



## **COUNCIL**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 20TH NOVEMBER 2012 AT 5.00 PM**

---

#### **PRESENT:**

Councillor Mrs. G. Oliver - Mayor  
Councillor D.M. Gray - Deputy Mayor

#### **Councillors:**

Miss. L. Ackerman, M. Adams, Mrs. E.M. Aldworth, H.A. Andrews, A.P. Angel, Mrs. K.R. Baker, Mrs. G. Bevan J. Bevan, P.J. Bevan, L. Binding, D. Bolter, D.G. Carter, Mrs. A. Collins, P. Cook, C.J. Cuss, H.W. David, H.R. Davies, D.T. Davies, R.T. Davies, K. Dawson, C. Durham, Mrs. D. Ellis, C. Elsbury, Mrs. C. Forehead, Ms E. E. Forehead, J.E. Fussell, Mrs. J. Gale, L. Gardiner, N. George, C.J. Gordon, R.W. Gough, Mrs. P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, M.P. James, G. Johnston, Mrs. B.A. Jones, G. Jones, Ms. J.G. Jones, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs. R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, Mrs. D. Price, J. Pritchard, J.A. Pritchard, K.V. Reynolds, R. Saralis, Mrs. M.E. Sargent, Mrs. E. Stenner, Mrs. J. Summers, J. Taylor, T.J. Williams, R. Woodyatt

#### **Together with:-**

A. O'Sullivan (Chief Executive), N. Barnett (Deputy Chief Executive), S. Aspinall (Corporate Director - Education and Lifelong Learning), A. Heaney (Corporate Director - Social Services), D. Perkins (Head of Legal and Governance), G. Williams (Principal Solicitor), B. Hopkins (Assistant Director - Our Schools Our Future), D. Jones (Health and Safety Manager), R. Hartshorn (Head of Public Protection), G. Hardacre (Head of Human Resources and Organisational Development), H.C. Morgan (Senior Committee Services Officer)

#### **1. APOLOGIES**

Apologies for absence were received from Councillors Mrs. A. Blackman, W. David, N. Dix, S. Jenkins, S. Kent, D. Rees, J.E. Roberts and L.G. Whittle.

#### **2. MAYORS ANNOUNCEMENTS**

The Mayor referred to the many events and visits that she and the Deputy Mayor have undertaken since the last meeting and advised that whilst she would only mention a few of the 52 engagements, if any member required further details she would be happy to provide the information. During her summary she referred specifically to the number of Remembrance Services that had been attended by Members.

Councillor Mrs. Oliver advised of the launch of the Risca canal boat, Islwyn Lily, and referred to the planning that had gone into the event by Councillor Stan Jenkins. She advised that he is presently resting in hospital and slowly recovering following his stroke early in October.

The Mayor then welcomed Councillor Eluned Stenner to her first meeting of Council following her election to the New Tredegar ward.

### **3. MEMBERSHIP OF COMMITTEES/OUTSIDE BODIES**

Councillor H.A. Andrews advised that as Councillor S. Jenkins would not be able to attend meetings in the short term it was proposed that in the interim Councillor D.G. Carter be designated as Chairman of the Planning Committee, Councillor W. David as Vice Chairman and Councillor Mrs. E. Stenner be the nominated representative on that Committee until Councillor S. Jenkins is able to return to duties. This was agreed and supported by all present who wished him well for a speedy recovery.

With regards to representation on outside bodies it was noted that Councillor D.W.R. Preece is to replace Councillor L. Gardiner on the Rest Porthcawl, Councillor Mrs. J. Jones is to replace Councillor S. Jenkins on the South Wales Fire and Rescue Service and Councillor C. Hawker is to replace Councillor Mrs. J. Summers on the Aneurin Bevan Community Health Council.

### **4. PETITION - REQUEST FOR TRAFFIC CALMING - SOUTHERN PART OF QUEENS ROAD, NEW TREDEGAR**

The Mayor received a petition for traffic calming on the southern part of Queens Road, New Tredegar presented on behalf of local residents by Councillor Mrs. E. Stenner and indicated that it would be referred to the appropriate directorate for attention.

### **5. DECLARATIONS OF INTEREST**

Councillors Mrs. P. Griffiths and D.W.R. Preece declared an interest in the report relating to Cwmcarn High School. The Head of Legal and Governance advised that Members who were school governors (other than of Cwmcarn High School) would not be required to declare an interest.

Councillor D. Bolter declared an interest in the item relating to the Cabinet Sub-Committee (WHQS) minutes. The Head of Legal and Governance advised that, subject to their rent payment being not more than two months in arrears, Members who were council tenants would have a personal interest and could take part in the debate and vote.

With regards to the report on the Notice of Motion - Public Sector Pay, the Head of Legal and Governance advised that Members who were employed by the public sector would have a personal interest but as it was personal but not prejudicial they were not required to leave the chamber and were able to take part in the debate and vote thereon. Councillors M. Adams, L. Binding, C. Cuss, H. David, K. Dawson, Miss E. Forehead, G. Jones, G. Kirby, Mrs. E. Stenner and J. Taylor declared an interest. In accordance with the advice of the Head of Legal and Governance they remained in the Chamber.

