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For all enquiries relating to this agenda please contact Emma Sullivan
(Tel: 01443 864420 Email: sullie@caerphilly.gov.uk)

Date: 30th May 2018

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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, 5th June, 2018** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'CHarrhy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

Pages

- 1 To receive apologies for absence.

A greener place Man gwyrddach



- 2 Mayor's Announcements.
- 3 Announcement by the Interim Chief Executive.
- 4 Presentation of Awards.
- 5 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.

To approve and sign the following minutes: -

- | | | |
|---|------------------------------------------|--------|
| 6 | Special Council held on 28th March 2018. | 1 - 6 |
| 7 | Council held on 17th April 2018. | 7 - 20 |

To receive and consider the following reports: -

- | | | |
|----|-------------------------------------------------------------------------------------------------------------|---------|
| 8 | Notice of Motion - To Support The Lucy's Law National Campaign to Ban and Outlaw Third Party Puppy Farming. | 21 - 26 |
| 9 | Notice of Motion - Relocation of the Caerphilly DWP Offices. | 27 - 30 |
| 10 | Licensing and Gambling /Registration/Permit Fees - 2018/19. | 31 - 40 |
| 11 | Taxi and General Licensing/Registration/Permit Fees - 2018/19. | 41 - 50 |
| 12 | Caerphilly County Borough Council Response To The Strengthening Local Government Green Paper. | 51 - 70 |
| 13 | To receive and to answer questions received under Rule of Procedure 10(2). | |

Circulation:

All Members And Appropriate Officers



SPECIAL MEETING OF COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 28TH MARCH 2018 AT 5.00PM

PRESENT:

Councillor J. Bevan - Mayor
Councillor M. Adams - Deputy Mayor

Councillors:

Mrs E. Aldworth, P.J. Bevan, A. Collis, S. Cook, D. Cushing, C. Cuss, M. Davies, D.T. Davies, K. Dawson, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, J.E. Fussell, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, D. Havard, A. Higgs, A. Hussey, M. James, V. James, L. Jeremiah, Mrs B. Jones, S. Kent, G. Kirby, Ms P. Leonard, C.P. Mann, Mrs P. Marsden, B. Miles, S. Morgan, Mrs G. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, G. Simmonds, J. Simmonds, Ms E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. . Whittle, T. Williams, W. Williams.

Together with:

C. Harry (Interim Chief Executive), D. Street (Director of Social Services), M.S. Williams (Acting Corporate Director Communities), L. Donovan (Acting Head of Human Resources), K. Cole (Chief Education Officer), L. Lane (Corporate Solicitor), S. Harris (Interim Head of Corporate Finance) and E. Weale (Cardiff City Council) and E. Sullivan (Senior Committee Services Officer).

TRIBUTE TO COUNCILLOR HARRY ANDREWS FORMER LEADER OF COUNCIL

It was with great sadness that the Mayor announced the passing of Councillor Harry Andrews former Leader of Council and Ward Member for Gilfach. Members and Officers stood for a minutes silence as a mark of respect.

Councillor D.T. Davies was called upon to pay tribute to Former Councillor Andrews who had been a friend and colleague for many years. Councillor Davies referred to Councillor Andrews' dedication which encompassed all aspects of his life including serving as President of Bargoed YMCA, Magistrate, Footballer, Family Man and Politician, a role in which he won every election and topped every poll. The many achievements of his political career were referenced with the completion of the Penallta House building and Ystrad Fawr Hospital being named as two of his greatest accomplishments in office. Councillor Davies reminisced on Harry's unerring ability to get things done for his ward, his unfaltering commitment to his constituents, his good humour and acknowledge there were too many stories and too many acts of kindness to recall them all. With sadness Councillor Davies recalled his final visits to Harry in hospital and his surety that the thoughts of all the Council, Members and Officer alike are now with Harry's family, in particular for his wife Doreen and their children and grandchildren.

Councillor C.P. Mann expressed his condolences on behalf of his party and paid homage to a wonderful servant of local government as both a Ward Member and previous Leader of Council. Respected in every role, dedicated and with a good word for all, he would be sadly missed.

Councillor K. Etheridge expressed his sadness at the loss of such a knowledgeable, helpful and compassionate man, a genuinely caring person and man of principle.

In conclusion Councillor E.M. Aldworth expressed her sadness at the loss of a determined and visionary leader who will be sadly missed by all. She recalled their first meeting and his compassion, his politeness and professionalism and above all the respectful way he related to others. The Interim Chief Executive passed on her condolences and reinforced the messages already conveyed on behalf of the staff.

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. She advised that decisions would be made by show of hands.

2. APOLOGIES

Apologies for absence were received from Councillors Mrs C. Andrews, A. Angel, C. Bezzina, L. Binding, W. David, N. Dix, G. Johnston, A. Leonard, J. Scriven, S. Skivens and B. Zaplatynski.

3. DECLARATIONS OF INTEREST

Mrs L. Lane (Corporate Solicitor) and Ms E. Weale (Cardiff City Council) declared a prejudicial interest in Agenda Item no. 4; details are minuted with the respective item.

ANNOUNCEMENT FROM THE DEPUTY LEADER AND CABINET MEMBER FOR ECONOMY, INFRASTRUCTURE AND SUSTAINABILITY

Councillor S. Morgan, Deputy Leader and Cabinet Member for Economy, Infrastructure and Sustainability provided an update on the Pwll-y-Pant Roundabout works.

Reference was made to the impact that the recent inclement weather had on the progress of works and he confirmed that as of this morning both lanes had been reopened. The time lost due to the snow and freezing temperatures would mean a return to single lane running for a few weeks, however this was planned to take place during the school holidays in August when traffic levels would be reduced and would be completed before the school term resumed.

In relation Heol Pwll-y-Pant, Councillor Morgan gave reassurances this this road would not be closed for two months; the works required in this area would be undertaken utilising a traffic management system. Similarly for the Bedwas and Trecenydd arms changes to the layout meant that traffic management would not be required during peak times. Commencing the 4th April 2018 these works would take approximately four weeks.

As a result of the weather and comments from the public in relation to single lane running the original 52 week programme would take longer than previously anticipated in order to keep two lane running open for as long a period as possible but is currently scheduled for completion in November 2018. The contractor Walters and the Engineering Team continue to work together in order to make swift progress. The Deputy Leader hoped that this announcement would help to allay any fears with regard to the ongoing works.

REPORT OF OFFICERS

Consideration was given to the following reports.

4. POTENTIAL REINSTATEMENT OF DEFERRED 2018/19 SAVINGS PROPOSALS

Mr S. Harris (Interim Head of Corporate Finance) presented the report which detailed the 2018/19 deferred savings that may need to be reinstated depending on the outcome of Cabinet's consideration of a further report on the future of Pontllanfraith Leisure Centre.

At its meeting on the 22nd February 2017 Council noted that alternative savings totalling £107K would need to be identified during the 2018/19 financial year in the event that the proposed closure of Pontllanfraith Leisure Centre did not proceed. Furthermore additional budgetary growth of circa £17K would be required due to the Leisure Centre now being classified as a single premises for the purpose of rating assessments. Since the Council meeting further annual costs of £12K have also been identified in relation to standing charges for utilities and for security of the vacated schools premises.

At its meeting on the 28th March 2018 Cabinet agreed to defer the decision to close the Leisure Centre until later in 2018, and to consider the proposal as part of the wider 10 Year Sport and Leisure Strategy. As a consequence £136K of alternative savings that would be required so Cabinet therefore also supported a recommendation to Council that the following deferred savings should be reinstated for the 2018/19 financial year. Cabinet also support the recommendation that the deferred savings detailed in section 4.12 of the report be reinstated for the 2018/19 financial year.

- £66K from vacant posts in Language Support in Primary Schools; and
- The partial reduction in proposed savings on Highways Maintenance to be reduced from £212K to £142K.

Mr Harris referred Members to paragraph 4.21 of the Council report and the recommendation in paragraph 10.2 and sought their approval to reinstate the aforementioned deferred savings proposals for the 2018/19 financial year.

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

An amendment was moved and seconded that the £136K be secured from the 'Capital Reserves Balances' and the 'Invest to Save funds', rather than make further cuts to education services or the road maintenance programme.

Mr Harris emphasised the need to secure sustainable savings and stressed that using the balances or invest to save funds would only allow for a one-off saving on the 2018/19 financial year.

Clarification was sought in relation to the definition of unallocated reserves and Mr Harris confirmed that the correct definition is as usable reserves as referenced within the statement of accounts. Further clarification was sought in relation to the proposals within the proposed amendment.

In this regard Officers sought a brief adjournment in order to confer with the Interim Head of Corporate Finance and provide the clarification being sought from Members in relation to the financial implications of said amendment.

The meeting stood adjourned.

On reconvening the meeting the clarified amendment was moved and seconded that the £136K of savings be secured solely from the Capital Earmarked Reserves.

Mr Harris reminded Members that this would only secure a one off saving and this money had been earmarked to potentially draw down funding for projects such as the 21st Century Schools Programme.

By a show of hands and in noting there were 44 against and 0 abstentions the amendment was declared lost.

By a further show of hands and in noting there were 17 against and 0 abstentions the motion was declared carried.

RESOLVED that for the reasons contained in the Officer's report the deferred savings proposals be reinstated for the 2018/19 financial year as set out in section 4.12 of the report.

5. APPOINTMENT OF INTERIM MONITORING OFFICER

Mrs L. Lane (Corporate Solicitor) declared a personal and prejudicial in that the report directly related to her and left the Chamber when the item was discussed.

Ms E. Weale (Cardiff City Council) declared a personal and prejudicial interest in that Cardiff City Council provided legal advice to this authority via a service level agreement and left the Chamber when the item was discussed.

Mrs C. HARRY (Interim Chief Executive) presented the report which sought approval to appoint an Interim Monitoring Officer whilst recruiting to the permanent post. The Interim Chief Executive confirmed that there was a statutory requirement to have a designated post of Monitoring Officer and with the retirement of Mrs G. Williams and in the absence of Mr R. Harris who had been acting as Council's Deputy Monitoring Officer this needed to be revisited at this time.

Following a ring fenced recruitment process Mrs L. Lane had expressed an interest in taking up the role and it is now proposed that she be appointed until the new post holder takes up the vacant Head of Legal/Monitoring Officer post. It was noted that the recruitment process for the vacant post would be concluded in April.

A Member requested clarification as to the cost to the authority of the service level agreement. Mr Harris confirmed that he did not have that information to hand but would email to the Member following the meeting.

Following consideration of the report and for the reasons given in the Officer's report it was moved and seconded that the recommendations contained in section 10.1 (i) and 10.1 (ii) be approved and by a show of hands this was unanimously agreed.

RESOLVED that: -

- (i) Lisa Lane, Solicitor, be appointed to the post of Interim Monitoring Officer, until time the new post holder takes up the post of Head of Legal/Monitoring Officer;
- (ii) the service level agreement with Cardiff Council to provide support to Lisa Lane if required and/or directly to other Officers and Members if needed, continue until such time the new post holder takes up the post of Head of Legal/Monitoring Officer.

6. APPROVAL OF CARDIFF CAPITAL REGION CITY DEAL JOINT WORKING AGREEMENT BUSINESS PLAN

Mrs C. Harrhy, Interim Chief Executive presented the report which sought Council agreement to adopt the Draft Joint Working Agreement Business Plan (JWA Business Plan) as its formal JWA Business Plan.

The City Deal includes a £1.2 billion investment, including the development of the South Wales Metro, support for innovation and digital infrastructure, developing skills and helping people back into work, promoting enterprise and business growth and wider activity in regeneration and housing and helping to deliver 25,000 new jobs in the region.

Members were advised of the strategic themes and emerging opportunities which would be considered and developed within the life of the plan all of which would be assessed in accordance with the Assurance Framework. The three stages of the plan were detailed within section 4.2.1 of the report and it was noted that each stage of the proposals would be submitted to the CCR Programme Board for assessment who will make recommendations to the Regional Cabinet, who in turn will have the responsibility for confirming if the candidate scheme is eligible for inclusion. The Interim Chief Executive emphasised that Members involvement in the development of such schemes would be pivotal.

Mr Steve Harris, Interim Head of Corporate Finance outlined the financial implications of the plan and it was noted that £734m had been set aside for the Metro (£503m from Welsh Government, £125m from the UK Government and £106m from the European Development Fund), with the balance of £495m being made available as the 'Wider Investment Fund'. The Wider Investment Fund is made up of £375m grant from UK Government paid over 20 years and £120m local authority partnership capital contributions to be drawn down as required.

Mr Harris explained that the total maximum revenue cost to the 10 Councils for servicing the debt to fund the £120m capital contribution over the life of the City Deal is £210.8m. It was noted that Caerphilly CBC's share of the £210.8m is £25.2m. It was also noted that Caerphilly's capital contribution would be £6.23m over the initial 5 year programme period. The revenue implications of the borrowing requirements have been factored into the 2018/19 revenue budget and updated Medium-Term Financial Plan approved by Council on the 22nd February 2018.

Councillor D. V. Poole, Leader of Council spoke of the exciting opportunities being presented within the City Deal, increased employment opportunities, housing, building and development, opportunities for SMEs, digital infrastructure, apprenticeships which would be a benefit for years to come and within all this Member involvement would be key. Primarily through scrutiny and the Regeneration and Environment Scrutiny Committee the exact nature of Member involvement would be developed as the City Deal progressed.

It was moved and seconded that the JWA Business Plan as attached in Appendix 1 of the Officer's report be approved and the £6.23M in respect of Caerphilly CBC's capital contribution during the initial five-year period covered by the JWA Business Plan be approved.

An amendment was moved and seconded that alongside recommendations 10.1 and 10.2 of the Officers reported an addition recommendation be made to establish a Project Board made up of Officers and Councillors, politically balanced in order to ensure open dialogue and flow of information on the progress of the City Deal.

The Leader gave assurances that he would fully engage with Members throughout the process, the form that this engagement would take, be it by Project Group or other methods of communication to be considered going forward. During the course of debate it was noted that there seemed to be confusion amongst Members with regard to the City Deal and the Cardiff City Development IQE which was completely independent to the City Deal and the report before Members.

It was felt by some Members that this confusion clearly illustrated the need for greater Members involvement in the information sharing process and also for them to be assured of the equity of benefits throughout the borough.

Employment opportunities and nurturing skills for the future were discussed and reference made to apprenticeships. A Member queried a request for information on this subject that was outstanding. The Interim Chief Executive apologised that the information had not been received and assured the Member in question that it would be provided following the meeting.

Members discussed transportation links and regional transport provision including the Metro and reference was made to a statement from Welsh Government that not all of the Metro network would be electrified and queried the impact that a partial electrification would have. The Interim Chief Executive assured Members that she had not heard of any such statement and had no confirmation from Welsh Government in this regard had she done so she would advise Members of any resulting implications.

The Leader provided further assurances of his commitment to fully engage with Members furthermore he was of the opinion that the process would not work without their commitment and knowledge driving it forward and asked the Member to consider withdrawing the amendment.

Clarification was then sought in relation to the Green Paper and proposals for Local Government reorganisation and possible impact on the City Deal. The Leader reassured Members that Caerphilly's response would reflect the feelings in the Chamber that this authority was able to stand on its own and would not welcome any form of reorganisation.

