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Date: 7th June 2017

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Dear Sir/Madam,

A meeting of **Council** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 13th June, 2017** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.

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3 Presentation of Awards.

4 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

5 To receive the Gwent Police and Crime Commissioner and Deputy Commissioner.

To approve and sign the following minutes: -

6	Special Council held on 22nd February 2017.	1 - 10
7	Council held on 7th March 2017.	11 - 22
8	Annual Meeting of Council held on 18th May 2017.	23 - 38

To receive and consider the following reports from the meeting of Cabinet.

9	Bryn Compost Liaison Group - Terms of Reference - Cabinet 7th June 2017.	39 - 44
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To receive and consider the following reports: -

10	Royal British Legion "Count Them In" Campaign - Proposed Council Motion.	45 - 48
11	Update on Council's Constitution.	49 - 74
12	Internal Investigation of Senior Officers - Additional Financial Provision.	75 - 78

To receive and to answer questions received under Rules of Procedure 10(2) which may have been submitted after the preparation of the agenda

Circulation:

All Members And Appropriate Officers

Agenda Item 6



SPECIAL MEETING OF COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 22ND FEBRUARY 2017 AT 5.00PM

PRESENT:

Councillor Mrs D. Price - Mayor
Councillor J. Bevan - Deputy Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, Mrs K.R. Baker, L. Binding, Mrs A. Blackman, D.G. Carter, C.J. Cuss, W. David, H.R. Davies, D.T. Davies, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, Mrs J. Gale, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, D. Havard, C. Hawker, A.G. Higgs, K. James, M.P. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, G. Kirby, Mrs A. Leonard, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, Mrs P. Marsden, S. Morgan, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), C. Harry (Corporate Director - Communities), G. Williams (Interim Head of Legal Services and Monitoring Officer), S. Harris (Interim Head of Corporate Finance), A. Southcombe (Finance Manager - Corporate Finance), H. Morgan (Senior Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. He advised that decisions would be made by show of hands.

2. APOLOGIES

Apologies for absence were received from Councillors Miss L. Ackerman, A.P. Angel, P.J. Bevan, D. Bolter, Mrs. P. Cook, H.W. David, K. Dawson, N. Dix, J.E. Fussell, L. Gardiner, Mrs P. Griffiths, G.J. Hughes, S. Kent, Mrs. G. Oliver, A. Rees, Mrs J. Summers and L.G. Whittle.

3. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

REPORT OF OFFICERS

Consideration was given to the following reports.

4. **TREASURY MANAGEMENT ANNUAL STRATEGY, CAPITAL FINANCE PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION POLICY 2017/18**

The Interim Head of Corporate Finance advised that in accordance with legislative requirements, Welsh Government guidance and Codes of Practice, the Council is required to approve a treasury management strategy on an annual basis. He advised that the strategy sets out details of interest rate prospects in the short and longer-term, the borrowing strategy, the annual investment strategy, the Minimum Revenue Provision (MRP) policy and the associated prudential indicators

Members were asked to note that in accordance with the report presented to Special Council on 24th January 2017 the Authority has changed its MRP policy and has adopted the Annuity method for both supported and unsupported borrowing. MRP on supported borrowings will be charged at 2% over 50 years. The MRP charge for unsupported borrowing will be based on the average Public Works Loan Board (PWLB) interest rate for new annuity loans in the year that an asset becomes operational. Furthermore, the MRP charge for individual assets funded through unsupported borrowing will be based on the estimated life of each asset or 25 years where this cannot be determined.

As agreed by Council, the change in the MRP policy has been adopted for the 2016/17 financial year and is now also recommended for 2017/18.

It was noted that as in previous years, the Policy and Resources Scrutiny Committee will continue to receive treasury management monitoring reports during the forthcoming financial year and a Members seminar will be held during the autumn facilitated by Arlingclose, the Council's treasury management advisers.

During the course of the debate, reference was made to the Lenders Options Borrowers Option (LOBO) and as to whether they will be 'called in'. Members were reassured that all treasury management arrangements are conducted in accordance with the Treasury Management Strategy and that any called in will be discussed with the Treasury Management Adviser prior to acceptance of any revised terms. Depending on the advice received, the Authority will consider, in the event of a repayment, the use of its cash investments balances or raising new debt to repay the loan.

A query was also raised in relation to the use of one Treasury Management Adviser and whether advice should be taken from more than one. The Acting Director of Corporate Services explained the process of procuring an adviser and confirmed that Officers, in conjunction with the Treasury Management Adviser, continue to monitor both the prevailing rates and the market forecasts, responding to changes when necessary. In response to a query on the Public Works Loan Board she advised that at present their interest rates are lower than those of banks are regularly monitored as part of the process.

A request was made that Members be made aware of any changes that are required. It was noted that reports are prepared for the Policy and Resources Scrutiny Committee and that all Members will have the opportunity to ask questions of the Adviser at the Members seminar.

It was moved and seconded that the recommendations in the report be approved. By a show of hands (and in noting that there were 2 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons contained in the Officers report:-

- (i) the Annual Strategy for Treasury Management 2017/18 be approved;
- (ii) the strategy be reviewed quarterly within the Treasury Management monitoring reports presented to Policy and Resources Scrutiny Committee and any changes recommended be referred to Cabinet, in the first instance, and to Council for a decision. The Authority will also prepare a half-yearly report on Treasury Management activities;
- (iii) the Prudential Indicators for Treasury Management as outlined in Appendix 5 of the report be approved;
- (iv) the Prudential Indicators for Capital Financing as outlined in Appendices 6 and 7 of the report be approved;
- (v) the MRP policy as set out in Appendix 8 of the report be adopted and it be noted that the policy has been retrospectively applied to 2016/17 financial year in accordance with the report presented to Council on the 24th January 2017;
- (vi) the continuation of the 2017/18 investment strategy and the lending to financial institutions and corporates in accordance with the minimum credit rating criteria disclosed within the report be approved;
- (vii) the Authority borrow £17.6m for the General Fund to support the 2017/18 capital programme and £25.9m for the HRA WHQS programme;
- (viii) the Authority continue to adopt the investment grade scale as a minimum credit rating criteria as a means to assess the credit worthiness of suitable counterparties when placing investments;
- (ix) the Authority adopts the monetary and investment duration limits as set in Appendix 3 of the report.

5. BUDGET PROPOSALS 2107/18 AND MEDIUM TERM FINANCIAL STRATEGY 2017/2022

In presenting the report, the Acting Director of Corporate Services referred to the key issues contained therein and advised that following the report presented to Cabinet on 30th November 2016, there had been extensive consultation on the draft proposals, which, at that time, had proposed an increase of 1% in Council Tax and a package of proposed savings totalling £8.653m.

The Final 2017/18 Financial Settlement was announced on the 21st December 2016, and whilst it is marginally better than the Provisional Settlement, the additional emerging cost pressures identified in the report result in a net savings requirement of £9.046m. Table 9 of the report provided details of savings proposals that, alongside a proposed increase of 1% in Council Tax, will enable a balanced budget to be achieved. She made reference to the significant financial challenges that still lie ahead and the report provided details of an updated medium-term financial plan, which provided a potential savings requirement of £37.835m for the period 2017/18 to 2021/22. It was noted that there has been a Members Seminar arranged in June on budget setting and medium term financial planning and that detailed work will be undertaken by Officers during the coming months to review previously considered savings proposals that have not yet been implemented, and to identify new savings proposals for consideration as part of the process.

Reference was also made to the projected movement on General Fund balances (as detailed in Appendix 3 of the report) and it was explained that as the funding outlook for Local Government remains uncertain for future years for both core funding and specific grants, it is recommended that the balance on the General Fund should be held at a higher level than would normally be the case (circa £10m) to £13.910m as at the 31st March 2017.

With regards to the capital programme 2017/18 to 2019/20, it was noted that it is proposed to transfer one-off funding of £7.469m (arising from the review of the Minimum Revenue Provision (MRP) Policy) into a capital earmarked reserve. Capital bids will be invited from service areas to utilise this one-off funding and reports will be required to be presented to Cabinet with details of specific projects, along with a business case where appropriate, prior to the release of these funds.

Discussion ensued on the content of the report and reference was made to the WHQS budget and to the accountability of the process. Whilst this was not a matter relevant to this report (as it relates to the Housing Revenue Account), an assurance was given that reviews have been undertaken (and will continue to be undertaken on a regular basis) on the contractual arrangements. Members were reminded that the annual Statement of Accounts (including HRA and WHQS spend) is presented to Audit Committee and Council, a business plan for WHQS is presented each year and scrutinised by Welsh Government and both HRA and WHQS are externally audited periodically.

In response to a query regarding running costs at Tiryberth Depot (as part of Inescapable Service Pressures and Other Service Commitments) it was explained that the shortfall of £75k is due to a loss of income from the Housing Revenue Account (as staff from that service area have moved to other locations). Whilst there has been a loss in HRA income from that premise as a result of the move, the income generated from the use of alternative premises is higher than the loss.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved.

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

FOR THE MOTION

M. Adams, Mrs E.M. Aldworth, J. Bevan, D.G. Carter, C.J. Cuss, W. David, H.R. Davies, D.T. Davies, M. Evans, Mrs C. Forehead, Miss E. Forehead, Mrs J. Gale, N. George, C.J. Gordon, D.T. Hardacre, L. Harding, D. Harse, D. Havard, C. Hawker, A.G. Higgs, K. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, G. Kirby, Mrs A. Leonard, Mrs P. Leonard, A. Lewis, Mrs P. Marsden, S. Morgan, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, D. Rees, K.V. Reynolds, R. Saralis, J. Simmonds, Mrs E. Stenner, T.J. Williams, R. Woodyatt (42)

AGAINST THE MOTION

Mrs K.R. Baker, L. Binding, Mrs A. Blackman, R.W. Gough, M.P. James, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, J.E. Roberts, Mrs M.E. Sargent, S. Skivens, J. Taylor (13)

ABSTENTIONS

Councillor C. Elsbury.

The motion was declared carried by the majority present.

RESOLVED that for the reasons contained in the report the following

recommendations from Cabinet be adopted:-

- (i) the grants passported into/out of the Financial Settlement and the funding for new responsibilities be passed directly to those services that they relate to (paragraphs 4.2.2, 4.2.3 and 4.2.4 of the report refer);
- (ii) the proposed savings for 2017/18 totalling £9.046m as set out in paragraph 4.3.1 of the report be agreed;
- (iii) the Revenue Budget proposals for 2017/18 of £325.431m as set out in the report and summarised in Appendix 1 be agreed;
- (iv) the proposed Capital Programme for the period 2017/18 to 2019/20 as set out in Appendix 2 of the report be agreed;
- (v) the proposed used of General Fund Balances as detailed in Appendix 3 of the report be agreed;
- (vi) the updated Medium Term Financial Plan detailed in Appendix 4 of the report and the indicative savings requirement of £37.835m for the five-year period 2017/18 to 2021/22 be noted.

During the course of the debate, Members wish to place on record their appreciation to all those involved in the process, the implementation of the previously agreed savings and the preparation of the report.

6. COUNCIL TAX RESOLUTION 2017/18

Consideration was given to the report which provided details of the Authority's Council Tax for the 2017/18 financial year prior to passing the necessary statutory resolutions.

It was moved and seconded that the recommendations in the report be approved. By show of hands (and in noting that there were 3 against and 6 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons contained in the Officers report:-

1. it be noted that at its meeting on the 14th December 2016 the Cabinet calculated the following amounts for the year 2017/2018 in accordance with regulations made under Section 33(5) of The Local Government Finance Act 1992 and powers granted under The Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2007 as amended.
 - (a) **59,689.83** - Being the amount calculated by the Cabinet, in accordance with Regulation (3) of The Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995, as its council tax base for the year.

(b) **Part of Council's Area**

	<u>Tax Base</u>
	<u>No. of D Band</u>
	<u>Equivalent Properties</u>
Aber Valley	2,006.91
Argoed	861.89
Bargoed	3,578.89
Bedwas, Trethomas & Machen	3,775.45
Blackwood	2,922.66
Caerphilly	6,159.77
Darren Valley	694.50
Draethen, Waterloo & Rudry	596.09
Gelligaer	6,224.70
Llanbradach & Pwllypant	1,460.46
Maesycwmmmer	760.76
Nelson	1,602.15
New Tredegar	1,338.53
Penyrheol, Trecenydd & Energlyn	4,413.36
Rhymney	2,524.62
Risca East	2,046.46
Risca West	1,768.49
Van	1,632.87
Remainder	<u>15,321.27</u>
Total	<u>59,689.83</u>

being the amounts calculated by the cabinet, in accordance with regulation 6 of the Regulations, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

2. the following amounts be now calculated by the Council for the year 2017/2018 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992:-

- (a) **£326,123,395** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) and 32(3) (a and b) of the Act;
- (b) **£1,400,000** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (c) of the Act;
- (c) **£324,723,395** being the amount by which the aggregate at (2)(a) above exceeds the aggregate at (2)(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) **£263,627,166** being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non domestic rates, revenue support grant, an authority's council tax reduction scheme or additional grant.

- (e) **£1,023.56** being the amount at (2)(c) above less the amount at (2)(d) above, all be divided by the amount at (1)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;
- (f) **£692,508** being the aggregate amount of all special items referred to in section 34(1) of the Act.
- (g) **£1,011.96** being the amount at (2)(e) above less the result given by dividing the amount at (2)(f) above by the amount at (1)(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(h) Part of the Council's Area

	Local Precept £	County Borough Levy £	Total County Borough & Community Council Band D Charge £
Aber Valley	17.19	1,011.96	1,029.15
Argoed	14.00	1,011.96	1,025.96
Bargoed	16.21	1,011.96	1,028.17
Bedwas, Trethomas & Machen	17.95	1,011.96	1,029.91
Blackwood	20.00	1,011.96	1,031.96
Caerphilly	13.00	1,011.96	1,024.96
Darren Valley	17.97	1,011.96	1,029.93
Draethen, Waterloo & Rudry	25.16	1,011.96	1,037.12
Gelligaer	14.63	1,011.96	1,026.59
Llanbradach & Pwllypant	20.67	1,011.96	1,032.63
Maesycwmmmer	24.05	1,011.96	1,036.01
Nelson	17.24	1,011.96	1,029.20
New Tredegar	12.64	1,011.96	1,024.60
Penyrheol, Trecenydd & Energlyn	13.15	1,011.96	1,025.11
Rhymney	13.86	1,011.96	1,025.82
Risca East	12.00	1,011.96	1,023.96
Risca West	18.10	1,011.96	1,030.06
Van	12.52	1,011.96	1,024.48
Remainder	0.00	1,011.96	1,011.96

being the amounts given by adding to the amount at (2)(g) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (1)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts, of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

(i)

