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**Date: 4th March 2015**

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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, 10th March, 2015** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

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

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 Presentation of Awards.
- 4 Declarations of interest.

A greener place Man gwyrddach



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

5 To receive a presentation from Kevin Morgan - Cardiff Capital Region.

To approve and sign the following minutes: -

6 Council held on 27th January 2015 (minute nos. 1 - 20). 1 - 10

7 Special Council held on 25th February 2015 (minute nos. 1 - 7). 11 - 20

To receive and consider the following report from Cabinet.

8 Adoption of Policies in Relation to the Mobile Homes (Wales) Act 2013 - 4th March 2015. 21 - 50

To receive and consider the following reports: -

9 Licensing/Registration/Permit Fees - 2105/16 - Licensing Committee - 16th February 2015. 51 - 68

10 Publication of Pay Policy Statement - Localism Act 2011. 69 - 112

11 Notice of Motion - Workfare. 113 - 114

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

**Circulation:**

All Members And Appropriate Officers



## COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 27TH JANUARY 2015 AT 5.00 P.M.

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PRESENT:

Councillor D.G. Carter - Mayor  
Councillor L. Gardiner - Deputy Mayor

Councillors:

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

Together with:-

C. Burns (Interim Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), R. Hartshorn (Head of Public Protection), M.S. Williams (Head of Community and Leisure Services), C. Campbell (Transportation Engineering Manager), J. Jones (Democratic Services Manager), C. Evans (Committee Services Officer)

Also Present: -

A. Barrett, N. Jenkins and L. Pamment (Wales Audit Office) and K. Howell (Geldards Law Firm)

#### 1. WEB-CASTING FILMING AND ELECTRONIC VOTING ARRANGEMENTS

The Mayor reminded those present that the meeting was being filmed for training purposes in advance of the planned implementation of live web-casting of Council meetings. Members were also advised that the electronic voting system would be tested at the meeting. It was also explained that during the course of the meeting, decisions would be taken using the electronic voting system.

**2. BEREAVEMENT**

The Mayor referred to the recent deaths of former Councillors Malcolm Pritchard and Reg Phillips and Mr Mark Davies, son of Councillor Ray Davies. As a mark of respect all present stood in silence and extended their condolences to the bereaved families.

Councillor Ray Davies expressed his sincerest gratitude for the kind words and support on behalf of himself and his family at that difficult time.

**3. MAYOR'S ANNOUNCEMENTS**

The Mayor reminded all those present that today was Holocaust Memorial Day, a national commemoration day, dedicated to the remembrance of those who suffered in the Holocaust. He read out a poem by Gwyneth Lewis, entitled 'One Person can make a Difference', as a mark of commemoration.

**4. APOLOGIES**

Apologies for absence were received from Councillors Ms J. Gale, D.M. Gray, G. Johnston, Mrs E. Stenner, Mrs J. Summers and L.G. Whittle.

**5. PRESENTATION OF AWARDS**

There were no awards to be presented.

**6. PETITIONS**

There were no petitions presented by Members.

**7. DECLARATIONS OF INTEREST**

Councillor D.T. Hardacre declared an interest in agenda item 16 (Buy Out of Essential Car User and Annual Leave Entitlement). Details are minuted with the respective item.

The Interim Chief Executive advised that with regards to item 16 (Buy Out of Essential Car User and Annual Leave Entitlement), G. Williams, N. Scammell, D. Street, R. Hartshorn, M.S. Williams would be required to declare an interest and leave the meeting.

**8. COUNCIL - 18TH NOVEMBER AND 17TH DECEMBER 2014**

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

Council held on 18th November 2014 (minute nos. 1 - 12) and Special Council held on 17th December 2014 (minute nos 1 - 6).

**9. WALES OFFICE REPORT - FOLLOW UP OF A SPECIAL INSPECTION AND REPORTS IN THE PUBLIC INTEREST**

In that representatives from the Wales Audit Office were in attendance to present the report, the item was moved forward on the agenda.

The report provided details of the Wales Audit Office (WAO) findings, following a review which was undertaken in October 2014, and the subsequent Action Plan to ensure that the single recommendation and the proposals for improvement are considered and actioned and that there is a robust monitoring process in place to ensure a successful outcome.

Ms. L. Pamment (WAO) introduced the report from the WAO, which was a follow up of the Special Inspection and Reports in the Public Interest.

Members noted that the Council had made good progress in addressing most of the recommendations following the Special Inspection Report and Reports in the Public Interest. However, a lawful decision is required on the annual leave and essential car user allowances, along with several recommendations in relation to improvements in other areas, particularly scrutiny, internal audit and self-evaluation, developing a human resources strategy and workforce planning.

In addition, it was noted that the implementation of webcasting and electronic voting, which is still in the training and development stages, remained one of the recommendations of the WAO, in order to encourage openness and transparency.

Members considered the reports and were encouraged by the progress made, noting the recommendations to be implemented. Further advice was sought on the improvements to Scrutiny arrangements and it was noted that this review has been commenced and progress will be monitored via the Improving Governance Programme Board

Following detailed consideration and discussion, it was moved and seconded that the recommendations within the Officers report be approved. By both electronic voting and show of hands, and in noting that there were two abstentions, the motion was carried by the majority present.

RESOLVED that: -

- (i) the "Wales Audit Office Follow Up Special Inspection and Reports in the Public Interest" Report including the one recommendation (R1) and the proposals for improvement (P1 to P8) be accepted;
- (ii) the Action Plan (as detailed in Appendix 2 of the report) be approved and it be agreed to continue with the Improving Governance Programme Board (IGPB) arrangements to ensure the monitoring and delivery of the Action Plan.

## **10. BUY - OUT OF ESSENTIAL CAR USER AND ANNUAL LEAVE ENTITLEMENTS**

In that a representative from Geldards Law Firm was in attendance to give advice to Council and the representatives of the WAO were invited to remain in the Chamber for the presentation of the Report, the item was moved forward on the agenda.

Councillor D.T. Hardacre, along with the Officers G. Hardacre, R. Hartshorn, A. Price, N. Scammell, D. Street, G. Williams and M.S. Williams declared an interest in this item and left the Chamber whilst it was considered.

Mrs Howell (Geldards Law Firm) joined the Chief Executive in the presentation of the report.

In accordance with the recommendation of the Wales Audit Office, in their most recent Follow-Up Special Inspection Report on Corporate Governance, a formal decision was required regarding changes to annual leave and essential user allowances.

In December 2013 the Wales Audit Office published a Report in the Public Interest regarding the way in which decisions had been made to harmonise annual leave and essential user

payments for senior officers with other staff. The Wales Audit Office had concluded that the decision was unlawful on the basis of the procedure, which had been followed.

Members considered this report in January 2014 and agreed that “upon receipt of external legal advice a further report is submitted to a future meeting of the Council on the specific issue if the buy-out so that members can consider the options available regarding the unlawful payments and determine the appropriate course of action.”

Members noted that, the matter was not considered at an earlier date due to ongoing police investigations; however, the Police and Crown Prosecution Services have recently determined that there are no grounds for criminal proceedings and the authority is now free to finalise the matter.

Members were reminded that the practice of “buy-outs” was not unlawful and is a recognised practice. The decision required at present is merely one of either ratifying the previous decision to harmonise terms and conditions and the use of the ‘buy out’ payment or to agree some other way forward.

Having considered the report, a Member highlighted that the Trade Unions had not been consulted prior to the report being presented to Council. It was proposed that the decision be deferred to the next full meeting of Council, in order to consult with the Trade Unions. Officers reminded Members that the report would not impact on the terms and conditions of staff and was to regularise an action, and provide a lawful position on current arrangements.

A Member sought clarification on the process that would be applied to the five members of staff that did not sign up to the “buy out”. Officers advised that negotiations would be conducted to reach an agreement, the outcome of which would be reported back to Members.

Following consideration and debate, it was moved and seconded that, subject to an amendment to recommendation 9.4, to include a further report to Members and it being agreed that that the tax and national insurance deductions made to the buy out payments be met by Council, the recommendations be approved.

An amendment was moved and seconded that the report be deferred for further discussions with Trade Unions.

Due to difficulties with the Electronic Voting system, it was agreed that electronic voting would be suspended and it was agreed from this point onwards that voting would be undertaken by a show of hands.

By a show of hands (and in noting that there was 1 abstention) the amendment was lost. Following a further show of hands (and in noting that there were 7 abstentions) the following motion was declared carried by the majority present.

RESOLVED that:-

- (i) the original principal of seeking to harmonise terms and conditions over the removal of essential car use allowance and annual leave entitlement for senior staff be endorsed;
- (ii) the use of one-off payments made to staff in 2012 as an alternative to the three-year protection afforded to other staff so affected under the Single Status Agreement be agreed;
- (iii) the use of one-off payments made to staff in 2012 as compensation for the loss of five days annual leave be agreed.
- (iv) the Authority seek harmonisation with the few remaining staff who did not

agree to the changes made in 2012 and report to Members accordingly.

- (v) It be noted that the tax and national insurance deductions made to the buy out payments was calculated at a composite rate and subsequent external specialist advice suggests that the Council may be liable to make further payments to HMRC. It was agreed that the Council would meet the cost of those additional contributions.

At this point Councillor D.T. Hardacre, along with G. Hardacre, R. Hartshorn, A. Price, N. Scammell, D. Street, G. Williams and M.S. Williams returned to the meeting.

## **REPORTS REFERRED FROM CABINET**

Consideration was given to the following reports referred from Cabinet:-

### **11. ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 - AMENDMENT TO AUTHORISATION OF OFFICERS**

The report, which was presented to Cabinet on 26th November 2014, provided information on the required changes to legal powers arising from the Anti-Social Behaviour, Crime and Policing Act 2014 for Officers of the Public Protection Division, Housing and Community and Leisure Services.

Members noted that Officers within the Public Protection Division, Housing Services and Community and Leisure Services require additional authorisation under the Anti-Social Behaviour, Crime and Policing Act 2014 in order to enforce new legislative provisions to deal with anti-social behaviour, which came into force on 20th October 2014.

The Act provides a new range of powers to tackle anti-social behaviour affecting communities, and the ability of members of the public to enjoy public spaces, through two new tools with enforcement responsibilities; Community Protection Notices and Public Space Protection Orders.

Following a query on the additional responsibilities of staff and response time expectations, it was clarified that staff would receive additional powers as opposed to responsibility. In addition, Members noted that Gwent Police are in the process of restructuring services, which will bring Officers back to the neighbourhood Offices and provide additional support throughout the borough.

Following consideration and debate, it was moved and seconded that the recommendations in the Officers report be approved. By a show of hands (and in noting that there was one abstention) this was agreed by the majority present.

RESOLVED that:-

- (i) the implementation of the legislation be noted and the Council's Monitoring Officer make the necessary amendments to the Council's Constitution;
- (ii) the Council's Constitution and Terms of Reference be amended to include the following: -

Anti-Social Behaviour, Crime and Policing Act 2014.

**12. COLLECTION OF DRY RECYCLABLES - WASTE FRAMEWORK DIRECTIVE AND WASTE (ENGLAND & WALES) REGULATIONS 2011**

The report, which was considered by Cabinet on 17th December 2014, provided an update on the legislative changes that came into effect on 1st January 2015, and sought Council's authorisation to continue with existing collection arrangements, until further evidence is available, on which to base long term future decisions.

Members noted that The Separate Collection Requirements of the Regulations came into force on 1st January 2015. From this date Waste Collection Authorities would be required to provide separate collections of glass, metals, plastics and paper where doing so is deemed 'necessary', to ensure waste undergoes recovery operations to facilitate improved recovery (the Necessity Test) and that it is 'Technically, Environmentally and Economically Practicable' (TEEP) to do so. Members noted that collections are being monitored to determine whether separate collections would increase the quality or quantity of material collected, thus, a change from a co-mingled to a separate collection would be necessary.

Officers have reviewed the evidence available to date (customer satisfaction, high level costings, performance and limited end destination comparisons), which indicated that the Authority does not need to change its collection regime at present.

Members noted that the final guidance was not available prior to consideration of the report by Cabinet. Since that time, the guidance has been received and continues to focus on a robust evidence base and sites examples of evidence and bases for decision-making such as, council papers, business cases for investment, tender specifications, assessment of current and historical collection methods, information about materials recovery facility performance, information about relevant technological changes, and decision making within the guidance. It remains the case that there are still key pieces of evidence that the authority is still not in possession of and robust decision-making would not be possible without this additional information.

Having regard for the information provided in the report, Members discussed the legislation and the Council's current performance. Officers advised that Members would regularly receive reports on the performance in relation to the Legislation.

Following consideration and discussion it was moved and seconded that the recommendations contained in the Officers report be approved. By a show of hands, this was carried by the majority present.

RESOLVED that:-

- (i) subject to further review in 2015 and when additional evidence/ information becomes available, the existing method of kerbside collection of dry recyclables be continued;
- (ii) Officers of the Authority agree to continue to participate in the study being undertaken by the WG to gather further end destination evidence and to participate in the WG exercise to model various collection scenarios;
- (iii) reports on the Authority's recycling levels be presented to Scrutiny and Cabinet on a quarterly basis in order that Members can continue to monitor the situation.



### **13. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN (FIRST REVIEW) - DRAFT PREFERRED STRATEGY**

The report was considered by the Regeneration and Environment Scrutiny Committee and Cabinet and outlined stakeholder engagement undertaken to date, for the first review of the Caerphilly County Borough Local Development Plan (LDP) up to 2031. It also detailed the influence of the work on the Draft Preferred Strategy, as a basis for the first statutory consultation stage of the plan process scheduled for early 2015.

The report also highlighted the next stage of the LDP Review Process, together with an extract from the Review Report, which was attached at Appendix 2 of the report; it detailed the consideration given to undertaking a joint review of the LDP with Blaenau Gwent and Torfaen Councils.

Having consideration for the reports, Members sought further information on the release of Greenfield and Greenwedge sites for development. Officers highlighted that the LDP is the Corporate Policy, fed into by Officers from all departments. Where possible, the allocation of brownfield sites for development is the current practice, however some greenfield sites are considered, in pockets of the borough, where brownfield sites are not suitable for development.

In addition, Members were asked to note that the policy is under review, in which greenfields and greenwedge areas would be considered, in order to meet the housing demand. However, Ward Members would be included in the process.

Following consideration of the report, including the Draft Preferred Strategy and the position statements from each of the three local planning authorities as contained in the Review Report, it was moved and seconded that the recommendation contained in the officer's report be approved. By a show of hands (and in noting that there was one abstention) this was agreed by the majority present.

RESOLVED that the Authority's commitment to progress a single review of the Adopted Caerphilly County Borough Local Development Plan be reconfirmed.

### **14. ADOPTION OF SOUTH EAST WALES VALLEYS LOCAL TRANSPORT PLAN**

The report was considered by Regeneration and Environment Scrutiny Committee and Cabinet and, in seeking the views and adoption of the South East Wales Valleys Local Transport Plan (LTP,) detailed the response from statutory and public consultation.

Members were advised that the Welsh Government (WG) required all local authorities in Wales to produce LTP's in accordance with WG LTP guidance, which will replace the 4 Regional Transport Plans (RTP's) currently in place across Wales. The LTP was to be submitted to WG by the end of January, which resulted in a very short timescale to produce the plan. In October 2014, Cabinet approved the production of a joint South East Wales Valleys LTP between Caerphilly, Rhondda Cynon Taf, Torfaen, Blaenau Gwent and Merthyr Tydfil Councils, with Rhondda Cynon Taf identified as the lead authority for the plan.

The accelerated developments were discussed, in particular referring to the scheme to extend the Park and Ride Facilities in Ystrad Mynach, which was met with some concern from Local Members. A number of issues were highlighted around traffic congestion and the loss of part of the playing field, as a result of the development. It was highlighted that there had been no consultation conducted with Ward Members and the school were not approached at the initial proposal point. Officers advised that, within the plan, many of the schemes are proposals and therefore not yet fully developed. Following adoption of the plan, engagement and consultation would be officially conducted, as part of the planning application process.

Further developments proposed within the plan were discussed, and Members noted that many would depend on funding and the planning process, but were assured that appropriate consultation would be conducted with interested parties.

Following consideration of the report and its appendix, it was moved and seconded that the South East Wales Valleys Local Transport Plan be adopted.

An amendment was moved and seconded that subject to the removal of the reference to Rail Park and Ride - Ystrad Mynach Park and Ride Extension (Page 222 of the Plan) the South East Wales Valleys Local Transport Plan be adopted.

By a show of hands (and in noting that there was one abstention) the amendment was lost.

Following a further show of hands, the following motion was declared carried by the majority present.

RESOLVED that the South East Wales Valleys Local Transport Plan be adopted.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

### **15. NOTICE OF MOTION - TAX JUSTICE**

Consideration was given to the report, which detailed the following Notice of Motion received by Councillor J. Jones and supported by Council N. Dix, Mrs P. Cook, A. Rees and C. Durham, in relation to Tax Justice. 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.

“This council resolves to send a letter to all three local MPs asking them to support the following motion and raise this vital issue in parliament.

While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their faire share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.”

It was moved and seconded that the Notice of Motion be supported. By show of hands this was unanimously agreed.

RESOLVED that the Notice of Motion be supported.

### **16. WLGA CHARTER FOR MEMBER SUPPORT AND DEVELOPMENT**

The report, which was considered and endorsed by the Democratic Services Committee on the 15th December 2014, sought Council support and endorsement of the draft Member Support and Development Strategy 2015/18 and approval to re-apply for Wales Charter for Member Support and Development prior to its presentation to Council.

Following consideration, discussion and debate, Members voiced their support for the Member Support and Development Programme and re-application for Wales Charter for Member Support and Development.

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

RESOLVED that the reasons outlined in the Officers report, the Council re-affirm their commitment to the Wales Charter for Member Support and Development and endorse the Members' Development Strategy 2015/18.

#### **17. GROUNDWORK WALES REPRESENTATION**

Following the merger of Groundwork Caerphilly in Groundwork Wales, which was approved by Cabinet in November 2014, Caerphilly County Borough Council was accepted as a Member on the Groundwork Wales Board. The report requested that Council agree the Council's representative on the Board through its one nomination.

It was moved and seconded that Councillor Mrs P. Cook be nominated as the representative for Caerphilly County Borough Council. By show of hands (and in noting that there was 1 abstention) this was agreed by the majority present.

RESOLVED that Councillor Mrs P. Cook be the nominated representative to sit on Groundwork Wales Board.

#### **18. AMENDMENT OF THE COUNCIL'S CONSTITUTION - REVIEW OF TERMS OF REFERENCE OF COUNCIL**

The report recommended to Members, amendments to the Council's Constitution to reflect interim working arrangements.

As a result of the recent changes to the Interim Management arrangements currently in operation within the Authority, consequential temporary amendments to the Terms of Reference of the Council's Health Social Care and Well Being and Regeneration and Environment Scrutiny Committees were required. The temporary amendments would be effective for the duration of the interim management arrangements, and a further report would be presented to Members, regarding the consequential amendments, when the arrangements cease.

Members discussed the changes and queried whether the Chairs of the respective Scrutiny Committees had been consulted on the proposals. Officers advised that consultation had taken place and asked Members to note that the Scrutiny Committees were brought in-line with the managerial structure implemented, in an attempt to place area responsibility more effectively.

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

RESOLVED that for the reasons outlined in the Officers report, Members noted and approved the changes proposed to the relevant extract within the Council's Constitution and authorised the Council's Interim Monitoring Officer to update the Council's Constitution accordingly.

#### **19. QUESTIONS UNDER RULE OF PROCEDURE 10(2)**

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

**Residual Waste Stream Contract** - to the Cabinet Member for Community and Leisure Services from Councillor Mrs A. Blackman.

1. On what date will the Council's residual waste stream Contract with Project Gwyrdd start?
2. What procedures and resources will the Council have in place to ensure that all of its residual waste stream will not contain any recycling materials such as cardboard, paper, cans, plastics and glass?
3. What will be the cost to the Council for these procedures/resources?
4. How much per ton/tonne of waste is the Council paying the Project Gwyrdd Contract?
5. How many tons/tonnes a year is the Council contracted for?
6. What are the financial consequences for the Council if it does not produce the tonnages agreed to in the Project Gwyrdd Contract?

**RESPONSE FROM THE CABINET MEMBER FOR COMMUNITY AND LEISURE SERVICES - COUNCILLOR DAVE POOLE**

1. Full Service commencement in accordance with the contract is 1st April 2016.
2. The authority offers a recycling collection service separate to the residual waste collection service and this service currently performs well in terms of recycling when compared to other Welsh LA's. It is practically impossible to ensure that the residual waste stream contains absolutely no recyclable materials and the practicalities surrounding such issues have been accepted by Welsh Government in its assessment of the final business case for Project Gwyrdd.
3. The 2014/15 budget for the collection of dry recyclables at the kerbside is £2.33m.
4. The financial consequences of the Project Gwyrdd contract were outlined in detail in the report to full council dated 26th February 2013. As the financial issues are complex I would refer you again to this report and its relevant appendices.
5. The issues surrounding contractual tonnages, waste flow models and relevant tonnage bandings are complex and were outlined in detail in the report to full council dated 26th February 2013. I would refer you again to this report and its relevant appendices.
6. The financial consequences of the Project Gwyrdd contract were outlined in detail in the report to full council dated 26th February 2013. As the financial issues are complex I would refer you again to this report and its relevant appendices.