The amendment was again moved and seconded that in addition to recommendations 10.1 and 10.2 a further recommendation that a working group or project development board be established within 3 months of this meeting. By a show of hands and in noting there were 44 against and 1 abstention the amendment was declared lost.

By a further show of hands and in noting there were 17 against and 2 abstentions the motion was declared carried.

RESOLVED that: -

- (i) the JWA Business Plan (CCR Strategic Business Plan) as attached at Appendix A of the Officer's report be approved;
- (ii) the borrowing of up to £6.23m in respect of Caerphilly CBC's capital contribution during the initial five-year period covered by the JWA Business Plan be approved.

The meeting closed at 7.00pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 5th June 2018 they were signed by the Mayor.

MAYOR

Agenda Item 7



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 17TH APRIL 2018 AT 6.30 PM

PRESENT:

Councillor J. Bevan - Mayor
Councillor M. Adams - Deputy Mayor

Councillors:

Mrs E.M. Aldworth, A. Angel, P.J. Bevan, C. Bezzina, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, Mrs C. Forehead, Ms E. Forehead, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, D. Havard, A. Higgs, A. Hussey, G. Johnston, Mrs B.A. Jones, S. Kent, G. Kirby, Ms P. Leonard, C.P. Mann, Mrs P. Marsden, B. Miles, S. Morgan, Mrs G.D. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J.E. Roberts, R. Saralis, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, R. Whiting, L.G. Whittle, T.J. Williams, W. Williams, B. Zaplatynski

Together with:

C. Harry (Interim Chief Executive), M.S. Williams (Interim Corporate Director of Communities), D. Street (Corporate Director - Social Services), L. Donovan (Acting Head of Human Resources and Organisational Development), R. Hartshorn (Head of Policy and Public Protection), S. Harris (Interim Head of Corporate Finance), M. Lloyd (Acting Head of Engineering Services), D. Marr (Deputy Monitoring Officer - Cardiff Council), L. Lane (Interim Monitoring Officer), C. Forbes-Thompson (Interim Head of Democratic Services) and R. Barrett (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 publicly available in live and archive form via the Council's website. She advised that decisions would be made by a show of hands.

2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors C. Andrews, L. Binding, K. Dawson, A. Farina-Childs, J.E. Fussell, M.P. James, V. James, L. Jeremiah, Mrs A. Leonard, J. Ridgewell, Mrs M.E. Sargent, and A. Whitcombe.

3. MAYOR'S ANNOUNCEMENTS

It was noted that this was the last meeting of Council that Councillor J. Bevan would be chairing prior to the Annual General Meeting and he referred to his remaining Mayoral engagements and duties over the course of the next few weeks.

4. PETITION

The Mayor received a petition presented by Councillor Mrs G.D Oliver, on behalf of local residents of Pontlottyn, which requested an overhead shelter for the walkway at Idris Davis School 3-18. The Mayor indicated that it would be referred to the appropriate directorate for attention.

5. PRESENTATION OF AWARDS

There were no awards to be presented on this occasion.

6. DECLARATIONS OF INTEREST

In referring to Agenda Item No. 10 (Independent Remuneration Panel for Wales Annual Report 2018/19), the Interim Chief Executive explained that a personal interest applies to all Members for this item but that they would be able to consider the report by way of the specific exemption within the Members' Code of Conduct which relates to payments (by virtue of Section 12 paragraph (b)(iv)).

It was noted that for Agenda Item No. 12 (Contract Arrangements of the Interim Chief Executive), Mrs C. Harry (Interim Chief Executive) and Mr M. S. Williams (Interim Corporate Director of Communities) would be required to declare a personal and prejudicial interest and leave the meeting during consideration of the item.

The Interim Chief Executive referred to Agenda Item 13 (Internal Investigation of Senior Officer – Additional Financial Provision) and reminded Members that there should be no discussion regarding the ongoing internal investigation referenced in the report. She also explained that as the report was seeking approval of an additional financial provision for legal costs (and did not address the investigation itself) there was no requirement for Members or Officers to declare a prejudicial interest and leave the meeting on that basis. However it was a matter for individual Members as to whether they wished to declare a personal and/or prejudicial interest.

Councillors M. Adams, A. Angel, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor declared an interest in Agenda Item 13 (Internal Investigation of Senior Officer – Additional Financial Provision). Details are minuted with the respective item.

7. SPECIAL COUNCIL - 22ND FEBRUARY 2018

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

Special Council held on 22nd February 2018 (minute nos. 1-6).

8. COUNCIL - 6TH MARCH 2018

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

Council held on 6th March 2018 (minute nos. 1-12).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

9. INTEGRATED COMMISSIONING AND SECTION 33 AGREEMENT FOR CARE HOMES FOR OLDER PEOPLE IN GWENT REGION (POOLED FUNDS)

The report, which was presented to Cabinet on 28th March 2018 and subsequently endorsed, provided an update on the development of arrangements to pool funds for care home arrangements between the 5 local authorities in the Gwent Region. This has arisen from Part 9 of the Social Services and Well-being (Wales) Act (2014) which places a statutory requirement on local authorities and health boards regarding partnership working and collaboration.

The report recommended to Cabinet the establishment of a regional pooled budget in relation to the exercise of care home accommodation functions between Caerphilly County Council, the other Gwent Local Authorities (Blaenau Gwent, Monmouthshire, Newport and Torfaen) and Aneurin Bevan University Health Board (ABUHB), which will be overseen by the Regional Partnership Board (RPB). It also outlined the progress made in developing other key elements required by Welsh Government guidance in support of the pooled budget arrangements, namely common contracts and developing an integrated approach to commissioning and in the Gwent region.

Council were referred to the Officer's covering report which explained that having received Cabinet endorsement, authority was sought to amend the Council's Constitution to give effect to the delegated powers given to the Cabinet Member for Social Care and Well-being, as set out in paragraph 1.1(iii) of the report recommendations

During the course of the debate, a query was received on the income received from client contributions and partners in relation to care home budgets. The Corporate Director for Social Services and Housing confirmed that the income, which is in the region of £4.5m per annum, is received by Caerphilly Council, and that charges for such services are identical across the 22 local authorities in Wales.

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet as set out in the Officer's covering report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the Principal Solicitor be given delegated authority to make the necessary changes to the Council's Constitution to give effect to the delegated powers given to the Cabinet Member for Social Care and Well-being, as Caerphilly County Council member of the Regional Partnership Board, in the exercise of care home accommodation functions, and consideration of any specific arrangements that need to be put in place to meet statutory duties at local and regional level.

10. CORPORATE PLAN INCLUDING WELL-BEING OBJECTIVES 2018-2023

The report, which was presented to Cabinet on 11th April 2018 and subsequently endorsed, sought Council approval of the Local Authority's Corporate Plan and its Well-being Objectives for 2018-2023.

The report set out the requirement of the Local Government Measure 2009 for 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 (WBFGA) also places a legal requirement for 'public bodies' to set and publish Well-being Objectives. 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. This approach has been endorsed by the Wales Audit Office and Welsh Local Government Association.

The Plan introduces the Local Authority's new set of 6 Well-being Objectives to run for five years from 2018-2023 and sets out how these will be measured and achieved. In view of WBFGA statutory guidance, it is intended for the Council to review the Well-Being Objectives annually, in line with reporting progress on their performance to the public. The Plan also introduces 7 'Cabinet Commitments' and 'Medium-Term Financial Plan Principles'. Further details were contained within the Corporate Plan 2018-2013 that was appended to the report.

It was noted that Cabinet had endorsed the Corporate Plan, subject to an addition to Well-being Objective 5 (Create a county borough that supports a healthy lifestyle) to include the wording "in accordance with the Sustainable Development Principle within the Well-being of Future Generations (Wales) Act 2015".

Members placed on record their thanks to those Officers involved in the preparation of the Corporate Plan and acknowledged the realm of detail in the document and the extent of the work involved in converting the Council's Improvement Objectives into a longer-term strategy.

Detailed discussion took place on the contents of the Corporate Plan and the intended actions to achieve the 6 Well-being Objectives. A Member referred to Well-being Objective 1 (improving education opportunities for all) and the Welsh Government funding for the 21st Century Schools Programme Band B programme, and queried whether this will be awarded if local authorities are unable to achieve the programme aims. The Cabinet Member for Education and Achievement confirmed that she would make enquiries on the matter but that funding bids are submitted via a business case and examined on a case by case by Welsh Government. A Member enquired how the aims of the Objective would be delivered in view of a reduced budget for schools. The Cabinet Member requested that the details of the reductions be sent to her so that she could discuss with the Member further.

A Member queried how the visions against Well-being Objective 5 (creating a county borough that supports a healthy lifestyle) will be measured and asked whether consideration had been given to reducing carbon monoxide emissions via the implementation of 20mph speed limits in urban areas. The Head of Policy and Public Protection explained that it is difficult to measure improvements in health due to generational changes, but this can be monitored through actions such as participation in sports, outdoor leisure and healthy schools programme. It was also confirmed that the reduction of carbon monoxide via 20mph speed limits was not an area considered to be within the remit of this particular Well-being Objective.

Several queries were received in respect of Well-being Objective 4 (promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment). A Member sought clarification on the data source for the number of daily commuter trips taken in and out of the borough, and queried if businesses would be actively encourage to tender for new connective routes.

Specific reference was made to the role and involvement of local bus companies in delivering the Metro plan, and also the potential reinstatement of the Cwmbargoed train line and a new railway station for Nelson. The Member referred to the reducing number of bidders for the Wales and Border rail franchise due for renewal in 2018 and queried whether Welsh Government had confidence in the successful tender being able to deliver the franchise services and the relevant elements of the Metro. Reference was also made to the steps being taken to achieve this Well-being Objective and the timescales for when the visual impact would start to become apparent to local residents.

The Interim Chief Executive explained that the commuter figures had been gathered by the Independent Growth and Competiveness Commission and included in reports previously provided to Council. She confirmed that Welsh Government are considering the role of local transport companies in delivering the Metro and will place a specific focus on the needs of the region and the control and support required in this regard. Members were reminded that the 10 City Deal local authorities each have a representative within the Regional Transport Authority who will put forward the transport needs for their county borough. In regards to the Cwmbargoed line, it was explained that the Council are currently considering a location for the Nelson rail site. The Interim Chief Executive also confirmed that Welsh Government are comfortable with the remaining tenders for the Wales and Borders rail franchise and that the preferred bidder is due to be announced in the near future.

Several Members queried the development and feasibility of individual rail routes referenced in the Corporate Plan, including the Newport to Ebbw Vale link and the Caerphilly to Newport link. It was confirmed that the former is included within the Metro Plan but that there is no guarantee when this will be delivered, and that a SEWTA study had outlined the potential for the latter, but that this long term project is dependent on factors such as land availability and whether it fits in with the mode of rail transport selected by Welsh Government. Reference also was made to the scale of the investment for this line and it was confirmed that the scheme fits in with the aims of the Metro in regards to reducing pollution and congestion.

A Member suggested that it would be useful to incorporate the progress already made on the Objectives into the Corporate Plan. In respect of Well-being Objective 2 (enabling employment), he queried whether there was a mention of plans to build more small business units in order to increase occupation rates and promote employment opportunities. The Member queried the specifics of the support to improve housing conditions as referred to in Well-being Objective 3 (address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help improve people's well-being) and expressed a need to enable processes to bring long term empty homes back into use. He also highlighted a need for ownership of the individual Metro transport schemes in order to achieve these aims, a need for joined up working and for pressure to be placed on Welsh Government in this regard. He offered to forward additional comments on the Corporate Plan to the relevant Officers following the meeting.

The Head of Policy and Public Protection confirmed that achievements against previous Improvement Objectives have been reported to the relevant Scrutiny Committees twice-yearly and that the annual review of the Corporate Plan will allow the Council the opportunity to view its development and measure how performance is being achieved against these Objectives. He explained that the Well-being Objectives contribute to the Well-being Goals set out in the Well-being of Future Generations Act and focus on long term solutions with an emphasis on prevention.

Following consideration of the report, it was moved and seconded that subject to the foregoing addition in respect of Well-being Objective 5, the recommendation in the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that subject to the amendment to Well-being Objective 5 (to include "in

accordance with the Sustainable Development Principle within the Well-being of Future Generations (Wales) Act 2015”), the Corporate Plan with Well-being Objectives 2018-2023 as appended to the report be approved.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. IMPLEMENTATION OF WELSH GOVERNMENT LAND DRAINAGE BYELAWS

Consideration was given to the report, which was presented to the Regeneration and Environment Scrutiny Committee on 27th March 2018, and sought Council approval for the implementation of the Land Drainage Byelaws as recommended by Welsh Government (WG).

It was noted that under the Flood and Water Management Act 2010, local authorities in Wales were given additional powers and responsibilities for managing flooding from surface water, groundwater and ordinary watercourse. As part of the new powers, the responsibility for issuing ordinary watercourse consents passed from Natural Resources Wales to the Lead Local Flood Authorities in 2012.

Since taking on these duties and functions, local authorities have noted that powers under current legislation are limited and certain activities which are not currently consented could potentially increase the risk of flooding, especially in more built up areas. To address this issue WG has recently ratified the updated set of its Ordinary Watercourse Byelaws created under Section 66 of the Land Drainage Act 1991, which will enable local authorities to supplement existing powers and help with their land drainage and flood risk management functions. All local authorities are being encouraged to adopt the model byelaws (appended to the report) to ensure consistency across Wales and comply with statutory objectives.

Members expressed their support for the new Byelaws as a means to overcoming drainage issues that may arise during the development of new housing estates.

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, the implementation of the Land Drainage Byelaws as recommended by WG be approved.

12. INDEPENDENT REMUNERATION PANEL ANNUAL REPORT 2018/19

The report detailed the Independent Remuneration Panel for Wales’ final determinations relating to Councillors and Co-opted members for 2018/19 and sought a decision from Council on certain aspects of the Members remuneration scheme for 2018/19. A copy of the Annual Report for 2018/19 was appended to the Officers report.

Members noted that the Panel’s determinations include a 1.49% increase in the basic salary for Councillors for 2018/19, which represents a £200 increase in the basic salary for councillors to £13,600. The Panel also proposed that the previous option to set salary levels be removed and have set the salaries at the previous higher level, plus the £200 basic salary uplift. Therefore in that Caerphilly County Borough Council previously determined the senior salaries would be set at the lower band, there will be increased expenditure for senior salaries in 2018/19. Details of these were set out in paragraph 4.5 of the report.

The determinations of the Panel were set out within their annual report and a summary of the key determinations of note were detailed in the Officer's report and presented to Members. It was noted that the determinations and recommendations contained in the report will take effect in April 2018, and individual Members or Co-opted Members may forgo any part of their remuneration entitlement for the year ahead by giving notice in writing to the Interim Chief Executive.

Members were referred to the report recommendations which sought a decision from Council in respect of the level of Civic Salary and other aspects of the Members remuneration scheme, including travel claims and care expenses, together with approval of the Panel's determinations.

Debate took place with regards to recommendation 10.7 and Officers confirmed that individual expenses could be made available via the FOI process if Council were minded to approve Option 2. Some Members expressed the need for transparency in respect of publishing the cost of care expenses claimed by individual members, whilst others referred to the sensitivity of the issue and the need to have regard for the privacy of Members' individual circumstances.