Valuation Bands	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
County Borough Council	674.64	787.08	899.52	1,011.96	1,236.84	1,461.72	1,686.60	2,023.92	2,361.24
Community Councils									
Aber Valley	11.46	13.37	15.28	17.19	21.01	24.83	28.65	34.38	40.11
Argoed	9.33	10.89	12.44	14.00	17.11	20.22	23.33	28.00	32.67
Bargoed	10.81	12.61	14.41	16.21	19.81	23.41	27.02	32.42	37.82
Bedwas, Trethomas & Machen	11.97	13.96	15.96	17.95	21.94	25.93	29.92	35.90	41.88
Blackwood	13.33	15.56	17.78	20.00	24.44	28.89	33.33	40.00	46.67
Caerphilly	8.67	10.11	11.56	13.00	15.89	18.78	21.67	26.00	30.33
Darren Valley	11.98	13.98	15.97	17.97	21.96	25.96	29.95	35.94	41.93
Draethen, Waterloo & Rudry	16.77	19.57	22.36	25.16	30.75	36.34	41.93	50.32	58.71
Gelligaer	9.75	11.38	13.00	14.63	17.88	21.13	24.38	29.26	34.14
Llanbradach & Pwllpant	13.78	16.08	18.37	20.67	25.26	29.86	34.45	41.34	48.23
Maesycwmmmer	16.03	18.71	21.38	24.05	29.39	34.74	40.08	48.10	56.12
Nelson	11.49	13.41	15.32	17.24	21.07	24.90	28.73	34.48	40.23
New Tredegar	8.43	9.83	11.24	12.64	15.45	18.26	21.07	25.28	29.49
Penyrheol, Trecenydd & Energlyn	8.77	10.23	11.69	13.15	16.07	18.99	21.92	26.30	30.68
Rhymney	9.24	10.78	12.32	13.86	16.94	20.02	23.10	27.72	32.34
Risca East	8.00	9.33	10.67	12.00	14.67	17.33	20.00	24.00	28.00
Risca West	12.07	14.08	16.09	18.10	22.12	26.14	30.17	36.20	42.23
Van	8.35	9.74	11.13	12.52	15.30	18.08	20.87	25.04	29.21
Remainder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Valuation Bands	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Totals For Community Council Areas									
Aber Valley	686.10	800.45	914.80	1,029.15	1,257.85	1,486.55	1,715.25	2,058.30	2,401.35
Argoed	683.97	797.97	911.96	1,025.96	1,253.95	1,481.94	1,709.93	2,051.92	2,393.91
Bargoed	685.45	799.69	913.93	1,028.17	1,256.65	1,485.13	1,713.62	2,056.34	2,399.06
Bedwas, Trethomas & Machen	686.61	801.04	915.48	1,029.91	1,258.78	1,487.65	1,716.52	2,059.82	2,403.12
Blackwood	687.97	802.64	917.30	1,031.96	1,261.28	1,490.61	1,719.93	2,063.92	2,407.91
Caerphilly	683.31	797.19	911.08	1,024.96	1,252.73	1,480.50	1,708.27	2,049.92	2,391.57
Darren Valley	686.62	801.06	915.49	1,029.93	1,258.80	1,487.68	1,716.55	2,059.86	2,403.17
Draethen, Waterloo & Rudry	691.41	806.65	921.88	1,037.12	1,267.59	1,498.06	1,728.53	2,074.24	2,419.95
Gelligaer	684.39	798.46	912.52	1,026.59	1,254.72	1,482.85	1,710.98	2,053.18	2,395.38
Llanbradach & Pwllpant	688.42	803.16	917.89	1,032.63	1,262.10	1,491.58	1,721.05	2,065.26	2,409.47
Maesycwmmmer	690.67	805.79	920.90	1,036.01	1,266.23	1,496.46	1,726.68	2,072.02	2,417.36
Nelson	686.13	800.49	914.84	1,029.20	1,257.91	1,486.62	1,715.33	2,058.40	2,401.47
New Tredegar	683.07	796.91	910.76	1,024.60	1,252.29	1,479.98	1,707.67	2,049.20	2,390.73
Penyrheol, Trecenydd & Energlyn	683.41	797.31	911.21	1,025.11	1,252.91	1,480.71	1,708.52	2,050.22	2,391.92
Rhymney	683.88	797.86	911.84	1,025.82	1,253.78	1,481.74	1,709.70	2,051.64	2,393.58
Risca East	682.64	796.41	910.19	1,023.96	1,251.51	1,479.05	1,706.60	2,047.92	2,389.24
Risca West	686.71	801.16	915.61	1,030.06	1,258.96	1,487.86	1,716.77	2,060.12	2,403.47
Van	682.99	796.82	910.65	1,024.48	1,252.14	1,479.80	1,707.47	2,048.96	2,390.45
Remainder	674.64	787.08	899.52	1,011.96	1,236.84	1,461.72	1,686.60	2,023.92	2,361.24

being the amounts given by multiplying the amounts at (2)(g) and (2)(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in a particular valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. it be noted that for the year 2017/2018 the major precepting authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
<u>Precepting Authority</u>									
Police and Crime Commissioner for Gwent	152.56	177.99	203.41	228.84	279.69	330.55	381.40	457.68	533.96

4. having calculated the aggregate in each case of the amounts at (2)(i) and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of Council Tax for the year 2017/2018 for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Aber Valley	838.66	978.44	1,118.21	1,257.99	1,537.54	1,817.10	2,096.65	2,515.98	2,935.31
Argoed	836.53	975.96	1,115.37	1,254.80	1,533.64	1,812.49	2,091.33	2,509.60	2,927.87
Bargoed	838.01	977.68	1,117.34	1,257.01	1,536.34	1,815.68	2,095.02	2,514.02	2,933.02
Bedwas, Trethomas & Machen	839.17	979.03	1,118.89	1,258.75	1,538.47	1,818.20	2,097.92	2,517.50	2,937.08
Blackwood	840.53	980.63	1,120.71	1,260.80	1,540.97	1,821.16	2,101.33	2,521.60	2,941.87
Caerphilly	835.87	975.18	1,114.49	1,253.80	1,532.42	1,811.05	2,089.67	2,507.60	2,925.53
Darren Valley	839.18	979.05	1,118.90	1,258.77	1,538.49	1,818.23	2,097.95	2,517.54	2,937.13
Draethen, Waterloo & Rudry	843.97	984.64	1,125.29	1,265.96	1,547.28	1,828.61	2,109.93	2,531.92	2,953.91
Gelligaer	836.95	976.45	1,115.93	1,255.43	1,534.41	1,813.40	2,092.38	2,510.86	2,929.34
Llanbradach & Pwllpant	840.98	981.15	1,121.30	1,261.47	1,541.79	1,822.13	2,102.45	2,522.94	2,943.43
Maesycwmmmer	843.23	983.78	1,124.31	1,264.85	1,545.92	1,827.01	2,108.08	2,529.70	2,951.32
Nelson	838.69	978.48	1,118.25	1,258.04	1,537.60	1,817.17	2,096.73	2,516.08	2,935.43
New Tredegar	835.63	974.90	1,114.17	1,253.44	1,531.98	1,810.53	2,089.07	2,506.88	2,924.69
Penyrheol, Trecenydd & Energlyn	835.97	975.30	1,114.62	1,253.95	1,532.60	1,811.26	2,089.92	2,507.90	2,925.88
Rhymney	836.44	975.85	1,115.25	1,254.66	1,533.47	1,812.29	2,091.10	2,509.32	2,927.54
Risca East	835.20	974.40	1,113.60	1,252.80	1,531.20	1,809.60	2,088.00	2,505.60	2,923.20
Risca West	839.27	979.15	1,119.02	1,258.90	1,538.65	1,818.41	2,098.17	2,517.80	2,937.43
Van	835.55	974.81	1,114.06	1,253.32	1,531.83	1,810.35	2,088.87	2,506.64	2,924.41
Remainder	827.20	965.07	1,102.93	1,240.80	1,516.53	1,792.27	2,068.00	2,481.60	2,895.20

The meeting closed at 6.10pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th June 2017 they were signed by the Mayor.

MAYOR



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 7TH MARCH 2017 AT 5.00PM

PRESENT:

Councillor Mrs D. Price - Mayor
Councillor J. Bevan - Deputy Mayor

Councillors:

Miss L. Ackerman, M. Adams, Mrs E.M. Aldworth, Mrs K.R. Baker, .J. Bevan, L. Binding, Mrs A. Blackman, D. Bolter, Mrs. P. Cook, C.J. Cuss, W. David, H.R. Davies, D.T. Davies, K. Dawson, N. Dix, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, Mrs J. Gale, N. George, C.J. Gordon, D.T. Hardacre, L. Harding, D. Harse, D. Havard, C. Hawker, A.G. Higgs, K. James, M.P. James, Mrs B.A. Jones, Ms J.G. Jones, S. Kent, G. Kirby, Mrs A. Leonard, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, Mrs P. Marsden, S. Morgan, Mrs. G. Oliver, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Simmonds, S. Skivens, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services), C. Harry (Corporate Director - Communities), G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Donovan (Acting Head of Human Resources and Organisational Development), R. Hartshorn (Head of Public Protection), G. Jenkins (Assistant Director - Children's Services), H. Morgan (Senior Committee Services Officer)

Also in attendance Philip Diamond (Gwent Transformation Team) and Caryn Cox (Public Health Wales)

1. **WEB-CASTING FILMING AND VOTING ARRANGEMENTS**

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. He advised that decisions would be made by show of hands.

2. **APOLOGIES**

Apologies for absence were received from Councillors A.P. Angel, D.G. Carter, H.W. David, L. Gardiner, R.W. Gough, Mrs P. Griffiths, G.J. Hughes, G. Johnston, K.V. Reynolds, Mrs E. Stenner and Mrs J. Summers.

3. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that she and the Deputy Mayor have undertaken since the last meeting and made specific reference to the visit of the Duchess of Cambridge and the charity concert held at the Central Methodist Church, Blackwood on 24th February 2017. She advised that Van Community Councillor Eileen Macey was currently unwell and that she had visited her in hospital.

4. DECLARATIONS OF INTEREST

Clarification was sought on the requirement for certain members to declare an interest in the report relating to the Internal Investigation of Senior Officers - Additional Financial Provision. The Interim Head of Legal Service explained that as the report was seeking approval for an additional financial provision for legal costs (and did not address the investigation itself) there was no requirement for Members to declare a prejudicial interest and leave the meeting on that basis. It was however a matter for the individual Member as to whether they wished to declare a personal and/or prejudicial interest.

Councillors N. George, C. Gordon, S. Morgan, J. Pritchard and J. Taylor declared an interest in this item. Details are minuted with the respective item.

A further declaration of interest was received from Councillor Mrs Blackman during the course of the debate on this item and is minuted accordingly.

5. COUNCIL - 24TH JANUARY 2017

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

Council held on 24th January 2017 (minute nos. 1 - 8 on page nos. 1 - 4).

6. SPECIAL COUNCIL - 31ST JANUARY 2017

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

Special Council held on 31st January 2017 (minute nos. 9 - 15 on page nos. 9 - 15).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

7. WELL BEING OBJECTIVES 2017/18

Cabinet considered this report on 1st March 2016 and in endorsing its content recommended its acceptance by Council.

The Local Government Measure 2009 requires all local authorities in Wales to set and publish a set of priorities called Improvement Objectives as soon as is 'practicably possible' in the new financial year, however the introduction of the Well-being of Future Generations (Wales) Act 2015 also places a legal requirement for public bodies to set and publish 'Well-being

Objectives' and publish by a specific date of no later than 31 March 2017.

As there is a cross over between the two pieces of legislation, local authorities are treating the two requirements as one outcome, to publish one set of Well-being Objectives by the 31 March 2017. The Wales Audit Office and Welsh Local Government Association have endorsed this approach.

A query was raised in relation to carbon management - reducing our footprint and as to whether, in accordance with Road Traffic Regulations, there had been any prosecution of drivers who allow their engines to run when they are stationary. In that the information was not to hand, the Member would be advised in due course.

In view of the progress of the WHQS programme, clarification was sought on the Objective 5 - Investment in Council homes to transform lives and community. It was explained that the objective should be seen in the wider sense as a catalyst to transform lives socially, economically and environmentally with an involved, integrated and collaborative approach to the delivery of the programme.

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report the current Well-being Objectives and Well-being Statement be approved and further reviewed by the new administration after the local government elections.

8. ANNOUNCEMENT

At this point it was announced that difficulties were being experienced with the camera angles and as such those viewing on line would be able to hear the debate but not view the Members in the well of the Chamber who were speaking.

REPORT REFERRED FROM SCRUTINY COMMITTEE

Consideration was given to the report referred from the Health, Social Care and Well Being Scrutiny Committee.

9. SOCIAL SERVICES AND WELLBEING ACT (2014) REGIONAL POPULATION NEEDS ASSESSMENT

Philip Diamond (Gwent Transformation Team) and Caryn Cox (Public Health Wales) were in attendance for this item.

With the aid of a slide presentation, Phil Diamond referred to the joint duty on the 5 local authorities and Aneurin Bevan Health Board to produce a Draft Regional Population Needs Assessment Report (PNA) which has to be agreed and signed off by all parties by 31st March 2017. The first area plans must be published by 1st April 2018.

He explained that the Social Services and Wellbeing Act 2014 places a statutory duty on Local Authorities and Health Boards to prepare a regional population needs assessment in relation to people requiring care and support. A draft PNA has been jointly developed across the region (Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen) by Aneurin Bevan University Health Board (ABUHB) and the Gwent Transformation Team and sets out the common priorities across the region and suggested actions. The Act requires local authorities and local health boards to jointly carry out an assessment of the needs for care

and support, and the support needs of carers in the local authority areas. The care and support is in relation to people known to Social Services and recognition is also required for the large number of people who are supported through preventative services.

It was noted that a PNA must include and reference health social care priorities for the electoral cycle (3-5 years), commissioning priorities, health and social care integration (Integrated Family Support Team and children with complex needs including disabilities), pooled funds (Family Support Functions), the discharge of preventative services Part 2, information advice assistance needs and social enterprises. It must also include specific core themes dealing with children and young people, older people, health/physical disabilities, learning disability/autism, mental health, sensory impairment, carers who need support; and violence against women, domestic abuse and sexual violence. Mr Diamond advised of the ongoing process and of the requirement for a more detailed analysis and mapping of services to develop an action plan and confirmed that Officers will continue to engage with all parties to in order to achieve this.

The draft PNA presented comprises of the assessment of need and the range and level of services required and sets out the common priorities across the region with suggested actions and is based on the views of citizens, providers and the third sector. It contains proposals for regional/joint commissioning, a 'Care Closer to Home' partnership approach, early intervention and health and social care integration.

Mr Diamond provided an overview of the research and engagement process into the assessment of need (Section 1 of the draft report), the emerging priorities that have been identified and the range and level of service required going forward (Section 2 of the draft report). He advised that the data presents successes and challenges and going forward the opportunity to develop Dementia Friendly Communities, preventative working, multi-agency assessments and an outcome framework and community connectors through social capital and volunteering.

He advised that the PNA will need to link to the Wellbeing Assessment required under the Wellbeing of Future Generations Wales Act 2015. Although the definition of wellbeing is slightly different in each Act, Officers have been working closely to align the development of respective population assessments to avoid duplication and identify areas of synergy and joint working.

Members were pleased to note from the report that the PNA has been developed through extensive engagement with the recognised partnerships as well as local groups such as the Youth Forum, Older People's Forums, Carers Groups and Parenting Networks and that there will be further engagement going forward. They also welcomed the opportunity for collaborative working and queried the governance arrangements and accountability as the plan progresses. Mr Diamond advised that there is a statutory duty under the Act for each region to form a Regional Partnership Board (between the Local Authorities and Health Board in the region). The Board will include elected Member leads for Social Services and ABUHB members, as well as Directors of Social Services and ABUHB Chief Executive Officers and will act as a joint committee to oversee the PNA process. Further reports will be provided in relation to the governance arrangements as the project develops.

Members considered the challenges that face an ageing population and how the region will need to look at new ways of working and queried as to whether there will be additional finance being made available for this purpose. It was explained that it is expected that it will be cost neutral and as such there is a need to look at financial solutions within existing budgets. An example was given of the low cost scheme 'colour my zimmer' which has resulted in fewer falls being reported.

In closing Mr Diamond thanked the Members for their contribution and advised them that consultation will continue on the first area plans which must be published by 1st April 2018.

Members thanked Philip Diamond and Caryn Cox for the informative presentation and for responding to queries raised during the course of the debate

Following consideration and discussion, it was moved and seconded that the recommendation from the Health, Social Care and Well Being Scrutiny Committee be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report and explained at the meeting, the priorities and suggested actions contained within the draft Regional Population Needs Assessment be supported.

REPORTS OF OFFICERS

Consideration was given to the following reports.

10. LICENSING AND GAMBLING/REGISTRATION/PERMIT FEES - 2017/18

The Licensing and Gambling Committee considered this report on 2nd March 2017, and, in endorsing its content, recommended its acceptance by Council.

Members were advised that the Authority has a statutory duty to administer certain licenses, registrations and permits. The review of fees charged involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some permits for matters such as street collections are free of charge, and the remaining fees can be determined locally in order to recover the cost of providing that particular service. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.

A fee calculator toolkit, devised by the All-Wales Licensing Expert Panel, has been used to determine fees and in considering the proposal, Members were asked to note the level of fees charged in connection with the Licensing Act 2003 (as set out in Appendix 3 of the report), the fees for the majority of gambling permits and associated charges in connection with the Gambling Act 2005 (as set out in Appendix 2 of the report) and the proposed premises licence fees for 2017/18 (as set out in Appendix 1 of the report) .