The meeting closed at 7.58 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 10th March 2015 they were signed by the Mayor.

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MAYOR



## SPECIAL MEETING OF COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON WEDNESDAY, 25TH FEBRUARY 2015 AT 5.00 P.M.

---

PRESENT:

Councillor D.G. Carter - Mayor  
Councillor L. Gardiner - Deputy Mayor

Councillors:

Miss L. Ackerman, M. Adams, H.A. Andrews, Mrs K.R. Baker, L. Binding, Mrs A. Blackman, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, K. Dawson, N. Dix, C. Durham, C. Elsbury, Mrs C. Forehead, Miss E. E. Forehead, J.E. Fussell, Mrs J. Gale, R.W. Gough, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, M.P. James, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, S. Kent, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, S. Skivens, Mrs E. Stenner, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), D. Street (Director of Social Services), N. Scammell (Acting Director of Corporate Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), S. Harris (Interim Head of Corporate Finance), A. Price (Interim Deputy Monitoring Officer), G. Hardacre (Head of Human Resources and Organisational Development), D. Regan (Lead Officer Finance), T. Maher (Interim Assistant Director Planning and Strategy, Education), G. Evans (Senior Manager, Planning and Strategy, Libraries), Mark S. Williams (Head of Community and Leisure Services) and E. Sullivan (Democratic Services Officer)

#### 1. BEREAVEMENT

The Mayor referred to the recent passing of Councillor C. P. Mann's grandson and Councillor C. Gordon's mother and all present stood in silence as a mark of respect and extended their condolences to the bereaved families. Councillor Mann thanked Members for their expressions of sympathy which were of great comfort to the family.

#### 2. WEB-CASTING FILMING AND ELECTRONIC VOTING ARRANGEMENTS

The Mayor reminded those present that the meeting was being filmed for training purposes in advance of the planned implementation of live web-casting of Council meetings. Members were also advised that the new electronic voting system would not be used as further testing and training on the system was required, decisions would be made by a show of hands.

### **3. APOLOGIES**

Apologies for absence were received from Councillors Mrs E.M. Aldworth, A.P. Angel, Mrs. G. Bevan, J. Bevan, P.J. Bevan, D. Bolter, Mrs P. Cook, N. George, C.J. Gordon, D.M. Gray, Mrs P. Griffiths, G. Kirby, Mrs D. Price, A. Rees, Mrs M.E. Sargent and Mrs. J. Summers and S. Aspinall (Acting Deputy Chief Executive).

### **4. DECLARATIONS OF INTEREST**

The Interim Chief Executive and the Interim Monitoring Officer gave members general advice in relation to the declaration of personal /prejudicial interests in relation to Item 4 the Budget Report. They were reminded that members declaring personal interests only were not required to leave the Chamber during the debate.

It was noted that it is a matter for the individual Member as to whether they wished to declare an interest.

Councillors Miss L. Ackerman, H.A. Andrews, Mrs A. Blackman, D.T. Davies, D.T. Hardacre, A.G. Higgs, K. James, Mrs J.G. Jones, D.V. Poole, K.V. Reynolds, Ms R. Passmore, M.J. Prew, and R. Woodyatt, declared an interest in agenda item 4 as it relates to the budget proposals. They were declared as personal (which enabled the Members to stay and take part in the discussion and voting thereon).

Councillors Miss L. Ackerman, D.T. Hardacre and S. Kent also declared an interest in specific items within the budget report (agenda item 4). They were declared as personal (which enabled the Members to stay and take part in the discussion and voting thereon).

Details are minuted with the respective item.

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

### **5. TREASURY MANAGEMENT ANNUAL STRATEGY, CAPITAL FINANCE PRUDENTIAL INDICATORS AND MINIMUM REVENUE PROVISION POLICY FOR 2015/2016**

Consideration was given to the report which was presented to Cabinet on the 25th February 2015. Details were provided of the Council's proposed 2015/16 Annual Treasury Management Strategy, the dataset of Prudential Indicators relevant to Treasury Management and Capital Finance and the proposed Minimum Revenue Provision Policy. The report also proposed a move away from the current risk averse investment strategy of lending to the Debt Management Office and Local Authorities only, which a view to and re-establishing lending to other financial institutions.

Members were referred to section 5.11 of the report which detailed the Annual Investment Strategy setting out the investments the Authority may use for the prudent management of its balances. Reference was also made to section 11 of the report covering the proposed Housing Revenue Account subsidy buy-out. It was noted that negotiations between Welsh Government and HM Treasury were ongoing and that the final settlement would be determined by the 31st March 2015.

It was moved and seconded that the recommendations from the Policy and Resources Scrutiny Committee and Cabinet be endorsed.

RESOLVED that for the reasons contained in the report:-

- (i) the Annual Strategy for Treasury Management 2015/16 be approved;

- (ii) the strategy be reviewed quarterly within the Treasury Management monitoring reports presented to the Policy and Resources Scrutiny Committee and any changes recommended be referred to Cabinet, in the first instance, and to Council for a decision. The Council will also receive a half-yearly report on Treasury Management activities;
- (iii) the Prudential Indicators for Treasury Management be approved as per Appendix 5 of the report;
- (iv) the Prudential Indicators for Capital Financing be approved as per Appendices 6 and 7 of the report;
- (v) Option 2 (for supported borrowing) and Option 3 Equal Instalment Method (for unsupported borrowing) for MRP purposes for 2015/16 be approved;
- (vi) the Authority adopt the recommendations as set out in the 8th December 2014 Policy and Resources Scrutiny Committee report and lend to financial institutions in accordance with the minimum credit rating criteria disclosed within this report;
- (vii) the Authority borrows £12.3m for the General Fund to support the 2015/16 capital programme, and an indicative amount of £75.4m for the HRA to exit the Subsidy system;
- (viii) the Authority adopts the investment grade scale as a minimum credit rating criteria as a means to assess the credit worthiness of suitable counterparties when placing investments;
- (ix) the Authority adopts the revised monetary and investment duration limits as set in Appendix 3 of the report.

## **6. BUDGET PROPOSALS 2015/16 AND MEDIUM TERM FINANCIAL STRATEGY 2015/2018**

Councillors Miss L. Ackerman, H.A. Andrews, Mrs A. Blackman, D.T. Davies, D. T. Hardacre, A.G. Higgs, K. James, Ms. J. Jones, Ms R. Passmore, M.J. Prew, D.V. Poole, K.V. Reynolds, T.J. Williams and R. Woodyatt declared an interest as it relates to the budget (as having family members and relatives employed by the Council who may potentially be affected by the savings proposals and in relation to the car user allowance).

Councillor Miss L. Ackerman declared a personal interest (in that her mother receives a social services provision).

Councillor D.T. Hardacre declared a personal interest (in that his wife receives a social services provision).

Councillor S. Kent declared a personal interest (in that his mother receives a social services provision).

The above were declared as personal interests which enabled the Members to stay and take part in the discussion and voting thereon.

During the course of the debate Councillor M.P. James and D.T. Hardacre declared a personal interest (in that they are both a Chair of a Community Partnership).

Consideration was given to the report which was presented to Cabinet on the 4th February 2015 and provided information on the budget proposals for 2015/16 and the medium term financial plan for 2015/2018. The Acting Director of Corporate Services outlined the key

points of the final Local Government Financial Settlement and asked Members to note the changes from provisional to final settlement including the increase in Aggregate External Finance and reduction in the Fire Service Levy for 2015/16. It was noted that in light of these changes some amendments were made to the savings proposals as detailed in table 7 of the report.

With regard to the Medium Term Financial Plan Mrs Scammell highlighted the key elements and detailed the extensive consultation process undertaken. Reference was made to the 5 key saving proposal principles put forward by Members at a seminar on the 3rd November 2014 to be considered by Council this evening.

Mrs Scammell then gave an overview of the General Fund Balances as detailed in Appendix 9 of the report. It was noted there were no further allocations to the General Fund over and above those identified. Balances were noted at just over £10m which represented 3% of the budget. Going forward there would be limited scope for any additional surpluses due to growing service pressures in key areas, ongoing reductions in WG funding and an ever-reducing Capital Programme.

In terms of the detail of the Capital Programme, Members were referred to Appendix 8 of the report and a summary of proposals for 2015/16, 2016/17 and 2017/18 was provided.

It was proposed and seconded that the recommendations within the report be approved.

An amendment was moved and seconded that in order to retain the Area Forum budget for community schemes the increase in Meals on Wheels be set at £1 per meal.

During the course of the debate on this amendment clarification was sought with regard to Members involvement in Community Partnerships and whether declarations of interest needed to be made in this regard. The Interim Monitoring Officer advised that given the general nature of the discussions and that most, if not all Councillors would have some level of involvement with Community Partnerships there was no need to declare an interest. However Members would need to be mindful of the code of conduct, should an individual reference be made to a particular partnership and a Members' position or involvement within it.

Councillor M.P. James and D.T. Hardacre declared a personal interest (in that they are Chair's of Community Partnerships).

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

#### **FOR THE AMENDMENT**

Councillors Miss L. Ackerman, Mrs K.R. Baker, L. Binding, C. Elsbury, J.E. Fussell, R.W. Gough, M.P. James, S. Kent, K. Lloyd, C.P. Mann, M.J. Prew, J.A. Pritchard, J.E. Roberts, S. Skivens, J. Taylor (15)

#### **AGAINST THE AMENDMENT**

Councillors, M. Adams, H.A. Andrews, D.G. Carter, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, K. Dawson, N. Dix, C. Durham, Mrs C. Forehead, Ms E.E. Forehead, Mrs J. Gale, L. Gardiner, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, Ms P. Leonard, A. Lewis, S. Morgan, Mrs. G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, J. Pritchard, D. Rees, K.V. Reynolds, R. Saralis, Mrs E. Stenner, L.G. Whittle, T.J. Williams, R. Woodyatt (39)

#### **ABSTENTIONS**

Councillor Mrs A. Blackman



The amendment was lost and following a show of hands, the following motion was declared carried by the majority present.

RESOLVED that:-

- (i) the Revenue Budget proposals for 2015/16 of £325.613m as set out in the report and summarised in Appendix 1 be approved;
- (ii) the proposed Capital Programme for the period 2015/16 to 2017/18 as set out in Appendix 8 of the report be approved;
- (iii) the proposed use of the General Fund balances as detailed in Appendix 9 of the report be approved;
- (iv) the general principles for considering savings options for future years as detailed in paragraph 4.2.5 of the report be approved.

## 7. COUNCIL TAX RESOLUTION 2015/16 AND COUNCIL TAX REDUCTION SCHEME

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

RESOLVED that for the reasons contained in the report: -

1. it be noted that at its meeting on the 10th December 2014 the Cabinet calculated the following amounts for the year 2015/2016 in accordance with regulations made under Section 33(5) of The Local Government Finance Act 1992 and powers granted under The Local Authorities Executive Arrangements (Functions and Responsibilities) (Amendment) (Wales) Regulations 2001 as amended.

- (a) **59,318.14** Being the amount calculated by the Cabinet, in accordance with Regulation (3) of The Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995, as its council tax base for the year.

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

	<u>Tax Base</u>
	<u>No. of D Band</u>
	<u>Equivalent Properties</u>
Aber Valley	1,996.04
Argoed	843.52
Bargoed	3,564.97
Bedwas, Trethomas & Machen	3,761.31
Blackwood	2,871.52
Caerphilly	6,050.10
Darren Valley	700.31
Draethen, Waterloo & Rudry	588.93
Gelligaer	6,189.13

	<u>Tax Base</u>
	<u>No. of D Band</u>
	<u>Equivalent Properties</u>
Llanbradach & Pwllypant	1,454.24
Maesycwmmmer	765.28
Nelson	1,567.59
New Tredegar	1,335.83
Penyrheol, Trecenydd & Energlyn	4,410.13
Rhymney	2,523.24
Risca East	2,037.75
Risca West	1,765.31
Van	1,626.69
Remainder	15,266.25
<b>Total</b>	<b>59,318.14</b>

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

2. the following amounts be now calculated by the Council for the year 2015/2016 in accordance with Sections 32 to 36 of the Local Government and Finance Act 1992:-
- (a) **£324,391,703** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) and 32(3) (a and b) of the Act;
- (b) **£1,200,000** being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) (c) of the Act;
- (c) **£323,191,703** being the amount by which the aggregate at (2)(a) above exceeds the aggregate at (2)(b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year;
- (d) **£263,691,541** being the aggregate of the sums which the Council estimates will be payable for the year into its council fund in respect of redistributed non domestic rates, revenue support grant, an authority's council tax reduction scheme or additional grant.
- (e) **£1,003.07** being the amount at (2)(c) above less the amount at (2)(d) above, all be divided by the amount at (1)(a) above, calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its council tax for the year;
- (f) **£655,381** being the aggregate amount of all special items referred to in section 34(1) of the Act.
- (g) **£992.02** being the amount at (2)(e) above less the result given by dividing the amount at (2)(f) above by the amount at (1)(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which no special item relates.

(h) Part of the Council's Area	Local	County	Total County
	Precept	Borough	Borough & Community
	£	Levy	Council Band D
	£	£	Charge
			£
Aber Valley	14.78	992.02	1,006.80
Argoed	12.00	992.02	1,004.02
Bargoed	16.27	992.02	1,008.29
Bedwas, Trethomas & Machen	17.32	992.02	1,009.34
Blackwood	17.00	992.02	1,009.02
Caerphilly	13.00	992.02	1,005.02
Darren Valley	17.82	992.02	1,009.84
Draethen, Waterloo & Rudry	20.38	992.02	1,012.40
Gelligaer	14.14	992.02	1,006.16
Llanbradach & Pwllpant	19.68	992.02	1,011.70
Maesycwmmmer	23.91	992.02	1,015.93
Nelson	17.27	992.02	1,009.29
New Tredegar	12.67	992.02	1,004.69
Penyrheol, Trecenydd & Energlyn	12.64	992.02	1,004.66
Rhymney	13.87	992.02	1,005.89
Risca East	12.00	992.02	1,004.02
Risca West	15.05	992.02	1,007.07
Van	12.57	992.02	1,004.59
Remainder	0.00	992.02	992.02

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

(i)									
<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
<b>County Borough Council</b>	661.35	771.57	881.80	992.02	1,212.47	1,432.92	1,653.37	1,984.04	2,314.71
<b><u>Community Councils</u></b>									
Aber Valley	9.85	11.50	13.14	14.78	18.06	21.35	24.63	29.56	34.49
Argoed	8.00	9.33	10.67	12.00	14.67	17.33	20.00	24.00	28.00
Bargoed	10.85	12.65	14.46	16.27	19.89	23.50	27.12	32.54	37.96
Bedwas, Trethomas & Machen	11.55	13.47	15.40	17.32	21.17	25.02	28.87	34.64	40.41
Blackwood	11.33	13.22	15.11	17.00	20.78	24.56	28.33	34.00	39.67
Caerphilly	8.67	10.11	11.56	13.00	15.89	18.78	21.67	26.00	30.33
Darren Valley	11.88	13.86	15.84	17.82	21.78	25.74	29.70	35.64	41.58
Draethen, Waterloo & Rudry	13.59	15.85	18.12	20.38	24.91	29.44	33.97	40.76	47.55
Gelligaer	9.43	11.00	12.57	14.14	17.28	20.42	23.57	28.28	32.99
Llanbradach & Pwllypant	13.12	15.31	17.49	19.68	24.05	28.43	32.80	39.36	45.92
Maesycwmmmer	15.94	18.60	21.25	23.91	29.22	34.54	39.85	47.82	55.79
Nelson	11.51	13.43	15.35	17.27	21.11	24.95	28.78	34.54	40.30
New Tredegar	8.45	9.85	11.26	12.67	15.49	18.30	21.12	25.34	29.56
Penyrheol, Trecenydd & Energlyn	8.43	9.83	11.24	12.64	15.45	18.26	21.07	25.28	29.49
Rhymney	9.25	10.79	12.33	13.87	16.95	20.03	23.12	27.74	32.36
Risca East	8.00	9.33	10.67	12.00	14.67	17.33	20.00	24.00	28.00
Risca West	10.03	11.71	13.38	15.05	18.39	21.74	25.08	30.10	35.12
Van	8.38	9.78	11.17	12.57	15.36	18.16	20.95	25.14	29.33
Remainder	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b><u>Valuation Bands</u></b>									
	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
<b><u>Totals For Community Council Areas</u></b>									
Aber Valley	671.20	783.07	894.94	1,006.80	1,230.53	1,454.27	1,678.00	2,013.60	2,349.20
Argoed	669.35	780.90	892.47	1,004.02	1,227.14	1,450.25	1,673.37	2,008.04	2,342.71
Bargoed	672.20	784.22	896.26	1,008.29	1,232.36	1,456.42	1,680.49	2,016.58	2,352.67
Bedwas, Trethomas & Machen	672.90	785.04	897.20	1,009.34	1,233.64	1,457.94	1,682.24	2,018.68	2,355.12
Blackwood	672.68	784.79	896.91	1,009.02	1,233.25	1,457.48	1,681.70	2,018.04	2,354.38
Caerphilly	670.02	781.68	893.36	1,005.02	1,228.36	1,451.70	1,675.04	2,010.04	2,345.04
Darren Valley	673.23	785.43	897.64	1,009.84	1,234.25	1,458.66	1,683.07	2,019.68	2,356.29
Draethen, Waterloo & Rudry	674.94	787.42	899.92	1,012.40	1,237.38	1,462.36	1,687.34	2,024.80	2,362.26
Gelligaer	670.78	782.57	894.37	1,006.16	1,229.75	1,453.34	1,676.94	2,012.32	2,347.70
Llanbradach & Pwllypant	674.47	786.88	899.29	1,011.70	1,236.52	1,461.35	1,686.17	2,023.40	2,360.63
Maesycwmmmer	677.29	790.17	903.05	1,015.93	1,241.69	1,467.46	1,693.22	2,031.86	2,370.50
Nelson	672.86	785.00	897.15	1,009.29	1,233.58	1,457.87	1,682.15	2,018.58	2,355.01
New Tredegar	669.80	781.42	893.06	1,004.69	1,227.96	1,451.22	1,674.49	2,009.38	2,344.27
Penyrheol, Trecenydd & Energlyn	669.78	781.40	893.04	1,004.66	1,227.92	1,451.18	1,674.44	2,009.32	2,344.20
Rhymney	670.60	782.36	894.13	1,005.89	1,229.42	1,452.95	1,676.49	2,011.78	2,347.07
Risca East	669.35	780.90	892.47	1,004.02	1,227.14	1,450.25	1,673.37	2,008.04	2,342.71
Risca West	671.38	783.28	895.18	1,007.07	1,230.86	1,454.66	1,678.45	2,014.14	2,349.83
Van	669.73	781.35	892.97	1,004.59	1,227.83	1,451.08	1,674.32	2,009.18	2,344.04
Remainder	661.35	771.57	881.80	992.02	1,212.47	1,432.92	1,653.37	1,984.04	2,314.71

being the amounts given by multiplying the amounts at (2)(g) and (2)(h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to

dwellings listed in a particular valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

3. it be noted that for the year 2015/2016 the major precepting authority has stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
<u>Precepting Authority</u>									
Police and Crime									
Commissioner for Gwent	141.08	164.59	188.11	211.62	258.65	305.67	352.70	423.24	493.78

4. having calculated the aggregate in each case of the amounts at (2)(i) and (3) above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts of Council Tax for the year 2015/2016 for each of the categories of dwellings shown below:-

<u>Valuation Bands</u>	A	B	C	D	E	F	G	H	I
	£	£	£	£	£	£	£	£	£
Aber Valley	812.28	947.66	1,083.05	1,218.42	1,489.18	1,759.94	2,030.70	2,436.84	2,842.98
Argoed	810.43	945.49	1,080.58	1,215.64	1,485.79	1,755.92	2,026.07	2,431.28	2,836.49
Bargoed	813.28	948.81	1,084.37	1,219.91	1,491.01	1,762.09	2,033.19	2,439.82	2,846.45
Bedwas, Trethomas & Machen	813.98	949.63	1,085.31	1,220.96	1,492.29	1,763.61	2,034.94	2,441.92	2,848.90
Blackwood	813.76	949.38	1,085.02	1,220.64	1,491.90	1,763.15	2,034.40	2,441.28	2,848.16
Caerphilly	811.10	946.27	1,081.47	1,216.64	1,487.01	1,757.37	2,027.74	2,433.28	2,838.82
Darren Valley	814.31	950.02	1,085.75	1,221.46	1,492.90	1,764.33	2,035.77	2,442.92	2,850.07
Draethen, Waterloo & Rudry	816.02	952.01	1,088.03	1,224.02	1,496.03	1,768.03	2,040.04	2,448.04	2,856.04
Gelligaer	811.86	947.16	1,082.48	1,217.78	1,488.40	1,759.01	2,029.64	2,435.56	2,841.48
Llanbradach & Pwllpant	815.55	951.47	1,087.40	1,223.32	1,495.17	1,767.02	2,038.87	2,446.64	2,854.41
Maesycwmmwr	818.37	954.76	1,091.16	1,227.55	1,500.34	1,773.13	2,045.92	2,455.10	2,864.28
Nelson	813.94	949.59	1,085.26	1,220.91	1,492.23	1,763.54	2,034.85	2,441.82	2,848.79
New Tredegar	810.88	946.01	1,081.17	1,216.31	1,486.61	1,756.89	2,027.19	2,432.62	2,838.05
Penyrheol, Treceenydd & Energlyn	810.86	945.99	1,081.15	1,216.28	1,486.57	1,756.85	2,027.14	2,432.56	2,837.98
Rhymney	811.68	946.95	1,082.24	1,217.51	1,488.07	1,758.62	2,029.19	2,435.02	2,840.85
Risca East	810.43	945.49	1,080.58	1,215.64	1,485.79	1,755.92	2,026.07	2,431.28	2,836.49
Risca West	812.46	947.87	1,083.29	1,218.69	1,489.51	1,760.33	2,031.15	2,437.38	2,843.61
Van	810.81	945.94	1,081.08	1,216.21	1,486.48	1,756.75	2,027.02	2,432.42	2,837.82
Remainder	802.43	936.16	1,069.91	1,203.64	1,471.12	1,738.59	2,006.07	2,407.28	2,808.49

## 7. REPLACEMENT OF A MEMBER OF CORPORATE MANAGEMENT TEAM

Consideration was given to the report which proposed the recruitment arrangements to replace a member of the Corporate Management Team. The Interim Chief Executive confirmed the resignation of Ms Sandra Aspinall, Acting Deputy Chief Executive, and explained the need to recruit to this post in order to ensure that there was sufficient capacity within CMT to be able to effectively manage the Council's operations.