It was moved and seconded that recommendation 10.2 be approved, in that the determinations of the Panel including, the basic salaries, Leader and Deputy Leader salaries, Cabinet Members and Committee Chairs, reimbursement of care costs, travel and subsistence allowances and fee payments to Co-opted Members be noted and implemented. By a show of hands (and in noting there were 6 against with 1 abstention) this was agreed by the majority present.

In regards to recommendation 10.3, it was moved and seconded that the Level 2 salary, as detailed in paragraph 4.6 of the report, be set as the appropriate level of Civic Salaries for 2018/19. By a show of hands (and in noting there were 3 against with 4 abstentions) this was agreed by the majority present.

In regards to recommendation 10.4, it was moved and seconded that as detailed in paragraph 4.26 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. By a show of hands (and in noting there were 4 abstentions) this was agreed by the majority present.

In regards to recommendation 10.5, it was moved and seconded that the the Officers listed at paragraph 4.29 of the report continue to act as the 'appropriate officer' for Co-opted Members as indicated therein. By a show of hands (and in noting there were 4 abstentions) this was agreed by the majority present.

In regards to recommendation 10.6, it was moved and seconded that as detailed in paragraph 4.37 of the report, no allowance payment be made for travel claims for journeys made within Members' wards. By a show of hands (and in noting there were 2 abstentions) this was agreed by the majority present.

In regards to recommendation 10.7, it was moved and seconded that Option 2 be approved, in that the Council publish the total costs of care expenses reimbursed to Members by the Authority during the year but not attribute these to any named Member. By a show of hands (and in noting there were 9 against with 3 abstentions) this was agreed by the majority present.

It was therefore RESOLVED that for the reasons contained in the report, the aforementioned recommendations be approved.

13. UPDATE ON COUNCIL'S CONSTITUTION – TERMS OF REFERENCE OF SCRUTINY COMMITTEE

Consideration was given to the report, which asked Council to note and endorse the changes to the Council's Constitution as appended to the report and marked in italics to give effect to the changes to the Scrutiny Committees' terms of references as a result of changes to Directorate responsibilities on an interim basis. The report also sought Council approval to delegate authority to the Interim Monitoring Officer to amend the Constitution to incorporate the changes as set out in the appendix.

The Council's Constitution was formally adopted by the Council in May 2002, and 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.

Members were asked to note and endorse the changes, which in the main reflected the change of Director responsibilities within Communities and Housing, and subsequently involved changes to the Terms of Reference across the Partnerships Scrutiny Committee, the Regeneration and Environment Scrutiny Committee, and the Health, Social Care and Well-being Scrutiny Committee.

During the course of the ensuing debate, a Member queried whether there were plans to begin webcasting Scrutiny Committee proceedings, and it was confirmed that consideration is being given to the matter for a future point in time. In response to a Member's observations, it was also confirmed that minor gender-based references to key Officer posts within the Constitution would be updated accordingly.

Following consideration of the report, 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 changes to the terms of reference for the Scrutiny Committees as shown in italics and bold on the relevant extracts of the Constitution appended to the report be noted and endorsed;
- (ii) the Council's Interim Monitoring Officer be given delegated authority to amend the Constitution to incorporate the changes set out in the report appendix.

14. CONTRACT ARRANGEMENTS OF INTERIM CHIEF EXECUTIVE AND CONTINUATION OF INTERNAL MANAGEMENT ARRANGEMENTS

Christina Harray and Mark S. Williams declared an interest (being the subject of the report) and left the meeting during consideration of this item.

Dave Street (Corporate Director Social Services) presented the report, which sought approval to further extend the contract arrangement for the post of Interim Chief Executive in order to comply with legislative requirements, and to delegate the extension of the interim contract arrangements for the Corporate Director of Communities.

Members were reminded of the current interim arrangements in place within the Authority since the suspension of the substantive Chief Executive in March 2013. The Council is required by law to have in place a Head of Paid Service, which is designated to the Chief

Executive. Following the decision of the former Interim Chief Executive to not extend his interim contract beyond the end of December 2017, expressions of interest to undertake the post were invited from the Council's three Corporate Directors and on 5th December 2017, Council confirmed Mrs Harry's interim appointment to the post of Interim Chief Executive for a period of 6 months effective from January 2018. The interim contract is therefore due to end on 30th June 2018.

It was explained that the Designated Independent Person (DIP) appointed to undertake a comprehensive investigation of the allegations in relation to the Chief Executive, has indicated that it is likely to take until the end of the calendar year to conclude the investigation. As the Authority is currently engaged in a number of significant projects, including City Deal, 21st Century Schools, management of the Medium Term Financial Plan and the collaboration agenda, the report asked Members to agree the extension of the current Interim Chief Executive to 30th June 2019 (at which time it will be reviewed again) in order to provide ongoing continuity for the organisation. The timeframe takes account of the estimated period for the investigation and allows the Council to progress the DIP recommendation whilst maintaining stability for the organisation.

Mr Street outlined the agreed salary and terms and conditions as published in the Council's Pay Policy Statement and confirmed that Welsh Government have been notified of the proposed extension. He also explained that as a consequence of Mrs Harry's appointment to the post of Interim Chief Executive, an interim appointment has been made to her substantive post (Corporate Director of Communities). Members were therefore asked to delegate authority to the Interim Chief Executive to extend this Interim Corporate Director appointment in consultation with the Leader and the two Deputy Leaders. It was noted that should circumstances change, both interim contracts can be quickly reviewed.

Members were advised of the financial implications and the revenue budgets established for the posts of Chief Executive and Corporate Director of Communities, with the postholders currently fulfilling these duties being funded from these revenue budgets.

During the course of the ensuing debate, Members commented on the proposed extension period of the Interim Chief Executive contract to June 2019, given the estimated completion date of December 2018 for the DIP investigation, and suggested that the contract could be extended to December 2018 instead with an option to review towards the end of that year. Members were reminded of the provision in place to review the arrangements in place at any time.

Following consideration of the report, it was moved and seconded that the recommendations in the report be approved. By a show of hands (and in noting there were 2 against with 4 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons set out in the report:-

- (i) the contract of the current Interim Chief Executive be extended until 30th June 2019;
- (ii) the decision to extend the interim contract arrangements for the Corporate Director of Communities be delegated to the Interim Chief Executive in consultation with the Leader and the two Deputy Leaders.

Following the decision of Council, Mrs Harry and Mr Williams returned to the meeting.

15. INTERNAL INVESTIGATION OF SENIOR OFFICER – ADDITIONAL FINANCIAL PROVISION

Councillors M. Adams, A. Angel, D.T Davies, C. Gordon, J. Simmonds and J. Taylor declared a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and left the meeting during consideration of the item.

Consideration was given to the report which sought approval of additional financial provisions in relation to the ongoing internal investigation of a Senior Officer. Members were reminded of the interim arrangements previously in place within the Authority arising from the internal investigation of three Senior Officers and of the additional associated costs, which have been funded from provisions established using the General Fund Reserve as approved by Council.

Settlement agreements were approved in respect of two of the Senior Officers at a Special meeting of Council on 31st October 2017, and these settlements drew matters to a close for these two individuals. However, Council were informed that it would be necessary to engage a Designated Independent Person (DIP) in respect of the allegations that require formal investigation in respect of the remaining Senior Officer.

Council approved a further financial provision on 21st November 2017 to meet the costs of the ongoing investigation in respect of the remaining Senior Officer and the ongoing salary costs in respect of this post to 30th June 2018. These additional estimated costs totalling £340k were partially offset by a balance of £190k that remained from provisions previously approved by Council, resulting in a further provision of £150k being approved.

A DIP has now been engaged to undertake the formal investigation and has indicated it is likely to take until the end of the calendar year to conclude the process. As a result, it is necessary to establish a further financial provision of £94k to meet the salary costs of the Senior Officer for the period from 1st July 2018 to 31st December 2018. It is currently anticipated that the previously approved provision of £60k for the DIP will be sufficient. However, based on actual expenditure in recent months and the balance remaining on previous provisions, it is anticipated that a further provision of £99k will be required in respect of legal costs. Approval was therefore sought for an additional financial provision of £193k to be funded from Corporate Services Retained Reserve Underspend and Counsel Fees Reserves as detailed in the report.

Members expressed their continued frustration regarding the length of the process and the increasing cost to the Authority and local residents. In response to a query regarding the potential for further provisions to be made, Officers explained that the estimates are based on the information available at the present time and that in line with process to date, further reports will be brought back if the need arises. It was also confirmed that the legal costs are for Counsel advice to the Authority. Clarification was sought on the calculation of the estimated costs associated with the DIP and Officers explained that although the revised amount was established in October 2017, the DIP had only recently commenced their investigation and so the £60k provision should be sufficient to December 2018.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands (and in noting there were 14 against with 1 abstention) this was agreed by the majority present.

RESOLVED that for the reasons set out 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 31st December 2018, a further financial provision of £193k be funded from the Corporate Services Retained Underspend Reserve (94k) and Counsel Fees Reserve (99k) to meet these costs.

16. QUESTIONS RECEIVED 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.

(i) LEISURE STRATEGY REVIEW

To the Cabinet Member for Neighbourhood Services Councillor Nigel George from Councillor Kevin Etheridge.

To ask the Cabinet Member for Neighbourhood Services after reading the Cabinet Forward Work Programme for the 11th July 2018 meeting which lists the future of Pontllanfraith Leisure Centre in the context of the Leisure Review would he please define what criteria, scoring mechanisms, consultation methods will be used when evaluating each premises in regard the forthcoming Leisure Review and to confirm each location will have equal status.

Also can he please confirm the estimated timescale in this regard and when the matter will be brought before Full Council for a discussion in the interests of openness and transparency.

RESPONSE FROM COUNCILLOR NIGEL GEORGE, CABINET MEMBER FOR NEIGHBOURHOOD SERVICES

Members will be aware that at their meeting of 28th March Cabinet resolved to consider the future of Pontllanfraith Leisure Centre later in 2018 once the 10 year Sport and Leisure Strategy for Authority has been adopted.

I can confirm that we will be seeking Cabinet agreement to undertake a full public consultation on the draft Sport and Leisure Strategy. It is proposed that there will be a 10 week public consultation process which will involve a variety of methods including direct consultation with a range of stakeholders, use of our website, social media, and Newslines.

There will be every opportunity for respondents to comment upon the proposed priorities, outcomes, and actions contained within the draft Strategy.

There will be full Member involvement in the process beginning with a report to Regeneration and Scrutiny Committee in June, to be followed by a Members Seminar, with a decision on the final Strategy, following the consultation exercise, being put before Cabinet later this year.

(ii) GREEN LIGHT FOR PROJECTS ACROSS CAERPHILLY COUNTY BOROUGH – PRESS RELEASE, FRIDAY 30TH MARCH 2018

<http://www.caerphilly.gov.uk/News/News-Bulletin/February-2018/Environmental-projects-given-green-light>

<http://www.caerphilly.gov.uk/News/News-Bulletin/September-2017/Communities-asked-to-%E2%80%98Shape-Your-Place%E2%80%99>

To the Cabinet Member for Homes and Places Councillor Lisa Phipps from Councillor Graham Simmonds.

1. Given the above press release, which claims projects throughout Caerphilly CBC have

- been given the green light. Will the Cabinet Member please make clear what action has been taken to explain to the press Caerphilly CBC is not just the Rhymney Valley, but also includes the old Islwyn Constituency council area?
2. Will the Cabinet Member please make clear the projects itemised in the Islwyn Area identified under the WHQS environmental improvement programme?
 3. Will the projects identified to benefit from the ten million pounds be distributed evenly on a percentage of population basis?
 4. Given the absolute fact that “The environmental standard is a key element of the WHQS and the council is committed to helping create communities’ tenants feel proud of and want to live in. Engaging communities and partner agencies is vital in ensuring projects are sustainable and meet the needs of local people”. Can the residents of Islwyn be assured projects committed to Islwyn will be in accord with the WHQS environmental improvement programme, to the benefit of the communities of Islwyn?

RESPONSE FROM COUNCILLOR LISA PHIPPS CABINET MEMBER FOR HOMES AND PLACES

- Q1** In response to Cllr Simmonds question posed, I would firstly like to establish that the WHQS environmental programme is an important element of the overarching WHQS programme which aims to improve the condition of our council housing stock across the whole county borough. As such both officers and members involved in the programme are not focussed upon the former Islwyn and Rhymney valleys, however they are focussed upon a comprehensive, strategic and holistic approach to the programme that addresses the county borough as a whole and the component elements of Caerphilly East and Caerphilly West.

In relation to the press release referred to, we would advise that the Council issued the statement to the press, which is one of many that has been issued in relation to the WHQS programme. Although it is accepted that the release referred to does focus on the west of the county borough, this is because the projects included had only recently been approved and was a means of providing feedback to the community. Similar releases have been made which include other areas of the county borough, as from the outset, the environmental programme was established as a county borough wide approach to improving all communities in which our council tenants reside. All Councillors were informed and provided with a copy of the programme in October, 2016 and a copy is attached for information. The budget was allocated on this basis and three Environmental Officers have been employed to undertake engagement with communities throughout the county borough hence, each community will have the opportunity to identify projects for consideration.

- Q2** The following projects have been brought forward in the first phase of the environmental programme which sought to focus on identifying minor works as a result of consultation in the respective communities:

Treowen

Settlement sign and 2 benches – complete

Pantside

Parking Central Ave, mid and lower - approved, replacement of benches and painting of knee rails by the shops - completed landscaping of the Woodland Park area – almost completed

Pentwynmawr

Tarmacking of courtyard areas and installation of dropped kerb at The Ranks - approved

Crosskeys

Parking at Risca Road flats currently with EPG for feasibility and design

Ty Sign

Forsythia Close bin store – completed

Ty Sign Skate Park commencement imminent

Holly Rd window boxes - approved

Ynysddu

Parking in Islwyn Close – with EPG for feasibility

Blackwood

Parking in Lewis Lewis Avenue – with EPG for feasibility

Pontllanfraith

Ty Mynyddislwyn parking – with EPG for feasibility

Croespenmaen

Parking in Shelly Close – complete

Ty Melin benches and raised bed planters approved

Trinant

Parking in Princess Crescent, approved

Resurfacing of pathways in Horeb Court – complete

Horeb Court benches and raised bed planters – approved

Replacement of chain link fencing adjacent to Horeb Court – approved

Springfield

Parking in Meadow Road, approved

Cefn Fforest

Waunborfa Road - Railings , Replace Concrete bollards and 6 Grit Bins – ongoing

Twyn Gardens railings painted and areas grubbed out and potential to concrete over for future maintenance – ongoing

Ty Bedwellty Sheltered Housing Scheme – parking (currently with EPG for feasibility and design), Planters etc ongoing

Bryngoleu Street, Cefn Fforest – railings painted and overgrowth cropped – ongoing

Fairview

Aneurin Close Steps – rebuilt - complete

Markham

Monmouth Walk Railings - and Bollard Painted and overgrown area removed – Complete

Commin Close overgrowth - complete

Mountain View – paint all of the bollards and concrete in some of the grassed areas

Fleur De Lys

Gwent Court – with Area Housing to consider

Upper Trelyn

All Courts in Upper Trelyn – Line marking for the car parks, and overgrowth cut back

Pengam

Installation of Bollards at Islwyn Close - complete

Repair to Drystone wall on Salway Avenue – completed

Hodges Crescent – removal of bollards and maintenance repair at the top end of

Hodges Crescent – half complete

Repairs to fencing on Angel Lane – ongoing

Argoed

Consultation to be carried out for Penylan Road, Argoed

Additional works including replacement benches in Oakdale, installation of barriers and line marking in Ty Sign, Blackwood, Risca, Penllwyn, Panside, Newbridge, Trinant and Springfield have also been undertaken.

