

## THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 1<sup>st</sup> May, 2019.

Present: Councillor Leighton Rowlands (Mayor); Councillors Julie Aviet, Vincent Bailey, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, George Carroll, Christine Cave, Janice Charles, 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, Kevin Mahoney, Kathryn McCaffer, Anne Moore, 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.

### 948 APOLOGIES FOR ABSENCE –

Apologies were received from Councillor A.R.T. Davies.

### 949 DECLARATIONS OF INTEREST –

No declarations were received.

### 950 MINUTES –

#### RESOLVED –

(1) T H A T the minutes of the meeting held on 27<sup>th</sup> February, 2019 be approved as a correct record, subject to the following amendments:

- That Councillors Mrs. M.R. Wilkinson and Ms. J. Aviet declarations of interest being recorded in respect of Agenda Item No. 10(e) Final Housing Revenue Account (HRA) Budget Proposals 2019/20, both having a personal interest as a Council tenant;
- That Councillor A.D. Hampton's apologies for absence be recorded, with it being noted that he had tendered his apologies;
- Page 1301 – second paragraph, an amendment to a typographical error to read as follows "... asked to **pay** more ...";
- Page 1314 – a tick in the "Against" column be added by the name of Councillor N.P. Hodges in respect of the recorded vote.

(2) T H A T the minutes of the Special meeting held at 4.30 p.m. on 8<sup>th</sup> March, 2019, be approved as a correct record, subject to the following amendments:

- That Councillor A.D. Hampton's apologies for absence be recorded in respect of the Special meeting held at 4.30 p.m. on 8<sup>th</sup> March, 2019, it being noted that he had tendered his apologies;

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- Page 1474 – the final paragraph referring to the number of houses being the fifth highest in real numbers behind RCT and Cardiff in terms of growth, amended to read “... number of houses being the **third** highest in real numbers behind RCT and Cardiff in terms of growth”.

(3) T H A T the minutes of the Special Meeting held at 5.00 p.m. on 8<sup>th</sup> March, 2019 be approved as a correct record, subject to Councillor A.D. Hampton’s apologies for absence being recorded, it being noted that he had tendered his apologies.

#### 951 ANNOUNCEMENTS –

The Mayor made the following announcement in that he had awarded further grants from his Foundation and that he had utilised the current year’s grant allocation of £5,000 to support various community groups in the Vale of Glamorgan.

The Leader made the following announcement.

The Leader referred to the events of Monday evening of that week and that he was no longer the Leader of the Conservative Group. He indicated that this position was now held by Councillor Bailey. Whilst he was no longer the Leader of the Conservative Group, in accordance with the Council’s Constitution he still remained the Leader of the Council having been elected for a five year term at the Annual Meeting in 2017.

Having reflected on his position since Monday, he could now inform Members that he would be resigning from the position of the Leader of the Council, however, in the interest of stability and for the reputation of the Council he intended to continue his role until a new Leader was appointed at the Annual Meeting to be held on 20<sup>th</sup> May, 2019.

The reputation of the Council had been a key element of his tenure as Leader and during the last two years it had been his and the Cabinet’s position of having to make difficult decisions in the context of significant pressures on budgets and core services. He had not taken up the position of Leader to be popular or to further his own political ambitions, but to seek to ensure that the citizens of the Vale of Glamorgan received the best possible services and to ensure as far as possible that services were protected and enhanced.

Alluding to making easy decisions based on what the vocal minority may say in order to secure votes for the next election, he considered it more important to remember that many of the more vulnerable members of society who relied on the Council’s services more than most and did not have a voice as probably many of them did not use their vote; he suggested that these were the people that needed to be remembered when prioritising Council services. Referring to protecting these services, which it had not been easy to do, he was proud to say under his leadership that he had cemented the Council’s position as the best performing Authority in Wales and one that delivered an impressive array of direct services to communities in the County.

No.