Following consideration and discussion, it was moved and seconded that the recommendations from the Licensing and Gambling Committee be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report:-

- (i) the level of fees charged in connection with the Licensing Act 2003 (as set out in Appendix 3 of the report) and for the majority of gambling permits and associated charges (as set out in Appendix 2 of the report) be noted;
- (ii) the reduced level of premises licence fees proposed under the Gambling Act 2005 for 2017/18 (as outlined in Appendix 1 of the report) be implemented with effect from 1st April 2017;
- (iii) the fee for Temporary Use Notices (as outlined in Appendix 2 of the report) remains at the existing level.

11. GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2017/18

The Taxi and General Committee considered this report on 2nd March 2017 and, in endorsing its content, and supporting a proposal to introduce the increase for street trading licenses on a phased approach with the fee being increased incrementally over three years (Option 2), recommended its acceptance by Council.

Members were advised that the Authority has a statutory duty to administer certain licenses, registrations and permits. The review of fees charged involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some permits for matters such as street collections are free of charge, and the remaining fees can be determined locally in order to recover the cost of providing that particular service. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.

A fee calculator toolkit, devised by the All-Wales Licensing Expert Panel, has been used to determine fees and in considering the proposal. Members were asked to note the details of the existing fees and the proposed fees (as set out at Appendix 1 of the report) and to consider the recommendation of the Taxi and General Committee to introduce the increase on a phased approach and increase the fee incrementally over three years.

Following consideration and discussion, it was moved and seconded that the recommendations from the Taxi and General Committee be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report:

- (i) the level of fees proposed for 2017/18 (as outlined in Appendix 1 of the report) be implemented with effect from 1st April 2017;
- (ii) the street trading renewal fee be increased over a three-year period (Option 2), to £560 in 2017/18, £617 in 2018/19 and £674 in 2019/20;
- (iii) Marriage Act fees remain at the existing level (as outlined in Appendix 1 of the report) and the premises approval period be increased from three years to five years.

12. PUBLICATION OF PAY POLICY STATEMENT - LOCALISM ACT 2011

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. This includes 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.

The Pay Policy Statement appended to the report contains the full details of the remuneration position for the Council that it is required to publish under the legislation. Members were reminded of the legislative requirement for the Pay Policy to be published on an annual basis, and therefore by 31st March 2017 for this financial year. The Public Services Staff Commission in Wales have recently (December 2016) produced observations and advice to Welsh Government in respect of the Transparency of Senior Pay in the Devolved Public Sector. The Welsh Government response to this work is awaited and as such, the attached Pay Policy follows existing guidance.

During the course of the debate, a query was raised in relation to changes in regulation in that with effect from 1 April 2017, all Youth and Youth Support Workers employed by Local Authorities, schools, colleges schools and the voluntary sector will need to be registered with the Education Workforce Council (EWC). It was noted that the Council currently pays the cost of registration with a specific registration body if there is a requirement to be registered in order to practice. This is paid for from the budget for the Youth Service and is not being reimbursed by Welsh Government.

A query was raised in relation to school based staff and it was confirmed that the provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are not required to be included within the scope of Pay Policy statements.

It was moved and seconded that the recommendation in the report be approved. By a show of hands (and in noting that there were 12 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons contained in the report the Pay Policy Statement (Version 6) be approved and published on the Council's website.

13. CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE REFORMING LOCAL GOVERNMENT WHITE PAPER

Consideration was given to the report which sought approval for the proposed response to the Welsh Government White Paper: 'Reforming Local Government: Resilient and Renewed' and deliberation on the response as it relates to Chapter 7 on elections and voting (consultation question 28).

Members were advised that within the White Paper Welsh Government identify a need for reform, supported by greater regional working, building on the majority of the proposals previously consulted upon and state that they wish to develop a more equal partnership with citizens. As well as setting out arrangements for regional working the White Paper describes a strengthened role for Councils and Councillors, provides a framework for any future voluntary mergers and sets out the role of Community Councils. It also outlines initial steps for financial reform.

It was confirm that discussions have been held with the political leaders on drafting the response (which were reflected in Appendix 1 of the report) and noted that Political Groups and individual Members are able to respond separately to the consultation which closes on 11th April 2017.

In noting the proposed responses as detailed in the report, specific reference was made to the views being sought on the proposals to allow local authorities to choose their own voting system (first past the post or Single Transferable Vote (STV)) and to reduce the voting age to 16 for local government elections.

After due debate, it was moved and seconded that subject to the addition of the following as it relates to Chapter 7 on elections and voting (consultation question 28), the proposed consultation responses as detail in the report be approved.

1. The retention of the first past the post voting system be supported.
2. The proposal to reduce the voting age to 16 for local government elections be supported

An amendment was moved and seconded that the Single Transferable Vote be supported.

A further amendment was moved and seconded that the proposals to allow local authorities to choose their own voting system (first past the post or Single Transferable Vote) should not be accepted, and all local authorities should be mandated to use the same voting system.

In accordance with Rules of Procedure the amendment was taken first. By show of hands (and in noting that there were 15 against) this was rejected by the majority present.

The further amendment was then taken. By show of hands (and in noting that there were 17 against) this was rejected by the majority present.

A vote was then taken on the substantive motion. By show of hands (and in noting that there were 15 against and 2 abstentions) this was approved by the majority present.

RESOLVED that subject to the addition of the following as it relates to Chapter 7 on elections and voting (consultation question 28), the proposed consultation response on the Welsh Government White Paper: 'Reforming Local Government: Resilient and Renewed' as detailed in the report be approved and submitted accordingly.

1. The retention of the first past the post voting system be supported.
2. The proposal to reduce the voting age to 16 for local government elections be supported

14. VILLAGE GREEN APPLICATION – SNOWDON CLOSE FIELDS RISCA

Consideration was given to the report which detailed the outcome of a formal process undertaken by a Barrister acting as an Independent Specialist appointed to consider the merits of an application to register land as a village green referred to as Snowdon Close Fields Risca (as shown edged black on the plan accompanying the report).

It was noted that the Council, in its capacity as Registration Authority, has a duty to dispose of village green applications in accordance with the relevant legislation. In that the Council, in its capacity as land owner raised a positive objection to the application, which gave rise to a direct conflict with its role as Registration Authority, an independent expert was appointed to consider the application for registration.

Members attention was drawn to the plan identifying the area of land the subject of the village green application (appendix 1), the initial advice of Mr Marwick dated 2nd August, 2016 (appendix 2), the final report of Mr Marwick dated 31st October, 2016 (appendix 3) and correspondence from the applicant (appendix 4). It was seen that Mr Marwick had concluded that the use of the land has been "by right" and not "as of right" and as such recommends that the application be rejected.

It was moved and seconded that the recommendation in the report be approved. By a show of hands (and in noting that there was 1 against and 5 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons set out in the final report of Mr Marwick, which should be read in conjunction with his advice dated 2nd August 2016, the application be rejected.

15. INTERNAL INVESTIGATION OF SENIOR OFFICERS – ADDITIONAL FINANCIAL PROVISION

Councillors N. George, C. Gordon, S. Morgan, J. Pritchard and J. Taylor declared an interest (being members of the Investigating and Disciplinary Committee) and left the Chamber when the application was discussed.

A further declaration of interest was made by Councillor Mrs Blackman during the course of the debate (in view of her enquiries on the subject matter) and as such, she left the Chamber.

The Interim Chief Executive reminded Members that there should be no discussion on the ongoing investigation by the Investigation and Disciplinary Committee.

Consideration was given to the report which sought approval of an additional financial provision to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of three Senior Officers.

Members were reminded of the current interim arrangements in place within the Authority arising from the ongoing internal investigation. There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.

It was noted that the additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. At its meeting on the 19th July 2016, Council approved a further financial provision of £282k to be funded from General Fund balances to cover the potential salary costs of the three Senior Officers for the period 1st September 2016 to 31st March 2017.

In that the Authority is now progressing internal investigations in accordance with the approved procedures and statutory requirements, over which there is no discretion, it is recommended that a further provision of £123k should be established from General Fund balances to cover the period 1st April 2017 to 30th June 2017. This will ensure that sufficient funding is available to meet the salary costs of the three Senior Officers if the investigation process is not concluded during the first quarter of the 2017/18 financial year.

In addition to the salary costs of the three Senior Officers, legal costs are also being incurred as part of the ongoing investigation process. Due to the specialist nature of the investigation process, the services of external legal advisors have been required. It is proposed that a further provision of £140k should be established from General Fund balances to ensure that sufficient funds are available to meet potential legal costs that may be incurred in the event that the internal investigation is not concluded by the 30th June 2017.

Members were advised that the financial provision for the salaries of the three Senior Officers and for legal costs will need to be reviewed again in June 2017 if the investigation process has not been concluded by that time. If matters are concluded prior to the end of June 2017 then any balance on the financial provision will be returned to General Fund balances.

Several members expressed reservations with regards to the statutory process and indicated that they were not able to support the recommendations. It was reiterated that there is no discretion over the approved procedures and statutory requirements of the internal investigation.

Following consideration and discussion, It was moved and seconded that the recommendations in the report be approved.

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

FOR THE MOTION

M. Adams, Mrs E.M. Aldworth, J. Bevan, Mrs P. Cook, C.J. Cuss, H.R. Davies, D.T. Davies, K. Dawson, M. Evans, Mrs C. Forehead, Miss E. Forehead, Mrs J. Gale, D.T. Hardacre, L. Harding, D. Harse, D. Havard, C. Hawker, A.G. Higgs, K. James, Mrs B.A. Jones, Ms J.G. Jones, G. Kirby, Mrs A. Leonard, Mrs P. Leonard, A. Lewis, Mrs G. Oliver, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, D. Rees, R. Saralis, J. Simmonds, T.J. Williams, R. Woodyatt (35)

AGAINST THE MOTION

Ms L. Ackerman, Mrs K.R. Baker, P. Bevan, L. Binding, C. Elsbury, M.P. James, S. Kent, K. Lloyd, C.P. Mann, M.J. Prew, J.E. Roberts, Mrs M.E. Sargent, S. Skivens (13)

ABSTENTIONS

Councillor D. Bolter, W. David, N. Dix (3)

The motion was declared carried by the majority present.

RESOLVED that for the reasons contained in the report and to ensure that sufficient funding is set aside to meet the potential costs of the ongoing investigation process should matters not be concluded by the 30th June 2017;

- (i) a further financial provision of £123k be funded from General Fund balances to cover the potential salary costs of the three Senior Officers for the period 1st April 2017 to 30th June 2017;
- (ii) an additional financial provision be funded from General Fund balances of £140k to meet potential legal costs to the 30th June 2017.

16. 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 answer is also provided.

Electronic Voting - to the Cabinet Member for Human Resources and Governance from Councillor Mrs Blackman

Under the Council's Standing Orders 15.2 Electronic Voting it states,

'For Meetings of the Full Council in the Council Chamber, voting will be by electronic voting. Should the electronic voting system be unavailable or breakdown, voting will be undertaken by a show of hands as outlined in paragraph 15.4 below. The section then goes on to describe how electronic voting will be undertaken.'

Some time ago Councillors did start to use the Electronic Voting system.

Why has it stopped and, when will it be reintroduced?

It is only right and proper that the electorate can look up how their Ward Members, voted on every issue.

RESPONSE FROM COUNCILLOR MRS C. FOREHEAD CABINET MEMBER FOR HUMAN RESOURCES AND GOVERNANCE

The electronic voting system had to be replaced when the webcasting system was introduced as it was discovered there were technical and incompatibility issues with the two systems. In order to resolve this it was agreed to replace the voting system and this was trialled at a few Council meetings in order for members to become familiar with the system. It was then decided to use the system at a Full Council meeting.

Unfortunately there were significant issues for Members using this system at the meeting and Members expressed a lack of confidence in the system. Members were therefore advised that the new electronic voting system would not be used as further testing and training on the system was required, decisions would be made by a show of hands.

This was subsequently discussed at Democratic Services Committee where Members sought reassurance that the use of the system would be revisited at a later date following further training for Members. Members were assured that reverting to a show of hands satisfied the test of openness and transparency as this can be clearly seen by the public in attendance.

The intention is to offer further training to all members following the AGM with a view to re-introducing the system, once Members are confident in the accuracy of the voting and in using the system.

The meeting closed at 7.10pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 13th June 2017 they were signed by the Mayor.

MAYOR

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ANNUAL COUNCIL

MINUTES OF THE ANNUAL MEETING OF COUNCIL HELD AT PENALLTA HOUSE YSTRAD MYNACH ON THURSDAY, 18TH MAY 2017 AT 6PM

PRESENT:

Councillor Mrs D. Price - Mayor
Councillor J. Bevan - Deputy Mayor

Councillors:-

M. Adams, Mrs E. Aldworth, Mrs C. Andrews, Mrs C. Bezzina, L. Binding, A. Collis, S. Cook, Mrs D. Cushion, C. Cuss, W. David, M. Davies, D.T. Davies, N. Dix, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, Mrs A. Gair, Ms J. Gale, N. George, C. Gordon, D.T. Hardacre, L. Harding, D. Harse, D. Havard, . A. Hussey, V. James, L. Jeremiah, G. Johnston, Mrs B. Jones, S. Kent, G. Kirby, Mrs P. Leonard, C.P. Mann, Mrs P. Marsden, Mrs B. Miles, S. Morgan, Mrs G. Oliver, B. Owen, Mrs T. Parry, Ms A. Passmore, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, J. Pritchard, J. Ridgewell, , R. Saralis, Mrs M.E. Sargent, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. . Whittle, T. Williams, W. Williams, B. Zaplatynski

Together with:-

C. Burns (Interim Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), C. Harry (Corporate Director - Communities), G. Williams (Interim Head of Legal Services and Monitoring Officer), C. Forbes-Thompson (Interim Head of Democratic Services), H. Morgan (Senior Committee Services Officer)

1. **WEB-CASTING FILMING AND VOTING ARRANGEMENTS**

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. He advised that decisions would be made By a show of hands.

2. **APOLOGIES**

Apologies for absence were received from Councillors A. Angel, P.J. Bevan, K. Dawson, C. Elsbury, J.E. Fussell, R.W. Gough, A. Higgs, M. James and J.E. Roberts.

3. **BEREAVEMENT**

The Mayor referred to the recent death of the Leader of Council, Councillor Keith Reynolds and former First Minister, Rhodri Morgan, and all present stood in silence as a mark of respect and extended their condolences to the bereaved family.

Several Members and the Interim Chief Executive referred to the late Councillor Reynolds long and distinguished career in local government with Caerphilly County Borough and its predecessor authority and paid tribute to the manner in which he had carried out his duties during his years of office and to the high esteem in which he had been held by Members, Officers and the community he represented.

4. RETIRING MAYORS REMARKS

The retiring Mayor, Councillor Mrs. D. Price, thanked fellow members and spoke of her numerous and varied activities during her year of Office and referred particularly to her chosen charity, Velindre for which a substantial sum will have been raised. She expressed her appreciation at the assistance given to her by Members and Officers, particularly those whose duties brought them into regular contact with her.

Members paid tribute to the way in which both she and her consort, Ernie Carroll, had carried out their duties during the term of Office.

5. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

6. ELECTION OF MAYOR

It was moved and seconded that Councillor J. Bevan be elected Mayor of Caerphilly County Borough Council. By a show of hands this was unanimously agreed.

RESOLVED that Councillor J. Bevan be elected Mayor of Caerphilly County Borough Council until the appointment of a successor at the annual meeting in May 2018.

Councillor J. Bevan thanked his fellow Members for the honour bestowed upon him and signed the Declaration of Acceptance of Office in the presence of the Interim Chief Executive. He advised that his consort would be Hilary Lynn.

7. ELECTION OF DEPUTY MAYOR

It was moved and seconded that Councillor M. Adams be elected Deputy Mayor of Caerphilly County Borough Council. By a show of hands this was unanimously agreed.

RESOLVED that Councillor M. Adams be elected Deputy Mayor of Caerphilly County Borough Council until the appointment of a successor at the annual meeting in May 2018.

Councillor Adams thanked his fellow members for the honour bestowed upon him and signed the Declaration of Acceptance of Office in the presence of the Interim Chief Executive. He advised that his consort would be his wife, Gloria Adams.

