

## THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 27<sup>th</sup> September, 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, Sally Hanks, Nic Hodges, Hunter Jarvie, Gwyn John, Dr. Ian Johnson, Gordon Kemp, Peter King, Matthew Lloyd, Kevin Mahoney, Kathryn McCaffer, Neil Moore, Michael Morgan, Jayne Norman, Rachel Nugent-Finn, Andrew Parker, Bob Penrose, Sandra Perkes, Andrew Robertson, Leighton Rowlands, Ruba Sivagnanam John Thomas, Neil Thomas, Steffan Wiliam, Margaret Wilkinson, Edward Williams and Mark Wilson.

### 323 APOLOGIES FOR ABSENCE –

These were received from Councillors Anthony Hampton, Anne Moore and Marguerita Wright.

### 324 DECLARATIONS OF INTEREST –

No declarations were received.

### 325 MINUTES –

The minutes of the meeting held on 28<sup>th</sup> June, 2017 were approved as a correct record.

### 326 ANNOUNCEMENTS –

The Mayor made the following announcements:

She had attended civic functions, both inside and outside the Vale of Glamorgan, meaningful award presentations, charity events, concerts and also visited schools and care homes.

In her role as Armed Forces Champion she had been extremely honoured to attend services commemorating 35 years of the invasion of the Falkland Islands, Merchant Navy Day and Armed Forces Week, The Battle of Britain and The Beating of the Retreat at HMS Cambria. It had also given her great pleasure to attend the opening of The Ty Byron Jenkins Cadet Centre.

No.

Her first charity event was an enormous success and enjoyed by all. Other charity events had included Tea at Fonmon Castle and regular community coffee mornings, which were now taking place in the Arts Central Gallery.

The Vale of Glamorgan Show was a great success, the largest one day event in the Vale of Glamorgan, attracting over 20,000 visitors and the Mayor was very honoured to fulfil her role as Vice President and to host afternoon tea for guests, including representatives of the Mayor's Charities and local community organisations.

She was delighted to be asked to visit one the Council's twin towns – Rheinfelden, and to support the continued success of twinning activities which had included sport, culture and education. She had welcomed Mouscron Gymnast Association (Mouscron being another Twinned Town), The Guiding Association, All Saints Church in Wales Primary School, The RNLI and the Gideon Association, to receptions in the Mayor's Parlour.

Fundraising was continuing, including a Charity Race Night on 8<sup>th</sup> November as well as the annual Mayor's Christmas Raffle Draw.

Finally, the Mayor announced she was pleased to announce that she would be witnessing the Oath of Allegiance which welcomed New Citizens of the UK to the Mayor's Parlour in November and also hosting the British Empire Medal Ceremony together with Her Majesty's Lord Lieutenant.

The Leader reminded Members that the Council had recently been judged the best performing Local Authority in Wales for the third year running. He wished to congratulate and place on record his appreciation to all Members who had played a part in the Council's success, whether they be as a Member of Full Council, Cabinet or a Scrutiny Committee (or indeed Members who had not been re-elected or who had not sought re-election). A message had already been sent to staff thanking and congratulating them on their work.

Councillor Dr. Ian Johnson referred to the recent tragic murder of the Mayor of Mouscron (one of the towns which the Council was twinned with). The Mayor assured Members that letters of condolence had already been sent.

### 327 SCRUTINY COMMITTEES' ANNUAL REPORT MAY 2016 – APRIL 2017 (MD) –

The Annual Report had been produced in accordance with Section 7.4.4 of the Council's Constitution which stated that "Scrutiny Committees must report annually to Full Council on their workings, with recommendations for their future work programmes and amended working methods if appropriate".

In previous years the report had been submitted to the Scrutiny Committee Chairmen and Vice-Chairmen Group for initial consultation / comment prior to it being formally reported to all five Scrutiny Committees. However, since the Scrutiny Committee Chairmen / Vice-Chairmen Group had not met since the Local

No.

Government Elections and membership of all the Committees had changed, the Democratic and Scrutiny Services Team had therefore prepared the report for submission to comply with the requirements of the Constitution.

The report detailed the role of Scrutiny, how Scrutiny was undertaken in the Vale of Glamorgan Council and highlighted key achievements from the work of each Scrutiny Committee, significant events during the year and future working, specifically in relation to the Council's agreement that the work of Scrutiny should be closely aligned to the four wellbeing objective outcomes that formed the main basis of the Council's new Corporate, Plan, which was published in April 2016.

For information, Members were advised that the Annual Report was only "reported to Council" as opposed to it requiring actual approval. The Annual report itself was attached as an Appendix to the report.

Prior to the meeting, all Members had been e-mailed an amended version of Page 15 of the Annual Report – "Public Engagement". The amended wording reflected comments made during consideration by the Scrutiny Committees and tied in more closely to the related wording on the Scrutiny Section of the Council's website.

Councillor Wilson expressed concern that the Annual Report had not been considered by the Chairmen and Vice-Chairmen Group as had been the case in previous years. Councillor Hodges, as a previous Chairman of the Group, understood why the report was relatively brief in nature but assured Members that it was not to be regarded as a sign of Committees being less active than in previous years. He expressed concern that the Scrutiny Committees Chairmen and Vice-Chairmen Group had yet to meet following the May election, to which the Leader responded that he understood meetings would recommence in the near future.

RESOLVED – T H A T the Scrutiny Committees' Annual Report for the period May 2016 – April 2017 be received.

#### Reason for decision

To receive the Scrutiny Committees' Annual Report as required under the Council's Constitution.

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

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

- (a) To approve the request of the Leader of the Labour Group that Councillor Mark Wilson replace Councillor Rhiannon Birch on the Community Liaison Committee with immediate effect and until further notice.
- (b) To approve the consultation process in respect of the introduction of a Public Space Protection Order, made under Section 59 of the Anti-Social Behaviour, Crime

No.

and Policing Act 2014 to replace the Orders made under the Criminal Justice and Police Act 2001 in certain designated named areas.

(Scrutiny Committee – Corporate Performance and Resources)

RESOLVED – T H A T the report be noted.

Reason for decision

To inform Council.

329 STATEMENT OF ACCOUNTS 2016/17 (S151O) –

The purpose of the report was to approve the Statement of Accounts and the Annual Governance Statement and agree the Final Letter of Representation for 2016/17. This was the second year of the Welsh Audit Office (WAO) undertaking the external audit within the Vale Council. Work with the WAO during the year had resulted in some changes in the way in which the accounts were presented, including the glossary of terms which it was hoped would make the accounts easier to read. In this proposed audit report for this Council, the Auditor General had stated the following:

“The accounting statements and related notes give a true and fair view of the financial position of the Vale of Glamorgan Council as at 31<sup>st</sup> March, 2017 and of its income and expenditure for the year then ended and have been properly prepared in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom 2016/17.”