Whilst he was also disappointed that he did not have the support of his own Conservative Group to finish the job, he thanked colleagues in the Chamber of all political persuasions, who like himself had put the interests of the County and citizens first. In addition, he thanked the Members of his Cabinet for their dedication and also the Managing Director, the Corporate Management Team and all staff for their support and enthusiasm in the efficient way they undertook their daily jobs in delivering for the residents of the Vale of Glamorgan.

Acknowledging that it was likely to be his last time in addressing the Council as its Leader, he thanked all Members for giving him the opportunity which he was proud to have carried out to the best of his ability.

Councillor Dr. Johnson (Leader of the Plaid Cymru Group), in response to the Leader's announcement, put on record his personal thanks to Councillor Thomas for his hard work as Leader of the Council over the past two years which, as the Leader of an Opposition Group, he had considered to have been very fair and honest. Whilst they had not agreed on everything in the past, he felt that the Leader had been very co-operative, helpful to all Members across the political spectrum and personally hoped that he would continue to be an Elected Member of the Council for a long time.

Councillor N. Moore (Leader of the Labour Group) intimated that he had intended not to say anything at the meeting given that Councillor Thomas was still the Leader of the Council and would continue to be so until someone else was appointed, however, given the previous comments he wished to add his thanks and the thanks of all Members of the Council to the Leader. As a previous Leader of the Council, he agreed with the Leader that being the Leader of the Council was not an easy job which did not often attract praise. He believed that the Leader over the previous two years had done the best he could do and to the best of his ability, within the financial constraints which faced local government in terms of available funding. He hoped Councillor Thomas would continue to be a Member of the Council, not only representing the Ward of St. Athan, but also all residents within the Vale of Glamorgan.

Councillor Gwyn John (Leader of the Llantwit First Independents Group) endorsed the comments of the other two Group Leaders and expressed his personal thanks to the Leader for his honesty, integrity and the support he had provided to Members over the previous two years. He considered that the Leader had been fair to all Leaders of all political groups by keeping them informed of developing issues affecting the Council. He wished the Leader good luck in the future and as his adjoining neighbour Ward he hoped that they would have much to discuss together in the future.

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

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

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- (a) Membership of the Environment and Regeneration Scrutiny Committee, Learning and Culture Scrutiny Committee and Voluntary Sector Joint Liaison Committee

To fill the vacancies on the above Committees following the resignation of former Councillor Matthew Lloyd:

Environment and Regeneration Scrutiny Committee – Councillor Andrew Davies;  
Learning and Culture Scrutiny Committee – Councillor Kathryn McCaffer;  
Voluntary Sector Joint Liaison Committee – Councillor Andrew Davies.

(Scrutiny – Corporate Performance and Resources)

- (b) Appointment to Outside Body – Rhoose Bowling Club

To fill the vacancy on the above Outside Body following the resignation of former Councillor Matthew Lloyd:

Rhoose Bowling Club – Councillor Andrew Davies.

(Scrutiny - Corporate Performance and Resources)

RESOLVED - T H A T the report be noted.

Reason for decision

To inform Council.

953 UPDATE ON THE WALES ACCORD ON SHARING OF PERSONAL INFORMATION (WASPI) (REF) –

Cabinet, at its meeting held on 18<sup>th</sup> March, 2019, had considered the above matter where at that time authority was sought to sign a new version of the Accord and implement its requirements (Cabinet Minute No. C614 refers). Cabinet had subsequently resolved:

- “(1) T H A T the contents of the report be noted.**
- (2) T H A T the organisational requirements as set out within the Accord be implemented.**
- (3) T H A T delegated authority be granted to the Managing Director to sign the latest version of the Wales Accord on Sharing of Personal Information (WASPI) on behalf of the Council as required in paragraph 1.3.1 of the Accord.**
- (4) T H A T the Information Manager (Lawyer) be the Designated Person as required under paragraph 1.3.3. of the Accord in order to ensure compliance with its commitments.**

No.

