

## THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 12<sup>th</sup> December, 2018.

Present: Councillor Leighton Rowlands (Mayor); Councillors Julie Aviet, Vincent Bailey, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, George Carroll, Christine Cave, Janice Charles, Amelia Collins, Geoff Cox, Robert Crowley, Pamela Drake, 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, 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 and Marguerita Wright.

### 580 APOLOGIES FOR ABSENCE –

These were received from Councillors Vincent Driscoll, Anne Moore and Mark Wilson.

### 581 DECLARATIONS OF INTEREST –

The following declarations were received:

Councillor Ms. R. Birch	Agenda Item No. 8(a) – Family member employed by the Council – Personal and prejudicial interest.
Councillor G.C. Kemp	Agenda Item No. 8(a) – Family member employed by the Council – Personal and prejudicial interest. Dispensation granted by the Standards Committee to speak and vote on such matters.
Councillor N. Moore	Agenda Item No. 8(a) – Family member employed by the Council – Personal and prejudicial interest. Dispensation granted by the Standards Committee to speak and vote on such matters.
Councillor Mrs. M.R. Wilkinson	Agenda Item No. 8(a) – Family member employed by the Council – Personal and prejudicial interest. Dispensation granted by the Standards Committee to speak and vote on such matters.

## 582 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 26<sup>th</sup> September, 2018 be approved as a correct record.

## 583 ANNOUNCEMENTS –

The Mayor announced that since the last meeting he had presented several Mayor's Foundation cheques totalling £1,650 to the following good causes:

- Ty Cadoc Residents Association;
- Vale Plus;
- Valeways;
- Tir a Môr District Scouts;
- RNLI Barry;
- National Coastwatch Association.

## 584 NOTICE OF MOTION –

The following Notice of Motion (submitted by Councillors Dr. Johnson and Wiliam) had been included on the agenda for discussion:

“That the Vale of Glamorgan Council becomes a formally accredited Living Wage Employer with the Living Wage Foundation, and commits to paying all direct employees the Real Living Wage, as well as developing policies to ensure that the Real Living Wage is paid to indirectly employed staff.”

In introducing the Motion, Councillor Dr. Johnson made reference to the often used quote that work was a route out of poverty, but considered that this could not be the case if you were not paid enough money to actually meet the living costs that you incurred. In referring to the Living Wage Foundation, an organisation independent of Government which annually published a figure which determined the Living Wage Foundation Wage or sometimes referred to as the Real Living Wage, he alluded to his many comments he had made on the issue at past Committee meetings and Full Council meetings in the context of the Council being a major local employer within the area. He also referred to his comments relating to addressing the gender pay gap and as a major employer within the County, had a duty to pay the Living Wage. He also had a different outlook on the world which was very different to those of the Conservative Party. That said, he acknowledged the work undertaken by the Council over the past two years by removing and deleting a number of low scale salary bands, for those on the lowest pay seeing an increase and referred to the item later in the agenda relating to the new NJC Single Status Pay Structure 2019/20 which he hoped Council Members would support.

He considered his Motion not to be just about the level of remuneration of staff and other employees alike, but also about proposals to set a Living Wage above the £9 recommended from 1<sup>st</sup> April, 2019, at a level of £9.18. He felt that this was a sign of the Council becoming an accredited Living Wage Employer valuing its staff and

having a “badge of honour” that would enable the Council to retain current staff and recruit new staff. He very much hoped that the Council would progress the work that it had already undertaken in setting, or hopefully setting, of a pay scale which met the needs of the Living Wage, but also became a registered / accredited member of the Living Wage Foundation and called upon Members to support the Motion.

Councillor Hodges formally seconded the Motion.

Councillor Collins, in supporting the Motion, made reference to her previous employment with the Council as an agency employee and intimated that a good wage paid to staff would make them feel valued and appreciated and in turn increase their motivation and productivity.

Councillor N. Thomas, who supported the Motion, made reference to what he considered to be missing from the Motion in terms of the social care sector staff who were engaged through agencies, often employed to undertake night duties or sleep in duties and who were not paid in line with the recommended Living Wage. He asked Councillor Dr. Johnson to consider them in the wording of his Motion.

Councillor Mahoney, in referring to the Motion, indicated that he had no real idea how people actually survived on basic wages and considered it to be a disgrace. He also reminded Members of the UK Government’s hypocrisy and previous UK Governments, who had supported foreign aid to countries which had a nuclear weapons programme, space programmes, the very same Governments who was saying there were insufficient resources to pay its own people with a proper wage. His attention then turned to the efforts being made at the UK Government level to overturn the Brexit vote which in effect would see the cessation of millions of pounds not being given away to other countries. He also highlighted the link between the reduction in the immigration of EU nationals from Eastern European countries to the UK, with unemployment falling and wages increasing on a monthly basis. He considered the link not to be a coincidence, but a reason and reiterated the hypocrisy of the political parties involved in the UK Government who were determined to give away billions of pounds a year to other countries whilst it could not afford to pay a decent wage to the lowest paid in its own country.

The Leader, in thanking Councillor Dr. Johnson for bringing the Motion before the Council, reminded Members that he had made a personal commitment when becoming the Leader to look at options for implementing the Foundation Living Wage for Council staff which followed also a commitment made to Citizen Cymru prior to the 2017 local government elections. He alluded to the work that had been ongoing as previously touched upon in the debate and summarised what had happened from September 2012 to date. He referred to the question that he had asked the previous Leader of the Council, Councillor N. Moore, about whether the Council at that time would be looking at the Foundation Living Wage and acknowledged the work undertaken by the previous Labour Administration which had started the work on meeting this objective. He meant no criticism and acknowledged that things did take time, but after five years it had not actually been achieved. He also made reference to former Councillor Richard Bertin’s question asked and considered by the relevant Scrutiny Committee twelve months following his earlier question made to Council, which sought to implement the Living Wage by 2014,

which obviously did not happen. His attention then turned to the Cabinet's decision made on 9<sup>th</sup> October, 2017 to remove Spinal Points 6 and 7 from the NJC Pay Scales and this had had an impact by raising the minimum hourly rate for staff from £7.78 to £7.90 per hour from 1<sup>st</sup> December, 2017. This was to ensure salaries were sustainably higher than the National Living Wage and closer to the Foundation Living Wage. He also alluded to the recent proposed changes to the pay structure to be considered later on the agenda and hoped and anticipated that the Council would endorse a new minimum hourly rate from 1<sup>st</sup> April, 2019 of £9.18 an hour, which was 18p per hour more than the Foundation Living Wage and would therefore achieve the Council's commitment to move closer and beyond the Foundation Living Wage. In referring to Councillor Dr. Johnson's Motion, he considered that admission to the Living Wage Foundation was more than just paying staff and agency workers engaged directly by the Council. It would mean that the Council would also have to pay contractors engaged by the Council the Living Wage which in principle could be achieved, but Members of the Council would need to be mindful of all the facts before making such a decision. He indicated that circa £20 million of the existing revenue budget was used for procuring goods and services. It was also important for Members to note that the Council's current budget position and the potential implications on future budgets did not plan to accommodate such matters and therefore, needed to be mindful of the expense of services procured by the Council. Given the range of services provided by the Council there were many contractors engaged to provide certain services, for example Leisure Centres, highway maintenance works, major highway upgrades including the Five Mile Lane, improvements to the County's schools under the 21<sup>st</sup> Century Schools Programme and the provision of domiciliary and residential services as mentioned by Councillor N. Thomas, to some of the most vulnerable citizens in our communities. Taking account of such complexities, it had not been possible to estimate the financial impact of gaining accreditation that would include these contracts, however he considered it to be reasonable to assume that the costs would run into millions of pounds and when looking at the stark reality of the current financial position, he considered it to be foolhardy to commit to the Foundation Living Wage accreditation. That said, he indicated that it would not stop the issue being kept in mind as the Council moved forward and he would be delighted to agree to such accreditation if and when the Council's finances allowed it.

