gypsy and Traveller site due to the C2 flood Zone allocation affecting the northern part of it.

Following the last inspection advice, has been provided to the occupants in terms of best practice. There have been no incidents documented either before the occupation of the land or since of any flooding to the specific area upon which the Travellers reside. In addition there are no known dangers associated with the occupation. No issues have been raised by those who occupy the site.

### Supplemental

Referring to comments made previously by the former Administration regarding the C2 flood zone, Councillor Mahoney asked whether the new Administration was actively looking for new or suitable sites as the existing site had been judged unsuitable (and in his view, unsafe).

The Cabinet Member assured Councillor Mahoney that the Administration had already been involved in discussions on the issue since assuming control of the Council.

No.

(vii) **Question from Councillor S.T. Wiliam**

The recent negative publicity regarding litter on Whitmore Bay has highlighted how unpleasant and at times dangerous litter can be. It also seriously undermines our attempts to develop tourism and regenerate our economy.

Council staff do a great job in cleaning the beach, but what enforcement measures are currently in place to deal with the problem of littering and allowing dogs on the beach at Whitmore Bay?

**Reply from the Cabinet Member for Neighbourhood Services and Transport**

I agree with your concerns regarding the unfortunate littering at Whitmore bay. At present, the Council's two in-house Enforcement Officers patrol Barry Island at least three times per week. They are also supported by two 3GS Officers.

As part of their patrols they ensure compliance to Bye Laws (dogs on beaches) and Environmental Offences (such as litter).

What is difficult to manage, is the exceptionally busy periods that limit the Officers' ability to walk between members of the public whilst they remain on the beach, to determine the extent of beach cleanliness and whether any litter has been intentionally left.

Often the extent of litter is only recognisable after members of the public have vacated the beach. Additionally it is difficult to determine who has left the litter and it is necessary for our Officers to witness the offence. This only occurs when we receive exceptionally hot weather and visitors to our Resorts significantly increase.

During the exceptionally busy times, we have found that it is better to educate and raise awareness amongst our beach users. We announce tannoy messages, provide additional bins on beaches and promote litter-free beaches by having afternoon litter picks, involving beach volunteers. This also adds peer pressure to other beach users.

This approach will be used throughout the 6-weeks school summer holidays (on exceptionally busy days) and this will be complemented by the use of Enforcement Officers.

**Supplemental**

In light of the fact that enforcement had so far not worked, Councillor Wiliam asked whether the Cabinet Member would be willing to undertake a review of the current approach, to include consideration of including proactive measures of encouragement as well as stronger enforcement.

The Cabinet Member alluded to his reply to an earlier question regarding enforcement activities and to a full report coming forward later in the year. He was

No.

sure that lessons would be learned and recommendations would follow the production of the report.

(viii) **Question from Councillor Ms. A. Collins**

Many residents in Barry are very concerned about the environmental and health impacts of the proposed gasification plant on Barry Docks. Their concerns have been strengthened by independent reports from Capita highlighting a series of safety issues, including fire risk. I understand a meeting is being planned with Natural Resources Wales to discuss the permit application. When will this meeting take place and what outcome do you want from this meeting?

**Reply from the Leader**

There is no meeting planned at the present time. As advised in response to Question 5 above the current environmental permit application is for determination by NRW and relates to matters that only that organisation has a statutory responsibility for.

As Leader, I have raised the concerns of the community, with the Head of Shared Regulatory Services and requested that colleagues enter into a dialogue with Natural Resources Wales to ensure the very real concerns of the community are understood. Clearly, what matters to us all is the protection and promotion of the public health of the residents of Barry and beyond and the communities which feel very strongly about the situation. It is for this reason that I have suggested ongoing dialogue and I understand that there have been recent exchanges between NRW and colleagues from Shared Regulatory Services. The current position is that further information is awaited by NRW from the applicant. I am also advised that a second consultation will then follow, at which time a formal meeting may well be appropriate.

I trust this reassures you that dialogue continues.

**Supplemental**

Councillor Collins asked whether the Cabinet Member and the Administration were for, or against, the incinerator.

The Cabinet Member reminded Members that the decision did not rest with the Council. Whilst the Council was concerned regarding the health of people of the Vale, Natural Resources Wales (NRW) were undertaking the work and it was they who would decide whether it was appropriate for the facility to be at the proposed location. If a licence was granted by NRW, then the Council would obviously monitor and do everything in its power to ensure that the facility was safe and was not causing concerns to residents.