**(5) T H A T delegated authority be granted to Chief Officers to enter into Data Sharing Agreements not within the WASPI template, on the provision that such agreements have been approved by the Monitoring Officer/Head of Legal and Democratic Services in consultation with the Head of Finance/Section 151 Officer and the Data Protection Officer and that paragraph 2 of the Delegation to Chief Officers in the Council's Constitution be amended in that respect.**

**(6) T H AT delegated authority be granted to Chief Officers to enter into Data Disclosure Agreements and Joint Data Controller Agreements, on the provision that such agreements have been approved by the Monitoring Officer/Head of Legal and Democratic Services and that paragraph 2 of the Delegation to Chief Officers in the Council's Constitution be amended accordingly.**

### **Reasons for decisions**

**1) To advise Members of the Update.**

**(2) To practically implement the requirements of the Accord.**

**(3-6) To ensure WASPI is practically implemented. The consultations as set out in the recommendations are appropriate as the Head of Finance/Section 151 Officer is the Council's Senior Information Risk Owner and Data Protection Officer is required under the General Data Protection Regulation (GDPR) to be involved, properly and in a timely manner, in all issues which relate to the protection of personal data."**

As a consequence of the Accord being recently updated, Council approval was sought to amend the Council's Constitution in line with resolutions (5) and (6) as set out above.

RESOLVED – T H A T the Council's Constitution be amended to reflect the inclusion of new Chief Officers' delegations as set out in Cabinet resolutions (5) and (6) of Cabinet Minute No. C614.

### **Reason for decision**

To amend the Council's Constitution.

**954 NON DOMESTIC RATES – HIGH STREET AND RETAIL RATES RELIEF (REF) –**

The Leader outlined the recommendations from Cabinet of 15<sup>th</sup> April, 2019 (Cabinet Minutes No. C650 refers).

The purpose of the report was to confirm adoption of a High Street and Retail Rates Relief Scheme for 2019-20 in respect of qualifying business premises within the Vale of Glamorgan area under discretionary relief powers in accordance with section 47 of the Local Government Finance Act 1988.

No.

Cabinet had been informed at that time that following an announcement by the then Cabinet Secretary for Finance and Local Government, Mark Drakeford AM, that an extra £23.6m would be made available to help High Street businesses and other retailers with their non-domestic rates across Wales.

The Welsh Government had subsequently confirmed that the allocation of grant funding for the Vale of Glamorgan Council based on the estimated numbers of eligible hereditaments on the local rating lists would be £1.13m.

However, the Council was required to submit a revised eligibility calculation by 3<sup>rd</sup> May, 2019 based on the number of hereditaments that would qualify for the reduction.

An exercise had been carried out to extract data from the Council's business rates system and the estimated number of business ratepayers who may potentially qualify for relief under the scheme was 618, which would result in a revised calculation for a total sum of £1,211,480.

The Cabinet had resolved to recommended the following to Council for approval:

**“RESOLVED –**

**(1) T H A T the High Street and Retail Rates Relief Scheme for 2019-20 be adopted in accordance with the provisions contained in Section 47 of the Local Government Finance Act 1988.**

**(2) T H A T relief be awarded to all qualifying businesses on the assumption that the Non-domestic Rates High Street and Retail Rates Relief Guidance issued by the Welsh Government at Appendix A to the report to Cabinet on 15<sup>th</sup> April, 2019 for 2019-20 will remain unchanged.**

**(3) T H A T entitlements automatically be awarded to those qualifying business that can be identified through records held by the Council.**

**(4) T H A T entitlements be awarded to the remaining businesses that may be eligible following receipt of a valid application form.**

**(5) T H A T delegated authority be granted to the Head of Finance to implement any eligibility change issued by the Welsh Government in respect of High Street and Retail Rates Relief for the 2019-20 financial year.**

- **That Council adopts the High Street and Retail Rates Relief Scheme for 2019-20 in accordance with the provisions contained in Section 47 of the Local Government Finance Act 1988;**
- **That Council resolves to award relief to all qualifying businesses in accordance with the Non-domestic Rates High Street and Retail Rates Relief Guidance issued by the Welsh Government at Appendix A;**
- **That Council resolves to automatically award entitlement to those qualifying business that can be identified through records held by the Council;**

No.

