

**MINUTES**

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**CABINET MEETING: 23 SEPTEMBER 2021**

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Cabinet Members Present: Councillor Huw Thomas (Leader)  
Councillor Peter Bradbury  
Councillor Susan Elsmore  
Councillor Russell Goodway  
Councillor Graham Hinchey  
Councillor Sarah Merry  
Councillor Michael Michael  
Councillor Lynda Thorne  
Councillor Chris Weaver  
Councillor Caro Wild

Observers: Councillor Emma Sandrey  
Councillor Adrian Robson

Officers: Paul Orders, Chief Executive  
Chris Lee, Section 151 Officer  
Davina Fiore, Monitoring Officer  
Sarah McGill, Corporate Director  
Joanne Watkins, Cabinet Office

**26 MINUTES OF THE CABINET MEETING HELD ON 16 JULY 2021**

The minutes of the Cabinet meeting held on 16 July 2021 were approved

**27 SCHOOL ORGANISATION PLANNING: TY GLAS ROAD LAND ACQUISITION**

*Appendices 3,4,5 and 6 to this report are not for publication as they contain exempt information of the description contained in paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972.*

The Cabinet received a report containing proposals for the acquisition of land at Ty Glas Road, Llanishen to enable the Council to progress options for a mainstream community secondary school and special school provision. The site was of a suitable size to locate a community secondary school and subject to design a secondary special school. Cabinet were advised that the acquisition would enable a future proofing of secondary education provision as the city's population continues to grow through the development of the strategic housing sites. The strategic acquisition would also accelerate delivery of the Council's 21<sup>st</sup> Century Schools programme and

provide for greater flexibility in the overall programme particularly in relation to the Council's ability to bring forward secondary school projects for schools with condition issues on constrained sites.

**RESOLVED:** that

1. Subject to contract, the freehold interest for the land at Ty Glas, Llanishen be acquired in line with an independent valuation.
2. responsibility be delegated to the Director of Economic Development (in consultation with Director of Education) and Section 151 officer for all matters relating to the acquisition of land and demolition.

28 **21ST CENTURY SCHOOLS BAND B: THE FUTURE FOR WILLOWS HIGH SCHOOL**

A report outlining the responses received following the public engagement exercise on the proposal for new build Willows High School was received. The majority view expressed during the engagement period was support for the proposed new build school and the report outlined an appraisal of all the views expressed, together with the Council's response.

The report also outlined details of the proposed funding strategy which would be used to progress the Willows High School new build and it was recommended that the scheme be delivered through the Welsh Government's Band B 21st Century Schools capital funded programme rather than the Mutual Investment Model previously proposed.

**RESOLVED:** that

1. the responses received during the public engagement exercise on the proposal to provide a new build school for Willows High School be noted
2. it be noted that Officers will be entering into the Deed of Adherence to enable new participants to become a party to and to be bound by the Strategic Partnering Agreement for delivering MIM schemes.
3. Approval be given to the delivery of the scheme through the Band B 21st Century Schools capital funded programme, subject to Welsh Government approval.
4. Authority be delegated to the Director of Education & Lifelong Learning (in consultation with the Cabinet Members for Education, Employment & Skills and Finance, Modernisation & Performance, the Director of Governance and Legal Services, and the Corporate Director for Resources) to determine all aspects of the procurement process (including for the avoidance of doubt (including approving the evaluation criteria to be used, commencing the procurement and authorising the award of the proposed contract) for the new build school and all ancillary matters pertaining to the procurement.

## 29 BUDGET MONITORING MONTH 4

The Cabinet received a report outlining the financial monitoring position for the authority as projected at the end of July 2021(Month 4), adjusted for any significant movements since that date, compared with the budget approved by Council on 4<sup>th</sup> March 2021. The report included an assessment of the ongoing financial impact arising from the response to the COVID-19 crisis and the level of financial support provided by Welsh government.

It was reported that the overall monitoring position, as at Month 4, reflected a total projected net annual Council overspend of £1.442 million, including a total directorate net overspend of £4.042 million and a projected overspend of £400,000 in relation to Capital Financing, partially offset by the £3 million general contingency budget. There were particular pressures evident in Children's Services, Economic Development and Education & Lifelong Learning but the majority of Directorates were currently highlighting adverse financial positions.