He had also stated that was is the intention of the appointed auditor to issue an unqualified audit report on the financial statements once the relevant Council officers had provided a signed final Letter of Representation.

Under the Accounts and Audit Regulations, the Statement of Accounts must be approved before 30<sup>th</sup> September and signed and dated by the Mayor as Chairman of the Council. In addition, the Annual Governance Statement needed to be formally approved by Council and signed and dated by the Leader of the Council.

On 20<sup>th</sup> September, 2017 Audit Committee considered an agenda item entitled “Audit of the 2016/17 Financial Statements: Reporting to Those Charged with Governance”. Audit Committee recommended that the report of the Wales Audit Office be approved and the 2016/17 financial statements, including the Final Letter of Representation and the Annual Governance Statement be recommended for signature by those authorised.

Councillor Dr. Johnson wished to thank the staff for the hard work they had put into the accounts, particularly given that that the Audit Committee had been informed the previous week that the number of staff within the Audit Service was well below the actual full staff complement.

No.

As he had done in previous years, Councillor Dr. Johnson wished to raise the issue of Reserves at this point in the financial year. The reason for this was the very different figure provided for at the closure of accounts than the one provided at the time of discussing the Council Tax and budget in the March Council meeting.

He alluded to a difference of around £15m, in that the earmarked reserves quoted in the Statement of Accounts being in the region of £67m compared to the figures provided previously of around £52m. He considered it strange that such an amount could be found in the six week period between the papers being prepared for Cabinet and the final date of the end of year accounts. He hoped the information would be presented in a “more meaningful” manner next year.

Councillor Dr. Ian Johnson referred (as he had done so in the past) to the fact that the projected income from Council Tax as initially indicated to Members was subsequently exceeded by approximately £2.3m - £2.4m, which he considered to be substantial and material.

Councillor Wilson, in his capacity as Chairman of the Audit Committee, referred to the Annual Governance Statement on page 117, and to the concern expressed regarding around 50% of the Audit service being unfilled. He asked the Leader to ensure adequate resources existed in this area.

In response, the Leader suggested that, based on Councillor Dr. Johnson’s comments, it might be construed that the reserves were increasing each year. However, the actual reserves over the last four years showed the Council Fund balances as at 31<sup>st</sup> March, 2014 to be £13,960,000, in 2015 £12,541,000, in 2016 £10,072,000 and this year £9,309,000 and the earmarked reserves had gone up from £56m to £64m over that period (but from last year to this year they had dropped by over £1m).

In terms of Council Tax collection rates the estimates now included an increased anticipated collection rate of 97.5%, which was very close to the actual amount collected.

The Leader considered the overall figures to be fine and he was happy with them.

As far as Councillor Wilson’s comments were concerned, he agreed to look into the position and get back to him.

RESOLVED –

(1) T H A T the Letter of Representation to the Wales Audit Office for 2016/17 be noted and agreed and signed and dated by the Mayor as Chairman of the Council.

(2) T H A T the Annual Governance Statement (within the Statement of Accounts) for 2016/17 be approved and signed and dated by the Leader of the Council.

No.

(3) That the Statement of Accounts for 2016/17 be approved and signed and dated by the Mayor as Chairman of the Council.

Reasons for decisions

- (1) That the signed representation letter is returned to the Wales Audit Office.
- (2) That the Annual Governance Statement is signed and dated as required.
- (3) That the Statement of Accounts be approved prior to the deadline.

330 REVIEW OF THE COUNCIL'S CONSTITUTION: STANDARDS COMMITTEE (MO) –

The Council's Constitution currently stated at Section 8, paragraph 8.2:

"(b) Members of the Local Authority who are members of the Standards Committee will have a term of office of not more than four years or the period until the ordinary local government elections for the area, whichever is the shorter, in accordance with the Standards Committee (Wales) Regulations 2001; such a Member shall cease to be a member of the Standards Committee if that Member ceases to be a Member of the Council.

(c) The term of office of Members of the Town or Community Council shall be no more than four years or the period until the ordinary elections for the Community Council of which the community member is a member, whichever is the shorter in accordance with the Standards Committee (Wales) (Amendment) Regulations 2006. Such a member may be re-appointed for one further consecutive term."

The 2001 Regulations in respect of Members of the Local Authority were subsequently amended by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 ('the 2016 Regulations') to read that:

"18(1) The term of office of a member of a local authority standards committee who is a member of that authority shall be no longer than the period until the next ordinary local government elections for that authority following the member's appointment to the committee.

18(2) Such a member shall cease to be a member of that standards committee if that member ceases to be a member of the local authority concerned, or, in the case of a joint committee, of a constituent local authority of that committee".

The 2016 Regulations also provided that a Local Authority Member of the Standards Committee may be reappointed for one further consecutive term.

No.

With regard to a Community Committee Member, the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016, regulation 18A provided:

"(1) The term of office of a member of a local authority standards committee who is a community committee member shall be no longer than the period until the next ordinary elections for the community council of which he or she is a member following his or her appointment to the standards committee.

(2) A community committee member shall cease to be a member of a local authority standards committee if that member ceases to be a member of a community council within the area of the local authority concerned or, in the case of a joint committee, of a constituent local authority of that committee."

The 2016 Regulations also provided that a member of a local authority standards committee and a Community Committee Member of the Standards Committee of a Local Authority may be reappointed for one further consecutive term.

It was therefore recommended that, in line with the 2016 Regulations Section 8, paragraphs 8.2 (b) and (c) of the Council's Constitution be amended to reflect the changes in the 2016 Regulations as detailed above.

RESOLVED – T H A T the Council's Constitution at Section 8, paragraphs 8.2(b) and (c), dealing with the terms of office for Elected Members and the Town and Community Councillor representative on the Standards Committee be amended as outlined in paragraphs 3-6 of the report.

#### Reason for decision

In order to update the Council's Constitution in line with current statutory regulations.

### 331 REVIEW OF THE COUNCIL'S CONSTITUTION: OFFICER DELEGATIONS AND MEMBERS' CODE OF CONDUCT (MO) –

The report sought Council's approval to update the Officer Delegations relating to the enforcement of unauthorised alterations to listed buildings. This update related to the enactment of powers to issue Temporary Stop Notices to halt unauthorised works to Listed Buildings under the Planning (Listed Buildings and Conservation Areas) 2016 Act and associated legislation.

