



## **RHONDDA CYNON TAF**

### **RHONDDA CYNON TAF COUNCIL CABINET**

Minutes of the meeting of the Cabinet meeting held on Thursday, 10 May 2018 at 1.00 pm at the Council Chamber, The Pavilions, Cambrian Park, Clydach Vale, Tonypanyd, CF40 2XX.

#### **County Borough Councillors - Cabinet Members in attendance:-**

Councillor A Morgan (Chair)

Councillor R Bevan    Councillor A Crimmings  
Councillor M Norris    Councillor J Rosser  
Councillor R Lewis    Councillor C Leyshon

#### **Officers in attendance**

Mr C Bradshaw, Chief Executive  
Mr C Hanagan, Service Director of Cabinet & Public Relations  
Mr C Lee, Group Director Corporate & Frontline Services  
Ms E Thomas, Director of Education & Lifelong Learning  
Mrs J Cook, Director of Regeneration & Planning  
Mr R Evans, Director of Human Resources  
Mr A Wilkins, Head of Legal - Corporate & Democratic Services  
Mr B Davies, Director of Financial Services  
Ms A Batley, Service Director, Children's Services  
Ms J Ellis, Housing Strategy And Investment Manager  
Ms Z Lancelott, Head of Engagement & Participation  
Mrs N. Kingham, Business Manager, Cwm Taf Safeguarding Board

#### **Others in attendance**

Councillor M Griffiths  
Councillor R Yeo

#### **142 APOLOGIES**

Apologies for absence was received from County Borough Councillor M Webber and G Hopkins.

#### **143 DECLARATION OF INTEREST**

In accordance with the Council's Code of Conduct the following Declarations of Interest were made pertaining to the agenda:-

- a) County Borough Councillor R Bevan in respect of agenda item 5: "As granted by the Standards Committee on the 8<sup>th</sup> December, 2017 I have a dispensation to speak and vote on all matters relating to the Community and Children's Services Group, save for any specific matters that directly affect my daughter, who is employed by the Council in the Community and Children's Services Group as the Service Manager for Access and Enablement."

- b) Director, Financial Services in respect of agenda item 12: “I am a Director of Amgen. I will leave the meeting when the item is discussed and voted upon.”

#### 144 MINUTES

The Cabinet **RESOLVED** to approve the minutes of the 19<sup>th</sup> April, 2018 as an accurate reflection of the meeting.

#### 145 SUPPLEMENTARY PLANNING GUIDANCE HOUSES IN MULTIPLE OCCUPATION

The Director, Regeneration, Planning & Housing provided Members with a report which outlined the outcome of the public consultation on the Draft Supplementary Planning Guidance (SPG) for Houses in Multiple Occupation (HMOs), which was undertaken during the 25<sup>th</sup> January, 2018 to the 23<sup>rd</sup> March, 2018.

Members were reminded of the need to consult on the Supplementary Planning Guidance, which could be used to assist in the consideration of planning applications both in terms of resisting applications for inappropriate HMOs or HMOs in areas that have already got high concentrations. It was added that the guidance could also assist in raising the standard of new HMOs and guiding any future HMOs to the most appropriate locations.

The Director provided a brief summary of the consultation responses received, which in general supported the guidance.

The Cabinet Member for Enterprise, Development & Housing thanked those who had responded to the consultation, although commented on the low turnout and welcomed the Supplementary planning guidance commenting on how this would assist the Planning and Development Committee when considering future planning applications in respect of HMOs. The Cabinet Member spoke on the effects of HMOs in respect of Treforest and the positives the guidance would have going forward with sustainability of communities and cohesion.

Following discussions the Cabinet **RESOLVED**:

1. To note the consultation record and the responses to the consultation representations, as attached as at appendix 1 of the report.
2. To adopt the Supplementary Planning Guidance, ‘*Houses in Multiple Occupation (HMOs)*’ for planning policy purposes, as detailed in appendix 2 of the report.