**RESOLVED:** that

1. the projected revenue financial outturn based on the projected position at Month 4 of the financial year be noted
2. the capital spend and projected position at Month 4 of the financial year be noted

## 30 CORPORATE RISK MANAGEMENT - QUARTER 4 2020/21

The Cabinet considered the risk management position at quarter 4. The report outlined changes to the risk register since its last presentation to Cabinet.

**RESOLVED:** that the content of the Corporate Risk Register be noted.

## 31 CARDIFF COUNCIL ANNUAL COMPLAINTS REPORT 2020-21

Details of the operation of the corporate complaints procedure between 1 April 2020 and 31 March 2021 were received. A total of 2,537 (Corporate) complaints were recorded during 2020/21. This was a 11.2% decrease from the previous year, when 2,859 complaints were recorded. A total of 1,964 compliments were recorded during 2020/21. This was a 16.2% decrease from the previous year, when 2,345 compliments were recorded. The Ombudsman closed 100 cases involving Cardiff Council in 2020/21 compared to 120 cases in 2019/20.

**RESOLVED:** that the contents of the report be noted

## 32 OVER-CLADDING OF COUNCIL HIGH RISE BLOCKS

***Appendices 1 & 2 to this report is exempt from publication on the basis that it contains information of the description set out in paragraphs 14 and 21 of Part 4 of schedule 12 A of the Local Government Act 1972 and in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.***

***Appendix 3 to this report is exempt from publication on the basis that it contains information of the description set out in paragraph 16 of part 4 of schedule 12A of the local government act 1972.***

The Cabinet received a report detailing progress in replacing the cladding of the Council's high-rise blocks. It was reported that following authorisation by Cabinet in April 2020 the first stage of the procurement process had been progressed for Lydstep flats with early indicative budget costs reviewed and updated with actual market tested independently verified figures, together with legislative changes taken into account. Following the stage 1 scoping and review stage, and with the full requirements of the works known the updated cost plan is £15,109,023. This equates to a cost movement increase of £7,700,734 or 103%. Therefore Cabinet approval was being sought to progress the project at the increased cost.

**RESOLVED:** that

1. the increase in estimated costs for the over cladding of the council high rise blocks at Lydstep flats and potential increases for the future projects at Nelson House and Loudoun House be noted
2. the proposed works for the 3 blocks at Lydstep flats with new estimated costs at circa £15,100,000 be carried out
3. a virement be approved from existing budgets to meet the cost of the Lydstep Flats project and it be noted that Over-cladding work at the other high rise blocks will be subject to a further report which will address affordability and funding.
4. authority be delegated to the Corporate Director, People and Communities, in consultation with the Cabinet member for Housing and Communities, the section 151 Officer and Director of Governance and Legal Services , to deal with all aspects of the procurement relating to re-cladding of the 3 high rise blocks at Lydstep Flats, ( including finalising the procurement route, setting the contract evaluation criteria and award of contracts.)

## 33 INDOOR ARENA FULL BUSINESS CASE

***Appendices 2 to 7 of this report are not for publication as they contain exempt information of the description contained in paragraphs 14 (Information relating to the financial or business affairs of any particular person (including the authority holding that information) and 16 (Information in respect of which a***

***claim to legal professional privilege could be maintained in legal proceedings)  
of Schedule 12A of the Local Government Act 1972.***

A report seeking approval of the Full Business Case and associated legal agreements to conclude the procurement process for delivery of the new Indoor Arena and replacement Travelodge Hotel at Atlantic Wharf, Butetown was considered by Cabinet. The report also sought authority to award the contract for the delivery of a new Indoor Arena to the Live Nation consortium.

