

THE VALE OF GLAMORGAN COUNCIL

Minutes of a remote meeting held on 4th December, 2023.

The Council agenda is available [here](#).

The Meeting recording is available [here](#).

Present: Councillor Julie Aviet (Mayor); Councillors Anne Asbrey, Gareth Ball, Rhiannon Birch, Bronwen Brooks, Gillian Bruce, Lis Burnett, Samantha Campbell, George Carroll, Christine Cave, Charles Champion, Janice Charles, Millie Collins, Marianne Cowpe, Pamela Drake, Vincent Driscoll, Christopher Franks, Wendy Gilligan, Russell Godfrey, Emma Goodjohn, Ewan Goodjohn, Stephen Haines, Howard Hamilton, Sally Hanks, William Hennessy, Nic Hodges, Mark Hooper, Catherine Iannucci, Gwyn John, Dr. Ian Johnson, Susan Lloyd-Selby, Belinda Loveluck-Edwards, Julie Lynch-Wilson, Kevin Mahoney, Naomi Marshallsea, Michael Morgan, Jayne Norman, Helen Payne, Elliot Penn, Sandra Perkes, Ian Perry, Joanna Protheroe, Ruba Sivagnanam, Carys Stallard, Neil Thomas, Steffan Wiliam, Edward Williams, Mark Wilson and Nicholas Wood.

563 ANNOUNCEMENT –

Prior to the commencement of business, the Mayor read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing.”

564 APOLOGIES FOR ABSENCE –

These were received from Councillors Ian Buckley, Anthony Ernest, Robert Fisher, Rhys Thomas and Margaret Wilkinson.

565 DECLARATIONS OF INTEREST –

Councillor Franks declared an interest in Agenda Item No. 16(i) – Vale of Glamorgan Polling District and Places Review 2023 in that he was a trustee of Dinas Powys Library which was listed as a Polling Station. He had a dispensation to speak but not vote on the matter.

Councillor E.J. Goodjohn declared an interest in Agenda Item No. 16(i) – Vale of Glamorgan Polling District and Places Review 2023 in that she is the Chair of Buttrills Community Centre, noting it was a polling station, but not included in the report.

566 MINUTES –

RESOLVED – T H A T the minutes of the meeting held on 25th September, 2023 be approved as a correct record.

567 ANNOUNCEMENTS –

The Mayor made the following announcements:

She had attended a number of events since the last Council meeting, including celebrations to mark the King's birthday, Armistice Remembrance services held throughout the County. She had also attended a Disability Awareness presentation, a Meet Your Army event and a showing of the play the Little Shop of Horrors by the Array Theatre Group. In the last week she had judged her Mayoral Christmas Card competition.

568 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. O. Slade**

Why do you still own community centres that are not accessible for all e.g. Victoria Park Community Centre has no disabled toilets.

Reply from the Cabinet Member for Community Engagement, Equalities and Regulatory Services

All of our 23 Community Centres, including Victoria Park, have disabled toilet facilities that met the requirements of Building Regulations when installed. Subsequent changes to Building Regulations regarding disabled facilities have been made since a number of the facilities were last built or up graded, but these do not apply retrospectively. When any changes are made to Community Centres, by the Council, compliance with the latest building regulations is an essential part of any scheme.

(ii) **Question from Mr. R. Curtis**

The Vale of Glamorgan Council is privileged to have the beautiful and awe inspiring sea and coast within its responsibility. We urgently need to better protect the wonderful biodiversity which call these ecosystems their home. Therefore would the council adopt the following motion for the ocean: "This Council declares an urgent need for Ocean Recovery. We recognise that we need ocean recovery to meet our net zero carbon targets, and we need net zero carbon to recover our ocean. This Council pledges to: Report to Full Council within [12] months on the actions and projects that will begin an ocean recovery in the Vale of Glamorgan. Embed ocean recovery in all strategic decisions, plans, budgets, procurement and

approaches to decisions by the Council (particularly in planning, regeneration, skills and economic policy), aligning with climate change mitigation and adaptation requirements, and considering ocean-based solutions in our journey towards a carbon neutral and climate resilient future. Ensure that local planning supports ocean recovery, working closely with the Marine Management Organisation to embed strong links between the Local Plan and the Bristol Channel Marine Plan to support ocean recovery. Ensure that our nature, biodiversity and climate strategies, such as the Local Nature Recovery Strategy, recognise how land and rivers connect to and impact the ocean and strive to support ocean recovery through a source-to-sea approach. Work with partners locally and nationally to deliver improved water quality and increased sustainability in marine industries, and to develop a sustainable and equitable blue economy that delivers ocean recovery and local prosperity. Grow ocean literacy and marine citizenship in the Vale of Glamorgan, including: Ensuring all pupils are given the opportunity to experience the ocean first-hand before leaving primary school - striving to include home-schooled children. Promoting sustainable and equitable access to the ocean through physical and digital experiences for all residents. Through these actions, embed understanding of the 'source-to-sea' approach and how all people, wherever they live, impact and are impacted by ocean health. Use the Council website and other communication channels to update on ocean recovery progress, and signpost to ocean literacy development opportunities and marine citizenship pledges. Write to the Welsh Government asking them to put the ocean into net recovery by 2030 by: Ensuring Inshore Fisheries and Conservation Authorities have the resources they need to effectively research and monitor our growing number of marine protected areas, and to set and enforce appropriate fishing levels that support local economies and deliver environmental sustainability. Working with coastal, estuarine and maritime communities to co-develop marine policy to ensure it delivers equitable and sustainable outcomes in local placemaking.

Appointing a dedicated Minister for the Coast. Embedding ocean and civic literacy into the national curriculum. Stopping plastic pollution at source by strengthening the regulations around single-use plastics and set standards for microfibre-catching filters to ensure that all new domestic and commercial washing machines are fitted with a filter that captures a high percentage of microfibres produced in the wash cycle and support the solutions needed to address the threat posed by historic coastal landfill sites. Talk to angling groups to encourage sustainable practices. Improving the water quality of our rivers, estuarine and coastal waters leading to the ocean to benefit nature and the health and wellbeing of all UK residents, including by stopping the regular pollution of our rivers and seas. And by listening to marine and social scientific advice to update the Marine Policy Statement and produce a national Ocean Recovery Strategy which will: Enable the recovery of marine ecosystems rather than managing degraded or altered habitats in their reduced state. Consider levelling up, marine conservation, energy, industrial growth, flood and coastal erosion risk management, climate adaptation and fisheries policy holistically rather than as competing interests. Develop a smarter approach to managing the health of the entire ocean that moves beyond Marine Protected Areas and enables links to be made across sectors towards sustainability. Establish improved processes for understanding the benefits of ocean recovery, leaving no doubt the links between this and human lives,

livelihoods, and wellbeing. This Council declares an urgent need for Ocean Recovery. We recognise that we need ocean recovery to meet our net zero carbon targets, and we need net zero carbon to recover our ocean.

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

At the Vale of Glamorgan Council, we recognise the importance of our rivers, sea and coastline, and the vital role they play in ecosystems and climate health. The Council's [Climate Change Challenge Plan](#), under [Project Zero](#), brings together the wide range of work and opportunities available to tackle the climate emergency, reduce the Council's carbon emissions to net zero by 2030 and encourage others to make positive changes. Two challenges are particularly relevant to blue space: challenge 5 is to 'Protect and enhance green and blue space, biodiversity and, resilience and improve understanding of the importance' and challenge 11 is to 'Work with partners to reduce the risk of flooding, manage our coastline and encourage everyone to take a more responsible approach to water use of our natural environment'.

Through the Plan we have made a number of commitments connected with the health of our water systems and coastline, and to support biodiversity including: to improve existing and create more green and blue space through Council led schemes and Section 106 fund, to implement the biodiversity forward plan, to produce Sustainable Urban Drainage guidance, to implement a Flood Risk Management Plan and Shoreline Management Plan, and ensure Sustainable Urban Drainage measures are delivered. In addition, we currently work with Natural Resources Wales (NRW) to monitor bathing water quality.

The Council also gives consideration to the Wales National Marine Plan in its planning processes. The Marine Plan identifies opportunities for the sustainable development of Wales's seas by guiding new development and related decisions both inshore and offshore and is referenced in the Council's Replacement Local Development Plan (RLDP) Preferred Strategy. In accordance with national planning policy, the Council will consider the land use implications of the Marine Plan as part of the plan preparation process.

As part of the evidence base for the RLDP, an Integrated Sustainability Appraisal (ISA) Scoping Report has been prepared, which recognises a number of marine and coastal issues that will need to be considered through the RLDP. Furthermore, the Habitats Regulations Assessment (HRA) of the RLDP Preferred Strategy considers whether any aspects of the RLDP could result in likely significant effects on the Special Areas of Conservation in coastal areas at the Severn Estuary and Dunraven Bay. These ISA and HRA processes will help to shape the detail of the Deposit RLDP to ensure that new development does not result in adverse effects on the integrity of these important coastal sites.

