

No.

THE VALE OF GLAMORGAN COUNCIL

Minutes of a meeting held on 9th December, 2019.

Present: Councillor Christine Cave (Mayor); Councillors Julie Aviet, Vincent Bailey, Rhiannon Birch, Jonathan Bird, Bronwen Brooks, Lis Burnett, George Carroll, Janice Charles, Millie Collins, Geoff Cox, Robert Crowley, Andrew Davies, Pamela Drake, Stewart Edwards, Ben Gray, Stephen Griffiths, 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, Leighton Rowlands, John Thomas, Neil Thomas, Steffan Wiliam, Margaret Wilkinson, Edward Williams, Mark Wilson and Marguerita Wright.

496 APOLOGIES FOR ABSENCE –

Apologies were received from Councillors Vincent Driscoll, Owen Griffiths, Anthony Hampton and Ruba Sivagnanam.

497 DECLARATIONS OF INTEREST –

No declarations were received.

498 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 9th September, 2019 be approved as a correct record.

499 ANNOUNCEMENTS –

The Mayor made the following announcements:

She extended a special thanks to her fellow Member and friend Councillor Rachel Nugent Finn for joining her on an extraordinary weekend to raise funds and awareness of what it is like to be homeless. The event, hosted by the charity Llamau, was part of a global campaign to end homelessness; it was attended by nearly 500 other volunteers sleeping outside in the grounds of Cardiff Castle. Together, over £89,000 was raised for homeless charities.

She also planned to continue raising awareness of volunteering in the Vale of Glamorgan in the New Year and she intended to host an event in March at the Beach Huts at Barry Island by renting a Hut for the day and make tea for all our volunteers in the Vale that would like to attend.

No.

A second event she intended to host would provide an opportunity for voluntary organisations to learn more about the Mayoral Foundation and the Stronger in Partnership grants.

To date, she had given Mayoral Foundation grants to Rhoose Community Library, The Memory Jar in Cowbridge, Cwtch Cymru, two village halls, Cowbridge Athletics Club, Barry 372 Squadron Air Training Corps and Valeways. She had circulated for the benefit of Members a copy of the Mayoral Foundation information leaflet which included details of how to apply to the Foundation and looked forward to working with Members in the New Year to support all the volunteers in the County.

500 SCRUTINY COMMITTEES' ANNUAL REPORT MAY 2018 – APRIL 2019 (MD) –

Councillor Wilson (Chairman of the Corporate Performance and Resources Scrutiny Committee) thanked the relevant officers for preparing the Report which was only “reported to Council” as opposed to it requiring actual approval. He also thanked the other Chairmen of the Council’s other Scrutiny Committees. He considered that it was important to highlight that when Scrutiny Committees had made recommendations, that these had been given appropriate consideration by the Cabinet. The Annual Report had been produced in accordance with Section 7.4.4 of the Council’s Constitution which stated that ‘Scrutiny Committees must report annually to Full Council on their workings, with recommendations for their future work programmes and amended working methods if appropriate’. The Annual Report itself was attached as an appendix to the agenda.

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

RESOLVED – T H A T the Scrutiny Committees’ Annual Report for the period May 2018 to April 2019 be received.

Reason for decision

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

501 TREASURY MANAGEMENT MID-YEAR REPORT 2019 (REF) –

The above report was considered by Cabinet at its meeting held on 18th November, 2019 (Minute. No. C141 refers) and was now being referred on to Council for approval.

No.

The Cabinet at that time were updated on the Council's Treasury Management operations for the period 1st April to 30th September, 2019. All activities were in accordance with the Council's approved strategy on Treasury Management. Total external borrowing as at 30th September, 2019 was £155.024m at an average rate of 4.67%. No new external borrowing was undertaken during the first six months of 2019/20. The Council invested with the Debt Management Deposit Facility and Local Authorities. Total investments as at 30th September, 2019 stood at £99.8m at an average rate of 0.775%.

The Council had to ensure that the Prudential Code was complied with, which had been developed by CIPFA as a professional code of practice. To demonstrate the Council had fulfilled these objectives, the Code set out prudential indicators that should be used and the factors that needed to be taken into account. The Council fully complied with these prudential indicators during the first six months of 2019/20.

The Council had commenced using a new investment tool, Treasury Bills, as proposed in the 2019/20 Investment Strategy subject to legal advice with a view to investing in Money Market Funds during this financial year.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C141, 18th November, 2019, be approved.

Reason for decision

To formally approve the Annual Report on Treasury Management 2017/18.

502 REVIEW OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS – ELECTORAL REGISTRATION OFFICER'S FINAL PROPOSALS (REF) –

The above report was considered by Cabinet at its meeting held on 18th November, 2019 (Minute. No. C147 refers) and was now being referred on to Council for approval.

The report detailed the programme for the review and the final proposals of the Electoral Registration Officer which detailed within the Appendix the current list of polling districts, places and stations for the whole of the Vale of Glamorgan and the Electoral Registration Officer's final proposals having taken the 1983 Act and the Electoral Commission's guidance into account. Where a change to the polling station had been identified, the proposed alternative polling station details were listed supported by the Electoral Registration officer's comments for change. Representations received where also set out in the appendices to the report and were considered.

In assessing the current arrangements, consideration had been given to location, size, availability and accessibility. All schools used as polling stations were reviewed in detail to reduce the number of schools needing to close in the area. In addition, consideration had ben given to a number of concerns and complaints received at the European Parliamentary Election in May 2019, regarding the locations and sizes of

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temporary portacabins. It had therefore been recognised that portacabins required significant adaptation to assist with access.