8. MAYOR'S ANNOUNCEMENTS

The Mayor, Councillor J. Bevan, announced that during his term of office, his chosen charities would be Cancer Research Wales and CRY in memory of Jack Thomas.

9. APPOINTMENT OF LEADER OF COUNCIL

It was moved and seconded that Councillor D.V. Poole be elected as Leader of Caerphilly County Borough Council. By a show of hands this was agreed by the majority present.

RESOLVED that Councillor D.V. Poole be elected Leader of Caerphilly County Borough Council and receive a senior salary payment.

10. APPOINTMENT OF DEPUTY LEADERS

RESOLVED that the appointments of Councillors Mrs B. Jones and S. Morgan as Deputy Leaders of Caerphilly County Borough Council and their receipt of a senior salary payment be noted.

11. MEMBERSHIP OF CABINET

RESOLVED that: -

- (i) the appointments by the Leader of Council as to the membership of the Cabinet and their receipt of a senior salary payment be noted: -

Finance, Performance and Governance	Councillor Barbara Jones
Economy, Infrastructure and Sustainability/ Well Being and Future Generations Champion	Councillor Sean Morgan
Corporate Services	Councillor Colin Gordon
Environment and Public Protection	Councillor Eluned Stenner
Neighbourhood Services	Councillor Nigel George
Education and Achievement	Councillor Philippa Marsden
Social Care and Well Being	Councillor Carl Cuss
Homes and Places	Councillor Lisa Phipps

- (ii) in view of the changes of responsibility and portfolio, as outlined at the meeting, the Interim Head of Legal Services be authorised to present a report to the next meeting of Council detailing changes required to the Constitution as a result of the changes.

12. LEADER OF THE MAIN OPPOSITION GROUP - COUNCILLOR C.P. MANN

It was noted that Councillor C.P. Mann will receive a senior salary payment as Leader of the main opposition Group.

13. LEADERS STATEMENT

Councillor D.V. Poole gave an overview of the challenges and issues faced in the coming year and welcomed the opportunity to work with each scrutiny committee in order that Members can assist Cabinet in preparing its plans going forward.

He paid tribute to the legacy left by Councillor K.V. Reynolds and reminded those present that in spite of the financial situation over the past few years, it had been possible to maintain services with no significant cuts while, at the same time, delivering the lowest council tax increase in Wales for two years running. He advised that during the same period, major strides have been made in delivering the £200 million investment in improving the condition of the council housing stock, £55million has been invested in the

21st Century Schools programme and it has been possible to maintain the level of service to the public such as waste and recycling, cleansing and highways.

In going forward, it is forecast that there will be a need to make more than £30million worth of savings over the next few years. Councillor Poole advised that to date it has been possible to avoid cuts to frontline services by targeting ways of being more efficient, by rationalising buildings and reducing management and administrative costs. Whilst this will continue to be the preferred approach there is also a need to start considering priorities. As such, a discussion session will be convened for all Members in September to look at the detail of the budget and how to prepare for future years as part of the development of the medium term financial plan.

In that Education is the biggest spending area and one of the highest priorities, discussion will start on the next phase of school improvements, building on the huge success of the £55m band A programme. Members will be asked to contribute to this process by helping to prioritise which schools should be considered in the next round of construction projects (be they improvements to existing schools or new build). As part of the improvement process, work has already started with schools and the Education Achievement Service, to help raise attainment levels.

With regards to housing and the £200m WHQS Programme, there has been a significant upsurge in the level of work being undertaken this year. It is intended that the Cabinet Member for Housing will work with Officers to produce a revised implementation programme for this scheme, with regular reports being presented to Cabinet. Officers have also been tasked to look for more ways to increase the availability of social housing over the next few years.

Councillor Poole announced that job creation will also be a top priority for the coming year and made specific reference to the Cardiff Capital Region City Deal Investment Plan. It is hoped that the plan will create jobs for people across all parts of the region, and especially in the county borough and as such the Regeneration and Environment Scrutiny Committee will be invited to assist in developing plans and ideas for job creation.

Reference was then made to waste and recycling and it was announced that with a recycling figure of 65%, the county borough are well ahead of the Welsh Government target and among the best performers in Wales. In that the targets for the future will be higher still this is another area that the scrutiny committee will be asked to help by looking at ways to boost the performance levels still further.

The Leader advised that social care will continue to be high on the list. Considerable additional sums have been allocated into the social care budget in recent years and there are plans to include a further £1.5 million growth into that budget next year. Officers have been asked to look at the plans for a new Childrens centre in Pontllanfraith as part of the capital programme. Coping with the demographic trend of increasing numbers of older people, and the financial pressures on adult and childrens services, will be one of the biggest challenges going forward.

In closing Councillor Poole advised that these were a few of the issues which will be faced and welcomed the opportunity to work with Members and Officers in order to tackle the challenges together.

14. REVIEW OF POLITICAL BALANCE

Consideration was given to the report which provided an overview of the political balance across the Authority and the allocation of seats to political groups in accordance with statute.

Members were advised that under the Council's Rules of Procedure as set out in the

Constitution, the Council is required to appoint or re-appoint Committees at its Annual Meeting. The report detailed the political balance following the local government elections in May 2017 and outlined the possible variations dependent on the grouping of Independent Members.

It was noted that the membership of the current political groupings has been calculated along with possible variations of Independent Members. There is already an Independents group of four; however one Independent Member has not yet indicated their intentions. A single Independent Member cannot form a group therefore a percentage of 1.4% would be applied and the individual Member only entitled to a seat on full Council.

Reference was made to the appendices of the report which set out the political balance and allocation of seats for Committees calculated in accordance with the relevant guidance, for each of the variations (50 18 4 and 50 18 5) and the number of seats in Committee as a result.

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

RESOLVED that for the reasons contained in the report, until finalisation of the Independent grouping is made known, the political balance as outlined in either Appendix 1 or 2 (as applicable) and the general allocation of seats to the Committees in accordance with the political balance be approved.

15 CONSTITUTIONAL MATTERS

Consideration was given to the report which outlined matters that require consideration and provided an update on changes and amendments to legislation affecting the Councils Constitution. Members were also asked to consider proposed changes to the Planning Committee and Taxi and General Committee terms of reference, the appointment of the Lay Member of the Audit Committee, the adoption of the Monitoring Officer Protocol and changes to the Scheme of Delegation.

Members were advised that the Council's Procedure Rules require the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other Committees the Council considers appropriate to deal with the matters which are neither reserved to the Council nor are executive functions. Other than the changes proposed to the Planning Committee and the Taxi and General Committee terms of reference which were set out in paragraph 6 of the report, it is not proposed that any changes be made to the current committee structure.

The Interim Head of Legal Services advised that Council is required, in accordance with the Local Government Measure 2011, to appoint an Audit Committee with a prescribed membership which includes at least one lay member. The Statutory Guidance from the Local Government Measure recommends that a lay member should not be appointed for more than two full terms of a local authority. The Council undertook a recruitment exercise in 2012 and selected Mr Nigel Donald Yates with a term of office to run concurrently with the current administration (2012 to 2017). Whilst the Council may undertake a further recruitment process, the Statutory Guidance provides the Council with the option of a potential alternative reappointing the current Lay Member for a further term of office. The current Lay Member has been asked if he would be interested in continuing his role if the Council agreed to reappoint him to the role and has confirmed that he would be interested in continuing as Lay Member, subject to the approval of the Council.

With regards to the Planning Committee, as a result of legislative changes within 'The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017', it is necessary to change the terms of reference to reflect the requirements. This relates

to the size (no fewer than 11 members and no more than 21), the quorum (50% of members), the composition (where wards have more than one elected member, only one member may sit on the Planning Committee).

Reference was then made to Part 2 of the Mobile Homes (Wales) Act 2013 (“the 2013 Act”) which introduced new site licensing provisions for residential mobile home sites, the functions of which have been exercised as a Cabinet function. However, the Mobile Homes (Wales) Act 2013 (Consequential Provisions) Order 2016 consequential amendments to three pieces of secondary legislation have been made, one of which relates to the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 which amends the functions exercised under the original Act in that it is no longer the responsibility of an Executive. As such, it is proposed that the function be included within the terms of reference of the Taxi and General Committee.

With regards to the adoption of the Monitoring Officer Protocol, it was noted that its content had been considered and approved by the Standards Committee. It was reported that Section 5 of the Local Government and Housing Act 1989 requires every principal authority to designate one of its Officers as the Monitoring Officer and the report provided details of the main functions of the Monitoring Officer which are set out in Part 2 Article 12, paragraph 12.03 of the Council's Constitution. Lawyers in Local Government have a Sub Group consisting of all the Monitoring Officers of the principal councils in Wales, as well as the Fire and Rescue Authorities and National Parks. That Sub Group has developed a Monitoring Officer Protocol which is recommended for adoption by Councils across Wales. The Protocol, as attached to the report, incorporates changes to reflect local arrangements and is intended to replace the existing Monitoring Officer Protocol which is currently in the Council's Constitution.

Following consultation with all Heads of Service, minor changes are proposed to the Scheme of Delegation set out in Part 3 of the Constitution (which for ease of reference was appended to the report) and represent changes and updates regarding legislation, together with job titles and inclusion of relevant functions.

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

RESOLVED that for the reasons contained in the report:-

- (i) it be noted that other than the changes proposed to the Planning Committee Terms of Reference and the Taxi and General Committee Terms of Reference as set out in the report, it is not proposed that any changes be made to the committee structure as detailed in the report;

Lay Member of the Audit Committee

- (ii) Mr Yates be reappointed as the Lay Member for the Audit Committee for a second and final term of office from the AGM on 18th May 2017 for a period of 5 years until the next Council elections in May 2022;

Planning Committee

- (iii) the changes to the existing Terms of Reference for the Planning Committee be endorsed and the current membership remain unchanged;
- (iv) the Interim Head of Legal Services and Monitoring Officer be authorised to amend the Constitution as necessary;

Taxi and General Committee

- (v) the functions under the Mobile Homes Wales Act 2013 be added to Schedule 1 Heading B of the Scheme of Delegation and also included within the Terms of Reference of the Taxi and General Committee;
- (vi) the Interim Head of Legal Services and Monitoring Officer be authorised to amend the Constitution as necessary;

Scheme of delegation

- (vii) the minor changes to the Scheme of Delegation in relation to updates regarding legislation, together with job titles and inclusion of relevant functions. as set out in Part 3 of the Constitution and detailed in the appendix to the report be approved;
- (viii) the Interim Head of Legal Services and Monitoring Officer be authorised to amend the Constitution as necessary.

16. CO-OPTED SCRUTINY COMMITTEE MEMBERS

Consideration was given to the report which sought decisions on a process to appoint and formalise arrangements for non-statutory co-opted members on Health Social Care and Wellbeing Scrutiny Committee, Education for Life Scrutiny Committee and Partnerships Scrutiny Committee and approval to remove co-opted positions available to organisations that no longer attend.

It was noted that the co-opted members that sit on Health Social Care and Wellbeing Scrutiny Committee have continued since 2001 without review and there is no process in place to provide guidance on appointing new members. There have now been two resignations from the Committee and this report suggests a procedure for seeking new nominations. The position will be offered for a fixed term to run concurrently with the term of office for each respective administration.

The co-opted members of Partnerships Scrutiny Committee were agreed by Council on 11th October 2016. Since a position was offered to the Youth Forum, it has asked if the Vice-Chair could be designated as a substitute co-opted member when the Chair is unavailable. This would also assist with continuity as the Vice-Chair will take over the Chair of the Youth Forum.

The Education for Life Scrutiny Committee non-statutory co-opted members were agreed by Cabinet in January 2000. The report suggests reviewing the number of non-statutory co-opted members because of lack of attendance and remove the positions for National Association Head Teachers (NAHT) and National Association of School Masters Union of Women Teachers (NASUWT). It was noted that enquiries have been made with those Unions but to date no response has been received. It was suggested that the positions afforded to National Union of Teacher (with formal arrangements for substitution) and Caerphilly Governors Association be allowed to continue along with a defined term of office.

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

RESOLVED that for the reasons contained in the report:-

- (i) the process to appoint Co-opted Members to Health Social Care and Wellbeing Scrutiny Committee as detailed in paragraphs 4.4 - 4.8 of the report be approved;

- (ii) the Aneurin Bevan University Health Board Co-opted Member position appointed to Health Social Care and Wellbeing Scrutiny Committee continue to be flexible to allow for personnel changes in the organisation;
- (iii) the Vice-Chair of the Youth Forum be substitute member for the Chair of the Youth Forum, as non-voting Co-opted Member of Partnerships Scrutiny Committee;
- (iv) the positions for National Association Head Teachers (NAHT) and National Association of School Masters Union of Women Teachers (NASUWT) NAHT and NASUWT on Education for Life Scrutiny Committee as outlined in paragraphs 4.14 - 4.16 of the report be removed;
- (v) it be agreed that the non-voting Co-opted Member positions for the National Union of Teachers and Caerphilly Governors Association on Education for Life Scrutiny Committee be allowed to continue but are to be re-nominated when the term of office for each respective administration ends;
- (vi) it be agreed that that the National Union of Teachers non-voting Co-opted Member position on Education for Life Scrutiny Committee be subject to a formal substitution arrangement as outlined in paragraph 4.16 of the report.

17. INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2017/18

The report detailed the Independent Remuneration Panel for Wales' final determinations relating to councillors and co-opted members for 2017/18 and sought a decision from Council on certain aspects of the Members remuneration scheme for 2017/18. A copy of the Annual Report for 2017/18 was appended to the Officers report.

Members were advised that the Panels determinations include a 0.75% increase in the basic salary for Councillors for 2017/18. This is the first increase for 3 years and represents a £100 increase in the basic salary for councillors to £13,400. There are no increases to senior salaries aside from the uplift in the basic salary entitlement. Senior Salaries are payable to Members that hold certain prescribed roles and are limited to a maximum of 18 posts within Caerphilly Council

The Panel has determined that for 2017/18 there will again be a choice of two levels of salary for Cabinet Members and Committee Chairs, (subject to the increase in the Councillor basic salary of £100). Councils will have the option to appoint Cabinet Members at either Level 1 salary of £29,100 or Level 2 at £26,200. Committee Chairs at either Level 1 at £22,100 or Level 2 at £20,100. The Leader of the largest opposition group is also increased to £22,100. Senior Salaries are payable to Members that hold certain prescribed roles and are limited to a maximum of 18 posts within Caerphilly Council.

It was confirmed that the effective date will be the 8th May 2017 subject to the member having signed the declaration of acceptance. The exception to this applies to the Mayors Civic Salary who remains in post until a successor is appointed at the AGM following the election. Members or Co-opted Members may forgo any part of their remuneration entitlement by giving notice in writing to the Interim Chief Executive.

Members were referred to the recommendations detailed in paragraphs 10.3 - 10.6 of the report which sought a decision from Council in respect of the 2017/18 salary level for the Authority's Deputy Leaders, Cabinet Members, Committee Chairs and Civic Salaries. A number of options were listed against each of these posts for Members' consideration. The remaining recommendations within the report sought the approval of Council on other aspects of the Members remuneration scheme.

During the course of the debate, and in relation to support for members, a query was raised as to whether the training and personal development opportunities are available to all Members. Reference was made to the extensive training programme that is available to all members which is in addition to the annual training needs analysis and individual training requests.

Following consideration and discussion of the report, it was moved and seconded that Option 2 (Level 2 salary) for the named posts contained within paragraphs 10.3 - 10.6 of the report be selected as the approved option and those recommendations in paragraphs 10.2, 10.7, 10.8 and 10.9 be approved. By a show of hands this was agreed by the majority present.

In accordance with Rule of Procedure 15.5 a request was made for a recorded vote. In that this was not supported by ten members, it was not possible to accede to the request.