We would also like to draw your attention to the work of NRW, whose regulatory responsibilities cover a number of areas that directly related to the water and ocean environment.

(iii) Question From Mr. D. Clarke

The recent meeting organised by the Vale of Glamorgan Council to discuss issues on Barry Docks was declared a success. With that in mind would the Vale of Glamorgan Council arrange a similar meeting in compliance with obligations set out in Article 3 of the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters in relation to the outstanding Environmental Impact Assessment determination in relation to the Incinerator on Barry Docks? This matter affects the whole town not just the Docks area. Very many people find it difficult to participate in the process due to the lack of input from the Vale Council notwithstanding the terms of the Aarhus Convention. The Council should ensure that there are knowledgeable officers or others available to answer questions put by the public to ensure local residents have an opportunity to comprehend what is otherwise an opaque process.

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

The process of public consultation in respect of this site has been in accordance with the relevant legislation, and there have been wide ranging opportunities for the public to comment and engage in the process, which the Council welcomes. Members have been provided with briefing sessions and progress updates, and there have been regular correspondence streams with interested groups. The applications remain under assessment and will potentially be reported to the Council's Planning Committee in the coming months. Consequently, and given the statutory processes to be followed, it is not considered that there is a requirement at this time for a Vale Council organised public meeting to discuss the applications.

(iv) Question from Mr. M. Wallis

In view of the World Health Organisation's approval of the Vale's nomination as an "age-friendly community" this summer and the development of a Charter by the Public Services Board Three topics identified by the WHO - Outdoor spaces and buildings, Transportation and Housing – are covered by the RLDP, but age-friendly is unmentioned in the current draft, out for public consultation. Could the relevant Councillor report on building appropriate policies and measures into the RLWP and how they will be subjected to consultation?

Reply from the Cabinet Member for Community Engagement, Equalities and Regulatory Services

With respect Mr. Wallis, what you suggest in your question is inaccurate.

The Draft Preferred Strategy for the Replacement Local Development Plan was approved at Full Council on the 20th November. The Preferred Strategy consultation is due to commence on 6th December 2023, and will run for ten weeks. The Draft Preferred Strategy refers to becoming an Age-Friendly Vale, and this principle is a central thread of the Strategy. The key themes, vision and

objectives have an Age-Friendly Vale at their core, particularly in respect of Homes for All, Improving Mental and Physical Health and Well-being, Fostering Diverse, Vibrant, and Connected Communities, Embracing Culture, and Promoting Active and Sustainable Travel Choices. Part of the Vision is that 'Housing growth has delivered homes which cater for all, including affordable homes and older persons' housing; contributing towards diverse and cohesive communities where residents can maintain their independence'. Subsequently and through the Deposit Draft of the Plan, these themes and objectives will be translated into detailed policies. The Deposit Draft will also be subject to public consultation (scheduled for early 2025).

(v) **Question from Mr. L. Mack**

I am concerned that the Art Gallery in Y Barri is an excellent space but could be viewed as being somewhat under-utilised, with a relatively low level of footfall from the town's residents. Is there a way in which the Vale can better arrange matters at the Art Central Gallery so that it becomes more relevant to the town, is better advertised, has shorter periods for shows and perhaps becomes more arts inclusive rather than just static hangings which are sometimes months in duration? Surely it would be a greater asset for the Council if there were events that would attract visitors where fees could be charged? There is a great deal of talent in the town but it does not seem to be captured as best it could?

Reply from the Cabinet Member for Education, Arts and the Welsh Language

Your question is highly relevant, coming as it does at a time when considerable work is being undertaken on setting the Council's budget for next year. Anyone who will have apprised themselves of the recent reports that have been presented to Cabinet, Council and the various Scrutiny Committees will know that we need to review all our services. The way Arts Central operates is no different. I can therefore assure Mr. Mack that the future use and direction of the Gallery will be considered.

569 TO CONSIDER THE FOLLOWING NOTICE OF MOTION – BUS SERVICES IN THE VALE OF GLAMORGAN (SUBMITTED BY COUNCILLORS DR. I.J. JOHNSON AND M.J. HOOPER) –

The Notice of Motion, moved by Councillor Dr. Johnson seconded by Councillor Collins called on the Council to prepare a report to be published and debated within 3 months, on the development of the public transport interchange, including recommendations on how a fully functioning interchange will be provided in the future.

- Council notes the long-term policy of promoting integrated public transport through a Barry Docks public transport interchange, which is included within the Council's Local Development Plan and Local Transport Plan.
- Council recognises the challenges to the bus industry in recent times, including reduction in passenger numbers following the lock-down period,

driver recruitment, and the conclusion of the Welsh Government Bus Emergency Scheme subsidy in July 2023.

- Council supports the provision of a sustainable network of buses across the Vale which recognises people's needs and not just a commercial demand-led service.
- Council requests a report, to be published and debated by Council within three months, on the development of the public transport interchange, including recommendations on how a fully functioning interchange will be provided in future.

Councillor Dr. Johnson set out his rationale for submitting the Motion which broadly related to the policy history and the business case for building the new Public Transport Interchange at the Barry Docks Office location, which had received support from across the political spectrum. He referred to the geographical location of the new interchange in terms of the practicalities of it linking with existing bus transport arrangements in the town and also to the role of bus operators supporting the delivery of bus services from the new interchange. He felt that it was important that fellow Councillors needed to understand at what point it had been made clear to the Council that neither Cardiff Bus or Adventure Travel would be providing a frequent bus service to and from the Barry Dock Interchange. He also referred to the introduction of the B3 service in January 2024 which he understood would be 7 services per day which in the context of the wider service provided across Barry this would be an overall reduction and did not equate to the train service from the facility. He also speculated how members of the public would use the service bearing in mind that a 5 minute delay could potentially result in a 55 minute wait for the next train service at an unmanned station with no facilities. As he understood it, one of the reasons given for the lack of enthusiasm by bus operators to provide bus services from the new facility was due to the impact of Covid-19 on passenger numbers. He felt this was odd given that Covid commenced in 2020 with the bus interchange being built in 2023. Therefore, he enquired at what point, if at all, was the change in passenger numbers due to Covid discussed by officers in the development of the new bus interchange. Of particular relevance was that the bus interchange was part of the Metro Plus scheme funded by Welsh Government and the Cardiff Capital Region. The project was one of very few meaningful improvements made in the Vale of Glamorgan. In the light of the above issues he wondered what proper scrutiny decision making process there had been or would be and he enquired how that information would be cascaded to local Members and to residents who used the public transport network locally. The Motion called for a report which would consider what could be done to retrieve the situation given that all stakeholders wanted the public transport system to work, but also that Welsh Government appropriately funded bus services and not reduce them which they had done in the current year. It was also about what services all stakeholders would like to see in the future and what the Council, the Capital Region and Welsh Government could do to contribute within their powers including, funding to develop public transport in Barry and the wider Vale of Glamorgan.

Councillor Collins, in seconding the Motion, considered that whilst the bus interchange was in theory a good idea and much needed, it was disappointing that the Council had failed to reach an agreement with the bus operators to provide

services from the facility. She went on to comment that services had been terminated, routes changed and complaints received from the public regarding services' reliability. She also described the current public transport in relation to bus services for the town as it was becoming a concern and also relevant given that the Council was building new homes in a location deeply affected by the termination of the 88 bus service, an area not easily accessible without a car or a reliable bus service at the Bendricks, Barry. The loss of this bus service would have a significant impact on residents in that locality. Whilst she understood that a new bus service would operate from the facility in the new year, she considered this not to be enough and more needed to be done to help residents particularly those affected within her Ward and the Council needed to show its commitment to those residents and prove that it cared.

Councillor Carroll thanked Councillors Dr. Johnson and Hooper for submitting the Motion which he was happy to support. He felt that it was important to acknowledge that bus services provided vital transport links between the communities within the County and they were relied upon by many residents, some of whom were vulnerable, and therefore it was a matter of deep regret that Labour Ministers in the Senedd had cut support for bus services across Wales. In contrast, in England, under the Westminster Conservative Government, a £2 fare cap had been introduced. This combined with other measures had resulted in fares going down by 7.4% once London was excluded from the figures. It was clear to him that the Council had a leading role to play in supporting the provision of bus services across the County and urged the Leader to make the strongest possible representations to the Senedd on the matter given the situation faced in the Vale of Glamorgan particularly, regarding the transport interchange. He also considered it lamentable that whilst funding for bus services had been cut by the Welsh Government, £40 million had been spent on imposing a blanket 20mph speed limit across Wales and that the Senedd were also proposing spending a further £120 million on 36 more Senedd Members. He considered it to be a question of priorities and for too long Labour priorities both in the Senedd and within the Council had been wrong.