RESOLVED – T H A T the proposals of the Cabinet, as set out in Cabinet Minute No. C147, 18th November, 2019, be approved.

Reason for decision

In line with the Council's statutory obligations under the Representation of the People Act 1983.

503 COUNCIL TAX REDUCTION SCHEME (REF) –

Approval was sought to confirm the re-adoption of the Council Tax Reduction National Scheme with discretions for 2020/21.

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 31st 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 had recommended to Council the adoption of the discretions allowed in previous years for the year 2020/2021 and as outlined in the body of the report which Cabinet considered on 2nd December.

RESOLVED – T H A T the proposals of Cabinet, as set out in Cabinet Minute No. C161, 2nd December, 2019, be approved.

Reason for decision

To enable the Council Tax Reduction Scheme to be approved by Council by 31st January, 2020 and be in place for implementation from 1st April, 2020.

504 RESHAPING SERVICES – CATERING PROJECT UPDATE (REF) –

Cabinet, at its meeting held on 18th November, 2019 (Minute. No. C146 refers), had considered the above update and was now being referred on to Council for approval in relation to the establishment of the role of the Shareholder Committee in respect of the Local Authority Trading Company (LATC) "The Big Fresh Catering Company". The necessary changes to the Council's Constitution to enable establishment of the

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LATC and its Terms of Reference would be considered later in the agenda (Item No. 7).

RESOLVED – T H A T the requirement to make the necessary changes to the Council's Constitution under Section 13 to include reference to the establishment of a Shareholder Committee and Terms of Reference in respect of the Local Authority Trading Company ("LATC") 'The Big Fresh Catering Company' which would be dealt with later in the agenda, be noted.

Reason for decision

To amend the Council's Constitution to reflect the establishment of the role of the Shareholder Committee.

505 REVIEW OF THE COUNCIL'S CONSTITUTION (MO / HLDS) –

The report sought Council approval to make an addition to the Council's Constitution to establish the role and Terms of Reference of the Shareholder Committee in respect of the Local Authority Trading Company (LATC) – “The Big Fresh Catering Company”.

RESOLVED – T H A T an addition be made to the Council's Constitution under Section 13 to establish the Shareholder Committee in respect of the Local Authority Trading Company (LATC) “The Big Fresh Catering Company” and applicable Terms of Reference be approved as set out below:

Local Authority Trading Company “The Big Fresh Catering Company”:

Terms of Reference:

The Shareholder Committee has authority to undertake all the functions of the Council as shareholder under the Companies Act 2006, and all relevant legislation and associated guidance in respect of its shareholder duties including but not limited to the following matters:

- To determine any shareholder agreement between the Council and the company;
- To agree any reserved matter required by the Articles of Association or Shareholder Agreements. Shareholder reserve powers are any or all powers of the directors (or any of them) as restricted in such respects, to such an extent and for such a duration as the Controlling Shareholder may from time to time, by notice in writing to the LATC prescribe.
- To exercise control as owners of the company for the development of the company's strategic direction; business plan and other matters;
- To meet at least once a year and receive an annual report and business plan from the company and to consider the annual audited accounts for consideration and approval including any financial plan for the coming year with cash flow and forecast;

No.

- To agree the operational and financial parameters of the company as required by the Articles of Association including any services to be traded by the company during the coming financial year;
- To determine any guidance, note for duties of directors (including conflicts of interests)
- To approve and adopt any conflict of interest policy for the Committee;
- To make decisions that only the Council as shareholder can make by law e.g. altering a company's Articles of Association and using, where applicable the written resolution procedure to do so, as prescribed by the Companies Act 2006. Unless it has been set out in, or is ancillary or conducive towards doing anything in, the LATC's then current business plan, the directors and/or the LATC may not do anything other than in the ordinary course of business, without the prior written consent of the Controlling Shareholder as required by the LATC's Articles of Association.
- To appoint and dismiss directors of the Company (where power to do so is reserved to the shareholder). As required by the Articles of Association the Controlling Shareholder is required to appoint the Managing Director of the LATC, and appoint and remove as appropriate, the Council Officer, the Council Councillor, and Expert Director in accordance with the LATC's Articles of Association.
- To appoint and remove any Company Secretary appointed and Auditor;
- To ensure that the company does not lose its status as a "Teckal" compliant company within the meaning of the legislation and regulations in force or as amended from time to time;
- To agree any loan agreements or draw-down of Council financing (subject to funds being made available by the Council and any previous authorised delegations);
- To provide annual updates to the Learning and Culture Scrutiny Committee. Part of the role of the Shareholder Committee will require it to ensure that the financial and propriety controls that apply to local authority-controlled companies as set out in the Local Government and Housing Act 1989 will need to be complied with. This and other matters will be monitored by the Shareholder Committee and reported on for scrutiny to the relevant Scrutiny Committee.

Reason for decision

To amend the Council's Constitution to include the Terms of Reference of the Shareholder Committee.

506 NATIONAL DEVELOPMENT FRAMEWORK (NDF) 2020 – 2040
CONSULTATION DRAFT – RESPONSE TO WELSH GOVERNMENT (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C127(2)), 21st October, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

No.

Reason for decision

To ensure submission to the Welsh Government by 1st November, 2019 and, given that the Scrutiny Committee have given prior consideration to the report without comment.

