

No.

## THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 18<sup>th</sup> July, 2018.

Present: Councillor Leighton Rowlands (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, Neil Moore, Michael Morgan, Jayne Norman, Rachel Nugent-Finn, Andrew Parker, Bob Penrose, Sandra Perkes, Andrew Robertson, Ruba Sivagnanam, John Thomas, Neil Thomas, Steffan Wiliam, Margaret Wilkinson, Edward Williams, Mark Wilson and Marguerita Wright.

### 186 APOLOGIES FOR ABSENCE –

These were received from Councillors Janice Charles and Anne Moore.

### 187 DECLARATIONS OF INTEREST –

No declarations were received.

### 188 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 25<sup>th</sup> April, 2018 and the minutes of the Annual Meeting held on 9<sup>th</sup> May, 2018 were approved as a correct record.

### 189 FORMER COUNCILLOR MRS. VAL HARTREY –

Prior to commencement of the formal business, the Mayor asked Members to stand in silence as a mark of respect following the recent death of Councillor Hartrey who served as a former Elected Member of the Council for the Dinas Powys community.

### 190 ANNOUNCEMENTS –

The Managing Director reminded Members that this was the last meeting that Reuben Bergman would attend as the Head of Human Resources. Reuben had worked for the Council for approaching 10 years and in that time he had been a very important and much valued member of the Corporate Management Team. Over the last three years in particular and in support of the Managing Director both had worked very closely with the Managing Director indicating that his input had been significant, not only to the Corporate Management Team but to the Council as a

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whole organisation. Reuben had been at the forefront of many initiatives moving the organisation forward and in a positive way. Reuben's individual values had been closely aligned to those of the Council and his input, drive and commitment in engaging the work force across the Council and in developing new ideas and promoting an innovative approach had been vital to the success of the Council. The Managing Director indicated that Reuben's input would be greatly missed by himself personally and also by colleagues across the Council from all departments and he felt sure that Members would want to join him in wishing him all the very best for the future.

Individually each political Group Leader stood and echoed the sentiments of the Managing Director, each wishing Reuben the very best to him and his family for the future.

## 191 PETITIONS –

The following petitions were received:

- (i) Petition regarding consultation for the proposed link road between the M4 and the A48 seeking the WelTAG consultation to be returned to the beginning on the basis of the notice given regarding the consultation being inadequate. (Submitted by Councillor Michael Morgan.)
- (ii) 20 Plenty for Sully – the introduction of a default 20mph speed limit on all roads within Sully and the Swanbridge area (submitted by the Mayor, Councillor Leighton Rowlands).

## 192 SENIOR MANAGEMENT RESTRUCTURE – HUMAN RESOURCES AND PERFORMANCE AND DEVELOPMENT (L) –

The report sought Council's approval to implement changes to the senior management structure within the Managing Director and Resources Directorate.

The previous review and restructuring within the senior management arrangements for Human Resources and Performance and Development took place in 2015, at the time of the appointment of the current Managing Director. Those revised arrangements included the establishment of a Senior Head of Service, with responsibility across Human Resources, Organisational Development and Performance and Development as supported by a Head of Service and four Operational Managers. This revised structure had secured high levels of performance over recent years, providing a strategic focus for Organisational Development activity, driving forward the Council's employee engagement strategy and linking organisational agendas around people and cultural transformation.

There was now a need to revisit the structure as a result of a number of factors which included the current Head of Human Resources and Organisational Development leaving the Council at the end of August 2018 and a need to ensure

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continuing leadership and momentum in relation to the people and organisational development agenda. Separately, the challenges and demands on the Council's services and finances would continue to require an increasingly joined up approach to service provision focusing on internal as well as external collaboration and the sharing of resources.

Insofar as the Directorate was concerned, there was a continuing need to respond to the current in-year saving target of £700k as part of the Reshaping Services Programme and the proposals set out in paragraph 20 to 32 of the report was one of a number of savings proposals across the Directorate and if approved would help to achieve a saving of approximately £90k.

A number of options had been considered which included maintaining the status quo, revert to two separate Heads of Service, external collaboration and the "People and Performance Model".

The latter of the above four options was considered the strongest, offering the Council resilience, service continuity and the ability to make the best use of shared resources. This option saw the bringing together of the two existing Heads of Service (Head of Human Resources and the Head of Performance and Development) into a new post of Head of People and Performance and regrouping of the functions below this post.

The proposed model would help build on the organisational development work that had taken place over the previous two years and the increased sharing of expertise and compatibility across the Council's Organisational Development, HR Business Partnership and Performance and Business Improvement Teams. This model would also realise initial savings of £90k which could be both used to part offset the wider savings target across the Directorate and also to improve capacity in a number of the current reshaping agendas e.g. commercialisation and digitalisation.

Members were asked to endorse the proposal in principal as a basis for continuing consultation with employees and Trade Unions during the remainder of July / August 2018 and in accordance with the Council's Management of Change Policies.

Specific approval would be required in relation to the establishment / grading of the role of Head of People and Performance with the proposed grading being in line with the salary of the current Head of Human Resources i.e. salary range, £67,453 to £74,950 plus the current allowance for a senior head of service responsibility i.e. £9,854. The salary references would be subject to change depending upon the outcome of the 2018/19 Pay Award for Local Government Chief Officers. The grade level as referred to above had been established via HAY job evaluation in 2015 and in consultation with the Independent Remuneration Panel for Wales. It was not considered necessary, therefore, to revisit this.

Depending on the outcome of the above consultation, Council Members were also being recommended to grant delegated authority to the Managing Director in consultation with the Leader of the Council to progress or refine the implementation

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of the proposals as appropriate including the putting in place any necessary interim / acting up arrangements.

The appointment arrangements in relation to the new post would be progressed under the auspices of the Council's Senior Management Appointments Committee and would be subject to both an internal / external recruitment campaign.

Referral back to Council would only be made in circumstances where there was a substantive change to the proposals as referred to in paragraph 26 of the report and it was further proposed that any significant / material or refinement of the wider restructuring proposals although the proposed new role of Head of People and Performance would be referred for consideration / determination by the Council's Cabinet.

RESOLVED –

- (1) T H A T the in principle changes to the senior management structure for Human Resources and Performance and Development within the Managing Director and Resources Directorate and as set out in paragraphs 20 to 32 of the report be approved.
- (2) T H A T the proposed grading of the redesignated post of Head of People and Performance as set out in paragraphs 21 and 22 of the report be approved.
- (3) T H A T the proposals be approved as a basis for consultation with staff and the recognised Trade Unions during August 2018 and, if appropriate, implementation from September 2018 onwards.
- (4) T H A T a referral back to Council be made only in the circumstances where there are substantive changes to the proposals effecting the establishment of the Head of People and Performance and following consultation with staff and the Trade Unions.
- (5) T H A T, subject to Resolutions (3) and (4) above, arrangements be put in place to recruit to the post of Head of People and Performance under the auspices of the Council's Senior Management Appointments Committee.
- (6) T H A T delegated authority be granted to the Managing Director, in consultation with the Leader, to refine and progress the wider proposals as set out in paragraphs 20 to 32 of the report, subject to appropriate consultation with employees and the Trade Unions.
- (7) T H A T a specific referral to Cabinet be made in the circumstances where there are substantive changes to the proposed structure below the Head of People and Performance following the consultation process with staff and the Trade Unions.

#### Reasons for decisions

- (1) To ensure that the senior management structure in the Managing Director's

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Directorate was sufficiently resilient to meet current and future service needs.

(2) To ensure compliance with the Local Authorities (Standing Orders) (Wales) Regulations 2014.

(3) To ensure compliance with the Council's Managing Change and Avoiding Redundancy Procedures.

(4-7) To ensure compliance with the Council's Constitution.

### 193 REVIEW OF THE COUNCIL'S CONSTITUTION – OFFICER DELEGATIONS (MO/HLDS) –

The report sought Council's approval to make minor amendments to the Council's Constitution and Officer Delegations following the recent re-designation of the Head of Legal Services to the Monitoring Officer / Head of Legal and Democratic Services.

RESOLVED – T H A T the Council's Constitution and Officer Delegations be amended to reflect the re-designation of the Head of Legal Services to the Monitoring Officer / Head of Legal and Democratic Services.

#### Reason for decision

To update the Officer Delegation Scheme to reflect current structures and relevant provisions within the current Constitution.

### 194 CARDIFF CAPITAL REGION CITY DEAL – PROPOSED ESTABLISHMENT OF JOINT OVERVIEW AND SCRUTINY COMMITTEE (MD) –

The report set out proposed arrangements for establishing a Joint Overview and Scrutiny Committee (JOSC) for the Cardiff Capital Region City Deal (CCRCD) and the Council's membership of the JOSC.