At this juncture, Councillor McCaffer moved an Amendment to the Motion as follows:

"That the Vale Council formally recognises that from 1<sup>st</sup> April, 2019, this Council will pay all directly employed staff wages which exceed the Foundation Living Wage and the Administration be congratulated on the progress made in moving so quickly to a position where all directly employed staff are paid a wage that exceeds the Foundation Living Wage."

The Amendment to the Motion was duly seconded by Councillor Gray.

Councillor Dr. Johnson sought clarification in terms of the Constitution as he considered the Amendment to effectively overturn the purpose of his original Motion as the Amendment would only apply to directly employed staff by the Council. Therefore, he was concerned that the proposed Amendment was a negative to his proposal.

The Mayor, with the advice of the Monitoring Officer, referred to the relevant part of the Constitution (paragraph 4.21.6(iii)), indicating that any Amendment to a Motion must be relevant to the Motion and will be to either leave out words and insert and add others; he considered that the Amendment did not negate the Motion.

Councillor Dr. Johnson again sought clarification in that he had a right of reply to the proposed Amendment.

The Mayor, again on the advice of the Monitoring Officer, stated that under paragraph 4.21.9(b), if an amendment is moved, the mover of the original Motion has the right of reply at the close of the debate on the amendment, but may not otherwise speak on it.

Again Councillor Dr. Johnson sought clarification as to if he was able to speak to the Amendment and then following the Amendment taking place, speak to the final debate, notwithstanding the fact that he still believed that the Amendment effectively negated the purpose of his original Motion.

In response, the Mayor indicated that Councillor Dr. Johnson had only one right of reply to sum up as set out in the Council's Constitution.

Councillor N. Moore, in speaking to the Amendment as it seemed to him and agreeing with Councillor Dr. Johnson's position, considered that the Amendment did negate the Motion before the Council as it would only apply to Council employees. If that were the case, then he believed that the Amendment negated the original Motion because the Council could not be formally accredited as a Living Wage Employer and indicated that he would not be voting for the Amendment should the debate get that far.

The Mayor reminded Members that he had already ruled on the admissibility of the Amendment and was minded to move to a vote on the matter subject to Councillor Dr. Johnson's right of reply to sum up.

Councillor Dr. Johnson, in summing up, reiterated his previous comments in that the proposed Amendment if accepted would change the nature of his original Motion. The purpose of the Motion was to say that the Council would become a Living Wage Foundation payer and become accredited. The proposed Amendment stated that the Council should not. He considered that the difference between the two was clear to all and referred to the differences between the two. He also considered that his original Motion was phrased to include the principles that the Leader had touched upon during his comments. That said, the Leader's comments did not address the development of policies to ensure that the Real Living Wage was paid to indirectly employed staff in addition to those staff directly employed by the Council. He also felt that Councillor Collins' points were very relevant and he also alluded to his own personal circumstances when he had been employed on a temporary basis by the Council via a temping agency some years ago. He suggested that it would have been helpful for temporary employees to be paid the proper Living Wage in past years. He was particularly disappointed with the Amendment which appeared to be self-congratulatory without actually dealing with the issue that had been subject to

the Motion which went beyond payment to Council staff, but included all those employed indirectly by the Council who provided services to the public. In referring to his disappointment, he did not understand why the Leader and his Conservative Administration would take a very good news story for the Council and turn it into a negative story. He considered the proposed Amendment had been nothing more than a wrecking tactic to negate his Motion and did not make any sense to him or from a political perspective. He also referred to his recent attendance at a Citizens Cymru meeting where the good progress the Council had made on the very matter had been discussed. He could also not understand why the Administration had not taken the opportunity to support his Motion and respectfully requested that Councillors McCaffer and Gray consider whether they wished to pursue their Amendment to a vote, as he considered it did not reflect particularly well on the Conservative Administration should they wish to do that. Importantly, he considered it was also a matter for Full Council if they wished to appear to be self-congratulatory whilst leaving out a considerable amount of people who worked indirectly for this Council. He called upon the Leader to reconsider the proposed Amendment and think carefully about his Motion that was in front of the Council. He also asked the Leader to consider how best to take the matter forward to the Living Wage Foundation and instrumentally, having a mandate from the Council in regard to how it may become an accredited employer. He intimated that there was a simple choice for the Council in that they could be satisfied with doing something right or concluding it was something half right and leaving a lot of people out in the cold before Christmas.

Brief discussion ensued with Councillors McCaffer and Gray indicating that they were prepared to withdraw their Amendment. This was subsequently agreed by the Council.

At this juncture, the Leader indicated that he wished to move a further Amendment, indicating to Councillor Dr. Johnson that he had taken on board his comments and citing his Motion that the Council becomes a formally accredited Living Wage Employer and for the reasons he had mentioned earlier, he considered at this time that this could not happen. Therefore, he moved the following Amendment, which was seconded by the Deputy Leader:

“That the Vale Council works towards becoming a formally accredited Living Wage Employer with the Living Wage Foundation and commits to paying all direct employees the Real Living Wage, as well as developing policies to ensure that the Real Living Wage is paid to indirectly employed staff”.

Councillor Dr. Johnson indicated that he was happy to accept the Amendment as proposed and he hoped that the Leader would bring further reports back to Full Council to inform Members of progress on the matter.

Upon the Amendment being put to the vote, it was unanimously supported. The Mayor, indicating that the Amended Motion had now become the Substantive Motion, put the matter to a vote and it was

**RESOLVED – T H A T** the Vale Council works towards becoming a formally accredited Living Wage Employer with the Living Wage Foundation and commits to

paying all direct employees the Real Living Wage, as well as developing policies to ensure that the Real Living Wage is paid to indirectly employed staff.

#### 585 NOTICE OF MOTION –

The following Notice of Motion (submitted by Councillors Perkes and Wilson) had been included on the agenda for discussion:

“This Council believes that the sale of puppies from third-parties should be banned, puppies should only be available for purchase from the breeder or a recognised rescue organisation. This Council, therefore, agrees that the Leader or Managing Director should write to Welsh Government to act, through legislation if possible, and implement such a ban, as a matter of urgency.”

In introducing the Motion, Councillor Perkes sought the approval of Council to ask the Welsh Government to enforce a ban on third party dealers selling puppies throughout Wales. She alluded to a matter which had been raised by the Vet, Mark Abraham, in December 2017 and had received Parliamentary support in relation to dog welfare and sought to create “Lucy’s Law” which would in effect ban the selling of puppies by third-party dealers. She also alluded to unsatisfactory practices carried out by third-party dealers and considered current arrangements to be insufficient given the poor environment puppies were being kept in. Making reference to Wales having the biggest concentration of puppy farms in the UK, she suggested that circa 80,000 puppies were sold through third-party dealers. Therefore, she called upon all Members across all political Groups to support the Motion and referred to the fact that currently 11 Welsh Councils had already taken the opportunity to pass such a Motion and alluded to the UK Westminster Government enacting a ban on third-party dealers in England. She considered it was time for the Council to support a ban of third-party dealers in the Vale of Glamorgan and across Wales.

Councillor N. Thomas, in seconding the Motion in the absence of Councillor Wilson, made reference to such establishments who sold puppies which were unhealthy and in poor condition which caused distress to new owners and subsequently resulted in considerable vet bills or the animal having to be put down. In referring to the need for the public to be protected from such unscrupulous breeders, he urged all Members to support the Motion.

The Leader, in referring to the proposed Motion by Councillor Perkes, indicated that he was happy to write such a letter and would do so once it had been confirmed who the responsible Minister would be after the current Welsh Government Ministerial reshuffle. He indicated that he was prepared to call for an outright ban rather than a licensing regime as the latter would put a far greater burden on the Council in administrating and taking enforcement action and he was happy to share the letter with all Elected Members.

Councillor Bailey thanked Councillor Perkes for bringing forward this Motion and hoped that there would be cross Party support for such an important issue. For the benefit of Members and the public in attendance, he drew attention to the very

matter currently being debated that evening in the National Assembly for Wales which had been brought forward by the Local Assembly Member, Andrew RT Davies.

Upon being put to the vote, it was:

RESOLVED – T H A T this Council believes that the sale of puppies from third-parties should be banned, puppies should only be available for purchase from the breeder or a recognised rescue organisation. This Council, therefore, agree that the Leader or Managing Director should write to Welsh Government to act, through legislation if possible, and implement such a ban, as a matter of urgency.

