



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 8TH OCTOBER 2013 AT 5.00PM

PRESENT:

Councillor D. M. Gray - Mayor
Councillor D.G. Carter- 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, Mrs. A. Blackman, Mrs. P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, N. Dix, C. Durham, Mrs. D. Ellis, Mrs. C. Forehead, Ms E. E. Forehead, J.E. Fussell, Mrs. J. Gale, 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, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs. G. Oliver, , M.J. Prew, Mrs. D. Price, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, S. Skivens, E. Stenner, Mrs. J. Summers, J. Taylor, T.J. Williams, R. Woodyatt

Together with:-

S. Rosser (Interim Chief Executive), S. Aspinall (Acting Deputy Chief Executive), D. Street (Acting Director of Social Services), N. Scammell (Acting Director of Corporate Services), D. Perkins (Head of Legal and Governance), G. Williams (Monitoring Officer/Principal Solicitor), G. Hardacre (Head of Human Resources and Organisational Development), J. Jones (Democratic Services Manager), R. Kyte (Team Leader Strategic and Development Planning), C. Jones (Head of Performance and Property), C. Forbes-Thompson (Scrutiny Research Officer), A. Southcombe (Finance Manager Corporate Finance), S. Couzens (Chief Housing Officer), H. Morgan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors D. Bolter, K. Dawson, C. Elsbury, L. Gardiner, Ms. P. Leonard, Mrs. R. Passmore, D.V. Poole, D.W.R. Preece, R. Saralis, Mrs. M.E. Sargent and L.G. Whittle.

2. MAYORS ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting and made specific reference to the Big Cheese, Tour of Britain Cycle Race, the Royal Welsh parade through Bargoed and his visit to Pizek. He advised that the sum for his charities, Latch and the Alzheimers Society, now stands at £3,698.70.

3. PETITIONS

The Mayor received the following petitions presented by Members on behalf of local residents and indicated they would be referred to the appropriate directorate for attention.

- (i) objecting to the new combined super school - Councillor J. Bevan;
- (ii) calling upon the Council to work with the owners of the current Panteg site, Abertridwr to move the development forward - Councillor L. Binding;
- (iii) objecting to any planned or proposed closure of Fochriw Primary School and a relocation of pupils - Councillor D.T. Hardacre.

4. DECLARATIONS OF INTEREST

Councillors D.T. Davies, R.T. Davies and K.V. Reynolds declared an interest in agenda item 7(1) as it relates to the Notice of Motion on Bedroom Tax. Some were personal (which enabled the Member to stay and take part in the discussion and voting thereon) and others were both personal and prejudicial (which required the Member to leave the chamber when the item was discussed). Details are minuted with the respective item.

Councillors C. Cuss, D.T. Davies, K. James. M. Prew and R. Woodyatt declared an interest in exempt agenda item 10 as it relates to Equal Pay. As they were both personal and prejudicial they would be required to leave the chamber when the item was discussed. Details are minuted with the respective item.

Other Members sought advice as to whether they were required to declare an interest on the reports to be presented at the meeting but were individually advised that as their interest was neither personal or prejudicial they were not required to declare an interest.

Further declarations of interest were received during the course of the meeting and are detailed with the respective item.

5. COUNCIL - 23RD JULY AND 25TH SEPTEMBER 2013

RESOLVED that subject to the following matter arising, and to it being noted that Councillor Mrs. E. M. Aldworth is listed as in attendance in the minutes of the meeting held on 25th September 2013 when she had given her apologies, the following minutes be approved as correct records and signed by the Mayor.

Council held on 23rd July (minute nos. 1 - 13 on page nos. 1 - 6) and Special Council held on 25th September 2013 (minute nos 1 - 9 on page nos 1 - 6).

MATTER ARISING

6. PHASE 1 - SECONDARY RATIONALISATION (MINUTE NO. 9 DATED 23RD JULY 2013)

It was requested that it be clarified that it had also been agreed that the following principles, for the future (whether included in Phase 1 or not) as proposed by the Working Group and ratified by both the Education for Life Scrutiny Committee and Cabinet had also been endorsed:-

- Need to review post -16 provision in the context of 11-18 schools
- Review single sex schools vis a vis co-educational provision.

