



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 11TH MARCH 2014 AT 5.00 P.M.

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, L. Binding, Mrs A. Blackman, D. Bolter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, K. Dawson, C. Durham, 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, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, Mrs D. Price, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, S. Skivens, Mrs E. Stenner, Mrs J. Summers, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:

S. Rosser (Interim Chief Executive), S. Aspinall (Acting Deputy Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), G. Williams (Monitoring Officer/Principal Solicitor), G. Hardacre (Head of Human Resources and Organisational Development), L. Donovan (HR Service Manager - Customer Services), A. Price (Solicitor), L. Lane (Solicitor), H. Morgan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors P.J. Bevan, N. Dix, Mrs P. Griffiths, M.P. James, R. Saralis and Mrs M.E. Sargent.

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 a visit to the Parlour by the Senghenydd Memorial Committee, his visit to the Senedd and to Torfaen Council Offices for the presentation of the Commonwealth Flag, his attendance at a World War 1 Commemoration event at Blackwood Library, the homecoming parade of the 203 Field Hospital in Risca and the memorial service for Nelson Mandela in Westminster Abbey.

He made reference to his charity concert at Blackwood Methodist Church on Thursday 10th April 2014 and was pleased to announce that the sum for his charities, Latch and the

Alzheimers Society, now stands at £5,911.83.

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) request for the provision of lay bys, Bryn Canol - Councillor R.T. Davies;
- (ii) request for the provision of lay bys, Bryn Dolwen - Councillor R.T. Davies;
- (iii) request for review of speeding through and parking in the village of Machen - Councillors D. Havard and Mrs J. Gale;
- (iv) request for a zebra crossing, New Tredegar - Councillor Mrs E. Stenner.

4. PRESENTATION OF AWARDS

Cwmcarn Gymnastics Club

Members were advised that members of Cwmcarn Gymnastics Club, Anais Walsh, Jessica Bonner and Lucy Bonner represented Wales at the recent Celtic Cup competition where they won the Acrobatic Gymnastics gold medal. As a result of their outstanding achievement they were presented with their "Welsh Feathers". They came forward to show their awards, and in recognition of their accomplishment, Members wished to place on record their appreciation for their hard work and dedication to the sport.

Greenhill Primary School, Gelligaer - Breeam Outstanding Rating Certificate

It was then noted that Greenhill Primary School has won another award for its green credentials and has achieved the BREEAM Outstanding Environmental Rating for its Design Stage Assessment with a score of 85.67%. The award makes Greenhill Primary School one of only two primary schools in Wales to achieve the coveted BREEAM Outstanding Environmental Rating to date. It was the first school in the UK to receive an Energy Performance Rating of A+, and has been a winner of the Consortium of Local Authorities Wales Sustainability Award 2011 and of the Constructing Excellence in Wales Low or Zero Carbon Award. Last year it was selected by ESTYN as a Best Practice Case Study for its stimulating learning environment.

Members noted that the Project was led by the Council's in-house Building Consultancy and the building's Architect, Geraint Jones, received the award on behalf of the service and in recognition of the achievement.

5. DECLARATIONS OF INTEREST

Mr Rosser, Interim Chief Executive, advised that with regards to agenda item 6(6) - Publication of Pay Policy Statement - Localism Act 2012, in that the report is seeking endorsement of the policy previously agreed, there is not a requirement for Members to declare an interest. However, in the event that detailed debate is required on certain sections of the report it may be necessary for certain Members/Officers to declare an interest and leave the meeting.

He advised that with regards to agenda item 6(7) - Interim Corporate Management Team and Governance Arrangements, Sandra Aspinall, Dave Street, Nicole Scammell, Gareth Hardacre, Gail Williams and Lisa Lane would be required to declare an interest and leave the

meeting.

6. COUNCIL - 28TH JANUARY AND 26TH FEBRUARY 2014

RESOLVED that subject to it being noted that it was Councillor K. James and not Councillor M. James who had declared an interest in the budget proposals report as it refers to the casual mileage allowance (minute no. 6 dated 26th February 2014 refers) the following minutes be approved as correct records and signed by the Mayor.

Council held on 28th January 2014 (minute nos. 1 - 16 on page nos. 1 - 11) and Special Council held on 26th February 2014 (minute nos. 1 - 7 on page nos. 1 - 12).

With regards to minute no. 6 dated 26th February 2014 (Budget Proposals 2014/15) Councillor D.T. Hardacre advised that he should have declared an interest when the further amendment had been put forward in respect of senior pay rises. In that it had been raised during the course of the debate he stated that it had been an omission on his part that he had not declared an interest at that time and gave an unreserved apology to Full Council for his error.