RESOLVED that for the reasons contained in the report:-

- (i) the determinations of the Panel including, the basic salaries, Leader and Deputy Leader salaries, reimbursement of care costs, travel and subsistence allowances and fee payments to Co-opted Members be noted;
- (ii) Option 2 (Level 2 salary), as detailed in section 10.3 of the report, be set as the appropriate level of Deputy leaders salary for 2017/18;
- (iii) Option 2 (Level 2 salary), as detailed in section 10.4 of the report, be set as the appropriate level of Cabinet Members salary for 2017/18;
- (iv) Option 2 (Level 2 salary), as detailed in section 10.5 of the report, be set as the appropriate level of Committee Chairs salary for 2017/18;
- (v) Option 2 (Level 2 salary), as detailed in section 10.6 of the report, be set as the appropriate level of Civic Salaries for 2017/18;
- (vi) as detailed in section 4.17 of the report, the maximum number of days payable to co-opted Members of the Education for Life Scrutiny Committee, Co-opted (lay) Members of the Standards and Audit Committees, remain at 10 days per year;
- (vii) the Officers listed at paragraph 10.8 of the report continue to act as the 'appropriate officer' for Co-opted Members as indicated therein;
- (viii) as detailed in section 10.9 of the report, no allowance payment be made for travel claims for journeys made within Members' wards.

It was noted that should a Member wish to reduce their remuneration entitlement they should inform the Interim Chief Executive of their intention to do so.

18. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN TO SCRUTINY AND OVERVIEW COMMITTEES

It was moved and seconded that Members be appointed as Chair and Vice-Chair of the following scrutiny committees for the ensuing year in accordance with the names presented at the meeting. By a show of hands this was unanimously agreed.

RESOLVED that the following Members be appointed as Chair and Vice-Chair of the following scrutiny committees for the ensuing year and the Chair receive a senior salary payment.

Education for Life Scrutiny Committee

Chair Councillor W. David

Vice-Chair Councillor Mrs G. Oliver.

Health, Social Care and Well Being Scrutiny Committee

Chair Councillor L. Binding

Vice-Chair Councillor Ms J. Gale

Policy and Resources Scrutiny Committee/Partnerships Scrutiny Committee

Chair Councillor J. Pritchard

Vice-Chair Councillor Mrs D. Price

Regeneration and Environment Scrutiny Committee

Chair Councillor D.T. Davies

Vice-Chair Councillor Mrs C. Forehead

19. MEMBERSHIP ON OVERVIEW AND SCRUTINY COMMITTEES

It was proposed that sixteen Members be appointed to serve on the following scrutiny committees in accordance with the names supplied to the Interim Chief Executive by the respective groups. By a show of hands this was unanimously agreed.

RESOLVED that sixteen Members be appointed to serve on the following scrutiny committees in accordance with the names supplied to Democratic Services by the respective groups.

Education for Life Scrutiny Committee

Health, Social Care and Well Being Scrutiny Committee

Policy and Resources Scrutiny Committee/Partnerships Committee

Regeneration and Environment Scrutiny Committee

20. APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN TO COMMITTEES

It was moved and seconded that Members be appointed as Chair and/or Vice-Chair of the under mentioned committees for the ensuing year in accordance with the names presented at the meeting and that the payment of a senior salary be made where appropriate. By a show of hands this was unanimously agreed.

RESOLVED that the following Members be appointed as Chair and Vice-Chair of the under mentioned committees for the ensuing year and the payment of a senior salary where appropriate be noted:-

Appeals Panel (Disciplinary/Grievance)

Chair Councillor W. David

Appointments Committee

Chair Councillor Mrs E. M .Aldworth

Vice-Chair Councillor Mrs C. Forehead

Democratic Services Committee

Chair Councillor C.P. Mann

Vice-Chair Councillor D.T. Davies

Investigating and Disciplinary Committee

To be appointed by the Committee

Licensing Committee

Chair Councillor D.W.R. Preece

Vice-Chair Councillor J. Simmonds

Planning Committee

Chair Councillor M. Adams

Vice-Chair Councillor W. David

21. APPOINTMENT OF CHAIR AND VICE-CHAIR TO THE AUDIT COMMITTEE

It was noted that the Chair and Vice-Chair of the Audit Committee will be appointed at the first meeting of the Audit Committee following the Annual Meeting of Council and that a senior salary payment will be made to the Chair.

22. MEMBERSHIP ON COMMITTEES

It was proposed that Members be appointed to serve on the listed committees in accordance with the names supplied to Democratic Services by the respective groups. By a show of hands this was unanimously agreed.

RESOLVED that subject to the foregoing, Members be appointed to serve on the following in accordance with the names supplied to Democratic Services by the respective groups:-

- Appeals Panel (Disciplinary/Grievance)(3 Members/3 substitutes)
- Appointments Committee (7 Members plus relevant Cabinet Member)
- Audit Committee (12 Members)
- Democratic Services Committee (16 Members)
- Investigating and Disciplinary Committee (7 Members)
- Licensing Committee (15 Members)
- Planning Committee (20 Members)
- Standards Committee (2 Members/2 substitutes)
- Rights of Way Cabinet Committee (5 Cabinet Members)

23. CONSTITUTION OF SUB-COMMITTEES/WORKING PARTIES/PANELS AND BOARDS

It was proposed that Members be appointed to serve on the following sub-committees/working parties/panels and boards in accordance with the names supplied to Democratic Services by the respective groups. By a show of hands this was unanimously agreed.

RESOLVED that Members be appointed to serve on the following sub-committees/working parties/panels and boards in accordance with the names supplied to Democratic Services by the respective groups:-

- Advisory Panel for the Appointment and Removal of Local Authority Governors (8 members)
- Bargoed Town Centre Management Group (6 local Members and Cabinet Member)
- Blackwood Town Centre Management Group (5 local Members and Cabinet Member)
- Bryn Compost Liaison Group (adjoining ward Members and Cabinet Member)
- Caerphilly Community Safety Delivery Strategy Group (1 Member)
- Caerphilly Homes Task Group (Welsh Housing Quality Standard)(7 Members)
- Caerphilly Local Access Forum (Cabinet Member)
- Caerphilly Town Centre Management Group (9 ward Members and Cabinet Member)
- Community Council Liaison Sub-Committee (16 Members)
- Corporate Health and Safety Committee (7 Members)
- Corporate Joint Consultative Committee (all Cabinet Members)
- Education Achievement Service Board (1 Member)
- Education Achievement Service Audit/Risk Assurance Committee (2 Members)
- Future Generations Advisory Panel (11 Members)
- Grants to the Voluntary Sector Panel (15 Members)
- Monmouthshire and Brecon Canal - Crumlin Arm Working Group (ward Members and Cabinet Member)

Pensions/Compensation Committee (8 Members)
Prosiect Gwyrdd Joint Scrutiny Panel (2 Members)
Risca Town Centre Management Group (5 local Members and Cabinet Member)
River Rhymney Task Group (3 Members)
Scrutiny Leadership Group (Chair/Vice - Scrutiny Committees/Democratic Services Committee and Audit Committee)
Standing Advisory Council for Religious Education (6 Members)
View Point Panel (relevant Cabinet Members)
Voluntary Sector Liaison Committee (15 Members)
Ystrad Mynach Town Centre Management Group (4 local Members and Cabinet Member)

24. REPRESENTATION ON ASSOCIATIONS/OUTSIDE BODIES

RESOLVED that Council be represented on associations and outside bodies by the following members and/or officers: -

Aneurin Bevan Community Health Council

Councillors Ms A. Gair, Mrs T. Parry,

Anti-Poverty Champion

Cabinet Member for Finance, Performance and Governance - Councillor Mrs B.A. Jones

Army Benevolent Fund - Gwent

Councillor A.G. Higgs

Armed Forces Community Covenant Champion

Councillor A.G. Higgs

Association of Public Services Excellence (APSE) Welsh Regional Committee

Cabinet Members for Corporate Service, Homes and Places, Economy, Infrastructure and Sustainability - Councillors C.J. Gordon, Mrs L. Phipps and S. Morgan

Caerphilly Foster Panel

Councillor Ms J. Gale

Carbon Reduction Group

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Cardiff Capital Region Joint Committee (Regional Cabinet)

Leader of Council - Councillor D.V. Poole and Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Care and Repair - Caerphilly

Cabinet Member for Homes and Places - Councillor Mrs L. Phipps and Private Sector Housing Manager

Catalogue Supplies Joint Committee (Joint Supplies Service Joint Committee) - to be disbanded in due course

Cabinet Members for Corporate Services and Finance, Performance and Governance, Homes and Places - Councillors C.J. Gordon and Mrs B.A. Jones

Child Poverty Champion

Cabinet Member for Social Care and Well Being - Councillor C.J. Cuss

Citizens Advice Bureau Trustee Board

Cabinet Member for Corporate Services - Councillor C.J. Gordon

Coleg Gwent Further Education Corporation (Crosskeys Community Partnership)

Councillor D.T. Hardacre

Coleg Harlech WEA North

Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden

Coleg Y Cymoedd Corporation (formerly Ystrad Mynach College Board of Governors)

Sian Farquharson, Challenge Advisor EAS

Consortium of Local Authorities Wales (CLAW)

Leader of Council and Cabinet Member for Homes and Places - Councillors D.V. Poole and Mrs L. Phipps

Corporate Parenting Group

Cabinet Members for Social Care and Well Being and Education and Achievement
Councillor C.J. Cuss and Councillors L. Binding, Mrs D. Cushing, C.J. Cuss,
Mrs P. Marsden, Ms J. Gale (Foster Panel Member)

Corporate Safeguarding Group

Cabinet Members for Social Care and Well Being and Education and Achievement
Councillors C.J. Cuss, Mrs P. Marsden, Mrs D. Cushing, 1 independent

Domestic Abuse Champions

Cabinet Members for Corporate Services and Neighbourhood Services - Councillors
C.J. Gordon and N. George

Equalities Champion

Councillor J. Pritchard

Fields in Trust (formerly National Playing Fields Association)

Cabinet Member for Neighbourhood Services - Councillor N. George

Future Generations Champion

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Glamorgan Archives Joint Committee

Councillor Mrs B.A. Jones and A.G Higgs

Greater Gwent Cremation Joint Committee

Councillor J. Simmonds and J. Taylor

Groundwork Wales

Councillor D. Havard

Gwent Association of Voluntary Organisations

Ms J Dix and Councillor G. Kirby

Gwent Frailty Joint Committee

Cabinet Member for Social Care and Well Being - Councillor C.J. Cuss

Gwent Archives Joint Committee

Councillors Mrs B.A. Jones and A.G. Higgs

Gwent Police and Crime Panel - politically balanced across Gwent

Councillors Mrs C. Forehead, G. Kirby and C.P. Mann

Homeless Person Champion

Cabinet Member for Homes and Places - Councillor Mrs L. Phipps

Industrial Communities Alliance (formerly Coalfield Communities Campaign)

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Islwyn Indoor Bowls Club Management Board

Councillor M. Adams and Cabinet Member for Neighbourhood Services - Councillor N. George

Joint Council for Wales

Cabinet Members for Corporate Services and Homes and Places - Councillors C.J. Gordon and Mrs L. Phipps

The Learning Centre (Pupil Referral Unit)

Councillor M. Evans

Local Authority Action for Southern Africa (LAACTSA)

Councillor R. Saralis

Local Government Association

Leader of the Council - Councillor D.V. Poole and Cabinet Members for Finance, Performance and Governance, Economy, Infrastructure and Sustainability and Neighbourhood Services - Councillors Mrs B.A. Jones, S. Morgan and N. George

Monmouthshire and Brecon Canal Regeneration Partnership

Cabinet Members for Economy, Infrastructure and Sustainability, Environment and Public Protection - Councillors S. Morgan and Mrs E. Stenner (substitute Councillor C. Thomas)

Monmouthshire Farm School Endowment Trust

Councillor D. Havard

Older Persons Champion

Councillor Mrs B.A. Jones

PFI Liaison Committee

Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden

Prosiect Gwyrdd Joint Committee

Cabinet Members for Neighbourhood Services and Corporate Services - Councillors N. George and C.J. Gordon

Regional Technical Statement (Aggregates)

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Regional Transport Authority

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Reserve Forces and Cadets Association for Wales

Councillor A.G. Higgs

Safer Caerphilly Community Safety Partnership

Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner

Schools Admission Forum

Cabinet Member for Education and Achievement - Councillor Mrs P. Marsden

Schools Budget Forum

Cabinet Members for Education and Achievement and Finance, Performance and Governance - Councillors Mrs P. Marsden and Mrs B.A. Jones

Sight Cymru

Councillor C. Elsbury

South East Area Environment Group

Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner

South East Wales Strategic Planning Group

Cabinet Member for Environment and Public Protection - Councillor Mrs E. Stenner

South Wales Fire and Rescue Authority

Councillors D.T. Davies, A. Hussey, C. Elsbury

South Wales Regional Aggregates Working Party

Cabinet Member for Economy, Infrastructure and Sustainability - Councillor S. Morgan

Sportlot Community Chest Panel

Councillors Ms A. Gair, C. Thomas and W. Williams

St. Johns Cymru Wales

Councillor A.G. Higgs

Urban Commission (Local Government Association)

Councillor S. Morgan

Wales and National Nuclear Free Zone Forum

Councillor Mrs C. Forehead

Wales Council for Deaf People

Councillor Ms A. Gair

Welsh Books Council (3 years) and Wales Book Council Executive Committee (1 year)

Councillor J. Simmonds

Welsh Centre for International Affairs

Councillor D. Havard

Welsh Church Fund

Cabinet Member for Corporate Services - Councillor C. Gordon, Substitute - Cabinet Member for Finance, Performance and Governance - Councillor Mrs B.A. Jones

Welsh Local Government Association

Leader of the Council - Councillor D.V. Poole and Cabinet Members for Finance, Performance and Governance, Economy, Infrastructure and Sustainability and Neighbourhood Services - Councillors Mrs B.A. Jones, S. Morgan and N. George

Welsh Local Government Association - Executive Board

Leader of the Council - Councillor D.V. Poole

Welsh Purchasing Consortium - to be disbanded in due course
Cabinet Member for Corporate Services - Councillor C. Gordon

White Ribbon Campaign
Councillor N. George

Workers Education Association - South Wales District Committee
Councillor Mrs C. Forehead

Youth Champion (appointed by Youth Forum)

Youth Forum
Councillors C.J. Cuss and J. Pritchard, Cabinet Member for Education and
Achievement - Councillor Mrs P. Marsden and Young Peoples Champion)

The meeting closed at 7.10pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting on 13th June 2017 they were signed by the Mayor.

Mayor



COUNCIL – 13TH JUNE 2017

SUBJECT: BRYN COMPOST LIAISON GROUP - TERMS OF REFERENCE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER

-
- 1.1 The attached report was considered by Cabinet on 7th June 2017. The recommendations of Cabinet will be reported verbally to Council on 13th June 2017.
 - 1.2 Members will be asked to consider the recommendations of Cabinet.

Author: Helen Morgan, Senior Committee Services Officer

Appendix: Report to Cabinet - 7th June 2017



CABINET - 7TH JUNE 2017

SUBJECT: BRYN COMPOST LIAISON GROUP TERMS OF REFERENCE

REPORT BY: CORPORATE DIRECTOR- SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 In March 2010, Council agreed to establish the Bryn Compost Liaison Group. Following a request from the Liaison Group to extend its terms of reference to incorporate odours created by farming activities, this report seeks the view of Cabinet on the future operation of the Group prior to its presentation to Council.
- 1.2 Part 2 of the Council's constitution provides that full Council is responsible for "agreeing and/or amending the terms of reference for committees, sub committees, panels and boards, deciding on their composition and making appointments to them".

2. SUMMARY

- 2.1 Bryn Compost Ltd operates as a commercial composting business at Gelliargwellt Uchaf Farm in Gelligaer. The Bryn Compost Liaison Group was established in March 2010 in order to address complaints of odour experienced around the Gelliargwellt Uchaf Farm location. The Liaison Group is composed of representatives from the Bryn Compost Company, Environmental Health, Natural Resources Wales, Public Health Wales, adjoining local ward members and ten residents and chaired by the Cabinet Member for Community and Leisure Services. Its existing terms of reference are detailed in the appendix to the report. A local ward member suggested that the terms of reference should be extended to incorporate odours created by farming activities and this was supported by the Liaison Group.