Authorisation was also sought to amend the existing Officer Delegations exercised by the Head of Regeneration and Planning and the Operational Manager for Planning and Building Control to allow some minor decisions to be made by the Principal Planning Officers (e.g. condition discharge and non-material amendments). This delegation was sought in order to make the determination of such matters quicker and more efficient.

No.

An addition to the Officer Delegations was also proposed which related to the rights of entry granted under the following legislation:

- Town and Country Planning Act 1990 (as amended);
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); -
- Building Act 1984 (as amended).

Delegation was sought for the Head of Regeneration and Planning and Operational Manager for Planning and Building Control to authorise Officers of the Council to enter land in order to undertake the Planning and Building Control function.

Finally, the report also sought authority to allow for the confirmation of new Tree Preservation Orders in certain circumstances.

A schedule of the changes proposed to the current Officer Delegations, which included the correction of some minor errors, was attached at Appendix A to the report. Appendix B was the intended replacement text to be inserted into Section 25 of the Council's Constitution incorporating the proposed amendments. It was noted that Appendix B contained a typographical error in that reference to "Principle Planning Officers" should read "Principal Planning Officers" and that the proposed amendment recognised the change to the Operational Manager's title.

The proposed amendment to Section 18 of the Council's Constitution was to address a typographical error in the Members' Code of Conduct.

Councillor Dr. Johnson sought clarification regarding what was intended in terms of officer delegations insofar as what would constitute non-material minor amendments. Given reference to the pressures on staff, he trusted that an element of Workforce Planning was underway. He asked how Elected Members would be kept aware of, and be able to challenge, any such use of delegated powers. In response, the Cabinet Member for Regeneration and Planning assured Members that he had been fully briefed regarding the matter and that he was happy for all Members to receive a full briefing. He went on to confirm that the Managing Director had already said that he would arrange accordingly. Whilst aware that the overwhelming majority of such amendments would, by their very nature, be very small, Councillor Dr. Johnson said he would have preferred such a briefing to have taken place prior to consideration of the changes.

The Cabinet Member for Regeneration and Planning assured Members that there would be no misuse of the Officer Delegations. They were designed to reflect the fact that the number of senior officers / managers had reduced and, consequently, it was considered appropriate to extend certain delegations to Team Leader level and to enable prompt action in respect of unauthorised alterations to listed buildings..

Councillor Dr. Johnson moved that the report be deferred for further consideration, this being duly seconded by Councillor Hodges. Upon being put to the vote, the amendment was lost.



No.

A vote then took place on the recommendations contained in the report and it was

RESOLVED –

- (1) T H A T the Officer Delegations set out at Section 25 of the Council's Constitution be amended in line with Appendix B attached to the report.
- (2) T H A T the reference contained in the Council's Constitution at Section 18, paragraph 18.3.1(b)(ii)(E) insofar as it refers to "paragraphs 18.3.1(H) (1) to (5)" be amended to read "paragraphs 18.3.1(b)(i)(l) (1) to (5)".

Reasons for decisions

- (1) To ensure that the Council's Constitution is in line with current management arrangements for the Planning and Building Control functions of the Council, and to ensure that the Officer Delegations are consolidated and updated in light of recent changes in legislation introduced by the implementation of certain provisions of the Historic Environment (Wales) Act 2016 ('the 2016 Act') and related legislation
- (2) To address a typographical error.

332 RHOOSE COMMUNITY MEETING: 8<sup>TH</sup> SEPTEMBER, 2017 (RMO) –

In line with the requirements of the Local Government Act 1972 (as amended) a Community Meeting was held at the Rhoose Community Centre on Friday, 8<sup>th</sup> September, 2017 to consider the proposal to establish a Community Council for the Rhoose Ward of the Vale of Glamorgan. 217 registered electors attended the meeting and the vote was carried by 202 in favour and 15 against the proposal.

The next initial step required holding a Community Poll which would be held on 26<sup>th</sup> October, 2017. The question to be put to the Poll being:

"Should a Community Council be established for the Rhoose Ward of the Vale of Glamorgan?"

Pursuant to paragraph 95 of the Local Government (Wales) Measure 2011, a determination was required by the Monitoring Officer as to whether the Poll related to the function of the principal Council or a Community Council for the relevant community. Given the nature of the Poll to be held on 26<sup>th</sup> October, 2017 and the fact that there was no existing Community Council for the community of the Rhoose Ward there was no relevant impact.

Councillor Dr. Johnson sought clarification as to exactly which area within Rhoose was being referred to, given that the question related to the Rhoose Ward, whereas there was a Community Council already existing in Llancafán, serving Llantrithyd and Llancadle

No.

Councillor Kemp, as a Member for Rhose, stated that the Rhose Ward comprised Rhose itself, Penmark and East Aberthaw. Everything else within the Vale of Glamorgan ward of Rhose was already covered by the Llancafán Community Council. Consequently, the Community Poll would cover Rhose itself, East Aberthaw, Penmark, Porthkerry, Nurston, Fonmon, actually becoming larger than might be thought. Llantrithyd Ward, Llancale Ward and Llancafán Ward formed part of the Llancafán Community Council.

RESOLVED – T H A T the contents of the report be noted.

Reason for decision

To apprise Council.

333 PUBLIC SPACES PROTECTION ORDERS – VALE OF GLAMORGAN (DEH) –

The introduction of Public Spaces Protection Orders (PSPOs) would replace the existing Orders, made under the Criminal Justice and Police Act 2001, which were due to expire on 20<sup>th</sup> October, 2017. The purpose of the proposed Orders was to assist the Council and its partners to provide a proportionate and robust response to addressing areas of alcohol related anti-social behaviour (ASB) across the Vale of Glamorgan. The report also sought to obtain approval for consultation on further PSPOs to address a range of anti-social behaviour experienced in certain areas within the Vale of Glamorgan.

The Council, using the powers available under the Criminal Justice and Police Act 2001 and regulations thereunder, made two Orders for the control of consumption of alcohol within named designated areas. One Order was made in 2006 and the other in 2009. These Orders were due to expire on 20<sup>th</sup> October, 2017.

Under the Anti-social Behaviour, Crime and Policing Act 2014 (the Act), a Local Authority, after consultation with the Police, Police and Crime Commissioner and other relevant bodies, was able to make a (PSPO). There was a legal test before a PSPO could be made.

The test required that the behaviour being restricted had to:

- be having, or likely to have, a detrimental effect on the quality of life of those in the locality;
- be persistent or continuing in nature; and
- be unreasonable.