- That Council resolves to award entitlement to the remaining businesses that may be eligible following receipt of a valid application form;
- That delegated authority is granted to the Head of Finance to implement and eligibility change issued by the Welsh Government in respect of High Street Rates Relief for 2019/2020 financial year.

**Reason for decisions**

**To enable a scheme to be adopted using discretionary relief powers under section 47 of the Local Government Finance Act 1988 for the provision of High Street and Retail Rates Relief for qualifying business premises within the Vale of Glamorgan area for the period 1<sup>st</sup> April, 2019 to 31<sup>st</sup> March, 2020.”**

The Council, having considered the above,

RESOLVED – T H A T the Cabinet resolutions as set out in Cabinet Minute No. C650 be endorsed.

**Reason for decision**

To enable a scheme to be adopted using discretionary relief powers under section 47 of the Local Government Finance Act 1988 for the provision of High Street and Retail Rates Relief for qualifying business premises within the Vale of Glamorgan area for the period 1<sup>st</sup> April, 2019 to 31<sup>st</sup> March, 2020.

955 PROPOSED RECONFIGURATION OF PRIMARY PROVISION IN THE WESTERN VALE (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C627), 18<sup>th</sup> March, 2019 (as set out in Section 14.14.2(ii) of the Council’s Constitution) be noted.

**Reason for decision**

To make a determination by 25<sup>th</sup> March, 2019 in line with the requirements of Section 53 of the School Standards and Organisation (Wales) Act 2013 and the relevant provisions of the School Organisation Code 2013.

956 RESHAPING SERVICES – ENFORCEMENT SERVICES (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C628), 18<sup>th</sup> March, 2019 (as set out in Section 14.14.2(ii) of the Council’s Constitution) be noted.

**Reason for decision**

To make a determination in respect of the termination of the existing contract by 31<sup>st</sup> March, 2019.

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957 NON DOMESTIC RATES – HIGH STREET AND RETAIL RATES RELIEF (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C650), 15<sup>th</sup> April, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

To enable the issue to be reported to Council on 1<sup>st</sup> May, 2019 with a view to introducing the Scheme as soon as possible.

958 SCHOOL ADMISSION ARRANGEMENTS 2020/21 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C654), 15<sup>th</sup> April, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

In order that school admission arrangements are in place by 15<sup>th</sup> April, 2019 for the admission year 2020/2021 as required by the statutory deadline.

959 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**

When does Cabinet intend to make a decision upon the Proposed Parking Policy that was debated by the Environment and Regeneration and the Corporate Performance and Resources Scrutiny Committees in April?

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

It is anticipated that a final Parking Policy for 2019/20 will be debated and discussed at a future Cabinet meeting. You will appreciate that given the circumstances I cannot be more definite at this time.

**Supplemental**

Referring to the nine hours of deliberation at recent Scrutiny Committee meetings on the matter, Councillor Dr. Johnson called upon the new Leader of the Council to accept the recommendations made by the Scrutiny Committees.



No.

Referring to Councillor Dr. Johnson's comment being more of a statement than a question, the Cabinet Member indicated he would leave that decision to the next Cabinet Member who takes over.

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

How many schools in the Vale of Glamorgan have indicated that they may set a deficit budget for 2019-20?

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

As Members will be aware, Councillor Penrose has resigned from the Cabinet and I would like to thank him for all the work that he has done over the past two years and I will now attempt to answer the question.

Schools are required to set their budgets by the 31<sup>st</sup> May each year. Given this, it is not possible to confirm the exact number of schools that will set a deficit budget for 2019/20. However, I am aware that there are six primary schools and one comprehensive school which are currently considering setting a deficit budget for the coming year.