3. LINKS TO STRATEGY

- 3.1 This proposal supports the authority's aim to maximise its contribution towards the national well-being goals for Wales under the Well-being of Future Generations (Wales) Act 2015 and in particular contributes to:
 - *A prosperous Wales*
 - *A resilient Wales*
 - *A healthier Wales*
 - *A Wales of cohesive communities*
 - *A globally responsible Wales*

4. THE REPORT

- 4.1 The Gelliargwellt Uchaf Farm complex is comprised of various businesses including Bryn Quarry, a waste recycling facility, a working milking cattle farm, an In-Vessel Composting (IVC) facility and an energy from waste anaerobic digestion (AD) facility.
- 4.2 Over recent years, improvements in the management and operation of the IVC, together with the introduction of the AD facility has significantly reduced the number of odour incidents associated with the composting facility. The number of complaints relating to composting odours has also significantly declined with members of the Liaison Group remarking on a substantial improvement. Attendance at the Liaison Group has declined over recent times with some meetings attended by just one or two local ward members and four members of the public from Nelson and Gelligaer.
- 4.3 Such positive improvements have been countered by a limited number of residents occasionally reporting complaints of odour associated with farming activities such as feeding cattle, cutting silage and spreading slurry as fertiliser. As such a local ward member has suggested that the terms of reference for the Liaison Group should be expanded to include the farming activities and this was supported by the those present.
- 4.4 Complaints of farming related odours have been investigated and found to be transient with no evidence of statutory nuisance. The farming practices also comply with best practice guidance.
- 4.5 Members should be aware that the investigation of such farm related odours are considered to be “business as usual” and therefore do not require the provision of a specific liaison group. Liaison groups have not been established for other farms across the county borough. Furthermore, the significant reduction in complaints associated with the composting facility suggests that the Liaison Group has successfully served its purpose and as such has reached a natural conclusion.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that it has successfully integrated a problem solving approach with other agencies to set priorities, involved the local population in the decisions that affected them, and explored the root cause of the issues to minimise future re-occurrences.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications as a result of this report.

9. CONSULTATIONS

- 9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

- 10.1 Members are asked to consider the future role of Bryn Compost Liaison Group and made a recommendation thereon to Council.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To consider the future role of the Bryn Compost Liaison Group.

12. STATUTORY POWER

- 12.1 Environmental Protection Act 1990

Author: Ceri Edwards, Environmental Health Manager edwarc@caerphilly.gov.uk

Consultees: Cabinet Member

Chris Burns, Interim Chief Executive

David Street, Corporate Director Social Services

Rob Hartshorn, Head of Public Protection

Gail Williams, Interim Head of Legal Services and Monitoring Officer

Jon Goldsworthy, Natural Resources Wales

Adam Ward, Natural Resources Wales

Catriona Harvey, Natural Resources Wales

Public Health Wales

Appendices:

Appendix 1 – Bryn Compost Liaison Group Terms of Reference

**BRYN COMPOST LIAISON GROUP
TERMS OF REFERENCE**

1. PURPOSE

1. To promote effective communication between Bryn Compost, the Local Residents, Members, Natural Resources Wales, Public Health Wales and Local Authority Officers.
2. To receive and consider complaints and concerns about the current operation of Bryn Compost in so far as it impacts on the local communities
3. To receive information about action taken by regulatory, statutory and other bodies in relation to the operation of Bryn Compost, with particular regard to complaints received.

2. MEMBERSHIP

County Borough:

Adjoining Ward Members and respective Cabinet Member

Residents:

10 local resident representatives

Bryn Compost Ltd: Mr A. Price or his representative

Public Health Service: Representative

Natural Resources Wales: Representative

Environmental Health: Ceri Edwards and Gary Mumford

Co-opted members: as may from time to time be required.

3. OFFICERS

Chair: Respective Cabinet Member, who will act as the Group's co-ordinator

Administrative Secretary: Committee Services Officer, who will make a record of the proceedings

4. MEETINGS

Meetings of the Group will be held at intervals of three months or as deemed appropriate by the Chair. Meetings will be held during office hours at the Caerphilly County Borough Council Offices, Ty Penallta or an alternative Council Office, depending on availability of meeting rooms.

5. REPORTING ARRANGEMENTS

Notices of meetings, minutes and other appropriate papers will be circulated to members of the Group. It will be the responsibility of the Administrative Secretary to ensure circulation of the minutes to appropriate persons.

The Group will also liaise with other agencies and organisations as deemed appropriate.



COUNCIL – 13TH JUNE 2017

**SUBJECT: ROYAL BRITISH LEGION ‘COUNT THEM IN’ CAMPAIGN -
PROPOSED COUNCIL MOTION**

REPORT BY: CORPORATE DIRECTOR - SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To consider a Notice of Motion, as set out in Paragraph 4.3 of the Report, in support of The Royal British Legion Campaign to include questions on the UK Census that capture information on serving and ex-members of the Armed Forces. In accordance with Rule of Procedure 11 (3) of the Constitution, the Mayor, Councillor J. Bevan, has agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

2. SUMMARY

- 2.1 The Royal British Legion ‘Count Them In Campaign’ requests that the next UK Census, in 2021, includes additional questions on the residence of members of the UK Armed Forces, both serving and veteran, to establish the size and needs of the armed forces community. The location of members of the armed forces community and their families is often difficult to track, particularly once service has ended. The Motion supports the local authority’s Armed Forces Community Covenant responsibilities to understand and support service personnel and their families. The County Borough formally signed the Armed Forces Community Covenant on the 28th of June 2013.
- 2.2 A Notice of Motion was received from Councillor D.V. Poole and is supported by the Mayor, Councillor J. Bevan, and Councillor Alan Higgs, the Armed Forces Champion.
- 2.3 The Notice of Motion meets the criteria set out in the Council’s Constitution and in accordance with the Council’s Rules of Procedure is now referred for consideration.

3. LINKS TO STRATEGY

- 3.1 The proposed Motion supports the authority’s aim to maximise its contribution towards the national well-being goals for Wales under the Well-being of Future Generations (Wales) Act 2015 and in particular contributes to:
- *A prosperous Wales*
 - *A healthier Wales*
 - *A more equal Wales*
 - *A Wales of cohesive communities*

4. THE REPORT

- 4.1 The Royal British Legion (RBL) is the largest welfare provider in the Armed Forces charity sector. The council has been approached as part of the RBL's ongoing 'Count Them In' campaign to adopt a council motion in support.
- 4.2 The campaign calls for changes in the UK Census such that data can be captured at a local authority level regarding the size and needs of the armed forces community. The location of serving and ex-personnel, and their families, is not currently held on any central record. Allowing members of the armed forces community to identify their service through the Census is intended to allow better provision of public services to meet their needs.
- 4.3 The authority supported the campaign in June 2016 and appropriate media releases were produced at that time as part of the authority's Armed Forces Community Covenant responsibilities. The current request suggests that the proposed Council Motion could be adopted:

This council notes:

1. The obligations it owes to the Armed Forces Community within Caerphilly county borough area as enshrined in the Armed Forces Covenant; that the Armed Forces Community should not face disadvantage in the provision of services and that special consideration is appropriate in some cases, especially for those who have given the most.
2. The absence of definitive and comprehensive statistics on the size and demographics of the Armed Forces Community within Caerphilly county borough. This includes serving Regular and Reserve personnel, veterans and their families.
3. That the availability of such data would greatly assist the council, local partner agencies, the voluntary sector, and national Government in the planning and provision of services to address the unique needs of the Armed Forces Community within Caerphilly county borough.

In light of the above, this council moves to support and promote The Royal British Legion's call to include a new topic in the 2021 Census that concerns military service and membership of the Armed Forces Community. We further call upon the UK Parliament, which will approve the final Census questionnaire through legislation in 2019, to ensure that the 2021 Census includes questions concerning our Armed Forces Community.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposed Council Motion contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that it involves a underrepresented section of the community to ensure that the full diversity of the population is recognised. The proposed motion indicates that the Council is minded to collaborate with other agencies that have an interest in securing the well-being of our population. Recognition of the armed forces community and the particular issues the face integrating into mainstream society seeks to identify potential problems and an early stage and consider appropriate services to assist. Collection of relevant data through the Census return will allow long-term planning for the needs of the armed forces community.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications as a result of this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications as a result of this report.

9. CONSULTATIONS

- 9.1 There are no consultations that have not been included in the report.

10. RECOMMENDATIONS

- 10.1 That Council adopt the proposed motion.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 For the reason set out in the report the proposed motion relates to the Local Authority's stated support for the armed forces community through the Community Covenant Scheme. Identification of the needs of current and former military personnel and their families is at the heart of the Covenant.

12. STATUTORY POWER

- 12.1 None.

Author: Kathryn Peters, Corporate Policy Manager, peterk@caerphilly.gov.uk

Consultees: Councillor D.V Poole - Leader of Council
Councillor J. Bevan - Mayor
Councillor A. Higgs - Armed Forces Champion.
Chris Burns - Interim Chief Executive
David Street - Corporate Director Social Services
Rob Hartshorn - Head of Public Protection
Gail Williams - Interim Head of Legal Services and Monitoring Officer

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COUNCIL – 13TH JUNE 2017

SUBJECT: UPDATE ON COUNCIL'S CONSTITUTION

REPORT BY: INTERIM HEAD OF LEGAL SERVICES & MONITORING OFFICER

1. PURPOSE OF REPORT

- 1.1 To note and endorse the changes to the Council's Constitution as attached at Appendix 1 and marked in italics to give effect to the changes to the Executive agreed by Council at the Annual General Meeting.

2. SUMMARY

- 2.1 This report sets out details of the required changes to the Council's Constitution to give effect to the changes to the Executive agreed by Council at the Annual General Meeting.

3. LINKS TO STRATEGY

- 3.1 The requirement to establish and maintain the Council's Constitution is set out in the Local Government Act 2000 and contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 as it sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. It sets the framework for the decision making roles and responsibilities which will impact on future generations.

- *A prosperous Wales*
- *A resilient Wales*
- *A healthier Wales*
- *A more equal Wales*
- *A Wales of cohesive communities*
- *A Wales of vibrant culture and thriving Welsh language*
- *A globally responsible Wales*

4. BACKGROUND

- 4.1 The Council's Constitution was formally adopted by the Council in May 2002. It sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that the decision making processes are efficient, transparent and available to local people. The Constitution is a 'living document' in that it is constantly being updated and revised to reflect new government legislation and improvements and changes in procedures gained in light of experience.

5. THE REPORT

- 5.1 The Appendix 1 to this Report sets out details of the amendments required to the Council's Constitution to give effect to the changes to the Executive arrangements approved by Council at the Annual General Meeting.
- 5.2 In addition it is proposed that the Council's Rules of Procedure paragraph 1.1 (v) are amended to reflect that the current term of office for the Leader has been extended to 5 years for the elections held in May 2017.
- 5.3 All changes are shown in italics and bold on the relevant extracts of the Constitution attached at Appendix 1.

6. WELL-BEING OF FUTURE GENERATIONS

- 6.1 This report contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the Constitution sets out a clear framework for how the Council operates in particular the decision making responsibilities, which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

7. EQUALITIES IMPLICATIONS

- 7.1 There are none arising from the contents of the Report.

8. FINANCIAL IMPLICATIONS

- 8.1 There are none arising from the contents of the Report.

9. PERSONNEL IMPLICATIONS

- 9.1 None arising from the content of this Report.

10. RECOMMENDATIONS

- 10.1 Members are asked to note and endorse the information contained in this Report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To comply with the relevant legislation and the Council's Constitution.

12. STATUTORY POWER

- 12.1 Local Government Act 2000.

Author: Gail Williams, Interim Head of Legal Services/Monitoring Officer
willige@caerphilly.gov.uk

Consultees: Chris Burns, Interim Chief Executive
Nicole Scammell, Acting Corporate Director
Christina HARRY, Corporate Director – Education and Communities
Lisa Lane, Corporate Solicitor

Appendices:

Appendix 1 Changes to Constitution (shown in bold and italics)

Background papers:

Report to Council 18th May 2017

The Council's Constitution is available on the website

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APPENDIX 1

Article 6 - Overview and Scrutiny Committees

The overview and scrutiny function is central to new constitutions. The Assembly Guidance makes clear that overview and scrutiny committees should be powerful committees which meet in public to discuss and make recommendations on the improvement and development of policies and hold the executive and officers exercising delegated powers to account for their actions. They will also have a key role in considering other matters of local concern.

6.01 Terms of reference

The Council will appoint the overview and scrutiny committees set out in the left hand column of the table below to oversee and scrutinise the discharge of the functions conferred by section 21 of the Local Government Act 2000 in relation to the matters set out in the right hand column of the same table, whether these cover one or more service area responsibilities and will include certain delegated power decisions, as listed in Article 13.

References:

Section 21 and Schedule 1 (Paragraphs 7,8,10 and 11), Local Government Act 2000
Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001

The Police & Justice Act 2006 required Local Authorities to establish a Crime & Disorder Committee which was brought into effect in Wales on 1st October 2009. The Council's Policy & Resources Scrutiny Committee has the additional function conferred by the Police & Justice Act 2006.

The Wellbeing of Future Generations (Wales) Act 2015 requires the Council to formally collaborate with the Local Health Board, South Wales Fire & Rescue Authority and Natural Resources Wales as a Public Services Board for the geographical area of the Council and to use the sustainable development principle to meet the wellbeing duty/goals under the Act. The Act requires the Council to designate a Scrutiny Committee to scrutinize the work of the Public Services Board. The Council agreed on 12th May 2016 to re-designate the Council's Policy & Resources Committee (sitting as the Crime & Disorder Committee) as the Partnerships Scrutiny Committee to take on the additional responsibilities to scrutinize the Public Services Board. The Partnerships Scrutiny Committee will continue to scrutinize the work of the Safer Caerphilly Committee Partnership as required under the Police & Justice Act 2006.

In considering membership of such committees, due regard will be paid to the potential contribution of community stakeholders outside the council. Overview and scrutiny committees for education functions will comply with the provisions of paragraphs 8, 9, 10 and 11 of schedule 1 to the Local Government act 2000 (i.e. include church and governor and parent governor representatives as voting appointed members of committees with education as all or part of their remit).

Terms of Reference: Policy and Resources Scrutiny Committee (also the Council's Partnerships Scrutiny Committee)	
The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities	<p>"Caerphilly Delivers" is the Local Service Board (LSB) Single Integrated Plan for 2013-17, which replaces the following strategic plans:-</p> <ul style="list-style-type: none"> • Community Strategy • Health, Social Care and Wellbeing Strategy • Children and Young People's Plan • Community Safety Strategy <p>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</p> <p>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:</p> <ul style="list-style-type: none"> • Prosperous Caerphilly • Safer Caerphilly • Learning Caerphilly • Healthier Caerphilly • Greener Caerphilly <p>Under each of these Outcomes a range of Priorities have been identified for action.</p>
Corporate Plan	Details the Council's specific strategic contributions towards delivery of the Single Integrated Plan
Improvement Objectives	Details in accordance with the Local Government (Wales) Measure 2009 the specific areas for improvement identified by the Council
Corporate Services Directorate Responsibilities	<p>To act as general overview and scrutiny committee for the Council</p> <p>The proper financial planning budgeting and control of the Authority's resources</p> <p>Council's Policies</p> <p>The development and implementation of the Council's corporate policies and themes and the development and co-ordination of the Single Integrated Plan</p> <p>The delivery of service to achieve the Council's strategic objectives</p> <p>The implementation of Wales Programme for Improvement across the Authority in accordance with the provisions of the Local Government (Wales) Measure 2009</p>

	Information Communication, Technology & Customer Services
	Human Resources
	Corporate Finance
	Electoral Services
	Legal Services
	Internal Audit Services
	Procurement Services
	Democratic Services
	Equalities and Welsh Language
	Corporate Health and Safety including liaison with the Health and Safety Executive
	Property Services
	Corporate Asset Management
	Performance Management
	Housing Strategy
	Private Sector Housing
	Public Sector Housing
	Delivery of Welsh Housing Quality Standards
	Housing Repair Operations
	Overview of all policy and finance issues considered by the Executive
	Any other matter or topic which properly falls to an Overview & Scrutiny Committee function but not allocated specifically to any other of the Council's named Scrutiny Committees
Directorate of the Environment Responsibilities	Emergency Planning
<u>The Policy & Resources Scrutiny Committee has the following specific terms of reference when acting as the Partnerships Scrutiny Committee</u>	<p>Partnerships Scrutiny Committee</p> <p>The Committee is responsible for the scrutiny of the Public Services Board as set out in the Wellbeing of Future Generations (Wales) Act 2015. The Committee will also be responsible for the scrutiny of the Safer Caerphilly Community Safety Partnership (SCCSP) as required under the Police and Justice Act 2006.</p> <p>Membership of Committee</p> <p>The Committee will be comprised of the following Members:</p> <ul style="list-style-type: none"> • Policy & Resources Scrutiny Committee Members • Co-Opted Members