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

7. LOCAL DEVELOPMENT PLAN - ANNUAL MONITORING REPORT 2013

The report was presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013 and Cabinet on 2nd October 2013. Members were advised that overall the AMR concludes that whilst the LDP Development Strategy remains sound, the downturn in the economy has had a marked effect on house building rates and there is a need to address the supply of housing land. Furthermore the AMR recognises that in order to facilitate the Council's ambitious school rationalisation programme there is a need to identify sites for education provision, which necessitates a review of the plan.

Following consideration and discussion on the report, it was moved and seconded that the recommendations from both the Regeneration and Environment Scrutiny Committee and Cabinet be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report, subject to the following amendment of AMR Recommendation R2 of Report Point 4.38: -

R2 That the Caerphilly County Borough Local Development Plan is rolled forward to cover the plan period up to 2031 and the Evidence Base and Policies across all topic areas be reviewed to ensure that all forecasts and assumptions underpinning the plan and contained within the Policy Framework of the plan cover the revised plan period.

- (i) the findings of the 2nd Annual Monitoring Report and the implications of the recommendations contained therein be noted;
- (ii) the revised Draft Delivery Agreement be approved;
- (iii) the notes of the Local Development Plan Focus Group meeting held on 19th July 2013 be noted;
- (iv) the requirement to submit the 2nd Annual Monitoring Report to the Welsh Government before 31st October 2013 be noted.

8. COMMUNITY INFRASTRUCTURE LEVY (CIL) - DRAFT CHARGING SCHEDULE - REPORT OF CONSULTATION

The report, presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013 and Cabinet on 2nd October 2013, advised Members of the comments received as part of the consultation on the Council's Draft Charging Schedule Community Infrastructure Levy.

On 12th March 2013 the Council resolved to formally consult on the Draft Charging Schedule and the associated CIL Documents. The documentation was placed on consultation on 20th March 2013 with a deadline for submission of representation of 1st May 2013. During this period 8 submissions were duly received, which realised a total of 36 representations. The issues raised through the representations were summarised in the report and considered and addressed in the Report of Consultation.

It was noted that the DVS has advised that there is a theoretical case for potentially reducing the CIL rate for Primary Healthcare down from the £60 per square metre set out in the Charging Schedule. As a result Officers are seeking authorisation to continue negotiations with the Health Board and partner local planning authorities in respect of this matter with a

view to reporting back to Members. The amended rate, if agreed, would then be tested at the Independent Examination and the outcome reported back to full Council.

The consultation on the Draft Charging Schedule is the last formal stage prior to submitting the Schedule for independent examination. It was proposed that a joint examination with Merthyr Tydfil County Borough Council be held and it be noted that dependent upon the date of submission, the examination is likely to be held early in 2014, which accords with the Delivery Agreement.

Following consideration and discussions on the report, it was moved and seconded that the recommendations from both the Regeneration and Environment Scrutiny Committee and Cabinet be approved. By a show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the representations submitted in respect of the Draft Charging Schedule and the analysis and response set out in the Report of Consultation be noted;
- (ii) the recommendations set out in the Draft Charging Schedule Report of Consultation be approved;
- (iii) Officers be authorised to continue negotiations with the Health Board and partner Local Planning Authorities to work towards setting the Primary Healthcare Use Rate at an acceptable level to all, with a view to reporting the outcome and recommendations of the negotiation back to Cabinet for agreement;
- (iv) the Draft Charging Schedule be submitted to the Planning Inspectorate for examination.

9. WELSH GOVERNMENT CONSULTATION DOCUMENT - 'THE FUTURE OF OUR PAST' HERITAGE BILL

The report, presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013 and Cabinet on 2nd October 2013, advised Members of the key considerations proposed in the consultation document and most pertinent to Caerphilly County Borough Council.

The document set out the measures under consideration to improve the protection of the historic environment in Wales. It includes a variety of policy interventions, improvements to guidance and legislative proposals (including amendments to secondary legislation). A summary of the proposals was attached as an appendix to the report.

Following consideration and discussion on the report, it was moved and seconded that the recommendations from both the Regeneration and Environment Scrutiny Committee and Cabinet be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report:-

- (i) the proposed measures under consideration to improve the protection of the historic environment in Wales be noted;
- (ii) a formal response on '*The Future of Our Past*' as reflected in the report, be submitted to Welsh Government.