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

The report sought Council's approval to make minor amendments / additions to the Council's Constitution and Officer Delegations.

Section 25 of the Constitution – Officer Delegations – required amendment to Officer Delegations as follows:

- (i) That an additional delegation be granted to all Directors "To amend existing Operational Managers' reporting arrangements to a different Head of Service within the same Directorate".

This is to enable amendments to reporting arrangements for Chief Officers within existing structures.

- (ii) That an additional delegation be granted to the Head of Neighbourhood Services and Transport, Operational Manager – Engineering **and, only where indicated, Engineering Manager – Environment** as follows:

“1. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of all legislation currently in force or in the future to be enacted relating to the functions of Flood Risk Management, Land Drainage, and Coast Protection.

2. To authorise Officers with the appropriate skills and competencies to carry out duties relating to the enforcement and administration of the following:

- (a) Sections 59, 62 and 63 of the Building Act 1984;
- (b) Section 35 of the Local Government (Miscellaneous Provisions) Act 1976;
- (c) Sections 45 and 50 of the Public Health Act 1936;

3. To grant, issue, renew, refuse, revoke or suspend, **including granting, issuing, renewing, refusing, revoking or suspending by the**



**Engineering Manager – Environment**, approval, consents, certificates, licences or permits, after any requisite consultations and where no objections have been received under the following legislation and any amendments to and any subsequent legislation replacing, amending or extending the same, together with any future acts, Orders or Regulations made thereunder which relate to the functions specified:

- (a) Flood Risk Regulations 2009
- (b) Flood and Water Management Act 2010
- (c) Land Drainage Act 1991.

4. To determine, **including determination by the Engineering Manager – Environment**, applications made under Schedule 3 paragraph 11 of the Flood and Water Management Act 2010.”

This is to enable the relevant officers to carry out duties in relation to the related legislation.

RESOLVED – T H A T the changes to Officer Delegations as set out above be approved and the Council’s Constitution be amended accordingly.

Reason for decision

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

587 NEW NJC SINGLE STATUS PAY STRUCTURE 2019/20 (REF) –

The above matter was considered by Cabinet at its meeting held on 19<sup>th</sup> November, 2018 (Minute No. C483 refers) and was now being referred on to Council for approval.

The Leader, in referring to the report which had previously been considered by Cabinet on 17<sup>th</sup> September and then by the Corporate Performance and Resources Scrutiny Committee at its meeting on 20<sup>th</sup> September, outlined at that time progress made over the previous months to progress a new NJC pay structure. Following final consideration by Cabinet at its meeting on 19<sup>th</sup> November agreement was then at that time reached to proceed with Option 5 and subsequently the following actions had been taken:

1. Full Consultation has taken place with the approximate 4,000 staff affected by the proposed pay structure.
2. Roadshows / Drop-In sessions facilitated by Human Resources and the recognised Trade Unions were held at a number of venues across the Vale for staff to attend and details are in the report.
3. An external website was created to ensure staff who did not have access to the Intranet could have access to further information.

4. A presentation was produced and circulated which explained to staff and managers how staff would move from the current pay structure to the new pay structure and this was included in the information as Appendix A.

He also referred to the recent salary changes to Spinal Points 6 and 7 which had been previously removed by Council in December 2017, from the current pay structure which meant that the current minimum hourly rate for staff on NJC terms and conditions was £8.62. He also reminded Members that from April 2019 the minimum hourly rate would be £9.18 per hour and had been confirmed as being above the Voluntary Foundation Living Wage which had been previously announced on 5<sup>th</sup> November, 2018 as £9.00 per hour. Most importantly, the amendment to the grading structure would enable Equal Pay legislation to be met. The Leader in referring to the gender pay gap indicated that the changes to the pay structure would see the Council making improvements in regard to the issue as the higher percentage increases were towards the lower end of the salary grading structure which were predominantly occupied by female employees.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C483, 19<sup>th</sup> November, 2018, be approved.

Reason for decision

To approve the implementation of the NJC (Single Status) Pay Award on 1<sup>st</sup> April, 2019, including the New Pay and Grade Structure including any necessary changes to the terms and conditions of all staff employed under the NJC Single Status Handbook.

588 SENIOR MANAGEMENT ISSUES – PERFORMANCE AND DEVELOPMENT AND HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT DIVISION (REF) –

Council, on 18<sup>th</sup> July, 2018 considered a report on the management of the Human Resources and Organisational Development Division and resolved to progress with an approach which would see the two posts of Head of Human Resources and Organisational Development and Head of Performance and Development combined into a single senior Head of Service post.

Consultation had taken place with relevant staff and the recognised Trade Unions and further consideration had been given to the issues relating to capacity, particularly given the work issues as outlined in the report, including Reshaping Services, staff engagement, service transformation and ensuring effective working relationships with WAO and the Trade Unions.

It had been concluded that the creation of a single senior Head of Service post would result in a considerable loss of resilience and capacity at a time when there was increasing emphasis on the need to deliver on a number of fundamental and wide ranging areas.

Further work had been undertaken, and a proposed structure was indicated on the attached Appendix and was reported to Cabinet in November. In summary, the proposal now involved:

- The retention of the post of Head of Human Resources and Organisational Development, reporting directly to the Managing Director. This would not be a senior Head of Service role;
- The existing post of Head of Performance and Development would be retained and would report directly to the Managing Director, rather than to the Head of Service as previously;
- The existing post of Operational Manager (Human Resources) would be deleted and as a result the Human Resources Business Partnership Team would report directly to the Head of Human Resources and Organisational Development;
- The Health and Safety / Well-being function would report to the Operational Manager (Employee Services) and the grade of this post would change from OM2 to OM1 (and that was subject to Hay / job evaluation as appropriate).

The Leader reminded Members that as the previous report to Council indicated that a further report would only be required if there were substantial changes to the proposals, this report was presented to Council on that basis for approval.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C484, 19<sup>th</sup> November, 2018, be approved.

#### Reason for decision

To ensure that the Senior Management structure in the Managing Director's Directorate was sufficiently resilient to meet current and future service needs and to ensure that Council considered the proposal, given Resolution (4) of 18<sup>th</sup> July, 2018 (Minute No. 192 refers).

#### 589 COUNCIL TAX REDUCTION SCHEME (REF) –

Approval was sought to confirm the re-adoption of the Council Tax Reduction National Scheme with discretions for 2019/20.

There were two sets of regulations governing the Council Tax Reduction Scheme. One of these established a single national framework scheme which would be imposed on any Council that failed to adopt its own scheme. The second of these set out the national requirements that each billing Authority had to satisfy and also enabled additional areas of local discretion that Authorities might wish to implement.

Welsh Local Authorities had until 31<sup>st</sup> January each year to adopt a scheme exercising any of the discretions permitted under the Prescribed Requirements Regulations. This required a decision by Full Council. If the Authority failed to adopt a Council Tax Reduction Scheme by that date, the default scheme would apply.

Cabinet has recommended to Council that the adoption of the discretions allowed in previous years for the year 2019/2020 and as outlined in the body of the report which Cabinet considered on 3<sup>rd</sup> December.

RESOLVED – T H A T the proposals of Cabinet, as set out in Cabinet Minute No. C496, 3<sup>rd</sup> December, 2018, be approved.

Reason for decision

To enable the Council Tax Reduction Scheme to be approved by Council by 31<sup>st</sup> January, 2019 and be in place for implementation from 1<sup>st</sup> April, 2019.

**(N.B. Councillor R. Birch withdrew from the meeting during consideration of the above matter.)**

590 PROVISION OF SANITARY PRODUCTS IN SCHOOLS IN THE VALE OF GLAMORGAN (REF) –

RESOLVED – T H A T it be noted that the use of Article 14.14 of the Council's Constitution (Urgent Decision Procedure) had been authorised in respect of Cabinet Minute No. C492(3) to enable the use of capital funding from Welsh Government before the end of the current financial year.