In this case the behaviour to be restricted was alcohol related ASB.

The Orders were designed to ensure that the law-abiding majority could use and enjoy public spaces, safe from ASB. Other Local Authorities in Wales had introduced PSPOs to control: alcohol consumption, access over public land, dog bans and the storage of household waste. A report would shortly be submitted to

No.

Cabinet, which would consider the use of PSPOs for a range of other activities such as these.

The Council held a six week consultation process with stakeholders, in compliance with Section 72 of the Act. Stakeholders consulted included the local Chief Officer of Police; the Police and Crime Commissioner; owners or occupiers of land within the affected areas and appropriate community representatives including all Parish and Community Councils. Consultation methods to seek stakeholder views included use of direct mailing, online survey, a direct telephone number, the Council's website, the use of Public Notices in the local newspaper and proposed Notices had been implemented on the proposed public spaces.

Since the introduction of the Designated Public Place Orders (DPPOs) in 2006 and 2009 under the previous legislation, the Police had made use of their additional powers to issue warnings, move people on and seize alcohol. The signs in the current areas were used as a visible deterrent when Police Officers were not present.

If the PSPOs were not made then the existing DPPOs would cease to exist on 20<sup>th</sup> October, 2017. This was likely to prevent the Council from fully achieving its Corporate commitments within the Community Strategy 2011 - 2021 and the Corporate Plan. The Police would have greater difficulty preventing or stopping ASB associated with the consumption of alcohol in designated areas. These areas were then likely to return to the levels of ASB experienced before the introduction of DPPOs.

If the Orders were granted then the Police (or Local Authority) could enforce the Order. It would not be an offence to drink alcohol in a controlled drinking zone. However it would be an offence to fail to comply with the request to cease drinking by an officer or surrender in a controlled drinking zone. Possible sanctions included a Fixed Penalty Notice (FPN) or a fine of up to Level 2 upon conviction. The PSPO was designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict activities.

The Council requested ASB data from the Police to build an evidence base to justify the need for the current Orders to be updated. The Force Intelligence and Organised Crime Unit (FIOCU), within South Wales Police had produced a report for the last financial year.

The table in paragraph 17 of the report showed alcohol related ASB (reported by FIOCU) within the existing designated areas in the last financial year: The areas with no data might suggest that the current Orders were addressing the alcohol related ASB.

The Vale of Glamorgan Communications Department undertook a public consultation exercise in relation to the proposed PSPOs. The consultation ran from 5<sup>th</sup> July, 2017 to 21<sup>st</sup> August, 2017. In total, there were 117 responses, including residents and key stakeholders. The majority of respondents were in favour of updating the current Orders with PSPOs.

No.

In addition correspondence from the British Transport Police and ArrivaTrains Wales was received and they were supportive of the proposed Orders. The Inspector for British Transport Police also provided additional evidence in relation to Llantwit Major and Rhoose train station areas. The additional evidence provided data from 1<sup>st</sup> August, 2015 until 30<sup>th</sup> August, 2017. There were 16 crimes reported for Llantwit Major and 12 crimes were reported for Rhoose railway station. The British Transport Police highlighted that often alcohol related incidents were not always recorded as such as the information was not available until after attendance at an incident. Additional witness statements also obtained from a number of local Police Officers who actively tackled ASB in the Vale of Glamorgan area supported the introduction of PSPOs to address ASB associated with alcohol consumption.

If introduced, a review of the effectiveness of the Orders would be undertaken by the Council, in conjunction with the Police, and the existing enforcement arrangements would continue, i.e. the Police would enforce the requirements of the Order where necessary.

There was also feedback from the consultation process recommending that PSPOs be considered for additional areas. ASB data in relation to these areas would be obtained to assess if there was sufficient evidence of alcohol related ASB to satisfy the legal test for declaration of an Order and this would be considered in a report to Cabinet in the near future.

No new areas were proposed within this report. Supporting evidence was available for Members to view upon request.

Councillor Neil Moore referred to a couple of typographical errors and, possibly, one mistake contained within the documentation. These related to:

- in the table in paragraph 17 of the report and in the Equality Impact Assessment, reference was made to “Milburn Park, Penarth”, but it was actually in Rhoose (as stated correctly in Appendix 1)
- in terms of Rhoose Community Centre, he suggested the wording should be more explicit as it did state in Appendix 1 that it was around Stewart Road, (given there was another Community Centre in Rhoose at Cary Road)
- again, in the table in paragraph 17 of the report and in the Equality Impact Assessment, reference was made to “Little Mill Park”, which should, in fact, read “Little Hill Park”. He suggested that the wording should, perhaps, state “Little Hill / Brock Street Park” (Little Hill being a lane, at the bottom of which was a drop into an old quarry, commonly known as Brock Street Park).

The Cabinet Member for Neighbourhood Services and Transport thanked Councillor Moore for his comments and indicated that officers would look at the points raised.

Councillor Hodges supported the extension of the scheme, which he alluded to as having been very popular. He referred to the reference in the report to requests received to extend the scheme to other areas. He also commented on the reference to establishing evidence of alcohol use as part of the process, but alluded to several

No.

of the locations identified in paragraph 17 of the report as showing a zero figure for such. He questioned why “damage” had to occur first before a process was potentially put in place (i.e. an Order to avoid future “damage”).

The Cabinet Member for Neighbourhood Services and Transport confirmed the need to consider / approve the existing list before Members for consideration. He commented that consideration could be given at a later date to including additional areas in the scheme.

RESOLVED –

(1) T H A T Public Spaces Protection Orders be introduced in areas (as listed in Appendix 1 to the report) to restrict the consumption of alcohol in public spaces.

(2) T H A T the Director of Environment and Housing Services be authorised to address any minor amendments identified, including those raised at the meeting, prior to publication.

#### Reasons for decisions

(1) To support the Vale of Glamorgan Council and South Wales Police to tackle alcohol related Anti-Social Behaviour, in order to protect the quality of lives of those who live, work and visit restricted areas. PSPOs are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from Anti-Social Behaviour.

(2) To ensure the accuracy of the wording.

#### 334 TREASURY MANAGEMENT (REF) –

The Leader confirmed that training on Treasury Management had been arranged for all Members in December 2017.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C44, 31<sup>st</sup> July, 2017, be approved.

#### Reason for decision

To formally approve the Annual Report on Treasury Management 2016/17.