REPORT REFERRED FROM SCRUTINY COMMITTEE

Consideration was given to the following reports referred from the Policy and Resources Scrutiny Committee.

10. NOTICE OF MOTION - 'BEDROOM TAX'

Councillors D.T. Davies, R.T. Davies and K.V. Reynolds declared an interest in this item. In that Councillor R.T. Davies had a personal and prejudicial interest (as Chairman of the Caerphilly Homes Task Group) he left the Chamber during consideration of this item. As Councillors D.T. Davies and K.V. Reynolds had a personal but not prejudicial interest they remained in the Chamber and took part in the discussion and voting thereon.

Consideration was given to the report which detailed the Notice of Motion received, the views expressed by the Policy and Resources Scrutiny Committee on 24th July 2013 and the recommendations put forward by the Caerphilly Homes Task Group which had subsequently been considered by the Policy and Resources Scrutiny Committee on 1st October 2013. It addressed the recommendations of the Caerphilly Homes Task Group and the proposed amendments agreed by the Policy and Resources Scrutiny Committee.

Following consideration of the content of the report and in consideration of the recommendations of both Caerphilly Homes Task Group and the Policy and Resources Scrutiny Committee it was moved and seconded that the Notice of Motion not be considered at this stage and that the recommendation in the report requiring that a further report be presented to the next meeting be approved. By a show of hands this was unanimously agreed.

RESOLVED that a further report be presented to the next meeting of Council advising on the financial and legal implications of the Caerphilly Homes Task Group recommendations as amended by the Policy and Resources Scrutiny Committee and the Notice of Motion be determined at that time.

11. NOTICE OF MOTION - F.T.T. (FINANCIAL TRANSACTION TAX)

Consideration was given to the following Notice of Motion submitted by Councillor G. Johnson.

'That this Council calls on the Westminster Government to introduce an F.T.T. (Financial Transaction Tax) also known as the Robin Hood Tax'.

Following consideration of the content of the Notice of Motion it was moved and seconded that it be supported. By a show of hands this was unanimously agreed.

RESOLVED that the Notice of Motion which proposes 'That this Council calls on the Westminster Government to introduce an F.T.T. (Financial Transaction Tax) also known as the Robin Hood Tax' be supported.

12. SCRUTINY IMPROVEMENT ACTION PLAN

Consideration was given to the report (which had had been presented to and endorsed by the Democratic Services Committee) which provided details of the Wales Audit Office (WAO) Scrutiny Improvement Study and sought endorsement of the resultant Scrutiny Improvement Action Plan. The Action Plan also includes changes required by legislative changes contained in the Local Government (Wales) Measure 2011 and the recent governance review prompted by the WAO Report in the Public Interest.

It was explained that the WAO Scrutiny Improvement Study was a national scrutiny study, which involved local authorities undertaking a self-evaluation and peer-learning exchange with a partner council. The feedback resulted in a final self-evaluation, the outcome of which requires the Council to produce an action plan. As such a consolidated Scrutiny Improvement Action Plan has been developed to provide a strategic approach to a significant programme of change.

Details of the Action Plan, which has been split into four thematic headings, Training and Development for Members and Officers, Scrutiny Development and Organisation, Performance Management, Forward Work Programmes and the key changes to the current scrutiny arrangements, were outlined.

It was noted that the WAO will monitor the implementation of the Scrutiny Improvement Action Plan and how changes are embedded into the Council's self-evaluation and improvement arrangements. It is expected the WAO will monitor progress using the 'Outcomes and Characteristics of Effective Scrutiny in Local Government'.

During the course of the debate reference was made to the scrutiny of other public service providers following the implementation of the Local Government Wales Measure 2011 and it was noted that a report is to be presented to the next Democratic Services Committee as to how this can be achieved and will be circulated to all Members accordingly.

It was moved and seconded that the recommendations of the Democratic Services Committee as outlined in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the actions contained in the Scrutiny Improvement Action Plan be approved;
- (ii) the Outcomes and Characteristics of Effective Scrutiny in Local Government be approved as a strategic vision for a scrutiny function;
- (iii) the Scrutiny Leadership Group terms of reference be approved;
- (iv) the Scrutiny Leadership Group act as the Project Board to oversee the implementation of the Scrutiny Improvement Action Plan and monitor progress;
- (v) any consequential amendments to the Council's Constitution required as a result of this report be made by the Monitoring Officer.