Reason for decision

The Council's Constitution requires the reporting of the use of the Urgent Decision Procedure by the Cabinet.

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

Due notice had been given of the following questions:

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

Could the relevant Cabinet Member provide us with an update on proposals for a Dinas Powys bypass?

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

Good progress is being made on taking forward a Dinas Powys bypass option and other sustainable transport improvements in the Dinas Powys area.

The review group appointed to consider the WeITAG Stage 2 draft report in respect of Improving Strategic Transport in Dinas Powys met on 2<sup>nd</sup> October, 2018. The Review Group determined that further traffic modelling work is necessary for the Dinas Powys by pass options before any decision can be taken as to which traffic

improvement schemes can be taken forward to the next stage of the transport appraisal process.

My Officers recently submitted an 'in year' funding application for 2018/19 of £80,000 to Welsh Government to progress the further studies necessary to complete the Stage 2 WeITAG assessment. I was advised on 30<sup>th</sup> November, 2018 that disappointingly we were unsuccessful in obtaining this funding from Welsh Government and the Leader has subsequently personally written to Ken Skates to ascertain why we were unsuccessful on this occasion. A response to this is awaited.

In light of this I have requested my Officers to prepare a report to Cabinet for January 2019 which will consider the work undertaken to date on this project, the recommendations of the review group and the options for financing the outstanding WeITAG Stage 2 work suggested as a consequence of the recent Review Group meeting held on 2<sup>nd</sup> October.

I am optimistic that subject to securing the necessary funding for this additional work the WeITAG Stage 2 study can be completed and funding sought from Welsh Government for the full business case (Stage 3 WeITAG).

A dedicated webpage for Transport Improvements in Dinas Powys is shortly to be launched and this will contain information to keep the public informed of this important project.

### **Supplemental**

Thanking the Cabinet Member for his reply, Councillor Dr. Johnson referred to the proposed report to be considered in January 2019 and also made reference to a report considered by a Steering Group on 2<sup>nd</sup> October, which the Leader previously indicated would be subject to public consultation and enquired when it would be.

Referring to his previous comments, the Cabinet Member indicated that the issue of public consultation timing would be a consideration at the Cabinet meeting in January, notwithstanding the development of a website.

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

Could the relevant Cabinet Member provide us with an update on the number of families and total number of people re-settled in the Vale of Glamorgan under the Syrian Vulnerable Persons Resettlement Scheme, and any other relevant relocation programmes for vulnerable people, for each of the past five years?

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

The Council gave a commitment nearly three years ago to work regionally with Cardiff City Council on the Syrian Vulnerable Persons Resettlement Scheme and to settle four families each year for the first two years. This was later extended to three years. Since the start, 11 families (46 individuals) have been housed and supported

in the Vale of Glamorgan, with the twelfth family (4 individuals) due to arrive on 11<sup>th</sup> December, 2018.

Support was given by the Council to the Community Sponsorship Group, Croeso Penarth which settled one family in September 2018 consisting of six individuals.

In addition, the Children's Services Team in the Council has accepted two unaccompanied children under the Dubs Scheme during the period.

### **Supplemental**

Referring to the 70<sup>th</sup> anniversary of the signing the Declaration of Human Rights and Human Rights Day, Councillor Dr. Johnson asked the Cabinet Member to confirm that the Cabinet and the Council would continue to operate at the same level in resettling four families per year for the remainder of this period?

The Cabinet Member reaffirmed the commitment.

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

Could the relevant Cabinet Member inform Council what work he has undertaken to promote Welsh language education in the Vale in the past six months, and what plans he has to promote Welsh language education in the coming six months?

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

Thank you Councillor Dr. Johnson for the question, and I am pleased to report a great deal of progress has been made over the last six months.

The Council's Welsh in Education Strategic Forum has established a sub-committee consisting of officers from across the Council, and volunteers who have been engaged in establishing an engagement strategy reflective of the needs of its stakeholders. This strategy will focus on leveraging effective engagement, as well as ensuring opportunities for members of the public to hear about what's on offer for families and to consider the benefits of bilingualism when making any decisions regarding learning provision.

There are also a number of existing examples of best practice regarding the promotion of Welsh language opportunities through the Council's Adult and Community Learning team's Learn Welsh in the Vale initiative. The promotional work this team has done through media such as Twitter and Facebook has seen year-on-year growth in the take-up of Welsh for Adults programmes.

The Learn Welsh in the Vale team also offers programs such as Club Ni, a weekly Welsh Language homework club for young people held at Palmerston Centre. The team also works in collaboration with our partners such as the Urdd, Mudiad Meithrin and Menter Bro Morgannwg in promoting Vale and collaborative services through partners' own media channels. Promotion is also done with the support of Welsh medium schools who share relevant posts through their own social and traditional

media channels, and these schools have been working closely with officers on engagement and promotional opportunities and objectives on a termly basis.

With regard to future activities, as a starter I would refer you to the Council's Welsh Language Promotion Strategy, available online, which contains a specific action plan for activities across the Council, including education, linked to promoting Welsh Language and the anticipated impact.

The most recent activity I would draw your attention to is the newly-published report for Cabinet seeking permission to consult on establishing a new site for Ysgol St. Baruc, which would increase the capacity for Welsh medium education in Barry by an additional 210 places; an activity reflective of both national and local priorities.

### **Supplemental**

Heartened to hear the breadth of work that was taking place and of course being very interested in the report to be considered by Cabinet the following week relating to Ysgol St. Baruc, Councillor Dr. Johnson enquired if the Cabinet Member and officers would meet with all Councillors who represented the Waterfront area post Cabinet consideration to discuss the implications for that area?

The Cabinet Member made reference to the Barry Waterfront Local Residents Association, with whom the Council would be discussing proposals with regard to the school and the opportunities available regarding the benefits of bilingualism. Work was also being undertaken through the Central South Consortium in establishing a model for transitioning into Welsh medium education and the associated immersion support to aid pupils in that process. He referred also to the role of the WESP Forum and its forthcoming engagement activities, which were intended to support not only these primary aged pupils in Welsh medium education but also their families and adult learners through the excellent work of the ACL and Learn Welsh in the Vale Teams. He considered this to be an important aspect to engagement and promotion. The holistic approach for learners of all ages alongside the access and promotion to Council services through Welsh language would be key in ensuring how the Council contributed effectively to Welsh Government's Cymraeg 2050 Strategy of one million Welsh speakers by 2050.

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

Could the relevant Cabinet Member inform Council of the comparison between the number of black bags 'fly tipped' in the three months prior to waste refuse changes coming into force, and those in the three months since?

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

The fly tipping data resulting from incidence of fly tipping reported through our Contact Centre or web site, which we maintain to provide our returns to Welsh Government, does not classify the nature of the fly tipped material but would include reports of black bags believed to have been fly tipping.

The reported incidence held on our system for the three months prior and the three months following the September 3<sup>rd</sup> black bag restriction policy being introduced is as follows:

June 2018	– 27 incidences
July 2018	– 25 incidences
August 2018	– 9 incidences
<b>TOTAL</b>	<b>– 61 incidences</b>

September 2018	– 27 incidences
October 2018	– 39 incidences
November 2018	– 33 incidences
<b>TOTAL</b>	<b>– 99 incidences</b>

The total number of reported incidences prior to introduction was therefore 61 with 99 being reported afterwards.

Whilst this would appear to show a trend, the period is really too short to draw any firm conclusions, also, for the same September to November three month period in 2017, the number of reported incidence was 107, 8 incidences higher than this year's period with restricted black bag collections.

It should be noted that excess black bags left uncollected outside a resident's property are unlikely to be reported via our contact centre as fly tipping. However the general levels of compliance with the two bag rule has been excellent. In the three months since the introduction of the scheme, our officers have recorded only 117 incidences of residents who have breached the rule on more than one occasion and our officers are now progressing actions against these residents in accordance with the Restricted Residual Policy, agreed by Cabinet in July this year.

### **Supplemental**

Councillor Dr. Johnson sought an assurance that the Christmas period would not impact negatively upon collection rates over the same period.