No.

(ix) **Question from Councillor Ms. A. Collins**

What plans do you have to maintain the Castleland Renewal Area, particularly in light of cuts to Communities First?

**Reply from the Cabinet Member for Regeneration and Planning**

Castleland Renewal Area was practically concluded in March 2017 when the public realm of Upper Holton Road was dramatically improved, and following earlier improvements to approximately 1,200 homes. The programme as a whole is currently being evaluated, following its conclusion.

Welsh Government no longer provides Renewal Area Grant. However, the Council has set aside £750 000 of its own funds to allow the designation of a further renewal/regeneration areas in 2017/18. We are currently evaluating where the area will be designated.

Communities First does not directly address renewal of homes or the built environment, focusing instead on prosperity, health and welfare of individuals with practical support, although I would be the first to acknowledge that a suite of interventions and measures all contribute to the wellbeing of communities.

(x) **Question from Councillor P.G. King**

Please can you assure me that all those who you have appointed to Cabinet and Chairperson roles have had Equality training?

**Reply from the Leader**

Councillor King will be aware of the Council's stated commitment to the Equalities agenda (a commitment which will be continued to be progressed by the new Administration). Irrespective of whether Members (be they new or returning) have attended previous training, the Council's initial Member Induction / Member Development Programme includes a mandatory introductory session on Equalities. To date, I can confirm that 31 of 47 Members have attended. Officers are currently in the process of arranging a further introductory session(s) to ensure the remaining 16 Members comply with the requirement to attend, and I am advised that a further session has been arranged for 13<sup>th</sup> September.

The figure of 16 includes 1 Cabinet Member, 2 Scrutiny Committee Chairmen and 6 other Chairmen and they will all receive an e-mail inviting them to attend

Officers will be facilitating further, and more detailed, Equalities sessions as part of the ongoing Member Development Programme.

No.

Supplemental

Councillor King referred to a number of changes to dates / times of Committee meetings and he asked whether an Equality Impact Assessment had been undertaken in respect of the impact of those changes on staff, Elected Members and, indeed, the public who might wish to attend.

The Leader confirmed that no Equality Impact Assessment had been undertaken but that he considered it obvious, that at the start of the new Administration, some elements would need to change in terms of Committee arrangements and that it was at the discretion of the relevant Committee Chairmen to make such changes. He pointed out that the date of the Council meeting itself had been changed at the suggestion of the Leader of the Labour Group, to avoid the need for two Council Meetings prior to the August recess. As Leader, he had tried to provide as much notice as possible of any changes and hoped that, as the Administration settled down, the need for such changes would diminish.

(xi) **Question from Councillor Mrs. M.R. Wilkinson**

Following the devastating fire at Grenfell Tower in London recently, will the Cabinet Member confirm that materials used in the cladding of Council-owned homes meet all fire safety standards and give details of the steps he is taking to ensure the safety of all Council tenants?

**Reply from the Cabinet Member for Housing and Building Services**

I would refer the Member to the carefully considered and responsible answer I gave previously and the recent email sent to Elected Members by the Operational Manager for Public Housing and I would repeat that it is in all in our best interests to continue as strongly as we can to ensure that our residents are kept safely and you have my assurance that that will be done.

Supplemental

Councillor Wilkinson asked whether the Cabinet Member would keep all Members informed of developments and whether consideration had been given to the installation of sprinklers (as the Government had recommended) into properties such as flats or sheltered accommodation.

The Cabinet Member, given his professional background, had considered the question of sprinklers. However, he considered it to be far too soon to rationalise and make a decision on that matter but he assured Members that all fire aspects would be carefully considered and Members kept fully informed. He offered to visit Councillor Wilkinson and run through matters, given her Ward contained the largest number of Council properties in the Vale of Glamorgan.

No.

(xii) **Question from Councillor Mrs. A. Moore**

I, like many Vale residents, read the pledges made by many of your colleagues in their recent election leaflets, that you would create a new fund for resurfacing the roads of the Vale of Glamorgan. Will the Cabinet Member provide specific details of the size of this fund, when we can expect it to be established and how many additional roads he would expect to be resurfaced over and **above** the existing three-year plan, or in the regeneration reports to Cabinet?

**Reply from the Cabinet Member for Neighbourhood Services and Transport**

As you will be aware, the revenue and capital budgets for the current financial year were established at the Council meeting of 1<sup>st</sup> March this year. We are currently considering all aspects of those budgets in order to ensure that functions such as highway surfacing are appropriately funded during our Administrative term, but this will take time.