REPORTS OF OFFICERS

Consideration was given to the following reports.

13. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES (2012-2013)

Members were provided with the Annual Letter (2012-2013) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman.

It was noted that the data attached as an appendix to the Annual Letter includes a detailed breakdown of complaints received and investigated and response times to requests for information.

Members were asked to note that the graph on page 7 of the data identifies a decrease in the number of 'premature' complaints received by the Ombudsman. Following clarification from

the Ombudsman's Office, the penultimate paragraph of the Annual Letter will be amended to reflect a reduction when compared to 2011/12 not an increase.

It was moved and seconded that the report be noted. By show of hands this was unanimously agreed.

RESOLVED that the report be noted.

14. USE OF THE MAYORS URGENCY POWERS FOR CABINET DECISIONS IN RELATION TO CWMCARN HIGH SCHOOL AND SCRAP METAL DEALERS ACT 2013

Members were advised that the Mayor has utilised his powers under the Council's Constitution to certify that the above Cabinet decisions were to be taken as a matter of urgency and therefore exempt from the Call In procedure. As such, there is a requirement within the Constitution that any decision such taken must be reported to the next available meeting of the Council together with the reasons for urgency.

Members noted that in respect of Cwmcarn High School the decision was considered urgent on the basis that the Council is under a statutory duty to provide education for pupils and the new school term was due to start on 2nd September 2013. In respect of the Scrap Metal Dealers Act 2013 the decision was considered urgent as the provisions of the Act were to be implemented on 1st October 2013.

It was moved and seconded that the report be noted. By show of hands this was unanimously agreed.

RESOLVED that in order to comply with the requirements of the Council's constitution the report be noted.

15. LATE AMENDMENTS TO THE FINANCIAL STATEMENTS FOR THE YEAR ENDED 31ST MARCH 2013

It was noted that the draft Financial Accounts were presented to Council on 25th September 2013, with a covering report advising Members that the Audit was not complete and adjustments were still required. It was explained that these adjustments primarily relate to the valuation of Council House dwellings and changes to the Notes of the Accounts to include a value for unlawful expenditure in relation to senior pay rises and the annual Leave/essential user buy out arrangement.

It had also been agreed at that meeting to assign delegated powers to the Section 151 Officer and the Mayor to sign the completed and fully amended Financial Accounts for 2012/13, with a view to reporting back to the 8th October 2013 Council meeting, a summary of the amendments. A further adjustment was required by PricewaterhouseCoopers (PWC) in respect of funding made available for Cwmcarn High School as agreed by Council. This just moves the funds set aside from the classification "usable reserve" to the "provision" classification. Details were outlined in the appendix to the report.

Given the recent public interest report and publicity in relation to senior pay and the annual leave/essential user buy out arrangements, the Interim Chief Executive was requested to provide an update on the current position.

Mr. Rosser gave his personal assessment of the current situation and advised that in view of the ongoing police investigation on senior pay he was not able to comment further at this stage but gave an assurance that as soon as it was appropriate to do so information would be shared with Members and staff. Any internal disciplinary action taken would depend on, and be led by, the outcome of the Police investigation. With regards to the annual leave/essential

user buy out arrangement, he advised that there had been a compromise arrangement with a number of staff in order to harmonise terms and conditions which has been deemed by the Auditors to have been unlawful. A report is awaited from PricewaterhouseCoopers, details of which will be presented to Members in order that a course of action can be determined.

It was moved and seconded that the summary of adjustments to the financial settlement 2012/13 as outlined in the appendix to the report be noted. By show of hands this was unanimously agreed.

It was moved and seconded that the report be noted. By show of hands this was unanimously agreed.

RESOLVED that the summary of adjustments to the financial settlement 2012/13 as outlined in the appendix to the report be noted.

16. COUNCIL RESPONSE TO RECOMMENDATIONS IN THE ANNUAL IMPROVEMENT REPORT

Consideration was given to the report which outlined the Council's response to the Recommendations in the Annual Improvement Report on Caerphilly Borough Council published by the Wales Audit Office on 10th September 2013.

The Council is required to respond to statutory recommendations within 30 days of the receipt of the AIR and the report outlined the action taken against those four recommendations. Further work will be undertaken on the proposals for Improvement and they will be brought back to a subsequent Council meeting, following consideration by Audit Committee and Scrutiny.