The Cabinet Member reminded all Members that there would be no restrictions over the Christmas period and the New Year. He had hoped Councillor Dr. Johnson would have chosen to congratulate the Council and residents for seeing an improvement in kerbside recycling which had gone up by 8%, the food and waste recycling by 19% and a 31% reduction in the black bag rate.

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

Has the Leader any intention of increasing the number of Cabinet Members?

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

No.



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

Many shop owners are concerned by the operation of CCTV within Penarth. Can the relevant Cabinet Member give us a statement regarding its operation?

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

There are 13 CCTV cameras in Penarth in total and currently three of these cameras are not functioning and are awaiting repair.

A member of the Community Safety Team at the Council met with the Penarth Business Group on 26<sup>th</sup> November, along with South Wales Police to discuss the current situation of CCTV in Penarth. Their understanding was that all the cameras were out of service, but it was explained to them that this was not the case and whilst there are occasionally technical problems, they are reported as soon as possible so that they can be rectified.

Advice was also given to the businesses for them to consider investing in their own CCTV which would be beneficial and relatively inexpensive. I am advised that the Group were very receptive and found meeting and the information most useful.

(vii) **Question from Councillor Wilson**

Can we have an update on the Pier Pavilion?

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

Thank you for your question.

As I have indicated previously, work has been undertaken to assist the Pavilion to operate on a sustainable footing so that it can be enjoyed by residents and visitors well into the future.

I can confirm that the Managing Director and Head of Finance met with the outgoing Chairman and new manager of Penarth Arts and Crafts Limited at the end of September. At that time an Interim Chairman was to lead the Board for a few months whilst a permanent appointment was to be agreed.

At that point it was confirmed that the new manager was already making changes at the Pavilion which it was hoped would make a positive impact on the financial situation at the Pavilion. It was also reported at that meeting that the Pavilion was experiencing increased footfall as a result of the changes made at the Café and the changes made to the cinema viewings being made available.

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

Would the Cabinet Member explain his definition of the term “Enabling Housing” as used in marketing documentation for key sites earmarked for Leisure and Tourism purposes?

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

I am not quite sure which “key sites” are being referred to. However, the term “enabling housing” is generally used to refer to sites where it might be necessary to include some element of residential use to achieve a financially viable development and / or to enable delivering sustainable mixed use schemes subject to planning policy and having regard to the long term future of the site and the Wellbeing of Future Generations Act.

**Supplemental**

Councillor Burnett, making reference to the successful Pumphouse renovation, alluded to residents’ concerns over proposals linked to a pre-application consultation of 40+ homes planned on the Goods Shed site which was previously earmarked for tourism and sought an assurance that residents would not face a similar situation arising at Nell’s Point, Barry Island, should a decision be taken to develop the site.

Acknowledging Nell’s Point as a premium site and the work in hand to market the site to the Leisure and Tourism industry, the Cabinet Member suggested that there may have to be an acceptance of a small amount of housing to get it enabled and gave an assurance that this would be kept to a minimum. He alluded to the shortfall of £1m to develop the site and gave a further assurance that the development of an hotel and leisure facilities would take precedence and located in prime positions.

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

Could the Leader explain why specific recommendations from three Scrutiny Committees in relation to the Vale’s Parking Charge proposals and Llancarfan Primary School were disregarded without any justification or explanation?

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

I think you will find that your question is extremely misleading. You infer that Scrutiny Committee input has been, and I quote “disregarded without any justification or explanation”.

Please read the minutes of Cabinet and you will find this not to be the case.

**Supplemental**

Having reviewed the minutes both the 30<sup>th</sup> July car parking and 16<sup>th</sup> October in relation to Llancafán, Councillor Burnett suggested that they failed to discuss the specifics of the references from the three Scrutiny Committees. Something not raised by herself, but by residents who also enquired what was the point of Scrutiny if references are disregarded. She asked the Cabinet Member to ensure that future references from Scrutiny Committees specifically address the points raised?

The Leader assured Councillor Burnett that the Cabinet did consider very seriously anything that the Council's Scrutiny Committees refer. He would take her comments on board when anything further comes to Cabinet from Scrutiny.

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

The Council is to be congratulated on the financial success of the pool car scheme. Will the Cabinet Member bring a report to Cabinet or Scrutiny exploring the viability of establishing a car club scheme to allow local residents access to the cars in the evenings, weekends and public holidays?

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

Our officers have looked at various schemes aimed at increasing use of the pool cars outside of normal working hours. Unfortunately the increased cost of insurance and administration to provide such arrangements for individual members of the public are currently prohibitive. The pool car scheme relies on reception staff at our main offices to administer keys and to monitor vehicle tracking data to ensure maximum vehicle utility and reception staff undertake this work for a marginal cost when undertaking their other daily duties. These staff work over a 5 day period currently so an additional and specific administrative arrangement would have to be put in place for hiring out vehicles outside of normal working hours and this is the biggest barrier to any such operation.

Partnering with another public organisation such as the Police or Health Boards is more of a realistic option and the possible requirements and benefits from such arrangements are being considered.

**Supplemental**

Making reference to numerous examples of such schemes already operating in the UK coupled with the Council's aspirations linked to the Well-being of Future Generations, Councillor Burnett enquired if a report on what had been done to date be submitted to the relevant Scrutiny Committee for consideration.

The Cabinet Member, alluding to the success of the Council's Pool Car Scheme and to the standards staff were required to comply with, felt that he was unable to support the hiring out of such vehicles to members of the public. He suggested that Councillor Burnett submit her request in writing for consideration by officers.

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

In his recent statement the United Nations Special Rapporteur on Extreme Poverty and Human Rights, Professor Philip Alston, stated that the costs of austerity have fallen disproportionately on the poor and on women with “highly regressive government policies since 2010 taking the highest toll on those least able to bear it”. Critics of the Council’s parking charge proposals argue that their greatest impact will be on residents who live in the less affluent communities around our town centres and the shop workers employed in them who are predominantly women. Would the Leader explain why he feels such a damaging policy would be acceptable?

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

If Councillor Burnett wishes to assist this Council in dealing with the effects of continuing austerity then I would respectfully suggest that she speaks to her political colleagues in Welsh Government to ensure this Council and others in Wales receive a greater proportion of the funding being made available to the devolved governments by Westminster.

The extremely tough decisions that this Administration is now required to take are a direct result of our poor funding position. If we do not continue to raise funds and reduce costs wherever possible then our residents will suffer through reductions, and in some cases, the total discontinuation of important frontline services.

In terms of car parking charges, I will remind Councillor Burnett that this Council has taken no decisions on the matter. When I propose a new parking policy for this Council in the New Year Councillor Burnett will see that I have taken account of the thousands of comments received via the comprehensive public consultation exercise undertaken.

The policy will not damage our disadvantaged communities or any specific gender, neither will it detrimentally affect any individual or group with protected characteristics defined under Equalities Legislation. It will however assist in increasing parking for those who wish to spend money in our town centres, it will also reduce congestion and recover costs sufficient to better protect our highways and transport services at this time of continuing austerity.

**Supplemental**

Councillor Burnett considered the Leader’s reply was more of an attack than an answer and referred to the Auditor General Wales stating that he would specifically look for examples of impact on equality of Local Authority policies. She sought an assurance from the Leader that when the proposals were considered by Cabinet he would ensure that the Equality Impact Assessment was robust and comprehensive.

The Leader indicated that this would be the case.

**(xii) Question from Councillor Mrs. S.D. Perkes**

What is the level of support that is provided to Vale of Glamorgan Council house tenants, who are in the process of claiming Universal Credit?

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

In order to prepare Council tenants for the introduction of Universal Credit in the Vale in October 2018, the Money Advice Team organised and attended 27 community based events as part of a Universal Credit awareness drive. This included a rural Vale road show, stopping at a number of smaller villages, attending safeguarding week events, going along to summer events, such as the Safer Vale Day and the Mayor's BBQ as well as attending Resident Boards' meetings.

At all of the events and meetings, tenants were made aware that home visits could be arranged for them to see a member of the Money Advice Team on an individual basis to receive advice and assistance with maximising their income, budgeting and preparing for Universal Credit. In 2017/18 1,306 home visits were carried out and from April 2018 to date 582 completed.