Members were also asked to note the authority's statutory requirement to designate a Chief Education Officer however this role did not need to be at a Director level and in many authorities this now sat at a Head of Service level. Members were reminded that in recent years the number of Corporate Directors had reduced to four and any further reduction would jeopardise the management of the authority. For this reason and in order to encourage a greater breadth of applicants, a more flexible approach was proposed for the recruitment to the post of Corporate Director, rather than recruiting specifically to a Director of Education post. This would allow greater flexibility in appointing the most suitable and experienced person with the intrinsic skills necessary to embrace a changing and developing portfolio.

The recruitment process was outlined and Members advised that this would include the national advertisement of the post in order to comply with Welsh Government requirements.

During the course of the ensuing discussion clarification was sought as to whether any additional cost would be attached to the re-designation of the Chief Education Officer and if this vacancy would be filled on a permanent or interim basis, particularly when there was such uncertainty as to the position of the currently suspended Officers. The Interim Chief Executive confirmed that as this would be a recruitment to a vacant post it would be done so on permanent basis and there would be no addition cost involved with the designation of the Chief Education Officer.

Clarification was also sought as to recruitment process for the re-designation and Members advised that there was a specific procedure that would need to be followed in this regard.

It was moved and seconded that the recommendations contained in the report be approved and by a show of hands (and in noting there were 4 abstentions) this agreed by the majority present.

RESOLVED that for the reasons contained in the report:-

- (i) the post of Corporate Director to replace the departing substantive postholder be advertised;
- (ii) a Head of Service be designated as 'Chief Education Officer' who will report to one of the Corporate Directors;
- (iii) the post of 'Acting Deputy Chief Executive' not be replaced during the ongoing period of uncertainty with the suspension of the substantive post holder;
- (iv) the recruitment be advertised nationally on the Councils' approved salary arrangements listed in its Pay Policy Statement (The approved salary of CCBC's Corporate Director posts fall within a range of four incremental points between £107,396 rising to a maximum of £118,329 per annum).

The meeting closed at 7.01 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 10th March 2015 they were signed by the Mayor.

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MAYOR



## COUNCIL – 10TH MARCH 2015

**SUBJECT: ADOPTION OF POLICIES IN RELATION TO THE MOBILE HOMES  
(WALES) ACT 2013**

**REPORT BY: ACTING DEPUTY CHIEF EXECUTIVE**

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1.1 The attached report was presented to the Cabinet on 4th March 2015.

1.2 The recommendations of Cabinet will be reported at the meeting.

Author: H. Morgan, Senior Committee Services Officer

Appendix 1 Report to Cabinet dated 4th March 2015

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## **CABINET – 4TH MARCH 2015**

**SUBJECT: ADOPTION OF POLICIES IN RELATION TO THE MOBILE HOMES (WALES) ACT 2013**

**REPORT BY: CORPORATE DIRECTOR OF SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 To inform Cabinet of changes to the legislation applicable to mobile homes prior to presentation of the report to Council to amend the Council's Constitution to include The Mobile Homes (Wales) Act 2013.
- 1.2 To obtain additional authorisation for officers under the Mobile Homes (Wales) Act 2013.
- 1.3 To enable officers to progress with the implementation of the Mobile Homes (Wales) Act 2013 through the adoption of:
  - A Fees and Fines Policy (Appendix 1)
  - A Fit and Proper Persons Policy (Appendix 2)

### **2. SUMMARY**

- 2.1 The National Assembly for Wales recently introduced the Mobile Homes (Wales) Act 2013 which came into force on 1st October 2014. This Act replaces legislation, originally implemented in the 1960s, to regulate sites accommodating residential mobile homes. It is designed to help improve regulation, so that conditions on mobile home sites are improved and the rights of residents are better protected.
- 2.2 There are 3 mobile home sites within Caerphilly county borough. Officers within the Public Protection Division require additional authorisation under The Mobile Homes (Wales) Act 2013 in order to enforce the legislation and carry out their duties.

This report also seeks approval for the adoption of:

- The Fees and Fines Policy (Appendix 1) including minimum charges for the taking of enforcement action, and
- The Fit and Proper Persons Policy (Appendix 2)

### **3. LINKS TO STRATEGY**

- 3.1 Public protection is a statutory duty of the authority and contributes to the Prosperous, Healthier, and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council's Strategic Equality Plan 2012.

#### 4. THE REPORT

- 4.1 The National Assembly for Wales recently introduced the Mobile Homes (Wales) Act 2013 which came into force on 1st October 2014.
- 4.2 This Act replaces legislation, originally implemented in the 1960s, to regulate sites accommodating residential mobile homes. It is designed to help improve regulation, so that conditions on mobile home sites are improved and the rights of residents are better protected. There are currently 3 mobile home sites within Caerphilly county borough:-

Beddau Farm Residential Caravan Site St Cenydd  
The Conifers Pandy Road Bedwas  
Caravan Site Commercial Lane Pontymister

The main features of the new Act are:

- Site owners will be required to apply for a licence from their local authority to operate a site. The licence will last up to 5 years
  - Site managers will need to pass a 'fit and proper person' test before being awarded a licence
  - Site owners will no longer be able to block the sale of a mobile home. The mobile home owner will be free to sell their home to who they wish
  - Local authorities will be able to inspect sites and issue a fixed penalty notice to site owners if conditions on the site are not kept properly
  - In more serious instances, local authorities will be able to issue the site owners with a compliance notice to make sure that site conditions are upheld
  - Pitch fees will only be increased in line with the Consumer Prices Index
  - Site owners and residents will be able to appeal to the Residential Property Tribunal in certain circumstances
- 4.3 A copy of the new Mobile Homes (Wales) Act 2013 and the Explanatory Notes to the Act can be found on the Welsh Government website.
- 4.4 All mobile homes sites must have the relevant planning permission and as a result of the implementation of this legislation all mobile homes sites must have a site licence issued by the local authority. Existing site licenses issued under the original Caravan and Control of Development Act 1960 will remain in force. Local authorities are given a six month period to revoke existing licenses and relicence the sites.
- 4.5 The Model Standards 2008 for Caravan Sites in Wales are the conditions, 'normally expected as a matter of good practice on sites.' They apply only to residential caravans and can cover areas such as the layout of mobile home parks and the provision of facilities, services and equipment for them. These standards introduced a number of changes, the most significant relating to:
- dealing with park site boundaries
  - making clearer what should and should not be allowed within the six metre separation space between homes
  - permitting a single car to be parked between homes
  - requiring a concrete hardstanding for all homes
  - extending park drainage requirements to include the pitch
  - making sure that common areas of the site are maintained in a good condition
  - setting out the minimum standards required for the supply of water, electricity, drainage and sanitation
  - making it clear that land allocated for recreational space is required only when children live on the park

- 4.6 As a result of the introduction of new legislation it is considered that the Council's Constitution should be amended to include The Mobile Homes (Wales) Act 2013. Adding this Act to the Constitution will allow authorised officers to deal with the re-licencing of the sites within the county borough and deal with any associated provisions contained in the Act.
- 4.7 A local authority may require an application for a site licence to be accompanied by a fixed fee. Before implementing the fees, the local authority must prepare and publish a fees policy. When fixing a fee for the purposes of the Act the local authority:-
- Must act in accordance with its fees policy
  - May fix different fees for different cases or descriptions of case, and
  - May determine that no fee is required to be paid in certain cases or descriptions of case.
- 4.8 The council will also need to agree a Fit and Proper Persons Policy for consideration during the application process for licence holders and/or managers.
- 4.9 When fixing the fee the Authority may not take into account any costs incurred by it in exercising its functions under sections 15 to 25 of the Act Any fees charged must fairly cover the costs (or part of the costs) incurred by the local authority in performing its functions under the Act, (excluding the costs of enforcement action or any function under any provision of the Act which is not a regulated site).
- 4.10 A fees toolkit has also been developed in conjunction with the Wales Heads of Environmental Health Licensing Expert Panel with the aim of providing a consistent and robust mechanism for the setting of licence fees. The toolkit includes full guidance notes on how to populate the spreadsheet to calculate the fees. It also provides a clear methodology for calculating the application fee and other fees set out in the Act. It has been designed to help set fees that are based on the full cost recovery of the work involved in the licensing of sites in a way that is transparent and robust.
- 4.11 Using this methodology, the following fees are proposed:-

<b>Process</b>	<b>Fee</b>
Application for Small site 1-10 caravans	£345
Application for Medium site 11-51 caravans	£398
Application for Large Site 51+ caravans	£597
Amendment/Variation Existing Licence	£200/260
Replacement Licence	£26
Lodge Site rules	£42

### **ENFORCEMENT CHARGES**

- 4.12 The Council is entitled in accordance with section 19 and 22 of the Mobile Homes (Wales) Act 2013, and will seek to recover expenses incurred in carrying out enforcement action involved in the service of a compliance/emergency compliance notice and Fixed Penalty Notices (set at not exceeding level 1 of the standard scale for summary offences within the Act for the latter). These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.
- 4.13 Where appropriate, the council will also seek to recover expenses incurred:-
- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
  - In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

- 4.14 Interest may be charged on any sums to be recovered as a result of enforcement action. The council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

#### Fixed Penalty Notices

- 4.15 Section 15 of the Mobile Homes (Wales) Act 2013 allows the Council discretion to issue Fixed Penalty Notices (FPN) to discharge certain minor breaches of site licence conditions. Fixed Penalty Notices must not exceed level 1 on the standard Scale of fines for summary offences (currently £200). A fixed penalty notice could be used by the Council to deal with minor infringements such as:-

- Failure to remove litter
- Non compliance with site rules
- Poor provision of adequate lighting around the site

- 4.16 It is proposed that the charge for the Fixed Penalty Notice is set at £100 with this reduced to £75 if paid within 10 days.

#### Compliance Notices

- 4.17 Section 17 of the Mobile Homes (Wales) Act 2013 allows the Council discretion to serve compliance notices on site owners where site licence conditions are breached. Such notices will set out what the site owner needs to do to correct the breaches and the timescales. Failure to comply with the notice would be a criminal offence, punishable by a fine and the site licence could be revoked upon a third or more subsequent prosecutions (section 18). Following a successful prosecution for breaching a compliance notice, the Council would be able to serve notice to enter the site and carry out the necessary works (Works in default).

- 4.18 In addition to this, Section 21 of the Act allows a notice to be served on site owners enabling the Council to enter the site and carry out emergency work where there is an imminent risk of serious harm.

- 4.19 The cost of deciding whether to take action, preparing and serving compliance and/or emergency action notices can be recovered (Section 19 and 22 respectively). The total expenses the local authority seeks to recover (the relevant expenses) can include, but not limited to:-

- Expert advice (including legal advice)
- Inspection costs
- Administration costs in serving notice

- 4.20 It is proposed that the costs of issue of a compliance notice will be a minimum set fee of £300 to cover the costs of qualified staff. Expert advice and other costs associated specifically with an individual case will also be chargeable on a case-by-case basis. A detailed breakdown of the relevant expenses will be outlined in the case demand schedule.

- 4.21 Interest may also be charged on compliance notice costs in accordance with the Act and set out in the policy.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 Officers from the Public Protection Division already carry out their enforcement duties taking due regard of any relevant equalities and language considerations. This new legislation is aimed at improving the conditions of mobile home sites and to better protect the rights of residents.

## 6. FINANCIAL IMPLICATIONS

6.1 There are no additional costs related to staffing.

The proposed charges are detailed below.

Process	Fee	Income
Application for Small site 1-10 caravans	£345	
Application for Medium site 11-51 caravans	£398	£1,194 (every fifth year)
Application for Large Site 51+ caravans	£597	
Amendment/Variation Existing Licence	£200/260	
Replacement Licence	£26	
Lodge Site rules	£42	
Issue of a compliance notice	£300.00	
Fixed Penalty Notice	£100 reduced to £75 if paid within 10 days.	

6.2 There are currently 3 mobile home sites within Caerphilly county borough and therefore additional income from application fees is estimated to be £1,194 every 5 years.

## 7. PERSONNEL IMPLICATIONS

7.1 None directly arising from the authorisation of officers under this Act where it is used to supplement existing enforcement activities.

## 8. CONSULTATION

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

## 9. RECOMMENDATIONS

9.1 That Cabinet note the implementation of this legislation and refer the recommended changes to the Council's Constitution to Council for determination. The Council's Monitoring Officer make the necessary amendments to the Council's Constitution.

9.2 That the Council's Constitution and Terms of Reference be amended by adding the following:

- The Mobile Homes (Wales) Act 2013

9.3 That Officers within the Public Protection Division be authorised under The Mobile Homes (Wales) Act 2013 in order to enforce the legislation and carry out their duties.

9.4 That Cabinet approve the Fees and Fines Policy (Appendix 1) including minimum charges for the taking of enforcement action.

9.5 That Cabinet approve the Fit and Proper Persons Policy (Appendix 2).

## 10. REASONS FOR RECOMMENDATION

10.1 In order to ensure proper and effective enforcement of the legislation and appropriate recovery of costs.

## 11. STATUTORY POWER

11.1 The Mobile Homes (Wales) Act 2013. The discharge of duties under the above legislation is a Cabinet function.

Author: Lyndon Ross, Senior Environmental Health Officer.

Consultees: Councillor David Poole, Cabinet Member for Community and Leisure Services  
Dave Street, Director of Social Services  
Rob Hartshorn, Head of Public Protection  
Gail Williams, Interim Head of Legal Services  
Lisa Lane Solicitor  
Ceri Edwards, Environmental Health Manager  
Graham North, Public Sector Housing Manager  
Tim Stephens, Development Control Manager  
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)  
Sian Phillips, Human Resources Manager  
Mike Eedy, Finance Manager

Appendices:

Appendix 1 Fees and Charges Policy for Licensing and Compliance of Residential Mobile Homes Sites

Appendix 2 A Policy to Establish a Fit and proper Person Criteria in relation to The Mobile Homes (Wales) Act 2013

*Caerphilly CBC*

**Mobile Homes (Wales) Act 2013**

**Fees and Charges Policy for  
Licensing and Compliance of  
Residential Mobile Homes Sites**

*Draft 5<sup>th</sup> January 2015*

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## **APPENDICES**

- A - FEES FOR LICENSING RESIDENTIAL MOBILE HOME SITES**
- B – CALCULATION OF FEES**



## 1. INTRODUCTION

- 1.1 The Mobile Homes (Wales) Act 2013 has been introduced to supersede those elements of the Caravan Sites and Control of Development Act 1960 relating to the licensing of residential mobile home sites. The Mobile Homes (Wales) Act 2013 (MHW Act), authorises local authorities to issue licences in respect of 'relevant protected sites' and to require applications for such licences to be accompanied by a fee fixed by the authority. A licence may be granted for up to 5 years. Fees may also be charged for applications to transfer site licences or to change conditions in site licences.
- 1.2 Caerphilly CBC is the local authority for purposes of the act for the county of Caerphilly, and has agreed to make charges for the licensing of relevant protected sites in accordance with the powers granted under the act as agreed by cabinet decision (*insert decision date*)
- 1.3 A relevant protected site is defined in the act as any land to be used as a caravan site other than one where the application for a licence is:
- For holiday use only, or
  - Subject to restrictions or conditions which limit the times of the year when the site may be used for stationing caravans for human habitation (e.g. planning conditions)
- 1.4 A relevant protected site does not however include sites that are owned by the local authority.

## 2. Legislation related to setting a Mobile Homes Site Licence Fee

Before a local authority can charge a fee, it must prepare and publish a fees policy. When fixing a fee the local authority:

- Must act in accordance with its fees policy
- May fix different fees in different cases
- May determine that no fee is required in some cases

Any fees charged must fairly cover the costs (or part of the costs) incurred by the local authority in performing its functions under the MHW Act, (excluding the costs of enforcement action or any functions relating to prohibiting caravans on commons or provision of sites by the local authority itself).

### 2.1 Section 6 of the MHW Act 2013

- (5) A local authority may require an application for a site licence to be accompanied by a fee fixed by the local authority (section 36).

## **2.2 Section 36 of the MHW Act 2013**

- (1) This section applies where a local authority proposes to charge a fee under Section 6 (application for a site licence) or Section 13 (variation of a site licence)
- (2) Before charging the fee, the local authority must prepare and publish a fees policy
- (3) When fixing a fee for the purposes of Section 6 or 13 the local authority –
  - A. Must act in accordance with its fees policy
  - B. May fix different fees for different cases or descriptions of case, and
  - C. May determine that no fee is required to be paid in certain cases or descriptions of case.
- (4) When fixing a fee for any of those purposes, the local authority may not take into account any costs incurred by it in exercising –
  - A. Its functions under any of the sections 15 to 25 (breach of conditions), or
  - B. Any function under any provision of this Act in relation to a site which is not a regulated site.
- (5) The local authority may revise its fees policy and, where it does so, must publish the policy as revised.

## **2.3 Fee to vary a condition of Site Licence**

### **Section 13 of the MHW Act 2013**

- (4) A local authority may require an application for a variation of the conditions of the site licence to be accompanied by a fee fixed by the local authority (section 36).

## **2.4 Fee for the lodging of Site Rules**

### **Section 52 of the MHW Act 2013**

- 11 The Welsh Ministers may by regulations—
  - (a) require a local authority to establish and keep up to date a register of site rules in respect of protected sites in its area,
  - (b) require a local authority to publish the up-to-date register,
  - (c) provide that any deposit required to be made by virtue of subsection (d)
  - (d) must be accompanied by a fee of such amount as the local authority may determine.

**Regulation 12(4) of the Mobile Homes Site Rules (Wales) Regulations 2014 state:**

(4) A deposit required to be made by virtue of this regulation must be accompanied by a fee of such amount as the local authority may determine.

2.5 In setting its fees policy and the fees to be charged the council has had regard to the Fees Toolkit Guide for Local Authorities On Setting Site Licensing Fees issued by the Wales Heads of Environmental Health Expert Panels for Licensing and Private Sector Housing.

### **3. THE LICENCE FEE STRUCTURE**

3.1 In calculating its fee structure, the council has calculated its fees in accordance with the provisions of the act, and the fees determined are set out in the appendix to this policy.

3.2 In determining those fees, the council has taken into account all administrative costs incurred in the licensing process, officer visits to sites, travel costs, consultations, monitoring of sites/investigation of complaints and the giving of informal advice.

3.3 The council, in accordance with the legislation the following sites are exempt from licensing:

- Local Authority-owned sites
- Use incidental to a dwelling house within the same curtilage
- Sites where a single caravan is stationed on land more not more than 28 days in any 12 month period.
- Sites where caravans are stationed on land not less than 20,000 square metres for not more than 28 days and not more than 3 caravans are stationed at any one time.
- Sites where caravans are solely for workers employed in building or engineering operations on that or adjacent land.
- Sites where caravans are solely for seasonal agricultural/forestry workers employed on land owned by the site owner.
- Sites used by travelling showmen who are members of a relevant organisation.
- Sites occupied by organisations holding a certificate of exemption

### **4. REVIEW OF THE LICENCE FEE STRUCTURE**

4.1 A review of the fee structure will be carried out every other year/biennially and it will be revised if necessary. Any adjustments will take into account variations in officer and administration time to those used in calculating the fees set out in this policy document, along with any changes to other costs incurred in providing the licensing function.