507 DRAFT VALE OF GLAMORGAN COUNCIL CORPORATE PLAN 2020-25 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C129(3)), 21st October, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

To enable the maximum amount of time for the consultation process to run and for the findings of the same to be fully considered and scrutinised prior to the meeting of Council in February 2020. The consultation plan outlined in this report makes provision for the draft Corporate Plan 2020-2025 to be considered by all five Scrutiny Committees as part of the consultation process during November 2019.

508 WELSH GOVERNMENT'S STRATEGIC EQUALITY OBJECTIVES – DRAFT CONSULTATION RESPONSE (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C143(3)), 18th November, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

To enable the response to be submitted by the Welsh Government deadline following consideration by Cabinet and previously Learning and Culture Scrutiny Committee.

509 SCHOOL ADMISSION ARRANGEMENTS 2021-2022 (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C165(4)), 2nd December, 2019 (as set out in Section 14.14.2(ii) of the Council's Constitution) be noted.

Reason for decision

To allow the consultation to commence on 11th December, 2019.

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

Due notice had been given of the following questions:

(i) **Question from Councillor Miss. A.M. Collins**

What is the Council's view on the firing up again of the incinerator on Barry Docks without full planning permission, without the Environmental Impact Assessment that everyone now agrees ought to have been in place, and before the Welsh Government has been able to comment on the Environmental Statement so far produced by the operator?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

At the outset, I can say that I am extremely concerned that commissioning work has commenced, in the full knowledge and agreement of Natural Resources Wales (NRW), who has confirmed that, as far as they are concerned, the Environmental Permit is now fully complied with.

Furthermore, despite repeated requests since February 2018, the Council has not been advised by Welsh Government of the need or otherwise for an Environmental Impact Assessment in respect of the current planning application.

You will recall that this application seeks amendments to the previous approved application granted permission in 2015. This amendment is with regard to the installation of a fire water tank (suggested by NRW) and as a result the relocation of a parking area. We continue to seek answers from Welsh Government, but to no avail.

I know that the Leader has been extremely concerned and indeed angered by the recent commissioning work and he has written to the Welsh Government at Ministerial and First Minister level, repeatedly in recent weeks to express that concern. He has also written to the operators and their agents and requested a meeting to discuss the current position and the need for the correct consent to be in place before the plant commences any form of electricity generation. I also know that a meeting is being arranged with NRW senior officials on this issue.

Supplemental

Councillor Collins, referring to the upset and dismay of residents in her Ward, sought a guarantee that an EIA was carried out on any further or outstanding planning application.

Referring to his earlier reply, Councillor Williams reminded Councillor Collins that the Council could not enforce such a request and therefore he was unable to agree to it.

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

What is the amount of rent arrears owed to the Council at the end of November 2019, compared to the end of November 2018, and the average amount owed by those on Universal Credit at the end of November 2019, compared with those who are not?

Reply from the Leader

1. At the end of November 2018 the Council housing rent arrears was £215,251. By the end of November 2019, this figure had risen to £352,839, an increase of £137,588 on the previous year.

2. The average arrears for a Universal Credit claimant is £498.

There are 1,437 tenants in arrears with their rent, 402 of these tenants are in receipt of Universal Credit. The average arrears for a Universal Credit claimant is £498 as I said whereas the average arrears for standard benefits claimants is £147.

Supplemental

Councillor Dr. Johnson enquired if the Council was planning to introduce measures which would avoid eviction of tenants from Council properties as a result of their arrears related to Universal Credit.

Reminding Councillor Dr. Johnson that the Council did not evict tenants unnecessarily, he was aware of pending legislation limiting evictions. As the situation was still developing, at the appropriate time, a report would be presented to the Cabinet and relevant Scrutiny Committee for consideration. Acknowledging Councillor Dr. Johnson's reference to the predicament of residents in receipt of Universal Credit, the Leader agreed with him regarding the impact not just in terms of rent arrears, but also in terms of the need of residents to access food banks, and likened the situation to the 1920s' and 1930s' soup kitchens.

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

RSPCA Cymru has called for restrictions regarding the sale and use of fireworks because of the impact of loud noises upon animals.

These include:

- to require all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- to actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;

No.

- to write to the UK Government urging them to introduce legislation to limit the maximum noise level of fireworks to 90dB for those sold to the public for private displays;
- to encourage local suppliers of fireworks to stock 'quieter' fireworks for public display.

Will the Council agree to take action and adopt these measures?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

In terms of the specific points raised by the RSPCA, I would respond, in the order that they are raised, these are as follows:

Point 1: Public fireworks displays are almost always advertised, and I remind Council that you cannot compel the advertising of such displays.

It is also a common misconception that you can only let fireworks off on or around Guy Fawkes. You can in fact let fireworks off **any** time of year and any day of the week including Sundays, but you must let them off before 11pm. There is a "curfew" on the use of adult fireworks between 11pm and 7am, except on:

- Bonfire Night;
- New Year's Eve;
- Chinese New Year; and
- Diwali Night.

There are no regulations which make provision for fireworks displays and there is no licensing requirement purely for public firework displays.

There may be requirements by Local Authorities for firework displays to be regulated under licensing regulations for public entertainment, for example where alcohol or music is also present.

Point 2: This is something the SRS can do in partnership with the RSPCA and others. On a practical note, I have had discussions with SRS Members on this and they intend on 10th December (tomorrow) at the Joint Committee to ask me to engage with the RSPCA. I will do that for the SRS region.