#### 335 IMPROVEMENT PLAN PART 2: ANNUAL REVIEW OF PERFORMANCE 2016/17 AND LOCAL GOVERNMENT PERFORMANCE 2016/17 (REF) –

In introducing the item, the Leader confirmed that the report on the Improvement Plan Part 2 and Annual Review of Performance 2016/17 looked back at how the Council had performed in terms of delivering the improvement objectives set out in the Improvement Plan Part 1 and the Improvement Objectives 2016/17 and that it

No.

was intended to comply with that legal requirement as well as provide an assessment of the Council's performance for its citizens.

During 2016/17 the Council had identified five improvement objectives and the Plan reported in detail progress to date in achieving these. The Plan included an overall summary of the Council's performance during 2016/17 including a summary of performance on a range of service as measured by National Performance Indicators collected and published annually by the Local Government Data Unit. Also outlined was a brief overview of what the Council's Regulators and residents had said about the Council, its budget for 2016/17 and progress on its key strategic collaborations for 2016/17.

Despite challenging times the Council, in terms of the services it delivered and the funding available to it, had concluded that it had successfully achieved the majority of the outcomes set out in its Improvement Objectives for 2016/17. The Council was also the top performing Local Authority in Wales for the third year running. However, these objectives would continue to remain a focus for improvement and a priority for the Council in the long term and the new Corporate Plan reflected this ongoing work.

Councillor Dr. Johnson concurred with the comments the Leader had made at the start of the meeting thanking all of the staff for their hard work. Whilst acknowledging it was very good to see the Council for three years running at the top of the list from the Local Data Unit, he considered there to be certain "methodological issues". He also suggested the Council had "plateaued" in terms of certain Indicators and commented that performance in respect of a number had either declined or stayed the same.

He felt there to be areas within the Local Data Unit Report which showed the Council to be not performing as well as it might, some of which he believed may be to do with questions regarding data, in which case they should be "bottomed out" as soon as possible so they did not reflect poorly upon the Council in future.

He referred to the Council having not met one of the five Improvement Objectives, i.e. with regard to the standard achieved by children receiving free school meals. As a representative of a Communities First area in the centre of Barry, that was of concern to him.

Councillor Dr. Johnson also alluded to only 60% of people surveyed as being proud and happy with the Holton Road area and to a Welfare Reform report discussed in the Corporate Performance and Resources Scrutiny Committee stating that there were around 200 more families that had found themselves victims of notices of possessions last year.

In conclusion, he felt that, although the Council had performed well, especially given its size, there was potential for it to "plateau" and go backwards if the leadership was not good enough.

No.

Councillor Neil Moore, Leader of the previous Administration, wished to formally place on record his thanks to the Council's officers. As Leader of this Council for the previous five years he considered it a privilege to know that the Council had been the top performing Council for the last three years.

Whilst it was true that one of the Improvement Objectives had not been met, the performance of those pupils had actually escalated anyway. However, the Wales Audit Office was looking for the difference between those not in receipt of free meals and those eligible for receipt of free school meals. What had happened was that, in each of the areas, performance had improved and the gap had got less.

The Council could always do things better and, in relation to the comparisons between other Authorities, he pointed out that they were competing with the Council and, therefore, trying ever harder. Nevertheless, the Council had again been judged the best Local Authority in Wales and he hoped it would continue to do so.

Councillor John wished to add the fact that Members should remember that that the Council was not so well financed as some Local Authorities in Wales, so it had done exceptionally well over the three year period. As such, everybody was to be congratulated.

In summing up, the Leader assured members that the new Administration would not be complacent and was determined to do its utmost to make sure the Council remained at the top of the Data Unit list. However, there were 21 other Local Authorities trying to get there as well, so it was not always going to be easy but the Administration would do everything in its power.

He agreed the point made regarding funding levels was relevant and that was an ongoing issue and had been for many years.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C76, 18<sup>th</sup> September, 2017, be approved and the Improvement Plan Part 2: Annual Review of Performance 2016/17 be approved.

#### Reason for decision

To meet the requirements of the Local Government (Wales) Measure to publish an annual review of Council performance and ensure that action was taken to continually improve and to note the performance of the Vale of Glamorgan Council relative to other Welsh Local Authorities during 2016/17.

#### 336 COLDBROOK CATCHMENT FLOOD RISK MANAGEMENT SCHEME (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C57, 31<sup>st</sup> July, 2017) as set out in Section 14.14 of the Council's Constitution, be noted.

No.

Reason for decision

In accordance with the Council's Constitution, to note the use of the Urgent Decision Procedure.

337 QUESTIONS PURSUANT TO SECTION 4.18 OF THE COUNCIL'S CONSTITUTION –

Due note had been given of the following questions:

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

The recent completion of three adapted bungalows in Barry, the first Council housing built by the Vale of Glamorgan since 1996, is welcomed. Could the Cabinet Member confirm how many Council house one-bed and two-bed properties he plans to build between 2017 and 2022?

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

The current Council Housing Development Programme identifies a need to build a total of 97 one and two bedroomed properties over a five year period to 2022. The programme, however, will be influenced by a number of factors including the availability of finance and may be subject to change as each scheme is finalised by the Housing Development Strategic Board.

**Supplemental**

Referring to some 770 families in the Vale of Glamorgan paying the Spare Room subsidy, Councillor Dr. Johnson suggested 97 houses would be insufficient and asked whether it would not make more sense for the Cabinet Member to write to the Secretary of State for Wales and Secretary of State for the Department of Work and Pensions to change the rules in order to make it easier for houses to be built that people actually required.

The Cabinet Member referred to the recent secondment of an officer to the post of Head of Housing and Building Services and that he had discussed the matter with him. He hoped that there would be a considerable amount of money forthcoming from the Welsh Assembly and that the Council would be able to improve on the figure. However, he felt that the 97 families would be happy and that represented a far higher figure than for the previous two years.

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

Preliminary statistics show a reduction in the number of Vale of Glamorgan pupils achieving the Level 2 plus threshold (5 A\*-C grades including English and Maths) in this year's GCSE examinations. What assessment has the Cabinet Member made of this Summer's results and how will he ensure improvement in coming years?



No.

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

Thank you for your question Councillor Johnson. I would respectfully point out that, as a Secondary School Governor, you ought to be aware of the changes made to the examination specifications for English and Maths and to the performance measures for 2017. This has resulted in performance against the Level 2 plus threshold being lower in all 22 Welsh Local Authorities when compared to the 2016 results.

Welsh Government has referred to 2017 as a 'reset year' which sets a baseline for the new qualifications. The specifications are different in varying degrees to the legacy specifications and therefore cannot be considered like for like. The same is true for the performance measures. The introduction of a 40% cap on the total contribution value of non-GCSE qualifications in the threshold measures and the removal of English Literature and Welsh Literature from the Level 2 inclusive measure accounts for some of the difference in performance.