## **5. PUBLISHING THE FEE POLICY**

- 5.1 The fees policy for licensing of residential park home sites will be published on the council's website
- 5.2 If the council revises its fees policy, it will replace the published policy with the revised policy. The policy will also be available to view during normal office hours at:

***Environmental Health ,  
Ty Pontllanfraith,  
Blackwood Road ,  
Pontllanfraith  
NP12 2YW***

## **6. PAYMENT OF FEES.**

- 6.1 The council requires application fees for a site licence, for amending a site licence or for transferring a site licence to accompany the application. The council will not commence the application process until such time as the fee is received.
- 6.2 Application fees are not refundable if the application is not approved.

## **7. OTHER CHARGES**

### **7.1 Enforcement Expenses**

- 7.1.1 The council is entitled, and will seek, to recover expenses incurred in carrying out enforcement action involved in the service of a compliance notice. These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.
- 7.1.2 Where appropriate, the council will also seek to recover expenses incurred:
- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
  - In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions
- 7.1.3 Interest may be charged on any sums to be recovered as a result of enforcement action.
- 7.1.4 The council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

### **7.2 Deposit of Site Rules**

7.2.1 In accordance with the Mobile Homes (Site Rules) (Wales) Regulations 2014 requires site owners to review existing site rules and consult with residents in respect of proposed site rules. Once agreed with the residents the site owner is required to lodge the site rules with the Council. The Council needs to approve and register the rules. The Council will also be required to publish the list of site rules on the Council's website.

7.2.2 A **set fee of £42 is made for depositing, varying and deleting site rules.** If the park owner has completed an inadequate consultation process, it is proposed that a new fee for depositing of site rules must be paid by the park owner to cover the Council's costs

## **APPENDIX A FEES FOR LICENSING RESIDENTIAL MOBILE HOME SITES**

The following fees will apply

**i. Initial Licence Application:**

- a set flat administrative fee for processing the application,

Application for Small site 1-10 caravans	£345
Application for Medium site 11-51 caravans	£398
Application for Large Site 51+ caravans	£597

A licence will be granted for up to 5 years

It is proposed that small sites with only 1 pitch, and used exclusively for the owner and their family (and not deemed incidental to the use of a dwelling house within the same curtilage), and not operated for financial gain are not charged.

It is considered unreasonable to charge an inspection fee for these types of sites because experience has shown that they represent a low risk and require little or no enforcement therefore more suitable for light touch monitoring.

**ii. Discount incentives for early renewal following 5 years**

It is proposed that an incentive based discount scheme is introduced in respect of site licence renewals. The purpose of the discount is to encourage good practice and early submission of the renewal applications that would prevent unnecessary chasing of applications by the Council. The details of this policy will be developed at a future date during the annual review of site licence fees that will be brought to Scrutiny and Cabinet at this time.

**iii. Variation of existing site licence condition / replacement licence**

The Council may also apply a fee to vary an existing site licence. The Council may vary the site licence upon the request of the licence holder or if there is a change in

circumstances. It is proposed that the **application fee for variation of a site licence is a set fee of £200 rising to £260 if an inspection is required**. If the Council deems it necessary to alter site licence conditions to take account of new Welsh Assembly Government Model Standards for Residential Caravan Sites, there will be no fee payable from the licence holder.

For a **replacement licence a charge of £26** will be levied

#### **iv. Fees for lodging site rules**

In accordance with the Mobile Homes (Site Rules) (Wales) Regulations 2014 requires site owners to review existing site rules and consult with residents in respect of proposed site rules. Once agreed with the residents the site owner is required to lodge the site rules with the Council. The Council needs to approve and register the rules. The Council will also be required to publish the list of site rules on the Council's website.

It is proposed that a **set fee of £42 is made for depositing, varying and deleting site rules**. If the park owner has completed an inadequate consultation process, it is proposed that a new fee for depositing of site rules must be paid by the park owner to cover the Council's costs.

#### **v. Enforcement Charges**

The council is entitled in accordance with section 19 and 22 of the MHW Act 2013, and will seek to recover expenses incurred in carrying out enforcement action involved in the service of a compliance/emergency compliance notice and Fixed Penalty Notices (set at not exceeding level 1 of the standard scale for summary offences within the MHW Act for the latter). These expenses include costs incurred in deciding whether to serve a notice, site inspections, preparing the notice and obtaining expert advice.

Where appropriate, the council will also seek to recover expenses incurred:

- In taking action following conviction of the site owner for failure to carry out actions required by a compliance notice; or
- In taking emergency action where there is an imminent risk of serious harm to any person on the site as a result of the site owner's failure to comply with licence conditions

Interest may be charged on any sums to be recovered as a result of enforcement action.

The council will also be able to register any of the debts to be recovered for enforcement actions as a local land charge against the site.

#### **Fixed Penalty Notices**

Section 15 of the Mobile Homes (Wales) Act 2013 allows the Council discretion to

issue Fixed Penalty Notices (FPN) to discharge certain minor breaches of site licence conditions. Fixed Penalty Notices must not exceed level 1 on the standard Scale of fines. A fixed penalty notice could be used by the Council to deal with minor infringements such as:

- failure to remove litter
- non compliance with site rules
- poor provision of adequate lighting around the site

The charge for the Mobile Home Fixed Penalty Notices will be £100 with this reduced to £75 if paid within 10 days.

### Compliance Notices

Section 17 of the Mobile Homes (Wales) Act 2013 allows the Council discretion to serve compliance notices on site owners where site licence conditions are breached. Such notices will set out what the site owner needs to do to correct the breaches and the timescales. Failure to comply with the notice would be a criminal offence, punishable by a fine and the site licence could be revoked upon a third or more subsequent prosecutions (section 18). Following a successful prosecution for breaching a compliance notice, the Council would be able to serve notice to enter the site and carry out the necessary works (Works in default).

In addition to this, Section 21 of the Act allows a notice to be served on site owners enabling the Council to enter the site and carry out emergency work where there is an imminent risk of serious harm.

The cost of deciding whether to take action, preparing and serving compliance and/or emergency action notices can be recovered (Section 19 and 22 respectively). The total expenses the local authority seeks to recover (the relevant expenses) can include, but not limited to:

- Expert advice (including legal advice)
- Inspection costs
- Administration costs in serving notice

The costs of issue of a compliance notice will be a **minimum set fee of £300**. Additional officer costs including expert advice and other costs associated specifically with an individual case will also be chargeable on a case-by-case basis. A detailed breakdown of the relevant expenses will be outlined in the demand that will accompany the payment.

In accordance with section 25 of the Act, the Council reserves the right to charge interest above the Bank of England Base rate to all outstanding operative demands in respect of Compliance or Emergency Action Notices.

The relevant expenses and any accrued interest are, until recovered, a legal land charge.

## APPENDIX B CALCULATION OF FEES

A Fees Toolkit has also been developed in conjunction with the All Wales Licensing Expert Panel with the aim of providing a consistent and robust mechanism for the setting of licence fees. The All Wales Licensing Expert Panel is a sub group of the Welsh Heads of Environmental Health Group (WWhoEHG).

The membership includes Managers and Senior Officers from local authorities in Wales that have responsibility for Licensing functions. The toolkit includes full guidance notes on how to populate the spreadsheet to calculate the fees. The toolkit provides a clear methodology for calculating the application fee and other fees set out in the Act. It has been designed to assist in setting fees that are based on the full cost recovery of the work involved in the licensing of sites in a way that is transparent and robust. Below is a summary of how the fees and charges have been calculated:

In completing the toolkit, officer hourly rates, fixed inspection times and per pitch times were calculated for the various steps in the toolkit which were based on officer experience and benchmarking with other local authorities who have already gone through the process of site inspections and licensing.

The Finance section provided hourly rates for officers and managers within licensing and public health protection, as they are responsible for mobile home licensing and inspections.

**Table 1 New Site Licence Application –Small Site**

### **Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	
<b><u>New Small</u></b>				-
<b><u>Application Process</u></b>	-	-	-	-
<b>Receipt of application form</b>	£0.00	£0.00	10 £3.64	£3.64
<b>Check application form and associated documents and deal with any issues</b>	£0.00	30 £19.92	10 £3.64	£23.56
<b>Receipt of application fee &amp; issue receipt</b>	£0.00	£0.00	5 £1.82	£1.82
<b>Record created on</b>			5	



computer system and paper file created	£0.00	£0.00	£1.82	£1.82
Consultation carried out with relevant authorities i.e planning	£0.00	£6.64	£0.00	£6.64
Inspection Carried Out (Small Site) inc. travelling time	£0.00	£79.67	£0.00	£79.67
Prepare draft licence conditions / letter identifying works /	£0.00	£39.83	£0.00	£39.83
discuss with applicant and amend	£0.00	£29.88	£0.00	£29.88
Consultation responses / representations received	£0.00	£13.28	£5.46	£18.74
Amend draft licence conditions as necessary	£0.00	£19.92	£0.00	£19.92
Verify application criteria met	£0.00	£9.96	£0.00	£9.96
Refer for management decision	£11.50	£0.00	£0.00	£11.50
Computer system updated	£0.00	£0.00	£3.64	£3.64
Licence and conditions produced	£0.00	£0.00	£5.46	£5.46
Licence authorised and signed	£0.00	£3.32	£0.00	£3.32
2 copies of licence and conditions posted	£0.00	£0.00	£3.64	£3.64
Paper file updated and filed / stored	£0.00	£0.00	£1.82	£1.82
Interim Inspection (small site) inc travelling time	£0.00	£79.67	£0.00	£79.67
				£344.53
				£345

**Table 2 - New Site Licence Application– Medium Site**

**Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	

<u>New Medium</u>				-
<u>Application Process</u>	-	-	-	-
Receipt of application form	10			
	£0.00	£0.00	£3.64	£3.64
Check application form and associated documents and deal with any issues	30	10		
	£0.00	£19.92	£3.64	£23.56
Receipt of application fee & issue receipt	5			
	£0.00	£0.00	£1.82	£1.82
Record created on computer system and paper file created	5			
	£0.00	£0.00	£1.82	£1.82
Consultation carried out with relevant authorities i.e planning	10			
	£0.00	£6.64	£0.00	£6.64
Inspection Carried Out (Medium Site) inc travelling time	160			
	£0.00	£106.22	£0.00	£106.22
Prepare draft licence conditions / letter identifying works /	60			
	£0.00	£39.83	£0.00	£39.83
discuss with applicant and amend	45			
	£0.00	£29.88	£0.00	£29.88
Consultation responses / representations received	20	15		
	£0.00	£13.28	£5.46	£18.74
Amend draft licence conditions as necessary	30			
	£0.00	£19.92	£0.00	£19.92
Verify application criteria met	15			
	£0.00	£9.96	£0.00	£9.96
Refer for management decision	15			
	£11.50	£0.00	£0.00	£11.50
Computer system updated	10			
	£0.00	£0.00	£3.64	£3.64
Licence and conditions produced	15			
	£0.00	£0.00	£5.46	£5.46
Licence authorised and signed	5			
	£0.00	£3.32	£0.00	£3.32

2 copies of licence and conditions posted	10			
	£0.00	£0.00	£3.64	£3.64
Paper file updated and filed / stored	5			
	£0.00	£0.00	£1.82	£1.82
Interim Inspection (Medium site) inc travelling time	160			
	£0.00	£106.22	£0.00	£106.22
				£397.64
				£398

**Table 3 New Site Licence Application –Large Site**

**Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	
<b><u>New Large</u></b>				-
<b><u>Application Process</u></b>	-	-	-	-
	-	-	-	-
Receipt of application form	10			
	£0.00	£0.00	£3.64	£3.64
Check application form and associated documents and deal with any issues	30		10	
	£0.00	£19.92	£3.64	£23.56
Receipt of application fee & issue receipt	5			
	£0.00	£0.00	£1.82	£1.82
Record created on computer system and paper file created	5			
	£0.00	£0.00	£1.82	£1.82
Consultation carried out with relevant authorities i.e planning	10			
	£0.00	£6.64	£0.00	£6.64
Inspection Carried Out (Large Site) inc travelling time	310			
	£0.00	£205.81	£0.00	£205.81
Prepare draft licence conditions / letter identifying works /	60			
	£0.00	£39.83	£0.00	£39.83
discuss with applicant and amend	45			
	£0.00	£29.88	£0.00	£29.88
Consultation responses / representations received	20		15	
	£0.00	£13.28	£5.46	£18.74
Amend draft licence conditions as necessary	30			
	£0.00	£19.92	£0.00	£19.92
Verify application criteria	15			

met	£0.00	£9.96	£0.00	£9.96
Refer for management decision (time per task multiplied by no. referred to Cabinet divided by total number of applications)	15			
	£11.50	£0.00	£0.00	£11.50
Computer system updated	10			
	£0.00	£0.00	£3.64	£3.64
Licence and conditions produced	15			
	£0.00	£0.00	£5.46	£5.46
Licence authorised and signed	5			
	£0.00	£3.32	£0.00	£3.32
2 copies of licence and conditions posted	10			
	£0.00	£0.00	£3.64	£3.64
Paper file updated and filed / stored	5			
	£0.00	£0.00	£1.82	£1.82
Interim Inspection (Large site) inc. travelling time		310		
	£0.00	£205.81	£0.00	£205.81
				£596.81
				£597

**Table 4 - Amendment of existing site licence/ Variation of conditions**

**Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	
<u>Vary Conditions</u>				-
<u>Application Process</u>	-	-	-	-
	-	-	-	-
Receipt of request	10			
	0.00	0.00	3.64	3.64
Check request and deal with any issues	30			
	0.00	19.92	0.00	19.92
Receipt of fee & issue receipt	0			
	0.00	0.00	3.64	3.64
System updated	5			
	0.00	0.00	1.82	1.82
Consultation carried out with relevant authorities i.e planning	30			
	0.00	19.92	0.00	19.92

discuss with applicant and amend (if necessary)	30			19.92
	0.00	19.92	0.00	
Inspection Carried Out (if necessary)	90			59.75
	0.00	59.75	0.00	
Amend site licence and conditions	30.00			19.92
	0.00	19.92	0.00	
discuss with applicant and amend	15.00			9.96
	0.00	9.96	0.00	
Consultation responses / representations received	30.00			19.92
	0.00	19.92	0.00	
Amend draft licence conditions as necessary	30			19.92
	0.00	19.92	0.00	
Refer for management decision	20		0	15.33
	15.33	0.00	0.00	
Liaise with consultees	20			13.28
	0.00	13.28	0.00	
Computer system updated	0		10	3.64
	0.00	0.00	3.64	
Licence and conditions produced	0	20	0	13.28
	0.00	13.28	0.00	
Licence authorised and signed	10			6.64
	0.00	6.64	0.00	
2 copies of licence and conditions posted	0		15	£5.46
	£0.00	£0.00	£5.46	
Paper file updated and filed / stored	10			3.64
	0.00	0.00	3.64	
				£0.00
	£0.00	£0.00	£0.00	
				£259.59
				£260

It is proposed that the application fee for variation of a site licence is a set fee of £200 rising to £260 if an inspection is required

**Table 5 - Replacement Licence**

**Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	
<b><u>Replacement Licence</u></b>				-
<b><u>Application Process</u></b>	-	-	-	-
	-	-	-	-
<b>Notification received</b>	0.00	0.00	3.64	£3.64
			10	
<b>Computer System updated</b>	0.00	0.00	3.64	£3.64
			10	
<b>Licence produced</b>	0.00	0.00	5.46	£5.46
			15	
<b>File Updated</b>	0.00	0.00	3.64	£3.64
			10	
<b>Licence sent</b>	0.00	0.00	7.29	£7.29
			20	
<b>File returned in system</b>	0.00	0.00	1.82	£1.82
			5	
	0.00	0.00	0.00	£0.00
				£25.50
				£26

For a replacement licence a charge of £26 will be levied.

**Table 6 - Fees for lodging site rules**

**Mobile Homes (Wales) Licensing**

Post Title	Licensing Manager	EHO	Admin	Totals
Hourly Rate	£45.98	£39.83	£21.86	
<b><u>Lodge Rules</u></b>				-
<b><u>Application Process</u></b>	-	-	-	-
	-	-	-	-
<b>Receipt of notification</b>	0.00	0.00	3.64	3.64
			10	
<b>Check notification and</b>		30		

<b>deal with any issues i.e. against model standards</b>	<b>0.00</b>	<b>19.92</b>	<b>0.00</b>	<b>19.92</b>
<b>Receipt of fee &amp; issue receipt</b>			<b>10</b>	
	<b>0.00</b>	<b>0.00</b>	<b>3.64</b>	<b>3.64</b>
<b>System updated</b>			<b>10</b>	
	<b>0.00</b>	<b>0.00</b>	<b>3.64</b>	<b>3.64</b>
<b>Confirmation letter sent to applicant</b>			<b>10</b>	
	<b>0.00</b>	<b>0.00</b>	<b>3.64</b>	<b>3.64</b>
<b>Upload site rules to online register</b>			<b>20</b>	
	<b>0.00</b>	<b>0.00</b>	<b>7.29</b>	<b>7.29</b>
				<b>£41.77</b>
				<b>£42</b>

It is proposed that a set fee of £42 is made for depositing, varying and deleting site rules.

### **ENFORCEMENT CHARGES**

The cost of deciding whether to take action, preparing and serving compliance and/or emergency action notices can be recovered (Section 19 and 22 respectively).

The total expenses the local authority seeks to recover (the relevant expenses) can include, but not limited to:

- Expert advice (including legal advice)
- Inspection costs
- Administration costs in serving notice

The costs of issue of a compliance notice will be a minimum set fee of £300. Additional officer costs including expert advice and other costs associated specifically with an individual case will also be chargeable on a case by case basis. A detailed breakdown of the relevant expenses will be outlined in the demand, which will accompany the payment.

This initial fee is based on an officer hourly rate of £39.83 for 6 hours, plus senior officer or management check of 30 minutes at £23.99.

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**A Policy to Establish a Fit and proper Person Criteria in relation to  
The Mobile Homes (Wales) Act 2013**

**1. Introduction**

1.1 In deciding to grant a site licence for a regulated mobile home site under the Mobile Homes (Wales) Act 2013, a local authority must be satisfied that the site owner “is a fit and proper person to manage the site or (if the owner does not manage the site) that a person appointed to do so by the owner is a fit and proper person to do so...” or “has, with the owner’s consent, itself appointed a person to manage the site.” This requirement is to ensure that those responsible for operating the site licence and managing the site are of sufficient integrity and good character to be involved in the management of a regulated site for mobile homes to which the application relates and as such they do not pose a risk to the welfare or safety of persons occupying mobile homes on the site.

1.2 A licence should be refused if there is a finding that the licence holder and/or his manager is unfit, if there are doubts as to someone’s fitness these can be addressed through the setting of appropriate site licence conditions. However, the question of the person’s fitness must be in relation to the **management** of the mobile home site to which the application relates.

**2. Evidence**

2.1 When considering whether a person is ‘fit and proper’ the local authority must have regard to any ‘wrong doings’ of the person concerned, i.e. evidence that the person has:

(a) committed any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements),

(b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 or victimised another person contrary to that Act, in or in connection with the carrying on of any business, or

(c) contravened any provision of the law relating to housing (including mobile homes) or landlord and tenant.

**3. Items to Consider**

3.1 A local authority must also consider evidence that anyone associated or formerly associated with the person has committed any of the offences set out above and

whether that evidence is relevant to the question of whether the person is a fit and proper person to manage the regulated site.

3.2 Local authorities should not consider poor management practices as wrong doings, unless they are in breach of the criminal or civil law. A person cannot be deemed unfit, simply because of poor management, although that is highly relevant to determining any question of suitability or competence.

3.3 The wrong-doing has to be relevant to the person's fitness to hold a licence and/or manage the particular mobile home site to which the application for a licence relates and, in regard to criminal offences, the local authority must only have regard to unspent convictions.

3.4 An unspent conviction will not necessarily prevent a fit and proper judgement by the local authority. A local authority should not adopt a blanket policy with respect to its treatment of wrong-doings. Each case must be considered on its own merits and if a licence is to be refused on the ground that a person is unfit, the local authority must be able to defend that decision with cogent reasons. Upon refusal, the local authority must notify the person of the reasons for the decision and their right to appeal. The proposed licence holder then has 28 days to appeal to the Residential Property Tribunal against the decision.

#### **4. Applications**

4.1 In an application for a site licence the proposed licence holder must provide details of the following in relation to him/herself and the proposed manager (if the applicant is not to be the licence holder):

- details of any refusal to grant a licence, or details of the revocation of a licence in the past 3 years in respect of a regulated mobile home site under his/her management or ownership.
- the details of any offence involving fraud, violence, firearms or drugs or any offence listed in Schedule 3 of the Sexual Offences Act 2003. This should include the offence, the date of sentence and the court that passed sentence.
- any findings of a court/tribunal that the person has practised unlawful discrimination under Section 4 of the Equality Act 2010.
- any judgement entered against that person in relation to a contravention of housing (including mobile homes) or landlord and tenant law (and, in so far it relates to the housing or landlord and tenant law, any contravention of any enactment relating to public or environmental health)

4.2 Since an applicant for a licence must disclose his/her and any proposed manager's wrong-doings, if any, a local authority should normally have sufficient information to decide a person's fitness based on the application. If the local authority is satisfied that it has sufficient information (being that supplied in

connection with the application) to make a determination, it may require the applicant to provide further details. In some cases it may wish to invite the applicant and/or the manager to a meeting to discuss and clarify any issues arising.