Point 3: As I just said, I intend to write to the Westminster Government on behalf of the SRS Region, suggesting they give consideration to reducing the legal decibel level of fireworks from the current 120Db to 90Db, but in relation to this I am encouraging local suppliers.

Point 4: As almost all fireworks are made in Asia and they cater for the world trade, encouraging local suppliers may be difficult to achieve, as I do not envisage quieter fireworks being made exclusively for the UK market, given the insignificant amount that the UK consumes each year, without legislation from Westminster. Therefore, local suppliers, however willing, are not going to be able to source quieter fireworks.

No.

The law does control the volume that can be generated by fireworks to 120Db. Once again the Petitions Committee believe the decibel level limit of consumer fireworks needs to be looked at again, with animal welfare in mind. They recommend the Government lead a review, working with animal welfare experts and the fireworks industry, of the effects of fireworks noise on animal welfare, with a view to setting a workable reduced maximum decibel limit which would diminish the risks to animal health – that is what the Council should support.

Supplemental

Referring to concerns raised about fireworks and the impact upon animals, Councillor Dr. Johnson asked if the Cabinet Member would commit to bringing forward a report following the SRS meeting to see the actions and monitor their implementation as they went forward?

As a pet owner, Councillor Williams fully supported the measures set out in his earlier reply. He reminded Councillor Dr. Johnson that the agenda for the meeting was already published containing the subject matter and saw no reason for a further report as the minutes of that meeting would be published post meeting, which included the Committee's decisions.

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

Will the Cabinet Member provide Council with an update on the status of the Draft Parking Strategy 2018, including the cost so far of developing the strategy?

Reply from the Cabinet Member for Neighbourhood Services and Transport

Cabinet will receive a report detailing my proposed Parking Policy early in the New Year. The external costs associated with the work to date is £45,500 plus VAT paid to Capita for the previous Parking Strategy document, from 2016 to early 2019.

Supplemental

Assuming that the report had been delayed as a result of the Elections, Councillor Dr. Johnson enquired if the Cabinet Member had made an estimate of the internal cost of the work that had taken place.

Councillor King indicated that he had not as Councillor Dr. Johnson had not asked in his question, but he would make enquiries.

(v) Question from Councillor Dr. I.J. Johnson

In its decision notice on the Barry Dock Biomass Plant, why did the Council only require an Air Quality Assessment at 57 Dock View Road, Cory Way and Estrella House, Cei Dafydd, when the company's own model suggests that the worst affected area for pollution would be in areas around the northern point of Buttrills Road?

No.

What air quality assessment will take place in these areas which have been recognised by the company as being most at risk?

Reply from the Cabinet Member for Neighbourhood Services and Transport

The properties identified in the Planning Decision Notice were those properties closest to the application site, however air quality has been monitored on Buttrills Road, and elsewhere, using diffusion tube equipment. This took place over the course of 2016 and the results showed compliance with the Air Quality limit values for Nitrogen Dioxide. It is intended to leave the monitoring equipment in situ so that we are able to rely on the integrity of the data being provided and this will provide a baseline to assess against, if and when the Biomass plant commences operation. In addition to this monitoring and that required by the Decision Notice, we are currently undertaking air quality monitoring at two sites in Barry; Holton Road and Dock View Road, and these monitors feed real time data back to the SRS website, which has recently been upgraded, where the information is accessible to the public

Supplemental

Alluding to the information for Buttrills Road and any other areas within that sphere around Buttrills Road / Gladstone Road, Councillor Dr. Johnson enquired if he could be kept informed of developments / information.

Councillor King indicated that he would, however he would need to liaise with his colleague.

(vi) **Question from Councillor N.P. Hodges**

What is the status of the planning application 2017/00806/LAW which was scheduled for Planning Committee on 6th September, 2018, but deferred due to the absence of a staff member? No papers relevant to this application have been added to the planning portal in the past year.

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

The Operator of the site has been asked on a number of occasions to consider the request for further information or evidence that they wish to submit to support the claim of lawfulness for the site in question (Berth 31 on Barry Dock).

Despite these requests no new information has been forthcoming so far. However, officers have met with the Operator / Applicants to discuss the current position.

You are correct that this had been the subject of a report to Planning Committee previously, but consideration was deferred, due to the fact that comprehensive written representations had been provided to Councillors and Planning Officers the day before the Committee meeting and given that the lead Legal Officer specialising in the case had been admitted to hospital unexpectedly. Due to the ongoing negotiations it has not been possible to bring the report back to Committee since that time, but I will confirm that the application will be reported back to Planning

No.

Committee in the New Year with or without any further supporting information or evidence.

Supplemental

Councillor Hodges enquired if the Council should demand an explanation from ABP as to why they supported an application for Certificate of Lawful Use on Berth 31 by supplying a statement which was capable of misleading this Council when considering the application.

Councillor Williams reminded Councillor Hodges that it was not for the Council as the planning authority to contact ABP because of the planning process for enforcement of breaches. In this case, the use of the site had been granted planning permission in 2015 for B1, B2 and B8 which meant the site could be used for business, general industrial use and storage or distribution. As the use of the site was valid under planning permission and in the absence of any harmful impact, formal enforcement action would not be expedient.

(vii) Question from Councillor N.P. Hodges

Could the Cabinet Member provide clarity over the use of Supplementary Planning Guidance (SPG) by planning officers in conservation areas?