In relation to this item, Councillor L. Binding also wished it noted that he had abstained from voting on the amendment on the splash pool, Senghenydd as he had taken no part in the debate.

REPORTS OF OFFICERS

Consideration was given to the following reports.

7. DEMOCRATIC SERVICES COMMITTEE TERMS OF REFERENCE

Consideration was given to the report which sought approval to extended the terms of reference of the Democratic Services Committee which will enable it to consider any issue which relates to Members support functions.

As a result of the Local Government (Democracy) (Wales) Act 2013, Democratic Services Committees now have the potential to consider any issue which relates to Members and democratic support (e.g. IT provision, office accommodation and resources, training and development, research facilities, Members remuneration, constituency support and democratic services advice). The widening of the role provides an opportunity to have a single cross party reference group whereby all Member related issues can be discussed before decisions are taken by Cabinet or full Council.

Members considered the extended terms of reference for the Democratic Services Committee as detailed in the report and it was moved and seconded that the recommendation contained therein be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contain in the report, the extended terms of reference of the Democratic Services Committee as detailed therein be approved.

8. FAMILY ABSENCE REGULATIONS

The report, which advised of the implementation of new regulations which provide Councillors with an entitlement to 5 types of family absence (maternity absence, newborn absence, adopter's absence, new adoption absence and parental absence), sought approval to amend Standing Orders accordingly.

The Welsh Government recently introduced the Family Absence for Members of Local Authorities (Wales) Regulations 2013 which establish five forms of family absence entitlement and makes recommendations for their implementation. They provide Members with legitimate absence to facilitate periods of maternity absence and provide care for children. The regulations aim to encourage a greater diversity of people seeking to stand for election.

It was moved and seconded that the recommendations in the report be approved. By show of hands this was agreed by the majority present.

RESOLVED that for the reasons contained in the report:-

- (i) the introduction of Family Absence Entitlement be noted;
- (ii) it be agreed that:-
 - a. Any Member can exercise any duty or attend any meeting whilst on a Family Absence within specific dates, subject to the approval of the Mayor (or Deputy in his or her absence).
 - b. A Panel be established to consider appeals against refusals of requests by a Member to attend a meeting or undertake a duty whilst on a period of Family Absence and the cancellation of periods of Family Absence by the Head of Democratic Services. The Panel be politically balanced and made up from 3 Members of the Democratic Services Committee.
- (iii) the Interim Monitoring Officer be given delegated powers to make the necessary amendments to the Council's Constitution and Standing Orders.

9. LICENSING/REGISTRATION/PERMIT FEES - 2014/15

The report, which proposed an increase in the Licensing/Registration/Permit Fees for the next financial year, was considered by the Licensing Committee on 27th February 2014 who recommended their approval to Council.

Members were advised that the review of fees involved the consideration of the cost to the Authority in providing the service, and a comparison of fees set by other authorities was considered. They were reminded that a deficit still exists between the cost of providing the Licensing service and the income received from fees, and that an exercise reviewing cost recovery for certain licence types has begun. Concerns were raised in relation to this deficit and Officers advised that Licensing is a statutory function and fees are set to cover the reasonable costs of providing the service. The Authority has the ability to set fees for some types of licences but others, such as under the Licensing Act 2003, are set centrally by Government. Locally set fees cannot be used to compensate for under recovery of centrally set fees. The Government is currently reviewing fees for the Licensing Act 2003.

It was moved and seconded that the recommendations from the Licensing Committee and as detailed in the report be approved. By show of hands this was agreed by the majority present.

RESOLVED that for the reasons contained in the report:-

- (i) where appropriate, the fees proposed for 2014/15, as outlined in appendices 1 and 3 of the report, be implemented with effect from 1st April 2014;
- (ii) the proposed fees for hackney carriage/private hire vehicles and private hire vehicle operator licences be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the

fees to be charged and the date on which any variations should come into force.

10. POSITION STATEMENT UPDATE

The Interim Chief Executive gave an update on his presentation in September 2013 and gave his personal assessment of the current position/key issues facing the authority and referred to the areas of change since his last position statement. He referred specifically to service delivery, public perception, staff morale, external relationships, corporate governance and audit concerns and detailed how they have been taken forward.

With regards to audit concerns he referred to the Public Interest Reports, AIR Report and the Special Inspection on Corporate Governance, all of which have been reported to Council, and to the progress made on the action plans, which were developed as a result of the investigations. It was noted that these will continue to be monitored on a regular basis by the Improving Governance Board and both Cabinet and the Audit Committee. With regards to management arrangements an update was given on the police investigation and to the existing interim arrangements (a report on which is to be considered later on the agenda).