	<p>The Committee will include co-opted representatives from each of the statutory partner agencies:</p> <p>1 non-executive, non-Councillor representative of Aneurin Bevan University Health Board</p> <p>1 non-executive representative from the Natural Resources Wales Board</p> <p>1 non-executive representative from the South Wales Fire & Rescue Authority</p> <p>1 additional co-opted member from each of the following:-</p> <p style="padding-left: 40px;">An equalities organisation</p> <p style="padding-left: 40px;">A disability organisation</p> <p style="padding-left: 40px;">The Youth Council</p> <p>Giving a Committee membership of 16 Councillors, 6 co-opted members (3 statutory partner agencies and 3 others as listed above). In addition up to 6 Invited Representatives as outlined below.</p> <p>Invited Representatives</p> <p>In order to ensure that the Scrutiny Committee has the benefit of additional expert knowledge and expertise, a standing invitation will be extended to the following organisations seeking a representative who is not a Public Services Board member.</p> <p>Gwent Association Voluntary Organisation</p> <p>Office of the Police and Crime Commissioner</p> <p>Aneurin Bevan Community Health Council</p> <p>Wales Community Rehabilitation Company</p> <p>Wales National Probation Service</p> <p>Welsh Government.</p> <p>Witnesses</p> <p>In order to carry out its role the committee will need to consider evidence to fulfil its statutory scrutiny function.</p>
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	<p>The committee can seek additional information and invite expert witnesses. The following organisations will be invited to give evidence, alongside other witnesses identified by the committee.</p> <p>Public Services Board Scrutiny</p> <p>Chair and Executives of Public Services Board</p> <p>PSB Partner Organisations Lead Officers</p> <p>Crime & Disorder Scrutiny</p> <p>Chair of the Safer Caerphilly Community Safety Partnership</p> <p>SCCSP Partnership Organisations Lead Officer</p> <p>Terms of Reference</p> <p>The Terms of Reference for the Partnership Scrutiny Committee are as follows:</p> <p>Public Service Board</p> <ul style="list-style-type: none"> • To provide a 'critical friend' challenge to the Public Services Board. • To scrutinise and evaluate the decisions and actions of the Public Services Board. • To review the governance arrangements of the Public Services Board. • To submit reports to the Public Services Board (as appropriate) in respect of its functions or governance arrangements and make recommendations for consideration and adoption. • To consider matters relating to the Board as the Welsh Ministers may refer to it and report to Welsh Ministers accordingly. • Carry out other functions in relation to the Board that are imposed on it by the Act. <p>Crime & Disorder</p> <p>To scrutinise the work of the SCCSP and the partners ("responsible authorities") who comprise it 'insofar as their activities relate to the partnership itself'. In other words, Members' scrutiny role relates only to the work done by the SCCSP. The Crime & Disorder Scrutiny Committee does not have statutory powers to scrutinize</p>
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	<p>SCCSP partners beyond their role within the partnership.</p> <p>The role includes:</p> <ul style="list-style-type: none"> • To consider actions taken by the responsible authorities on the SCCSP. • To consider Councillor Calls for Action. • To make reports or recommendations to the Council and or others and monitor those recommendations.
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Cabinet Members Reporting to Policy and Resources Scrutiny Committee:

- ~~Leader of Council.~~
- ~~Deputy Leader of Council and Cabinet Member for Housing.~~
- ~~Deputy Leader of Council & Cabinet Member for Corporate Services.~~
- ~~Cabinet Member for Human Resources & Governance/Business Manager.~~
- ~~Cabinet Member for Performance & Asset Management.~~
- ~~Cabinet Member for Community & Leisure Services~~
- ~~Cabinet Member for Planning, Regeneration & Sustainable Development (Future Generations Champion)~~

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Education For Life Scrutiny Committee	
The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities	<p>“Caerphilly Delivers” is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:</p> <ul style="list-style-type: none"> • Community Strategy • Health, Social Care and Wellbeing Strategy • Children and Young People’s Plan • Community Safety Strategy <p>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</p> <p>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:</p> <ul style="list-style-type: none"> • Prosperous Caerphilly • Safer Caerphilly • Learning Caerphilly • Healthier Caerphilly • Greener Caerphilly <p>Under each of these Outcomes a range of Priorities have been identified for action.</p> <p>The Priorities for the Learning Caerphilly Outcome are:</p> <p>L1: Improve the level of basic skills and the number of achieved qualifications (formal and non-formal) to improve the life opportunities for families L2: Develop a multi-agency approach to address the impact of poverty on pupil attainment L3: Children, young people and families have the skills and resources to access job opportunities</p>
Directorate of Education and Lifelong Learning Responsibilities	<p>The discharge of the Council's obligations as Local Education Authority under statute and regulation.</p> <p>The preparation and scrutiny of statutory education and lifelong learning strategic plans and Wales Programme for Improvement performance plans.</p> <p>To monitor the performance of the Education Achievement Service in relation to the delivery of the Raising Standards Agenda including monitoring, support and challenge in inverse proportion to success, delivered by the EAS on behalf of the Authority *.</p> <p>*Local Management of Schools and Fair Funding.</p>

	Forward planning re. school places, , school admissions and student awards.
	Inclusion Services which involve Learning Support Services, educational psychology, education welfare, behavioural support and managing pupil exclusions.
	*Governor support and training.
	*Welsh Language Education.
	*Agreed RE Syllabus. SACRE * means delivered by the EAS with statutory duty retained by the Council
	Joint Services via Gwent VI Service.
	Partnership working through the Single Integrated Plan Learning Area Network.
	National Grid for Learning Cymru.
	Adult Community Learning Partnership
	Lifelong learning, and community education.
	Public Library Service.
	Music Service.
	Community Centres
	Securing grants.
	Youth Service

Cabinet Members Reporting to Education For Life Scrutiny Committee:

~~Cabinet member for Education and Lifelong Learning~~

Relevant Cabinet Member (s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: Health, Social Care and Well-Being Scrutiny Committee	
The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities	<p>“Caerphilly Delivers” is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:</p> <ul style="list-style-type: none"> • Community Strategy • Health, Social Care and Wellbeing Strategy • Children and Young People’s Plan • Community Safety Strategy <p>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</p> <p>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related</p>

	<p>Outcomes, namely:</p> <ul style="list-style-type: none"> • Prosperous Caerphilly • Safer Caerphilly • Learning Caerphilly • Healthier Caerphilly • Greener Caerphilly <p>Under each of these Outcomes a range of Priorities have been identified for action.</p> <p>The Priorities for the Healthier Outcome are:-</p> <p>H1: Address the inequities in the rate of low birth weight babies across the county borough.</p> <p>H2: Improve lifestyles of the population in the county borough so that people recognise and take responsibility for their own health and well-being, and make use of the opportunities and support available to them.</p> <p>H3: Reduce the variation in healthy life expectancy in the county borough so that the health and well-being of individuals experiencing disadvantage improves to the levels found among the advantaged</p> <p>H4: Improve the education, information, early intervention, prevention and harm reduction in relation to substance misuse in the county borough</p> <p>H5: Ensure people are supported to live in their own communities to lead safe, fulfilled and independent lives</p> <p>The priority for the Safer Caerphilly Outcome is</p> <p>S4: Ensure people are supported to live in their own homes and communities in safety</p>
<p>Directorate of the Social Services Responsibilities</p>	<p>Provision of Children’s & Adults Social Care under statute</p>
	<p>Provision of advice, guidance and support.</p>
	<p>The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation regulation and statutory guidance</p>
	<p>Commissioning and contracting for Social Services</p>
<p>Directorate of the Environment Responsibilities</p>	<p>Public Health (including infectious diseases and health promotion/education)</p> <p>Food Safety Enforcement</p> <p>Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)</p>

	Public Health (statutory nuisance and sewer/drains)
	Trading Standards
	Health and Safety of commercial premises
	Community Safety, CCTV & Community Safety Wardens
	Pest Control, Dog Warden, Animal Trespassing Services
	Animal Health and Welfare Enforcement
	Licensing
	Registrar of Births, Deaths, Marriages/Civil Partnerships
	Building Cleaning
	Education & Social Services Transport Operations
	Catering

Cabinet Members Reporting to Health, Social Care and Well-Being Scrutiny Committee:

- ~~Cabinet Member for Social Services~~
- ~~Cabinet Member for Community & Leisure Services~~

Relevant Cabinet Member(s). For more information in relation to the portfolios of Cabinet posts please see Article 7.

Terms of Reference: The Regeneration & Environment Scrutiny Committee	
The Caerphilly Delivers Single Integrated Plan 2013-2017 Responsibilities	<p>“Caerphilly Delivers” is the LSB Single Integrated Plan for 2013-17, which replaces the following strategic plans:-</p> <ul style="list-style-type: none"> • Community Strategy • Health, Social Care and Wellbeing Strategy • Children and Young People’s Plan • Community Safety Strategy <p>The Single Integrated Plan is the shared strategic vision for the county borough developed by the LSB and its partners, including CCBC.</p> <p>It identifies that this vision will be achieved by the delivery of 5 inter-dependent and inter-related Outcomes, namely:</p> <ul style="list-style-type: none"> • Prosperous Caerphilly • Safer Caerphilly • Learning Caerphilly

	<ul style="list-style-type: none"> • Healthier Caerphilly • Greener Caerphilly <p>Under each of these Outcomes a range of Priorities have been identified for action.</p> <p>The Priorities for the Prosperous Caerphilly Outcome are:-</p> <p>P1: Improve local employment opportunities including access to opportunities across a wider geographical area P2: Improve standards of housing and communities, giving appropriate access to services across the county borough P3: Provide support to enable local people to compete for all employment opportunities</p> <p>The Priorities for the Greener Caerphilly Outcome are:-</p> <p>G1: Improve local environmental quality G2: Reduce the causes of and adapt to the effects of climate change G3: Maximise the use of the environment for health benefits</p>
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Directorate of the Environment Responsibilities	Waste Collection, Waste Treatment & Disposal and Street Cleansing
	Burials, Cemeteries and Bereavement Services
	Highways Maintenance
	Street Lighting
	Engineering Services
	Land Drainage
	Fleet Management & Maintenance
	Parks & Outdoor Spaces Facilities
	Leisure & Sports Development
	Public Conveniences
	Planning – Strategic & Development Plan Policy
	Planning – Urban Renewal & Town Centre Management
	Planning – Development & Building Control (excluding those matters set out in the Terms of Reference of the Planning Committee)
	Planning – Countryside & Landscape Services
	Economic Development & European Programme Funding
	Arts Development
	Public Transport

	Land Reclamation & Tips
	Road Safety
	Traffic Management (including Traffic Regulation Orders & Notices)
	Highway Development Control
	Car Parking
	Civil Engineering Design & Procurement Structures
	Transportation & Planning Improvements
	Tourism

Cabinet Member Reporting to The Regeneration & Environment Scrutiny Committee:

- ~~Cabinet Member for Highways, Transportation & Engineering~~
- ~~Cabinet Member for Community & Leisure Services~~
- ~~Cabinet Member for Planning, Regeneration & Sustainable Development (Future Generations Champion)~~

Relevant Cabinet Member (s). For more information in relation to portfolios of cabinet posts please see Article 7.

6.02 General role (which may be discharged by the Committee itself or by appointing task and finish groups to examine an issue and report to the Committee for decision).

(a) Within their terms of reference, overview and scrutiny committees will:

- i) review and/or scrutinise decisions made or actions taken in connection with the discharge of any of the Council's functions;
- ii) make reports and/or recommendations to the full Council and/or the executive and/or any joint committee in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants; and
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the executive.
- v) monitor the operation and performance of individual services, the Council's services and appropriate external bodies, including joint committees.
- vi) comment on draft budgets
- vii) examine performance monitoring information.
- viii) consider relevant Councillor Calls for Action

(b) With their terms of reference, overview and scrutiny committees may:

- i) assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;

- iv) question members of the executive and/or officers about their views on issues and proposals affecting the area;
 - v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working.
 - vi) question and gather evidence from any person (with their consent).
- (c) **Finance.** Overview and scrutiny committees may exercise overall responsibility for the finances made available to them.
- (d) **Annual report.** Overview and scrutiny committees must report annually to full Council on their workings and report future work programmes and amended working methods if appropriate.
- (e) **Officers.** Overview and scrutiny committees may exercise overall responsibility for the work programme of the officers employed to support their work.

6.03 Proceedings of overview and scrutiny committees

Overview and scrutiny committees will conduct their proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.04 Delegated powers

- a) Each Overview and Scrutiny Committee has delegated to it all those matters falling within that Committee's terms of reference;
- b) Those powers delegated to an Overview and Scrutiny Committee may also be exercised by the Chief Executive or a Director or a Head of Service after consultation with the Chair or Vice-Chair of the appropriate Committee.

Article 7 – The Executive

THE ROLE OF THE EXECUTIVE

The Rules of Procedure in Part 4 of this constitution set out how the executive will operate. These include arrangements for meetings, scheme of delegation and sub-delegation of functions.

References:

Section 11 and Schedule 1, paragraphs 1,2,3, Local Government Act 2000
Chapter 4 and 6, The Local Government Act 2000 Part II: Guidance for County and County Borough Councils in Wales on Executive Arrangements, July 2001
Wellbeing of Future Generations Act 2015

7.01 Role

The executive will carry out all of the local authority's functions which are not the responsibility of any other part of the local authority, whether by law or under this Constitution, and will have a collective responsibility for the wellbeing of the local community and future generations.

7.02 Form and composition

The executive will consist of the executive leader appointed by the Council together with *nine eight* councillors appointed to the executive by the executive leader and holding the following portfolios:

- ~~1. Deputy Leader & Cabinet Member for Corporate Services~~
- ~~2. Deputy Leader & Cabinet Member for Housing~~
- ~~3. Cabinet Member for Social Services~~
- ~~4. Cabinet Member for Education and Lifelong Learning~~
- ~~5. Cabinet Member for Highways, Transportation & Engineering~~
- ~~6. Cabinet Member for Regeneration, Planning, Sustainable Development & Future Generations Champion~~
- ~~7. Cabinet Member for Community & Leisure Services~~
- ~~8. Cabinet Member for Human Resources Governance & Business Manager~~
- ~~9. Cabinet Member for Performance & Asset Management.~~

The Corporate Services function includes (this list is not exhaustive) the following:-

- ~~• The proper financial planning budgeting and control of the Authority's resources~~
- ~~• Information Communication, Technology & Customer Services~~
- ~~• Corporate Services~~
- ~~• Electoral Services~~
- ~~• Legal Services~~
- ~~• Internal Audit Services~~
- ~~• Procurement Services~~
- ~~• Democratic Services~~

- ~~Equalities and Welsh Language~~
- ~~Corporate Health & Safety (including liaison with Health & Safety Executive)~~
- ~~Corporate Policy (as a result of current interim arrangements function sits with Social Services)~~

The Human Resources Governance & Business Manager function includes (this list is not exhaustive) the following:-

- ~~All aspects of the Council's functions as an employer (other than appointment of staff) including the oversight of recruitment, terms and conditions of employment, conduct and discipline, structural review and the consequences thereof.~~
- ~~Oversight of HR~~
- ~~Executive link to Democratic Services including Members training~~
- ~~Corporate Governance~~

The Social Services function includes (this list is not exhaustive) the following:-

~~Provision of Children's and Adults social care under statute~~
~~Provision of advice, guidance and support~~
~~The assessment, care planning and reviewing of all support packages for service users meeting the defined eligibility thresholds in line with current legislation, regulation and statutory guidance~~
~~Commissioning and contracting for Social Services~~

The Education and Lifelong Learning function includes (this list is not exhaustive) the following:-