Officers have previously said that the SPG for the Garden Suburb, Barry was in place for development control / management purposes. When asked why the SPG was not being used to control changes to buildings in the conservation area, officers stated that "permitted rights" allows for changes to buildings without a planning application being made and that the SPG is not a relevant consideration.

Why is the planning department refusing to use their own Supplementary Planning Guidance?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

Councillor Hodges – you have alluded to the answer in your own question. If something is permitted development (as set out through legislation), then it is by nature not something that can be controlled or influenced by the Council and in such cases, SPG will not apply.

Supplemental

Councillor Hodges enquired what was the point of SPGs?

Councillor Williams, referring to his earlier reply, reiterated SPGs were consulted on and in line with the Local Development Plan. Apart from permitted development, it guided applicants, planners, developers and the Planning Committee on what should be allowed.

No.

(viii) **Question from Councillor G.D. Kemp**

Please advise what the projected pupil numbers are for the new build school in Rhose for September 2021, 2022 and 2023.

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

The numbers you request are:

For September 2021 - 122;

For September 2022 – 140;

For September 2023 – 165.

Supplemental

Referring to the intention of the school being a 210 place school, Councillor Kemp sought clarification if those numbers took into account the land that was described as north east of the railway line where a planning application had lapsed and if that land did not come forward, how did the Cabinet Member intend to bring the school up to full use?

Councillor Burnett indicated that the figures did include the figures for the land north east of the railway. It was originally anticipated that this would commence in 2020, however as no planning application had yet been received, the projections therefore reflected a later start date.

511 PUBLIC QUESTIONS –

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

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

You have previously stated publicly that the “Llancarfan (School closure / transfer) wouldn’t be happening if Welsh Labour were running the Council”. Please could you clarify, therefore, which party is currently running Vale of Glamorgan Council, as the electorate are confused by recent actions of the new Leader in respect of the School’s future as they seem to follow the views of former Leader. Further, please can you clarify what role, as Cabinet Member for Education, you played in the ‘informal review’ undertaken by the Leader?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

At the time decisions were being considered and taken I said that this would not be carried out in the way it was. I stand by that statement.

No.

However, the final decision with regard to primary provision in the Western Vale was taken under the previous Administration in March of 2019, it was also agreed within the Capital Programme that was agreed by Council with only 2 Members voting against that Programme, only one of whom was a Ward Member.

As you are aware the Vale of Glamorgan Council's Administration changed in May 2019, with the Labour Party becoming the majority political group, working in coalition with the Vale Independent and Llantwit First Independent Groups.

As Council has previously been informed, the Leader of the Council conducted his own informal review regarding the matter and concluded that there were no further decisions required by Cabinet.

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

Please can the Leader clarify what his "own informal review" consisted of in respect of the Llancafán School decision that led to his Party's apparent u-turn on their pledged support to keep the School in the village?

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

I will confirm that I carried out a personal review of all available information relevant to the matter. I also held a meeting with members of the Llancafán School Action Committee to listen to their views.

As, Leader of the Council and with responsibility for placing items on the Cabinet Agenda, I concluded that all the relevant evidence had been considered previously at both Cabinet Level, but particularly at Scrutiny meetings, (some of which I attended). I also read the relevant documents and reports. I also took into account that much progress had been made on the matter since the decision of Cabinet and that design briefs for the new school had been prepared. Given all the above there was no reason to place the item on a further Cabinet for discussion. Neither do I agree that any pledge was made by me or my Council colleagues to keep the school open as suggested.

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

At a meeting of the Llancafán School Governors held on 15th May, 2019, correspondence from you was read that stated you had been told by officers that the process could not be stopped. For the avoidance of doubt in any future cases, please outline at what point in the process Cabinet decisions become irreversible? Does this point change if there is a change of Cabinet Members, leadership, or ruling party? And does this all correspond with the advice given to you by officers mentioned above?

No.

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

Thank you for the question, however on 15th May, 2019 I was not the Leader of this Council and have never written a letter to the Governors of the school.

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

If the transfer of Llancarfan Primary School to Rhoose goes ahead / is successful in its Business Case, the Vale Council will lose its only school defined as 'rural' by Welsh Assembly Government. Is this something the Vale of Glamorgan Council feels comfortable with seeing happen?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

The Vale of Glamorgan operates under a cluster model for schools, which includes a Rural Cluster comprised of six schools. The Council firmly believes that labels do not define potential for its schools nor should they limit opportunity.

All pupils across the Vale are entitled to equal opportunities for education, and each of our schools brings with it its own unique contribution, regardless of its designation by Welsh Government.

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

Does the Vale Council consider an excellent standard of education to be primarily driven by the facilities (new buildings etc.) provided to students, or the staff delivering the education itself?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

There are, of course, a number of elements which work together in supporting and driving excellence in schools. The facilities available to staff and pupils form part of this. Strong leadership and high-quality teaching and support are absolutely fundamental to pupils' wellbeing and achievement.

The proposal to move Llancarfan School recognises this by providing a school building fit for the 21st Century and the evolving curriculum. The staff and Governing Body will transfer to the new building which will ensure standards of leadership, teaching and support are all maintained.

(vi) **Question from Ms. K. Nicol**

Can you tell me what the status is of the gasification plant in Barry? When will it be operational and why is it not already?

No.

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

First of all, as I understand it, the current status of the Biomass plant is currently undergoing its Commissioning Stage.

However, I need to clarify that commissioning the plant does not fall within the remit of this Council – it is a matter for the owners / operators and Natural Resources Wales (NRW).