4.3 If an applicant provides false or misleading information about any wrong-doings, he commits an offence and can receive an unlimited fine upon summary conviction. If an applicant has provided false or misleading information (without reasonable excuse), that would be a clear indication of his unfitness. The Welsh Government in its 'Advice for Local Authorities – August 2014' indicates that local authorities should not routinely make police checks or request information on criminal convictions. It states that this is particularly the case because any evidence relating to criminal convictions is only part of the picture in assessing a person's fitness and that a local authority should only conduct such checks if it has a good reason for doing so

4.4 Where a business or organisation is to be the licence holder or manager, a 'fit and proper person' declaration signed by the company secretary or other responsible person is needed on behalf of the company, partnership or trust. Any employee who is involved with the management of the mobile home site can be regarded as an 'associate'.

4.5 In the case of an applicant who has a relevant conviction which was correctly declared, a judgement must still be made taking account of other information available about the applicant and if necessary by interview to assess whether he or she is able and willing to operate in a manner regarded by the local authority as fit and proper. In considering past actions of the applicant and the conviction, the local authority should consider whether any problems are likely to occur again and whether they are likely to affect the applicant's management and conduct on the site. In particular, the nature of any agency arrangement should be taken into account.

## **5. Completion**

5.1 Where a licence holder under the Mobile Homes (Wales) Act 2013 contravenes the fit and proper person test during the period of the licence, a local authority may apply to the Residential Property Tribunal Wales for an order revoking the site licence. A person guilty of an offence is liable on conviction to an unlimited fine.

5.2 Similarly, the fit and proper person status can be removed from managers and anyone else involved in the management of the site. It would then be a breach of a licence condition if that person continues in that capacity.

If the local authority is however satisfied that the applicant is a fit and proper person to manage the site then Section 3 of the application for a site licence is completed.

January 2015

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## COUNCIL – 10TH MARCH 2014

**SUBJECT: LICENSING/REGISTRATION/PERMIT FEES – 2015/16**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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- 1.1 The attached report, which proposed the Licensing/Registration/Permit Fees for the next financial year, was considered by the Licensing Committee on 16th February 2015.
- 1.2 The report detailed fees in a number of areas, which are reviewed annually to recover reasonable costs of providing the service. The report recommended fees, which were detailed in Appendix 1 and 3 of the report, and Members were asked to note that the proposed fees for hackney carriage/private hire vehicles and operators would be advertised in the local press for 28 days to allow for any trade objections. Historically the Licensing Committee, have been given delegated authority to consider any objections received, determine the fees and the date they come into force. If objections were received a further report would be submitted to the Licensing Committee regarding this matter. If there are no objections the fees automatically come into force at the end of the statutory 28-day consultation.
- 1.3 Members discussed the report and it was noted that the Government, as outlined in Appendix 4 of the report currently sets any fees charged in connection with the Licensing Act 2003. The Police Reform and Social Responsibility Act 2011 enables Local Authorities in future to set their own fees and it was noted that the Government have indicated a move to locally set fees, however the date is not yet confirmed.
- 1.4 Following discussion on the content of the report, the Licensing Committee noted the level of fees charged in connection with the Licensing Act 2003 and unanimously recommended to Council that for the reasons contained therein:-
  - (i) Where appropriate, the fees proposed for 2015/16, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1st April 2015.
  - (ii) The proposed fees for hackney carriage/private hire vehicles and private hire vehicle operator licences be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.
- 1.4 Members are asked to consider the recommendations.

Author: C. Evans, Committee Services Officer, Ext. 4245

Appendices:

Appendix 1 Report to Licensing Committee on 16th February 2015

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## LICENSING COMMITTEE – 16TH FEBRUARY 2015

**SUBJECT: LICENSING/REGISTRATION/PERMIT FEES – 2015/16**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### **1. PURPOSE OF REPORT**

- 1.1 The report is seeking views of Members on recommended increases in the Licensing / Registration / Permit Fees for 2015/16 prior to its presentation at Council.

### **2. SUMMARY**

- 2.1 Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends increases in fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.

### **3. LINKS TO STRATEGY**

- 3.1 The Licensing function is a statutory duty of the authority and contributes to the Prosperous Caerphilly and Safer Caerphilly Priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers. Due to the broad range of Licensing/Registration/Permit Fees covered, the function also contributes to a number Objectives under the Council's Strategic Equality Plan 2012.

### **4. THE REPORT**

- 4.1 The review of fees charged, involves consideration of the cost to the Authority in providing the service and comparing fees set by neighbouring and other South Wales authorities. The authority has a statutory duty to administer certain licences, registrations and permits. 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. A review of locally set fees has indicated that some current fee levels are not meeting the cost of providing the service. These have been increased accordingly in an effort to cover costs.
- 4.2 Licence fees are based on the estimated time spent by officers on the processes for issuing and administering the various types of licences and where appropriate monitoring and compliance. The hourly rate applied includes salaries, supplies and services costs associated with the Licensing Service, management costs and general on costs and overheads.
- 4.3 Appendix 1 to this report sets out the existing general fees and those proposed. Appendix 2 sets out the comparisons of the taxi related fees currently charged by neighbouring authorities. Appendix 3 sets out the proposed fees to be charged in connection with the Gambling Act 2005. For the ease of calculation and collection, all these fees have been rounded to the nearest pound. The fees charged in connection with the Licensing Act 2003 are attached for information as Appendix 4. Appendix 5 shows the estimated income and expenditure relating to the taxi element of the service for 2015/16.

- 4.4 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. Examples of the level of increase are as follows:
- £15.00 (£0.56 a month) for a 2 year hackney carriage/private hire vehicle driver's licence
  - £20.00 (£1.52 a month) for a hackney carriage or private hire vehicle licence
  - £18.00 (£1.36 a month) for a pet shop licence
  - £24.00 (£1.84 a month) for a Street Trading renewal licence.
- 4.5 **Licensing Act 2003** fees are set by the Government and have remained static since 2005. The Police Reform and Social Responsibility Act 2011 enables local Authorities in future to set their own fees. The Government has indicated a move from centrally-set to locally-set fees under the Licensing Act 2003 but at the time of writing this report an implementation date is unknown. Until the Secretary of State implements any changes, applications and annual fees must continue to be charged at the current fee level.
- 4.6 **Gambling Act 2005** – Whilst the Government sets maximum fee levels, the Authority has the discretion to set fees at a level considered appropriate to cover costs. It is proposed that these fees remain at the current level.
- 4.7 **Taxi Vehicle and Operator Licences** - The Council is entitled to set fees that cover the reasonable costs of providing these services. Appendix 5 demonstrates the deficit between income and expenditure in this area and appendix 2 a comparison of the proposed fees, with those currently charged by neighbouring authorities. Fees charged for hackney carriage/private hire vehicles and private hire vehicle operator's licences cannot be increased without the proposals being advertised in the local press. This is the process by which the trade can formally object to any increases. Any objections received must be considered and historically the 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. The costs for transfer of vehicle and change of vehicle have been incorporated into the Hackney Carriage /Private Hire vehicle licence fee.

The DVLA will shortly stop issuing paper licence counterparts which will have a direct impact on the processing of taxi driver applications. In order to verify an applicant's driving status it will be necessary to implement the DVLA on line licence validation service. Applicants will be obliged to sign a 3-year mandate, which entitles the authority to conduct the online check at a charge of £1.00 per check. A fee of £5.00 is therefore proposed payable every three years to cover annual checks and associated administrative costs.

The authority intends to introduce a knowledge test to assess the suitability of applicants to be licensed as a taxi driver in 2015/16. Applicants will be required to pass the test before applying for a licence. The test will be administered by external providers, who set their own fees. Costs are therefore included in Appendix 1 for information purposes only.

New types of fee are also proposed to cover additional costs to the authority incurred from replacing lost plates and badges. These include the cost of consumable materials and administrative costs associated with producing and issuing replacements.

There has been a marked increase in demand for new vehicle and driver licences but also an increase in missed appointments. This results in wasted officer preparation time and inconveniences those persons who are waiting for appointments. It is therefore proposed to introduce a charge for failure to attend an appointment without having notified the authority twenty-four hours in advance of their inability to attend.

- 4.8 **Scrap Metal Dealers Act 2013** - The fees charged for Scrap Metal dealers were introduced in October 2013 as a result of new legislation and licensing controls. The current and proposed fees are included in Appendix 1 for information only as this is an Executive function.



4.9 **Civil Marriage and Civil Partnership** - premises licence fees have been reviewed and reflect the more streamlined approval process now in place and the fact that newspaper advertisements are no longer required.

4.10 **Street Trading** - It is proposed to introduce pro rata fees in respect of street trading during seasonal periods, for example 3 months during the winter or 9 months covering spring to autumn.

## **5. EQUALITIES IMPLICATIONS**

5.1 An Equalities Impact Assessment on Locally set Licensing Fees has been completed as part of the Medium Term Financial Planning process and is available on request.

## **6. FINANCIAL IMPLICATIONS**

6.1 If the recommendations of the report are adopted, the annual income where appropriate will be increased. The requirement to advertise and consult on increased taxi vehicle fees will result in a cost to the service of approximately £750; Fees must not exceed the costs of administering the licensing regime.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications.

## **8. CONSULTATIONS**

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

## **9. RECOMMENDATIONS**

9.1 That the Committee note the level of fees charged in connection with the Licensing Act 2003 and consider and offer any comment to Council on the following:

- (i) Where appropriate, the fees proposed for 2015/16, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1<sup>st</sup> April 2015.
- (ii) The proposed fees for hackney carriage/private hire vehicles be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service.

## **11. STATUTORY POWER**

11.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts. This is a Council function.

Author: Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Consultees: Cllr J Bevan, Chairman, Licensing Committee  
Cllr DM Gray, Vice Chairman, Licensing Committee  
Cllr D Poole, Cabinet Member for Community and Leisure Services,  
Dave Street, Director Social Services  
Robert Hartshorn, Head of Public Protection  
Myra McSherry, Licensing Manager  
Mike Eedy, Finance Manager  
Gail Williams, Interim Head of Legal services and Monitoring Officer  
Sue Ead, Solicitor, Legal Services  
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)  
Sian Phillips, HR Manager  
Della Mahony, Superintendent Registrar

Appendices:

Appendix 1 – Existing and proposed fees for 2015/16  
Appendix 2 – Comparison of existing taxi related fees with neighbouring authorities  
Appendix 3 – Gambling Act 2005 – Proposed premises licence fees for 2015/16  
Appendix 4 – Licensing Act 2003 – Main fees  
Appendix 5 – Estimated income and expenditure relating to the taxi element of the service for 2015/16

## LICENSING/REGISTRATION/PERMIT FEES – 20115/16

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<b><u>Miscellaneous</u></b>	£	£
Zoo	1172.00*	1172.00
Commercial Breeding Establishments	162.00*	200
Home Breeding Establishments	100.00*	120
Commercial Animal Boarding Establishments	162.00*	200
Home Animal Boarding Establishments	80.00*	100
Pet Shops	162.00*	180
Riding Establishments	296.00*	311
Dangerous Wild Animals	403.00*	423
Performing Animals	89.00*	120
	* Fees for vet to be added, where appropriate	
Acupuncture, Tattooing, Ear Piercing and Electrolysis - Premises	148.00	155.00
Person	92.00	101.00
Variation	25.00	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
<b>Scrap Metal 3yr licence (Executive function, for information only)</b>		
Site Operator 3yr licence	354.00	389
Collector 3yr licence	249.00	277
<b>Variation -</b>		
Change of name, site details	28.00	32.00
Change of site manager	47.00	53.00
Change of type of licence	47/28	53/32
<b>Pleasure Boats</b>	182.00	200
<b>Boatmen</b>	76.00	84.00
<b><u>Sex Establishments</u></b>		
Grant	1161	1161
Renewal (annual licence)	600	600
Transfer	600	600

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<b>Street Trading</b>		
Permanent static consent and mobile traders (new applications)	746.00	783.00
Permanent static consent and mobile traders (renewal applications)	479.00	503.00
Variation to a consent	101.50	107.00
Temporary consent –		
One off day rate	25.00	26.00
Up to 7 days	50.50	53.00
8 – 28 days	101.50	107.00
<b>Seasonal:</b>		
Up to 3 months	-	195.75
Up to 6 months	-	391.50
Up to 9 months	-	587.25
<b><u>Marriage Act (3 Year Premises Licence)</u></b>		
New applications	1442	1080
Renewal	1442	769:00
<b><u>Sports Grounds - Designated Stadium</u></b>		
General Safety Certificates –		
<b><u>Regulated Stands</u></b>		
General Safety Certificates – (Permanent)		
Issue	1453.00	1526.00
Replacement	101.00	106.00
Transfer	194.00	204.00
Amendment	194.00	204.00
Special Safety Certificates – (Temporary)	194.00	204.00
Issue		
<b><u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u></b>		
Private Hire Vehicle Operators	262.00	262.00
Hackney Carriage/Private Hire Vehicles**	198.00	208.00
Hackney Carriage/Private Hire Drivers (2yr licence)	147.00	162.00
<b>Replacement Fees</b>		
Rear plate	-	11.00
Rear plate and bracket		22.00
Badge	-	6.00
Internal front disc	-	6.00
Internal back disc.	-	7.00
DVLA check Fee (3 yearly)	-	5.00
Missed appointment fee	-	10.00
<b>Test Fees</b>		
First Re-test (within 10 working days)	16.50	16.50
Subsequent Re-test	35.00	35.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Assessment of seating capacity	5.00	5.00
External Pre Application Driver assessment test (Knowledge)	-	<b>60.00***</b>

\*\* includes £35 test fee \*\*\* **Fee externally set and subject to change**

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## COMPARISON OF EXISTING TAXI RELATED FEES WITH NEIGHBOURING AUTHORITIES

Authority	Driver's Licence £	Vehicle Licence £	Operator's Licence £
Blaenau Gwent	131.00 (new ) 126.00 (renewal) Annual	201.00 (new ) 187.00 (renewal) - Annual	105. 00 – (new) 103.00(renewal) Annual
Caerphilly	147.00 (new & renewal) 2 yearly	198.00 (new & renewal) Annual	262.00 – (unlimited vehicles) – (new & renewal) Annual
Cardiff	249.00 (new) 43.00 (renewal) Annual	HC renewal 163.00 (12 months) PH new 140.00 (12 months) PH renewal 102.00 (12 months) **	143.00 – (new & renewal) Annual
Merthyr Tydfil	168.97 (new) 71.54 (renewal) Annual	185.00 (new & renewal) Annual	135.00 (new & renewal) Annual
Monmouth	142. 00 – (new ) 70.00(renewal) Annual	181.00 (new & transfer) HC renewal147.00, 181.00 transfer PH new & transfer 179.00 PH renewal 156.00 Annual**	183. 00 – (new ) 167.00( renewal) Annual
Newport	300.00 – (new & renewal) 3 yearly	129.00 (under 3yrs) 110.00 (over 3 yrs ) 155.00 (over12yrs) Annual **	300.00 – (up to 5 vehicles) 350.00 – (6 - 9 vehicles) 450.00 – (up to 10 vehicles) Annual
RCT	161.00 (new & renewal) - 2 yearly*	225.00 (new & renewal) Annual **	328.00 (up to 4 vehicles) 383.00 (4 or more vehicles) (new & renewal) 2 Years
Torfaen	110.00 – (new & renewal) Annual	185.00 (new & renewal) Annual**	206.00 – (1 vehicle) 278.00 – (up to 10 vehicles) 390.00 (up to 20 vehicles) 463 .00 – (unlimited) – (new & renewal) Annual

## LEGEND

\* - Fee includes cost of CRB check (£44.00)

\*\* - Fee excludes cost of MOT or mechanical check

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## GAMBLING ACT 2005 – PREMISES LICENCE FEES 2015/16

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	<b>3016</b>	<b>663</b>	<b>1393</b>	<b>955</b>	<b>955</b>	<b>2785</b>	<b>955</b>	25*	50*
Betting Premises (excluding Tracks)	<b>2586</b>	<b>398</b>	<b>1194</b>	<b>955</b>	<b>955</b>	<b>2785</b>	<b>955</b>	25*	50*
Tracks	<b>2155</b>	<b>663</b>	<b>994</b>	<b>757</b>	<b>757</b>	<b>1988</b>	<b>757</b>	25*	50*
Family Entertainment Centres	<b>1724</b>	<b>499</b>	<b>796</b>	<b>757</b>	<b>757</b>	<b>1591</b>	<b>757</b>	25*	50*
Adult Gaming Centre	<b>1724</b>	<b>663</b>	<b>796</b>	<b>955</b>	<b>955</b>	<b>1591</b>	<b>955</b>	25*	25*

**PERMITS AND ASSOCIATED CHARGES****Permit Fees**

	<b>New Application</b>	<b>Renewal Fee</b>	<b>Change of Name £</b>	<b>Copy of Permit £</b>	<b>Variation £</b>	<b>Transfer £</b>	<b>Annual Fee £</b>
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
Temporary Use Notice	<b>398</b>	N/A	N/A	25	N/A	N/A	N/A

\* **Statutory Fee**# **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

**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 +
<b>Premises Licence*</b>					
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)
<b>Club Premises Certificate</b>					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
ANNUAL CHARGE	£70	£180	£295	£320	£350

To find out how much the non-domestic rateable value of your premises is, the easiest way is to enter your postcode into the Valuation Office's website, [www.voa.gov.uk](http://www.voa.gov.uk)

\*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**

<b>Number in attendance at any one time</b>	<b>Additional fee payable</b>	<b>Annual fee payable if applicable</b>
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 - 9,999	£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 disappplied	£23.00

**DIRECTORATE OF THE  
ENVIRONMENT  
PUBLIC PROTECTION DIVISION : TRADING STANDARDS / LICENSING GROUP : ESTIMATE  
2015/2016**

	<b>LICENSING SECTION 2015/2016 £</b>	<b>TAXI FUNCTION 2015/2016 £</b>
<b>EMPLOYEE EXPENSES</b>		
Salaries	317,975	130,683
<b>PREMISES</b>		
Civic Centre , Pontllanfraith	17,460	7,215
<b>TRANSPORT</b>		
Vehicle Inspection Costs	19,285	19,285
Car Allowances / Subsistence	812	345
<b>SUPPLIES AND SERVICES</b>		
Telephones	2,180	1,090
Printing, Photocopying and Stationery	3,755	1,752
Postages	2,230	1,065
Advertising	1,000	1,000
Subscriptions	1,269	533
Insurance	2,698	1,349
Replace Taxi Plates	3,600	3,600
Criminal Records Bureau Fees	7,612	7,612
Miscellaneous / Prot.Clothing / Office Expenses	200	100
<b>RECHARGES</b>		
Support Services	29,290	11,221
Apportionments IT/Furniture/Training	2,045	952
<b>GROSS EXPENDITURE</b>	<b>411,411</b>	<b>187,802</b>
<b>INCOME</b>		
- Licensing Fees and Charges	327,358	137,198
<b>C.R.B Enquiry Fees</b>	<b>9,000</b>	<b>9,000</b>
<b>TOTAL INCOME</b>	<b>336,358</b>	<b>146,198</b>
<b>NET EXPENDITURE</b>	<b>75,053</b>	<b>41,604</b>

**Notes**

**1. Income Licensing based on budget 2014/15 (less one off additions £29k) projection plus £8k mtfp savings for 15/16**

**2. Taxi Income based on best projection for 15/16 using actuals for 13/14 & 14/15**

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## COUNCIL – 10TH MARCH 2015

**SUBJECT: PUBLICATION OF PAY POLICY STATEMENT - LOCALISM ACT 2011**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek approval from full Council for the publication of the Authority's Pay Policy.

### **2. SUMMARY**

- 2.1 The Localism Act 2011 requires local authorities to develop and make public their Pay Policy. This includes all aspects of Chief Officer Remuneration (including on ceasing to hold office), and also in relation to the "lowest paid" in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.
- 2.2 The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate.

### **3. LINKS TO STRATEGY**

- 3.1 The report links to the efficient and effective management of the Council's activities. The remuneration of employees is an integral feature of our People Strategy and frameworks, and is a fundamental feature of the employment relationship.

### **4. THE REPORT**

#### **4.1 The Pay Policy Statement**

The Pay Policy Statement attached contains the full details of the remuneration position for the Council that it is required to publish under legislation.

- 4.2 The Pay Policy will be published on the CCBC Website, and will be available for access by members of the public, press and interested pressure groups.
- 4.3 It should be noted that the Pay Policy is required to be published on an annual basis, once accepted by Council. There is a requirement under the Localism Act for this to be undertaken before the 31<sup>st</sup> March each year.