Consultations as part of the second phase of the programme which will consider larger scale projects will be undertaken in High Meadow, Waunfawr in Crosskeys, Oakdale, Panside, Trinant, Springfield and Blackwood, Cefn Fforest, Fairview, Upper Trelyn, Fleur de Lys, Pengam and Ty Sign this financial year. Communities in Markham and Argoed will be engaged in Spring 2019.

- Q3** There is an indicative allocation of £1,000 per Council home allocated for each community however, the WHQS Project Board has made the decision that, although the Housing Revenue Account funds will be targeted at benefitting council tenants, the funds will be distributed according to need and feasibility assessments. Each community will be engaged and have the opportunity to highlight any concerns or improvements. The Environmental Officers are contacting ward members prior to undertaking any consultations and also inviting them along to any community events.
- Q4** Yes, the Council is committed to delivering all aspects of the WHQS programme in consultation with ward members, tenants and community groups and as can be demonstrated by the list of projects above, the programme will benefit Council tenants and residents in communities throughout the entire county borough (see attached programme).

The meeting closed at 7.57 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 5th June 2018, they were signed by the Mayor.

MAYOR



COUNCIL - 5TH JUNE 2018

SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

- 1.1 The attached report, which detailed a Notice of Motion received from Councillors E. Stenner, S. Morgan, L. Phipps and C. Cuss in relation to a ban on third party puppy farming, was presented to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018.
- 1.2 Members considered the following Notice of Motion:-

“That Caerphilly County Borough Council adds its support to the Lucy’s Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter”.
- 1.3 Officers summarised the background information in relation to Lucy’s Law, which was launched in December 2017 and promotes an immediate ban on all commercial third party sale of dogs. It was explained that “third party sellers” are dealers who did not breed the dogs and who operate as “middlemen” between the breeders and the buying public. The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.
- 1.4 New legislation has been proposed in England which places enhanced requirements on licensed pet sellers who are not pet breeders. As the legislation is currently slightly different in Wales, the Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.
- 1.5 During the course of the ensuing debate, Members discussed the remit of such a ban and whether it could also apply to other types of animals, the effectiveness of a ban, and the enforcement processes and penalties that could be applied to illegal dealers.
- 1.6 Following consideration of its contents, the Health, Social Care and Wellbeing Scrutiny Committee unanimously endorsed the Notice of Motion and recommended its acceptance by Council.
- 1.7 Council is now asked to consider the attached Notice of Motion.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018
- Agenda Item 9



HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 1ST MAY 2018

SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 The Scrutiny Committee is asked to consider the Notice of Motion as set out in paragraph 4.1 to this report and make a recommendation to Council.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor Eluned Stenner and is supported by Cllrs Sean Morgan, Lisa Phipps and Carl Cuss.
- 2.2 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 Notice of Motion meets the criteria set out in the Council's Constitution.
- 3.2 Supporting the ban on third party sellers of puppies contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A healthier Wales
 - A globally responsible Wales

In terms of the five ways of working set out in the sustainable development principle, as defined in the Act. The motion to support Lucy's Law is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders.

4. THE REPORT

- 4.1 Councillor E. Stenner requests in her Notice of Motion that:-

Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter.

4.2 Background Information

Lucy's Law was launched in December 2017 and supported by APDAWG, All-Party Parliamentary Dog Advisory Welfare Group chaired by MP Dr Lisa Cameron MP. Lucy's Law promotes an immediate ban on all commercial third party sales of dogs. "Commercial" means sales as part of a business, for profit. Third party sellers are dealers; people who did not breed the dogs and who operate as "middlemen" between the breeders and the buying public.

4.3 Currently the law (Pet Animals Act 1951) requires commercial third party sellers to be licensed as a "pet shop", irrespective of the type of trading premises.

4.4 On the 8th of February 2018 the Government published new rules with the aim of modernising and enhancing welfare requirements applying to dog breeding, pet sales and other pet related activities licensed by local authorities in England. These reforms place enhanced requirements on licensed pet sellers who are not pet breeders, i.e. third party sellers but do not go as far as an outright ban. The Government however wish to explore a ban on third party sales further and have therefore issued a call for evidence on the effect of introducing a ban. The proposal under the revised Regulations, with the ban incorporated would be that puppies can only be sold from licensed breeders, in the presence of their mothers, after the age of eight weeks, or alternatively, from verified charity and rescue centres.

4.5 The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.

4.6 Puppies imported into the UK for commercial re-sale can only legally be sold if the seller holds a pet shop licence. Banning the sale of puppies by third party sellers would remove the legal market for imported puppies.

4.7 A ban on commercial third party sales would amount to a legal requirement that only licensed dog breeders would be able to sell puppies in the course of a business. It would not impact on non-commercial activities including rehoming puppies through dog charities and sanctuaries as they are not done for profit.

4.8 A ban on third party selling will probably not entirely eradicate puppy farming but it is an effective strategy to dramatically reduce the scale of the problem and compel breeders to raise standards.

4.9 Caerphilly Council Animal Health and Licensing officers have dealt with a number of cases of unlicensed pet sellers and breeders which has resulted in enforcement action. Officers have also dealt with cases where traders have purchased dogs imported from European countries and claimed that they had bred the puppies themselves.

4.10 Legislation is currently slightly different in Wales. Pet shops are governed by the Pet Animals Act 1951 but there is separate devolved legislation covering Dog Breeders, namely the Animal Welfare (Breeders of Dogs) (Wales) Regulations 2014. Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.

5. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

5.1 Public Protection activity is integrated across the Well-being Goals within the Well-being of Future Generations (Wales) Act 2015. The banning of third party sales of dogs would contribute towards the health protection of citizens in helping to reduce the spread of disease in animals that could impact on humans. It would also enhance public protection and protect animals, consumers and enable legitimate trade to operate in fair and open market place.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan 2016-2020.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications arising directly from this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 The Notice of Motion be duly considered by the Scrutiny Committee and make a recommendation to Council.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To be in accordance with the Council's Constitution. To demonstrate the commitment the Authority has to animal welfare and controls on the commercial sale of dogs.

12. STATUTORY POWER

- 12.1 Local Government Act 1972.

Author: Jacqui Morgan Trading Standards, Licensing & Registrars Manager
Consultees: Cllr Lyndon Binding (Chair) Health Social Care and Well Being Scrutiny Committee
Cllr J Gale (Vice Chair) Health Social Care and Well Being Scrutiny Committee
Mark S. Williams, Interim Corporate Director Communities
Rob Hartshorn, Head of Policy and Public Protection
Lisa Lane, Corporate Solicitor,
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Shaun Watkins, HR Manager

Background Papers:
Call for Evidence, A ban on commercial third party sales of puppies and Kittens in England.

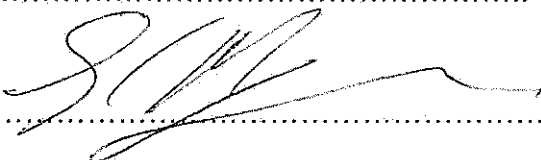
Appendix 1: Signed copy of Notice of Motion

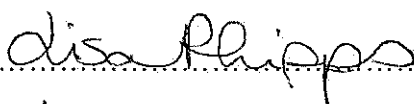
Notice of Motion

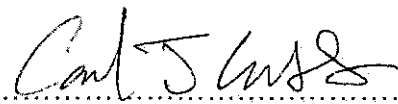
To consider the under-mentioned Notice of Motion standing in the name of County Borough Councillor Eluned Stenner supported by Cllr Sean Morgan, Cllr Lisa Phipps and Cllr Carl Cuss

We the undersigned elected members request that "Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter".

Councillor Eluned Stenner 

Councillor Sean Morgan 

Councillor Lisa Phipps 

Councillor Carl Cuss 

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COUNCIL - 5TH JUNE 2018

SUBJECT: NOTICE OF MOTION – RELOCATION OF THE CAERPHILLY DWP OFFICES

REPORT BY: CORPORATE DIRECTOR FOR SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 4.1 of the report, and make an appropriate recommendation. In accordance with Rule 11 (3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor D.V. Poole and is supported by Councillors J. Pritchard, Mrs B. Jones, S. Morgan, C. Gordon, C. Cuss, Mrs E. Stenner, Mrs L. Phipps, N. George and Mrs P. Marsden.
- 2.2 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 to Council for consideration.

3. LINKS TO STRATEGY

- 3.1 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision making roles and responsibilities which will impact on future generations.

4. REPORT

- 4.1 Councillor D.V. Poole requests in his Notice of Motion:-

That Caerphilly County Borough Council requests the UK Government to reconsider the relocation of the Caerphilly DWP Offices and enter into meaningful discussions with PCS Trade Union. We further request that the Welsh Government supports the PCS's position.

- 4.2 The following information is provided by the Member in support of his notice of motion.

Reasons for the Motion

- 4.3 The Department of Work and Pensions (DWP) have announced that five of its offices across South Wales will close, with a total of 1,700 staff centralised at a new site on Treforest Industrial Estate. In addition to the Caerphilly Benefits Centre (225), office closures include Merthyr Benefit Centre (262 staff), Cwmbran Pension Centre (171 staff), Newport Benefit Centre (365 staff), Gabalfa Cardiff (714 staff). Although the Member appreciates that the DWP like local government are seeking to make changes to their operations in response to

ever increasing pressures placed on them from austerity measures imposed by Central Government is disappointed with the decision to relocate jobs out of Caerphilly Town and the implications the move will have on the sustainability of the town centre.

- 4.4 Due to the negative impact on the town centre the Member asks that this Council writes to UK Government to reconsider the relocation of the Caerphilly DWP Officers and enter into meaningful discussion with PCS Trade Unions and further to this, a request also be sent to Welsh Government to add their support to the PCS's position.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Notice of Motion is consistent with the five ways of working as defined within the act as it complies with the rules and regulations of the Council's Constitution which sets out a clear framework for how the Council operates in particular decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no specific equalities implications that directly affect the Council arising from the report.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 There has been no consultation undertaken.

10. RECOMMENDATIONS

- 10.1 Council is asked to consider the Notice of Motion outlined in paragraph 4.1 above and make an appropriate recommendation.

11. REASONS FOR THE RECOMMENDATION

- 11.1 In accordance with the Council's Constitution.

Author: Emma Sullivan, Senior Committee Services Officer.

Appendices:

Appendix 1 Signed copy of Notice of Motion

Notice of Motion

To consider the under-mentioned Notice of Motion standing in the name of County Borough Councillor David Vincent Poole support by Councillor James Pritchard, Councillor Barbara Jones, Councillor Sean Morgan, Councillor Colin Gordon, Councillor Carl Cuss, Councillor Eluned Stenner, Councillor Lisa Phipps, Councillor Nigel George and Councillor Philippa Marsden.

We the undersigned request that Caerphilly County Borough Council requests the UK Government to reconsider the relocation of the Caerphilly DWP Offices and enter into meaningful discussions with the PCS Trade Union. We further request that the Welsh Government supports the PCS's position.

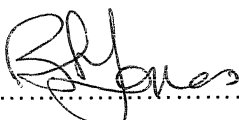
Councillor David Poole



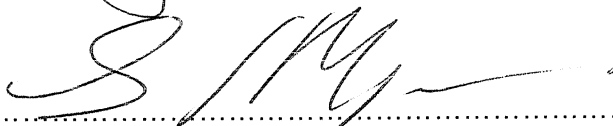
Councillor James Pritchard



Councillor Barbara Jones



Councillor Sean Morgan



Councillor Colin Gordon



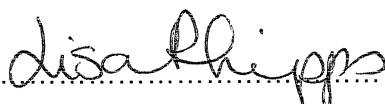
Councillor Carl Cuss



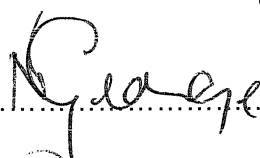
Councillor Eluned Stenner



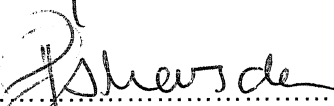
Councillor Lisa Phipps



Councillor Nigel George



Councillor Philippa Marsden



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COUNCIL - 5TH JUNE 2018

SUBJECT: LICENSING AND GAMBLING / REGISTRATION / PERMIT FEES – 2018/19

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

- 1.1 The attached report is due to be considered by the Licensing and Gambling Committee on 31st May 2018. The recommendations of the Committee will be reported verbally to Council on 5th June 2018.
- 1.2 Members will be asked to consider the recommendations of the Licensing and Gambling Committee.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendix Report to the Licensing and Gambling Committee on 31st May 2018

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LICENSING AND GAMBLING COMMITTEE – 31ST MAY 2018

SUBJECT: LICENSING AND GAMBLING / REGISTRATION / PERMIT FEES – 2018/19

REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees under the Gambling Act 2005 for the next financial year and inform the committee of fees set centrally under the Licensing Act 2003. To seek the views of Members and to make recommendations to Council on them.
- 1.2 To ask council to note that in accordance with the existing powers contained in the terms of reference for the licencing and gambling committee in future years the decisions in respect of fees which are set locally will be made by the licensing and gambling committee without further reference to council.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends amendments to Gambling fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.
- 2.2 The report also recommends that the Constitution is amended so that the power to set relevant fees for future years is included within the terms of reference of the Licensing and Gambling Committee.

3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
 - A prosperous Wales
 - A resilient Wales
 - A more equal Wales

4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, 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 e.g. alcohol licences, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service e.g. the majority of Gambling fees.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set fees for 2018/19.
- The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:
- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
 - Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.
- 4.4 Gambling Act 2005 – Whilst the Government sets maximum fee levels relating to premises licences such as bingo halls, betting shops, etc., the Authority has the discretion to set fees at a level considered appropriate to cover costs. There has been little change in respect of licence numbers / types throughout 2017/2018 and licensing processes have been further streamlined. There has been an absence of complaint led issues in this area and a review of Gambling Fees indicates that the current fees do not require amending for 2018/2019. However, there will be a significant amount of policy related work ahead in respect of preparing for the formulation of the Authority's revised Gambling Policy in January 2019 which is likely to impact upon 2019/2020 fee levels.
- 4.5 The Proposed fees for premises licences are attached as Appendix 1 and remain at the level set in 2017/18 due to the reasons given above. Fees for Permits and other charges are attached as Appendix 2. The majority of these are set centrally by Government. The only exception is the fee for Temporary Use Notices (TUNs). The report recommends that this fee remains at the existing level.
- 4.6 Licensing Act 2003 fees are set by the Government and have remained static since 2005. The Government has indicated that potentially centrally-set fees may be moved to locally-set fees and is currently working with the LGA to assess an appropriate fee structure. Until such changes are implemented, applications and annual fees must continue to be charged at the current fee level. The fees charged in connection with the Licensing Act 2003 are attached for information only as Appendix 3.
- 4.7 The majority of locally set Licensing fees are local choice functions and historically have been determined by Full Council after consideration and recommendation by the relevant Licensing Committee. Current exceptions are the setting of Dog Breeding and Scrap Metal licence fees which are an Executive function.