#### 146 CONSULTATION RESPONSES TO DRAFT PLANNING POLICY WALES EDITION 10

The Director, Regeneration, Planning & Housing referred Members to her report which outlined the content of the revised Planning Policy Wales (PPW) (Edition 10) issued for consultation by the Welsh Government.

Members were advised that Planning Policy Wales is a national land use planning policy document which is used to inform the preparation of

development plans and local planning policy such as Local Development Plans and is a material decision for officers and Members when considering planning applications. The Director outlined the importance for the Council to make appropriate representations on the policy, as it is a fundamental part of national planning policy guidance, informing the plan, making process and planning decisions in Rhondda Cynon Taf.

The Director highlighted for Members attention parts of the consultation document including the 5 key planning principles, advising that there was no reference to economic development, growth or prosperity within the key principles for planning. Following her summary of the document the Director referred Members to Appendix A of the report which provided a draft overarching consultation response to the policy, for Members comments.

The Cabinet Member Enterprise, Development & Housing endorsed the draft response provided and also took the opportunity to comment on the need for clarity from Welsh Government in respect of which of the elements within the document are absolute, which constitute policy and whether parts of the policy are just guidance tools to aid the design and planning of developments or a checklist for the decision maker. The Cabinet Member also spoke of the importance of Strategic Development Plans going forward, which would support the City Regions aspirations.

**Cabinet RESOLVED:**

1. To note the contents of revised Planning Policy Wales (PPW) (Edition 10) issued for consultation by the Welsh Government ([Draft PPW Edition 10](#))
2. To agree the overarching consultation response, as attached as Appendix A of the report, and for this to be submitted to Welsh Government
3. To give authorisation to the Service Director Planning to submit a further, detailed response to Welsh Government on the technical questions attached to the consultation, as outlined in Appendix B of the report.

(**N.B** County Borough Councillor M Griffiths joined the meeting at the commencement of this item).

**147 CWM TAF SAFEGUARDING BOARD ANNUAL PLAN 2018/19**

The Cwm Taf Safeguarding Board Business Manager provided an overview of the Annual Plan for 2018/19 for the Cwm Taf Safeguarding Board (Children, Adults and MASH).

Members were reminded that the Cwm Taf Safeguarding Board (CTSB) is a statutory partnership made up of the agencies that are responsible for safeguarding children and adults at risk in Cwm Taf. She added that the aim of the CTSB is to ensure that people of all ages, living in Cwm Taf, are protected from abuse, neglect or other kinds of harm. This also involves preventing abuse, neglect or other kinds of harm from happening.

Members were referred to Appendix 1 of the report which provided Members with the key priority outcomes for the coming year, to support the Board in achieving its objectives, with the Business Manager referencing strengthening of delivery of the MASH, improved Performance reporting and taking forward the prevention of abuse and neglect agenda.

The Deputy Cabinet Member for Children & Young People thanked the Board for its good work which was reflected in the positive outcomes for those that it supports. The Deputy Cabinet Member commented on the two key safeguarding objectives around protection and prevention which underpin the work of the CTSB and proposed that the work of the board in respect of safeguarding against 'Child Sexual Exploitation' within the Cwm Taf area is brought to a future meeting of the Cabinet.

Following discussions it was **RESOLVED**:

1. To note and endorse the content of the Cwm Taf Safeguarding Board Annual Plan for 2018/19, as outline within Appendix 1 of the report.
2. To receive a presentation at a future meeting of the Cabinet, outlining the Boards work to date in respect of Safeguarding against 'Child Sexual Exploitation' within Cwm Taf.

(**N.B** As referenced in Minute 143, County Borough Councillor Bevan referred to the dispensation granted to him by the Standards Committee and remained in the meeting when the item was discussed and voted upon.)

## **148 COUNCIL RUN DAY NURSERY PROVISION**

The Head of Engagement and Participation provided Cabinet Members with details of the current arrangements for the delivery of day nursery provision at the Council run day nursery in Ynyscynon and continued to provide Members with further details in respect of potential options for service change.