Councillor Carroll also concurred with Councillor Dr. Johnson's comments that there had been cross party support for the principal of the interchange, but it was unfortunate that the provision of bus services was not at the forefront of the Administration's thinking when developing the facility bearing in mind the cost and an interchange developed with no bus services. He signalled that he and his Group would be supporting the Motion.

Councillor Brooks, referring to the facts, expressed disappointment that the update that she had sent out to Members appeared not to have been read or understood. All were aware of the current situation in that the funding provided by Welsh Government as all authorities move from the Bus Emergency Scheme which had been emergency funding for bus operators provided during the pandemic had been replaced by the Bus Transition Fund for the current financial year. As a consequence of these funding arrangements, the Council, along with other Local Authorities in the South East Wales region, had recently tendered for services that bus operators identified would be withdrawn by operators when the Bus Transition Fund for 2023/2024 expired. She referred to a number of services affected by the

end of this transition funding which served the Vale of Glamorgan. She reiterated that a regional decision would be taken as to what services would be continued in the New Year beginning from April 2024. Therefore, the matter was still fluid in relation to funding and stressed that the Council was doing all it could to ensure as much of the current bus network within the Vale of Glamorgan remained.

Her attention then turned to the Motion which called upon a report being produced within three months. Given the context of the ongoing work, she felt that timescale to be too tight to provide a report and believed that a six month timescale was more appropriate once the new network had been implemented and had time to bed in. In parallel she was aware that the B3 service was due to operate from the interchange from January 2024 which Members were already aware of. A six month time period was more realistic and she reminded Members that the interchange was for a multitude of public transport services. She and officers would continue to liaise with Transport for Wales in terms of information that would inform that report, however she did not support the Motion.

Councillor Mahoney commented that it was understandable that the Administration would not want to debate the issue given the number of bus services cut within the County, given the amount of investment and the limited number of bus services operating from it. Whilst the facility was at a logical location, it was clear that there were not significant numbers of people using the facility for onward trips across Barry and the wider Vale. Alluding to a report later on the agenda in regard to the use of the Chief Executive's Emergency Powers relating to the delivery of the interchange, he felt that the matter was important and should be discussed. In concluding, he referred to the virtue signalling of the Council in relation to a Declaration of Climate Emergency and he considered that declaration to be ironic in the context of the transport interchange not being used and being illuminated throughout the night.

Councillor Franks, referring to the business case, wondered how this had been approved given the failure of bus operators to use the interchange facility and enquired what had gone wrong and welcomed further information on the matter.

Councillor Hooper, referring to Councillor Brooks' comments in regard to a report being provided within six months, proposed that an alteration be made to the Motion to that effect which he believed would gain cross party support and on the basis of what the Member was suggesting.

Councillor Dr. Johnson confirmed that he was happy for the Motion to be altered to reflect a report being produced within six months.

Discussion ensued with the Monitoring Officer providing procedural clarification in that the proposed alteration to the published Motion would require the meeting to agree to that alteration.

The alteration to the Motion was subsequently not agreed by the meeting.

The Monitoring Officer provided further procedural advice to the effect that as Councillor Hooper's alteration had not been agreed it could be considered as an

amendment to the Motion and consequently Councillor Wiliam duly seconded the following, the effect of which was to amend the last bullet point to read as follows:

The amendment to amend the last bullet point of the Motion to read as follows:

- The Council requests a report, to be published and debated by Council within six months, on the development of the Public Transport Interchange, including recommendations on how a fully functioning interchange will be provided in future.

Councillor Morgan referring to the third bullet point of the Motion requested that the bullet point be amended to include the consideration of a sustainable network of buses across the Vale of Glamorgan and not just Barry and he duly moved that amendment to read as follows:

- The Council supports the provision of a sustainable network of buses across the Vale and not just in Barry which recognises people's needs and not just commercial led service.

Councillors Hooper and Wiliam agreed to Councillor Morgan's amendment, the effect of which combined both amendments to the original Motion.

The Leader considered that the Motion in itself mostly stated the obvious and referred to matters that had already happened. Speaking to the amendment, it had been to her knowledge that the matter of the transport interchange had been discussed at least four times in wider areas and the crux of the matter from her perspective was whether a report should be debated by Council at all and suggested that if a proper debate was to take place it was better to do that at the relevant Scrutiny Committee and it was her understanding that the matter was in hand but if it wasn't, the right thing to do was to request for the matter to be considered and then everyone, including the public, could contribute to that debate. She reminded all Members that bus services in Wales and across the UK had been privatised many years ago and the only services that were safe were those which were commercially viable. She signalled that she would not be supporting the amendment.

Councillor Carroll, referring to the amendment, was bemused by the Leader's comments which appeared to contradict Councillor Brooks' comments in relation to a report being produced in six months as opposed to three months. Alluding to Councillors Hooper and Dr. Johnson's agreement to this compromise the Leader appeared to be opposing any report being produced. He was also concerned that the Administration were attempting to stifle the debate which he considered deeply regrettable. Given that the matter was of significant concern to Members and the public he saw no reason why the matter should be debated at a Scrutiny Committee and it should be a matter for the whole of the Council to discuss. He indicated that he was happy to support the amendment.

The Leader corrected Councillor Carroll by indicating that she did not say that she did not want a report. She indicated that the matter should go to the Scrutiny Committee and not to a Council meeting.

Councillor Mahoney indicated that he would vote against the amendment as it was his view that the debate should happen immediately. He had also noted the Cabinet Member's comments in relation to officers, Cabinet Members and Welsh Government justification for the provision of a transport interchange and the related funding for the project. Regardless to whoever funded the project it was still funded from the public purse. He was also concerned that the provision of the bus interchange appeared on the surface not to be viable given the bus operators reluctance to operate from the facility. If this were the case, he enquired why millions of pounds had been spent on the facility and evidently under-utilised. He felt that the business case for providing the facility should have evidenced a clear need for the transport interchange.

Councillor Lloyd-Selby clarified, as the Chair of the Environment and Regeneration Scrutiny Committee, that the matter had already been agreed to be included within the Committee's work programme and a commitment had already been given to bring a report to that Committee in the new year.

Councillor Campbell alluded to her efforts to work in co-operation with bus operators for some time in relation to the matter of public transportation in Rhose and she had also been discussing the very issue with the Leader of the Council. She indicated that she would be bringing the matter to a Scrutiny Committee for which she was a Member and also to a Scrutiny Committee that she did not sit on and to clarify the comments made by Councillor Carroll, she reminded him that he did not need to be on a Scrutiny Committee to bring matters to its attention and that all Members could attend all Scrutiny Committees.

Councillor Perry queried whether the amendment and the subsequent report, if brought to a Council meeting, should consider also how people travelled to bus stops particularly in rural areas.

Councillor Dr. Johnson, referring to the amendment which had been made in good faith by both the relevant Members and particularly the comments made by Councillor Brooks in regard to the timing of the production of a report within six months, said it was clear to him that what the Administration had been talking about had been misunderstood which was perhaps an obvious problem that many of the other Members in the Chamber experienced because what was said was not what was meant. He also referred to his experience personally of waiting for reports to be brought to Scrutiny Committees citing examples where he had done so. As far as he could see the Administration were attempting to duck away from scrutiny.

A Recorded Vote took place on the following amended Motion:

- Council notes the long-term policy of promoting integrated public transport through a Barry Docks public transport interchange, which is included within the Council's Local Development Plan and Local Transport Plan.
- Council recognises the challenges to the bus industry in recent times, including reduction in passenger numbers following the lock-down period,

driver recruitment, and the conclusion of the Welsh Government Bus Emergency Scheme subsidy in July 2023.

- Council supports the provision of a sustainable network of buses across the Vale of Glamorgan which recognises people's needs and not just a commercial demand-led service.
- Council requests a report, to be published and debated by Council within six months, on the development of the public transport interchange, including recommendations on how a fully functioning interchange will be provided in future.

Members	For	Against	Abstain
Anne Asbrey	√		
Julie Aviet		√	
Gareth Ball		√	
Rhiannon Birch		√	
Bronwen Brooks		√	
Gillian Bruce	√		
Lis Burnett		√	
Samantha Campbell	√		
George Carroll	√		
Christine Cave	√		
Charles Champion	√		
Janice Charles	√		
Millie Collins	√		
Marianne Cowpe	√		
Pamela Drake		√	
Vincent Driscoll	√		
Christopher Franks	√		
Wendy Gilligan		√	
Russell Godfrey	√		

Emma Goodjohn		√	
Ewan Goodjohn		√	
Stephen Haines	√		
Howard Hamilton		√	
Sally Hanks		√	
William Hennessy	√		
Nic Hodges	√		
Mark Hooper	√		
Catherine Iannucci		√	
Gwyn John		√	
Dr. Ian Johnson	√		
Susan Lloyd-Selby		√	
Belinda Loveluck-Edwards		√	
Julie Lynch-Wilson		√	
Kevin Mahoney		√	
Naomi Marshallsea		√	
Michael Morgan	√		
Jayne Norman		√	
Helen Payne		√	
Elliot Penn		√	
Sandra Perkes		√	
Ian Perry	√		
Joanna Protheroe		√	
Ruba Sivagnanam		√	
Carys Stallard		√	

Neil Thomas		√	
Steffan Wiliam	√		
Eddie Williams		√	
Mark Wilson		√	
Nicholas Wood	√		
TOTAL	21	28	

The amendment was lost.