The Council's Environment and Regeneration Scrutiny Committee previously considered the above matter at its meeting held on 12<sup>th</sup> July, 2018 and subsequently recommended in summary:

- That the Committee supported the establishment of a JOSC;
- Nominated and recommended to the Council that the Chairman of the Environment and Regeneration Scrutiny Committee and Councillor N. Moore, as the Council's substitute, represent the Council on the JOSC for the CCRCD.

The report considered by the Scrutiny Committee provided all relevant background information to the CCRCD and clarified initial proposals in that scrutiny would now be undertaken by the ten constituent Authorities for the City Deal Region, thus creating a new City Deal JOSC to monitor the performance and governance on an ongoing

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basis. All ten constituent Authorities were now in a position to proceed with proposals to establish a JOSC to meet initially twice in the current Municipal year to conduct training for the membership of the new JOSC and to draw up an initial work programme. The JOSC would be supported by Scrutiny Officers from Bridgend Council as the host Authority.

Council's approval was now sought to ratify arrangements detailed in the report, including the approval of the draft Terms of Reference for the proposed JOSC, and to approve the Environment and Regeneration Scrutiny Committee's recommendation to appoint the Chairman of that Scrutiny Committee as the Council's nominated representative on the JOSC, with Councillor N. Moore as the deputy in the absence of the Chairman.

RESOLVED –

(1) T H A T the establishment of a Joint Overview and Scrutiny Committee (JOSC) for the Cardiff Capital Region City Deal (CCRCD) with the Terms of Reference as contained in the appendices to the report be approved.

(2) T H A T the Chairman of the Environment and Regeneration Scrutiny Committee be appointed as the representative for the Vale of Glamorgan Council on the CCRCD JOSC.

(3) T H A T Councillor N. Moore be appointed as the nominated deputy to represent the Council in the absence of the Chairman of the Environment and Regeneration Scrutiny Committee.

Reason for decisions

(1-3) To allow the mechanism for the creation of a Joint Overview and Scrutiny Committee and to secure representation on that Committee.

195 RESHAPING SERVICES – INCOME GENERATION AND COMMERCIAL OPPORTUNITIES – ADVERTISING AND SPONSORSHIP PROTOCOL (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C291(a), 30<sup>th</sup> April, 2018) as set out in Section 14.14 of the Council's Constitution, be noted.

Reason for decision

To enable the Council to tender the work and enter into a contract in a timely manner.

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196 WEBCASTING EQUIPMENT (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C292(a), 30<sup>th</sup> April, 2018) as set out in Section 14.14 of the Council's Constitution, be noted.

Reason for decision

To enable the Council to tender the work and enter into a contract in a timely manner.

197 MICROSOFT LICENCE RENEWAL 2018-2020 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C310, 21<sup>st</sup> May, 2018) as set out in Section 14.14 of the Council's Constitution, be noted.

Reason for decision

To enable the Council to tender the work and enter into a contract in a timely manner.

198 DRAFT PARKING STRATEGY REPORT (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C354, 2<sup>nd</sup> July, 2018) as set out in Section 14.14 of the Council's Constitution be noted.

Reason for decision

To allow Town and Community Councils to give consideration to the contents of the Capita Report following the meeting of Cabinet.

199 REVISED WASTE MANAGEMENT STRATEGY: THE FUTURE COLLECTION ARRANGEMENTS FOR WASTE AND RECYCLING (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C356, 2<sup>nd</sup> July, 2018) as set out in Section 14.14 of the Council's Constitution be noted.

Reason for decision

To permit the Communication Strategy for Restricted Black Bags to start immediately to allow the maximum time for residents to understand the system and to source any new receptacles required and to permit the prompt retrospective agreement for the interim short term contract arrangements for waste transfer.

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

Due notice had been given of the following questions:

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

What arrangements are in place by the Vale of Glamorgan education services for opportunities for an English language oral and writing skills immersion programme that will assist school-age pupils to transfer into the English medium education system from the Welsh medium system? What progress, if any, has been made and what is the timetable for such an implementation programme?

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

Support is provided to the small number of pupils who transfer from Welsh to English medium schools directly by the receiving school and is managed on a case by case basis. In most cases, certainly up until years 7 and 8, the level of support required is minimal as the children are already fluent English speakers. Any subject specific language development can in most cases be managed by the individual subject teachers.

With the very small number of older children transferring from Welsh to English medium after year 8, additional support is provided on a case by case basis, particularly with the more technical language used in some GCSE subjects.

**Supplemental**

Councillor Mahoney sought confirmation from the Cabinet Member in that his reply was tantamount to a yes to his question.

The Cabinet Member intimated that if that was Councillor Mahoney's supplementary question then his answer was yes.

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

Please could I have details of the number of successful prosecutions for litter dropping and dog fouling offences in the Vale of Glamorgan since the awarding of the current contract.

Specifically

The number of fixed penalty notices issued for littering

The number of fixed penalty notices for dog fouling



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The number of cases progressed to court

The % of fixed penalty notices that have been paid in full compared to those issued

**Reply from the Deputy Leader and Cabinet Member for Regulatory and Legal Services**

There have been 799 fixed penalty notices issued for littering offences and 6 fixed penalty notices issued for dog fouling.

The number of cases progressed to court is 10.

37.4% of litter fixed penalty notices have been paid to date and 62.5 % of the dog fouling fixed penalty notices.

The fixed penalty notices were issued by 3GS, the Environmental Enforcement Officers working on behalf of the Council.

**Supplemental**

Councillor Mahoney, in referring to the very obvious small collection rates reiterated his previous suggestions at past Council meetings, if the Cabinet Member would consider prosecuting all offenders, highlighting their cases in the media and also meet with Magistrates Court representatives to explore whether penalty fees could be increased to £1,000 and also start collecting such fines.

The Cabinet Member considered that his meeting with Magistrates' representatives would not effect any change. He reminded Councillor Mahoney that it was a question of whether people could be traced, found and brought to court. If however, Councillor Mahoney was concerned regarding the percentage of successful prosecutions and penalties paid, he would, on Councillor Mahoney's request take the matter up with the Legal Department and provide a response.

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

Could you please provide the % figures for calls made using the Welsh language facility at the Contact one Vale Call Centre out of the total calls made over the last 12 months?

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

Contact OneVale received a total of 240,021 calls on all lines between July 2017 and June 2018. Of these calls, 1,956 came through on the Welsh language line, so this means that the % of calls received that were Welsh language calls is 0.81%.

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### **Supplemental**

Councillor Mahoney expressed his disappointment that the figures were lower than when he asked the same question five years previous and enquired of the number of calls that had mistakenly rung the Council's Welsh language line and the number of calls that had been made to the same seeking to avoid queue calling on the English language line.

The Cabinet Member confirmed that he was aware that a few residents were utilising the Welsh language line as they found that their calls were answered quicker despite the fact that their enquiry was in the medium of English. However, he was unaware of such data being collated, but would look into the matter and would respond to the Member.

#### **(iv) Question from Councillor K.P. Mahoney**

Could you please provide the % of all returnable council literature and forms including online returns that have been returned using the Welsh language option out of the total issued or sent during the last 12 months.

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

The Council is required by law to treat Welsh and English on the basis of equality when dealing with the public, and in compliance with the relevant Welsh language Standard, the literature and forms generated by all Council services, whether in hard copy or online, are required to be bilingual. Each service is expected to comply with this requirement. Information may or may not be held by individual services about the number of forms or returns received in Welsh. This information is not however held centrally, and so it is not possible to provide an answer to the question asked.

### **Supplemental**

Councillor Mahoney, referring to his previous question on the matter some years ago in that it would be better if the Council contacted every household to enquire their preference as to the language rather than pandering to language fanatics, he would rather see funding spent on such literature utilised to subsidise Welsh language lessons, which he understood currently cost £149 for a ten week course, as opposed to continuing to waste money when such literature would simply be thrown away.

The Cabinet Member suggested that Councillor Mahoney had made it quite difficult for him to respond as, in his view, Councillor Mahoney had expressed an opinion rather than asking a question however, he would take on board his comments.

#### **(v) Question from Councillor Mrs. M.R. Wilkinson**

On 25<sup>th</sup> April, in a question relating to modern slavery, I asked if any businesses in the Vale of Glamorgan such as nail parlours, beauty parlours and car wash facilities

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had yet been investigated. You indicated that you did not have an answer to hand but would ascertain whether there had been any investigations specific to the Vale of Glamorgan and provide the information in writing to all Members. As no answer has been provided to date could you provide an update now?