Members noted the four statutory recommendations as set out in the report and were advised of the progress being made on each.

It was moved and seconded that the recommendation in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that the Council's proposed response Auditor General's recommendations in the 2011/12 Annual Improvement Report be approved.

17. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

Consideration was given to the following Questions under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answers are also provided.

1. **Project Gwyrdd** - To the Cabinet Member for Corporate Services from Councillor Mrs. Blackman

As Cabinet Member for Corporate Services will Cllr Reynolds outline what work the Directorate has undertaken to ensure that Project Gwyrdd will deliver value for money for the Council Taxpayers of Caerphilly County Borough Council?

Response from the Cabinet Member For Corporate Services - Councillor K.V. Reynolds

Full Council considered a very comprehensive report on 26th February 2013 on "Prosiect Gwyrdd - Appointment of Preferred Bidder, Final Business Case and Joint Working Agreement (2)". There was a substantial amount of information contained in the report and its associated appendices. In addition, members were given the opportunity to view exempt information prior to the council meeting. The information provided to members included the

final business case which sets out the strategic case, economic case, commercial case, management case and financial case. Consequently, I would draw your attention to this report and relevant appendices.

2. **Disposal of Household/Commercial Waste/Recycling** - to the Cabinet Members for Corporate Services and Community and Leisure Services from Councillor Mrs. Blackman.

Responses from the Cabinet Members for Corporate Services and Community and Leisure Services, Councillors K.V. Reynolds and D.V. Poole are set out under each question).

1. How much did the Council allocate for the disposal of household and commercial waste in its budget for the financial year 2012/13?
Response: £3,165,000
2. What were the overall tonnages of household and commercial waste for disposal in the financial Year 2012/13?
Response: Total to landfill was 32,191 tonnes
3. Have the tonnage figures for household and commercial waste for 2012/13 gone up or down against the tonnage figures for the previous financial year 2011/12? If so, by how much in tonnage and percentage terms?
Response: Residual waste It has gone up by 3.23% or 1,008 tonnes
4. How much of the Council's waste in tonnages and percentage terms was recycled in the financial year 2012/13?
Response: Recycled 38,943 t (39.56%) and composted 17,144 t (17.42%)
5. Providing a financial breakdown of the income earned from the various recycled components sold on, What income was earned by the Council from waste recycling in the financial year 2012/13?
Response: £83,379
6. How does the income earned for 2012/13 compare with the income that was earned by the Council per recycled components in the financial year 2011/12?
Response: It went down by £9534.
7. In the financial year 2012/13, how was the earned income from recycling used by the Council?
Response: It was used as one element in balancing the overall waste management budget.
8. How much of the Council's household and commercial waste was sent to landfill in the financial year 2012/13 and what was the cost to the overall budget provided by the Council.
Response: See answers to questions 1 and 2 above.
9. Having regard to the expectation of Welsh Government that recycling will increase while landfill should decrease, will the Council's income from recycled household and commercial waste be used to subsidise the costs of continued landfill and incineration re Project Gwyrdd? If so, by how much?
Response: As stated above all income is used to offset expenditure across all of the headings covered by the global waste management budget.
10. By how much did the Council increase the budget for household and commercial waste disposal for the financial year 2013/14?
Response: £36,000.

EXEMPT MATTER

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 14,15 and 16 of Part 4 of Schedule 12A of the Local Government Act 1972.

18. EQUAL PAY

Councillors Miss. L. Ackerman, Mrs. E. M. Aldworth, J. Bevan, Mrs. G. Bevan, Mrs. A. Blackman, C. Cuss, D.T. Davies, R. T. Davies, J.E. Fussell, C. Gordon, D. Havard, K. James, M. Prew and R. Woodyatt declared an interest in this item (as having family members employed by the Council) and left the Chamber when the item was discussed

Consideration was given to the report which sought agreement to proceed with a settlement strategy that will reduce the Council's current remaining potential equal pay liabilities.

It was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the reasons detailed in the report and outlined at the meeting, the Director of Corporate Services proceed with a settlement strategy that will reduce the Council's current remaining potential equal pay liabilities.

The meeting closed at 6.55 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 19th November 2013 they were signed by the Mayor.

MAYOR