Councillor Williams, referring to the original Motion and to the debate on the matter, indicated that he did not support it, as to do so implied the Council was not already taking action to address the issues referred to in the Motion.

The Leader acknowledged the importance of the provision of a sustainable network of public transport, including buses. However, it was important that Members recognised the Council's ability to subsidise buses was linked to the funding received from government. Referring to the recent Autumn Statement of the UK Government, there was no additional funding to Welsh Government for anything other than the very basics. There had to be priorities identified where the funding would be used and reiterated that those discussions were already ongoing. If Members wished to discuss the detail then that should be a discussion at the relevant Scrutiny Committee where interested parties could be asked to contribute including bus operators.

Councillor Perry referred to the need for further discussion on the issue. He questioned why certain current bus services did not serve train station to station in the local bus network.

Councillor Dr. Johnson in summing up referred to the interesting debate. Whilst he welcomed Councillor Carroll's support he considered it disingenuous as Wales had not gained from the funding from the Barnett Formula that the HS2 project in England would have provided to allow the establishment of a far better public transport network in Wales. He thought it was also interesting to hear from the Leader and Deputy Leader regarding the challenges to the services faced under the current circumstances. However, what he had not heard was the detail surrounding the decision making process to build the Barry Dock Public Transport Interchange. All that had been in the debate related to challenges which were present at the start of the year and saw no relevance of the pandemic, the effects which started in 2020. The question the public wanted answered had not been addressed. He had attended the recent public meeting attended by Cardiff Bus and Adventure Travel which laid out the problems bus operators were facing. In the face of those problems it was not difficult to anticipate challenges with services operating from the new facility. Whilst he welcomed the involvement of the Scrutiny Committees he felt it was right to raise the matter at a Council meeting

with the Leader and Deputy Leader, yet questions had not been answered and he therefore signalled that he would be supporting the Motion and requested a Recorded Vote.

The requisite number of Members indicated their support for such a vote.

A Recorded Vote took place on the acceptance of the Motion.

Members	For	Against	Abstain
Anne Asbrey	√		
Julie Aviet		√	
Gareth Ball		√	
Rhiannon Birch		√	
Bronwen Brooks		√	
Gillian Bruce	√		
Lis Burnett		√	
Samantha Campbell	√		
George Carroll	√		
Christine Cave	√		
Charles Champion	√		
Janice Charles	√		
Millie Collins	√		
Marianne Cowpe	√		
Pamela Drake		√	
Vincent Driscoll	√		
Christopher Franks	√		
Wendy Gilligan		√	
Russell Godfrey	√		
Emma Goodjohn		√	

Ewan Goodjohn		√	
Stephen Haines	√		
Howard Hamilton		√	
Sally Hanks		√	
William Hennessy	√		
Nic Hodges	√		
Mark Hooper	√		
Catherine Iannucci		√	
Gwyn John		√	
Dr. Ian Johnson	√		
Susan Lloyd-Selby		√	
Belinda Loveluck-Edwards		√	
Julie Lynch-Wilson		√	
Kevin Mahoney	√		
Naomi Marshallsea		√	
Michael Morgan			√
Jayne Norman		√	
Helen Payne		√	
Elliot Penn		√	
Sandra Perkes		√	
Ian Perry	√		
Joanna Protheroe		√	
Ruba Sivagnanam		√	
Carys Stallard		√	
Neil Thomas		√	

Steffan Wiliam	√		
Eddie Williams		√	
Mark Wilson		√	
Nicholas Wood	√		
TOTAL	21	27	1

RESOLVED – T H A T the Motion was lost.

Reason for decision

Having regard to the debate at the meeting.

570 TO CONSIDER THE FOLLOWING NOTICE OF MOTION – BARRY WATERFRONT DEVELOPMENT (SUBMITTED BY COUNCILLORS M.J. HOOPER AND DR. I.J. JOHNSON) –

The below Notice of Motion moved by Councillor Hooper and seconded by Councillor Hodges was debated.

- Council notes the progress of the Barry Waterfront Development, a major housing development on the site of the old Docks, which is shared between three national (U.K.) house builders; Persimmon, Barratts and Taylor Wimpey (the Consortium).
- Council notes that the Consortium have contracted a third party to undertake much of the finishing off at the site and that the development has not been finished to the standard expected, as mandated in the planning consent, with public open spaces incomplete, road junctions that have safety issues unresolved, streets without street lighting and many hundreds of semi-mature trees left unplanted, while some of the items that are unfinished are up to four years late (Waterside Gardens).
- Council believes that the Consortium of Developers are in breach of conditions of their planning approvals, and have badly let down the residents of the Waterfront, who purchased their properties in good faith.
- Council recognises that it has failed in its duty of care towards residents by failing to enforce the conditions associated with this planning consent.
- Council determines that it will utilise all available means at its disposal (including legal action) to force the Consortium to fulfil all their obligations at the earliest opportunity, and by the end of the financial year, at the latest.
- Council will pursue recompense for Waterfront residents, by demanding that the Consortium plant the 'missing trees' from the development as a Community Orchard in the unusable part of the Council's Harbour Road (overflow car park).

Moving the Motion on behalf of himself and Councillor Dr. Johnson, Councillor Hooper set out his case as to why the Motion should be supported. He indicated that one of the first things he did once elected in May 2022 was to meet up with Council Officers to discuss the ongoing and incomplete works at the Waterfront Development. He, like other residents, had been long suffering since purchasing their properties at the development and went on to highlight the Consortium of Developers' numerous failings to complete public realm, highways and pavement works in accordance with the planning consent and that these failings had covered a number of years which had left roads and pavements unadopted due to safety concerns raised by Council officers which had initially been rejected by the Consortium but subsequently accepted. He also referred to the matter being raised at the Council meeting in September 2022 following a question from himself and the Leader's response. Whilst pressure had been applied by the Council to enforce the Consortium to build the promised school and improvements to the shopping centre this pressure had not been extended to assist residents residing across the Waterfront development. Alluding to a voluntary agreement between the Council and the Consortium which had collapsed, a year on there had been no material improvements to the Waterfront environs, roads and pavements which were still unfinished. He considered that without enforcement the situation would remain unaddressed and without it, the Consortium would not address these matters which were affecting residents. Therefore, to press home the issue, he had raised the matter further at the Council meeting September 2023 highlighting that nothing had changed and no progress had been made to address the issues. He had noted at that time that the Leader had reference the public consultation meeting at the Pumphouse in Barry, but he was puzzled what officers and Cabinet Members expected to glean from this meeting. At that meeting, residents were told that enforcement action was proceeding, however, this contradicted the apparent existence of a voluntary agreement. In an effort to further pressure, he had invited the local news media to view the problems that residents were experiencing with issues on the Waterfront. He also made reference to the 18 months that he had spent taking up the matter on behalf of residents and to the two years of political indecisions to tackle the Consortium's failings. His attention then turned to the recent debate at the previous Council meeting and to those concerns raised by Members in reference to the RDLP Preferred Strategy, in the context of large scale developments. He felt that it was important that the Council learned lessons from the Waterfront development to ensure that other residents across the County in future did not suffer the same fate. He hoped that the Motion would receive support and consideration given as to how communities could be recompensed and referred to one such example which was an idea of providing a community orchard utilising unused land and trees lost from the development but unlikely to be delivered unless the Council forced it to do so. He urged Members to support the Motion.

Councillor Hodges, in seconding the Motion, concurred with the points raised by Councillor Hooper. He made reference to the fact that three sets of local government elections had taken place since the commencement of the development on the Waterfront yet there were still uncompleted roads and pavements to a satisfactory standard. He also made reference to his attendance at past Planning Committees and from his observations at those meetings it had been a speculator's dream. It was clear to him that the Council was not good at

bringing forward large scale developments and that officers and the Council had been pushed around and ignored. He felt that it was time that the Council took control of the matter to ensure that residents were provided with what they needed, especially given that they paid Council Tax. It was right and proper that the Council used every means at its disposal to make sure that the development was fully finished and moving forward, it was important that the Council expected developers to build homes to appropriate standards and that those standards should be adhered to. He indicated that he would be supporting the Motion.