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

The Shared Regulatory Service does not have any legal competence to investigate any offences under the Modern Slavery Act 2015.

However, the service does visit a large number of businesses that are allegedly likely to use “slave” labour. I can confirm that SRS officers have been advised/trained to look out for certain signs and report those to the Police and the Human Trafficking co-ordinator. The service does therefore act as an “eyes and ears facility” for the appropriate enforcement agencies.

I am not aware of any investigations currently on-going in the VOG or any part of the region.

**Supplemental**

Councillor Mrs. Wilkinson enquired as to why it had taken so long for the reply to be made to her original question.

The Leader apologised for the delay in providing a response, but drew the Council's attention to the fact that earlier in the week, the Council's Cabinet adopted the Code of Practice for Ethical Employment in Supply Chains.

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

Welsh Government have recently launched a consultation on removing the sanction of imprisonment for non-payment of Council Tax. How many people from the Vale of Glamorgan have (a) been taken to court for non-payment of Council Tax, and (b) imprisoned for non-payment of Council Tax in each of the past five years?

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

I can confirm that in the period 2013/2014 to 2017/2018, 19,839 court summonses were issued. Only 16 Council Tax Payers were imprisoned for non-payment of Council Tax, with no one having been imprisoned since January 2017

**Supplemental**

Councillor Dr. Johnson, in thanking the Leader for his response, suggested to him that imprisoning people for non-payment of Council Tax was a Victorian practice and he was sure that the Leader was in agreement with that. He asked the Leader in the

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context of the current Welsh Government Consultation what the Council's response would be and what action the Council would or would not be taking to ensure that no resident was imprisoned between now and the implementation of any new regulations taking effect.

The Leader indicated that he did not agree with the practice being Victorian and he personally had no problem with the Council taking appropriate action against those individuals who would not, or refused to pay their Council Tax. He was happy for those people to face the consequences of their actions. He reminded Councillor Dr. Johnson that the Council made every effort to support people who were in a position where they could not pay their Council Tax and he would ensure that the Council would continue to do so. In regard to the Council's response to the current consultation, he indicated that his personal view was that the status quo should be maintained. As far as the Council's formal response was concerned, that would be subject to the Council's normal consultation response arrangements.

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

What economic impact assessment took place upon Barry Town Centre prior to launching the Council's Draft Parking Strategy consultation?

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

No economic impact assessments have been undertaken for Barry or any other Town Centre for Capita's Draft Parking Strategy. It should be noted that the proposals outlined in the Capita report for car parks in town centres suggest that the first two hours parking is free. Therefore for residents and visitors who visit the town centres they will not have to pay for the first two hours parking. Other Welsh towns such as Llandudno, Aberystwyth, Bargoed, Caernarfon have parking charges from the moment you park in their car parks and do not have a free parking period. I am not aware that even these charges have had a detrimental effect on these towns. Obviously if you feel differently you can put forward your own proposals / evidence for consideration as part of the upcoming consultation.

**Supplemental**

Councillor Dr. Johnson referred to the current consultation exercise and sought an assurance from the Cabinet Member that traders were adequately consulted and their response reported separately so that their opinion could be assessed as to whether the proposals would have a negative effect on Barry Town Centre.

The Cabinet Member indicated that the Council would consult with everyone and all responses would be recorded and reminded Members that traders and Town and Community Councils were immediately made aware of the Council's proposals as soon as they were published.

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

1<sup>st</sup> April this year marked five years since the introduction of the bedroom tax. How many Vale of Glamorgan households were paying the bedroom tax (a) in April 2013 and (b) April 2018?

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

The changes to the benefits arrangements since April 2013 has meant that if a tenant has one spare bedroom they lose 14% of their entitled housing benefit. If they have two or more spare bedrooms they lose 25% of your entitlement.

In the Vale of Glamorgan there were 511 Council Tenants who had one spare bedroom and 93 who had two or more spare bedrooms.

In April 2018 there were 336 Council Tenants who had one spare bedroom and 104 who had two or more spare bedrooms.

**Supplemental**

Councillor Dr. Johnson, in referring to the introduction of the Tax on Social Housing by the Conservative Westminster Government, enquired of the Cabinet Member if he thought that the policy had worked.

The Cabinet Member indicated that with only 3,000 Council houses and 3,000 on the Council's waiting list, it was necessary to ensure that all properties were used beneficially, wisely and great care was taken to ensure that should there prove to be properties that were not fully utilised support was provided to assist tenants to move. He considered that the policy was right due to the limited housing stock the Authority held and an insufficient number of suitable properties for larger families.

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

How many Fixed Penalty Notices were issued by 3GS between April 2017 until March 2018, and for what reasons?

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

499 fixed penalty notices were issued between the 1<sup>st</sup> April, 2017 and 31<sup>st</sup> March, 2018:

3	x	Dogs on leads
2	x	No Fishing
3	x	Dog Fouling
44	x	Duty of Care (Commercial)

No.

1	x	Fly posting/Graffiti
35	x	Commercial waste receptacle offences
411	x	Littering of which 93 was issued for Cigarettes, 2 for spitting, 193 for general waste, 122 for accumulations of litter (small scale fly-tipping), 1 for public urination.

The fixed penalty notices were issued by 3GS, the Environmental Enforcement Officers working on behalf of the Council.

### **Supplemental**

Councillor Dr. Johnson, in referring to the fact that less than 1.5 Fixed Penalty Notices were being issued per day during the above period, enquired if the Cabinet Member felt that this statistic was having an impact upon the cleanliness of streets and whether the Cabinet Member felt it was better to have no Environmental Enforcement Officers or implementing the cuts of the Administration to the Council's Visible Services Division.

The Cabinet Member reminded Councillor Dr. Johnson that the Council would continue to undertake enforcement work and the Council would be reviewing its current enforcement procedures prior to the current contract with 3GS contract expiring towards the end of November.

### **(x) Question from Councillor Mrs. S.D. Perkes**

Could the Cabinet Member provide an update on the operational status of the Biomass Plant, with specific reference to the requirement for Environmental Impact Assessment and whether it is fully operational?

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

The Plant is not currently full operational. Planning Application 2017/01080/FUL which seeks a comprehensive permission for the site is still under consideration by the Council and Welsh Government is now separately considering whether the development proposed by application 2017/01080/FUL should require an EIA but the Council has not received a formal decision on this matter.

WG advised the applicant in February that it was minded to require an EIA but invited comment from the applicant. The Council was further advised on 22<sup>nd</sup> May (following a request for an update from the Leader of the Council) that WG continue to consider the legal position and the Council had received no further information in this regard.

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### **Supplemental**

Councillor Mrs. Perkes enquired as to what levels of pollution had been measured by the two air monitoring stations in the locality to date and how these compared with the legal or advisory limits.

The Cabinet Member referred to the fact that the biomass plant was not currently operational and therefore not producing pollution. Whilst he did not have the air monitoring data to hand, he would provide the Member with the information post meeting.

#### (xi) **Question from Councillor Mrs. S.D. Perkes**

Could the Cabinet Member tell me what date the survey was undertaken with young people in the Vale of Glamorgan to determine what Youth Service programme the Learning & Culture Directorate will provide from September 2018 out of Barry YMCA.

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

It is intended to keep as much provision for young people at Barry YMCA as possible. Currently the youth area at the YMCA is used every day in term time between the hours of 8am-4pm. This is for small groups and 1-1 mentoring of young people who are educated other than at school. The centre also supports a young carers group in the evening and the youth service provided open access provision two evenings a week. We have conducted a Youth Offer consultation (2015/16) and a Youth satisfaction survey (2016/17) across the Vale, but not specifically with Barry YMCA members independently. Our intention post structure is for the youth team to engage young people in the design of the curriculum for the evening provision. We will also include the young carers and any other groups using the YMCA Barry. The youth service managers have also discussed co-production with YMCA Chief Executive particularly on media and music.

In addition, Barry Youth Action were consulted on the following dates:

- Raised by Councillor Payne as part of her town council update (Link Councillor for Barry Town Council) at the meeting on 26<sup>th</sup> February, 2018
- It was put as an agenda item on 28<sup>th</sup> March, 2018
- It was discussed at the meeting on 2<sup>nd</sup> May 2018 when Members read through the minutes of the previous meeting.

### **Supplemental**

Councillor Mrs. Perkes asked if a copy of the survey and the Directorate's outline plan for the services could be distributed to all Elected Members and to staff within the Youth Service so that all could be assured that the Youth Service provision would be available in 2018.

The Cabinet Member confirmed that he was happy to do so.