Details are minuted with the respective items.

**6. COUNCIL - 11TH AND 23RD OCTOBER 2012**

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Council held on 11th October (minute nos. 1 - 14 on page nos. 1 - 7) and Special Council held on 23rd October 2012 (minute nos. 1 - 3 on page nos. 1 - 3).

**REPORT REFERRED FROM SCRUTINY COMMITTEE**

**7. NOTICE OF MOTION - PUBLIC SECTOR PAY**

Councillors M. Adams, L. Binding, C. Cuss, H. David, K. Dawson, Miss E. Forehead, G. Jones, G. Kirby, Mrs. E. Stenner and J. Taylor declared an interest in this item (as being employed by the public sector). In accordance with the advice of the Head of Legal and Governance they remained in the Chamber and took part in the debate and voting thereon.

Consideration was given to the report which advised of the Notice of Motion submitted by Councillor Kirby requesting that the Council resolves:-

*To write to the Chancellor of the Exchequer and Chief Secretary to the Treasury stating this Council's opposition to plans for regional and localised public sector pay.*

*To write to all local MPs within the next month outlining concerns about the impact that this policy would have on services and the local economy.*

*To sign up to the TUC's Pay Fair campaign and raise awareness of the implications and risks of this policy locally, regionally and nationally.*

Policy and Resources Scrutiny Committee considered the Notice of Motion on 13th November 2012 and in endorsing its content recommended its acceptance by Council.

RESOLVED that the notice of motion be supported and actioned accordingly.

**REPORTS OF OFFICERS**

Consideration was given to the following reports.

**8. CWMCARN HIGH SCHOOL - INTERIM REPORT**

Councillors Mrs. P. Griffiths and D.W.R Preece declared an interest (as her grand daughter is a pupil at the school and as a School Governor respectively) and left the Chamber when the item was being discussed.

Consideration was given to the report which provided a brief chronology of events leading to the closure of Cwmcarn High School on 12th October 2012 and included the executive summary which outlined the main findings of the report presented by Santia Asbestos Management Ltd.

Mr. Barnett, Deputy Chief Executive, advised that the issue of asbestos at Cwmcarn High School is subject to an ongoing investigation by the Health and Safety Executive. Members were advised that the Council continues to co-operate fully with its investigation and has provided full disclosure of all information requested including all asbestos surveys undertaken at the school going back to 2003. He advised that it is necessary to await the outcome of this

legal process and not speculate on issues such as blame and liability and asked Members to keep this in mind during the debate.

It was noted that in August this year, the Council commissioned remedial work to the school, but given the specialist nature of the work, outsourced this to Santia Asbestos Management Ltd. It was during this inspection that the extent of debris in this area's ceiling void was discovered. Given these initial findings, the Council determined that a school wide asbestos survey was required and on 12th October received the draft report, which highlighted the concerns presented by Santia. As a result of the findings the school was closed that afternoon. On 23rd October 2012 Council was given an update on the situation and agreed to commit almost £1.5m to fund transport arrangements and other costs associated with the move of all pupils to a temporary site at the former Coleg Gwent Campus in Ebbw Vale.

In referring to the document, Mr. Barnett advised that the report produced by Santia is a very complex and detailed technical document and referred Members to the Executive Summary outlining the main findings of the report and to the chronology of the Council's involvement with the schools leading up to the closure of the school. This gave Members details of the history of previous investigations at the site to date. It was noted that the full technical report is available on the web site in order that Members, parents and staff are in possession of the full facts behind the decision to close the school.

Members were advised that Cwmcarn High School is a Foundation School and therefore the legal duties are different to that of other schools in the county borough. Mr. Barnett explained the differing responsibilities of the Council and the Governing Body and how these are discharged by both. He advised that the legal duties under health and safety regulations is also different from duties to all other schools within the county borough.

However, despite this distinction, the Authority sought permission from the School previously to provide Asbestos Management Surveyors to assist Cwmcarn High School in discharging their duties when undertaking maintenance or capital works at their school. This arrangement has been in place from 2003. The Authority, through negotiation with the Head, has been commissioned by the school to provide health and safety support services since 31st March 2011 in the same way as all other maintained schools across the county borough, albeit the school remains the duty holder under law.

Mr. Barnett advised that despite the Authority commissioning asbestos surveys on behalf of Cwmcarn since 2003, the full extent and condition of asbestos at the site was not known until the asbestos investigation was undertaken by Santia in late September 2012. What has become apparent is that the maintenance backlog at the school is significant and it is this combined with the level of asbestos product at the school, which was considered too high a risk to easily mitigate or manage on a day-to-day basis.

A full invasive asbestos survey of the site has been commissioned and these investigations are extensive. It is anticipated it will take a month to complete the survey which commenced on site on 19th November 2012. On completion, Santia will present their findings to the School Governing Body, and a further report to Council will, in all likelihood, follow.