The Leader, referring to the Motion and to bullet points within the same, acknowledged that all Members were well aware of the matters that were outstanding at the Waterfront development and yet to be completed. These issues had been raised with the Consortium and the Council continued to raise with them both formally during ongoing meetings and more formally through legal proceedings. She felt that the Motion was disingenuous and political opportunism when those Members were well aware that matters were being progressed and that the Administration was leading from the front on the issue. She considered it ironic that the Motion had been submitted for Council consideration following the public meeting which had moved matters forward. It was a fact that the Council's view was that the Consortium had breached its planning conditions regardless to personal views on the matter. She agreed that residents had been let down and continued to be let down by the Consortium of developers. She reminded Members that it was not her place to make excuses for the developers and there were no excuses for their failings and that the Consortium had failed in its duty of care. That said, she, her Cabinet and the relevant Council officers were taking the issue very seriously and this was why the Council was seeking recourse through the law courts and there were over 50 planning enforcement notices against the Consortium. She also reminded Members that the Chief Executive and herself met with the Consortium on a fortnightly basis except for the current week when that meeting did not go ahead due to the lack of co-operation from the Consortium and the Council had now moved forward with formal legal action. The insinuation that the Council had failed in its duty of care towards residents was inaccurate given that the duty of care rested with the developers who were selling properties to the public and therefore likely to be in breach of their contracts with individuals who they sold their houses to. The Council had no pecuniary interest in the land and the houses were sold by the developers. She also stressed that over the life of the development which was nearly 12 years, during this time it had been monitored and ongoing breaches pursued. Whilst the development was important to the Council it was only one amongst other developments and enforcement complaints that the Council received each year. The Council was duty bound to work with developers to ensure that the developments were completed in accordance with both the relevant conditions of consent and legal agreements which were signed alongside at that time. When legal action was being considered the Council had to be mindful based on legal advice from lawyers and from Counsel that any action must be founded in law and it should have a reasonable chance of succeeding. To ignore such advice would be foolish and could leave the Council open to challenge and subject to significant cost awards against it and this was why the Council had been attempting to negotiate a resolution with the Consortium of developers at the Waterfront.

Turning to the Motion in regard to using all available means to resolve the matter, that was precisely what the Council was doing to ensure that the Consortium of developers fulfilled their obligations. If developers were responsible for planting trees then the developers should plant the trees and the Council would be pursuing the various issues, however, if Councillor Hooper was interested in a community orchard the Leader suggested that he consider looking at the local nature partnership, but she was not prepared to give up Council land to meet the obligations of the Consortium and indicated that she would not be supporting the Motion.

Councillor Mahoney, indicating that he was uncomfortable with points three and four of the Motion in that he was not aware of the specifics of the situation, indicated that he had spent a number of years battling developers in his Ward in regard to their lack of consideration and lack of adherence to planning conditions and had raised with the Council's Planning Department and to the difficulties of getting such matters addressed by the Council. Whilst he did not dispute the comments made by Councillors Hooper and Hodges he felt uneasy supporting the Motion without seeing the details of the planning approval. Alluding to the Leader's comments in reference to fortnightly meetings with the Consortium developers, he felt that the lack of progress suggested that the developers were not taking the meetings seriously. Reiterating the concerns regarding developers in his own Ward, he felt that developers should not be able to start building until they had provided the community benefits promised first.

Councillor Carroll alluding to his long held beliefs that the Planning system in Wales was unfit for purpose and the situation at the Waterfront only reinforced that view. He pointed out that Planning obligations should not be optional and that developers should not operate in the belief that they did not have to adhere to them. It was clear to him that an attitude existed amongst developers that they could breach conditions and this would be tolerated and that was why enforcement was so important to ensure that a clear message was sent to developers that conditions of planning must be complied with. Signalling that he would be supporting the Motion he went on to cite a number of examples across the county where developers had behaved in an unacceptable manner. He had seen such behaviour in his own Ward. The Council had a clear role to play in ensuring that developments not built to the agreed standard, must use its powers to make developers to put things right. He disagreed with the Leader's comments that the duty of care rested with the developers. It was clear to him that the responsibility was clearly on developers and the Council to ensure that homes were built in accordance with the agreed planning conditions and the Council was obligated to ensure that those planning conditions were met.

Councillor Wiliam did not see the matter an issue of political point scoring, but there was a catalogue of issues with the Waterfront development and with the developers providing facilities up to the appropriate standard but the Council had to accept that it had dragged its feet in addressing the issue and failed to put pressure on the developers to meet their obligations. He also agreed with Councillor Carroll's comments in regards to the need to send a signal to developers to show that the Council was serious and would not tolerate such a

poor attitude towards meeting their obligations. He urged all Members to support the Motion.

Councillor Franks felt that there was a trend that the Council did not always look after the interests of residents and reminded the Cabinet Member of the issues experienced at the former St. Cyres School site in Penarth which had been another example of the Council failing to look after the interests of local residents in Dinas Powys.

Councillor John indicated that there were similar issues experienced with developments in the Llantwit Major area due to the developer failing to address issues which had resulted in highways not being adopted by the Council. He reminded Members this was an historical issue with similar problems going back as far as the former South Glamorgan County Council period where there was land still owned by housing developers. Whilst sympathising with Councillor Hooper's situation and acknowledging that the matters needed to be addressed, once legal action was being taken this took time to achieve its aim.

Councillor Wilson reminded Members that it was important that the Council needed to work positively with all developers to ensure that developments were built in accordance with its planning permission. The pursuit of legal action was very costly with the expectation of public money not being recovered as a result of legal action. The Council had to be mindful of this when taking account of legal advice before agreeing to take legal action and it was also important to bear in mind the planning framework that the Council was required to operate within. Being the Cabinet Member with the responsibility for highway maintenance and repairs, he too was frustrated that developers were not building roads to an adoptable standard which meant that they could not be adopted.

Councillor Dr. Johnson considered Councillor Wilson's comments to contradict the comments made by the Leader as it appeared that Councillor Wilson was suggesting that the Council had little powers to address the issues. Councillor Dr. Johnson felt that this was a matter that could be addressed simply as it was either something that the Council could do within its own powers to rectify the problem or if it was outside the control of the Council, the issue required looking at within the wider Welsh context and the powers that Welsh Government had which would allow it to intervene. Since being elected to the Council and representing a Ward on the Waterfront the issues identified by Councillor Hooper had been longstanding since the development had commenced. The problem for him was that residents were left in limbo as street lighting had not been repaired by the developers and that they could not be repaired by the Council because they had not been adopted. There had been a number of actions taken by the Council in recent years which included the issuing of temporary stop notices in relation to the work taking place at South Haven on the Waterfront development. He also recalled when Councillor Collins was first elected there appeared to be confusion between the developers and officers regarding the adoption of playgrounds, transpiring that the playground had not been transferred so that the Council could improve it. Overall, many of the issues suffered by residents were long term and ongoing issues. Whilst he acknowledged that some of the issues were complex these had not been resolved by the Council and fundamentally the question

required to be answered was if the Council had the powers to actually do something about it?

Councillor Perry recalled a visit to a development in Barry where development had yet to be completed but homes had been occupied by residents and visitors attending the units had to park on unmade ground. It was clear to him that the issues experienced at the Waterfront development were serious and some dangerous. If developers failed to meet planning conditions set by the Council the Council needed to start enforcing more seriously to achieve compliance. Alluding to a development in his Ward which had commenced in 2018, since that time, only 36 homes had been built. The developer had since gone into administration resulting in many of the public realm works not being completed and adopted by the Council. In his view there was a need for a robust LDP when planning conditions were being agreed and there was greater need for the Council to ensure that developers complied with those conditions. He also considered it necessary for the Council to take action retrospectively for instances where developers had complied with a landscaping condition but trees were dead within two years of the planting. It was his view that the Council's enforcement practices were not particularly good and he shared the frustrations with residents in Barry and Llantwit Major who experienced similar issues.

Thanking Councillor Hooper and Councillor Dr. Johnson for bringing the Motion to Council, Councillor Campbell referred to a recent development in her Ward which had required recent planning enforcement in relation to landscaping and public open space works which were left in a poor condition. She signalled that she would be supporting the Motion.

Councillor Cowpe indicated that she was not generally in favour of the Council taking legal action against developers without good reason and potentially a misuse of public funds. However, noting the debate and the problems experienced at the Barry Waterfront and those matters raised in Dinas Powys and Rhoose where the developers had not complied with planning conditions she felt that the Council should not be in a position to get to the point of enforcement to resolve matters and that there should be appropriate procedures in place to enforce the compliance with conditions as developers progressed the development. She acknowledged the need for housing and social housing in the county, however, it could not be right that developers could build houses without appropriate infrastructure, safe roads, street lighting and play areas. She signalled that she would be supporting the Motion.