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(xii) **Question from Councillor M.R. Wilson**

The Cabinet Member was asked in February to confirm the completion date for the upgrade of the Penarth Leisure Centre changing rooms. Recent reports now suggest that response to be inaccurate. Could he please give Council an update on the current completion date for the work?

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

Unfortunately the original procurement process for this work did not result in an acceptable tender being received. However, the subsequent re-tender exercise on the Sell2wales website had now been completed and a contractor was expected to be appointed shortly. The successful contractor had proposed alternative working methods that would still allow the Leisure Centres to remain operational during works but significantly reduced the timescale of the works.

**Supplemental**

Councillor Wilson sought an assurance that all Members of the Council, particularly those local Members from Dinas Powys, Llandough, Sully and Penarth, would be updated when the work would take place, how long the work would take to complete and also to provide regular updates so developments could be monitored.

The Cabinet Member reminded Councillor Wilson of his response that he provided at the meeting of Council in February, in that the work was anticipated to be completed by 25<sup>th</sup> January, 2019. Taking account of slippage and the proposed alternative methods for the work to be undertaken, he anticipated that the project would be completed by the end of March 2019 and if there were any anticipated delays, Members would be notified accordingly.

(xiii) **Question from Councillor M.R. Wilson**

Many residents in my ward and in the community of the rest of Penarth have heard that the Vale Council is looking to dispose of our only public toilets in the centre of Penarth, bearing in mind that Penarth has an increasing ageing population and is hoping to secure dementia friendly town status. Will the relevant Cabinet Member reconsider, as many people including myself consider it to be a strategic asset in the town?

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

I can confirm that there are currently no plans to dispose of the toilets in Penarth Town Centre. The Council has a statutory obligation to prepare a Local Toilet Strategy by 31<sup>st</sup> May 2019 which will need to consider the availability of toilets both public and private in the Vale of Glamorgan.



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All toilet provision will therefore need to be considered as part of this Strategy which you will have the opportunity to comment on in due course.

### **Supplemental**

Councillor Wilson, in thanking the Cabinet Member for his reassurance that the public toilets in the centre of Penarth would remain, asked him to confirm that this would be for the lifetime of the Administration.

The Cabinet Member was unable to provide such a commitment and reminded Councillor Wilson that the Local Toilet Strategy Consultation would have been completed by 31<sup>st</sup> May, 2019 and accordingly, there was plenty of time left for Members to respond.

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

In relation to the Reshaping Agenda what does the leader consider to be “strategic” in terms of the transfer of physical assets?

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

I would refer the Councillor to the Cabinet Report of 3<sup>rd</sup> July which provides information regarding the categories of assets and services.

Paragraph 20 of the report provides information on this and defines services and assets that are strategic to the Vale of Glamorgan.

### **Supplemental**

Councillor Wilson asked the Cabinet Member what consultation was held in relation to what was decided as being regarded as a strategic asset.

The Cabinet Member, in referring to the original Cabinet report, reminded Members that that report defined strategic assets as a location or destination such as Barry Island, Penarth Pier and key parks and gardens, examples of which would include Windsor Gardens and Alexandra Park, Penarth and the Knapp Gardens in Barry. He further reminded Members that examples of strategic buildings as defined in the said Cabinet report which included The Kymin in Penarth. He believed there was no need for consultation on the matter as that was the opinion that he had taken on what was strategic and what was not strategic.

#### (xv) **Question from Councillor L. Burnett**

It was disappointing that February’s Cabinet Report in relation to the introduction of PSPOs for Dog Control was not referred to Scrutiny for consideration thus allowing open and transparent discussion, and that the confusing and poorly planned

No.

consultation has caused so much concern and anxiety among responsible dog owners. Even now, details of the pop-up consultations are not available on the website. Will the Cabinet Member extend the consultation to the full 12 weeks so events are not held over the summer holiday period?

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

If you were so concerned about this process you could of course have called the matter in for Scrutiny. I did not refer the matter to the Scrutiny Committee as authority was sought from Cabinet to progress public consultation; surely the most appropriate time for the proposal to be scrutinised is when Members have the benefit of the public views on the proposal? Once the consultation period has finished on 22<sup>nd</sup> August 2018, the results will be reported and final proposal will be referred to Scrutiny for consideration. The formal public consultation started on 27<sup>th</sup> June, 2018 and will continue to 22<sup>nd</sup> August, 2018. Once all comments from the key stakeholders and the public have been considered and a final proposal has been produced, there will be a final consultation period for four weeks. Dates for the pop-up events have now been released on the Council's website.

It is not necessary to extend the consultation period; there has been significant interest in the matter and a large number of responses have been received already and there is still over a month left in which to provide comments.

**Supplemental**

Councillor Burnett referred to the Cabinet report of February 2018 which appeared not to include details of the current consultation and asked the Cabinet Member if he was now prepared to make arrangements for public meetings or workshops with dog owners to develop reasonable restrictions and work in partnership with such groups for their implementation.

The Cabinet Member was fully aware of the need to consult with the public and believed the best way of doing that in addition to correspondence already sent out, was roadshows where individual responses could be received from the public on the proposals and he personally would welcome all responses from the public whether these were in favour of or against the proposals.

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

A strategy is defined as "a plan of action to achieve a long-term or overall aim". The first line of the "Broad Principles" within the Council's parking strategy states that this strategy is "to realise the maximum levels of income" not to support our communities, destinations or town centres but to treat them as "Cash Cows". There is little point in consulting on a report that does not quantify the damaging impact on our communities or possible actions to counter that damage. Will the Cabinet Member withdraw this report and bring it forward for consultation only when there is sufficient information to allow informed discussion?

No.

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

As you will be aware, Cabinet has not yet taken any decision on any aspect of the Parking Strategy except to seek views on its content. Therefore it is incorrect at this stage to refer it as the “Council’s parking strategy.”

The Executive Summary of the Consultant Capita’s Report on Page 1 states that the Strategy proposes to introduce measures designed to strengthen economic and regeneration opportunities by introducing improved efficient car park management as well as improving access to facilities and attractions in the Vale and improving the Visitor experience. Further, the Draft Capita Report recognises clearly that Town Centres are the hub of local communities and adequate properly located safe parking are more important to people parking in town centres than tariffs. This is featured on page 5 of the Consultant’s report.

Should the Council decide to introduce parking charges then any income would be used to support existing parking infrastructure and facilities within those areas.

I am a bit surprised at your use of the term “cash cow”; particularly seeing as you yourself considered charging for car parking during your Administrative term and you should also be well aware of this Council’s challenging budget position.

I do not intend to withdraw this Report. Difficult decisions such as whether or not to charge for car parking need to be made. It is important to obtain the actual views of interested people and organisations on the Draft Strategy and to consider the actual evidence of the impacts of car park charging on town centres and other destinations rather than just acting on unsubstantiated statements such as yours.

### **Supplemental**

Councillor Burnett referred to previous proposals for four selected car parks which had subsequently been withdrawn and to the current proposals which presented little more than arrangements for implementing punitive charging regimes and asked the Cabinet Member what plans did he have to work with local businesses and residents to devise a plan that worked for the County’s towns, resorts and destinations and more importantly residents of the Vale.

The Cabinet Member reminded Councillor Burnett that the report was now subject to public consultation and when the consultation closed he would consider at that time appropriate recommendations, which would be subject to the scrutiny process and judged by all. However, he took offence at the reference to a “cash cow” and responded by quoting from a Cabinet meeting of 27<sup>th</sup> July, 2015 at which Councillor Burnett was present “It is estimated that income of about £204,000 will be realised per annum should the above charging structure be approved and this will be used to offset part of the current £350,000 budget shortfall and help future budget challenges which the Directorate are facing”. He did not see why Councillor Burnett was talking about the current Administration having a “cash cow”, when Councillor Burnett had a similar statement in her report as Cabinet Member at that time.

No.

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

Could the Cabinet Member explain the reasons for withdrawing proposals to privatise acres of Porthkerry Country Park for the development of a campsite?

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

As the previous Cabinet Member you should know we did not have proposals to 'privatise' parts of Porthkerry Country Park.

**Supplemental**

Councillor Burnett, in referring to the withdrawal of proposals for Porthkerry Country Park, asked the Cabinet Member how he could justify progressing proposals for Cosmeston Country Park.

The Cabinet Member indicated that he always listened to public opinion and he had acted on that public opinion by withdrawing proposals for Porthkerry Country Park. Those proposals themselves did not propose to privatise that Country Park, but proposed to provide in partnership Glamping pods. Due to the high level of public opinion received opposing those proposals they had been withdrawn. However, he had received no such views on the proposals for Cosmeston or any of the parks where proposals were being developed and he would continue to work with partners to look at alternatives.