Members were reminded of the transfer of Ynyscynon Nursery from Education to the Early Years Service in 2016 and the Head of Engagement and Participation advised Members that the Nursery was currently subsidised by the Council, with no fee paying children enrolled. She continued by explaining that this provided a timely opportunity to review service delivery at Ynyscynon Nursery and to identify service improvements and make financial savings without impacting negatively on children and families in that area.

The Head of Service referred Members to Section seven of her report which presented Members with a summary of service review options for their consideration, with option one retaining the status quo and option two, ceasing the day nursery provision.

The Deputy Cabinet Member, Children & Young People spoke on the options within the report, commenting on the proposed Option two highlighting the opportunities before the Council as there were no fee paying children enrolled within the provision. She added that due to sufficient childcare provision within the locality currently, ceasing of provision of non statutory 'fee paying' childcare provision at Ynyscynon and delivering Flying Start only services would not impact negatively on any children or families within the area.

The Deputy Cabinet Member queried the legal officer as to the Councils requirements to conduct a consultation if option two was taken forward, when there were no current service users. The Legal officer advised that it was good practice to undertake a consultation with any proposed service change, to allow the Council to engage with any service users or any potential future service users, although added that a four week consultation would be acceptable.

The Cabinet Member, Education & Lifelong Learning commented on the proposal and the potential change of the Flying Start Childcare provision from its current venue. The Cabinet Member requested that all Local Members associated with the Flying Start Childcare provision within the current Ynyscynon Day Nursery were consulted on any proposed changes in respect of an alternative venue for the delivery of the Flying Start Childcare.

The Cabinet **RESOLVED:**

1. To note the current service delivery arrangements and associated resources as set out in sections 5 and 6 of the report.
2. That following consideration of the proposed options for a review of service delivery, (as set out in section 7 and 10 of the report) that option 2 is taken forward for a 4 week consultation, as outlined below:

**Option 2 - Cease Ynyscynon Day Nursery Provision:**

- Cease the offer of non statutory 'fee paying' childcare provision at Ynyscynon and deliver Flying Start only services. This is proposed due to no fee paying children currently registered and the alternative day nursery provision in the area.
  - Review and rationalise existing staff contracts and rotas of staff at Ynyscynon to ensure optimum resource levels are attained and service flexibility assured, thereby providing staff for 32 Flying Start children. This is proposed due to the current staffing arrangements being greater than that required to run a Flying Start only provision
3. To receive a further report detailing the responses to the consultation in respect of option 2 for Cabinet Members consideration.

**149 REVIEW OF HOUSING ALLOCATION SCHEME AND ASSOCIATED KEY POLICY CHANGES**

The Housing Strategy and Investment Manager provided Members with a report outlining proposed policy and operational changes to Rhondda Cynon Taf's Housing Allocation Scheme ('the Scheme') as a consequence of a recent review of the Scheme and consultation process.

The Officer advised that Rhondda Cynon Taf's Housing Allocation Scheme was last reviewed significantly in 2014, with minor amendments made in 2016 and

2017 in relation to the Housing (Wales) Act 2014. Members were advised that since this time, the Welsh Government had issued a new Code of Guidance for Local Authorities on the Allocation of Accommodation and Homelessness in March 2016. This Code provided guidance which Local Authorities must legally have regard to when exercising their functions in connection with housing allocations and the development and implementation of a Housing Allocation Scheme. The Code advises Local Authorities to review their Housing Allocation Schemes every two years to ensure compliance with the law and good practice. As such, it was timely in 2017, to undertake a more comprehensive review of the Scheme. Officers had also been mindful of the Central Government's welfare reform policies which were due to come into force in 2019, although some of these policies were no longer being taken forward.

Members were referred to section 7 of the report which provided details of the proposed key changes to the Councils Housing Allocation Scheme in respect of Affordability, Allocating Adapted Housing, Branding Scheme, Rent Arrears, Local Letting Plans, Homeless Applicants.