- 4.8 The existing terms of reference for the Licensing and General Committee are wide enough to allow the Committee to make decisions in respect of those fees which are set locally and as such it is the intention that in future years the Licensing and Gambling Committee exercise its power to set relevant fees without further reference to full Council. This will result in a more streamlined and responsive process and mirrors similar processes operated in other local authorities. Members of the relevant Licensing Committee have more detailed knowledge of the large number of types of licences administered by the service and the time and resources associated with the licensing process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

7. FINANCIAL IMPLICATIONS

- 7.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.
- 7.2 As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service. Following review of all locally set fees, the predicted income for the period 2018 to 2019 will be dependent on the aggregation of fees for different licence types. Alcohol fees are set by Government and as it is proposed that Gambling fees remain static, income levels are likely to remain the same, dependent upon the number of applications.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

10.1 That the Committee:-

- (a) consider and offer any comment on the level of fees proposed under the Gambling Act 2005 for 2018/19 as outlined in Appendix 1 and for Temporary Use Notices in Appendix 2.
- (b) note the level of fees charged in connection with the Licensing Act 2003 as set out in Appendix 3 and for the majority of Gambling Permits and associated charges in Appendix 2.
- (c) To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Licencing and Gambling Committee, for future years the decisions in respect of fees which are set locally will be made by the Licensing and Gambling Committee without further reference to full Council.

10.2 To refer the above recommendations to Council on 5th June 2018.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service. To implement a more streamlined and responsive process for fee setting that mirrors similar processes operated in other local authorities.

12. STATUTORY POWER

12.1 Local Government Act 1972; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts.

Author: Lee Morgan , Licensing Manager
Consultees: Cllr, Denver Preece Chair, Licensing Committee
Cllr J Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams, Interim Corporate Director Communities
Robert Hartshorn, Head of Policy and Public Protection
Jacqui Morgan , Trading Standards, Licensing and Registrars Manager
James Williams, Senior Solicitor, Legal Services
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Mike Eedy, Finance Manager
Lisa Lane, Interim Monitoring Officer.

Background Papers:

Open for business LGA guidance on Licensing fees Nov 2015 -
<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Appendices:

Appendix 1 – Gambling Act 2005 – Proposed premises licence fees for 2018/19
Appendix 2 – Gambling Act 2005 – Permits and associated charges
Appendix 3 – Licensing Act 2003 – Main fees

GAMBLING ACT 2005 – PREMISES LICENCE FEES 2018/19 (unchanged)

Premises Type	New Application £	Annual Fee £	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (Provisional Statement Holders) £	Copy Licence Statutory Maximum £	Notification of Change Statutory Maximum £
Bingo Club	£680	£405.00	£680	£680	£680	£680	£405.00	25*	50*
Betting Premises (excluding Tracks)	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Tracks	£900	£564	£900	£564	£564	£900	£564	25	50
Family Entertainment Centres	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Adult Gaming Centre	£680	£405.00	£680	£680	£680	£680	£405.00	25	50

	New Application	Renewal Fee	Change of Name £	Copy of Permit £	Variation £	Transfer £	Annual Fee £
Temporary Use Notice (set locally) Unchanged	398	N/A	N/A	25	N/A	N/A	N/A
Centrally Set Fees							
FEC Gaming Machine Permits*	300	300	25	15	N/A	N/A	N/A
Prize Gaming Permits*	300	300	25	15	N/A	N/A	N/A
(Alcohol) Licensed Premises Gaming Machine Permit*	150#	N/A	25	15	100	25	50
(Alcohol) Licensed Premises Notification Fee – (maximum 2 machines)*	50	N/A	N/A	N/A	N/A	N/A	N/A
Club Gaming Permit*	200##	200##	N/A	15	100	N/A	50
Club Machine Permit*	200##	200##	N/A	15	100	N/A	50

* Statutory Fee set centrally

Where applicant is an existing operator fee is £100.00

Where applicant is an existing Part 2 or Part 3 operator under the Gaming Act 1968 or the holder of a club premises certificate issued under the Licensing Act 2003, the fee is £100.00.

LICENSING ACT 2003 - set centrally by Government.**MAIN FEES –
PREMISES LICENCE AND CLUB PREMISES CERTIFICATE**

BAND	A	B	C	D	E
NON DOMESTIC RATEABLE VALUE	None-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001+
Premises Licence*					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£900)	X3 (£1905)
ANNUAL CHARGE*	£70	£180	£295	£320	£350
ANNUAL CHARGE MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£640)	X3 (£1050)
Club Premises Certificate					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
ANNUAL CHARGE	£70	£180	£295	£320	£350

To locate the non-domestic rateable value of your premises, log into the Valuation Office's website, www.voa.gov.uk where there is a facility to enter the post code.

*There are additional fees for premises licence applications and annual fee, for exceptionally large-scale events (5,000 people+), unless certain conditions apply. Please read regulation 4(4) & 4(5) of The Licensing Act 2003 (Fees) Regulations 2005

Exemptions exist for certain premises such as church halls, community halls, schools and colleges and where the application relates to the provision of regulated entertainment only.

Additional Fees Applied to Premises Licence Application and the Annual Fee for Exceptionally Large Scale Events

Number in attendance at any one time	Additional fee payable	Annual fee payable if applicable
5,000 - 9,999	£1,000	£500
10,000 - 14,999	£2,000	£1,000
15,000 - 19,999	£4,000	£2,000
20,000 - 29,999	£8,000	£4,000
30,000 - 39,999	£16,000	£8,000
40,000 - 49,999	£24,000	£12,000
50,000 - 59,999	£32,000	£16,000
60,000 - 69,999	£40,000	£20,000
70,000 - 79,999	£48,000	£24,000
80,000 - 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

Personal Licence, Temporary Event Notice and Other Fees

Application for a grant or renewal of personal licence	£37.00
Temporary event notice	£21.00
Theft loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Interim authority notice following death, etc. of licence holder	£23.00
Theft, loss, etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21.00
Application for a minor variation	£89.00
Application for the mandatory condition requiring a DPS to be dis-applied	£23.00



COUNCIL - 5TH JUNE 2018

**SUBJECT: TAXI AND GENERAL LICENSING / REGISTRATION / PERMIT FEES
– 2018/19**

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

-
- 1.1 The attached report is due to be considered by the Taxi and General Committee on 31st May 2018. The recommendations of the Committee will be reported verbally to Council on 5th June 2018.
 - 1.2 Members will be asked to consider the recommendations of the Taxi and General Committee.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendix Report to the Taxi and General Committee on 31st May 2018

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TAXI AND GENERAL COMMITTEE – 31ST MAY 2018

SUBJECT: TAXI AND GENERAL LICENSING / REGISTRATION / PERMIT FEES – 2018/19

REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To recommend general Licensing/Registration/Permit Fees for the next financial year. To seek the views of Members and to make recommendations to Council on them.
- 1.2 Subject to paragraph 1.1 the proposed fees for hackney carriage/private hire vehicle licences for 2018/19 be advertised and the Taxi and General Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.
- 1.3 To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Taxi and General Committee in future years the decisions in respect of fees which are set out in this report will be made by the Taxi and General Committee without further reference to full Council.

2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service and this report recommends changes in fees where appropriate for a number of general fees such as Animal Premises and Hackney Carriage and Private Hire Drivers licences.
- 2.2 The report also recommends that for future years the fees are set by the Taxi and General Committee in accordance with existing powers contained within the terms of reference of the Taxi and General Licensing Committee.

3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
 - A prosperous Wales
 - A resilient Wales
 - A more equal Wales

4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, 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 such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set the fees for 2018/19.
- 4.4 The fee review process for 18/19 indicated that some current fee levels are not meeting the cost of providing the service, for example Pet Shop licences, Riding Establishments, Boarding Establishments, Hackney Carriage and Private Hire Vehicle licences and Taxi driver licences. These have been increased accordingly in an effort to cover costs. In other areas, improved cost information, streamlining of processes etc has resulted in costs remaining static or reducing.

The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:

- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
- Other charges –
 - (i) Total charges for time based on functions associated with the service provision.
 - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
 - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.

4.5 Appendix 1 to this report sets out the existing general fees and those proposed for 18/19. For the ease of calculation and collection, all these fees have been rounded to the nearest pound.

4.6 Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, it has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

4.7 **Taxi Driver / Vehicle Licences**

4.7.1 The Council is entitled to set fees that cover the reasonable costs of providing these services. It is noted that current fee levels are not meeting the cost of providing the service in respect of Vehicle and Driver Licences. Full deficit recovery would require increases of £41 for a 3 year driver licence and £32 for an annual vehicle licence. It is believed that such a large increase in fees would have considerable impact on the trade in the current economic climate. The reasons for the above can be attributed to the large reduction in the number of driver and vehicle licences over the last 2 years following the implementation of the council's 'Intended Use' policy which requires drivers to predominantly work in this administrative area. The effects of the Deregulation Act 2015 in increasing the duration of driver licences from 2 years to 3 years have also had an impact. Members will note that there was no increase in Driver and Vehicle fees in 2017/2018.

4.7.2 The proposed increases are detailed in Appendix 1 and recommend an increase of £16 for a 3 year driver's licence and a £7 increase for a one year vehicle licence. The proposed fees fall short of full recovery but are believed to be a realistic increase in the current climate. The Vehicle and Operator Fees are subject to statutory consultation under the Local Government Miscellaneous Provisions Act 1976. Any objections received must be considered and historically the Taxi and General Licensing Committee has been given delegated authority to do this and to determine the date on which any fee variance should come into force, with or without modification.

4.8 **Street Trading**

4.8.1 The fees for Street Trading were reviewed by this Committee in 2017/18 and set by Full Council on the 2nd March 2017. The latter approved a staged approach to increasing renewal fees over a three year period to bring them into line with the new application fee. The process for both are now standardised and so the cost to the authority in providing the service is the same. The fees have therefore already been set by Council as £617 in 2018/19 and £674 in 2019/20 but are included in Appendix 1 for information and completeness.

4.9 **Tattooing/Piercing**

4.9.1 A large number of registrations for Personal Licences received each year relate to students training at local colleges in the Borough. The fees in respect of Personal Licences have been revised following a review of time monitoring, stream lining of processes and economies of scale due to the increase in number of such applications. This has resulted in a decrease for costs for this one off registration. The fees for Premises Licences have undergone a similar review and are proposed to be maintained at their existing level.

4.10 **Civil Marriages**

4.10.1 The application fee for a new premises is currently £1089 and a renewal £769. Members on the 20th April 2018 determined that new and renewal application processes were to be standardised following amendments to the application procedure. The fee for new and renewal premises will therefore also be standardised. The reduction in fee income will be offset by savings in officer and Member time.

4.11 The majority of locally set Licensing fees are local choice functions and historically have been determined by Full Council after consideration and recommendation by the relevant Licensing Committee. Current exceptions are the setting of Dog Breeding and Scrap Metal licence fees which are an Executive function. Fees for Hackney Carriage and Private Hire Vehicle and Operator licences are subject to statutory advertising and consultation requirements. Under the current system where objections to such fees are received the Taxi and General Licensing Committee are given delegated powers by Council to consider the objections and set the fees. In practice this would mean two Taxi and General Committee meetings and consideration at full Council.

4.12 However under the existing Terms of Reference, the Taxi and General Committee has the power to set the fees the subject of this report. As such Council is asked to note that in future years the decisions in respect of such fees will be made by the Taxi and General Committee without further reference to full Council.

4.13 This will result in a more streamlined and responsive process and mirrors similar processes operated in other local authorities. Members of the Licensing Committee have more detailed knowledge of the large number of types of licences administered by the service and the time and resources associated with the licensing process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

7. FINANCIAL IMPLICATIONS

- 7.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service.

Following review of all locally set fees, the predicted income for the period 2018 to 2019 will be dependent on the aggregation of fees for different licence types. It is difficult to accurately predict income arising from licensing applications as numbers of applications is subject to variation. The main impact in respect of this report will arise from the level of fees adopted in respect of Taxi driver / vehicle licences, Pet Shops and Riding Establishments. Adopting the fee levels recommended in this report will generate an increased income of £3247.00.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That the Committee
- a) Consider and offer any comment on the level of fees proposed for 2018/19 as outlined in Appendix 1.

- b) The proposed fees for hackney carriage/private hire vehicle licences for 2018/19 be advertised and the Taxi and General Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.
- c) To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Taxi and General Committee in future years the decisions in respect of fees set out in this report will be made by the Taxi and General Committee without further reference to Council.

10.2 To refer the above recommendations to Council on 5th June 2018.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service. To implement a more streamlined and responsive process for fee setting that mirrors similar processes operated in other local authorities.

12. STATUTORY POWER

12.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; This is a Council function.

Author: Lee Morgan, Licensing Manager
Consultees: Cllr, Denver Preece Chair, Licensing Committee
Cllr J Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Mark S. Williams, Interim Corporate Director Communities
Robert Hartshorn, Head of Policy and Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Lisa Lane, Interim Monitoring Officer
James Williams, Senior Solicitor
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Della Mahony, Superintendent Registrar

Background Papers:

Open for business LGA guidance on Licensing fees Nov 2015 -

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Minutes of Full Council 2nd March 2017

Minutes of Taxi and General Licensing Committee 20th April 2018

Appendices:

Appendix 1 Existing and proposed fees for 2018/19

GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2018/19

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<u>Miscellaneous</u>	£	£
Zoo	1172.00*	1172.00
Commercial Animal Boarding Establishments	219.00*	223.00
Home Animal Boarding Establishments	130.00*	135.00
Pet Shops	198.00*	212.00
Riding Establishments	330.00*	338.00
Dangerous Wild Animals	332.00*	332.00
Performing Animals	166.00*	174.00
	* Fees for vet to be added, where appropriate	
Acupuncture, Tattooing, Special procedures, Ear Piercing and Electrolysis -		
Premises	178.00	178.00
Person	140.00	87.00
Variation	40.00	40.00
Explosives, Fireworks and Petroleum (Petroleum licences can be charged at a pro rata rate of 50 % for yr 2 & 33% for yr 3)	Fixed rates linked to statutory & advisory documents	Fixed rates linked to statutory & advisory documents
Pleasure Boats	200.00	200.00
Pro rata per month	17.00	17.00
Boatmen	84.00	84.00
Pro rata per month	7.00	7.00
<u>Sex Establishments</u>		
Shop/ Cinema		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00
Sexual Entertainment Venue		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
	£	£
Street Trading		
Permanent static consent and mobile traders (new applications)	674.00	674.00
Permanent static consent and mobile traders (renewal applications)	560.00	617.00
Variation	-----	
Change of detail	10.50	10.50
Temporary consent –		
One off day rate	30.00	30.00
Up to 7 days	58.00	58.00
8 – 28 days	115.00	115.00
Quarterly / Seasonal		
Up to 3 months	168.00	169.00
Up to 6 months	337.00	338.00
Up to 9 months	505.00	507.00
<u>Marriage Act (5 Year Premises Approval)</u>		
New applications	1080.00	769.00
Renewal	769.00	769.00
<u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u>		
Hackney Carriage/Private Hire Vehicles**	190.00 plus compliance check fee	197.00
Hackney Carriage/Private Hire Vehicle Driver		
3yr	231.00	247.00
2yr	191.00	207.00
1yr	151.00	167.00
Private Hire Vehicle Operator		
5yr	763.50	757.00
4yr	632.50	627.00
3yr	501.00	497.00
2yr	369.50	367.00
1yr	238.00	237.00
Replacement Fees		
Rear plate	11.00	11.00
Rear plate and bracket	17.00	17.00
Driver Badge	6.00	6.00
Internal front disc	6.00	6.00
Internal back disc	6.00	6.00
Replacement external plate bracket.	6.00	6.00
Replacement pouches	1.00each	1.00 each
DVLA mandate Fee (3 yearly)	5.00	5.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Missed appointment fee	15.00	15.00
Compliance Check Fees** Fees payable from 1 April 2016 directly to the Fleet Service Garage and set by them. The fee is subject to review so cannot be quoted at time of writing report.		