NRW has confirmed that the plant recently recommenced its commissioning programme from 18th November using diesel as a base fuel to raise steam for cleaning and refractory dry out purposes. NRW has also confirmed that the site has not as yet fired using waste wood inputs.

I understand that the site will be operational by Christmas, but this detail is still being finalised by NRW who regulate this stage of the process under the Environmental Permit. I understand that this is due to NRW.

I reiterate, the Council had no input into this commissioning process as this is a matter for NRW. Answers given to other questions raised by other members of the public deal with this Council's response to the commissioning.

(vii) Question from Mr. R. Pattenden

I would be grateful if you would make a public statement regarding the impact of the previous Administration's Cabinet decision to exclude further consideration of the 'Blue' by-pass route from the Stage 2 Arcadis Consultants study of transport options through the Dinas Powys corridor between Barry and South Cardiff (15th April, 2019 Cabinet minute C656 refers) and that, as the new Council Leader, you are happy with the process by which the decision has been made. Specifically will you please answer the following questions:-

1. The 15th April, 2019 Cabinet decision was made following a recommendation from the Environment and Regeneration Scrutiny Committee on 7th March, 2019 that 'the Head of Neighbourhood Services and transport progress with Stage 2 works for the Green and Pink route exclusively.' I was present at that meeting. The Officers' report on the study made no recommendation to stop work on the Blue route. The matter was raised by a local Member, Councillor Andy Robertson with the support of the Committee Chair, Councillor Vince Bailey, and, with almost no informed discussion, a recommendation was passed. This reversed the Cabinet's undertaking to Dinas Powys Community Council (of which Councillor Robertson is also a Member) to widen the study scope to allow for the Blue Route alternative. Do you agree, as Leader of the new Administration, that this was effective scrutiny?
2. Are you prepared to review the 15th April, 2019 Cabinet decision and reinstate the Blue route to enable proper and full consideration of all options in accordance with WeITAG? This would ensure that complete information is

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provided for Public Consultation before the Cabinet decide which option or options should proceed to Stage 3.

3. Is the Council aware that in the absence of the Blue route, it will essentially be considering a single route option without any comparison as required by WeITAG since the Green and Pink routes are essentially variations on the same route?

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

By way of background I can advise that the resolutions of Cabinet of 15th April, 2019 are a matter of public record, and I will not repeat them here.

I would also confirm that I do not comment on other Council Members' opinions and that is a matter for them to decide upon. Many of us in this Chamber may have different opinions and are entitled to air those views. That is what democracy is all about. I will make no further comment on that reference in your question.

Subsequent to the consideration and decision taken by Cabinet in April, work by officers on the draft Stage 2 WeITAG in accordance with that decision is advanced and the wider modelling of the possible transport improvements for the Dinas Powys area is due to be commenced shortly.

As the funding for this Study was NOT made available by Welsh Government the Council is funding the remaining Stage 2 study work from its own resources.

In my opinion, this matter was properly scrutinised and considered at both Scrutiny Committee and at Cabinet.

I can confirm that I will not be requesting another report to Cabinet to consider the "blue route" any further. However, it is open to any member of the public to comment at the public consultation stage on this matter, which will follow receipt of the Draft Stage 2 WeITAG Report.

In answer to the specific questions, I would respond as follows:

1. Yes I do consider the matter of the Dinas Powys WeITAG work was properly scrutinised. As you may recall I was a member of the scrutiny committee at the time.
2. I will not be reviewing this Cabinet decision and therefore not including in the current ongoing Stage 2 WeITAG work, the "blue route".
3. Yes, the Council is aware that the two transport road routes still under consideration are the pink and green routes and which follow a similar corridor of interest. The Study however, is about far more than just road infrastructure and will consider transport improvements related to public transport and active travel.

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(viii) **Question from Mr. M. Lock**

Can the Council tell me since declaring a climate emergency what projects or decisions have had a positive environmental impact, excluding all plans and projects that were in the pipeline BEFORE this declaration was made.

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

The Council's declaration of a climate emergency in July 2019 marked an important step for the Authority. As stated in that debate, that declaration builds on many years of work to reduce our environmental impact. That work includes significant reductions in CO2 as a result of introducing the pooled car scheme, which has reduced mileage undertaken by staff to the region of 135,000 miles over the last 4 years, the conversion of 15,793 (67%) of our streetlights to LED, the installation of solar panels at 12 sites, and the implementation of changes to waste and recycling arrangements.

We continue to promote biodiversity by designated conservation zones along highway verges and increasing the planting of wildflowers to aid pollination. The most recent significant example of this is the planting of 10,000 trees as part of the Five Mile Lane works, with a further 7,000 to follow and added to that 1,850 trees that were planted last year in Cosmeston. 10 drinking fountains have been installed across the Vale of Glamorgan to aid the reduction of single use plastics and by the end of 2020 a further 11 will have been installed.

Since the declaration was made, in addition to those schemes, I have already outlined, I am pleased to say that a significant amount of further work is underway. We are currently preparing a Council-wide strategy to co-ordinate our activity and to set out what more can be done, both as an organisation and as a leader in our community. I say this, as climate change affects us all and we all (both as organisations and individuals) need to change our practices and the way we go about our daily lives if we are going to be successful in meeting the challenges of climate change. Responding to climate change will not be possible if we act alone or are if we have the mind-set that it is someone else's responsibility. That said, our work is progressing well, and it is our intention to have our Council-wide strategy in place for adoption in early 2020. The Council's draft Corporate Plan has also taken account of the climate change challenge and has a series of commitments associated with reducing our impact on the environment.