Any school setting a deficit budget will be required to prepare a plan which details how their financial position will be recovered within five years.

**Supplemental**

Alluding to budget pressures facing schools, including £1.8m teachers' pension contributions which he believed had now been funded from Welsh Government, Councillor Dr. Johnson enquired what processes were in place to ensure that the money was passed directly to schools rather than cuts.

The Leader referred to the Council's previous budget setting exercise when, at that time, confirmation had not been received on funding from Welsh Government. He had made provisions to ensure that the teachers' pension contributions were met and consequently the amount of £1.8m was taken from Council reserves. Since Welsh Government had provided the funding, the money was brought back into reserves for future consideration. He, like Councillor Dr. Johnson, was also concerned about school budgets, but he was equally worried about all the Council budgets and consequently it had been difficult when coming to set priorities.

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

What discussions have the Vale of Glamorgan Council held with Welsh or UK Government regarding the proliferation of so-called "leasehold" contracts where residents of new build housing estates are subject to punitive management company costs for services that might ordinarily be expected to be Council-provided?

No.

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

I am aware that a number of developers are choosing to use management companies for the maintenance of the new open spaces and roads constructed as opposed to passing such areas on to the Council for adoption. Regrettably there is no legislative requirement for open spaces and roads to be adopted by Local Authorities, and therefore this Council has no power to insist that an area of open space or road is transferred to be maintained at public expense. Planning policy also does not cover this matter, as land ownership falls outside of the planning system. The Council can only 'condition' via the planning permission that the open space is maintained to an "adoptable standard".

### **Supplemental**

Referring to the Cabinet Member's reply, Councillor Dr. Johnson construed the answer as none and therefore asked the Cabinet Member if the Council held lists of affected areas that these should be passed on to Welsh Government.

Referring to his awareness of the situation which was not acute to this Council, but rather an issue affecting all Councils not just in Wales but also the UK, the Cabinet Member was unaware of any direct contact made with Welsh Government on the issue and agreed to confirm with Councillor Dr. Johnson a definite answer on the subject. The Cabinet Member also confirmed that the Council did hold lists on those areas affected and negotiations were underway with developers and referred to the Waterfront, Barry, as a prime example where a lot of problems had been experienced with developers not bringing the highways and open spaces up to the adoptable standards the Council required.

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

What discussions has the Vale of Glamorgan Council held with South Wales Police regarding protection of Vale Council assets, such as parks and other public open spaces, from accidental and intentional damage?

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

Any incidents of vandalism or other low level criminal activity in our parks and other public open spaces are generally dealt with by the Police Community Support Officer for the area concerned. Such incidences are reported by the Neighbourhood Services Team to the Police as necessary. In respect of longer running or regular problems these issues would normally be discussed at Safer Vale meetings and considered by multi-agency input.

### **Supplemental**

Referring to the incidents at Gladstone Gardens an Barry Island which had a significant impact on local residents, Councillor Dr. Johnson enquired if there was

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any possibility that Councillors could have such issues escalated to the Police so that they were dealt with rather than just being continually fobbed off.

The Cabinet Member referred to Gladstone Park where there had been a recent incident regarding vandalism to young trees and an OSARA (Objective, Scanning, Analysis, Response and Assessment) was in place.

Referring to the OSARA which included Kings Square and the Library due to the locations being in close proximity, the Cabinet Member confirmed that it had been agreed that targeted patrols were to be conducted within the area by the Police and any youths identified as demonstrating anti-social behaviour would be dealt with via the Anti-Social Behaviour process. Whilst CCTV was used to monitor these areas, it was often the case that such crimes were undertaken at night where it was more difficult to identify those responsible.

**(v) Question from Councillor Mrs. J.M. Norman**

Can the Cabinet Member explain why Llantwit Major Leisure Centre, despite serving an ever-growing population of the third largest town in the Vale, is in such a disgusting state of repair?