When the specifications and the measures are not like for like, it makes it impossible to make comparisons. Further changes will be introduced in 2018 which will once again make it difficult to demonstrate linear progression. However, it is possible to compare our performance with that of other Local Authorities in Wales. The performance data for the Foundation Phase and Key Stages 2 and 3 shows that the Vale of Glamorgan is consistently ranked in the top three Local Authorities in Wales on the majority of performance measures. Although the Key Stage 4 benchmarking data is not yet available I am confident that we will compare favourably.

My ambition is for the Vale of Glamorgan to be the top performing education Authority in Wales and further afield. I will do all that I can to ensure that our schools receive appropriate support and challenge so that they sustain high performance and improve further.

### **Supplemental**

Referring to the specification changes which he suspected may have worked against many of the Council's free school meals children, Councillor Dr. Johnson asked the Cabinet Member how he would ensure that those pupils obtained the grades that they required to move on and succeed in next year's GCSE examinations.

Acknowledging that a gap still existed, the Cabinet Member pointed out that it had slightly reduced and that, overall, performance by both those not in receipt of free meals and those eligible for receipt of free school meals had increased. The matter had been discussed the previous week at a meeting of the Consortium in terms of what other measures might be possible in order to continue to seek to achieve the improvements which were in everybody's interests.

No.

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

As a supporter of the Real Living Wage, set by the Living Wage Foundation at £8.45 per hour, I welcome moves towards paying all staff a decent wage. The recent Cabinet report says that 1,300 members of staff, mostly part-time, will see an increase in their hourly pay as a result of these changes. Could the Leader confirm the date at which these proposals will take effect, and the number of men and women impacted?

**Reply from the Leader**

If approved by Cabinet on 9<sup>th</sup> October, 2017, the proposals would have a positive impact on approximately 1,060 female employees and approximately 220 male employees. This represents 82.7% and 17.3% of the total number of employees affected. The proposed date for implementation is 1<sup>st</sup> December, 2017.

**Supplemental**

Whilst welcoming the improvements alluded to, Councillor Dr. Johnson asked the Cabinet Member to indicate the timescale for increasing the lowest pay grades within the Council up to the Foundation Living Wage.

Whilst there was no specific timetable, the Leader confirmed he had indicated both before and after the May election that it was an ambition to achieve this during the life of the current Administration (albeit he did not currently know whether that would prove to be possible). He confirmed that, to bring every member of staff within the Council up to the Foundation Living Wage would cost £600,000 and that, as such, would result in other posts being lost as the additional funding would have to come from somewhere. He reminded Councillor Dr. Johnson that the two lowest pay grades had now been eliminated and that the nature of the posts (i.e. mostly part-time) resulted in them being filled by female staff. The Trade Unions were very supportive of the action the Council was taking and he looked forward to further progress being made.

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

Like many Barry Councillors, I was surprised that there was no Cabinet report on the Vale of Glamorgan Council's submission to the Natural Resources Wales consultation on biomass in Barry, a matter of high public interest. Could the Leader confirm that a submission was made, and publish it on the Council website so that the public can view the Council's position on this important local issue?

**Reply from the Leader**

The matter was not reported to Cabinet as the technical response to NRW on a matter of detail, was an issue that was best progressed by our experienced officers from Shared Regulatory Services. Indeed, the Council has responded on two

No.

separate occasions to Natural Resources Wales with regard to the application they had received for a new bespoke environmental permit under the Environmental Permitting (England and Wales) Regulations 2016. The first factual response was provided on 15<sup>th</sup> December 2016 in response to a series of questions asked by NRW. NRW also had access to all relevant information held by the Council as Local Planning Authority, including the report to the Planning Committee and the planning permission that was issued by the Council, in the context of the earlier allowed appeal by the Planning Inspector via the Council's online planning register.

A further response was provided by the Shared Regulatory Services earlier in September following a further consultation exercise following the receipt of further information, including an Environmental Noise Impact Assessment carried out for the developers as part of their application to NRW. The conclusions of the Council's assessment of the noise impacts was that it was not suggested that a permit be granted for the operations as planned due to concerns of possible noise implications.

The response also addresses the revised Air Quality Assessment dated July 2017 submitted by the developers following a request for more information by NRW in May 2017. No major concerns were expressed but further detail and reasoning was requested in respect of baselines, receptors and topographical details used in modelling and potential emissions from site generated traffic and those arising both on and off site.

I will forward a copy of the Council's comprehensive response to all Members, so that they are aware of the comments that have been issued.

### **Supplemental**

Councillor Dr. Johnson again asked whether the submission would be published on the Council's website.

The Leader reiterated his earlier comment regarding sending the submission to all Members and, whilst not seeing a particular need to publish it on the Council's website, he said he would arrange accordingly.

### **(v) Question from Councillor N.P. Hodges**

Fire water containment and run off regulations came into force in mid-2014. CIRIA C736 covers this and Section 4 is key.

What considerations did the planning department make of these regulations in 2015, prior to making recommendations to the Planning Committee on the outline plans of the Biomass plant at Barry Dock?

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

The Council consulted widely as part of the consideration of both planning applications (2008/01203/FUL and 2015/00031/OUT), including with the

No.

Environment Agency Wales and its subsequent replacement Natural Resources Wales, Shared Regulatory Services (Pollution), the Health and Safety Executive, Welsh Water and ABP. These organisations would be expected to have considered the requirements of all legislation relevant to them in responding to that consultation.

In the case of both of the above applications all responses to the relevant consultations were fully considered prior to a decision being made on the application. However it is important to note that responsibility for compliance with the above regulations would rest with the site operator and enforcement of such would be the responsibility of NRW.

### **Supplemental**

Councillor Hodges referred to having seen photographic evidence of new tanks being lowered into position at the site that were not part of the latest approved planning application and he asked whether this would be the reason for the noisy all-night working which Barry residents were currently experiencing.

The Cabinet Member assured Councillor Hodges that he would look into the matter and also pointed out that, quite often, planning applications were submitted retrospectively.

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

Will the Cabinet Member provide an update on the discussion with Penarth Arts and Crafts Limited in relation to the sustainable operation of Penarth Pier Pavilion?

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

Can I start by assuring all Members that I am disappointed at the situation that has developed at the Pier Pavilion?

I am very eager to ensure that the Pavilion operates on a sustainable footing so that it can be enjoyed by residents and visitors well into the future.