He then detailed the key issues to be addressed in the future, Senior Management Structure, the areas of improvement/development as part of the Corporate Governance agenda (including HR, performance management, risk management, internal audit, scrutiny) and to the ongoing development of the medium term financial plan. There are also major service issues to be addressed within social services, education and the environment and there is a need to consider, at a later date, the delivery of the Williams Report.

Mr Rosser then referred to his personal priorities (professional leadership – style and culture, professional support, to continue to rebuild trust and confidence, address audit issues, deliver corporate governance improvement, progress the delivery of the medium term financial plan and explained how he would take these forward. He highlighted the future challenges that are ahead (including the Social Services and Well Being Bill, integration with health, Education and School Improvement, Regional Transport Consortia/City Region, Reform of Planning System – Positive Planning, WHQS) and the need to continue to maintain and improve service delivery.

He confirmed that the Council has had a number of issues to deal with over the past year and accepted that there is still further work to do in some areas. In having successfully dealt with corporate government issues and placing a greater emphasis on service delivery and financial management, going forward, there will be more concentration on usual business.

Members welcomed and noted the presentation and acknowledged the progress that has been made and the amount of work undertaken to drive improvement forward.

11. REPORT OF THE COMMISSION ON PUBLIC SERVICE GOVERNANCE AND DELIVERY (THE WILLIAMS COMMISSION REPORT)

Mr Rosser gave an overview of the Williams Commission Report and advised that once further information/clarification has been received from Welsh Government and the Welsh Local Government Association it is intended that a seminar will be convened in order to consider the proposals in detail.

He gave the background to the report and outlined the key issues contained therein. It was noted that the Review has proposed 62 wide-ranging recommendations under 5 main headings (complexity - scale and capability – governance, scrutiny and delivery - leadership, culture and values - performance and performance management) with the most significant being the proposed merger of local authorities. The Review has identified options for 10, 11

and 12 local authorities rather than the current 22, proposals are for Caerphilly to merge with both Blaenau Gwent and Torfaen.

Reference was made to the key proposal to merge authorities, to the rationale for change and the key considerations in terms of coherence of needs and characteristics, coterminous (e.g. alignment with NHS boundaries) and the consistency with eligibility for EU convergence funding. Mr Rosser outlined some of the key issues for debate and referred to the WLGA message to all Local Government Employees (20th January 2014) and to the initial meeting of 22 Authorities on 31st January 2014, which were preliminary discussions around strategic options. At that meeting it was agreed to seek an urgent meeting with First Minister and Minister for Local Government to discuss the parameters of possible alternative proposals. If WG is willing to consider alternatives then the WLGA have agreed that it will facilitate such discussions.

It was noted that there is not a properly costed detailed financial analysis contained within the Commission's Report and accepted that there are a number of professional and political considerations to take into account, not least as to whether there is detailed evidence that the impact of any potential large scale reorganisation will be to the benefit of the residents affected (not least in terms of jobs, costs and service disruption).

In view of the current financial situation, any change must be firmly based on a robust cost benefit analysis and it must be clear whether a reorganisation will assist in alleviating these pressures or exacerbate them. As such, the options proposed by the Review should be considered in the widest context and if there is to be change, clarification will be required on timescales, transitional arrangements, service and workforce implications and above all how the costs of any changes are to be met.

Members thanked Mr Rosser for his presentation and welcomed the opportunity to consider the proposals when further information is available.

12. PUBLICATION OF PAY POLICY STATEMENT - LOCALISM ACT 2011

Mr Rosser, Interim Chief Executive, reiterated that in that the report is seeking endorsement of the policy previously agreed, there is not a requirement for Members to declare an interest. However, in the event that detailed debate is required on certain sections of the report it may be necessary for certain Members/relevant Officers to declare an interest and leave the meeting.

Consideration was given to the report which sought approval for the publication of the Authority's Pay Policy. Members were advised that the Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office), and also in relation to the "lowest paid" in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups. Members were advised that the Pay Policy Statement appended to the report contained the full details of the remuneration position for the Council that is required to be published.

It was noted that Welsh Government issued new statutory guidance on Pay Policies on 25th February 2014 and in order to comply with the requirement to publish by 31st March, all reasonable efforts have been made to address this guidance. If on reflection it is determined that not all the new guidance has been addressed, the Statement will be further reviewed and republished accordingly. Additional reports will be brought forward to Members in the coming months to ensure that the Councils Pay Policy is fully compliant with Welsh Government Guidance.