This is one of the most frequent complaints we are receiving from residents. This Council advocates Wellbeing, yet the Leisure Centre facility in Llantwit Major continues to be overlooked when it comes to any money being spent on it. We have, at this moment, two major housing developments in the area, yet the infrastructure of the Town is not being invested in to support the increase in population.

It does seem that once again Llantwit Major is being side-lined when any funding for leisure facilities has been available.

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

I am pleased to say since my appointment I have been able to visit all of the Council owned Leisure Centres.

My impressions of Llantwit Major were generally positive and that the Centre was delivering a wide and varied programme of activities that was attracting significant use. The fitness gym, that I understand is the most used facility within the Leisure Centre, was particularly impressive. I noted that significant funding has been invested in the Centre recently with the building receiving a complete rewire but appreciate that this is not visible to users of the centre. I do however believe that this demonstrates a commitment to the site and is a clear indication that rather than side-lining the facility we are, in fact, investing in its future.

Certain areas, including the changing facilities, would benefit from upgrading and I am keen to work with officers to identify possible options for this, including investigating potential Section 106 opportunities.

No.

### **Supplemental**

Councillor Norman, referring to the general level of cleanliness across the whole of the facility, including many of the lockers in the changing rooms which were broken, enquired as to why nothing had been done to improve the situation.

The Cabinet Member, referring to his recent visit which had been unannounced, acknowledged that the facility was not in the best condition and he had raised the matter with the Leisure Centre Manager. Whilst he did not wholly agree to the levels of cleanliness that Councillor Norman was referring to, it seemed to him to be in a fair state. He would continue to work with officers to ensure that the cleanliness of the facility was to acceptable standards.

#### **(vi) Question from Councillor Mrs. J.M. Norman**

As the Welsh Government has promised £2.3 million for the supplying of free sanitary products in schools, how will the Vale of Glamorgan Council ensure that this funding is used for this purpose and the money not just absorbed into the ever shrinking general school budget, and that every girl will have open access to these products?

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

I am aware that Councillor Norman has been pushing for this grant so I acknowledge the role that she and others have played in moving this up the agenda. A one off discretionary grant payment amounting to £99,350 has been made to the Vale of Glamorgan to support the purchasing of period products, making these 'available to all learners in all schools'.

Payment of the grant was subject to the Council meeting a number of conditions.

Schools are required to ensure the conditions of the grant are met, including ensuring all learners have access to these products. They will also be required to record associated expenditure against a unique ledger code to enable the Council to monitor expenditure with ease and to report it to Welsh Government as per the grant conditions.

#### **(vii) Question from Councillor G. John**

Would the Leader tell the Council how many Consultants have been employed by the Council since May 2017, the Departments using the Consultants, and the cost to the Council?

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

Thank you for your question. In response I can confirm that during the period April 2017 to March 2019 – that is two financial years – the Council engaged 47

No.

Consultants the total cost of which was £378,000 – £230k and £148k per year (2017-18 and 2018-19). This additional support was used by the following services:

Central Education  
Social Services  
Neighbourhood Services  
Housing  
Regeneration  
Development Management  
Finance and IT

### **Supplemental**

Councillor John asked the Leader if he considered that the Council had had value for money for the funds spent on Consultants.

The Leader considered that the Council had had value for money advising that whilst Consultants were expensive, they filled gaps where the Council did not have the staff to carry out the studies and the work necessary.

### **(viii) Question from Councillor Miss. A.M. Collins**

When the Vale became aware of the Minister's 'minded to' letter dated 14<sup>th</sup> February, 2018 regarding the need for an EIA for the incinerator on Barry Docks, were officers asked to reconsider their decisions on this subject, as the officers had previously decided an EIA was not needed? If reconsideration was requested, then what was the outcome? If there was no request to officers to reconsider at the time, then can this now be done, and Councillors informed of the outcome? And in fact I wrote approximately 14 days ago to the Minister again with no response as yet. I did have a letter from Diag thanking me for writing this letter. It is scandalous, absolutely scandalous.