* Excludes Vet Fees which are payable separately



COUNCIL - 5TH JUNE 2018

SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE STRENGTHENING LOCAL GOVERNMENT GREEN PAPER

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek Council approval for the proposed Caerphilly County Borough Council response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'.

2. SUMMARY

- 2.1 This report sets out a proposed Caerphilly County Borough Council response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'. The proposals in the Green Paper seek views on the reorganisation of local authorities in Wales by way of three options:

- Option 1 - Voluntary Merger by 2022
- Option 2 - A phased approach with early adopters merging by 2022 and all other authorities by 2026
- Option 3 - A single comprehensive merger programme by 2022

The Green Paper proposes the merger of Caerphilly County Borough Council with Newport City Council.

3. LINKS TO STRATEGY

- 3.1 The Green Paper sets out the Cabinet Secretary for Local Government and Public Services vision for the future of local government, reference is made to the Well-being of Future Generations Act (Wales) 2015 within the consultation.

4. THE REPORT

- 4.1 Welsh Government published the White Paper: 'Strengthening Local Government: Delivering for People' on the 20th of March 2018. The Green Paper builds upon previous proposals for local government reform contained within:

- The Report of the Commission on Public Service Governance and Delivery (January 2014) - The Williams Commission.
- White Paper- Reforming Local Government (July 2014).
- White Paper - Reforming Local Government: Power to Local People (February 2015).
- Devolution, Democracy and Delivery- Draft Local Government (Wales) Bill (November 2015).
- White Paper – Reforming Local Government: Resilient and Renewed (January 2017).

- 4.2 The current Green Paper (hyperlink at Background Papers) sets out Welsh Governments vision to strengthen and empower communities and councils across Wales. It seeks views on strengthening local democracy, strengthening local government and finding agreement on a future footprint.
- 4.3 The Paper proposes that Caerphilly County Borough Council merges with Newport City Council, its specified footprint, and seeks view on one of three timelines:
- Option 1 - Voluntary Merger by 2022
 - Option 2 - A phased approach with early adopters merging by 2022 and all other authorities by 2026
 - Option 3 - A single comprehensive merger programme by 2022
- 4.4 The Green Paper is set out in a number of themes: the Case for Change; Options for Strengthening Local Authorities; Finding Agreement of a Future Footprint; a Democratically Led Process; Strengthening Local Government Through the Process; and the role of Community and Town Councils. The tone of the paper is summarised below.
- 4.5 Welsh Government set out their **Case for Change** as Wales needing strong democratically accountable councils, working at the right scale to protect local services. The future sustainability of local government is cited as the reason for the proposals. Issues such as the resilience of services, particularly in smaller councils, are described as lack of expertise and leadership, capability, capacity and greater administrative overheads (Williams, 2014). The Paper reflects upon the previous discussions around mandated regional working (Resilient and Renewed 2017) and the views of local government in Wales that there was no appetite for mandated regional services. The view of Welsh Government is that continually increasing expenditure is not a solution and that the status quo is not an option.
- 4.6 The Paper recognises the City Deal and regional working through Education Consortia and Health and Social Care but considers that this is not enough to address financial and service challenges. Changing the size and number of local authorities is described as providing a platform for radical transformation and long term sustainability.
- 4.7 The Paper suggests that larger, stronger local authorities are needed to ensure the sustainability of services and provide a platform for transformation in delivery and outcomes for people. The **Options for Strengthening Local Government** set out the future footprint: the change process - including elections to the proposed new authorities; the support and assistance Welsh Government intends to give; and an emergency power for merger with failing authorities. The timelines for merger are as set out at paragraph 4.3 above. The specified footprint for merger of Caerphilly County Borough Council is confined to merger with Newport City Council. In considering the costs for change the Paper reflects back to the regulatory impact assessment of the 2015 Draft Local Government Bill but notes that an updated impact assessment would be needed.
- 4.8 The Paper states in **Finding Agreement for a Future Footprint for Local Government** that it is important to have a clear template for the future footprint. It reports that an earlier consultation (Reforming Local Government, 2014) proposing a West Gwent authority comprising Caerphilly, Blaenau Gwent and Torfaen County Borough Councils expressed reservations about this option. And that the responses to a regional authority comprising Caerphilly, Blaenau Gwent, Torfaen, Newport and Monmouthshire Councils (Draft Local Government Bill, 2015) considered that the area would be too large to be democratically accountable. The Paper says that the proposed groupings for South East Wales are to be tested through consultation.
- 4.9 The Paper sets out a number of challenges in finding an agreement:
- Staffing issues
 - Systems and process alignment
 - Service reconfiguration and transformation
 - Workforce issues

It considers the status of other regional delivery including health boards, police forces, education consortia, fire and rescue services and city and growth deals. The Annexes to the paper consider some of the comparison data for population, population density, age, number of households, revenue and capital budgets, council tax raising ability, council tax at Band D, number of FTE staff, number of social services staff, proportion of Welsh speakers, and Councillor to elector ratios.

- 4.10 In considering **A Clear and Democratically Led Process** the proposed transition process is set out including the timing of elections to Shadow Authorities and that Transition Committees should be set up. For all options it is intended that Shadow Authorities would operate for 12 months prior to vesting day. The Local Democracy and Boundary Commission for Wales would be directed to undertake electoral reviews of the proposed new authority areas and make recommendations by August 2020. Transition Committees and Shadow Authorities would be tasked with setting the budgets and medium term financial plans of the proposed new authorities.
- 4.11 In the section **Strengthening Local Government and Support Through the Process of Change** the Paper states that the future of local government is dependent on local Councillors having a meaningful role. In it Welsh Government recognise the pressures on local elected members and that the role is unattractive to many people, that Councillors should reflect the diversity of populations and that the commitment given should be remunerated appropriately.
- 4.12 The Paper asks what additional powers and flexibilities local authorities would wish to see. In respect of transforming services the Paper suggested that larger authorities would have the critical mass of expertise, skills and capacity needed to develop innovative and flexible services, this is considered to be particularly so for smaller authorities. The Paper sets out the offer of support that Welsh Government intend to give in terms of early practical support on issues such as workforce development, service integration and digital developments. For workforce issues the Paper proposes using the existing social partnership arrangements in the Workforce Partnership Council and the Local Government Joint Council. Shared services are considered and whether new common systems could be adopted rather than adopting existing legacy systems. The shared use of public sector assets is also considered.
- 4.13 The role of **Community and Town Councils** is referenced, in particular the current cross-party review of their potential role. The review is due to report in October 2018.
- 4.14 Political leaders have been involved in drafting the proposed response at Appendix 1. Political Groups and individual Councillors are able to respond separately to the consultation, which closes on the 12th of June 2018.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Green Paper identifies the Well-being of Future Generations (Wales) Act 2015 as providing the basis for driving a different kind of public service in Wales, and using the five ways of working to guide how public services should work to deliver for people. The Paper references the Welsh Government and Future Generations Commissioners 'Framework for Service Design'.

6. EQUALITIES IMPLICATIONS

- 6.1 Consultation questions include the views of Caerphilly County Borough Council on the effect of the proposals on the Welsh language, a children's rights impact assessment and the possible effects on those with protected characteristics. Responses to these questions have been drafted as in Appendix 1.
- 6.2 The Green Paper is accompanied by Welsh Government's Equality Impact Assessment, a Welsh Language Impact Assessment and a Children's Rights Impact Assessment.

7. FINANCIAL IMPLICATIONS

- 7.1 If the Green Paper is implemented through a new Local Government Bill there will be significant financial implications.

8. PERSONNEL IMPLICATIONS

- 8.1 If the Green Paper is implemented through a new Local Government Bill there will be significant personnel implications.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That Council endorse the proposed response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To enable officers to submit a response to the Welsh Government's consultation by the 12th June 2018.

12. STATUTORY POWER

- 12.1 No relevant statutory power. Previous responses to local government reorganisation consultations have been agreed by Council.

Author: Kathryn Peters, Corporate Policy Manager, peterk@caerphilly.gov.uk
Consultees: Christina Harrhy, Interim Chief Executive
Cllr David Poole, Leader
Cllr Colin Mann
Cllr Kevin Etheridge
Mark Williams, Interim Corporate Director, Communities
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Policy and Public Protection
Lisa Lane, Interim Monitoring Officer
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)

Background Papers: Report to Full Council on the 26th January 2016 'Caerphilly County Borough Council Response to the Draft Local Government (Wales) Bill'

Report to Full Council 7th March 2017 'Caerphilly County Borough Council Response to the Reforming Local Government: Resilient and Renewed White Paper'

Green Paper- Strengthening Local Government: Delivering for People
<https://beta.gov.wales/strengthening-local-government-delivering-people>

Appendices:
Appendix 1 Proposed Caerphilly County Borough Council Consultation Response

Appendix 1

Annex C: Consultation Questions

Your Name	Christina Harray, Chief Executive (Interim)
Organisation (if applicable)	Caerphilly County Borough Council
E-mail / Telephone	HARRHC@CAERPHILLY.GOV.UK
Your Address	Ty Penallta, Tredomen Park, Tredomen, Ystrad Mynach, CF82 7PG

You can find out how we will use the information you provide by reading the privacy notice in the [consultation document](#).

Chapter 3

Consultation Question 1

In Chapter 2, we restated our commitment to regional working in key areas but recognised the need for this to be supported by further change. In chapter 3, we set out the broad options for moving toward fewer, larger local authorities and summarise features of the process which would be common to each option.

- a) What practical steps could the Welsh Government take to make current regional working easier and more effective, for example in relation to education consortia, social services and the City Regions and City and Growth Deals?

This Authority is only in favour of regional working when it is supported by sound business cases, that make sense in terms of service improvement/efficiency and, importantly, where there are demonstrable benefits to the residents of Caerphilly.

Regional working for Caerphilly County Borough has an established history on what is ostensibly known as the 'Gwent' or 'Greater Gwent' footprint. More latterly, and to support the Cardiff Capital Region City Deal, the footprint for partnership working has extended over the 10 authorities in south east Wales. Regional working has often been mandated by Welsh Government policy, legislation and funding with a requirement that local delivery of Welsh Government policy must be on a footprint most often coterminous with the local health board and police force. For Gwent this is a neat package as both main partner bodies are also coterminous. Hence we have established close working relationships with the five constituent local authorities in the area and our wider partners. We recognise the arguments of the Williams Commission that smaller local authorities were more likely to be challenged in delivering resilient and sustainable services. Since when, the impact of austerity has worsened, and we would assume that a similar examination now may paint a bleaker picture. However, Caerphilly County Borough Council is the largest local authority in the Gwent footprint and, while decreasing budgets have been, and continue to be, a significant challenge, it has not suffered to the extent of smaller neighbours and other authorities in Wales. In a time of scarce financial resources, even for stronger authorities, we cannot see that a wholesale local government reorganisation is something that should be considered, the financial benefits are debatable at best.

Reforming Local Government: Resilient and Renewed proposed mandated regional working. We contend that was yet another imposition from Welsh Government that had the potential to add another layer of complexity to local governance and accountability. The recent history of regional working has been predicated on a need to follow policy direction in some cases, regional funding in others, or legal requirements in others. None of this has offered any level of consistency in the decisions that have effectively mandated regional working through these blunt tools. Different Cabinet Secretaries, and notably Divisions, within Welsh Government have had different approaches resulting in a plethora of governance arrangements and we would argue very much less accountability. The result is a complex latticework of regional working, governance boards and officer groups not all of which are required to have

democratic oversight, or if they do this is repeated five times over in each local authority in Gwent.

However, health and social care and educational achievement are examples where scale has the potential to bring benefits to service delivery. For health and social care our key health board partner should benefit from lack of repetition across five authorities and while it is difficult to navigate issues such as pooled budgets there should be some perceptible benefits for service users in a fully integrated health and social care system. We anticipate that the outcome of the recent Parliamentary Review will move us further along this path.

Likewise for educational achievement and some specialist services where resilience can only be achieved by bringing expertise together to support service delivery there should be some tangible benefits on the front line.

However, there have been examples where there have been no identifiable benefits to service users where regional working has been predicated on following hypothecated funding streams and the requirement to produce Gwent level business plans that we would argue has had no benefit on the front line not least because the delivery agents, the services and community organisations that we co-deliver with, are local. This has often resulted in service managers having to jump through hoops to satisfy Welsh Government, diverting time, effort and energy from what is important to us; effective, responsive local services.

Economies of scale should be a significant driver in regional working. Local government reorganisation in 1996 broke up large spending services like highways, education and social services and while the financial landscape was relatively healthy these smaller geographies have been more responsive to local need, more democratically accountable and delivered more effectively. The financial challenges since 2008 have meant that larger local authority services have, necessarily in the case of social care and education, had to be protected at the expense of others resulting in resilience challenges as budgets and capacity have been lost. However, mandating regional delivery for services that are facing resilience challenges comes with its own level of complexity. Not least the financial issue of pooled budgets and the governance issue of service level agreements that place more risk and less certainty on front line provision when the only driver is saving costs. Long term commitment to partnership is problematical when the member authorities of such arrangements have different political landscapes and different financial resilience. Arm's length services face a 'race to the bottom' to find the minimum acceptable level of service that suits all members. There is a 'governance gap' in such arrangements with less local democratic oversight and scrutiny, unless robust regional scrutiny is in place. Large collaborations and their governance arrangements such as the City Deal Joint Cabinet have clear value as the benefits brought to the area have the potential to change generational outcomes for the better. Collaborations on a smaller scale should be based on sound business cases with demonstrable benefits, or they risk being less likely to be worth this democratic input and less responsive to local need.

Collaboration and regional working should not be mandated by Welsh Government. Local authority leadership has the maturity and expertise to determine the most appropriate delivery model, collaboration is one of them, which would work best for local citizens at the front line, and which will not bring improved delivery outcomes and greater sustainability for services. We have some notable examples of successful regional working including the City Deal, Valleys Task Force, Blaenau Gwent and Caerphilly Youth Offending Service, Gwent Frailty Programme, Gwent Missing Children Project, Blaenau Gwent and Caerphilly Social Care Workforce Development, South East Wales Emergency Duty Team, Prosiect Gwyrdd etc.

To assist the effectiveness of existing collaborative approaches and enhance further collaborations, Welsh Government must actively support further "double devolution" – i.e.

devolution of powers to the local level. This area has not progressed at the pace required to support the collaborations, in areas such as the Cardiff Capital City Region, City Deal.

b) What are your views on the common elements to the process of mergers we outline in this section?