(xviii) **Question from Councillor M.J.G. Morgan**

The Petition that I have handed in this evening on behalf of Vale Communities for Future Generations submits that the M4 to A48 link WeITAG stage 1 and 2 have been conducted without sufficient notice and requests the Vale Council to undertake WeITAG I again for a fair engagement / consultation.

Do the Vale Council accept that there have been failings in the Consultation Process thus far?

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

I can advise that the WeITAG guidance does not stipulate the length of consultation required at different stages of the process. However, the WeITAG Guidance does state that collaboration and involvement are important throughout a WeITAG appraisal.

Consultation at the start of the process assists in understanding the current situation, setting objectives, producing a long list of possible solutions and outlining the range of likely impacts from those different solutions. As such, the decision by Council Officers to undertake a series of stakeholder workshops and to hold a public

No.

consultation day in the locality, together with time to respond, was considered proportionate for this early stage study. The consultation at this Stage allowed for an understanding of issues, setting of objectives and examining a long list of options and their possible impacts. For your information, the workshops and public event were well attended.

Following the consultation events, a report for Stage 1 was completed and submitted to Cabinet with a number of options which Cabinet agreed to progress. The Stage 2 process reduced the number of options, as would be expected of a WelTAG Stage 2. These processes are considered holistically and are based on a stage by stage approach. Respondents were able to disagree with the options and this will show they are not in favour of the proposals. They could also add comments and ideas for any different options which would also be considered. The Stage 2 consultation closed yesterday after being open for 12 weeks and has allowed interested parties the chance to submit any comments and ideas on the process to date including Stage 1.

I am pleased to announce the public response to the current consultation process was extremely high and I am look forward reviewing the consultation report.

### **Supplemental**

In thanking the Leader for his considered response, Councillor Morgan within the context of the petition presented earlier in the meeting asked the Leader if he would confirm that the Council would respond via a detailed report which would take account of each and every submission made by individuals and groups, so that the communities could see their views had been considered whatever the Council decided.

The Leader assured Councillor Morgan that all the responses would be considered and nothing would be ignored. However, he was unable to promise that a detailed response would be made to every submission.

### **(xix) Question from Councillor N. Moore**

In December 2016 Cabinet discussed proposals for a new health and well-being facility at Penarth Leisure Centre. Since that date there has been no further information provided although one of the GP surgeries involved has now announced other plans. Could the Cabinet Member provide an update.

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

My officers have recently been asked to join a working group, being led by the University Health Board, looking at the proposal for the Penarth Leisure Centre site in detail. At the present time there is support in principle for the development of a primary Care facility attached to Penarth Leisure Centre which, if built, will provide more services than currently offered at GP surgeries.

No.

The development has now been identified in the Welsh Government primary care projects as a priority scheme within Tranche 1 of their pipeline projects for completion by end of 2021 and therefore I would expect to be able to provide updates shortly.

A full report detailing the proposals will need to be presented to Cabinet once a clear plan is established and at this point it will be possible to confirm which GP practices are planning on relocating to this site.

### **Supplemental**

Councillor Moore referred to many patients in GP surgeries who were becoming concerned about the sustainability of their own GP practices some of whom were Elected Members and he was aware that some GPs were considering moving to other premises and sought an assurance from the Cabinet Member that a press release would be made by the Council and / or the UHB in order to keep the public aware of what was happening.

The Cabinet Member, in referring to the likely need for a Cabinet report to progress this issue and therefore there would be publicity, reminded Councillor Moore that this was primarily a decision for the UHB. He would put as much pressure on them to progress the matter, but acknowledged that it had been slow progress to date with the UHB.

### **(xx) Question from Councillor V.J. Bailey**

Will the Cabinet Member provide an update on the consultation currently being undertaken by the Vale Council into Public Space Protection Orders affecting dogs on leads in certain public areas, and detail what representations – if any – have been made by animal welfare charities?

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

The public consultation on the possible introduction of a Public Spaces Protection Order commenced on 27<sup>th</sup> June 2018 and closes on 22<sup>nd</sup> August, 2018. As part of the process requests for comments were sent to a large number of key stakeholders including:

- Hearing Dogs Wales
- RSPCA (Wales)
- The Dogs Trust
- Paws in the Vale.

It is too early to advise of the details of the representations but this information will be made available to elected Members on conclusion of the consultation process prior to any decisions being taken on whether or not to introduce a PSPO.

No.

### **Supplemental**

Councillor Bailey sought assurance that both the public present in the gallery and Elected Members that the proposals were not to be seen as official Council Policy and asked the Cabinet Member to join him in encouraging residents from across the County to respond to the consultation process not just with opposition, but also with alternative ideas on how the Council and the public could tackle the issue together without the need to restrict walking dogs off lead.

The Cabinet Member assured Councillor Bailey that the current consultation proposals were not Council policy. The current process was a matter of sending information out for consultation. He would await the responses to the consultation and from his perspective, the wider response the Council received on the consultation the better.

#### **(xxi) Question from Councillor P.G. King**

Can the Cabinet Member please explain how we can consider any open space or park for the exclusive use by one organisation or club, expect them to either take over its maintenance or pay for it in full, without giving them implicit permission to fence it off and stop the general public from accessing the same space?

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

It is not the intention to change any of the existing structures contained at single use leisure facilities as part of this initiative. Some facilities are already fenced off, notably most of the bowling greens, but nowhere within the report does it mention fencing in facilities or excluding access.

It is likely that once discussions begin there could be clubs or organisations that want to fence in facilities but this will require further consideration and agreement by elected Members. Certain facilities such as the football pitches at Cogan recreation field and Windmill Lane playing fields already have enclosed facilities on match days though they are open to the public to access at other times showing that it is possible to reach a balance between access for the public and a certain level of exclusivity.

### 201 PUBLIC QUESTIONS –

The Mayor indicated that due to the number of questions submitted he would on this occasion deal with the questions as read, questions to be dealt with in accordance with the limit of 30 minutes set out in the Council's Constitution. The exception to his decision related to questions 20 and 32 submitted by two pupils from Llancafán Primary School.

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

No.

(i) **Question from Mr. Paul Waite**

As a Council that endorses the national principles of public engagement, does the Cabinet Member for Neighbourhood Services and Transport truly believe that a period of 14 days (WelTAG Stage 1) is a sufficient timeframe of public engagement to what is estimated to be a £60-100m project for M4 jct 34 to A48 which will impact an area so significantly for generations to come?

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

As you are already aware from recent correspondence with the Council, the WelTAG process does not specify requirements for consultation or engagement.

The Guidance (published in December 2017 after the Stage 1 study) states on page 6 that:

“Collaboration and involvement are important throughout a WelTAG appraisal. At the start of the process it will assist in understanding the current situation, setting objectives, producing a long list of possible solutions and outlining the range of likely impacts from those different solutions”.

As such, the decision to undertake a series of stakeholder workshops and to hold a public consultation day in the locality, together with time to respond, was considered proportionate for the early stage study, as this allowed for an understanding of issues, the setting objectives and the examination of a long list of options and together with their possible impacts. The workshops and public event were well attended. The outcomes of a Stage 1 report is to recommend options for further investigation thus it does not lead to a decision on the project.

Moreover, in December 2017 Welsh Government issued a note on how to undertake WelTAG studies in the light of the Future Generations of Wales Act (published in December 2017). This is available on the Welsh Government website.

This advises that "Engaging and involving stakeholders is important throughout a WelTAG appraisal" but does not specify length or type of engagement.

A number of options were considered as part of the Stage 1 process and these were evaluated with a shortlist compiled for the Stage 2 report.

As you are aware the Stage 2 report was consulted on for 12 weeks and any comments on the Stage 1 or 2 reports or any ideas for different solutions could be put forward as part of this process. The WelTAG process is iterative and can refine and add options as needed as the process progresses or as situations change. That consultation closed yesterday and I understand that you have made comments on the WelTAG reports which will be considered by the Council's Cabinet in due course.



No.

(ii) **Question from Ms. Helen Payne**

What strategy do you have for the delivery of youth work in the Vale of Glamorgan and how are you going to ensure the quality of youth work delivered by inexperienced volunteers from September 2018?