- ~~The discharge of the Council's obligations as Local Education Authority under statute~~
- ~~The implementation of the School Standards and Framework Act 1998~~
- ~~The preparation and scrutiny of education strategic plans and Wales Programme for Improvement performance plans~~
- ~~Executive link to EAS~~
- ~~Local Management of Schools and Fair Funding~~
- ~~Forward planning re. school places, school admissions, student awards~~
- ~~Learning Support Services including educational psychology, education welfare, behavioural support and managing pupil exclusions~~
- ~~Governor support and training via EAS~~
- ~~Welsh Language Education~~
- ~~Agreed RE Syllabus~~
- ~~Joint Services via Gwent VI Service National Grid for Learning Cymru~~
- ~~Lifelong learning, and community education~~
- ~~Public libraries Service~~
- ~~Partnership working through the Single Integrated Plan Learning Area Network~~
- ~~Music Service~~
- ~~Securing grants,~~
- ~~Community Centres~~
- ~~Youth Service~~

~~**The Regeneration Planning & Sustainable Development function** includes (this list is not exhaustive) the following:-~~

- ~~● Planning the proper operation of Development Services and Building Control (excluding applications to the Authority)~~
- ~~● Planning Strategic Planning and Urban Renewal~~
- ~~● Planning Countryside and Landscape Services~~
- ~~● Tourism~~
- ~~● Economic Development & European Programme Funding~~
- ~~● Arts Development~~

~~**The Housing function** includes (this list is not exhaustive) the following:-~~

- ~~● Private Housing Enforcement (including the HMO's, clearance, compulsory purchase orders, renewal area and all types of renovation grants)~~
- ~~● Public Sector Housing~~
- ~~● Housing Agency Service~~
- ~~● Landlord Services~~
- ~~● Housing Strategy~~
- ~~● Delivery of Welsh Housing Quality Standards~~
- ~~● Housing Repair Operations~~
- ~~● Executive Link with Housing Quality Task Group issues~~

~~**The Community & Leisure Services function** (for the avoidance of doubt this includes Public Protection) includes (this list is not exhaustive) the following:~~

- ~~● Waste Collection, Waste Treatment & Disposal & Street Cleansing~~
- ~~● Trading Standards~~
- ~~● Public Conveniences~~
- ~~● Sports & Leisure Services~~
- ~~● Parks & Outdoor Sports Facilities~~
- ~~● Fleet Management & Maintenance~~
- ~~● Building Cleaning~~
- ~~● Food Safety Enforcement~~
- ~~● Health & Safety of Commercial Premises~~
- ~~● Community Safety~~
- ~~● Pest Control, Dog Warden, Animal Trespassing Services~~
- ~~● Animal Health & Welfare Enforcement~~
- ~~● Licensing~~
- ~~● Burial, Cemeteries & Bereavement Services~~
- ~~● Pollution Control~~
- ~~● Public Health (including infectious diseases)~~
- ~~● Registrars of Births, Deaths, Marriages & Civil Partnerships~~
- ~~● Emergency Planning~~
- ~~● Catering~~

~~The Highways Transportation & Engineering function includes (this list is not exhaustive) the following:-~~

- ~~• Highways Maintenance~~
- ~~• Street Lighting~~
- ~~• Engineering Services~~
- ~~• Transportation & Planning Improvements~~
- ~~• Transport~~
- ~~• Education & Social Services Transport Operations~~
- ~~• Fleet Management & Maintenance~~
- ~~• Road Safety Education & Training~~
- ~~• Land Reclamation & Tips~~
- ~~• Land Drainage~~
- ~~• Traffic Management (including Traffic Regulation Orders & Notices)~~
- ~~• Car Parking~~

~~The Performance & Asset Management function includes (this list is not exhaustive) the following:-~~

- ~~• Property Services~~
- ~~• Corporate Asset Management~~
- ~~• Implementation of Wales Programme for Improvement across the Authority in accordance with provisions of Local Government Wales Measure 2009~~
- ~~• Corporate Plan – The development and implementation of the Council's Corporate Plan and corporate themes and the development and co-ordination through a multi-agency approach of community planning of the delivery of services to achieve the Council's strategic objectives~~

1. ***Deputy Leader, Finance Performance & Governance (to include the role of Older Persons Champion)***
2. ***Deputy Leader, Economy, Infrastructure & Sustainability (to include the role of Future Generations Champion)***
3. ***Cabinet Member, Social Care & Wellbeing***
4. ***Cabinet Member, Education & Achievement***
5. ***Cabinet Member, Environment & Public Protection***
6. ***Cabinet Member, Neighbourhood Services***
7. ***Cabinet Member, Homes & Places***
8. ***Cabinet Member, Corporate Services***

Finance Performance & Governance Portfolio includes (this list is not exhaustive) the following:

- The proper financial budgeting and control of the Authority***
- Legal Services***
- Electoral Services***
- Internal Audit Services***
- Policy & Performance including Equalities, Welsh Language & Anti-Poverty Strategy***
- Executive link to Democratic Services including Member training***
- Corporate Governance***

Economy, Infrastructure & Sustainability Portfolio includes (this list is not exhaustive) the following:-

- **Deputy representative on City Deal Joint Cabinet**
- **Economic Development & Regeneration**
- **Sustainability/Wellbeing of Future Generations**
- **Tourism & Cultural facilities**
- **Strategic highways and maintenance**
- **Integrated Transport Plan – highways, rail, metro and other forms of transport**
- **Member of Regional Transport Authority**
- **Flood & Water Management including land drainage**
- **Street lighting**
- **Transport including Education & Social Services Transport operations**
- **Land Reclamation & Tips**
- **Traffic Management including car parking, Traffic Regulation Orders & Notices**
- **Digital Infrastructure**

Education & Achievement Portfolio includes (this list is not exhaustive) the following:-

- **The discharge of the Council's statutory obligations as Local Education Authority including (but not limited to) preparation and scrutiny of strategic education plans, forward planning re: school places and admission, local management of schools and fair funding and learning support services**
- **Executive link to EAS**
- **Public Library Service**
- **Youth Service**
- **Adult Learning (including Community Education)**
- **Youth Engagement/liaison with Youth Forum**

Environment & Public Protection Portfolio includes (this list is not exhaustive) the following:-

- **Planning – the proper operation of Development Services & Building Control (excluding applications to the Authority)**
- **Public Protection**
- **Environmental Health**
- **Licensing**
- **Community Safety**
- **Emergency Planning**
- **Registration Services**
- **Catering Services**

Neighbourhood Services Portfolio includes (this list is not exhaustive) the following:-

- **Waste & Recycling**
- **Cleansing**

- ***Sport & Leisure Services***
- ***Parks, Recreation & Outdoor Sports Facilities***
- ***Country Parks & Countryside Services***
- ***Community Centres***
- ***Building Cleansing***
- ***Fleet Management & Vehicle Maintenance***
- ***Burial, Cemeteries & Bereavement Services***

Homes & Places Portfolio includes (this list is not exhaustive) the following:-

- ***Public Sector Housing***
- ***Delivery of Welsh Housing Quality Standards***
- ***Private Housing including enforcement issues***
- ***Homelessness***
- ***Executive link with Housing Quality Task Group issues***
- ***Corporate Asset Management***
- ***Property Services***

Corporate Services Portfolio includes (this list is not exhaustive) the following:-

- ***All aspects of the Council's functions as an employer (other than the appointment of staff) including the oversight of recruitment , terms and conditions of employment, conduct and disciplines, structural review and consequences thereof***
- ***Oversight of HR***
- ***Council business management***
- ***Information & Technology Services***
- ***Customer Services***
- ***Procurement Services***
- ***Corporate Health & Safety***
- ***Customer Services***
- ***Communications***

7.03 Leader

The leader will be a councillor elected to the position of leader by the Council. The leader will hold office until:

- (a) he/she resigns from the office; or
- (b) he/she is suspended from being a councillor under Part III of the Local Government Act 2000 (although he/she may resume office at the end of the period of suspension); or
- (c) he/she is no longer a councillor; or
- (d) he/she is removed from office by resolution of the Council

7.04 Other executive members

Only councillors may be appointed to the executive. Neither co-optees nor substitutes for executive members is permitted. Although the Assembly Guidance notes that local authorities are free to have deputy cabinet members, it also points out that they are unable to substitute for a member of the executive at a cabinet meeting nor vote on behalf of the cabinet member for whom they deputise. Neither the chair nor vice chair of the Council may be appointed to the executive and members of the executive (including the leader) may not be members of an overview and scrutiny committee.

Other executive members shall hold office until:

- (a) they resign from office; or
- (b) they are suspended from being councillors under Part III of the Local Government Act 2000 (although they may resume office at the end of the period of suspension); or
- (c) they are no longer councillors; or
- (d) they are removed from office by the leader who must give written notice of any removal to the Council's Chief Executive. The removal will take effect two working days after receipt of the notice by the Chief Executive.

7.05 Deputy cabinet members

The Council has decided that there will be no post of deputy cabinet members other than two deputy leaders.

7.06 Proceedings of the executive

Proceedings of the executive shall take place in accordance with the Executive Procedure Rules set out in Part 4 of this Constitution.

7.07 Responsibility for functions

The leader will maintain a list setting out which individual members of the executive, committees of the executive, officers or joint arrangements are responsible for the exercise of particular executive functions as set out in Part 3 of this Constitution.

(Note: the Council has decided that there will not be a delegation of powers to individual Cabinet members).

NOTE:

- (a) **All references to the "proper officer" in these Rules are to the Council's Chief Executive;**
- (b) **References to "in writing" shall include messages sent by e-mail in the name of the member, or by a faxed message signed by that member.**

1. ANNUAL MEETING OF THE COUNCIL

1.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing councillors. In any other year, the annual meeting will take place on such day in the month of March, April or May as the Council may fix.

The annual meeting will:

- (i) elect a person to preside if the chairman of Council is not present;
- (ii) elect the Mayor;
- (iii) elect the Deputy Mayor;
- (iv) receive any announcements from the Mayor and/or head of the paid service;
- (v) elect the leader; (the leader will hold office for a period of four years ***(extended for 5 years for the Local Government elections held in May 2017)*** or until he/she ceases to be a member (whichever is the shorter) or is removed from office by a majority vote of the Council following the inclusion on the Agenda of the Council of an item of business to consider this matter).
- (vi) agree the number of members to be appointed to the executive and to be told by the leader of the names of councillors he/she has chosen to be member of the cabinet.
- (vii) appoint at least one overview and scrutiny committee, a Standards Committee and such other committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);

1.2 Selection of Councillors on Committees and Outside Bodies

At the annual meeting, the council meeting will:



COUNCIL – 13TH JUNE 2017

SUBJECT: INTERNAL INVESTIGATION OF SENIOR OFFICERS – ADDITIONAL FINANCIAL PROVISION

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To seek Council approval of additional financial provisions in relation to the ongoing internal investigation of three Senior Officers.

2. SUMMARY

2.1 The report sets out the need for further financial provisions to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of three Senior Officers.

3. LINKS TO STRATEGY

3.1 As a part of prudent financial management the Council is required to set aside funding to meet its liabilities.

4. THE REPORT

4.1 Members will be aware of the current interim arrangements in place within the Authority arising from the ongoing internal investigation of three Senior Officers.

4.2 There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services/Monitoring Officer and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.

4.3 Members will recall that the additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. At its meeting on the 7th March 2017, Council approved a further financial provision of £123k funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st April 2017 to the 30th June 2017.

4.4 Members will also recall that an Investigating & Disciplinary Committee was established in 2013 and an independent investigator was engaged from Blake Morgan LLP. However, this independent investigation was put on hold at the request of the police due to the ongoing Criminal Proceedings at that time.

- 4.5 Members will be aware that the Criminal Proceedings against the three Senior Officers were dismissed in October 2015 and the Authority is now progressing internal investigations in accordance with the Council's approved procedures and statutory requirements.
- 4.6 These procedures must be conducted fairly and thoroughly in accordance with the statutory process over which we have no discretion. It is therefore now necessary to review the current financial provision to ensure that sufficient additional funding is set aside to meet the salary costs of the three Senior Officers during the ongoing investigation process.
- 4.7 At its meeting on the 10th March 2017, the Investigating and Disciplinary Committee resolved that there were allegations that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers.
- 4.8 External Legal Advisers who have been involved in such processes previously have suggested that the process will take at least 100 days. Typically, the cost of undertaking such an investigation is £1000 per day so it is recommended that a financial provision of £100k should be set aside to meet the cost of the Designated Independent Person and that this should be funded from General Fund balances.
- 4.9 Given the estimate of 100 days for the Designated Independent Person to undertake the formal investigation it is unlikely that matters will be concluded until at least the end of the calendar year. It will therefore be necessary to establish a further financial provision of £241k funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st July 2017 to the 31st December 2017. In the event that the investigation process is concluded earlier then the balance on the financial provision will be returned to General Fund balances.
- 4.10 In addition to the salary costs of the three Senior Officers, legal costs are also being incurred as part of the ongoing investigation. Due to the specialist nature of the investigation process, and as one of the three Senior Officers is the Head of Legal Services & Monitoring Officer, it is clearly not possible for anyone from the Council's own Legal Team to provide the advice and support that would normally be provided. Consequently, the services of external legal advisers have been required.
- 4.11 At its meeting on the 7th March 2017, Council also agreed a further financial provision of £140k to meet the estimated legal costs of the ongoing internal investigation to the 30th June 2017. Based on an assessment of actual legal costs incurred to date, the balance available on the financial provision previously agreed, and likely requirements moving forward it is recommended that a further financial provision of £128k will be required to meet anticipated legal costs to the end of December 2017. Again, it is recommended that this should be funded from General Fund balances with any balance on the funding being returned to the General Fund if matters are concluded earlier than currently anticipated.
- 4.12 The financial provision for the salaries of the three Senior Officers and for legal costs will need to be reviewed again in December 2017 if the investigation process has not been concluded at that time. Furthermore, if actual legal costs are higher than currently anticipated then an earlier report to Council will be required.

5. EQUALITIES IMPLICATIONS

- 5.1 No equality impact assessment has been undertaken on this report as it essentially seeks approval for an extension of financial arrangements previously agreed.

6. FINANCIAL IMPLICATIONS

- 6.1 It is proposed that the additional financial provisions in this report totalling £469k should be funded from General Fund balances.
- 6.2 Members will recall that the Section 151 Officer has recommended in previous reports to Council that the minimum balance on the General Fund reserve should be £10m i.e. circa 3% of the Council's net revenue budget. The proposed additional provision of £469k in this report can be funded from the General Fund reserve without compromising the recommended minimum balance of £10m.

7. PERSONNEL IMPLICATIONS

- 7.1 The personnel implications are included in the report.

8. CONSULTATIONS

- 8.1 All consultation responses are included in the report.

9. RECOMMENDATIONS

- 9.1 It is recommended that Council:-
- 9.1.1 Approves a financial provision of £100k from General Fund balances to meet the anticipated cost of a Designated Independent Person.
- 9.1.2 Approves a further financial provision of £241k to be funded from General Fund balances to cover the potential salary costs of the three Senior Officers for the period 1st July 2017 to the 31st December 2017.
- 9.1.3 Approves an additional financial provision from General Fund balances of £128k to meet anticipated legal costs to the 31st December 2017.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To ensure that sufficient funding is set aside to meet the potential costs of the ongoing investigation process should matters not be concluded by the 31st December 2017.

11. STATUTORY POWER

- 11.1 Local Government Acts 1972 and 2000.

Local Authorities (Standing Orders) (Wales) Regulations 2006.

Local Government and Housing Act 1989.

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Consultees: Chris Burns, Interim Chief Executive
Dave Street, Corporate Director, Social Services
Nicole Scammell, Acting Director of Corporate Services & S151 Officer
Lynne Donovan, Acting Head of Human Resources and Organisational Development

Gail Williams, Interim Head of Legal Services & Monitoring Officer
Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance
and Governance

Background Papers: -

Cabinet 23/07/13 - Provisional Outturn for 2012/13
Council 26/02/14 - Budget Proposals 2014/15 and Medium-Term Financial Strategy 2014/2017
Cabinet 02/04/14 – Interim Arrangements – Head of Legal Services
Council 25/02/15 – Budget Proposals 2015/16 and Medium-Term Financial Strategy 2015/2018
Council 09/06/15 – Contract Arrangements of Interim Chief Executive
Council 19/07/16 – Internal Investigation of Senior Officers – Additional Financial Provision
Council 22/11/16 – Internal Investigation of Senior Officers – Additional Financial Provision for Legal
Costs
Council 07/03/17 – Internal Investigation of Senior Officers – Additional Financial Provision