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities, although our extensive collaborative working across the region, and notably, our participation in the Cardiff Capital Region City Deal is highly valued by the Council.

Outside those regional collaborations mentioned above, or those which we would seek to strengthen with our neighbours for service resilience purposes, we remain unconvinced that the financial arguments for local government mergers are made robustly. The last detailed proposals were drafted in 2015. Since then there is significantly less money in the system that might be available to cover the hidden and transparent costs of wholesale restructure. The cost benefit equation does not seem to be borne out any longer, even with a ten year horizon to recoup the savings benefits this seems overly ambitious and unachievable. We note the intention to revisit the calculations and will respond if further information becomes available.

We have managed to support front line services thus far, even facing the ongoing challenges, and so the argument that services suffer from unsustainable costs and overheads has not materialised in this authority. Our Medium Term Financial Planning has been robust and prioritised the front line. We have revisited our financial planning principles for the period 2018-2023 and will continue to emphasise front line services and services to vulnerable people.

We have regarded Option 1 Voluntary Mergers as largely the status quo and so will confine this consultation response to Option 2 Phased Approach, and Option 3 Comprehensive Mergers.

c) What are your views on the options for creating fewer, larger authorities which we have set out?

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities. We are even more perplexed that the line has been drawn around ourselves and Newport City Council than we were with the map drawn by Williams for a merger of the three West Gwent authorities, and the 2015 statement by Leighton Andrews for a merger of the 5 Gwent authorities. At the time we stated that this authority is large enough and robust enough to stand alone. We maintain that stance. Please see further in this response as to why we believe that Welsh Government have made a fundamental error in this latest footprint for reorganisation.

This paper has gone as far as to consider the process for reorganisation as opposed to concentrating on the reasons why the footprint has been chosen. We suggest that a step back should be taken and a greater examination of the key data and financial information is required before considering process, particularly for the footprint proposed affecting this authority.

We are extremely concerned at the mention of an emergency power to merge a seriously failing authority with a stronger neighbour, or neighbours. We suggest that existing powers

for commissioner run authorities under the Local Government (Wales) Measure 2009 should be sufficient to support authorities in difficulty.

As explained we do not intend to dwell on Option 1 although we note that previous voluntary merger proposals were rejected wholesale by the then Cabinet Secretary. We regard this option as one which is available to us albeit we fundamentally disagree with the proposed footprint within which we would be restricted i.e. should we chose to take this path we can only merge with Newport City Council. Option 2- We would not be seeking a voluntary merger within our 'permitted' footprint by 2022. For authorities that would be seeking such mergers, and for Option 3, we think that the timescale is too challenging. A new Local Government Bill is unlikely to emerge in sufficient time to allow this to happen. We note that the Assembly considered that it was unlikely to have the mandate to support the last draft Local Government (Wales) Bill when it began this term. We wonder, therefore, what has changed that now makes the progression of a new Act more likely.

Mandated merger by 2026 offers a more realistic timescale however we respectfully request that you do not consider this statement as our support of a merger programme, as set out in the green paper, for Caerphilly County Borough Council. We agree that allowing some authorities to merge, if they were minded to, and others to wait until a statutory deadline would present a confused delivery landscape across Wales.

Option 3- This really is an impossible timescale. We fail to see how the political backing for a Bill could be achieved in time to allow full and comprehensive merger by the 1st April 2022 across the whole of Wales. Not least, we do not see that we have the leadership capacity to drive through change of this scale and pace in addition to existing challenges. There are significant risks in pursuing this option that will undoubtedly pervade through confusion, haste, ill-considered decisions, poor accountability, and reduced quality of front line service.

d) Are there other options for creating fewer, larger authorities we should consider?

The proposed merger of authorities as proposed will have a detrimental impact upon the £1.2bn economic investment programme of the Cardiff Capital City Region City Deal. The terms of reference and other supporting documentation forming the governance of the City Deal is predicated upon the 10 sovereign local authorities. If the proposed mergers were to take place, this would require the total reconsideration of the make up on the City Deal and the associated governance framework – essentially starting again “from scratch”. This distraction would likely affect the achievement of the agreed “gateway targets” focussed upon economic growth. These would not be met and the funding would be lost and more importantly a unique opportunity for the south east Wales region would be lost.

Furthermore, another associate consequence to the City Deal if mergers were to take place is one of capacity. The Joint Cabinet consisting of 10 Leaders and Chief Executives is leading the direction and pace of the City Deal investment programme. If mergers were to take place, the Chief Executive capacity currently within the City Deal Joint Cabinet , would be lost, as inevitably, the Chief Executive’s focus would be on developing the required organisational and workforce changes associated with the creation of new Councils.

e) Do you have evidence on costs, benefits and savings of each option which can inform decision-making? If so, please provide details.

The last calculations undertaken by Welsh Government on this issue were to support the last draft Bill in the 2014/15 financial year. These envisaged a 10 year return on cost. Four years

on we believe that that any savings on offer may have significantly diminished as authorities are continually reducing overheads and back-office costs. A recalculation must be undertaken to evidence decision making. While authorities face continuing austerity it is impossible to predict how funding and increasing service pressures will balance out. However, we have a strong track record of managing these constraints on service delivery and would argue that the uncertain financial landscape is not the time to be considering wholesale reorganisation. At best this will be a distraction from continuing to deliver high quality services responsive to local need. At worst it will undermine the effective practice that has supported us through this difficult period up until now by creating a drain on strategic managerial capability that we simply do not have in these challenging times.

CIPFA recommended in 2015 that any boundary drawing should be independently completed and should be agreed based on public service provision and the ability of proposed authorities to meet local need. Further they suggested that the regulatory impact assessment did not assess the full costs for councils. The regulatory impact assessment suggested reorganisation costs of over £200 million to local government for issues such as staff and estates costs, redundancy and rebranding, etc. CIPFA's estimates were between £160 and £268 million. We suggest that the proposed savings are no longer there to make this viable.

Since 2008 we have achieved cumulative savings of over £88,900,000. Since 2014-15, when the last regulatory impact assessment for reorganisation was done, we have taken over £52,400,000 out of our budgets. The percentage annual savings requirement increased significantly from 2014-2015. Any revised assessment of cost and benefit must recognise the very different financial landscape, even four years on.

We cannot see any clear efficiencies set out in the paper other than a statement that they will be the answer to allowing us to deliver more for less. Neither have we experienced difficulties in recruiting and retaining staff, taking the whole authority into consideration. Any new regulatory impact assessment must take account of the new landscape and should set out very clearly what the proposed efficiency savings are and what assumptions have been used in making the new calculation.

We would be particularly interested to see some quantification of the anticipated social benefits in a new regulatory impact assessment.

Chapter 4

Consultation Question 2

Chapter 4 has explained the need for clarity on the future footprint for local government and the range of factors which should be taken into account to determine a new configuration. It sets out a suggested future footprint for local government, which could be reached via each of the options set out in the previous chapter.

a) Do you agree that providing clarity on the future footprint of local government is important?

We agree that the alignment of regional boundaries with that of our key delivery partners has advantages and, as we have stated, for the area we all call Gwent, this is neatly the police, and local health board. Similarly we agree with previous Welsh Government policy not to disaggregate the existing authorities. Responsive local democracy and robust scrutiny should be maintained but we are not convinced that the economic and social benefits are set out. We also maintain that Welsh Government should not legislate against local government collaboration on an alternative footprint where there are clear, demonstrable benefits of doing so.

Our response to the Draft Local Government (Wales) Bill 2015 expressed our concern that a 'Gwent' authority would be too large and not in touch with the needs of local communities. We maintain this view.

Our response to Reforming Local Government in 2014 stated that this authority, as the 4th largest by population and population density, the 5th largest by number of households, and with the 5th largest revenue budget and staffing, is big enough and resilient enough to stand alone. However, it is accepted that this position is not replicated in the smaller authorities.

The proposed merger footprint, placing this authority with Newport, makes less sense than the 2014 proposed West Gwent merger. The differences between Caerphilly County Borough and Newport City Council are marked. We cannot comprehend the decision making that has arrived at this proposal other than a broad equality of population for the 10 proposed local authority areas. Caerphilly County Borough is a semi-rural authority with 80% green space, and several principal towns and villages dispersed along the valley bottoms, often aligned to former mining communities. The existing border between this authority and Newport City Council is short in comparison to the total border and land area, effectively creating a pinched elongated proposed authority that will come with associated costs and difficulties in managing services over a geographically dispersed area. There are only three transport routes connecting the two authorities, the B4591 through the residential area between Rogerstone and Risca, the A467 Risca bypass, and the A468 connecting through sparsely populated rural Lower Machen. The costs in managing whole authority services across this divide should be factored into any consideration of mandated merger. We suggest that the area would have to continue to function as two, even if merged, with the associated costs and repetitions of service bases/ depots etc. Practically there is only one real connecting thoroughfare that could be used to move service provision around the combined authority, the A467.

Capital asset rationalisation would not be achieved beyond that which the authority is currently exploring with its Public Services Board partners. We suggest that Welsh Government look again at the flow between the two areas and consider what economies of scale and resilience are practically achievable.

The settlements in Caerphilly County Borough range from smaller towns and more isolated villages in upland areas to larger conurbations in the Caerphilly Basin and Mid Valleys East area. There are five principal centres (Caerphilly, Blackwood, Risca, Bargoed and Ystrad Mynach) supported by four local areas (Newbridge, Rhymney, Nelson and Bedwas). The county borough is a mixture of urban and rural communities. Overall the county borough comprises 50 distinct towns and villages. Three quarters of the borough is used for agriculture and forestry. However, the health of the area is comparatively poor with 8.6% of males and 7.8% of females, aged 16-74, long term sick or disabled. The percentage of workless household is higher than the Welsh average as are the numbers of ESA and Incapacity Benefit claimants. Employment patterns are higher than the Welsh average for manufacturing and skilled trades.

In comparison to Caerphilly county borough, Newport is a small coastal city with a much more ethnically diverse population concentrated around the city centre, with a relatively few more affluent outlying areas. Housing density is higher with more residents living in flat/maisonette/apartments. Employment is more likely to be in retail and service industries.

Caerphilly County Borough Council has retained its Housing stock and delivers its Sport and Leisure Service in house. Newport City Council no longer retains these services.

In general, we believe that the data presented by Welsh Government in Annex B is selective

and has not provided a sound basis for the decision that has proposed this merger. A better assessment would consider the possible future demands on public services and should particularly consider topographical constraints.

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities.

The Independent Group on Caerphilly County Borough Council believe there are currently too many local authorities within Wales and numbers should be reduced through consultation. Not a forced merger with Newport City Council which is flawed, with this the only option from the Minister.

b) Do you agree with the factors we have identified to inform our thinking? Would you change or add any?

We note the factors have included ensuring democratic accountability is maintained and that authorities are of sufficient scale. Our response to the scale argument is set out above. We do not believe that the factor described for how authorities relate to and take account of their communities has featured very strongly in the decision to draw a line around Caerphilly County Borough and Newport City Council. The areas are vastly different. The recently released Thriving Places Index for Wales show that the economic, social, environmental and cultural positions of the two authorities differ markedly in several respects. The demography and landscape, relative deprivation, health challenges and post-industrial factors are significant. Whereas Caerphilly scores highly for sustainability and income inequality it has more significant health challenges. Newport conversely has poorer community safety and cohesion indicators but less deprivation. This data is not surprising given the difference in rurality, industrial legacy, community diversity etc. The public sector response to the well-being of both areas is different and cannot be managed in the same way across both.

The data tables in Annex B of the consultation are quite selective. The differences in staffing, particularly social services staffing are notable. We are aware that there is more outsourcing of social services provision in Newport City Council. We have not outsourced services to the same extent. We are concerned that rationalisation of provision could affect our population. An issue which is of concern for us given our aging population and escalating demand.

We would suggest that the issues that impact on public sector demand should be more clearly examined in any comparison data. There is little beyond basic age related demographics and population density presented. Without an assessment of how available resources can meet demand any paper exercise is badly informed. The environmental differences between each authority are quite distinct, support for rural industries and protection of our outstanding natural environment are issues we fear could suffer in a combined authority. Likewise we are concerned that our more deprived northern valleys communities may not fare well in any resource allocation when compared to the social problems facing a diverse city area.

c) What are your views on the new areas suggested in this section?

Please see above.

d) Do you have alternative suggestions and, if so, what is the evidence to support these as an alternative?

No alternative suggestions, Caerphilly County Borough Council retains its position that a

stand-alone Authority is the best outcome for our communities, but the Council is willing to enter focussed discussions regarding the sustainability challenges facing other Authorities.

e) In the context of these proposals, are there other ways we should simplify and streamline joint working arrangements at regional level and among public bodies within the new authority areas? If so, what are they?

Splitting the current Gwent area into two does not facilitate joint working with our Police and Health Board partners as they would be working with two local authority areas. All relevant Welsh Government policy and legislation thus far has driven Gwent wide working. Is the assumption that the structures that have grown up around this footprint would be dissolved? If that is the case it is yet another directional turn that Welsh Government would require of local authorities. Presumably the desire to create larger authorities would suggest that regional working would become less necessary? Where collaboration across Gwent had made sense for us in a business delivery perspective it has worked well. We maintain that we have the maturity and expertise to determine what produces the best outcomes for our populations and where regional working assists us and, importantly, where it does not. We have good working relationships with our partners in Gwent and do not see that creating larger local authorities would add any benefits to regional cross-sector working.

Regional economic development is working across a much wider footprint than Gwent and has proved that boundaries on a map are no barrier to shared commitment and understanding. The City Deal footprint too, is also offering tangible benefits now and for the future.

The Public Services Boards (PSBs) across Gwent collaborate, although the local assessments of well-being are very different, and hence Boards need to be responsive to their local populations. The Gwent PSBs are working to ensure consistency of delivery across the area with a coordinating officers group agreeing matters of consistency and alignment with the Regional Area Plan for social care. Delivery for the Area Plan and Well-being Plan will rely on local delivery partners in each area, particularly for communities and the third sector.

Chapter 5

Consultation Question 3

Chapter 5 sets out the proposed approach to transition and implications for establishing Transition Committees and elections to Shadow Authorities under each option.

a) Do you agree with the proposed process of transition: namely establishing Transition Committees and ensuring elections to Shadow Authorities can be held ahead of vesting day for the new authorities?

We would point out that the Leader and Cabinet are currently focussed upon the Cardiff Capital Region City Deal and rightly so, as this brings a more tangible prospect for improving the long term well-being of our communities. Any reorganisation will be extremely time consuming and, given the impossible timescales in Option 3, is neither realistic nor achievable. Similarly the senior officer support that would be required from Corporate Services is unlikely to have the necessary capacity in these challenging times. The authority has set itself an ambitious transformational change programme to meet the challenges it faces and improve services to the public, in the context of reducing budgets. Derailing the important work by requiring preparatory work to combine with another authority is an unwanted and unwarranted distraction that we cannot offer any positive response to.

The creation of a Shadow Authority would be costly and will require the support of officers who would also be managing day to day business. Given the fact that savings in services has meant less staffing we cannot see where this support will come from. An inadequately resourced process introduces risks and instabilities to the existing authority, and the proposed new authority.