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

The Vale of Glamorgan Youth Offer will be the focus of our delivery model for the future. It has been devised with young people and will follow the principles and purposes of youth work in Wales and the National Youth Work Strategy for Wales. The key principle of the Youth Offer is engagement with young people on the design and delivery of services. During the consultation process, 1,700 young people took part and their feedback was one of the reasons why the need for change to the service was identified. The Youth Offer curriculum is based on the views of young people and comprises of the Duke of Edinburgh's Award, outdoor activities, accredited learning via wellbeing projects, music media and technology. Duke of Edinburgh Awards will be delivered in partnership with Boys and Girls Clubs Wales and Welsh language provision via Urdd Gobiath Cymru. For young people with additional learning needs, the service is working in partnership with Ysgol Y Deri to establish after school provision for young people attending the school. The service will also offer a range of targeted and specialist services for young people requiring additional wellbeing support and informal learning opportunities.

The Service is not going to be delivered by inexperienced volunteers from September 2018. The restructure will provide peripatetic support from qualified staff in all areas of the Vale at a level at least comparable with current levels.

(iii) **Question from Ms. Helen Payne**

Do you recognise the importance of having a qualified and experienced workforce to deliver youth work? What will you do to ensure this happens?

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

The Council is committed to establishing a well-trained and quality workforce. As such all staff will be professionally recognised and registered with the Education Workforce Council. All employed staff will have a Youth Support Worker Level 2 Qualification. There will also be an expectation that staff undertake continuous professional development and progress to Youth Worker status at Level 4 and to degree standard. Staff will also have an ongoing training programme to ensure they are up to date with developments in the youth work field and in education services. There will be annual safeguarding and health and safety courses as well as specialised training on adverse childhood experiences and attachment. Any volunteers will have the opportunity to train up to the Level 3 youth support worker qualification and have access to all other appropriate Continual Professional Development courses.

No.

(iv) **Question from Ms. Helen Payne**

What will be the long term saving to the Vale of Glamorgan Council regarding the reorganisation of youth service?

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

The restructuring of youth services is about creating efficient services to improve outcomes for young people rather than achieving financial savings. There are some small budget savings from a reduction of premises, utilities and rates costs for West House and Llantwit Major youth centre, which amounts to approximately £32,000. A further sum of £13,000 will be saved in relation to mobile provision which is as a result of income generation and cost reduction.

(v) **Question from Mrs. B. Bailey**

Please can you confirm the number of posts and titles of these held by the Vale of Glamorgan Council, covering conveyancing and related tasks such as advising on ownership of land and any legal action such as enforcement necessary?

**Reply from the Deputy Leader and Cabinet Member for Regulatory and Legal Services**

There are two Principal Lawyers, three Senior Lawyers and one Law Clerk who provide (in part) a legal support service to the Council and its Directorates on matters such as conveyancing, advice on ownership of land and legal enforcement action.

(vi) **Question from Mr. S. Parry**

At the recent drop-in sessions, Council officers reported that the additional educational benefits of a new school in Rhoose (beyond those already available or able to be implemented in Llancarfan currently) were increased funding per pupil and faster Wi-Fi. Given that costs per pupil could be dramatically decreased via avenues such as federation (which have not been considered in the consultation document) does the Council feel this is sound pedagogic justification for a new school at a cost of £4m of taxpayers' money?

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

Thank you Mr. Parry. You will be aware that the consultation period has only just closed and that the consultation provided all those with an interest to comment on the Council's proposals. At this point in time, a full analysis of the responses has not been possible and Cabinet will only receive a report on the consultation after the summer recess. Until such time it would not be appropriate to comment on specific issues relating to the consultation and the way forward. It will only be possible to

No.

meaningfully comment, once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses.

I would however, as a point of clarification advise that the funding for this project would come from Welsh Government match funding of £2.09 million and £1.63 million of s106 funding. The balance will be met from the Council's capital funding.

(vii) **Question from Mrs. J. Bettley**

Given that there is a projected surplus of only 90 places, can the Council explain why retaining Llancarfan with smaller pupil numbers and building a smaller school with the 21st Century funding has not been considered as an alternative to closing a rural school with good educational standards and building a 210-place school more than 5 miles away to meet the needs of a different community?

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

You will be aware that a number of options were considered when developing the current proposal and these have been outlined in the most recent consultation document.

However, as I have advised, the consultation period has only just closed and at this point in time, a full analysis of the responses has not been possible. It will only be possible to meaningfully comment, once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses.

(viii) **Question from Mrs. F. Valencia**

Can the Council explain why no businesses in the village of Llancarfan (e.g. tennis club, pub, after school club) were contacted directly in order to establish the community impact assessment and why the pub has only been granted a meeting one week prior to the consultation deadline?

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

As with all education consultations, the initial information contained in the Community Impact Assessment is sourced from information held within the Council Offices and at the School as well as any other information identified in the initial stages of proposal development. Any information that is received with regard to identified community impact, is fed into the final assessment documentation which is then published alongside the Consultation Report. The Council does not seek to prejudge the impact to the community at the commencement of the consultation but rather ensures it reflects the evidence received.

No.

Engagement with community groups has taken place as part of the Consultation process. There is no requirement to meet with individual businesses, although the Council has of course done so where appropriate or on request.

As I have already advised, the consultation period has only just closed and at this point in time, a full analysis of the responses has not been possible. It will only be possible to meaningfully comment, once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses.

(ix) **Question from Mr. J. Barratt**

A survey by the Action Committee to save Llancarfan School has shown that the smallness of the current school and the rural location are the two main reasons for parents choosing the school, and that only 12% of parents would definitely choose to move their children to the new school in Rhoose. Can the Council please outline the empirical evidence to support the claims made in the consultation that parents will transfer their children to the new school?

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

The rationale for the proposals put forward is included in the consultation document.

As the consultation period has only just closed, at this point in time a full analysis of the responses has not been possible. It will only be possible to meaningfully comment once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses. I fully appreciate that there will be many people who take a different view to that outlined in the consultation document as the Council's preferred option, and once I and officers have analysed the responses a report will be brought to Cabinet to recommend a way forward.

(x) **Question from Mr. I. Fell**

Could the Council please explain why reference to Llancarfan as a small rural school been removed from the second consultation? Is this in anticipation of the Cabinet Secretary for Education's policy to protect rural schools being published this summer? If the current School is not to be described as 'rural' please could you explain how this school should be described in terms of its geographical location?

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

Reference to Llancarfan as a small rural school was removed as it had added to the confusion expressed by some consultees with regard to the difference between a school closure and school transfer as outlined in the School Organisation Code 2013. The Council has consulted upon the proposal to transfer Llancarfan Primary

No.

School to a new site under the section 42 of the 2013 School Organisation Code, the current code in force.

The list of schools referred to under the new draft proposed Code only applies for the purposes of a presumption against the closure of rural schools. The Council's proposal to transfer Llancafarn over a mile has triggered the regulated alteration under s42. This is a transfer and not a school closure, therefore the protection reference in your question does not apply in this case.

(xi) **Question from Ms. B. Hemming**

Andrew RT Davies stated "to me this is a closure" when describing the proposal for Llancafarn school at a public meeting in June. Can the Council please explain why it continues to deny that Llancafarn Primary School is being closed, despite using the wording "the proposal to establish a new school" within the consultation document?

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

The definition and differences between a transfer and closure of schools is contained within the School Organisational Code (2013).

While I appreciate there may be some confusion over the terminology around closing a school site and closing a school, the consultation document makes clear reference to the Code to ensure a shared understanding of the relevant statutory guidance.

(xii) **Question from Mr. A. Farquharson**

At the Rhoose drop-in sessions the Council officers and attending Cabinet Member reported being unaware of any planning applications for affordable housing within Llancafarn. Given that such a proposal is currently in consultation (with land evidently available opposite the school site) this offers a number of possibilities for expansion, which have not been considered by the Council within the consultation. Can the Council please explain why this has not been considered as an option?

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

An affordable housing pre application advice enquiry was received by the Council recently but no official planning application has been received to date. In addition if an application for planning permission is submitted that application would need to be considered having regard to a number of factors, including the results of consultation and an assessment of relevant planning considerations.

(xiii) **Question from Mr. M. Valencia**

Can the Council please justify why figures in the second consultation for pupils living in catchment area at St. Nicholas and Llanfair are radically different to those in the

No.

original consultation document (10% vs 21% for St. Nicholas, and 16% vs 44% for Llanfair)? The second consultation document also omits reference to a change in St. Athan Primary School's catchment and in the Community Impact Assessment. Given these errors in the consultation document, can you reassure the community that this document is accurate and reliable?

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

Catchment areas were realigned for the second consultation in response to parental representations received during the first consultation. There is no longer a change proposed to St. Athan's catchment area and therefore this information was correctly omitted from the second consultation document.

It was necessary to update all school data for the second consultation in order to ensure that the document contained the most up to date information. I can confirm that the officer concerned has checked the information you have referenced and they have confirmed to me that the data contained in the second consultation is correct. They have also advised me that there was an error with regard to this data in the first document which explains the difference between the two figures.