In addition, the Council has commissioned Third Sector organisations (through the Supporting People Programme Grant funding) to provide a number of drop in services across the Vale. Two of the weekly sessions take place in the Job Centres and whilst they deal with all housing related support issues, the number of Universal Credit queries was increased as people transfer onto this benefit.

The drop in sessions take place as follows:

Vulnerable Family Drop in.  
Golau Caredig, Gladstone Road, Barry  
**Every Monday 10am-12pm**

Penarth Jobcentre Plus, Charnwood House  
Plymouth Road, Penarth  
**2<sup>nd</sup> Monday of every month 9:30am – 4:30pm**

Barry Library, Kings Square, Barry  
**Every Tuesday 10am – 1pm**

Over 55's Drop in.  
Golau Caredig, Gladstone Road, Barry  
**Every Wednesday 10.30am-12pm**

Bethel Baptist church, Commercial Street, Llantwit Major  
**Every Wednesday 12pm – 2pm**

Barry Jobcentre Plus, 9 Holton Road, Barry  
**1<sup>st</sup> Thursday of every month 9:30am – 4:30pm**

The Gathering place, 1 Flemingston road, St Athan  
**1<sup>st</sup> and 3<sup>rd</sup> Thursday of the month 10:30- 12:30**

Unit 8 Business Service Centre 2, Hood Road, Barry  
**Monday to Friday 9.30am to 3.30pm**

The Council will continue to be sympathetic towards any tenants who are suffering hardship and work with them to agree a repayment pattern should they fall into arrears when they go onto Universal Credit, as long as they keep the Housing Income Team updated on their circumstances and maintain any repayment agreements.

Money Advice and ongoing housing related support funded by the Supporting People Programme Grant, which includes assistance with making a claim, if required also remain available to all tenants on request.

### **Supplemental**

Councillor Perkes requested if Members could be kept up to date with the statistics within the Vale of people who are claiming Universal Credit and if possible could be provided with such reports on a regular basis.

Reassuring Councillor Perkes that officers were mindful of the likely difficult circumstances and bearing in mind it was between now and Christmas that this programme was being rolled out, also gave an assurance that officers were monitoring the situation carefully to safeguard not only the interests of the people that are affected by it, but also the Council, given the potential for arrears. He would be meeting every week on this issue to ensure support was available for those requiring it. He accepted the need for Members to be kept fully informed.

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

Will the Leader of the Council join me in paying tribute to the members of DIAG, who have inspired local residents with their dogged resistance to the unwanted incinerator?

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

Yes, I am happy to pay tribute to the work of DIAG. I can also inform this Council that I have met and communicated regularly with representatives on the issue of the biomass plant, to ensure that they are fully aware of the position of this Council. The Leader could see that Mr. Clarke was sat in the public gallery and had spoken to him and met him on a number of occasions regarding this.

### **Supplemental**

Seeking the Leader's support to join him to lobby the Welsh Government for an early Christmas present for Barry residents, Councillor Bailey made reference to the

Labour Minister's previous indication in February, when she indicated that she was minded to order an Environmental Impact Assessment and in March, she also promised to take a decision as soon as possible and asked the Leader to also join him in encouraging the Labour Members in the Chamber to put some pressure back on the Minister to ensure that a decision was made before Christmas 2019.

The Leader indicated he would certainly do so.

(xiv) **Question from Councillor V.J. Bailey**

The latest Council figures record a 31% reduction in the number of black bin bags being collected at the kerbside across the Vale. Can the Cabinet Member allay concerns and confirm that there has not been a reciprocal increase in cases of fly tipping since the introduction of the new measures?

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

I would refer Councillor Bailey to the detailed response on this matter I provided earlier.

**Supplemental**

Councillor Bailey asked the Cabinet Member to restate the Cabinet's commitment not to change the frequency of black bin collections between now and the remainder of the Administration.

The Cabinet Member confirmed that there were no proposals at all to change the frequency of black bag collection, currently collected every two weeks.

(xv) **Question from Councillor G.D.D. Carroll**

Will the Cabinet Member please provide an update of the work of Shared Regulatory Services.

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

In April 2015, Cardiff Council, Bridgend County Borough Council and the Vale of Glamorgan County Borough Council signed a Joint Working Agreement (JWA) for the provision of regulatory services across the three Council areas. The document created the Shared Regulatory Service (SRS) and the SRS Joint Committee.

In accordance with the JWA, the SRS is required to produce an annual report that covers the operational and financial performance of the service for the preceding year. The SRS Annual Report covers the period from 1<sup>st</sup> April, 2017 to 31<sup>st</sup> March, 2018 and was approved by the SRS Joint Committee on 19<sup>th</sup> June, 2018. That report is available on the Council's website.

Members will be pleased to hear that over the last three years, the SRS has consolidated service delivery in accordance with the agreed standards, the requisite financial savings have been delivered in Year 3, but more demands are being placed upon the service at a time of reducing resources. As with any law enforcement agency, new legislation and new policy developments continues to place greater responsibilities upon the service; and with those responsibilities greater expectations. The likely consequences arising from the Grenfell disaster, changes to the Public Health regime, the increased exploitation of vulnerable people, the challenges of improving air quality, the increase in the number of major commercial events cannot be underestimated.

In the next three years, the service's principal challenge is to continue to deliver high quality services and to help our partners manage their respective financial pressures and I will be working closely with the Head of Service and the Joint Committee to consider these matters to ensure the health and well-being of those living, working and visiting the Vale.

### **Supplemental**

Councillor Carroll referred to a number of incidents over recent months of thefts of drain covers in his Ward and neighbouring Wards, and also unlicensed scrap metal collectors operating within communities and called upon the Cabinet Member to provide an update on the work the Council's Licensing Department were doing and in partnership with other neighbouring Authorities to ensure that all those engaged in the scrap metal market were properly regulated and that any criminal behaviour stamped out.

The Cabinet Member advised that scrap metal dealers (people who buy, sell, or store scrap metal) were required by law to obtain a licence from the Council. The Council inspects scrap metal dealers to ensure that they are complying with the requirements of their Licence. The most pertinent being that:

- Firstly a dealer must not receive scrap metal from a person without verifying their name and address;
- A dealer must not buy scrap metal for cash;
- A dealer must keep a record of all scrap metal received including:
  - a description including type, form, condition, weight, any marks identifying previous owners or distinguishing features that are indicated on that scrap metal;
  - they must record the date and time;
  - they must record the registration mark of the vehicle that it was delivered in or on;
  - they must record the full name and address of the person from whom it was received;
  - and the full name of the person who makes the payment acting for the dealer;
- These records must be kept for a minimum of three years.

He was sorry to hear about the recent thefts of drain covers and further advised that officers were at present working with the Police to determine if those drain covers



have been “processed” by any scrap metal dealer in our SRS region. Colleagues in the rest of Wales have also been made aware of the thefts and it will be part of any inspection programme that will monitor the receipt of such items.

## 592 PUBLIC QUESTIONS –

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:

### (i) **Question from Mr. J. Angell**

With the closure of the Primary School in Llancarfan proposed for the end of the summer term in 2021 the number of pupils in the school has dropped considerably and the school will continue to haemorrhage pupils as time passes and parents look to give continuity to their children's education by moving them elsewhere. I am extremely concerned that those children remaining will end up receiving a poorer education due to this fall in numbers. I have two grandchildren at the school and so have a vested interest to know how the Vale intends to ensure the highest level of education continues at this school and I ask for information on what contingency plans, if any, are in place to ensure this happens.

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

From the beginning of this process the Council has pledged to support the school financially during any transitional period up to any transfer of the school to a new school site and the establishment of any new school building, subject to any final decisions regarding the proposal. This means the school and staff would not have to worry about redundancy or sacrificing education provision, regardless of the number of pupils on role. The school would also continue to work closely with the Central South Consortium and their Challenge Advisors in ensuring the appropriate levels of support and expertise are available to deliver and develop the highest level of education possible.