- 4.4 For the purposes of the requirement to publish the statement by the 31<sup>st</sup> March, the salary details utilised are those in place with effect from the 1<sup>st</sup> January 2015
- 4.5 The Hutton Review - "Review of Fair Pay in the Public Sector" (2010) – highlighted issues around Senior Pay, and the relativities with others in the organisation. The policy statement publishes these relativities, and CCBC is well within the advisory guidelines provided. The salary utilised for the Chief Executive calculations is the salary of the Interim Chief Executive, and not that of the substantive post holder.
- 4.6 Members will be aware that the Council is an accredited Living Wage Employer. The living wage increased with effect from the 1<sup>st</sup> November 2014 from £7.65 per hour to £7.85 per hour. Council in approving its budget for 2015-16 on the 25<sup>th</sup> February 2015, granted approval to backdate to the 1<sup>st</sup> November 2014. The figures contained in the pay multiples reflect this decision.

#### **4.7 Chief Officer National Pay Award**

The Recent Welsh Government amendments to the Local Authorities (Standing Orders) (Wales) Regulations 2006 effective from 1<sup>st</sup> July 2014 introduced a new requirement that:

*"The relevant authority must determine the level, and any change in the level, of the remuneration to be paid to a chief officer"*

- 4.8 The impact of this amendment is that *all* changes to chief officer pay must be voted on by full Council, not just those which are determined locally. This includes any pay rises which have been nationally negotiated by the JNC for Chief Officers and these now cannot be paid, unless and until, they have been agreed by full Council.
- 4.9 As the Chief Officers of this authority are employed under national JNC terms and conditions which are incorporated into their contracts of employment, they will be contractually entitled to any JNC pay rises and a decision to withhold payment (unless preceded by action to effect appropriate changes to contracts) could result in claims against the authority of 'unlawful deduction from wages' or 'breach of contract'.
- 4.10 Seeking full Council's determination to pay JNC nationally agreed pay rises at the time they are agreed is likely to cause delay in their payment. The WLGA has therefore pursued this matter with Welsh Government on behalf of all Councils in order to seek a pragmatic solution. As a result it has been agreed that the requirement that full Council must determine nationally agreed contractually entitled pay rises for Chief Officers can be met by full Council voting to on an appropriate resolution to insert a suitable clause in their Pay Policy Statements to cover this issue.
- 4.11 For clarity the pay award that has been agreed for Chief Officers covers the period 1<sup>st</sup> April 2014 – 31<sup>st</sup> March 2016. Those employees covered by this pay award include all our Directors, Heads of Service and Service Managers (the Service Managers form the largest number in this group), as identified in our Pay Policy. The exact detail of the JNC award is included in the Pay Circular at Appendix 1. As our existing pay scales for Directors exceed the cap in the pay award, it should be noted that no payment would fall applicable to this group. It should be noted that there has been no award under the JNC bargaining arrangements since April 2008.
- 4.12 Welsh Government has also been keen to see that arrangements for Chief Officers are consistent with the measures in place for the wider workforce. Members may also wish to note that the NJC agreement which covers the largest part of our workforce has also been agreed, and covers the same period of the 1<sup>st</sup> April 2014 – 31<sup>st</sup> March 2016. The Pay Circular for the NJC Pay Award has been included at Appendix 2 for transparency, and this has already been implemented.



- 4.13 Should Members agree to the provisions outlined in 4.7 – 4.12 the following paragraph would be inserted into the Pay Policy attached at Appendix 3 prior to publication:

*'The Council employs Chief Officers under JNC terms and conditions which are incorporated in their contracts. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.'*

This would be included at paragraph 4.2 in the Pay Policy if approved.

- 4.14 If Members approve the change outlined above, it will make a minor impact on the Pay Multiple data comparator in relation to Chief Officers. This impact, in both cases, creates an impact of an increase 0.1 on both published multiples. For transparency purposes, the revised multiple data that would be replace the data in 7.6 of the Pay Policy is:

Salary Multiple	Ratio
the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio	1 : 9.4
the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio	1 : 5.6
the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio	1 : 7.2
the multiple between median earning of Council employees and the average Chief Officer (fulltime equivalent basis) as a ratio	1 : 4.3

## 5. EQUALITIES IMPLICATIONS

- 5.1 There are no direct potential equalities implications of this report, as it is a statement of current arrangements; therefore no specific Equalities Impact Assessment has been undertaken. Any previous changes to terms and conditions have been assessed for equalities issues, as have other reports relating to CCBC employee pay issues such as the Living Wage report.
- 5.2 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation, including:
- the Equality Act 2010, including the requirements specifically in relation to Equal Pay
  - Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000
  - The Agency Workers Regulations 2010
  - The Transfer of Undertakings (Protection of Employment) Regulations 2006, where relevant;
  - The National Minimum Wage Act 1998.

## 6. FINANCIAL IMPLICATIONS

- 6.1 There are no direct financial impacts arising from this Pay Policy statement that have not already been included in our budgetary plans for 2015-16 onwards. Given that our workforce costs are a significant contribution to our overall costs, there are indirect financial implications.

## 7. PERSONNEL IMPLICATIONS

- 7.1 The personnel implications arising from the Pay Policy statement and the measures proposed are outlined in the body of the report.

## 8. CONSULTATIONS

- 8.1 All consultation responses have been reflected in this report. The WLGA has consulted with Welsh Government Officials on behalf of all Council's to ensure that this approach meets their requirements.

## 9. RECOMMENDATIONS

- 9.1 Council agrees the attached Pay Policy Statement (Version 4) for publication on the Council's website.

- 9.2 In light of the issues outlined in paragraph(s) 4.7 – 4.12 of this report, council resolves to amend the Council's Pay Policy Statement to include the following paragraph:

*'The Council employs Chief Officers under JNC terms and conditions which are incorporated in their contracts. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award of same is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with current contractual requirements.'*

- 9.3 If members are minded to approve the recommendation set out at paragraph 9.2 the Council agrees that the Pay Policy Statement will be duly amended to reflect this prior to publication on the Council's website as part of its annual arrangements.

## 10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To comply with the legislative requirements of the Localism Act 2011.

## 11. STATUTORY POWER

- 11.1 Local Government Act 1972, Localism Act 2011, the Council's Constitution.

Author: Chris Burns, Interim Chief Executive  
Consultees: Cllr Christine Forehead, Cabinet Member for Governance and HR  
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Corporate Services  
Anna Freeman, Director of Employment WLGA  
Dave Regan, Lead Officer (Benefits & Finance)  
Lisa Haile, HR Manager  
Lisa Lane, Corporate Solicitor

Appendix 1 Pay Circular Award – JNC Employees  
Appendix 2 Pay Circular Award – NJC Employees  
Appendix 3 Pay Policy Statement – Version 4

Background Papers: Welsh Government Guidance – Pay Accountability in Local Government in Wales issued 25<sup>th</sup> February 2014

# Joint Negotiating Committee for Chief Officers of Local Authorities

**To: Chief Executives in England and Wales (N Ireland for information)  
(copies for the Finance Director and HR Director)  
Regional Directors  
Members of the Joint Negotiating Committee**

2 February 2015

Dear Chief Executive,

## **CHIEF OFFICERS' PAY AGREEMENT 2014-16**

Agreement has now been reached on rates of pay applicable from **1 January 2015**.

The individual salaries and salary scales of all officers within scope of the JNC for Chief Officers of Local Authorities should be increased by two per cent on guaranteed FTE basic salary<sup>1</sup> of £99,999<sup>2</sup> or less [as at 31 December 2014].

This pay agreement covers the period to 31 March 2016.

Yours faithfully,

Sarah Messenger  
Brian Strutton

### **Joint Secretaries**

cc Mike Short, UNISON

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<sup>1</sup> 'Guaranteed FTE basic salary' should exclude other separately identified payments such as London area / fringe allowances or Returning Officer fees etc.

<sup>2</sup> The pay award applies only to those employees whose guaranteed FTE basic salary was £99,999 or less at 31 December 2014. The pay award should not be applied to the first £99,999 of salaries of £100,000 or more.

<b>Employers' Secretary:</b> Sarah Messenger Local Government Association Local Government House Smith Square London SW1P 3HZ <a href="mailto:info@local.gov.uk">info@local.gov.uk</a>	<b>Officers' Secretary:</b> Brian Strutton GMB 22-24 Worples Road London SW19 4DD <a href="mailto:brian.strutton@gmb.org.uk">brian.strutton@gmb.org.uk</a>
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# National Joint Council for Local Government Services

**Employers' Secretary:**  
Sarah Messenger  
Local Government House, Smith Square  
London, SW1P 3HZ  
Tel: 020 7187 7373 Fax: 020 7664 3030

**Trade Union Secretaries**  
Fiona Farmer, Unite  
Brian Strutton, GMB  
Heather Wakefield, UNISON

Address for correspondence:  
UNISON Centre  
130 Euston Road  
London NW1 2AY  
Tel: 0845 3550845  
Fax: 020 7551 1195

**To: Chief Executives in England, Wales and N Ireland  
(copies for the Finance Director and HR Director)  
Members of the National Joint Council**

14 November 2014

Dear Chief Executive,

## **2014-16 PAYSCALES & ALLOWANCES**

Agreement has now been reached on rates of pay applicable from **1 January 2015**.

The new pay rates are attached at **Annex 1**.

Details of the non-consolidated payments to be paid in December 2014 (SCPs 5-49 only) and in April 2015 (SCPs 26-49 only) are attached at **Annex 2**.

The new rates for allowances up-rated in line with the pay increase of 2.20% are also set out at **Annex 3**.

It has been agreed that Spinal Column Point 5 (SCP5) will be deleted with effect from 1 October 2015. Therefore, employees on SCP5 shall progress to SCP6 on 1 October 2015.

### **NJC future work**

Both Sides recognise that local government is undergoing a period of unprecedented change. The way that public services are designed and delivered is evolving at a rapid pace and against this background the NJC agrees that councils and their workforce need collective agreements that:

- reward employees fairly and recognise the diverse needs of the workforce
- attract, retain and train people with the skills needed for the future
- enable local service providers to react more quickly to changing circumstances
- facilitate effective partnership working and collaboration across organisations
- remove or modify existing barriers to ensure employees can move more easily between different public sector employers

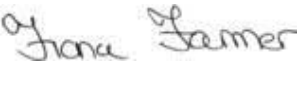
The NJC remains committed to national collective bargaining and aims to ensure that the bargaining machinery can reflect and support new ways of working. The NJC will focus on

producing outputs that are relevant, fair and beneficial to both employers and those employed to provide public services.

Yours sincerely



Sarah  
Messenger



Fiona  
Farmer

**Brian Stratton**

Brian  
Stratton



Heather  
Wakefield

**Joint Secretaries**

## NJC PAY SPINE 2014-16

SCP	1 Apr 13	1 Jan 15
5 (until 1 Oct 15)	£12,435	£13,500
6	£12,614	£13,614
7	£12,915	£13,715
8	£13,321	£13,871
9	£13,725	£14,075
10	£14,013	£14,338
11	£14,880	£15,207
12	£15,189	£15,523
13	£15,598	£15,941
14	£15,882	£16,231
15	£16,215	£16,572
16	£16,604	£16,969
17	£16,998	£17,372
18	£17,333	£17,714
19	£17,980	£18,376
20	£18,638	£19,048
21	£19,317	£19,742
22	£19,817	£20,253
23	£20,400	£20,849
24	£21,067	£21,530
25	£21,734	£22,212
26	£22,443	£22,937
27	£23,188	£23,698
28	£23,945	£24,472
29	£24,892	£25,440
30	£25,727	£26,293
31	£26,539	£27,123
32	£27,323	£27,924
33	£28,127	£28,746
34	£28,922	£29,558
35	£29,528	£30,178
36	£30,311	£30,978
37	£31,160	£31,846
38	£32,072	£32,778
39	£33,128	£33,857
40	£33,998	£34,746
41	£34,894	£35,662
42	£35,784	£36,571
43	£36,676	£37,483
44	£37,578	£38,405
45	£38,422	£39,267
46	£39,351	£40,217
47	£40,254	£41,140
48	£41,148	£42,053
49	£42,032	£42,957

## NON-CONSOLIDATED PAYMENTS (see also Appendix)

SCP	December 14	April 15
5	£325	
6	£325	
7	£325	
8	£150	
9	£150	
10	£150	
11	£100	
12	£100	
13	£100	
14	£100	
15	£100	
16	£100	
17	£100	
18	£100	
19	£100	
20	£100	
21	£100	
22	£100	
23	£100	
24	£100	
25	£100	
26	£100	£3
27	£100	£7
28	£100	£10
29	£100	£14
30	£100	£18
31	£100	£22
32	£100	£26
33	£100	£29
34	£100	£33
35	£100	£36
36	£100	£39
37	£100	£43
38	£100	£47
39	£100	£52
40	£100	£56
41	£100	£60
42	£100	£65
43	£100	£69
44	£100	£73
45	£100	£77
46	£100	£81
47	£100	£85
48	£100	£89
49	£100	£93



## Part 3 Paragraph 2.6(e) Sleeping-in Duty Payment

**1 Jan 15**  
£34.00

**RATES OF PROTECTED ALLOWANCES AT 1 JAN 15  
(FORMER APT&C AGREEMENT (PURPLE BOOK))**

**Paragraph 28(3) Nursery Staffs in Educational Establishments - Special Educational Needs Allowance**

**1 Jan 15**  
£1,215

**Paragraph 28(14) Laboratory / Workshop Technicians**

City and Guilds Science Laboratory Technician's Certificate Allowance

**1 Jan 15**  
£197

City and Guilds Laboratory Technician's Advanced Certificate Allowance

**1 Jan 15**  
£144

**Paragraph 32 London Weighting and Fringe Area Allowances £ Per Annum**

Inner Fringe Area

**1 Jan 15**  
£824

Outer Fringe Area

**1 Jan 15**  
£573

**Paragraph 35 Standby Duty Allowance - Social Workers (1)(a)(i) Allowance - Per Session**

**1 Jan 15**  
£27.35

**FORMER MANUAL WORKER AGREEMENT (WHITE BOOK)**

**Section 1 Paragraph 3 London and Fringe Area Allowances £ Per Annum**

Inner Fringe Area

**1 Jan 15**  
£824

Outer Fringe Area

**1 Jan 15**  
£573

**Technical issues related to the non-consolidated payments**

1. The payments are subject to the normal tax and national insurance requirements and are pensionable
2. The payments should be paid only to those employees who are in post on 1 December 2014. The payments are not 'back pay', so should not be paid to any employees who leave employment before 1 December
3. The payments should be paid on a pro-rated basis according to each council's established procedure for remunerating part-time employees
4. The payments should be paid to employees on SCPs 5, 6, 7, 8, 9 and 10 as indicated regardless of whether councils are already applying some form of Living Wage supplement
5. The payments should be paid to those on maternity leave whether in the paid or unpaid period at full rate (subject to appropriate pro-rating)
6. The payments should be paid to those on long-term sickness absence (even if on nil pay)
7. The payments should be paid at the relevant rate based on the current SCP at 1 December 2014, eg. an employee on SCP7 acting up to SCP12 should get the payment that applies to SCP12
8. The payments should be paid to those on adoption leave and parental leave
9. The payments should not be paid to employees on a career break at 1 December 2014
10. The payments do not apply to employees who are being paid above SCP49
11. If an employee has more than one contract, the payments should be paid pro-rata on each contract
12. Subject to any other exclusions, the payments should be paid to all employees whose pay is set in accordance with NJC for Local Government Services pay arrangements, regardless of whether they are on permanent or temporary contracts

## ***Pay Policy Statement***

Version:	<b>Version 4</b>
Policy Ratified by:	<b>Full Council</b>
Date:	<b>10<sup>th</sup> March 2015</b>
Area Applicable:	<b>All Caerphilly employees (including Agency Workers) except School contracted employees.</b>
Review Year	<b>Financial Year 2015 - 16</b>
Impact Assessed	<b>Yes</b>



A greener place    Man gwyrddach



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## **1. Introduction & Purpose**

- 1.1 Under Section 112 of the Local Government Act 1972 the Council has the power “to appoint officers on such reasonable terms and conditions as the Authority thinks fit”. This Pay Policy statement sets out Caerphilly CBC’s approach to Pay Policy in accordance with the requirements of Section 38 to 43 of the Localism Act 2011. This requires English and Welsh Local Authorities to produce and publish a Pay Policy Statement for 2012/2013 and for each financial year after that, detailing:
- a) The Council’s policies towards all aspects and elements of the remuneration of Chief Officers (Chief Officers are as defined in para 5.1 of this policy);
  - b) The approach to the publication of, and access to, information relating to all aspects of the remuneration of Chief Officers;
  - c) The Council’s policy on the remuneration of its lowest paid employees (including the definition adopted and reasons for it);
  - d) The relationship between the remuneration of its Chief Officers and other employees.
- 1.2 Guidance regarding these matters has been issued in Wales by the Minister for Local Government and Communities and, in accordance with section 40 (2) of the Act, Local Authorities in Wales must have regard to this Guidance when performing their functions in preparing and approving Pay Policy statements.
- 1.3 This is an update to the previous Pay Policy statement first issued in June 2012, and last updated with Council approval on the 11<sup>th</sup> of March 2014. This statement will come into immediate effect once fully endorsed by Council at its meeting on the 10<sup>th</sup> of March 2015.
- 1.4 This pay policy statement needs to be placed in context. Caerphilly County Borough Council is a large complex organisation with a multi-million pound budget. CCBC for 2014/15 financial year has a workforce of circa 9,600 employees and a combined revenue and capital budget for 2014/2015 of over £500 million. We are in addition the largest single employer based in the County Borough.
- 1.5 As an employer we have a very wide range of functions and are responsible for the provision of many essential services at a local level. The general approach to employee remuneration levels may therefore differ from one group of employees to another to reflect specific circumstances at a local, Welsh or UK national level. The approach also needs to be flexible when required to address a variety of changing circumstances, whether foreseeable or not.

## **2. Legislative Framework**

- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favorable Treatment) Regulations 2000, The Agency Workers Regulations 2010 and where relevant, the Transfer of Undertakings (Protection of Earnings) Regulations.
- 2.2 With regard to the Equal Pay requirements contained within the Equality Act 2010, the Council aims to ensure there is no pay discrimination within its pay structures and that all pay differentials can be objectively justified through the use of equality proofed Job Evaluation mechanisms which directly relate salaries to the requirements, demands and responsibilities of the role.

## **3. Scope of the Pay Policy**

- 3.1 The Localism Act 2011 requires local authorities to develop and make public their Pay Policy on all aspects of Chief Officer remuneration (including on ceasing to hold office), and also in relation to the “lowest paid” in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

3.2 The provisions in the Localism Act 2011 which relate to Pay Policy statements only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/Governing Bodies are, therefore, not required to be included within the scope of Pay Policy statements. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority but decisions about the appointment and management of such employees are mostly discharged by head teachers/governing bodies, as appropriate.

#### **4. Pay Structure and Arrangements**

4.1 Caerphilly utilizes the Greater London Provincial Job Evaluation process, and uses the nationally negotiated pay spine referred to as the National Joint Council for Local Government Services, as the basis for its local grading structure. In terms of Chief Officers, the council uses the Hay Job Evaluation process which allows the posts to be effectively benchmarked against the internal and external markets, as approved by Cabinet in 2004. This determines the salaries of the large majority of the non teaching workforce, together with the use of other nationally defined rates where relevant. Our localized Pay & Grading structure was achieved through a collective agreement with the Trades Unions, and implemented with effect from the 1<sup>st</sup> of April 2009.

4.2 In addition to the NJC arrangements referred to above the Council recognizes other Nationally negotiated arrangements including JNC for Chief Executives and Chief Officers, National Pay Grades under the Soulbury Agreement, and the National Pay Grades under the JNC for Youth & Community Workers. The details of these scales are contained in Appendices A – D.

4.3 New appointments will normally be made at the minimum of the relevant grade, although this can be varied where necessary, subject to the approval of Head of Service. From time to time it may be necessary to take account of the external pay market in order to attract and retain employees with particular experience, skills and capacity. Where necessary, the Council will ensure the requirement for such is objectively justified by reference to clear and transparent evidence of relevant market comparators, using appropriate data sources available from within and outside the local government sector, and is incorporated in our Market Supplement Pay Scheme.

#### **4.4 Market Supplements**

All other pay related allowances are subject to either nationally or locally negotiated rates, that are determined in accordance with collective bargaining machinery and/or Council Policy. In determining its grading structure and setting remuneration levels for all posts, the Council takes account of the need to ensure value for money against the ability to recruit and retain appropriately skilled and experienced employees that can deliver high quality services to the public.

The Council has committed itself to being a “Living Wage Employer”. We have been accredited by the Living Wage Foundation and are listed on their register of accredited Living Wage Employers. The previous Living Wage rate was £7.65 per hour as covered in last years pay policy. With effect from the 1<sup>st</sup> of November 2014 this rate was up rated to £7.85 per hour. Council as part of the budget setting process for 2015-16 on the 25<sup>th</sup> of February, has approved the adoption of the new rate as our lowest paid salary point. This has been backdated to take effect from the 1<sup>st</sup> of November 2014. The Council has therefore paid the difference between the relevant Spinal Column Point (SCP’s 5 – 10 are affected) as a supplement. This supplement is included in the hourly rate as pensionable pay. This is demonstrated in the Council’s NJC Payscale as provided in Appendix A.

#### **4.5 Honoraria / Acting Up arrangements**

Periodically individuals may be assigned permanent / temporary duties or responsibilities over and above their normal role. The Council operates its Acting Up and Honoraria Schemes to ensure that individuals are appropriately remunerated.