Councillor Sivagnanam indicated that she would not be supporting the Motion and reminded Members that the Council exercised its authority and took the issues discussed very seriously and where appropriate took enforcement action. She also reminded Members that the Council was currently in negotiations with the Consortium in relation to progress in the outstanding matters and compliance with the planning conditions at the Waterfront. She echoed the comments of the Leader in that there were regular meetings taking place with the Consortium developers to find a solution and the approval of the Motion would add nothing to that given that the action was already in hand and it was clear to her that the Motion was politically motivated. She also reminded Members that they could find

the latest update on progress in relation to the Barry Waterfront development via the Council's website via the Participate Waterfront webpage.

Councillor Hooper, in summing, up thanked all Members for their contribution to the debate which he considered had been worthwhile. He did not accept that the Motion was politically motivated and it was about representing the community and residents at the Waterfront who were understandably upset with the ongoing situation and that they felt let down by the Council. It was clear to him from the debate and issues experienced by other Members of the Council in relation to developments taking elsewhere across the Vale that the problem was a widespread issue and it was right for Members of the Council to stand up for residents against developers not meeting their planning obligations. In regard to the Barry Waterfront and the issues raised by Councillors Dr. Johnson and Hodges, these were issues that had been ongoing for a long time and clearly a problem with similar big developments. The fact of the matter was that these matters had not been resolved. He was sure that developers were running rings around the Council and the leadership of the Council and that was a failure that needed to be addressed and he was concerned that certain Cabinet Members did not take seriously the need to enforce safety concerns. He viewed the Consortium's attitude as cavalier, especially given it had been so long for remedial work to be undertaken and residents being left to deal with the consequences. For him that was unacceptable.

A recorded vote took place on the acceptance of the Motion.

Members	For	Against	Abstain
Anne Asbrey	√		
Julie Aviet		√	
Gareth Ball		√	
Rhiannon Birch		√	
Bronwen Brooks		√	
Gillian Bruce	√		
Lis Burnett		√	
Samantha Campbell	√		
George Carroll	√		
Christine Cave	√		
Charles Champion	√		

Janice Charles	√		
Millie Collins	√		
Marianne Cowpe	√		
Pamela Drake		√	
Vincent Driscoll	√		
Christopher Franks	√		
Wendy Gilligan		√	
Russell Godfrey	√		
Emma Goodjohn		√	
Ewan Goodjohn		√	
Stephen Haines	√		
Howard Hamilton		√	
Sally Hanks		√	
William Hennessy	√		
Nic Hodges	√		
Mark Hooper	√		
Catherine Iannucci		√	
Gwyn John		√	
Dr. Ian Johnson	√		
Susan Lloyd-Selby		√	
Belinda Loveluck-Edwards		√	
Julie Lynch-Wilson		√	
Kevin Mahoney			√
Naomi Marshallsea		√	
Michael Morgan		√	

Jayne Norman		√	
Helen Payne		√	
Elliot Penn		√	
Sandra Perkes		√	
Ian Perry	√		
Joanna Protheroe		√	
Ruba Sivagnanam		√	
Carys Stallard		√	
Neil Thomas		√	
Steffan Wiliam	√		
Eddie Williams		√	
Mark Wilson		√	
Nicholas Wood	√		
TOTAL	20	28	1

RESOLVED – T H A T the Motion was lost.

Reason for decision

Having regard to the debate at the meeting.

571 REVIEW OF THE JOINT CONSULTATIVE FORUM CONSTITUTION (REF) –

RESOLVED – T H A T the Review of the Joint Consultative Forum Constitution as considered by the Joint Consultative Forum on 25th September, 2023 be approved.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.

572 AUDITED STATEMENT OF ACCOUNTS 2022/23 (REF) –

RESOLVED – T H A T the Audited Statement of Accounts 2022/23 as considered by the Special Governance and Audit Committee on 16th November, 2023 be noted.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.

573 AUDITED STATEMENT OF ACCOUNTS 2022/23 (DCR) –

The Council had until 31st May each year to submit draft Statement of Accounts and Annual Governance Statement for audit and external audit had until 31st July to issue a certificate. Those deadlines were relaxed during Covid but there was a backlog of work nationally and the Auditor General for Wales had extended the certification deadline to 30th November for 2023/23 Statement of Accounts. The draft Statement of Accounts and Annual Governance Statement were submitted to Audit Wales on 30th June. This met the locally agreed Audit Wales deadline, but the Council had nevertheless issued a late publication notice.

The Draft Final Statement of Accounts included the consolidation of the draft City Deal Joint Committee accounts and the amended Big Fresh Audit Committee accounts both of these changes amended the bottom line of usable and unusable reserves that were reported in July. There were a number of other changes largely of a presentation and classification nature which would be detailed within the report and were also included in the Auditor's report. The Annual Governance Statement demonstrated that appropriate governance arrangements were in place to meet the governance principles. Actions had been identified to address the governance issues identified during 2022/23.

Audit Wales wrote to those charged with Governance to gain assurance that there was no fraud which would have an impact on the accuracy and integrity of the Statement of the Accounts. There were no fraud issues impacting on the Council's accounts and the responses were included as appendices to the report. The external audit of the Statement of Accounts was complete. The final Audit Wales ISA 260 was attached at Appendix D to the report and confirmed an unqualified audit report. The ISA260 included appendices that set out the audit amendments agreed and a recommendation in respect of Senior Management declarations of interest.

The Council's Letter of Representation was included in Appendix E to the report.

The external audit of the Annual Governance Statement was complete and no significant amendments were required; a minor point relating to the updated Whistleblowing Policy had been reflected in the final version of the statement.

It was proposed that the Audited Statement of Accounts were signed by the Auditor General following approval of Council.

In referring to the report, the Leader indicated that the audit commenced on 3rd July which had since been completed with amendments having been reviewed and agreed by the Council's Governance and Audit Committee. The supplementary information circulated to Members prior to the meeting reflected an amendment to correct the sensitivity analysis in regard to the Pension's Note.

Audit Wales were issuing an unqualified audit report for the period; Joint Committee audits were now underway and making good progress; the Big Fresh Catering Company (BFCC) audit was drawing to a close and amended accounts had been received. The accounts were scheduled to be signed off by the Auditor General on 7th December, 2023 and approval was being sought to approve the Annual Governance Statement, the amended Statement of Accounts and the Letter of Representation.

In regard to the amended accounts, the Leader referred to Appendix A to the report which included a number of amendments to the accounts as set out in ISA260 Statement; the inclusion of Draft City Deal Accounts 2022/2023 which had been received on 15th September, 2023; amendments to transactions in respect of BFCC and the consolidation of BFCC accounts which had been amended to include a dividend relating to 2022/2023 of £304,000 and this had been transferred to school balances. This amendment also affected the Debtors balance by the same amount. Reference to a single entity Debtors balance was also included as an amendment of £260,000 to reflect the overclaim of a Welsh Government grant for free school meals by the BFCC. However, this had a corresponding adjustment against creditors as this sum was owing to Welsh Government. Also included within Appendix A were amendments to the representation of the Debtors and Creditors Notes, changes to the presentation of Capital Adjustments and a change to split between short and long term for Social Care Debtors.

Regarding matters in relation to declarations of interest of senior management officers, Audit Wales had made a recommendation in respect of senior management declarations of interest which had been actioned during the audit period to provide additional assurance in this area and this would be included as part of the 2023/24 Closure of Accounts process. Matters in regard to the Annual Governance Statement, these related to an assessment of Corporate Governance arrangements across the whole of the Council and the report concluded that there was a sound overall control environment with the Head of Regional Internal Audit Services overall opinion being provided as a Reasonable Assurance.

No changes from the draft ISA260 presented in July 2023 had been made other than the inclusion of the Council's updated Whistleblowing Policy which had now been included in the final version of the accounts.

The Leader moved that the recommendations as set out in the report be approved. This was duly seconded by Councillor Protheroe.

Councillor Dr. Johnson, referring to the complexity of the information contained within the report, thanked Council and Audit Wales officers for the hard work in

preparing it. Alluding to the fact that he was not a member of the Governance and Audit Committee and noting the information presented to Members on the budget at the Council meeting in March 2023, reflected on the accuracy of the financial information presented at that time which had been based on information available at that time. Turning to the financial information contained in the Cabinet report of 27th February, 2023 when compared to the Council's financial information contained in the Statement of Accounts now under consideration, it appeared to him that there was £18m more than anticipated i.e. £94.5m compared to circa £130m and when compared to 2018 figures, when taking into account expenditure, there appeared to be £30m more in the Council Reserves. He further queried the figures in relation to pension reserves. He also commented on matters relating to the Housing Revenue Account and he hoped to get clarification in relation to the financial correction in the current financial year at the upcoming Scrutiny Committee the following week.