I can advise that I have had a number of discussions with officers in respect of ongoing issues relating to the running of the Penarth Pier Pavilion. On 22<sup>nd</sup> August, I attended the Pavilion with the Leader, the Managing Director and Head of Finance to meet with representatives of Penarth Arts and Crafts Limited (PACL). We had a useful discussion around the issues facing PACL and their plans for the future. As a consequence of that meeting, we have provided PACL with officer assistance in drawing up business and project plans for the short to medium term and I know that as a result of that offer, officers have already met with representatives of PACL to make progress and to assist them in formulating their plans. I can also advise that a further meeting is planned for next week.

In addition, I intend to schedule another meeting with representatives of PACL before the end of December.

No.

### **Supplemental**

Councillor Wilson referred to many residents of Penarth, and possibly in the outer limits of Dinas Powys and Sully, as becoming very frustrated by the lack of dialogue that Members were having with the PACL Board. He asked whether the Cabinet Member and Leader would facilitate a public meeting in order that the matter could be discussed and Members could ask questions of the Board regarding the future of the PACL.

The Cabinet Member referred to the position as being a difficult one in that the Council was the owner of the Pavilion, which was leased to PACL which, in turn, was an individual charitable organisation running the facility separately. He reiterated the support which the Council was providing, both financially and in terms of officer assistance, with a view to sustaining both the organisation and the Pavilion itself. He welcomed the recent involvement by the Clerk of Penarth Town Council in the matter and confirmed he would discuss with the Leader whether a public meeting could be facilitated without contravening the Council's position and taking into account any legal implications.

#### **(vii) Question from Councillor O. Griffiths**

I, like many others, was delighted to see the Council's formal recognition of Pride Cymru and participation in this year's Pride Cymru parade. I was however disappointed by the glaring inaccuracies contained in the accompanying press release and the overt politicisation of the role of Deputy Mayor. Would the Leader take this opportunity to correct the information and apologise to Members for the contravention of the Council's Constitution?

#### **Reply from the Leader**

I am very surprised and indeed disappointed to receive this question.

It is important to embrace and promote diversity and the press releases issued by this Council sought to do just that – promote diversity. It is not this Administration that has politicised the issue. It is the opposition who appear to feel that promoting diversity is something that should only be in their domain and appear to want to turn it into a political football. Can I suggest that you take 'Pride' in the fact that this Administration recognises the importance of diversity and equality and embraces it with us, rather than fight against it for political reasons.

### **Supplemental**

Councillor Griffiths referred to the press release as stating quite clearly that data suggested there were equal numbers within the Labour and Conservative parties, whereas, in fact, there were no LGBT AMs or MPs within the Conservative party within Wales. He referred to various matters which he considered cast doubt on the suggestion within the press release that the Conservative party prided itself on

No.

equality and asked whether the Leader was inclined to apologise for what he considered to be the misrepresentation and false information in the press release. He suggested, for instance, that reference could have been made to former Councillor Margaret Alexander, who had been elected in 1995 and been the first female Leader and female Mayor in the Vale of Glamorgan

The Leader pointed out that the figures referred to were, in fact, a quote from Councillor Rowlands and not a Council statement. He reiterated his view that he did not consider there to be anything to retract.

As far as former Councillor Alexander was concerned, the Leader referred to her unfortunate death several years ago and, whilst what had been stated was correct, he did not feel it was his place to refer to her at this time in a press release.

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

Please could the Cabinet Member provide an update regarding progress with the signage at St. Baruc's Chapel and the reasons for the unacceptable delay?

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

The remains of St. Baruc's Chapel are a monument scheduled under Section 1 of the Ancient Monuments and Archaeological Areas Act 1979. As such it is a legal requirement to obtain the written consent of Welsh Ministers before carrying out most types of work on a scheduled monument, including repairs. This permission, Scheduled Monument Consent (SMC), can be obtained from Cadw.

A sign was erected on the scheduled monument without the Council's knowledge and without the benefit of SMC and, as such, a criminal offence may have been committed. Given the national significance of the monument the removal of the sign is also likely to require SMC to ensure the preservation of the archaeological resource. To date, Cadw has not advised if it will pursue a prosecution in relation to this but has stressed the inappropriate location of the signage.

The Council intends to erect its own interpretation signage, and has designed such, but has been awaiting resolution of the situation in respect of the unauthorised sign before progressing. The Council's Conservation Officer, together with Cadw's Regional Inspector of Monuments, both support the principle of interpretation and have identified a more appropriate potential location for a sign outside the scheduled area, but immediately adjacent to it. Rather than await the matter of the unauthorised sign being resolved, officers are now pressing ahead with the new sign.

**Supplemental**

Whilst pleased that officers were now progressing the matter, Councillor Wiliam asked (given that people had been waiting patiently for some five years) as to what sort of timetable was in place to conclude the matter.

No.

The Cabinet Member did not have an exact timetable but confirmed his earlier comments regarding officers resolving the matter. He would continue to chase up progress and offered Councillor William the opportunity to talk to him or officers at any time.

(ix) **Question from Councillor N. Moore**

Members continue to be confused by the Council's policy for road resurfacing and repair within the County. If Members are confused then it's likely that residents will be confused too.

Recent discussions at Environment and Regeneration Scrutiny Committee discussed the complexity of the decision-making matrix for resurfacing and worryingly it became apparent that there were obvious errors and confusion in its application.

Will the Cabinet Member agree to publish the matrix on the Council's website so that resurfacing priorities are open and transparent to Members and residents alike?

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

The Council's Operational Manager for Highways and Engineering made presentations to the Environment and Regeneration Scrutiny Committee meetings in March 2017 and September 2017, detailing highway maintenance and the criteria used to assess road surface quality. Further, a report was presented to the Community Liaison Committee in relation to the Highway Maintenance three year surfacing plan explaining fully the process involved and the criteria used in assessing the priority for planned maintenance works across the network. During these meetings any queries raised by the Committees were fully addressed.

It is important to remember that the decision-making matrix and criteria is specifically a tool to assist our professionally trained and experienced Highways Engineers, in the ongoing assessment and prioritisation of resurfacing works. The details of the scoring system and criteria, as laid out in the Appendix presented to the Environment and Regeneration Scrutiny Committee is already in a simple and transparent format that is not difficult to understand. I do not believe that any further explanation should be needed.

I also do not consider there would be much benefit in publishing the matrix on the Council's website as it is subject to ongoing changes as routes further deteriorate over time. It is also considered that such detailed information would be of limited benefit to the public. The explanation and discussion of the current matrix criteria through the Scrutiny Committee process should have provided the necessary transparency. As far as I am aware there were no recommendations identified as part of the September Scrutiny committee to publish the scored matrix any wider than it already has been.