#### **4.6 Early Retirement, Voluntary Severance & Redundancy**

The Council operates an Early Retirement & Redundancy Scheme, payments under which are authorized by elected members who sit on the subcommittee with the delegated powers of approval. The scheme is in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 and Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. Our current Redundancy scheme is attached at Appendix F. The Council's Early Retirement and Voluntary Severance Schemes are underpinned by the requirement for a robust business case with Head Of Service, Director, Head Of Workforce & OD, and Section 151 Officer approval. The detail of the schemes are attached at Appendices G & H.

4.7 The Council is the major employer in the area. Indeed, a majority of the employees who work for the Council live within Caerphilly County Borough. As such, the Council must have regard to its role in improving the economic well-being of the people of the County Borough.

4.8 The availability of good quality employment on reasonable terms and conditions and fair rates of pay has a beneficial impact on the quality of life in the community as well as on the local economy. The Council also has a role in setting a benchmark on pay and conditions for other employers in the area for the same reasons.

4.9 The Council is committed to working in partnership with its recognised trade unions in relation to all pay and conditions of service matters. The 2009 Collective Agreement to achieve our New Pay & Grading Structure was achieved with the support of our Trades Union partners. We continue to review our Workforce Strategy for dealing with the impacts of the Medium Term Financial Plan, and the tough economic circumstances that accompany this.

4.10 In 2013 we agreed the introduction of a revised mileage scheme at 50p per mile to ensure that the Council is able to achieve a balance between the need to compensate staff for travelling expenses and ensuring value for money. This is indicative of the positive relationship which exists between the Council, the trade unions and the workforce in respect of the realities of achieving an appropriate balance between (a) pay and (b) the safeguarding of employment and service delivery. That mileage scheme has been further revised in the 2015-16 Budget setting process. Council has agreed that the mileage rate should be changed to 45p per mile as per the budget setting process at Council on the 25<sup>th</sup> of February 2014. This will be implemented at a date to be determined following appropriate notice.

### **5. Chief Officer Remuneration**

#### **5.1 Definitions of Chief Officer / Pay Levels**

5.1.1 For the purposes of this Pay Policy statement, "Chief Officers" are as defined within Section 43 of the Localism Act.

The 20 Chief Officer posts within the substantive structure at Caerphilly Council which fall within the statutory definition of Section 43 as at 1<sup>st</sup> of April 2013 are:

- |    |                        |             |
|----|------------------------|-------------|
| a) | Chief Executive        | (1 post) *  |
| b) | Deputy Chief Executive | (1 post) *  |
| c) | Corporate Directors    | (2 posts)   |
| d) | Heads of Service       | (16 posts)* |

\* There are currently interim and acting arrangements in place relating to the posts of Chief Executive, Deputy Chief Executive, Director of Corporate Services, Head of Legal Services and Head of Corporate Finance. Full Council at its meeting on 25<sup>th</sup> February 2015, agreed that the interim designation of Acting Deputy Chief Executive will cease on 30<sup>th</sup> of April 2015 with further consideration when the Authority is able to look at permanent arrangements.

5.1.2 Following the council meeting on the 17<sup>th</sup> of January 2013, the pay structure for Chief Officers is as follows:-

- The Chief Executive Officer salary increase is set at a one off spot salary of £137,000, to remain frozen for the period of the current administration (May 2017). It should be noted that this payment is not in line with the official pay range for the role (see Appendix D), but is in keeping with the agreement made by the individual as part of the Council decision making process of the 17<sup>th</sup> of January 2013.

It should be noted that the current Interim Chief Executive was appointed on the first incremental point of the approved Chief Executive salary range as per Appendix D.

- Deputy Chief Executive - The salary of the post fall within a range of four incremental points between £119,250 rising to a maximum of £132,500 per annum;
- Corporate Directors - The salary of the posts fall within a range of four incremental points between £107,396 rising to a maximum of £119,329 per annum;
- Heads of Service (Band A) - The salary of the posts fall within a range of four incremental points between £80,366 rising to a maximum of £89,295 per annum
- Heads of Service (Band B) - The salary of the posts fall within a range of four incremental points between £62,097 rising to a maximum of £68,997 per annum

All of the above post holders were employed on the lowest incremental point of the scales at 1st April 2013, (or the next highest increment where the lowest increment in the new structure is lower than previous pay point)

- No bonus or performance-related pay mechanism is applicable to any Chief Officers' pay.
- The higher band A+ will not be used for the period of the current administration. The issue of Chief Officer pay will not be revisited in the lifetime of the current administration unless required by law or Local Government regulations. Any future proposal at any time would require a final decision by Full Council.

## **5.2 Recruitment of Chief Officers**

5.2.1 The Council's Policy and Procedures with regard to the recruitment of Chief Officers is contained within the Officer Employment Procedure Rules as set out in Part 4 of the Council's Constitution.

5.2.2 The determination of the remuneration to be offered to any newly appointed Chief Officer will be in accordance with the pay structure and relevant Council policies in place at the time of recruitment.

5.2.3 Where the Council is unable to recruit a Chief Officer under a contract of service, or there is a need for support for a specific project or to provide cover for a vacant substantive Chief Officer post, the Council will, where necessary, consider engaging individuals under "contracts for service". These will be sourced through a relevant procurement process (in accordance with standing orders and financial regulations), ensuring the Council is able to demonstrate value for money from competition in securing the relevant service. There are however no current examples of this arrangement.

5.2.4 Welsh Government recommends in addition to agreeing the parameters for setting the pay of chief officers, full council should be offered the opportunity to vote on large salary packages that are to be offered in respect of new appointments in accordance with their agreed pay policy statements. The Welsh Ministers consider £100,000 is the right level for that threshold.



5.2.5 For this purpose, salary packages should be consistent with the categories defined for remuneration in the Accounts and Audit (Wales) Regulations 2005. This will include salary, bonuses, fees, allowances routinely payable, any expenses allowance chargeable to UK income tax, the relevant authorities' contribution to the officer's pension and any other benefits in kind to which the officer is entitled as a result of their employment.

5.2.6 There is a requirement to specifically consult the Independent Remuneration Panel on any future changes to the salary of the Head Of Paid Service (in our case Chief Executive) that is 'not commensurate with a change to the salaries of the authorities other staff'. The Council is then required to give due regard to their recommendations on the salary of the Head of Paid Service prior to considering any changes.

### **5.3 Additions to Salary of Chief Officers**

5.3.1 In addition to basic salary, set out below are details of other elements of chief officer remuneration:

- The Council pays a standard mileage rate of 50p pence per mile to Chief Officers (consistent with all other employees) from the 1<sup>st</sup> of April 2014, where the Chief Officer uses his or her private vehicle on Council business. The Council also reimburses any other reasonable expenses, incurred by the Chief Officer on behalf of the Council whilst on Council business, on production of receipts and in accordance with JNC conditions and other local conditions. Council has agreed that the mileage rate should be changed to 45p per mile as per the budget setting process at Council on the 25<sup>th</sup> of February 2015. This will be implemented at a date to be determined following appropriate notice.
- The cost of registration with a specific professional / registration body if there is a requirement by law to be registered in order to practice and undertake their specific job role. This currently only applies to the post of Head of Legal Services.

5.3.2 The Council has a statutory duty to appoint a Returning Officer for specified Elections and Referenda. The Council's Chief Executive has been appointed to this role as far as Caerphilly County Borough Council is concerned. The Returning Officer is personally responsible for a wide range of functions in relation to the conduct of Elections and Referenda and is paid for discharging these functions in accordance with prescribed fees. The prescribed fees for Caerphilly County Borough Elections are attached in Appendix I. Fees for other organisation's elections are not determined by or paid for by the council. e.g. the Wales Government set the fees for their election etc. All the Returning Officer's payments in any election are publicised as part of the council accounts on an annual basis.

### **5.4 Payments on Termination**

5.4.1 The Council's approach to statutory and discretionary payments on termination of employment of chief officers, prior to reaching normal retirement age, is set out within its policy statement in accordance with Regulations 5 and 6 of the Local Government (Early Termination of Employment) (Discretionary Compensation) Regulations 2006 [and if adopted] Regulations 12 and 13 of the Local Government Pension Scheme (Benefits, Membership and Contribution) Regulations 2007. For clarity the authority does not provide any augmentation ("added years") of pension, in its payments on termination.

5.4.2 Any other payments falling outside the provisions or the relevant periods of contractual notice shall be subject to a formal decision made in accordance with the Scheme of Delegation as contained within the Council's Constitution.

5.4.3 Full Council will be required to approve any severance packages package in excess of the current threshold determined by Welsh Ministers at £100,000. Members will be advised of any

contractual or statutory elements of the severance package, along with the consequences of withholding these from an employment law context.

## **6. Publication**

- 6.1 This is an update to the previous Pay Policy statement first issued in June 2012. This statement will come into effect, once fully endorsed by Council in March 2015.
- 6.2 In addition, for posts where the full time equivalent pay is at least £60,000 per annum, as required under the Accounts and Audit (Wales) (Amendment) Regulations 2010, the Council's Annual Statement of Accounts will include a note setting out the total amount of:
- a) salary, fees or allowances paid to or receivable by the person in the current and previous year;
  - b) any bonuses so paid or receivable by the person in the current and previous year;
  - c) any sums payable by way of expenses allowance that are chargeable to UK income tax;
  - d) any compensation for loss of employment and any other payments connected with termination;
  - e) any benefits received that do not fall within the above

## **7. Pay Relativities within the Council**

- 7.1 The "lowest paid" persons employed under a contract of employment with the Council are employed at the new Living Wage rate of £7.65 per hour. All roles within our grading structure previously paid in accordance with the spinal column point 5 (scp 5) to spinal column point 10 (scp 10) of the NJC pay spine for Local Government Services employees, receive a supplement to make the rate £7.85 per hour. As at 1<sup>st</sup> November 2014, this is £ 15,145 (Full Time Equivalent Earnings) per annum for a 37 hour standard working week.
- 7.2 The relationship between the rate of pay for the "lowest paid" employees and the Council's Chief Officers is regulated by the processes used for determining pay and grading structures as set out in this Pay Policy Statement.
- 7.3 The statutory guidance under the Localism Act recommends the use of pay multiples as a means of measuring the relationship between pay rates across the workforce and that of senior managers, as included within the Hutton "Review of Fair Pay in the Public Sector" (2010).
- 7.4 Will Hutton was asked by the UK Government to explore the case for a fixed limit on dispersion of pay through a requirement that no public sector manager can earn more than 20 times the lowest paid person in the organization. Hutton concluded that the relationship to median earnings was a more relevant measure and the Government's Code of Recommended Practice on Data Transparency recommends the publication of the ratio between the highest rate of pay and the median average pay of the whole of the Council's workforce (but excluding teachers and other employees appointed and managed by schools, in the case of local authorities).
- 7.5 The salary utilised for the Chief Executive calculations of all the pay multiple data is £142,524.

## Pay Multiple Data

The data for the authority is contained in the table below:

Salary Multiple	Ratio
the multiple between the annual salary of the lowest paid Council employee and the Chief Executive (full-time equivalent basis) as a ratio	1 : 9.4
the multiple between the annual salary of the lowest paid Council employee and the average Chief Officer (full-time equivalent basis) as a ratio	1: 5.5
the multiple between median earning of Council employees and the Chief Executive (full-time equivalent basis) as a ratio	1 : 7.2
the multiple between median earning of Council employees and the average Chief Officer (fulltime equivalent basis) as a ratio	1 : 4.2

7.6 As part of its overall and ongoing monitoring of alignment with external pay markets, both within and outside the sector, the Council will use available salary benchmark information as appropriate.

## 8. Accountability and Decision Making

8.1 In accordance with the Constitution of the Council, the Chief Executive is responsible for decision-making in relation to the recruitment, pay (apart from those detailed in 8.2), conditions of service and severance arrangements for all employees of the Council, except teachers, as their main pay and conditions of service are determined on a legislative basis by the UK Government.

8.2 The Council will set remuneration for the Chief Executive and Chief Officers (as defined in paragraph 5.1.1).

8.3 The Council has established a delegated subcommittee to deal with applications for early retirement or voluntary redundancy under its approved scheme. Each application is dealt with on a case by case basis by the committee.

## 9. Re-Employment

9.1 It has been the Council's custom that no Chief Officer, or any other employee, who leaves the employment of the Council on the grounds of early retirement, severance or voluntary redundancy will be later re-employed as an employee of the Council or contracted under a "contract of service" (as per 5.2.3), without the express permission of the Chief Executive. Where the re-employment is regarding the post of the Chief Executive or a Chief Officer (as defined in paragraph 5.1.1), this decision will require full council approval.

9.2 An exception to this occurs where an employee leaves under an agreed Flexible Retirement arrangement, where their ongoing employment is approved as part of the business case for release of accrued pension benefits.

## 10. Reviewing the Policy

10.1 This Pay Policy outlines the current position in respect of pay and reward within the Council and it will be reviewed at least annually, and reported to the full Council, to ensure that it meets the principles of fairness, equality, accountability and value for money for the authority and its residents.

Appendix A

CCBC NJC Salary Structure – With Effect From 1<sup>st</sup> January 2015

GRADE STRUCTURE		SCP	01-Apr-13	01-Jan-15	Hrly Rate	Living Wage	Living Wage Hourly Rate
	Grade 1	5	£12,435	£13,500	£7.00	£15,145	£7.85
		6	£12,614	£13,614	£7.06	£15,145	£7.85
Grade 2		7	£12,915	£13,715	£7.11	£15,145	£7.85
		8	£13,321	£13,871	£7.19	£15,145	£7.85
	Grade 3	9	£13,725	£14,075	£7.30	£15,145	£7.85
		10	£14,013	£14,338	£7.43	£15,145	£7.85
	Grade 4	11	£14,880	£15,207	£7.88		
		12	£15,189	£15,523	£8.05		
Grade 4		13	£15,598	£15,941	£8.26		
		14	£15,882	£16,231	£8.41		
	Grade 5	15	£16,215	£16,572	£8.59		
		16	£16,604	£16,969	£8.80		
	Grade 6	17	£16,998	£17,372	£9.00		
		18	£17,333	£17,714	£9.18		
	Grade 7	19	£17,980	£18,376	£9.52		
		20	£18,638	£19,048	£9.87		
Grade 6		21	£19,317	£19,742	£10.23		
		22	£19,817	£20,253	£10.50		
	Grade 8	23	£20,400	£20,849	£10.81		
		24	£21,067	£21,530	£11.16		
	Grade 9	25	£21,734	£22,212	£11.51		
		26	£22,443	£22,937	£11.89		
	Grade 10	27	£23,188	£23,698	£12.28		
		28	£23,945	£24,472	£12.68		
Grade 8		29	£24,892	£25,440	£13.19		
		30	£25,727	£26,293	£13.63		
	Grade 11	31	£26,539	£27,123	£14.06		
		32	£27,323	£27,924	£14.47		
	Grade 12	33	£28,127	£28,746	£14.90		
		34	£28,922	£29,558	£15.32		
Grade 10		35	£29,528	£30,178	£15.64		
		36	£30,311	£30,978	£16.06		
	Grade 11	37	£31,160	£31,846	£16.51		
		38	£32,072	£32,778	£16.99		
	Grade 12	39	£33,128	£33,857	£17.55		
		40	£33,998	£34,746	£18.01		
	Grade 11	41	£34,894	£35,662	£18.48		
		42	£35,784	£36,571	£18.96		
Grade 12		43	£36,676	£37,483	£19.43		
		44	£37,578	£38,405	£19.91		
	Grade 12	45	£38,422	£39,267	£20.35		
		46	£39,351	£40,217	£20.85		
	Grade 12	47	£40,254	£41,140	£21.32		
		48	£41,148	£42,053	£21.80		
		49	£42,032	£42,957	£22.27		

The Annual Pay Award applied an increase with effect from the 1<sup>st</sup> of January 2015 of 2.2% for all grades above grade 10. There were higher % increases for grades 5 – 10. There were also a range of one off consolidated payments applicable to reflect the fact that the pay award covered the period 1<sup>st</sup> of April 2014 – 31<sup>st</sup> March 2016 (i.e a 2 year “deal”), but not implemented until 1<sup>st</sup> of January 2015.

The Living Wage rate applies from the 1<sup>st</sup> of November 2014.

## Appendix B

<b>EDUCATIONAL PSYCHOLOGISTS - SCALE A</b>	
<b>SPINE POINT</b>	<b>Spine Point Salary from 1.9.13 (1% increase)</b>
1.	34,273
2.	36,013
3.	37,752
4.	39,491
5.	41,230
6.	42,969
7.	44,607
8.	46,244
9.	47,778*
10.	49,313*
11.	50,745*

**Notes:**

1. Pay scales to consist of 6 consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.
2. \* - Extension to scale to accommodate structured professional assessment points.

<b>SENIOR &amp; PRINCIPAL EDUCATIONAL PSYCHOLOGISTS - SCALE B</b>	
<b>SPINE POINT</b>	<b>Spine Point Salary from 1.9.13 (1% increase)</b>
1.	42,969
2.	44,607
3.	46,244*
4.	47,778
5.	49,313
6.	50,745
7.	51,333
8.	52,431
9.	53,519
10.	54,626
11.	55,711
12.	56,818
13.	57,944
14.	59,031**
15.	60,171**
16.	61,300**
17.	62,436**
18.	63,571**

**Notes:**

1. Pay scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit, retain and motivate staff.
2. \* - Normal minimum point for the Principal Educational Psychologist undertaking the full range of duties at this level.
3. \*\* - Extension to range to accommodate discretionary scale points and structured professional assessments
4. Principals are paid on a 4 point scale 8 - 14 (this includes 3 spa points)

<b>TRAINEE EDUCATIONAL PSYCHOLOGISTS</b>	
<b>SPINE POINT</b>	<b>Spine Point Salary from 1.9.13 (1% increase)</b>
1	22,019
2	23,631
3	25,241
4	26,853
5	28,464
6	30,075

<b>ASSISTANT EDUCATIONAL PSYCHOLOGISTS</b>	
<b>SPINE POINT</b>	<b>Spine Point Salary from 1.9.13 (1% increase)</b>
1	27,067
2	28,172
3	29,278
4	30,377

<b>YOUNG PEOPLE'S / COMMUNITY SERVICE MANAGERS</b>	
<b>SPINE POINT</b>	<b>Spine Point Salary from 1.9.13 (1% increase) Pay – with effect from 01.09.2009</b>
1	33,891
2	35,000
3	36,109
4	37,240*
5	38,389
6	39,511
7	40,659**
8	41,962
9	42,681
10	43,791
11	44,895
12	46,001
13	47,099
14	48,208
15	49,319
16	50,432
17	51,552
18	52,663
19	53,769
20	54,899***
21	56,051***
22	57,228***
23	58,430***
24	59,657***

**Notes:**

The minimum Youth and Community Service Officers' scale is 4 points. Other salary scales to consist of not more than four consecutive points based on duties and responsibilities attaching to posts and the need to recruit retain and motivate staff.

- \* Normal minimum point for senior youth and community officers undertaking the full range of duties at this level
- \*\* Normal minimum point for principal youth and community service officer undertaking the full range of duties at this level
- \*\*\* Extension to range to accommodate discretionary scale points and structured professional assessments.

<b>EDUCATIONAL IMPROVEMENT PROFESSIONALS (EIPs)</b>	
<b>SPINE POINT</b>	<b>Pay – with effect from 01.09.2009</b>
1	32,677
2	33,847
3	34,952
4	36,071
5	37,185
6	38,299
7	39,470
8	40,594*
9	41,906
10	43,075
11	44,230
12	45,348
13	46,614**
14	47,742

15	48,988
16	50,116
17	51,246
18	52,355
19	53,499
20	54,090***
21	55,226
22	56,215
23	57,305
24	58,282
25	59,328
26	60,346
27	61,389
28	62,445
29	63,505
30	64,563
31	65,611
32	66,676
33	67,742
34	68,833
35	69,920
36	71,040
37	72,141
38	73,254
39	74,352
40	75,449
41	76,553
42	77,654
43	78,755
44	79,862
45	80,966
46	82,070
47	83,180
48	84,280****
49	85,384****
50	86,488****

**Notes:**

Salary scales to consist of not more than four consecutive points, based on the duties and responsibilities attaching to posts and the need to recruit and motivate staff.

- \* Normal minimum point for EIP undertaking the full range of duties at this level
- \*\* Normal minimum point for senior EIP undertaking the full range of duties at this level
- \*\*\* Normal minimum point for leading EIP undertaking the full range of duties at this level
- \*\*\*\* Extension to range to accommodate structured professional assessments.