I am satisfied therefore that this updated information can be considered as reflective of the current position and is an accurate and reliable reflection of the distribution of pupils living across the catchment areas of St. Nicholas and Llanfair.

(xiv) **Question from Mrs. S. Angell**

Can the Council Leader give assurances that no decision has already been taken about plans to close or "transfer" Llancafarn school, and that the Cabinet's hands are not already tied on the matter?

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

I must stress that the consultation process is genuine and can categorically state that no decision has been made regarding the outcome of the consultation. Our own due process requires that we consider the proposals within the context of the feedback received as part of the consultation process. The Consultation Report including the Community and Equality Impact Assessment will be considered in September 2018 until which time no decision can be made.

Indeed, I have made this very point clear in my responses to the several questions already answered this evening. You will be aware that the consultation period has only just closed and at this point in time, a full analysis of the responses has not been possible.

No.

(xv) **Question from Mrs. I. Haberfield**

Can the Council Leader assure all those affected by plans to close Llancarfan Primary School that there will not be a third consultation if officers fail to get the answer they want at the second time of asking?

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

As I have already advised, the consultation period has only just closed and at this point in time, a full analysis of the responses has not been possible. It will only be possible to meaningfully comment, once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses. Cabinet will only receive a report on the consultation after the summer recess. Until such time it would not be appropriate to comment on specific issues relating to the consultation and the way forward.

(xvi) **Question from Mr. M. Evans**

As the sale of the Llancarfan Primary School site is part of the financial plan for the new school, can the Council Leader say what value has been placed on the village school site?

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

The funding of the capital programmes requires the use of monies from a range of different sources. For commercial reasons it is not appropriate to make public internal valuations factored into the Programme. When developing any scheme, a detailed business plan is required for submission to Welsh Government before they will release their element of the funding. This plan has not been developed as yet for the developments in the Western Vale. Further work on assessing the value and sale of the land would be progressed should the final determination of Cabinet be to implement the proposals. Again, I would reiterate that the way forward will only be assessed once a full analysis has been carried out of all responses to the consultation undertaken.

(xvii) **Question from Mrs. H. Wilson**

Can the Council Leader explain what the difference is between 'school migration' and a 'school transfer'?

No.

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

In terms of the intention of both consultation documents, there is no specific difference between transfer and migration. Both documents propose the provision of a new building for the school staff, pupils and governors to transfer into with additional places available for pupils residing in the new housing developments in Rhoose. Migration was used in the first consultation to explain to the community the proposal that the school as an entity would be retained when relocated to a new site. Transfer is the term used in the School Organisational Code (2013) and following feedback it was felt appropriate to reflect the exact terminology in the Code in order to reduce confusion.

The definition and differences between a transfer and closure of schools is contained within the Code with clear references within the consultation document.

This proposal is being considered under section 2.2 of the School Organisation Code 2013. This section refers to Regulated Alterations of a school, which includes the transfer of any existing school to a new site.

(xviii) **Question from Ms. C. Hutcheson Tate**

How much is the second consultation for Llancarfan school costing?

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

Statutory school organisation consultations are carried out by the School Organisation and Access team. The work associated with the second consultation has been accommodated within current resources; no additional staff costs were incurred. Non-employee related costs associated with the second consultation such as printing were approximately £105. This is kept low as the majority of consultation material is now distributed electronically.

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At this juncture, following a disturbance in the public gallery the meeting was suspended by the Mayor in accordance with the Constitution in order to restore order and eject a member of the public who was persistently interrupting proceedings. Following the disturbance being dealt with, the Deputy Leader seconded by the Leader moved that standing orders be waived in order that the time limit be extended in order to provide a reply to the remaining unanswered questions.

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(xix) **Question from Mrs. M. Thomas**

My question relates to the proposals for reconfiguration of primary provision in the Western Vale. The 2nd consultation document summarises the options considered for future primary provision in Rhoose, for example, extending the existing school at Rhoose; building a new school at Rhoose and making no changes to Llancarfan. In arriving at the shortlist of options, I assume that the Vale of Glamorgan Council undertook a full option appraisal exercise, to include affordability assessments and cost / benefits analysis, to aid transparency and informed decision making. With transparency in mind, please could you provide a copy of that full option appraisal. If a full option appraisal was not undertaken, please would you explain why? If it was undertaken, but you cannot provide a copy, please also explain why?

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

A variety of options were appraised and discounted during the development of the Councils Strategic Outline Programme for Band B of the 21<sup>st</sup> Century Schools Programme. This was an extended and complex piece of work and the outcomes were presented in the consultation report and reflect the internal considerations and conclusions that were made.

(xx) **Question from Miss. M. Evans**

Why do you want to close Llancarfan Primary School? My Grandfather, Great Aunts and Uncles, my Aunts, my Father, my older sister, my cousins and now me and my little sister go to the school. I will want my children to go to the school. We all enjoy school and learn a lot. Everyone who has left school has got a job and some went to University.

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

The Cabinet Member congratulated Miss. Evans for reading out her question. The proposal does not seek to close Llancarfan Primary School. It proposes a transfer of the school to a larger site.

Cabinet will only receive a report on the consultation after the summer recess once a full analysis has been undertaken and I and my Cabinet colleagues have had an opportunity to reflect on the consultation responses.

If following the further consideration, this proposal is taken forward the Council would wish to work closely with the pupils, parents, staff and governors to ensure that the history of the current building is honoured and truly reflected in the new school building.

No.

(xxi) **Question from Mr. J. Barratt**

Can you explain why words that were used by the Council to describe Llancafarn school in the first consultation, like “good” and “success”, were removed for the second consultation?

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

The Second Consultation document makes reference a number of times to the fact that Llancafarn is categorised as a good school and also references its successes. This document was developed as a response to feedback received within the first consultation and sought to better align itself to the language used in School Organisation regulations as well as by professional organisations such as Estyn.

(xxii) **Question from Mrs. J. Cheek**

Does the Cabinet Member feel that it is fair and right to prosecute members of the public regarding the dogs off lead policy before the consultation is even over. Many of these are old bylaws that the public are not aware of, they have never been enforced and are not sufficiently signposted. Will the Cabinet Member look and explore the problem regarding the dogs off lead proposal as it removes the ability to exercise your dog in many built up areas of Barry. There are people without gardens, the disabled, those without transport, who cannot travel great distances and it is cruel to not allow a dog to run, this will impact on the health and wellbeing of our pets. No responsible owner exercises their dog in children's play areas or on sports fields and always pick up the mess. The punishment of the many because of the behaviour of the few is unjust.

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

The Council would like to reassure the public that officers are seeking to establish a balanced set of controls that permit dog owners to enjoy the amenity offered by our many open spaces along with those whose enjoyment of the same spaces could be detrimentally affected by the actions of irresponsible dog owners.

Allowing a dog to foul in public and then not picking it up is a criminal offence under the Dogs (Fouling of Land) Act 1996. Also it is important that we enforce our dog ban on those beaches where dogs are currently prohibited e.g. Whitmore Bay and the Knap. This ban is in force from 1<sup>st</sup> May to 30<sup>th</sup> September.

Our current byelaws are old and do not in every case allow enforcement via Fixed Penalty Notices; hence offenders have to be pursued through the Courts which can be costly and ineffective. Essentially we are seeking public views on amending, removing or mirroring the current byelaw controls using a Public Space Protection Order (PSPO) and the public are urged to read fully the draft Notice of Proposal and maps before providing comments via the public consultation process.

No.

The existing bylaws regarding dog controls in the Vale of Glamorgan will remain enforceable until conclusion of the PSPO process. The consultation is available on the Council's website, where a survey can be completed to provide comments; this consultation is open until 22<sup>nd</sup> August 2018.

(xxiii) **Question from Mrs. C. Bevan**

Referring specifically to Porthkerry Park in the Proposed PSPO, to whoever is leading this Consultation can you please advise where the conservation area is in Porthkerry Park? If referring to the Pond area will they be fenced off if dogs are not allowed? Finally, why do you think dogs should be on leads on the path to the sea, round the rangers cottage (in case we see they don't actually do anything) and the golf course?

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

The conservation area is a fenced off area at the west end of the beach, alongside the coastal path. The pond areas are not included in the proposal. There is no proposal for the coastal path, however the area around the Ranger's cottage is included as this is a working yard, with the use of machinery and vehicles. There have been issues where dogs have not been sufficiently controlled in this area. The pitch and putt course is used by families and the proposal is that dogs are controlled by leads. The proposals are currently out for public consultation and everyone with an interest is encouraged to make their views known through this process. A Public Space Protection Order gives the Council a better opportunity to manage and control anti-social behaviour associated with dogs in some public areas helping to ensure that those areas can be better enjoyed by everyone.