Assembly Elections in May 2021 followed by Principal Elections to Shadow Authorities and Community Elections in June 2021 pose a real issue. These elections (which are already complex) may well be more so with new voting methods and franchises (16 year olds) and new initiatives like mobile voting all being introduced. From a voters point of view there is likely to be widespread confusion and voter 'fatigue'. The 'snap' General Election last year, after Local Elections, showed that we struggle with such a strain on resources.

b) Do you agree that, if option 1 were pursued, we should set a date by which voluntary merger proposals should come forward in each electoral cycle?

We have no view on this question as we do not envisage a voluntary merger either within our 'permitted' footprint or outside of it at this time. Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities.

We recognise the challenges facing the smaller authorities in terms of resilience and sustainability. Should Welsh Government take a view that it wished to bolster smaller authorities we would be prepared to enter into discussions. However, this may be subject to additional consideration around police and health board boundaries in a similar vein to proposals for Bridgend County Borough Council.

c) Do you have any other thoughts on the proposed process?

The proposed process is yet another policy direction from yet another local government Cabinet Secretary. The anticipated benefits of reorganisation cannot be justified against the resource costs involved.

Consultation Question 4

The consultation suggests holding any local government elections in June 2021.

Are there any reasons why June 2021 would not be a suitable date? If so, please suggest an alternative date with the reasons why that would be more suitable.

Please see answer to Question 3 a) above.

Consultation Question 5

The Welsh Government recognises that there are some plans or assessments, for example the preparation of assessments of wellbeing by Public Service Boards, which are linked to electoral cycles. We will make provision to make sure these tie into any new electoral cycles going forward. Are there any other plans or matters which might be tied into the electoral cycle which we need to consider?

As far as we are aware the following Welsh Government legislation also has timelines tied to electoral cycles:

- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015- also aligns to ordinary elections- Section 6
- Social Services and Well-being (Wales) Act 2014- population needs assessment to be completed per electoral cycle, and Area Plan to be produced within one year of the needs assessment- Section 14A

It would be extremely useful if all this legislation were captured in the same way with a clear understanding of alignment to electoral cycles. It would be even more useful if the requirement for strategic assessment and planning could be streamlined and further aligned. In some cases the direction of these strategic plans is necessarily influenced by political view. In other cases this may be less so. Requiring several sets of high level assessment and planning on the same timeline is a pressure on partnership resources.

Consultation Question 6

What are your views on the approach which should be taken to determining the parameters of electoral reviews?

The Local Democracy and Boundary Commission for Wales is reviewing this authority in 2019 as part of their regular programmed work. Whether they have the resources to undertake the electoral reviews of the proposed new authorities would be a matter for them, although we wonder what capacity would be needed to review all authorities in Wales at the same time.

Chapter 6

Consultation Question 7

a) How can councils make more effective use of their elected members knowledge of, and connections in, their communities?

Members are key consultees on issues affecting their communities; they can often suggest solutions to problems and also provide links to local groups.

When Members are elected an audit of their skills and knowledge could be undertaken and people with particular areas of expertise identified. This could be used by the local authority when planning engagement and consultation with local communities.

Better use of social media, to allow Councillors to forward any concerns raised from their social media accounts. This would give Councils the opportunity to gather views on issues when there are views where the public may not be willing to engage in formal consultation.

b) How could we better recognise the level of responsibility involved in being a local councillor? What changes to the remuneration and support councillors receive would enable a wider range of people to become involved in local democratic representation?

The workloads of all Councillors are increasing, they are expected to be available 24/7 and the current remuneration does not reflect the time some councillors often allocate their various roles. In order to attract diverse and representative candidates there are a number of areas that could be addressed:

- Family Absence - the Local Government (Wales) Measure 2011 introduced Family Absence which allowed 26 weeks for maternity absence, 2 weeks for Adoption Absence and up to 3 months for Parental Absence. Surely it is unfair to only allow 2 weeks for adoption when families can be adapting to significant changes, and as Corporate Parents surely local authorities should be leading the way in supporting people considering adoption.
- The support as contained within the Annual Reports of the Independent Remuneration Panel are not prescriptive, therefore each Local Authority will interpret them differently. If the intention is to encourage people to consider Public Office from all walks of life, the support provided should be clearly defined so that there is no ambiguity surrounding what they can expect in terms of IT, telephones etc.
- If the plan is to reduce the number of Councillors and increase the ratio of constituents to Councillor, the level of support for members would need to increase, research support and, administrative support to organise their workloads.
- A larger authority with fewer Councillors would decrease democracy as Councillors would become further detached from communities.

Consultation Question 8

a) Are there other powers which local government should have? If so, what are they?

We agree that in many cases both tiers of Government in Wales are being expected to do the same job. This is not a sustainable position and we believe that local government is best placed to determine, and respond to, the needs of its communities.

We would wish to reiterate our response to the letter from the Cabinet Secretary dated the 8th December 2017 in relation to powers and flexibilities:

- We ask that Welsh Government continues to reduce the number of specific grants by transferring funding to the RSG.
- We would also like to move to three-year financial settlements. The difficulties for Welsh Government due to the lack of clarity in terms of its funding from the UK Government are understood, but this is something that needs to be considered given the scale of the financial challenge faced by the public sector.
- There is currently some flexibility around the use of capital receipts for service transformation projects. It would be helpful to extend this further.
- We agree that Local Authorities in Wales should be given the general power of competence so that they can explore more innovative ways of generating income.
- Change Big Lottery Fund criteria to allow grant funding to support council-run community services, particularly those most at threat such as libraries and leisure centres.
- Remove the Treasury Imposed cap on Housing borrowing allowing Welsh councils to borrow more for house building since the public sector clearly gains a bankable asset and there is no need for this to appear on the books as public borrowing. This would support the Welsh Government priority of building more affordable homes and also provide an opportunity for Local Authorities to lend to RSLs.
- Renewed consideration of "green taxes" to protect the environment including charges on chewing gum, plastic bottles, and polystyrene packaging for takeaway foods, with the revenue being ring-fenced to local authorities to invest in street cleansing.
- Greater freedom for Local Planning Authorities to get on with producing development plans that are delivered locally. Accepting that the role of Government is to set broad strategic priorities it is unnecessary and often unhelpful for LPAs to have to run

development plans past counterparts in Welsh Government. Contrast that with development management where, quite rightly, Welsh Government hardly get involved at all with the determination of planning applications, and leave the decisions to be made by the LPAs.

- In relation to food safety, the current system of food business registration is not fit for purpose. Under existing arrangements, most businesses can start producing food without having to demonstrate that they can do so safely. We know, however, that the public's expectation is that the local authority carries out a check first. The current approach is also not in the best interest of businesses as invariably businesses that do not have contact with local authority officers prior to trading end up with a poor food hygiene rating on first inspection. We need an approach that can better support businesses that wish to start up, grow or diversify. We would therefore like to see the introduction of a "prior approval" or licensing system for food businesses.

b) Are there other freedoms or flexibilities which local government should have? If so, what are they?

Please see above which was a response in respect of both powers and flexibilities.

We note the analysis work undertaken by the WLGA on the plethora of corporate planning, governance and reporting duties in the Well-being of Future Generations (Wales) Act 2015, the Accounts and Audit (Wales) Regulations 2014, the Draft Local Government Bill 2015 and the current Local Government (Wales) Measure 2009. We would welcome an open and honest dialogue around the duplication of these arrangements with a view to developing a single set of robust planning and corporate governance arrangements to remove duplication and confusion.

Consultation Question 9

a) Which areas offer the greatest scope for shared transactional services?

We would wish to reiterate our response to 'Reforming Local Government Resilient and Renewed' that the following transactional services may benefit from being organised on a wider geographical footprint. At that time we proposed that, subject to an appropriate business case, 'Greater Gwent' would seem a sensible footprint and would wish to maintain that stance:

- Welsh language
- IT provision
- Legal Services
- Payroll
- HR transactional services
- Procurement
- Information Governance
- Performance
- Internal Audit
- Administration of Housing Benefits and the Council Tax Reduction Scheme
- Contact centre arrangements potentially with public sector partners
- Order processing and Creditor Payments

b) How might such arrangements be best developed?

As we have stated we believe that local government has the maturity and expertise to

determine which collaborative arrangements work best for its needs and those of the communities they serve.

Appreciating that Welsh Government has funded the exploration of regionalised arrangements in the past, that perhaps have not always borne fruition, there may be a case to develop a route map for transactional services and provide appropriate resources to achieve service alignment. Regional Scrutiny Committee structures may be needed to support truly regional services.

Consultation Question 10

a) In ensuring we deliver a consistent approach across Wales, where consistency is important, how do you think the advice and support on each of these matters could be best provided?

The Green Paper recognises the difficulties in combining authorities, unfortunately, however, it takes a 'rose-tinted view' of how these difficulties may be overcome with a suggestion that additional support from Welsh Government could help overcome these. We maintain that even with suggested support that it is highly unlikely to be enough to surmount the problems of combining services, staff, assets, systems and processes, finances and budget structures. The last time a reorganisation happened there were significantly more resources both in terms of capacity and finance to support the change. This is very much not the case now. We strongly feel that we do not wish our resources to be distracted from delivering high quality services for our residents onto a track that will take a huge amount of effort for what we see as negligible, or non-existent, potential gain.

The suggestion of using capital receipts to support transformation costs highlights the optimistic thinking at play. How would this be applied consistently across Wales and across the borders of the proposed new authorities? Capital receipts are already earmarked to support services through austerity.

The 2015 assessment of costs to local government was over £200 million. As far as we see it this could have only come from reductions in services that would impact on the public. CIPFA stated then that the costs had been underestimated and we maintain that return on investment is not possible as any available savings are likely to have already been taken in services. We are now facing service reductions on a large scale in order to balance our budget. Redundancy and compensatory payments would offset any savings that could be made in combining staffing, and as we have always strived to maintain front line services, as far as we possibly can, we cannot comprehend a future which would require us to reduce what we provide at the customer interface. You have highlighted that central support services would be necessary to drive the changes which have, as a consequence of decreasing budgets, suffered from reductions in capacity. This is particularly so for Caerphilly County Borough Council where we have sought to take savings in these areas if possible rather than disrupt front line services. To now expect those slimmer structures to support a reorganisation introduces risks that we are wholly opposed to. We want to use our corporate services capacity to drive transformation and improvement from within, not have that capacity diverted. We doubt that Welsh Government could provide the additional support needed to drive forward this agenda in a way that ensures continuation of service delivery and minimal impact to the public.

You rightly point out that the potential levers to bring improved services such as digital transformation, and a truly embedded use of the sustainable development principle in the Well-being of Future Generations Act, including working more closely with communities, offer options for transformation. These are tools that we are already engaged with and are

exploring. Using WCCIS as an example of a transformative programme may not be a good example as we know that colleagues in health are far behind local authorities in embedding the system.

We maintain that we have the ability and expertise to decide how we can collaborate in shared services, to identify where the tangible benefits are, what the inputs may be and to balance the equation in any decision making. We expect that Welsh Government would take a less paternalistic view and agree with us on this point.

In terms of our estate we are already speaking to our PSB partners about the best use of our assets and so we do not feel that there are any unexplored options that will help us develop plans for the sustainable use of our combined assets. We are linking with the National Assets Working Group in this respect.

c) Are there any other challenges or opportunities from structural change or providing additional powers and flexibilities that have not been identified above? If these areas require support, what form should this support take?

We believe that we have answered this question above. Noting the intention of Welsh Government to provide additional support we do not think that, realistically, this can be provided to all 22 authorities at the same time, and to the same level, to enable the degree of consistency that would be required.

d) Which of the issues identified above or in your response should be prioritised for early resolution?

We have no comment to make on this point since we maintain that a reorganisation at this time would detract from what we are trying to achieve for our communities.

However, if this were to progress an agreed phased approach based upon voluntary agreed mergers would be preferable.

Consultation Question 11.

We would like to know your views on the effects that the proposals within this consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

a) What effects do you think there would be?

The Welsh speaking population of Caerphilly County Borough Council is higher than that in Newport City Council. We have supported our Welsh learners via the Welsh in Education Strategic Plan 2017-2020; we have around 3000 pupils in Welsh medium primary education and have increased our secondary school provision with a capacity of around 2,348 by 2025 due to a second site being completed in 2013. This compares with between 600 and 700 primary pupils in Newport and a new secondary school.

We have a robust 5-year Welsh Language Strategy for the area built upon our close working relationships with providers in the third sector. We run our translation service through a combination of internal and external provision. We have received relatively few complaints through the Welsh Language Commissioner.

It is our position that the proposal to combine this authority with Newport City Council would

have a detrimental effect on the Welsh language in view of the very different prevalence of usage, educational provision and service provision in Welsh.

b) How could positive effects be increased, or negative effects be mitigated?

We maintain, as we have set out above, that the amalgamation with Newport City Council is not the right 'fit' for us for all of the reasons explained. The Welsh language is just one such illustration of the difference between the two areas.

Consultation Question 12

Please also explain how you believe the proposed policy within this consultation could be formulated or changed (if required) so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Please see above.

Consultation Question 13

The Children's Rights Impact Assessment published alongside the consultation outlines the Welsh Government's view of the effect of the proposals contained in the consultation on children and young people. The Welsh Government seeks views on that assessment.

a) Are there any positive or adverse effects not identified in the assessment?

None identified.

b) Could the proposals be reformulated so as to increase the positive effects or reduce any possible adverse effects?

None identified.

Consultation Question 14

The Equalities Impact Assessment published alongside the consultation outlines the Welsh Government's view of the effect of the proposals contained in the consultation on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

The Black and Minority Ethnic population of the Newport City Council area is significantly higher. 2.9% of homes in Newport do not have English or Welsh as a main language, compared to 0.5% in Caerphilly County Borough. The density of Black and Minority Ethnic groups is markedly higher in the Newport City Council area, with the council also being an asylum dispersal area.

Given the differences in the two areas we envisage that the proposed merger footprint may be detrimental to Black and Minority Ethnic communities if the same level of service currently provided to them is diluted.

b) Could the proposals be reformulated so as to increase the positive or reduce any possible adverse effects?

The public sector demands are different across the two areas and it would be difficult to rationalise an equitable level of service across both that met the needs of Black and Minority Ethnic communities and also, for example, met the needs of deprived communities in the northern valleys.

Deprivation is not a protected characteristic but it is recognised as being socially isolating, prejudicial and discriminatory.

Consultation Question 15

Please provide any other comments you wish to make on the content of this consultation.

We fail to understand why, in the midst of austerity, we are being asked to respond to another Welsh Government reorganisation proposal. Since austerity began to affect local government finances we have responded to the challenge. We are still delivering services well, our customer satisfaction levels remain high with 74% of residents satisfied, or very satisfied, with the services provided by the council according to the most recent household survey. A robust plan has been developed that ensures the Council is able to deliver high quality, effective services over the next 5 years. However, we recognise that the resilience and sustainability of the smaller authorities is questioned and, if this is the challenge to be addressed, a more focussed and proportional response is needed and continued dialogue with local government is required in order to provide solutions that are appropriate and responsive to the needs of our citizens. Caerphilly is happy to continue discussions on this basis. We have to question why Welsh Government is leading us down yet another path; we maintain that the status quo is the best option for the communities of Caerphilly County Borough.