Some examples of the decisions taken since the declaration include the Cabinet's adoption of the Public Services Board's Staff Healthy Travel Charter, which I was delighted to see receive commendation from the Wellbeing of Future Generations Commissioner, Sophie Howe. That Charter sets out ways in which organisations will support staff to travel in more sustainable ways, and reduce the carbon emissions associated with it.

The consultation currently underway in Penarth regarding Nextbikes is a further example of work to promote climate reducing forms of transport and shows how

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innovative use of funding from developments, a concerted effort to reduce carbon emissions and a commitment to improving healthy travel choices can work together. The consultation response so far has been very positive.

By the end of 2020 we will have converted a further 3,713 streetlights to LED which will increase our total quantity of LED units to 91%.

Changes have been made to tender documentation to ensure that a commitment to reducing single-use plastic is incorporated. For example, the four procurement exercises we have run for food products in the Catering service since July 2019 have included commitments to use recycled packaging where possible. The Council's procurement policy makes links to sustainability and the Corporate Plan.

A workshop was held last week (5th December) with the Public Services Board and representatives from the Vale Youth Forum and other youth groups to identify further opportunities to work together on this important subject. This is further evidence that we need to work across organisations if we are to meet the very significant challenge that faces us all.

We are also planning a similar Public Service Board event with the 50+ Forum early next year, so we are able to consult with all ages, all of whom are having to meet the climate challenge.

(ix) **Question from Ms. C. Ockerby**

Can you make public the 24 hour telephone number for Barry residents to call when they have a noise, air or light pollution complaint? If there is no number in place for the 55,000 residents of Barry, please can you tell me why not and ensure one is put in place?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

As you can imagine, a 24 hour telephone requirement would be quite resource intensive and the Council budget as it is, that is just not going to happen. But what we do have is during normal hours you can make a complaint and the Environmental Health Officer will actually consider monitoring out of hours, so it is on a case by case basis. I will say that we have had some staff absence in the last six months or so, due to illness, but that has now been resolved and so any future complaints will be responded to as required.

(x) **Question from Ms. C. Ockerby**

Regarding the recent developments at the Incinerator, who made the decision to keep the information from the public and why wasn't notification given by the Council?

No.

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

I am afraid that I am unable to answer your question, as the decision to allow the plant to be recommissioned was one made between Natural Resources Wales and the operators of the plant. The Council had no involvement and would not be in a position to make such a notification.

I understand that the operators 'Biomass Barry' issued a letter to residents on 13th November, 2019 informing those that received it that the commissioning would commence on 18th November, 2019.

I have a copy of the letter if anyone needs to see it.

(xi) **Question from Mr. M. Lock**

Are the Council aware a biomass plant the size of the one in the Docks will emit the same co2 as 26,000 cars annually and is at least twice as bad/efficient as burning coal? How does this fit in with the climate emergency recently declared and any ambitions for a zero carbon future in the Vale?

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

I note the concern that is being raised, but would respectfully suggest that those concerns should also be raised with the Welsh Government – after all it was the Planning Inspector, appointed and working to the Welsh Government who made the decision to grant planning permission for the plant.

I can only note the calculations and implications you indicate.

In terms of this Council's decision to declare a climate emergency, then we would have regard to issues that we have a direct influence upon and would consider all aspects of any new developments, but I would reiterate that this Council originally rejected the energy from waste plant on this site, when it was considered by the Planning Committee.

(xii) **Question from Mr. M. Lock**

With major developments happening across the Vale there is serious concern from residents that the appropriate infrastructure is not being accompanying development, the new Five Mile canal for example between Weycock and Bonvilston. How can the Council address this so that in ten years' time we are not living in a place with further insufficient roads, schools, drains, transport, leisure facilities and doctors etc.?

Reply from the Deputy Leader and Cabinet Member for Education and Regeneration

I would first like to begin by challenging the suggestions that Five Mile Lane is a canal. There was flooding on the lower (and original part) of the road a few weeks

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ago. This was due to flash flooding that occurred throughout Wales and was caused by storm debris and fly tipping blocking the storm drain adjoining the road. This has now been cleared.

In answer to your question, the Local Development Plan (LDP) sets out the Council's Land Use Planning Strategy for the period 2011-2026. This Plan includes reference to the necessary infrastructure required to deliver sustainable growth. Indeed one only needs to consider the extent of the substantial multi million pound investment through 21st Century Schools to conclude how serious this Administration is about improving facilities and infrastructure for residents of the Vale – both in terms of current and future generations, which includes 13 projects that were designed to be delivered by 2023, details included in this report spelled this out.

Further Supplementary Planning Guidance particularly around planning obligations and affordable housing has also been prepared as part of the process of the adoption of the LDP and this includes guidance for developers on the requirements for contributions towards education provision, drainage, sports and leisure, sustainable transport and community facilities. Our performance in terms of leveraging community benefits alongside new developments is far and away the best in Wales, with significant investment over the years in terms of new infrastructure within the communities that have seen new developments.

Notwithstanding the above, as part of the LDP preparation and adoption process, other statutory partners, such as the NHS, Welsh Water and NRW, were consulted and provided advice on the sustainability of plans included within the document. The independent Inspector who undertook an inquiry into the Plan over a nearly 10 month period, was also satisfied that the proposals were sustainable when recommending the Plan for adoption.