**RESOLVED:** that

- (i) the Full Business Case for the new Indoor Arena as set out in Confidential Appendix 2 be approved
- (ii) the Live Nation consortium be confirmed as the successful bidder to be the Council's partner to deliver and operate a new Indoor Arena and Travelodge Hotel at Atlantic Wharf, Butetown;
- (iii) the legal advice mentioned at Paragraph 28 of this report be noted and Option 1 as recommended at paragraph 9.10 of that advice proceed
- (iv) the legal documentation as detailed in Confidential Appendix 5 be approved and authority be delegated to the Director of Economic Development, in consultation with the Cabinet Member for Investment and Development, the Section 151 Officer and the Legal Officer to:
  - (a) approve the final terms of the legal documentation as detailed in Confidential Appendix 4 and in so doing approve any amendments to the legal documentation approved here as may be necessary, for reasons including but not limited to ensuring consistency between them and finalising any outstanding areas;
  - (b) approve any further deeds and documents which are ancillary to the legal documents approved here; and
  - (c) enter into all the necessary contractual documents associated with the delivery of the Arena.
- (v) the obligations that will be placed on the Council to support the delivery of the new Indoor Arena as set out in the Conditions Precedent document attached as Confidential Appendix 3 be noted
- (vi) Approval in principle be given to a Compulsory Purchase Order for the acquisition of land outside of the Arena demise to facilitate the delivery of the wider Arena site and Atlantic Wharf masterplan.
- (vii) Pursuant to powers under Section 122 of the Local Government Act 1972 and Section 227 Town and Country Planning Act 1990, to facilitate the redevelopment of the land for an Indoor Arena in accordance with the development described in this report, to:

- (a) approve the appropriation of the land that is within the Council's ownership edged red on the plan at Appendix 8 to planning purposes as it is no longer required for its current purpose; and
- (b) delegate authority to the Director of Economic Development to take all steps necessary to appropriate to planning purposes:
  - (i) the land edged blue on the plan at Appendix 8 following the advertisement of all relevant public open space notices; and
  - (i) the land edged red on the plan at Appendix 8 following the surrender of the lease to Travelodge and the transfer of ownership of this land back to the Council;
- (viii) Approve for delivery associated enabling works to deliver the Indoor Arena and Travelodge Hotel as described in more detail in Confidential Appendix 2 and the design development costs underwrite as detailed in Confidential Appendix 6.

### 34 **INTERNATIONAL SPORTS VILLAGE UPDATE AND DEVELOPMENT STRATEGY**

***Appendices 1 and 5-11 of this report are not for publication as they contain exempt information of the description contained in paragraphs 14, 16 and 21 of Schedule 12A of the Local Government Act 1972.***

Cabinet considered a report seeking authority to acquire property assets at the International Sports Village comprising of circa 10 acres of land and the Ice Arena Wales building to consolidate the Council's ownership at the site and to accelerate completion of the development. The report also recommended terminating the the Waterfront Development Agreement with Greenbank Partnership Ltd (via its subsidiary Helium Miracle 123 Limited) by mutual agreement. It was reported that approval of the recommendations would allow development at the ISV to progress and address concerns raised by residents of the Cardiff Pointe development which had also stagnated in recent years creating significant uncertainty for existing residents who have found themselves in a position where their properties have become difficult to sell.

**RESOLVED:** that

1. the acquisition of assets owned by Greenbank Partnership Ltd (including its subsidiaries) be approved in accordance with the Heads of Terms set out at Confidential Appendix 5 and to authority be delegated to the Director of Economic Development in consultation with the Cabinet Member for Investment and Development, the Section 151 Officer and the Legal Officer to deal with all matters relating to legal completion of those assets and management of the Ice arena.
2. Subject to (1) above, the formal termination of the International Sports Village Development Agreement with Greenbank Partnership Ltd attached as Confidential Appendix 1 by mutual agreement be authorised

35     **CARDIFF REPLACEMENT LOCAL DEVELOPMENT PLAN: VISION,  
ISSUES AND OBJECTIVES AND INTEGRATED SUSTAINABILITY  
APPRAISAL SCOPING REPORT**

The Cabinet considered a report containing the findings of the consultation undertaken on the Replacement Local Development Plan (LDP) draft Vision, Issues and Objectives and draft Integrated Sustainability Appraisal Scoping Report. The report also set out the proposed Vision and Objectives that would form the core of the Preferred Strategy. The vision and objectives set out the over-arching context for the plan that shows how economic, social and environmental considerations can be balanced to deliver the sustainable development of Cardiff up to 2036.

**RESOLVED:** that Council be recommended to approve the Replacement Local Development Vision and Objectives and Integrated Sustainability Appraisal Scoping Report.