Councillor Franks referred to the projects and funding to be delivered by the Cardiff City Region Deal and sought clarification as to what benefits would be delivered from these projects. He also enquired as to how the funding attributed to the Education and Improvement budget pressures would be used particularly, if it would be used to support the 21 schools within the County that were in financial deficit. He also sought clarification as to what projects would be delivered under the Project Zero budget and to the timeline for the delivery of those projects.

Councillor Carroll thanked the relevant officers for preparing the accounts. Acknowledging the approval of the Statement of Accounts was very different to the budget setting process, he did share the same concerns aired by Councillor Dr. Johnson in regard to the level of reserves and he would be raising that matter at the Council meeting in March when the budget was due to be discussed.

The Leader reminded Members that discussions had been held on the report at the recent meeting of the Governance and Audit Committee who were qualified to interrogate the information contained within the Statement of Accounts. Referring to the comments made in relation to the detail of those projects pointed out that Members could raise matters relating to the detail of each of the projects at the relevant Scrutiny Committee for discussion. She also alluded to the briefing sessions recently held and delivered by the Council's Section 151 Officer in relation to the Council's budgets and Medium Term Financial Plan. She was aware that not all Members had attended these sessions. Turning to the points raised in regard to the Capital City Region Deal projects, these were matters for the relevant body to respond to in detail and if Members wished the relevant officers from the Cardiff City Region Deal could be requested to attend the relevant Scrutiny Committee to provide Member information and to respond to questions. In regard to the use of the Education Improvement Budget, this would be discussed at the Council's budget setting process in March. As for the Project Zero Reserve, this budget was to deliver the related projects, details of which were already available to all Members.

RESOLVED –

- (1) T H A T the Final Statement of Accounts and Annual Governance Statement attached at Appendices A and B to the report be approved.
- (2) T H A T delegated authority be granted to the S151 Officer in liaison with the Chair of the Governance and Audit Committee to make any final adjustments to the Final Statement of Accounts and Annual Governance Statement as necessary.
- (3) T H A T the response to the Audit Wales Audit Enquiries attached at Appendix C to the report be noted.
- (4) T H A T the Audit Wales ISA260 and management actions agreed by the Vale of Glamorgan attached at Appendix D to the report be noted.
- (5) T H A T the Letter of Representation attached at Appendix E to the report be approved.

Reasons for decisions

- (1) Council is the body responsible for the final approval of the Statement of Accounts and Annual Governance Statement.
- (2) The Audit of the Statement of Accounts and Annual Governance Statement is complete.
- (3) Audit Wales has written to both offices and those charged with governance with a set of queries to provide assurance on fraud, legal and related parties.
- (4) The ISA260 is for noting and any adjustment required have been made in the Statement of Accounts and Annual Governance Statement being put forward for approval.
- (5) To enable the submission of the Letter of Representation ahead of the sign off of the Accounts by the Auditor General

(N.B. – Supplementary information was previously circulated to all Members and considered as part of the approval of the matter).

574 USE OF THE CHIEF EXECUTIVE'S EMERGENCY POWERS (CX) -

Councillors Mahoney and Haines questioned the costs associated with the delivery of projects in relation to the Barry Docks Transport Interchange and the Eglwys Brewis Road Active Travel improvements. Discussion ensued with a number of points being made regarding the purpose of the report and to the right of Members wishing to raise questions on those schemes which the Chief Executive had exercised his Emergency Powers for their use to be carried out.

To assist Members, clarification was provided by the Chief Executive as to the purpose of the report and indicated that he would write separately to each of the Members providing the detail and the reason why he had exercised his Emergency Powers in both of the cases.

RESOLVED – T H A T the use of the Chief Executive’s Emergency Powers as contained within the report be noted.

Reason for decision

Having regard to the Council’s Constitution.

575 AMENDMENTS TO THE COUNCIL’S CONSTITUTION (MO/HLDM) –

Councillor Haines, referring to matters relating to the Council’s Multi Location Meeting Policy enquired how meetings would be confirmed as quorate, a sentiment also echoed by Councillor Perry. To assist Members the Monitoring Officer provided clarification that meetings were being conducted in accordance with the relevant legislation and facilities existed within the Council’s meeting solution to identify those Members who were in attendance and that she was satisfied that the meeting was quorate and if at any time the attendance fell below the numbers required to be quorate officers would announce that to the Chair of the meeting.

RESOLVED –

(1) T H A T the revised Multi Location Meetings Policy (Section 4.17.3) of the Council’s Constitution as set out in Appendix A to the report be approved and that the Council’s Constitution be amended accordingly.

(2) T H A T the changes in legislation pertaining to Functions of Full Council (Section 14.10) as set out in paragraph 2.2 of the report be noted and the Council’s Constitution be amended accordingly.

(3) T H A T the proposed amendments to Section 20 (Guides to Public Speaking at Committees) of the Council’s Constitution as set out in Appendix B to the report be approved and that the Council’s Constitution be amended accordingly.

(4) T H A T the changes to the relevant officer delegation as set out in paragraph 2.4 of the report be approved and that Section 26 of the Constitution be amended accordingly.

(5) T H A T the proposed change to Co-opted Members’ Allowances in Section 27.3 of the Council’s Constitution as set out in paragraph 2.5 of the report be approved and the Council’s Constitution amended accordingly.

Reason for decisions

(1-5) Having regard to the content of the report and discussions at the meeting.

576 TREASURY MANAGEMENT MID-YEAR REPORT 2023/24 (REF) –

The Leader indicated that the report considered by the Cabinet had been prepared in compliance with the CIPFA 2021 Revised Code of Practice on Treasury Management and contained a number of key areas in relation to an economic update; the Council's capital expenditure and Prudential Indicators Review which included the Investment Portfolio for 2023/2024 and investments as of 30th September, 2023; the Council's Borrowing Strategy for 2023/2024; details of loans repaid to 30th September, 2023 which totalled £2.68m; details of external interests paid on loans during the first six months of 2023/2024, the estimated total interest to be charged to revenue for internal borrowing for pooled loans for 2023/2024 and information in regard to debt rescheduling.

RESOLVED – T H A T the Treasury Management Mid-Year Report 2023/24 as considered by Cabinet on 16th November, 2023 (Minute No. C152 refers) be approved.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.

577 AGREEMENT TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE DEVELOPER FOR THE CONSTRUCTION OF NEW COUNCIL APARTMENTS AT CADOXTON. BARRY (PART I) (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C113, 5th October, 2023 (as set out in Section 15.14 of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

578 AGREEMENT TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE DEVELOPER FOR THE CONSTRUCTION OF NEW COUNCIL APARTMENTS AT CADOXTON. BARRY (PART II) (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C115, 5th October, 2023 (as set out in Section 15.14 of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

579 THE VALE OF GLAMORGAN COMMUNITY REVIEW – DRAFT PROPOSALS (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C125, 19th October, 2023 (as set out in Section 15.14 of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

580 AGENCY WORKER CONTRACT AWARDS (PART I) (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C133, 19th October, 2023 (as set out in Section 15.14 of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

581 AGENCY WORKER CONTRACT AWARDS (PART II) (REF) –

RESOLVED – T H A T the use of the Urgent Decision Procedure (Cabinet Minute No. C137, 19th October, 2023 (as set out in Section 15.14 of the Council's Constitution) be noted.

Reason for decision

The reporting of the use of the Urgent Decision Procedure is a requirement of the Council's Constitution.

582 QUESTIONS PURSUANT TO SECTION 4.19 OF THE COUNCIL'S CONSTITUTION –

The following responses to Member questions as contained within the agenda were presented:

(i) Question from Councillor H.M. Payne

Recognising the recent good news in relation to the Council's successful Levelling Up bid, how will the proposed developments regenerate the Town?

Reply from the Deputy Leader and Cabinet Member for Sustainable Places

The Barry Making Waves Levelling Up Project provides a catalyst for regeneration across the town. It will regenerate one of the final significant post-industrial brownfield sites within the Barry Dock area, opening it up to the public and improving access to the water via a new marina and water sports centre. It will also include the creation of employment space for new quality jobs while at the same time safeguarding the heritage of Barry. A linear park will provide 2 acres of high quality publicly accessible space at the heart of Barry's waterfront.

These are key projects which will support the wider strategic growth of Barry.

All of this funding will build on the work currently being undertaken to develop a Placemaking Plan for Barry.

In addition, this funding must also be considered alongside the recent award of the Long-Term Towns Fund of £20m over 10 years and the Shared Prosperity Fund (which runs until March 2025). The Long Term Towns Fund will see the Council work with businesses and communities to combat antisocial behaviour, support regeneration, heritage, the town centre, transport and connectivity.

Other investments include a new TFW Barry Railway Depot, the delivery of a multi-million pound Cardiff and Vale Waterfront Campus and the Western Gateway project. The Council has also been working with the UHB to ensure that this £20m+ project delivers much needed housing and a new clinic.