The Deputy Cabinet Member commented on the two reversals in policy in respect of the proposed reforms for 18-21year olds and the Housing Benefit Universal Credit, and welcomed the proposed changes to the scheme which would ensure that the Council continues to meet its housing need effectively. The Deputy Cabinet Member commented on the particular reference to Homeless applicants and the banding system with Domestic Abuse victims. He continued by adding that the scheme assists in building balanced and sustainable communities, helps to prevent homelessness and promotes independence and prosperity for residents, whilst ensuring that the Council is able to discharge its statutory housing responsibilities effectively.

The Leader of the Council also spoke positively on the scheme and queried the local letting policy and whether some of the wording within the policy could be amended to strengthen the Council's position going forward. The Housing Strategy and Investment Manager spoke of the arrangements in place and confirmed that the wording could be amended to take forward a stronger Council position.

With the agreement of the Leader, County Borough Councillor R Yeo spoke on this item at the meeting following pre-scrutiny undertaken by the Health & Wellbeing Scrutiny Committee on the Scheme and Policy changes.

The Cabinet **RESOLVED**:

1. The contents of the report and appendices, subject to the minor amendments relating to the 'local lettings policy 'as outlined by Members during the meeting.
2. The proposed policy changes to the Housing Allocation Scheme as detailed within the report for implementation in June 2018

**(N.B.** At the conclusion of this item County Borough Councillor R Yeo left the meeting.)

**YOUTH ENGAGEMENT AND PARTICIPATION SERVICE**

The Head of Engagement & Participation Service provided Members with an outline of the revised priorities for the Youth Engagement and Participation Service in line with the transfer from Education and Lifelong Learning to Public Health, Protection and Community Services. Members were also provided with information regarding the new delivery model required to deliver against the new priorities of the service.

The Head of Service presented Members with details of the success of the Youth Engagement and Participation Service to date in delivering significant outcomes against education priorities, with reference to the Services receipt of the accolade of the first Local Authority in Wales to gain the Bronze, Silver and Gold Quality Mark Awards for Youth Work in Wales.

Members were referred to section five of the report which presented the new delivery model to be taken forward and the four subsequent priorities to achieve the services aim of *'to support young people aged 11-25 to improve their resilience to deal with current and future challenges, supporting their wellbeing and their positive engagement in and contribution to the communities in which they live'*.

The Deputy Cabinet Member, Children & Young People thanked the staff within the service for its hard work and dedication, accumulating in the documented success of the service, as reflected within the report and spoke of the importance of taking forward the new way of working for the benefit of the young people who access the service, referencing the opportunities now available with the development of Community Hubs.

With the agreement of the Leader, County Borough Councillor M Griffiths spoke on this item, referencing potential youth engagements involvement with Community Councils.

Following discussions the Cabinet **RESOLVED**:

1. The new priorities for the Youth Engagement and Participation Service as outlined within the report.
2. The new delivery model for the Youth Engagement and Participation Service as outlined within the report.
3. That an item be added to the agenda for the next meeting of the Community Council Liaison Committee in respect of 'Youth Engagement with Community Councils'.

**VAT EXEMPTION ON SPORTING ACTIVITIES**

The Director, Financial Services provided Members with his report which set out details of a VAT exemption on the supply of sporting services in respect of Local Authorities, which had recently been legally challenged. Members were advised that the Court of Justice of the European Union found, in the case of the London Borough of Ealing (Case C 633/15), that Her Majesty's Revenue & Customs (HMRC) had incorrectly restricted Local Authorities from the exemption and determined that it had to be applied to both public bodies and other non-profit-

making bodies, as otherwise there would be a distortion of competition.

The Director proceeded to advise Members of the steps taken to date to back date the Authorities claim, advising that the estimated total of the Council's backdated claims for the period 31<sup>st</sup> May 2018 back to 1<sup>st</sup> February 2011 would amount to £3.1M (one-off resource). The ongoing full year financial implication (additional income) is estimated to be £600k per year (base budget) at current income levels. The additional income for 2018/19 financial year (June 2018 to March 2019) will be £500k. Members were advised that the combined backdated and 2018/19 part year benefit amounts to an estimated £3.6M which has not been factored in to the Council's financial plans to date. The Director continued by suggesting that this amount be set aside (as pump priming) into an earmarked reserve to support Invest to Save opportunities as and when they arise.