Members attention was drawn to paragraph 4.7 of the report which advised that the revised guidance contains new paragraphs outlining the role of the Independent Remuneration Panel.

Reference was also made to the consultation with the external auditors in relation to the 2012 Pay Policy which included (for Chief Officers) the provision for the reimbursement of professional fees. Consultation with external auditors had identified that there had been a weakness in the report and as such there was potential for the decision to be considered unlawful. Based on that advice, an Officer decision was taken to cease payment of further professional fees pending clarification/revision. Having reviewed the matter further (and in light of the current circumstances), the view is now that the payments made to date should be honoured, but the Policy from 2014/15 revert to its previous form. On that basis the draft policy excludes any reference to the payment of professional fees to Chief Officers (other than the post of Head of Legal Services, which has been the policy for a considerable time). In considering the Policy for 2014 Members were asked to agree/endorse this approach.

It was noted that the Policy will be published on the Website, and will be the subject of scrutiny from members of the public, press and interested pressure groups. In that the Pay Policy is required to be published on an annual basis, and there is a requirement under the Localism Act for this to be undertaken before 31st of March 2013.

It was moved and seconded that the recommendation in the report be approved.

An amendment was moved and seconded that the pay structure details for Chief Officers as detailed in appendix D of the report be not accepted and as such they be reconsidered.

In view of the subject matter of the amendment, Sandra Aspinall, David Street, Nicole Scammell, Gareth Hardacre and Gail Williams declared an interest and left the meeting for this item.

Councillor D T Hardacre also declared an interest (as having a family member that could be affected by the proposal) and left the meeting during consideration of this item.

In accordance with Rule of Procedure 15.4 (1) a request was made for a recorded vote.

FOR THE AMENDMENT

Councillors Miss L. Ackerman, A.P. Angel, Mrs K.R. Baker, L. Binding, R.W. Gough, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, J.E. Roberts, J. Taylor (11).

AGAINST THE AMENDMENT

Councillors M. Adams, Mrs E.M. Aldworth, H.A. Andrews, Mrs G. Bevan J. Bevan, D.G. Carter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, R.T. Davies, K. Dawson, C. Durham, Mrs C. Forehead, Ms E. E. Forehead, Mrs J. Gale, L. Gardiner, N. George, C.J. Gordon, D.M. Gray, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, G. Kirby, Ms P. Leonard, S. Morgan, Mrs G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, K.V. Reynolds, Mrs E. Stenner, T.J. Williams, R. Woodyatt (42).

ABSTENTIONS

Councillors C. Elsbury, J. E. Fussell and S. Kent (3).

The amendment was declared lost and by show of hands the motion was declared carried.

RESOLVED that for the reasons contained in the report, the Pay Policy Statement (Version 3) as appended thereto be approved and published on the Council's website.

13. INTERIM CORPORATE MANAGEMENT TEAM AND GOVERNANCE ARRANGEMENTS

Having previously declared an interest Sandra Aspinall, David Street, Nicole Scammell, Gareth Hardacre and Gail Williams did not return to the meeting. Lisa Lane declared an

interest and left the meeting for this item.

Consideration was given to the report which detailed the interim arrangements currently in place for Corporate Management Team, proposed an extension to those arrangements and sought to consider alternative arrangements in respect of cover for the Head of Legal Services.

Mr Rosser advised that in March 2013, Members agreed interim arrangements for Corporate Management Team and temporary arrangements to support the Council's thorough review of governance processes across the Authority. He advised that the current interim arrangements have been very successful to date and, in that future longer-term arrangements are required, he proposed that the existing interim arrangements be continued for a further period to allow this consideration to take place.

It was reported that as a result of the suspension of the Head of Legal Services an amendment to the Council's Scheme of Delegation is required to reflect that legal proceedings will be issued by or in consultation with one of the Council's Principal Solicitors. This will be reviewed when the interim arrangements for Head of Legal Services are resolved.

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

RESOLVED that for the reason contains in the report:-

- (i) the extension of the interim arrangements for Corporate Management Team be agreed for a further three months, at which time they will be reviewed;
- (ii) the extension of the interim arrangements to support the Council's review of governance processes across the Authority be approved for a further three months, at which time they will be reviewed;
- (iii) the Scheme of Delegation set out in the Council's Constitution be amended to reflect that legal proceedings will be issued by or in consultation with one of the Council's Principal Solicitors on the basis that this will be reviewed when the options for the interim arrangements for Head of Legal Services are resolved.

14. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 7.15 pm.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd April 2014 they were signed by the Mayor.

MAYOR