(xxiv) **Question from Mrs. Cheek WITHDRAWN**

(xxv) **Question from Mrs. K. Pritchard**

Are you going to fine the football clubs who leave all their rubbish behind, drinks bottles, food containers, broken footballs all left on the fields for the tractor to crush them, you need to put more bins round the Butts Field, and I wrote to the Gem last year about the mess left behind , why should dog walkers be penalised.

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

In my view all irresponsible dog owners or members of the public should be penalised for not picking up after their dogs or dropping litter. In order to issue a fixed penalty notice for any offence or to progress court action against an offender, the act of either fouling and not picking up or discarding litter and not picking up must be witnessed, preferably by an officer who has the powers to serve the penalty for

No.

the offence. You cannot prosecute a football club for litter left by persons who may or may not be connected with that club.

We believe that we have adequate litter bins around the Buttrills field area. We do undertake enforcement duties on our sports fields, notwithstanding that, I would thank you for your question and would advise that I will be seeking to arrange further patrols in the Buttrills field area on match days aimed at addressing this particular problem.

(xxvi) **Question from Mrs. H. Morgan**

Why do you feel it necessary to penalise dog owners who are responsible owners who pick up after their dogs by making dogs be kept on a lead. In St. Athan there are two fields one used regularly for sport one not. Why can't you give us an area to run our dogs. Experts say dogs need free running exercise or at least 45m a day. There is nowhere else in the area as the public footpath through fields has been used to build Tathana Court.

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

Despite several educational interventions there continue to be issues across the Vale of Glamorgan with some irresponsible dog owners, especially where dog faeces are not being removed. We know that the majority of dog owners are responsible and we do not want to prohibit them from using open spaces in the Vale of Glamorgan, we are merely seeking to establish a balance where all users can enjoy our public open space areas without the risk of one group of users detrimentally affecting the enjoyment of another.

In relation to St. Athan Playing Fields, the Council is proposing to introduce a requirement for a person who is in charge of a dog, at that time, to remove its dog faeces, also the Council proposes a dog ban from marked sports pitches. This will mean that dogs can roam free when the sports pitches are not officially marked. When the pitches are marked, dogs can still be walked around the pitch perimeter areas. There is no lead restriction being proposed in this area.

I would encourage you to visit our website to view the Notice of Proposal and the maps that relate to it.

(xxvii) **Question from Mrs. C. Davies**

I am 84 years old and have a dog. My dog lives the park in St. Athan. I am a responsible dog owner. Why do you feel it necessary to make me keep my dog on a lead in both the areas locally. I cannot take my dog anywhere else as I have no transport. There must be another solution to the problem of irresponsible dog owners. There is enough money in St. Athan from Section 151 money to fence of the football pitches and leave the dog owners with space to let their dogs run free.

No.

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

I would refer you to my previous response to Question 26 from Mrs. Morgan which deals with the St. Athan area. I would add that fencing off sports pitches is expensive and impractical in this case, seeing as what is being proposed is a seasonal ban, meaning that dogs can use the pitch location outside of the sporting seasons when the pitches are not officially marked.

(xxviii) **Question from Miss. A. Greenfield**

Why are there signs preventing dogs from using the path from Redbrink Crescent to Jackson's Bay in line with the seasonal dog ban when Jackson's bay is a dog friendly beach a year round? Walking over the cliff path from Whitmore Bay isn't suitable for local residents who just want to take their dog for a quick walk.

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

The Vale of Glamorgan has excellent amenity space for all users and there are a number of parks, open spaces and beaches for dog users to take advantage of. It is however regrettable that there are a small number of dog owners who do not take responsibility for their dog when it comes to using these open spaces.

As a consequence, the Council is proposing to introduce dog controls through a Public Space Protection Order to try to help address irresponsible dog ownership. The Notice of Proposal and maps can be viewed on the Council's website. Without looking at this information, it can appear that the Council is proposing to ban dogs from certain areas altogether, this is not the case.

In relation to Jacksons Bay, Jacksons Bay Footpath and Redbrink Crescent; the Council is proposing to introduce the requirement for a person who is in charge of a dog, at that time, to remove its dog faeces. The Council has placed signs in this area, which consist of the Notice of Proposal and a map; these signs do not show no access to these areas. The signs are for information purposes, asking the public to complete an online survey and make comments on this proposal.

As indicated earlier, I would encourage anyone with an interest to visit our website and to take part in the consultation exercise.

(xxix) **Question from Mr. M. Wallis**

Seeing the government consultation on the Gender Recognition Act with its decision to retain the 18-years limit and noting they state there's a high chance of transgender ideas not persisting in young people as they mature, will the Council consider holding up the Transgender Inclusion Toolkit for schools for revision in accord with the up-dated policy and official information?

No.

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

The Government has stated that the minimum age for legal gender recognition is 18, aligned with the full rights and responsibilities of adult citizenship, and the Government has no intention of changing this.

However, nothing in the Government's *Reform of the Gender Recognition Act – Government Consultation* states that there is “a high chance of transgender ideas not persisting in young people as they mature”.

In respect of the *Transgender Inclusion Toolkit and Guidance*, the Government has stated:

*“Reform to the Gender Recognition Act will not change the legal rights of trans children. We have also said that the Equality Act 2010 provisions will not change”.*

The *Transgender Inclusion Toolkit and Guidance* is consistent with this view and advises schools to address each gender identity question on a case-by-case basis and to explore how a range of needs can be met without compromising the rights of any child.

The development of transgender guidance for schools is consistent with the view expressed by Penny Mordaunt, Minister for Women and Equalities, who stated that a *culture change is needed to reduce the “discrimination and bigotry” that the trans community faces.*

In conclusion, there does not appear to be any reason why Government's *Reform of the Gender Recognition Act – Government Consultation* should prompt the Council to delay dissemination of the *Transgender Inclusion Toolkit and Guidance*.

### **(xxx) Question from Mrs. A. Greagsby**

I hope that the Cabinet Member will agree with me that the welfare of all of our children in the Vale is important. Given that use by young school-children of breast-binders or illicit puberty-blocking drugs can cause them serious harm, will the Council include guidance to teachers to treat instances they detect as potential self-harming and refer them via safeguarding procedures, to be raised with parents or social services as appropriate

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

I agree that the welfare of all Vale children is paramount, the issues raised here are complex and therefore need to be viewed on a case by case basis.

Some children attending Vale schools might access NHS medical intervention to support their gender transition and this intervention might include medication provided by a qualified medical practitioner under prescription. There is no reason why this treatment would create a safeguarding concern.

No.

Any identified or suspected use of illegal drugs for any purpose by a child attending a Vale school would be considered a safeguarding concern and would be managed within existing child protection procedures.

Breast-binding is not associated exclusively with transgender behaviour and has been acknowledged for some time as a potential safeguarding issue when identified in the context of the cultural practice of attempting to flatten a child's developing breasts by ironing or binding with the specific intention of postponing sexual development. Breast-binding in this context would be managed within existing child protection procedures.

Breast-binding performed by a child on themselves in relation to behaviour associated with their transgender identity is not necessarily managed appropriately as a child protection issue.

Similarly, breast-binding by a transgender child is undertaken in relation to the child's gender identity and not as a form of deliberate self-harm. Consequently, breast-binding in this context is not necessarily managed appropriately as a self-harm issue.

This question supports the need for transgender guidance, so that teachers and other staff are aware of the issues associated with children questioning their gender identity and able to provide appropriate and consistent support to the child in accordance with accepted government-endorsed recommendations.

(xxxix) **Question from Mrs. S. Cook WITHDRAWN**

(xxxixii) **Question from Mr. M. Haberfield**

All the politicians in this meeting are grown ups, with children and grandchildren. The trouble that the politicians started with my school has made teachers and colleagues from my school leave. The children need to have clarity when it comes to what happens next in their school, where their school is and who their teachers are. How do you think your own families would have responded to the kind of change that you propose for the children from Llancarfan School?

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

The Council appreciates that the proposal has caused some anxiety and understands the concerns that have been raised but I have been assured that no staff have resigned from the school as a result of this consultation. The consultation process allows us to gather views and has provided an opportunity for all parties, including pupils, to make comments. These comments are very important in helping the Council to reach a decision and all comments received will be carefully considered by Cabinet before they determine whether to proceed with this proposal.

No.

I can give you my assurance that if after considering the consultation responses, the proposal goes ahead, pupils would be engaged in the development of the project and would of course be included in discussions relating to future plans for their school.