### (ii) **Question from Mr. G. Paice**

Did the Council feel a great sense of relief in managing to push through the closure of Llancarfan Primary School just ahead of the introduction of a revised School Code that includes a presumption against such moves?

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

The Council does not take decisions lightly, nor has it rushed through any process. The first edition of the Code came in to force on 1<sup>st</sup> October, 2013 and applied in respect of all school organisation proposals published by way of statutory notice on or after that day. The second edition of the Code came into force on 1<sup>st</sup> November, 2018 and comes into effect immediately subject to any proposer having commenced consultation before 1<sup>st</sup> November, 2018 the proposal must be published and

determined in accordance with the first edition of the Code. The Council commenced its first consultation long before that date in March 2018, and the second in May 2018. This proposal is a regulated alteration. The second edition of the Code establishes a procedural presumption against the closure of rural schools.

(iii) **Question from Dr. A. Barratt**

Kirsty Williams AM recently announced a change to the 21st Century Schools Band B funding intervention rate, reducing Councils' contribution from 50% to 35%. Has the Council considered the implications of this change on Band B projects including the reconfiguration of Western Vale primary provision? And does the Cabinet Member for Learning and Culture agree that a review of Band B project financing is advisable to re-examine the viability of alternatives to the Western Vale proposal in light of the intervention rate change?

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

While the change to the intervention rate is welcomed, it does not increase the overall funding envelope available for the Council's Band B programme. The fundamental aim of school organisation, planning and capital investment has not changed, which is to ensure the right schools are in the right places, and that proposals are reflective of Welsh Government's national mission for education in Wales.

(iv) **Question from Dr. A. Barratt**

The Council's Strategic Outline Programme for 21st Century Schools Band B funding, updated in January 2018, gives the following details of projects anticipated under Band C and D of the programme: 2 x 420 primary schools and nurseries, 1 x 630 primary school (Band C); and "other reorganisation projects related to the Rural Vale and Penarth clusters" (Band D). Given the importance of public engagement around such plans, and the likelihood these projects will be the focus of considerable interest in the local communities affected, can the Cabinet Member for Learning and Culture give the names of those Vale primary schools ear marked for these plans, and whether any of these projects will involve the transfer, amalgamation or closure of existing primary schools?

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

The Vale of Glamorgan's Band B Strategic Outline Programme is reflective of anticipated demand and match funding primarily via Section 106 agreements stemming from new developments within the Vale of Glamorgan. Band B of the 21<sup>st</sup> Century Schools programme is set to span a minimum of 5 years from April 2019. Proposals for Bands C and D of the Programme and any possible implications for existing schools have not yet been established, and therefore it is not possible to provide any further specific information other than for those schemes which have already been announced as part of Band B of the programme.

**(v) Question from Dr. A. Barratt**

Annex A of the Consultation Report on the reconfiguration of primary provision in the Western Vale reports that “Periodical comparisons of actual pupil yield against estimated pupil yield have demonstrated that the pupil yield assumptions used by the Council are appropriate and recognise that some children may remain at their current school.” Does the Cabinet Member for Learning and Culture share my concern that officers cannot give the most recent date on which the Council’s pupil yield methodology was tested against real-world pupil yield data emanating from developments in the Vale of Glamorgan? And does he also consider it is unfortunate that the results of these periodical comparisons are not recorded, and therefore cannot be made available for public scrutiny?

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

The Council's pupil yield calculation is contained within the Councils Supplementary Planning guidance and derived from census data of householders in the Vale of Glamorgan. There is no recognised national formula for calculating pupil yield; Estyn recognised the authority's systems as appropriate in its inspection of 2013. Periodic checks are undertaken in conjunction with other work routines such as the preparation of pupil projections for schools, however individual reports on these comparisons are not generated. The Pupil yield factors are comparable to other authorities in Wales. Whilst pupil yield assumptions are by no means an exact science, the Authority is satisfied that the pupil yield factors used are appropriate for school place planning purposes.

**(vi) Question from Dr. A. Barratt**

The Head Teacher of Llancarfan Primary School recently wrote to parents explaining that the Council “have pledged that should the proposal go ahead, additional financial protection for the school will be provided during the transitional period and that jobs at the school will be safeguarded.” Can the Cabinet Member for Learning and Culture confirm that such a pledge has been made, and give an estimate of the likely cost of this over the next two years (2019/20 and 2020/21)? Can the Cabinet Member for Learning and Culture also make the same pledge to parents, pupils and staff should the proposal not go ahead?

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

As I have previously stated, I can confirm that the Council will provide additional financial protection to the school during any transition period subject to any final decision being made. Should the proposal not go ahead, the school would continue to receive the special protection available to small schools via the School Funding Formula as is currently the case. The cost of the protection will be dependent on the number of pupils attending the school. The school would need to manage its

delegated budget, as would any other school, with the support of the Governing Body and Council officers.

(vii) **Question from Dr. A. Barratt**

During a recent Welsh Assembly debate on the Presumption in Favour of Rural Schools, Jane Hutt AM described as “both flawed and concerning” the Council’s labelling of its proposal for Llancafarn Primary School as a transfer rather than a closure, which “does discredit the School Standards and Organisation (Wales) Act 2013”. The Assembly Member went on to describe the Council’s proposal as “a unique interpretation of the school organisation code”, which “could indeed set a precedent for local authorities to use school transfers as a means of avoiding additional safeguards for rural schools in the revised code.” In the same debate Mr. Andrew RT Davies AM said the Council’s proposal was “cocking-a-snook” at “the sentiment that the Welsh Government put forward via their new code.” Is the Executive Leader of the Council concerned that the proposal risks bringing the Council into disrepute and could jeopardise Welsh Government support for the project?

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

The Council is satisfied with the legal interpretation of the School Organisation Code (2013), and has acted in accordance with it following consultation with Welsh Government.

(viii) **Question from Mr. D. O’Hare**

Why is the Council not accountable for their attack on a Llancafarn school a beautiful rural school which is/was meeting its needs? To steal the money from the sale of the site to benefit another community, to close down a school that has a long history of providing good education, to close a school where children has gone on to die fighting for the freedom of this country, do you not value the values that children for this school fought and died for? There has been a protracted systematic campaigning launched by the Vale on this school which has directly caused numbers to decline made it harder for the school and directly affecting the children in its care’s education. If you genuinely believe the school has no future can you give the school a guaranteed survival open your new school and allow for freedom of choice? But the way you have gone about this is now causing parents not to select your new school but neither to select Llancafarn as they want surety that their children are not going to be moved around like cattle and auctioned off to the highest bidder. Do you not want a school that provides good education had good pupil numbers (until your attack) to provide an education to our children? Why is there no focus on a rural education in a rural community? Why does the Council believe in cookie cutter children each of our children? Why are our children not individuals and treated that way?

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

The Council has a statutory duty to consider school organisation and planning, to ensure that the right schools are in the right places and that proposals are reflective of national priorities. The aim of the Council's Band B programme is to invest over £143 million into the education of its pupils to support their learning.

(ix) **Question from Mrs. S. O'Hare**

Why is Cowbridge Comprehensive School continuing to increase its uptake of pupils from C of W based primary education? Why is it that 80% of the feeder places rely on you giving your child a C of W primary education to access Cowbridge Comprehensive. Why is the Council not increasing the number of non-religious places in the primary education in Cowbridge? Why is the Vale closing non-religious places in the Cowbridge feeder area or moving non-religious children to alternative schools? Why is the Council allowing for marginalizing of non-religious children in the Vale, to say you can have a place in a religious school if you want (if the school allows you to have the place when they have rules to give preference to non-religious pupils) surely this is not the same as giving freedom of choice to not attend a religious school? Why is Cowbridge Comprehensive giving preference to C of W children hiding behind the Vale upholding religious places and closing non-religious places?

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

An increase in non-denominational primary school places in Cowbridge will be considered as part of the Council's Band B programme. There are currently four Community Maintained Feeder Primary Schools linked to Cowbridge Comprehensive School. Parents not wishing to access a religious Cowbridge feeder school for their child could therefore apply to Y Bont Faen Primary School, Llanfair Primary School, Llangan Primary School or Llancarfan Primary School.