First, it is my intention to debate the details of the proposed highway surfacing plan for 2017-2020 at the Environment and Regeneration Scrutiny Committee in July, to seek the views of this Committee prior to the matter being considered by Cabinet and the plan agreed. After concluding this process, I will determine the level of resources required to support the remaining years of the programme.

**Supplemental**

Councillor Mrs. Moore asked whether the Cabinet Member agreed with her that the Councillors for the Illtyd Ward should apologise to the electorate for making false and inaccurate statements in their manifestos and for “bringing the Conservative party into disrepute” in that they had claimed credit for delivering the resurfacing of Queen Street and Island Road in Barry (a scheme which had been agreed by the Labour-led Cabinet on 25<sup>th</sup> July, 2016 and included in the “Highways Resurfacing Three Year Plan 2016-19”).

The Cabinet Member reiterated his earlier comments in that the Council was considering all aspects of the budgets and that, in addition to looking at its own funds, the Council would also be writing to Welsh Government to seek financial support.

(xiii) **Question from Councillor L. Burnett**

This Administration’s prioritisation of education and the ambition to build on the successes of the previous Administration rising from 5<sup>th</sup> to 2<sup>nd</sup> best in Wales, is to be recognised and supported. That sort of result not only requires commitment but also resources. Will the Cabinet Member confirm that he will follow the example of the previous Administration and commit to funding education above its Indicator Based Assessment (IBA) for the term of this Administration?

No.

### **Reply from the Cabinet Member for Learning and Culture**

It is our ambition to continue to fund education at the current level. In view of the present annual funding settlement from Welsh Government, funding for Education in the Vale of Glamorgan will be reviewed annually and in the context of service pressures across the Council. This mirrors the approach taken by the previous Administration. I am sure, however, that all in the Chamber will be aware that the Vale of Glamorgan Council has traditionally been, and continues to be, one of the lowest funded Council's in Wales, and responsibility for that must ultimately rest with Welsh Government.

#### **Supplemental**

Councillor Burnett considered it slightly worrying that there was no commitment to funding of IBA and asked the Cabinet Member whether, alternatively, he would commit to delivery of the five year, £77m School Investment Programme and the Asset Renewal Programme as agreed by Council on 1<sup>st</sup> March, 2017.

The Cabinet Member referred to schools having collectively made representations to Welsh Government regarding the funding situation. He would ensure his support in future by lobbying on their behalf. He acknowledged that the approach had not been successful in the past, but that did not justify lifting the pressure for change to the current funding system.

There was also an issue with the amount of balances held by schools. At the end of the last financial year, a quarter of schools carried forward excessive balances and he intended to ensure that this funding was used for pupils who were being educated in those schools now. In addition, he had also had a conversation with Kirsty Williams AM, Cabinet Secretary for Education and he awaited a further meeting date to pursue the matter.

#### **(xiv) Question from Councillor M.R. Wilson**

Could the Cabinet Member direct me to any Vale of Glamorgan Council Report in which it is suggested that the introduction of four weekly black bin bag collections was planned as suggested in many of his colleagues' election leaflets.

### **Reply from the Cabinet Member for Neighbourhood Services and Transport**

The comments concerning black bag collection frequencies in our leaflets were related to the actions of a number of Authorities in Wales who are considering reducing the frequency of collections to 3 or even 4 weekly. Our residents read the National press and we were merely reassuring them that, if elected, we would not be reducing our black bag collection frequencies.



No.

### Supplemental

Councillor Wilson asked whether the Cabinet Member could confirm if there were any plans to introduce four-weekly collections and introduce seagull proof bags.

Answering the initial supplementary question allowed, the Cabinet Member confirmed there was no intention to introduce four-weekly collections.

### (xv) **Question from Councillor Ms. B.E. Brooks**

Could the Leader clarify the rationale behind his decision to disenfranchise over 80% of the population of the Vale of Glamorgan either by geography or gender when appointing his Cabinet?

### **Reply from the Leader**

The question fails to recognise the role of Cabinet members, which is extremely surprising and worrying given that Councillor Brooks was herself a Cabinet Member up until May of this year.