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

The decision of the Welsh Ministers to request a screening direction under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, completely removed the decision over the need for an EIA from the Council. The original decision issued by the Council (and the decision made in respect of previous applications for similar developments) was reviewed at the time of the original letter from Welsh Government received in February 2018 and was nevertheless considered to be correct.

This decision now rests with WG and it is noted that although the regulations require the screening direction to be made in 3 weeks, it is now some 14 months since the original decision to issue a screening direction. There is now nothing more the Council can do until this direction is used, as I believe Council has been advised in a number of meetings prior to this of WG's stance. The Council does however continue to write to the WG reminding them of their obligations to make a decision. I

No.

can confirm that I had written a reminder to the Minister, which had been acknowledged but no action indicated. The situation was scandalous.

### **Supplemental**

Councillor Collins asked the Cabinet Member if he could explain for the benefit of residents why the plant did not satisfy omissions of waste disposal installation, the incineration of non-hazardous waste with a capacity exceeding 100 tonnes per day and therefore would require an EIA.

Given the technical nature of the question, the Cabinet Member indicated that he was unable to provide an answer and confirmed he would provide a written reply to the Member.

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

What plans does the Vale Council have in upgrading the play area adjacent to St. David's Crescent?

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

There are no immediate plans to upgrade the play area at St David's Crescent although I am always happy to consider upgrading or otherwise improving play areas if and when funding becomes available. The play area currently conforms to the relevant standards for safety and has recently undergone its annual independent play area inspection, where I am pleased to advise no issues were highlighted.

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

Please could you explain the reasons why the 95B bus Service has not been fully restored to what it was prior to the 31<sup>st</sup> March?

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

You will be aware that prior to 1<sup>st</sup> April, 2019 Cardiff Bus provided Service 95A and 95B as commercial services with no financial support. We therefore had no say in Cardiff Bus's decision to review and revise the schedule for these routes. This resulted in its initial decision to run a revised Service 95A only between Cardiff City Centre and Llandough Hospital, albeit on the same frequency and days of operation previously provided by Service 95A and 95B.

When the Council approached Cardiff Bus to establish if the service could be brought back with financial support, Cardiff Bus advised it was prepared to extend all revised Service 95A journeys that would have otherwise terminated at Llandough Hospital through to Penarth Town Centre via Redlands Road and Stanwell Road and vice versa for the return journey. There was therefore no option at that time to buy back the service as it previously operated; that is as a circular service serving

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Penarth and Cogan in opposite directions; hence the previous service numbers 95A and 95B to denote the direction of travel in the Penarth and Cogan area.

In the absence of an option to reinstate the service as previously provided, the Council agreed to accept Cardiff Bus's offer to extend all revised journeys through to Penarth Town Centre via Redlands Road and Stanwell Road, as it retained the direct link between Penarth and Llandough Hospital in addition to Leckwith Retail Park and Cardiff City Centre on the same frequency and operational days previously provided; albeit the service no longer operates on a clockwise/anti-clockwise circular route and therefore no longer serves the Cogan area. This area is however served by other services, namely the 89A and B, 92, 93 and 94.

### **Supplemental**

Thanking the Cabinet Member for his detailed response and alluding to his concerns relating to the geography and topography of the area around the Cowslip Estate where there were lots of elderly and disabled residents who were complaining about the lack of access to Llandough Hospital, Councillor Wilson enquired if the new Cabinet Member, once known, would look into re-establishing the original bus service to the area.

The Cabinet Member confirmed that following customer requests he had been advised by officers that they had asked Cardiff Bus to further reconsider the routing of the services in the Penarth and Cogan areas, in other words to run on the circular 95A and 95B routes. He indicated that Cardiff Bus had subsequently indicated that they would consider the option, but could not commit to changing the schedule again at the current time. That said, he indicated that officers would continue to press Cardiff Bus for the change and suggested that Councillor Wilson write to the relevant officers informing them of any points he wished to raise for them to consider.