Collectively these investments of over £100m in Barry represent a once in a generation opportunity to bring about transformative change in the town and opportunities for residents.

(ii) Question from Councillor S.T. William

The Vale of Glamorgan's largest Welsh Medium school, Ysgol Bro Morgannwg is anticipated to reach its capacity for pupils in 2026, due to the continued growth in numbers of pupils in the Vale favouring Welsh medium education.

What plans does the Authority have to deal with the situation facing the school in 2026/27?

Reply from the Cabinet Member for Education, Arts and the Welsh Language

I am aware that you have already been in touch with the Chief Executive and officers have responded on this question on 20th November. You will therefore be aware that the Council is currently developing proposals to support the anticipated growing demand in Welsh Medium Secondary Education in readiness for

September 2027, and continue to be proactive in fulfilling its commitments aligned to our Welsh in Education Strategic Plan. I hope you will agree that the work done in recent years continues to have a positive impact on the Welsh medium education sector, and I would be happy to make available the response of officers to all Members of the Council.

Supplemental

Referring to the timeline in the response provided by the Cabinet Member, Councillor Wiliam sought an assurance that there would be a new school provided.

The Cabinet Member confirmed that this would be the case and officers were working towards this.

(iii) Question from Councillor S. Lloyd-Selby

As the cost of living crisis continues to hit people across the Vale, what steps is the Council taking to support people who are struggling, particularly our most vulnerable residents?

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

The Council is taking forward a range of work to support people. This includes key services ranging from housing and employment advice, benefits and the essential work being undertaken in our schools. Our schools are at the forefront of much of work to support the school community and the wider community. This includes food projects like Big Bocs Bwyd which has been extended across Wales and other food pantry and support models being developed in our schools, work on period poverty together with advice, support and well-being focused activities.

As part of the budget for 2023-24 a Cost-of-Living Reserve of £854k was established to fund work to alleviate the pressures of the cost of living crisis. The reserve has been used to provide additional funding to Citizens Advice (£30k has been agreed for 2023-24 and for 2024-25 in addition to their annual grant of £157,335) and worth noting there is a multiplier and the Vale Foodbank (£3.5k to bring the funding up to £20k in 2023-24 and a further £20k in 2024-25), to provide additional support to those in receipt of free school meals to assist with the cost of food over the 2023 school summer holidays (£220k 2023-24) and to contribute to the additional costs associated with the rollout of universal free school meals in primary schools (£200k for 2023-24 and a further £100k in 2024-25). We are currently seeking bids for funding from a small community grants pot (£25k) to assist in providing services to assist the community and this could for example include the provision of warm spaces over the Winter.

The Council's cost of living webpages have recently been updated to provide more information on entitlements, energy and housing as well as a range of other support. Our Age Friendly Vale Officer has also been working with colleagues and

partners to ensure older residents are able to access services and support including greater awareness of pension credits.

We continue to work with our partners to provide funding and support for a number of food projects including, the housing led project, the Penarth Food Pod and CF61 in Llantwit Major. Welsh Government awarded £33,447 to the Vale of Glamorgan Council as part of their Direct Food Support Scheme for 2023-24. Utilising this funding, 11 local projects have been allocated funding with the amounts varying from £2,000 to £5,000.

Welsh Government has also made funding available to support Food partnerships this year. The Vale received £97,000 and this money is being used to further develop Food Vale the Vale of Glamorgan's local food partnership including exploring opportunities on how to create more resilience in the local food system and carrying out a rural Vale food pilot over the winter 2023–24 to increase access to good quality affordable food in our more rural areas.

We are also embarking on some work in response to the Audit Wales all Wales reports on tackling poverty to address some of the longer term issues our communities face. Through the Public Services Board we are undertaking community engagement and asset mapping activities in our most deprived areas. This work is being taken forward by a dedicated Community Development Worker funded through Shared Prosperity Funding.

Finally, we will shortly be consulting on the Council's Annual Delivery Plan for 2024-25 and the cost of living crisis is one of the three critical challenges in the plan and this reflects the importance of the issue and that all services have a role to play in supporting our residents through this crisis.

Supplemental

Councillor Lloyd-Selby, referring to the Leader's comments in relation to small community grants and to the measures she outlined, enquired if the related information was available on the Council's website.

The Leader confirmed that the information on the Council's website had been updated and it was one of a number of places to obtain advice. She had personally signposted enquiries received from within communities to ensure they received the right support. Members of the Council were also points of contact and offer advice and assistance to ensure those who needed support were signposted to the right contact e.g. Citizens Advice.

(iv) Question from Councillor N.P. Hodges

Between 23rd January and 17th March 2023, the Council consulted on the Draft Transgender Inclusion Toolkit, an update on guidance first published in 2018. Eight months later, the results of that consultation have not been made public.

How many people responded to the consultation?
When will the results of the consultation be published?

Will the consultation results, findings and recommendations be brought to the Learning and Culture Committee for debate, as well as to Cabinet?

Reply from the Cabinet Member for Education, Arts and the Welsh Language

How many people responded to the consultation?

There were 591 responses to the online survey just over 50% of responses were from parents. There were around 100 responses to the survey from pupils and schools-based staff, which represents 18% of respondents.

When will the results of the consultation be published?

The consultation responses revised and updated Equality Impact Assessment and proposed amendments to the Toolkit will be reported back to the relevant Scrutiny Committees in the New Year prior to the matter being referred back to Cabinet for further consideration and determination. This was a drawn out process.

Will the consultation results, findings and recommendations be brought to the Learning and Culture Committee for debate, as well as to Cabinet?

As outlined above.

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

How many households have now signed up to the new garden waste collection service at the end of November, and what proportion of Vale households does this represent?

What additional income has been raised from this change, and how does this compare to the target set for the 2023/24 financial year? What review has been undertaken of the impact of the wider changes to waste collection which were introduced, and when will this be reported so that Councillors can understand the impact and provide scrutiny on the implementation of these changes?

Reply from the Cabinet Member for Neighbourhood and Building Services

As you are aware the chargeable service this year started on 1st July, 2023, so was only a 'part year' arrangement. Thanks to the continuing efforts of our residents there were 12,635 subscribers to the new service. This represents 20.72% of all households in the Vale of Glamorgan (excluding flats and apartments). You may recall that the target number of subscribers to meet the financial savings for 2023 / 2024, was 10,000. This resulted in an income level of £262,880.

I will be presenting an update report on the subscription service and the changes to 3 weekly black bag collections at Cabinet on 14th December, 2023, thereafter this report will be referred to the Environment and Regeneration Scrutiny Committee, in January 2024 for its consideration. Full details of the service cost

savings, green waste collection rates and kerbside black bag weight reductions will be contained within this report.

(vi) **Question from Councillor M.J. Hooper**

On 17th September, the Welsh Government changed the default speed limit on restricted roads across the Vale and across Wales.

What steps have the Council taken to ensure that those who drive Council vehicles comply with these limits, and what steps has the Council taken to use its soft power to encourage others over whom it has influence (licensed taxis, bus companies, contractors on Council business) to lead the change we need to see?

Reply from the Cabinet Member for Neighbourhood and Building Services

The primary responsibility for speed enforcement and other traffic offences rests with the Police as the Council has no powers to deal with speeding offences.

It has always been expected that all our operatives, contractors, buses, and taxis working for or on behalf of the Council abide by the laws of the road, and in doing so comply with the Highway Code which promotes safety whilst also supporting a healthy, sustainable and efficient transport system, this includes Rule 124 which refers to legal speed limits for a road whatever the posted speed limit might be.

If the public has concerns with the speed of traffic, the Wales Casualty Reduction Partnership, GoSafe has publicised a clear and concise explanation of how speed enforcement sites are adopted on its [web pages dedicated to 20mph](#), which also contains FAQ on 20mph and links to Welsh Government guidance and services on 20mph. Enforcement will be considered in line with the GoSafe criteria based on threat of risk and harm to road users. As the 20mph speed limit becomes the normality for road users, GoSafe will continue to focus its efforts at addressing community concerns, encouraging the formation of Community Speed Watch Groups and use emerging intelligence to support enforcement in the most dangerous areas.

583 MATTER WHICH THE MAYOR HAD DECIDED WAS URGENT –

RESOLVED – T H A T the following matter which the Mayor had decided was urgent for the reason given beneath the minute heading, be considered.

584 VALE OF GLAMORGAN POLLING DISTRICT AND PLACES REVIEW
2023 (REF) –

**(Urgent by reason of the need for Council to consider the report in order that
the Review can be published by 1st January, 2024)**

RESOLVED – T H A T the Vale of Glamorgan Polling District and Places Review
2023 as considered by Cabinet on 30th November, 2023 (Minute No. C137 refers)
be approved.

Reason for decision

Having regard to the contents of the report and discussions at the meeting.