Finally, it is important to note that schemes such as Five Mile Lane, the Northern Access Road, in St. Athan and the new Cowbridge to Llantwit Major link road are all being delivered along with other key infrastructure projects including dedicated cycle and foot paths and were all proposals contained within the LDP.

(xiii) **Question from Mr. R. Wells**

On the planning section main page of your website, to have a map of the Vale of Glamorgan. On the map you have flags / markers for any planning applications. You can look over the map, and if a plan / area, interests you, you click on that marker, and it tells you what is planned.

The two main reasons to do this are, one, the planning section of the website is very complicated. I've been on the phone to the planning department staff, they have looked at the website, whilst I've been on the phone, and they can't find what I've wanted to know, saying it's complicated. If they can't find something, that they do every day, and is their job, how are the public going to find something? And secondly, for safety sake, some yellow posters are on a dangerous road, or somewhere dangerous to get to. You can roughly remember where the poster is,

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then when you are in a safe place, quickly go on the planning section of the website, quickly scan over the map, and find the plans.

Reply from the Cabinet Member for Legal, Regulatory and Planning Services

May I begin by apologising if the site was not as user friendly as it should have been and also thank you for bringing this matter to our attention.

As there were issues, as you indicated, the Planning page of the Council's website has recently undergone a redesign to make it more customer friendly and this was relaunched on 25th November.

Members of the public are now able to access the Planning Register or planning maps, within three clicks of the Council's main home page.

The Council is committed to continually updating its planning pages to ensure they remain customer friendly and easy to access for all and where possible improvements will be made as and when resources allow.

(xiv) Question from Mr. R. Wells

A cycle path / pavement should be made between Barry and Dinas Powys. Lots of people need to cycle and walk this route, there is no quick safe route for them, this should have been done years ago. Other areas you have added cycle paths next to pavements, have already had safe areas. Please install this, before someone is seriously injured, or killed. Years ago I rang the Council, and they said they had problems finding land owners. I'm sure being a Council, you have Land Registry, or easily find out who owns the land. Along most of the road is a river / stream. This could be directed through a rectangular concrete tube, with the pavement / cycle path above.

Reply from the Cabinet Member for Neighbourhood Services and Transport

I agree with you that there is a need for a new cycle / foot path linking Barry and Dinas Powys.

The Council's Local Development Plan Policy MG16 recognises the Council's commitment to develop the National Cycle Network (of which Cardiff Road Barry to Dinas Powys is part of) within the Vale of Glamorgan.

National Cycle Network Route 88 links to Route 4 Margam Park in Bridgend, through the Vale of Glamorgan via Cardiff Road to the start of Route 8 in Cardiff Bay.

A feasibility study that identifies an indicative but preferred route was prepared by the Council and is identified on the Adopted Local Development Plan Proposals Map. Some sections of the route have been constructed and the remainder of the route is indicative and is at varying stages of development, such as those along Cardiff Road between Barry and Dinas Powys.

No.

The Council has recently commissioned transport experts to undertake the feasibility and design of an active travel route on this Corridor. Once this Draft Study is completed there will be a public consultation on its recommendations which will include the possibility of an active travel route (walking and cycling) linking Barry Biglis Roundabout with Dinas Powys via Cardiff Road. As Mr. Wells notes in his question, part of this area is floodplain and any such route design will need to take that into account.

(xv) **Question from Mr. M. Lock**

With such rich history in the area and Barry once being the world's largest exporter of coal, why is there no formal museum in Barry and what can the Vale do to address this? This would be a great resource for the town and provide a tourist attraction not specifically aimed at just the summer season.

Reply from the Cabinet Member for Leisure, Arts and Culture

There are significant costs to be considered with establishing and maintaining a bespoke museum provision. The Council's strategy at present is to pursue more sustainable opportunities, such as the 'Creating a Sense of Place for Barry' project specifically aimed at showcasing the rich cultural past of the area, by widening access to engagement and providing mechanisms for greater public involvement.

To that end, in March of 2018 a successful application made in partnership with the community to the Heritage Fund's Great Place (Wales) pilot for a programme called Barry-Making Waves, which is a programme of activities to embed heritage and culture in long term plans and activities for Barry.

In addition to this, Barry County Library holds a local studies collection which contains numerous items including books, maps and photographs. It also contributes to the online digital accessible to everyone archive called the 'People's Collection Wales'.

Finally, and with reference to the specific museum proposals, the Council is more than happy to discuss with any group, organisation or individuals who have specific ideas in relation to any of the above.

(xvi) **Question from Mr. D.M. Roberts**

Can the Council confirm that they will turn back on all street lights on in the Garden Suburb, Barry during the switch off time of 00:00 to 06:00, to protect the residents and restore public safety following a high level increase in reported crime from burglaries and car vandalism since April 2019?

Reply from the Cabinet Member for Neighbourhood Services and Transport

The Garden Suburb is well covered by street lighting and full details can be found on the Council's website.

No.

The Council has already removed a significant proportion of part-night lighting in residential areas and lighting on main roads will shortly be converted to LED which will then remain on throughout the night. I anticipate that this next phase will be completed within the next 12 to 18 months.

It is the Council's position, (which has been supported by the South Wales Police), that there is NO specific evidence from other areas, in which similar part time night lighting measures have been introduced, to suggest that levels of crime and numbers of traffic accidents increase as a result of part night lighting.

I would however invite Mr. Roberts to meet with a Council officer to discuss in more detail his concerns to see if we can assist in anyway.