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

How many cast iron lampposts in Penarth have been removed since the Leader agreed a halt to the LED replacement process for Victorian and specialised lampposts while a review of the 'wisdom and cost-effectiveness' of LED replacements in these non-standard fittings was carried out?

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

As of 26<sup>th</sup> April, 2019 there were 23 of the 68 cast iron columns scheduled for replacement remaining. The steel column installation programme, which replaced the cast iron columns in Penarth was close to completion at the time of the last Council meeting on 8<sup>th</sup> March, 2019. With the vast majority of the 68 new steel columns installed I am aware that you have been advised why the cast iron columns had to be removed and why it was not cost effective to replace them with other similar style units; the current replacement units being £75 per column as opposed to £500 for columns of a similar type to the original units.

No.

We are continuing with full cost benefit analysis principles for all ornate or specialised column replacements as per my commitment but the lamp columns in question had already been condemned for either structural or electrical problems and were being replaced as part of Capital Programme spend on 'structurally dangerous columns'; not the LED programme. We always look to fit LED lamp units on any new columns. This is the case in Penarth and may be the reason for the work being associated with the LED Street Lighting Replacement Programme. As has been explained, if these columns had not been removed public safety could have been compromised due to the seriousness of the corrosion damage on a number of the column heads.

In terms of the installation of LED lighting heads as part of the LED programme, if an LED lamp head is not available for a Victorian or otherwise specialised column and the column is both structurally and electrically sound then they would be left fitted with the conventional lighting unit due to their relatively low number in our overall street lighting stock.

### **Supplemental**

Referring to the widespread concern within the town over the removal of the lampposts, Councillor Burnett asked the Cabinet Member if he would arrange for a review of the cost effectiveness of the replacement of such lampposts to be published, along with the specific condition appraisal for each lamppost removed to date.

The Cabinet Member indicated that he would do his best to provide the information to Councillor Burnett.

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

Were the Vale of Glamorgan Council advised by Natural Resources Wales, or others, of the breaches of the incinerator Permit in March 2018 during pre-commissioning? If not, then when were they informed? Vale Council Officers, like most of Barry, will have witnessed the black plume from the incinerator and realised something was wrong. What action did the Vale take on the breaches as they were occurring? Does the Vale of Glamorgan Council agree with the assessment by Natural Resources Wales that nobody should be prosecuted over these breaches? Can the Vale Council now investigate the breaches for itself and consider whether to take prosecution action themselves?

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

Officers from the Shared Regulatory Service were in liaison with National Resources Wales throughout March 2018 in relation to the commissioning phases and investigated complaints of noise, light pollution and emissions. The diesel firing activity carried out at that time was a necessary stage in the construction and preparation of the plant for waste wood burning. In particular, the gasifier furnace linings had to be dried out using the start-up diesel burners to provide the heat. The



No.

pollution during this activity was not expected and was due to a malfunction of the burner system. Management of the preparation for this work was found to be inadequate by an NRW investigation and led to them formally warning the operator that they considered them to be in breach of the law. The Council were advised of the result of their investigation in February 2019.

The Council have confirmed with NRW that the activity in last March was atypical and is not to be replicated during the normal running of the plant.

The Council is not the primary regulator for the plant and cannot prosecute for non-compliance with the environmental permit conditions that apply to it.

In addition it has been confirmed that the pre-commissioning activities were not technically in breach of any planning conditions and therefore not subject to controls under the planning legislation.

This Council will continue to discharge their duties to monitor and report on local air quality as required by legislation.

### **Supplemental**

Quoting from the letter received from NRW which indicated that the permit had been broken four times in one week in the previous year and to the fact that the letter indicated that there were prosecuting bodies other than NRW could take action, Councillor Hodges enquired as to who these were and whether the Council had made contact with them.

Not being in the position to answer the specific question, the Cabinet Member indicated that he would arrange for a written reply to be provided to the Member.