Cabinet Members have to, and must, work corporately across the Vale of Glamorgan, irrespective of the Ward that they represent. They must act in the interest of all communities and residents of the Vale, irrespective of geography or gender. This is what we will all do. My Cabinet colleagues and I are determined to deliver for the people of the Vale of Glamorgan. If Councillor Brooks requires more detail on the role of Cabinet Members, I would invite her to refer to the Constitution.

### Supplemental

Councillor Brooks asked why the Leader had only nominated men, some of whom were inexperienced or first time Councillors, to senior paid positions such as Chair of Planning, Licensing or Scrutiny Committees, when there were experienced women Councillors available (as opposed to leaving female Members to cover unpaid roles).

The Leader expressed surprise that the issue of Special Responsibility Allowances had been raised as he did not consider it was supposed to be about remuneration. He had appointed the Members of Cabinet, with the remaining appointments being a matter for the Group collectively, with all Members of the Group taking part in those decisions and various Members putting their names forward for such positions. He remained of the view that he had appointed the right Members to Cabinet, based on their experience. He had not appointed anybody to the Cabinet because they were a man or left anybody off the Cabinet because they were a woman. He would be perfectly happy to work with a Cabinet composed entirely of women if they were the ones with the experience that matched the Cabinet places / portfolios. He asked Councillor Brooks to judge the Administration on its work over the next few years, rather than on her perception at present.

91 QUESTIONS FROM THE PUBLIC –

Two questions had been submitted and replied to as shown, in accordance with the protocol agreed by Council on 5<sup>th</sup> May, 2010:

(i) **Question from Town Councillor S. Hodges**

At the Council's Annual Meeting a large number of 'Champions' were appointed to promote various aspects of council work within the council and within the county. However, there was no nomination for a Welsh Language Champion. Given the importance of Welsh Language Standards implementation within the Council and the need to promote the Welsh language under legislation, will the Leader consider the immediate introduction of a Welsh Language Champion, underlining the Council's commitment to the Welsh language within the Vale of Glamorgan?

**Reply from the Leader and Cabinet Member for Performance and Resources**

The Council is fully committed to the Welsh language, and drew up a comprehensive action plan in response to the Standards which has largely been delivered. Indeed, the Vale was one of the few Councils which did not appeal against any of the large number of Standards with which we were directed to comply. Our Annual Report drawing attention to our achievements in the first year of implementing the Standards went to Cabinet on 19 June and is on the Council's website. In addition, we have drawn up a 5-year strategy for promoting the language in the Vale, also on our website.

Responsibility for the Welsh language in the Council lies with the Cabinet Member for Learning and Skills, and the Welsh language lies within the remit of the Learning and Culture Scrutiny Committee. The Council also has Elected Members who are champions for Equality and Diversity, and the Welsh language would naturally fall within their remit.

Given all these arrangements, the Council is already well-placed to deliver in respect of the Welsh language, and it is not felt that an additional champion would add to what is already a very effective approach.

(ii) **Question from Mr. Mark Bowen**

Does the Cabinet Member with responsibility for Education intend to target an increase and improvement in both the promotion and take up of Welsh medium education in the Barry area, during his tenure, as compared to the baseline that he has inherited from his predecessor?

**Reply from the Cabinet Member for Learning and Culture**

Mr. Bowen, thank you for your question. The promotion and sufficiency for Welsh medium education is of key strategic focus within the Learning and Skills Directorate

No.

and forms part of the Council's wider Welsh Promotion Strategy.

As part of the Welsh Government's ambitious target of 1 million Welsh Speakers by 2050, the Education Department has completed development of the Welsh in Education Strategic Plan (WESP) for 2017-2020 which is currently being reviewed by Welsh Government. Included within the WESP are a number of actions aimed at promoting the benefits of bilingualism and education via the medium of Welsh, including opportunities for a Welsh immersion programme. As a Council we are continuing to ensure access to Welsh medium education is available, with the most recent example of this being the c.£19m planned investment into expanding Ysgol Gymraeg Bro Morgannwg to accommodate increased demand.

Officers in Learning and Skills have been working closely with the Welsh medium cluster of primary schools in developing a new leaflet promoting Welsh medium education and tackling some of the most frequently asked questions from parents. The leaflet is being made available this week, with copies to be circulated to schools, libraries and at public events. It will also be made available online at [valeofglamorgan.gov.uk](http://valeofglamorgan.gov.uk)

Our community learning teams are also hard at work in providing new immersive learning opportunities for adults and accessible programmes for anybody interested in learning Welsh, at any level, to support the use of language at home and in the workplace.