Parental choice remains the most significant factor in securing school places with over 90% of parents securing a place in their first choice of school.

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

Are the Council proud that the Welsh Government designated Llancarfan Primary School as a rural school?

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

The Council is proud and supportive of all of its schools, regardless of their character, status, or setting.

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

Could you give a detailed response as to why the Cabinet decided to reject the recommendations of a four hour Scrutiny Committee tasked at examining the `transfer` of Llancaf Primary School?

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

Cabinet carefully considered the feedback of respondents throughout the consultation process, and the points raised during the Extraordinary Scrutiny Committee held to discuss amongst other things, the outcome of the consultation. A number of Cabinet Members, including the Leader of the Council, were present on the evening to listen to the discussions. After careful consideration, Cabinet made the decision to progress the proposal, approving the publication of the proposal for a regulated alteration in the form of a statutory notice. The proposal was published on 5<sup>th</sup> November, 2018 followed by an objection period, including the date of publication of the statutory notice which ended on 3<sup>rd</sup> December, 2018. A report outlining a summary of the objections received will be considered by Cabinet in the New Year. Each individual objection will be made available to Members to consider prior to a final decision being made, in accordance with the requirements of the Statutory Code.

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

Can the Council confirm that after the "non-closure" of Llancaf Primary School that the school will retain its name? If so, please confirm how many other schools in Wales are named with a location as much as 5 miles away? Related to this why would anyone want to be a Governor to a school which has had a name and school badge artificially imposed on it?

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

The issue of whether or not the school seeks to retain its name is a matter for its Governing Body. There is a process in place to enable them to do so, if they chose to. I would have no objection to this, however I am not aware of any discussions having been held of that nature at this stage, pending the outcome of the statutory process, and would therefore refer you to the Governing Body. Generally, individuals put themselves forward as a representative on a Governing Body because they believe they can make a positive contribution to the strategic management and development of a school. In my experience, the name of a school does not deter individuals from applying to become a Governor.

**(xiii) Question from Mr. N. Renwick**

How far do the potential capital receipts from closing the school and selling off the site outweigh the costs of altering and extending the existing school buildings?

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

Any capital receipts received by the Council for education assets relating to Band B of the 21<sup>st</sup> Century Schools Programme are not applied to individual schemes to which they relate, they are fed back into the programme as a whole.

The development of plans to extend and alter the school building at Llancarfan has not been undertaken by the Council. This option was not considered feasible for a number of reasons which were set out in the consultation document.

#### **(xiv) Question from Mr. L. Robertson**

On the 6th September 2018 the Planning Committee had before it an application for a Certificate of Lawful use in connection with Berth 31, Wimbourne Road. The application was deferred to a future Committee meeting. The reason for deferring the application was to allow the matter to be considered by the lead Legal Officer. The opposing views had been set out in writing and it is believed the necessary research was minimal. Since then there have been 3 Planning Committee meetings but the application has not been listed for consideration by the Committee. There must have been more paperwork produced in the meantime but there is nothing added to the Planning Register. The Council will be aware of the high public interest in this matter and that openness of deliberation is important in part to continue to encourage public participation in the Council's work. Apart from the views of the Council's Legal Officers there must have been contact between the planning officers and the Applicant that might assist the public to understand why the wood piles are still on Berth 31 if, as set out in DIAG's paper, there is no lawful basis for the continued use. Can the Council ensure that the further documentation produced in relation to this application is immediately added to the Planning Register and that if the legal advice supplied to the officers and/or the Planning Committee supports the views of DIAG, that some explanation is given about the continuing delay in refusing the application and not taking enforcement proceedings.

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

Condition 23 of planning permission 2015/00031/OUT states that the plant shall only process waste wood. If this planning permission were implemented and if the Council receives a complaint regarding a breach of condition 23, it would be investigated by the Planning Enforcement Team, with a view to taking enforcement action if expedient to do so. To date, the plant is not operational. It would be inappropriate to comment on speculative action the Council may or may not take in the future if a breach of condition 23 occurs.

#### **(xv) Question from Mr. P. Robertson**

When granting planning permission to the incinerator on Woodham Road, Barry, the Vale of Glamorgan Council included a condition that the plant should only process waste wood. When dealing with the application the Council occasionally used the expression "waste wood" as well as the expression "wood waste". That would

support the view that the Council was not using the expression “waste wood” as a term of art but was using it to define the material that could be used as fuel. This assertion is supported by the way in which the Council included the reasons at condition 23 of the planning condition where the Council expressed its concern that the impact of other material had not been considered through the environmental submission accompanying the application for planning permission. Further support for this interpretation comes from the Final Report submitted to the Planning Committee in July 2015 as this described the fuel as being manufactured from clean wood, pallets, construction timber and other woods which have been removed from the construction and demolition waste stream locally. The description went on to say that “In short, the plant will process dry, non-hazardous batches of timber and wood”. It is noticeable that no objection was ever taken to these descriptions by the applicant the planning permission. The operator of the incinerator has made it clear to Ofgem that the fuel it will be using contaminants such as aluminium door and window furniture, broken window and mirror glass, foam rubber, plastic tape, melamine and other laminates, glues, paint together with other contaminants that the operator either cannot or chooses not to identify. It is understood that the wood will not be dry. It is noted that Natural Resources Wales decided to ignore the limitation on the planning permission and proceed to grant a permit on the basis that “waste wood” is a term of art and includes the contaminants listed by the operator, notwithstanding the open-ended nature of the list provided by the operator. The operator could have made application to vary condition 23 but for some reason has not considered the Vale of Glamorgan Council’s involvement as important enough. Any application for an amendment of condition 23 on the part of the operator would no doubt include a proper analysis of the impact of all potential material to be used as fuel in terms of the way that emissions from the incinerator will impact adversely on residents and the local environment. Will the Council stand by its condition 23 and treat the use by the operator of any other material apart from wood as a breach of planning control and be subject to immediate enforcement proceedings to prevent continuation of the breach?

If the Council will not take enforcement action then the Council is asked to explain what its condition 23 achieves bearing in mind the Planning Committee’s concern expressed of the impact on the environment of the use of alternative fuels. What should the Council have done if its condition 23 does not achieve the result that it is clearly aimed at?

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

In respect of Berth 31, the Legal Officer’s responses are not routinely added to the Council’s website because they are subject to legal privilege. The Planning Register is not a complete record of the planning file, it contains those matters which form the planning application such as forms, plans and supporting documents and some consultee responses where appropriate. The applicant has indicated that they intend to make further submissions, however, these have not been received to date. The case officer has recently chased up progress on this matter with the applicant. The matter will be reported back to Planning Committee in due course.



(xvi) **Question from Mr. D. Clarke**

The Vale Council has adopted the National Principles for Public Engagement in Wales and has produced its own Framework. Appendix B of this Framework does not appear to have been updated to show progress made by the Council notwithstanding it is now about 12 months old. Could the Council update Appendix B to show the progress made. Could the Council further consider whether it is appropriate in a document purporting to encourage public engagement as its focus to have a number of items in Appendix B that are internal only. In dealing with any updates could the Council make it clear how it has complied with the various principles set out in the National Principles including how the Council has developed systems to engage those with no or limited access to the internet and may have restricted ability to travel or any other disability.

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

The document available online is updated annually, and new actions are identified as part of this annual review. An updated action plan will be published after April 2019.

Good progress has been made on the seven actions identified for 2017 and 2018, with most already completed. An online engagement hub is now in operation; an internal network of Council officers meets regularly; an equal opportunities engagement directory has been established; and new methods of communicating with community groups have been trialled. The other actions are in progress and are due to be completed before April 2019. All the actions demonstrate the Council's commitment to public engagement and to developing new ways of achieving it.

Whenever the Council seeks the views of Vale residents we are always considerate of those who cannot be reached online. For example, the recent consultation on changes to waste collections in the Vale featured public events held all across the Vale. Residents are also able to respond to all the engagement exercises we carry out by post and telephone, and we always seek to promote this via the local press.

In instances where we feel residents with a particular disability are one of the key stakeholders we will also seek to engage with advocacy groups and the third sector to ensure the views of such groups are well represented.