The Leader thanked the Director and for his report and welcomed the additional one off resource and agreed that this should be earmarked to support Invest to Save opportunities when they arise. The Leader also took the opportunity to thank the officers involved for submitting the initial protective claim to HRMC in February 2015, at the outset of the London Borough of Ealing proceedings.

The Cabinet **RESOLVED**:

1. To note the outcome of the Court of Justice of the European Union in the case of the London Borough of Ealing (Case C 633/15);
2. To implement the exemption on the supply of sporting services from 1<sup>st</sup> June 2018;
3. To note the one-off financial windfall from the backdated claims and the impact on the 2018/19 revenue budget;
4. That the resource be set aside into an earmarked reserve for Invest to Save initiatives; and
5. That the on-going financial savings be factored into the Council's Medium Term Financial Plan from 2019/20.

## **152 HIGHWAYS STRUCTURES**

The Service Director, Highways and Streetcare Services provided Members with an overview of his report which provided Members with a highlight of the progress made in respect of both the highway and non-highway inspection and works programme across the County Borough. The Service Director also provided information in respect of the work undertaken to strengthen the inspection programme in place to support further investment in key priority areas where and when additional resources become available.

Members were reminded of the actions taken forward at the Cabinet meeting on the 24<sup>th</sup> November, 2016 and the Service Director continued by providing Members with the progress made against such actions, in respect of Highways Structure Major Works Programme, Highways Structure Minor Works Programme and Non Highways Structures, such as bridges, retaining walls and culverts. The Service Director advised of the one off funding and staffing



resources needed to undertake the works needed in respect of both highway and non highway structures.

The Service Director continued his presentation of his report by advising of the structural engineering duties relating to planning and building control functions and the proposed transfer of these responsibilities.

The Leader thanked the Service Director for the report and welcomed the proactive approach in respect of undertaking structure maintenance, which would help to contain costs and extend the potential lifespan of the Council's structures. He also added that the rationalisation of duties related to Planning and Building Control functions would bring all matters relevant to structures under the Highways Technical Services Section and would further strengthen arrangements in this area.

Following discussions it was **RESOLVED**:

1. To note the current investment commitment that supports the substantial programme of structures works underway across the County Borough.
2. The proposals in relation to highways inspections and the additional proactive intervention works for the minor works programme.
3. The proposals in relation to the transfer of responsibility for all Parks and Countryside Structures to the Highways Structures Team and the establishment of more robust inspection and maintenance processes.
4. The proposed transfer of responsibility relating to structural engineering duties for Planning and Building Control functions.
5. The allocation of additional funding totalling £320k for 2018/19 to be funded from one off available resources in 2018/19, and for future years for this to be considered further as part of the Council's Medium Term Financial Planning arrangements.

#### **153 EXCLUSION OF THE PRESS AND PUBLIC:**

**RESOLVED** – that the press and public be excluded from the meeting under Section 100A(4) of the Local Government Act, 1972 (as amended) for the following items of business on the grounds that they involve the likely disclosure of exempt information, as defined in: Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act, 1972 (as amended), namely information relating to the financial affairs of any particular person (including the authority holding that information).

#### **154 PROCESSING OF MIXED KERBSIDE RECYCLING**

The Group Director, Corporate & Frontline Services provided Members with his report which contained exempt information, which presented an option for the Council to invest, through its wholly owned Company (Amgen), in new technology to make a step change in the efficiency of the processing of recycle.

Following discussions on the item the Cabinet **RESOLVED**:

1. That following consideration of the proposal as set out in the report to support the investment;
2. To authorise officers to initiate a procurement process to secure the most financially and operationally efficient technology; and
3. That a subsequent business case report be presented to Cabinet for consideration and approval.

(N.B as referenced in Minute No.143 Mr B Davies, Director, Financial Services left the meeting when the item was discussed and voted upon.)

**This meeting closed at 2.15 pm**

**Cllr A Morgan  
Chairman.**