No.

Finally, it is worth noting that over 40% of the highways listed as requiring resurfacing work in this recent highway surfacing programme were agreed by the previous Administration at a Cabinet meeting in July 2016. The criteria for the selection of highway routes for treatment and re-surfacing is also the same, so I must say that I am at a bit of a loss to understand why, if you find the process so confusing, you were not minded to change it during the time of your Administration.

### **Supplemental**

Reiterating his view that he believed the matrix to be neither simple nor transparent, Councillor Moore did not consider the position was the same as had existed previously. He questioned why certain specific streets were classified as 390 points out of 400 when they were not either A or B roads or on bus routes. Expressing his disappointment that the matrix was not to be made public, he was of the view that neither Members of the Scrutiny Committee or Members generally fully understood the way the matrix operated. He asked the Cabinet Member whether consideration could be given to prioritising resurfacing and micro asphalt programmes on a priority area basis and, in doing so, in a clear and transparent manner.

The Cabinet Member confirmed that officers had indicated that the criteria for selection of road resurfacing had not changed. As far as transparency was concerned, he pointed out that over a number of years, he had asked for the resurfacing programme to be presented to the Scrutiny Committee but that it had not. As such, that was the reason he had made sure that, this year, the programme had, indeed, been submitted to the Scrutiny Committee prior to Cabinet, in the interests of transparency.

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

Would the Leader join me in congratulating Council employees on achieving the accolade of Best Performing Council in Wales for the past three years and thank them for their commitment in the face of huge challenges?

### **Reply from the Leader**

It may have escaped your attention that I already have. I issued a joint message with the Managing Director on 13<sup>th</sup> September to all staff, thanking them for their dedication and hard work. I copied the same message to all Councillors, including yourself, on the same day. It will also not have escaped your attention that I also used my announcements to reiterate my sincere thanks to everyone who has contributed to the success of this Council.

### **Supplemental**

Councillor Brooks asked the Leader whether he would like to confirm which Administration had achieved the above outcome for three years running.



No.

The Leader pointed out that he had not politicised the issue (but that Councillor Brooks was) and had never attempted to take credit for the fact, other than, as one Member of the Council, he felt all Councillors had played a part. He acknowledged that the performance had been achieved under the Labour Administration but reminded Members that, as well as themselves, there were many thousands of staff involved and they were the people who had undertaken all the hard work and he had already congratulated them.

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

It is pleasing to see the Council actively publicising so many of the new play areas across the Vale and the new outdoor gym in Gladstone Park, Barry. Will the Cabinet Member confirm his support for the increased provision of outdoor play, gyms and sport during this Administration?

**Reply from the Cabinet Member for Social Care, Health and Leisure**

I am more than happy to confirm that this Administration is committed to improving the provision of playgrounds, outdoor gyms and sports facilities where demand exists and where the necessary resources are available.

**Supplemental**

Referring to her view that it would be difficult to beat, or even meet, the achievements of the previous Administration, Councillor Burnett asked whether the Cabinet Member would take on the challenge of meeting the election pledge of the Labour party of providing a new multi-play area in each ward of the Vale of Glamorgan and a new outdoor gym to match Gladstone Park in every town.

The Cabinet Member indicated that the Administration would do everything it could, albeit he was not prepared to make specific promises. However, he stated that in attempting to undertake such work, the Administration would not leave it to periods shortly before an election as had occurred under the last Administration. The Council would do what it could within resources, including, wherever possible, the use of Section 106 funding but, again, he was not prepared to make promises that might not subsequently be able to be kept.

338 QUESTION FROM THE PUBLIC –

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

(i) **Question from Mr. David Weston**

Does the Cabinet feel that it has represented the views of its constituents over the matter relating to the proposed operation of the gasification facility in Docks View Road and has done all it can possibly do to enact on the wishes of the population of

No.

the Vale of Glamorgan? Does the Council consider that an action group being set up, such as the Docks Incinerator Action group made of members of the public without any resources demonstrate a failing of the Council to connect with and act on the wishes of the electorate? Do you think the Council could have done more to either settle what appears to be the feeling in Barry and the wider area to the gasification facility or to take action to support it? Do you think the Vale of Glamorgan Council has provided value for money to the public in their actions over this matter and do you think the public will think that they have? Do you think the Council has exercised the leadership and guidance that the public have been looking for from the Senior officers and Councillors of the Local Authority on this matter?

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

Mr. Weston, thank you for your questions.

Your first question relates to the role of this Cabinet representing the views of constituents. The answer is yes, and this is why. At the outset it is important to remember that several years ago the principle of a waste wood to energy plant at this site was rejected by the Council, only for that decision to be overturned by a Planning Inspector at appeal. You may be aware costs were awarded against this Council during the consideration of that appeal. Subsequently, we are entering a permitting phase and the lead organisation for that process is Natural Resources Wales (NRW). Since forming the new Administration, back in May of this year, I have gone on record by stating that I want officers to maintain a dialogue with NRW whilst they consider the issue of permitting. SRS specialist officers have reviewed consultation documents and have raised concerns with NRW, especially with regards to noise implications.

Your second question relates to engagement and connection with the electorate. The setting up of an action group is to be commended. It is recognition that the community feels strongly about a particular issue, but it certainly does not indicate a weakness on the part of this Council. The role of the Council is to provide services and respond to circumstances across a wide range of areas. I am however confident that our specialist and experienced officers have fully engaged in the process led by NRW.

In relation to your third point, I have already stated that the Council has played a role in the ongoing permitting process. Personally, I have also answered questions in this Chamber and made it clear in the press that we have engaged in the process. All this is in recognition that the decision is one for NRW and not for the Council.

In terms of value for money, I have absolutely no issue with the way the Council has responded from a value for money perspective. In responding to current circumstances, we have to be mindful of the need to protect budgets and the need to deliver a wide range of services from schooling our children, caring for the vulnerable as well as maintaining our streets and public areas, to name but a few. I have already said that we have access to experienced officers who have been engaging in the consultation process.

No.

Finally, I cannot answer for the role played by the previous Administration – that is a matter for those who were part of that Administration. In terms of my position, I have already indicated that we have been actively involved in the process. Although led by NRW and ultimately a decision for NRW, we did have the opportunity to make our professional views clear to influence the outcome of the process. I have gone on record that what matters is the health and well-being of our residents and communities. I again offer reassurance that our technical officers have highlighted concerns, where in their professional opinion, concerns exist.