The Health and Safety Executive's investigations are continuing and their findings are awaited and as such it would not be appropriate to comment or speculate at this stage. A further report will be presented to Members at the conclusion of the Health and Safety Executive's involvement.

Members were pleased to note that Public Health Wales and Aneurin Bevan Health Board, in conjunction with the Council, is holding a health clinic for pupils and parents/guardians on 21st November 2012. The authority is also providing Occupational Health Clinics on the 20th and 21st November at the Ebbw Vale site to provide support and health advice to the staff.

In concluding his précis of the report, Mr. Barnett advised that whilst the Health and Safety Executive continues to investigate the Management of Asbestos at Cwmcarn High School and is therefore unable to comment on specific matters as it could prejudice the outcome of the investigation, in the meantime they have issued the following statement:-

“HSE is concerned that the Report published on the Council website has been and may continue to be misinterpreted causing unnecessary alarm and distress to the families of staff and children at the school.

HSE is able to state from our investigations to date that:-

1. There was no specific incident of asbestos fibres being released that gave rise to the decision to close the school
2. The Council acted appropriately, given the advice contained in the Santia report
3. None of the air samples at Cwmcarn exceeded the limit clearance indicator threshold of 0.01f/ml as specified in the HSE guidelines: The analysts guide for sampling, analysis and clearance procedures”.

RESOLVED that the interim report be noted and further reports be received on receipt of the Santia investigations and the outcome of the Health and Safety Executive Investigation.

#### **9. GAMBLING ACT 2005 - REVIEW OF STATEMENT OF LICENSING POLICY**

The report, which advised of the results of the consultation carried out to review the Statement of Licensing Policy was considered by the Licensing Committee who recommended to Council that the document be adopted. Members were advised that in accordance with the Gambling Act, the Licensing Authority must prepare, consult upon and approve a Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2010.

RESOLVED that for the reasons contained in the report the revised Statement of Licensing Policy be adopted.

#### **10. THE MARRIAGE AND CIVIL PARTNERSHIP (APPROVED PREMISES)(AMENDMENT) REGULATION 2011**

The report, which advised of changes required as a result of The Marriage and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011, sought the adoption of conditions of licence for these venues and recommendation of a suitable fee, was considered by the Licensing Committee who recommended to Council that the document be approved and the fee be set at £120.

RESOLVED that for the reasons contained in the report:-

- (i) the change to advertising requirements and the reflection in fees currently charged for secular premises be noted; and
- (ii) in recognition of the streamlined process the fee for approval of religious premises be set at £120.

**11. RESPONSIBILITY FOR THE APPROVAL OF SECULAR VENUES FOR THE SOLEMNISATION OF MARRIAGE AND REGISTRATION OF CIVIL PARTNERSHIP**

The report provided a review of the role of the Civil Marriages/Partnerships Sub Committee in the approval process of premises for the Solemnization of Marriages and Registration of Civil Partnerships.

The Licensing Committee considered the report and recommended to Council that, for the reasons contained therein :-

- (i) in future Officers from Licensing and Registrars undertake joint inspections of secular premises and Licensing Officers process applications under delegated powers. Where objections are received from statutory consultees applications be referred to the Licensing Sub-Committee (Taxi and General) with a right of appeal to the Full Licensing Committee minus the original Members.
- (ii) the Civil Marriages Sub-Committee be dissolved.

RESOLVED that subject to any new premises being inspected by the Licensing Committee for the reasons contained in the report the above recommendations from the Licensing Committee be adopted.

**QUESTIONS UNDER RULE OF PROCEDURE 10(2)**

Consideration was given to the following Question under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answer is also provided.

**12. Waste Management Procurement - to the Cabinet Member for Community and Leisure Services from Councillor Mrs. A. Blackman**

Will the Cabinet Member for Waste Management inform us councillors of the number of companies left in this Procurement Process together with their names, details of the cost of the Contract and when the contract is to come to Council for its approval.

**Response from the Cabinet Member for Community and Leisure Services**

If the query is referring to Prosiect Gwyrdd then all of the information requested (with the exception of final contract cost which is still being evaluated) is available through various minutes, particularly the Joint Committee minutes which are reported to scrutiny.

The report on preferred bidder will go to Council in February 2013.

**13. CABINET SUB-COMMITTEE (WHQS) - 25TH AND 30TH OCTOBER 2012**

Councillor D. Bolter declared an interest in this item (being a council tenant). In accordance with the advice from the Head of Legal and Governance he remained in the Chamber.

The minutes of the Cabinet Sub-Committee (WHQS) held on 25th and 30th October 2012 were received and noted.

**14. GWENT POLICE AUTHORITY MINUTES - 27TH SEPTEMBER 2012**

The minutes of the meeting of the Gwent Police Authority held on 27th September 2012 were received and noted. No questions had been submitted relating to any matter referred to in the minutes.

The meeting closed at 5.50 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 29th January 2013 on they were signed by the Mayor.

---

MAYOR