**Appendix C**

**NATIONAL PAY GRADES – JNC youth and community workers**

<b>YOUTH AND COMMUNITY SUPPORT WORKER RANGE</b>	
<b>SPINE POINT</b>	<b>Pay – with effect from 01.09.2009</b>
1	£14,143
2	£14,733
3	£15,324
4	£15,917
5	£16,509
6	£17,100
7	£17,697
8	£18,291
9	£19,047
10	£19,636
11	£20,591
12	£21,525
13	£22,489
14	£23,485
15	£24,166
16	£24,875
17	£25,574

<b>PROFESSIONAL RANGE</b>	
<b>SPINE POINT</b>	<b>Pay – with effect from 01.09.2009</b>
13	£22,489
14	£23,485
15	£24,166
16	£24,875
17	£25,574
18	£26,279
19	£26,975
20	£27,673
21	£28,461
22	£29,352
23	£30,219
24	£31,091
25	£31,968
26	£32,847
27	£33,726
28	£34,613
29	£35,496
30	£36,377
31	£36,971
32	£37,951

**N.B an offer of a 1% increase has been made to the JNC TU side by the employers, consistent with the awards for other employee groups. As at 20<sup>th</sup> February no agreement had been reached.**



All of the levels in the grading structure are linked to their evaluation under the Job Evaluation deployed for Senior roles i.e. Hay. This currently comprises of the Chief Executive, Deputy Chief Executive & Directors posts, and 6 further bands from A+ to E. Band A & B represents our Heads of Service population, and C-E covers all other senior posts in the JNC arrangements.

#### The Pay structure

	Increment 1	Increment 2	Increment 3	Increment 4
Chief Executive	£142,524	£147,797	£153,071	£158,360
Deputy Chief Executive	£119,250	£123,662	£128,075	£132,500
Director	£107,396	£111,370	£115,343	£119,329
Band A+ Heads Of Service	£89,691	£93,010	£96,328	£99,657
Band A - Heads Of Service	£80,366	£83,339	£86,313	£89,295
Band B	£62,097	£64,395	£66,693	£68,997
Band C	£48,666	£50,288	£51,909	£53,533
Band D	£43,164	£44,603	£46,044	£47,480
Band E	£38,463	£39,344	£40,220	£41,082

There are no Officers employed currently in the Band A+

National Pay Awards have been frozen for this JNC group with no national pay awards since the 1<sup>st</sup> April 2008, which means that Bands C-E have not changed during this period. The remaining bands above Band B were amended in line with the council decision of the 17<sup>th</sup> of January 2013.

It should be noted that whilst the band of the Chief Executive is accurately portrayed above, the substantive Chief Executive will be employed on a spot salary of £137,000 for the duration of the current administration (May 2017).

The figures in the above table do not include the proposed increases in salary for Hay Band A to E officers as set out in the Report to Council dated 10th March 2015, and Members are asked to note that if the recommendations are approved the table will be revised prior to publication of the Policy.

**Appendix E**

**All Employee Groups - Main Conditions of Service**

<b>ANNUAL LEAVE</b>	
<ul style="list-style-type: none"> <li>• Chief Executive &amp; Directors</li> </ul>	33 days pa (No access to the flexi leave as set out at ** below)
<ul style="list-style-type: none"> <li>• Chief Officers</li> <li>• Local Government Services</li> <li>• Soulbury</li> </ul>	<p>28 days pa *</p> <p>24 days pa rising to 28 days after 5 years' service.</p> <p>24 days pa rising to 28 days after 5 years' service.</p> <p>Where relevant individual employees are members of the flexible working hours scheme, they are entitled to 6 days flexi leave per 12 week period. **</p> <p>*There are five officers who have protected leave at 33 days pa</p>
<ul style="list-style-type: none"> <li>• Youth &amp; Community Workers</li> </ul>	24 days pa rising to 28 days after 5 years' service.
<b>HOURS OF WORK</b>	
<ul style="list-style-type: none"> <li>• Chief Executive</li> </ul>	Minimum of 37 hours per week, together with additional evening, weekend and bank holiday working required
<ul style="list-style-type: none"> <li>• Chief Officers</li> <li>• Local Government Services</li> <li>• Soulbury</li> <li>• Youth &amp; Community Workers</li> </ul>	Standard working week is 37 hours, unless contractually employed on set hours.
<b>OVERTIME PAYMENTS</b>	
<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officers</li> </ul>	None
<ul style="list-style-type: none"> <li>• Local Government Services</li> <li>• Soulbury</li> <li>• Youth and Community Workers</li> </ul>	<p>All employees who are required to work additional hours beyond the 37 hour working week (or beyond their contracted working pattern that averages a 37 hour working week (e.g.: rota/annualized hours)) are entitled to receive enhancements at the rate of basic pay at time and a half except for Public and Extra Statutory holidays where basic pay at double time will be paid.</p> <p>Part-time employees are entitled to these enhancements only at times and in circumstances in which full-time employees would qualify. Otherwise a part-time employee shall work a full working week (i.e. 37 hours) before these enhancements apply.</p> <p>With the exception of Christmas Day and New Year's Day, employees required to work on a Public or Extra Statutory Holiday as part of their normal working week shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked.</p>

	<p>Employees who are required to work on Christmas Day and New Year's Day as part of their normal working week shall, in addition to the normal pay for that day, be paid at plain time rate for all hours worked and will, in addition, receive a day's leave in lieu on each day.</p> <p>With the exception of Christmas Day and New Year's Day, employees required to work on a Public or Extra Statutory Holiday on their rest day shall be paid at double time for all hours worked.</p> <p>Employees who are required to work on Christmas Day and New Year's Day on their rest day will be paid at double time rate for all hours worked and will, in addition, receive a day's leave in lieu on each day.</p>
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**SICK PAY SCHEME**

<ul style="list-style-type: none"> <li>• Chief Executive</li> <li>• Chief Officers</li> <li>• Local Government Services</li> <li>• Soulbury</li> <li>• Youth &amp; Community Workers</li> </ul>	<p>During 1<sup>st</sup> year of service – 1 month's full pay and (after completing 4 months service), 2 months half pay.</p> <p>During 2<sup>nd</sup> year of service – 2 months full pay and 2 months half pay.</p> <p>During 3<sup>rd</sup> year of service – 4 months full pay and 4 months half pay.</p> <p>During 4<sup>th</sup> and 5<sup>th</sup> year of service – 5 months full pay and 5 months half pay.</p> <p>After 5 years' service – 6 months full pay and 6 months half pay.</p>
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# Redundancy Scheme

<b>Version of Scheme:</b>	<b>Version 2</b>
<b>Draft Number:</b>	<b>Final</b>
<b>Scheme Ratified By:</b>	<b>Cabinet</b>
<b>Date Ratified:</b>	<b>1<sup>st</sup> October 2014</b>
<b>Effective Date of Scheme:</b>	<b>1<sup>st</sup> November 2014</b>
<b>Review Date:</b>	<b>2016</b>
<b>Applicable To:</b>	<b>All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme.</b>
<b>Equalities Issues:</b>	<b>All Equalities considerations have been taken into account when drafting this Scheme. These have been reflected in all documentation during the consultation and governance processes.</b>

The Council's recognised trade unions have been consulted on this Scheme.



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## WHAT THE SCHEME COVERS

1. The Redundancy Scheme applies to any employee where a redundancy situation has been identified, irrespective of whether they are on a fixed term or permanent contract. This Scheme does not cover school based support employees. The Scheme will be used to deal with all redundancy situations after the effective date and supersedes all previous versions of the Scheme.

## DETAIL OF THE SCHEME

2. The Government's Statutory Redundancy Scheme allows for employees who lose their job via a redundancy situation to receive compensation for the loss of their job once they have accrued two year's continuous service with the employer. The details of the Statutory Scheme are as follows:
  - **0.5 week's pay for each full year worked when you are under 22 years of age.**
  - **1 week's pay for each full year worked when you are between 22 and 41 year's of age**
  - **1.5 week's pay for each full year worked when you are 41 years of age and above.**
3. Service is capped at 20 years with the maximum number of weeks that can be paid being 30 weeks. See Appendix A which shows how a redundancy payment is calculated based on an employee's age and service. Employees are also able to calculate their entitlement to a statutory redundancy payment at [www.gov.uk/calculate-your-redundancy-pay](http://www.gov.uk/calculate-your-redundancy-pay)
4. The weekly amount of statutory redundancy pay (April 2014) is capped at £464 per week for a full time employee. This amount increases every year in April.
5. The Local Government Pension Scheme Regulations, 2013 endorsed the changes introduced in the 2008 Regulations, with effect from 1<sup>st</sup> April 2014. The Regulations maintained the minimum age criteria in relation to employees retiring on the grounds of redundancy, interests and efficiency of the service and applications to release pension benefits early under Regulation 30 of the Local Government Pension Scheme (85 year rule). From that date, the minimum age increased from 50 to age 55 for all categories.
6. The Council's enhanced Redundancy Scheme also changed from that date and the main details are shown below. This means that the enhanced redundancy payment is calculated follows the same basis as the Statutory Calculator i.e. an employee's age and service. However, it should be noted that a week's pay will not be capped at the statutory maximum but will reflect an employee's actual pay.

### **Employees who do not have access to their Pension**

- A redundancy payment based on the statutory calculator multiplied by two up to a maximum of 60 weeks.

### **Employees who are able to access their Pension**

- A redundancy payment based on the statutory calculator up to a maximum of 30 weeks.
- Will have immediate access to payment of their LGPS/TPS benefits

7. The only change in relation to applications for early release of pension benefits under Regulation 30 (85 rule) of the Local Government Pension Scheme is that the minimum age will change from 50 to 55. Applications, which require employer's consent, applies to employees between 55 - 60. Transitional protection is available under the LGPS to those staff who will be age 60 or over by 31<sup>st</sup> March, 2016 and meet the 85 year test.
8. If there is a change in Pension Regulations or any other relevant legislation including the basis of the calculation for statutory redundancy in the future, the Council reserves the right to change this Scheme to comply with any future legislation and Regulations.
9. If you have any queries, please do not hesitate to contact your Business Partner Team in Penallta House.

#### **INTERPRETATION OF THE SCHEME**

10. In the event of a dispute relating to the interpretation of this policy the Head of Workforce and Organisation Development or the Human Resources Service Manager will make the final decision on interpretation.

#### **REVIEW OF THE SCHEME**

11. A review of this Scheme will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Scheme will be amended and reissued.

**NOVEMBER 2014**

**Statutory Redundancy Pay Table**

To calculate the number of weeks redundancy pay, cross reference the your age and years of service and then multiply that number by the weekly salary. E.g. a person with a salary of £200 aged 22 with 4 years of service will be entitled to two weeks salary e.g. a total redundancy of £400.

17\* - The table starts at age 17, as it is possible for a 17 year old to have 2 years service. Compulsory school leaving age can be 15<sup>3/4</sup> or 15<sup>4/5</sup> where a child is 16 before 1 September. Particular care should be taken when calculating an individual's redundancy pay when they joined as an employee below the age of 16.

61\* - The table stops at age 61 because for employees age 61 and over, the payment remains the same as for age 61.



**Statutory Redundancy Pay Table**

**Service (Years)**

<b>Age</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
17*	1																		
18	1	1.5																	
19	1	1.5	2																
20	1	1.5	2	2.5															
21	1	1.5	2	2.5	3														
22	1	1.5	2	2.5	3	3.5													
23	1.5	2	2.5	3	3.5	4	4.5												
24	2	2.5	3	3.5	4	4.5	5	5.5											
25	2	3	3.5	4	4.5	5	5.5	6	6.5										
26	2	3	4	4.5	5	5.5	6	6.5	7	7.5									
27	2	3	4	5	5.5	6	6.5	7	7.5	8	8.5								
28	2	3	4	5	6	6.5	7	7.5	8	8.5	9	9.5							
29	2	3	4	5	6	7	7.5	8	8.5	9	9.5	10	10.5						
30	2	3	4	5	6	7	8	8.5	9	9.5	10	10.5	11	11.5					
31	2	3	4	5	6	7	8	9	9.5	10	10.5	11	11.5	12	12.5				
32	2	3	4	5	6	7	8	9	10	10.5	11	11.5	12	12.5	13	13.5			
33	2	3	4	5	6	7	8	9	10	11	11.5	12	12.5	13	13.5	14	14.5		
34	2	3	4	5	6	7	8	9	10	11	12	12.5	13	13.5	14	14.5	15	15.5	
35	2	3	4	5	6	7	8	9	10	11	12	13	13.5	14	14.5	15	15.5	16	16.5
36	2	3	4	5	6	7	8	9	10	11	12	13	14	14.5	15	15.5	16	16.5	17
37	2	3	4	5	6	7	8	9	10	11	12	13	14	15	15.5	16	16.5	17	17.5
38	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	16.5	17	17.5	18
39	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	17.5	18	18.5
40	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	18.5	19
41	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19.5
42	2.5	3.5	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5
43	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
44	3	4.5	5.5	6.5	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5
45	3	4.5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
46	3	4.5	6	7.5	8.5	9.5	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5
47	3	4.5	6	7.5	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
48	3	4.5	6	7.5	9	10.5	11.5	12.5	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5
49	3	4.5	6	7.5	9	10.5	12	13	14	15	16	17	18	19	20	21	22	23	24
50	3	4.5	6	7.5	9	10.5	12	13.5	14.5	15.5	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5
51	3	4.5	6	7.5	9	10.5	12	13.5	15	16	17	18	19	20	21	22	23	24	25
52	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	17.5	18.5	19.5	20.5	21.5	22.5	23.5	24.5	25.5
53	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19	20	21	22	23	24	25	26
54	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	20.5	21.5	22.5	23.5	24.5	25.5	26.5
55	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22	23	24	25	26	27
56	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	23.5	24.5	25.5	26.5	27.5
57	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25	26	27	28
58	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	26.5	27.5	28.5
59	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28	29
60	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	29.5
61+	3	4.5	6	7.5	9	10.5	12	13.5	15	16.5	18	19.5	21	22.5	24	25.5	27	28.5	30

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# **Early Retirement by Mutual Consent on the Grounds of Business Efficiency Scheme**

<b>Version of Scheme:</b>	<b>Version 1</b>
<b>Draft Number:</b>	<b>Final</b>
<b>Scheme Ratified By:</b>	<b>Cabinet</b>
<b>Date Ratified:</b>	<b>1<sup>st</sup> October 2014</b>
<b>Effective Date of Scheme:</b>	<b>10<sup>th</sup> November 2014</b>
<b>Review Date:</b>	<b>2016</b>
<b>Applicable To:</b>	<b>All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme.</b>
<b>Equalities Issues:</b>	<b>All Equalities considerations have been taken into account when drafting this Scheme. These have been reflected in all documentation during the consultation and governance processes.</b>

The Council's recognised trade unions have been consulted on this Scheme.



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### NOTE

Wherever the designation Manager is used throughout this Scheme, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, Head Teacher or anyone who has supervisory responsibility.

## INTRODUCTION

2. Caerphilly County Borough Council is committed to providing its employees with more choice and flexibility with regard to whether they wish to retire early or stay in work beyond normal retirement age, making their transition from working life to retirement a smoother one for the employee and the Council.
2. The Council recognises that attracting and retaining a well-trained, well motivated and flexible workforce, with a wide range of skills and experience is essential to the provision of quality services.
3. Early retirement will allow employees to finish work early thus allowing them time to pursue other activities or enjoy their retirement.

## WHAT THE SCHEME COVERS

4. The Scheme covers any instance where an early retirement by mutual consent on grounds of business efficiency opportunity has been identified, either by the employee or the organization, irrespective of whether they are on a fixed term or permanent contract. The Scheme and guidelines will be used to deal with all early retirement situations.

## DETAIL OF THE SCHEME

5. With effect from 1<sup>st</sup> April 2014, the majority of employees' normal retirement age will be the same as their state pension age. This is referred to as normal pension age (NPA). Employees are able to find out their normal pension age by going to <https://www.gov.uk/calculate-state-pension> .
6. However, in accordance with the LGPS Regulations, an employee can retire and gain access to their LGPS pension benefits from age 55, without their employer's consent. Pension benefits may be actuarially reduced if benefits are drawn before NPA. However, under the 85 Year Rule, if a member's age and membership in whole years equalled 85 at age 60, the member was able to retire without a reduction in benefits. Employees, who joined the LGPS on or before 30<sup>th</sup> September 2006, may (under the protections put in place due to the removal of the 85 year rule), be subject to full or partial protection from reduction.
7. Early retirement by mutual consent on the grounds of business efficiency is where an employee decides to leave the Council before their normal pension age but after age 55. Employees will not receive a reduction in their pension benefits if they leave on this basis.
8. Heads of Service are required to draw up a Business Case to demonstrate that the Service Area is able to accommodate the request both operationally and financially. The business case should include details of the impact on service delivery and the benefit to the Service Area as well as the individual and any associated pension strain costs. This Business Case should be counter signed by the relevant Director.
9. Applications for early retirement can take up to 12 weeks to process so employees should bear this in mind when making their application and allow adequate time if they have a specific date

that they wish their retirement to take place on. If the business case is not viable for the Service Area, it may be possible to facilitate an early retirement by cross matching to a post within another Service Area.

10. Viable business cases would be considered as an alternative to compulsory redundancies in a Service Area. This means that applicants who apply to access early retirement could be cross-matched against those at risk. In this circumstance, please seek further advice from your HR Business Partner Team.
11. There is no automatic right for an employee's request for early retirement to be agreed.
12. Heads of Service should contact their HR Business Partner Team to discuss any applications for early retirement by mutual consent on the grounds of the efficiency that they receive. This is especially important where an application cannot be supported. In this case, Heads of Service should seek advice, prior to notifying the employee that the application cannot be supported, to ensure that the case has been reasonably considered and all alternatives have been explored. When an application is not supported, employees must be given written reasons as to why the application cannot be accommodated by the relevant Manager/Head of Service.
13. In all cases advice must be sought from your HR Business Partner Team, who will contact the Greater Gwent Pension Fund on the employee's behalf. The Greater Gwent Pensions Fund will not deal directly with employees about their pension benefits in relation to early retirement by mutual consent on the grounds of business efficiency, as employer consent is needed for the application to progress.
14. Prior to making any application for early retirement by mutual consent on the grounds of business efficiency, employees need to ensure that they obtain all the necessary information about what pension benefits are payable, additional voluntary contributions, etc and other financial matters to inform their decision to take early retirement. Employees are advised to seek independent financial advice before making any decisions.
15. Managers should be mindful of their obligations under Equalities legislation and in particular the requirement not to discriminate or treat employees differently on the grounds of age.

## **INTERPRETATION OF THE SCHEME**

16. In the event of a dispute relating to the interpretation of this Scheme the Head of Workforce and Organisation Development or the Human Resources Service Manager will make the final decision on interpretation.

## **REVIEW OF THE SCHEME**

17. A review of this Scheme will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Scheme will be amended and reissued.

**NOVEMBER 2014**

# Voluntary Severance Scheme

<b>Version of Scheme:</b>	<b>Version 1</b>
<b>Draft Number:</b>	<b>Final</b>
<b>Scheme Ratified By:</b>	<b>Cabinet</b>
<b>Date Ratified:</b>	<b>1<sup>st</sup> October 2014</b>
<b>Effective Date of Scheme:</b>	<b>1<sup>st</sup> November 2014</b>
<b>Review Date:</b>	<b>2016</b>
<b>Applicable To:</b>	<b>All Caerphilly employees except School based unless the School Governing Body has adopted the Scheme.</b>
<b>Equalities Issues:</b>	<b>All Equalities considerations have been taken into account when drafting this Scheme. These have been reflected in all documentation during the consultation and governance processes.</b>

The Council's recognised trade unions have been consulted on this Scheme.



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### NOTE

Wherever the designation Manager is used throughout this procedure, it is taken to mean Head of Service, Line Manager, Supervisor, Officer in Charge, Head Teacher or anyone who has supervisory responsibility.

## **INTRODUCTION**

3. Caerphilly County Borough Council is committed to providing its employees with more choice and flexibility with regard to whether they wish to stay in work. Personal circumstances will differ, and there may be occasions where employees in areas affected by the need to downsize the workforce may wish to access voluntary severance opportunities.
2. The Council recognises that retaining a well-trained, well motivated and flexible workforce, with a wide range of skills and experience is essential to the provision of quality services. This will be a difficult balancing act when considering the staffing implications flowing from the Council's Medium Term Financial Plan.
3. A Voluntary Severance Scheme will allow the Council to offer employees, whose areas are affected by the need to downsize, a greater flexibility of options.

## **WHAT THE SCHEME COVERS**

4. All applications for voluntary severance must be dealt with under this Scheme.

## **DETAIL OF THE SCHEME**

5. When Service Areas are required to downsize their workforce, an individual employee or groups of employees may be identified as being at risk. Those employees would then fall under the Redeployment Policy, and all reasonable efforts will be made by the Council to redeploy the affected employee(s) into suitable alternative employment within the Council.
6. Whilst this process supports employees, and has historically been effective in securing alternative employment, this is not achievable in all cases. It is also recognised that the volumes of employees requiring the support of the Redeployment Policy, are anticipated to grow as a consequence of the requirements of the Medium Term Financial Plan. This in turn is likely to place this ability to successfully secure alternative employment, under further pressure.
7. A period of time in the redeployment pool may be stressful, and place added pressures on the employee and the Council as the employer. Employees for a whole host of personal reasons may not wish to be placed in a position where they are in the redeployment pool. As a personal choice, they may prefer to access the Voluntary Severance Scheme, and leave our employment.
8. Where a Service Area has to downsize some individuals may not be directly at risk. However, for personal reasons they may volunteer to leave via a voluntary severance arrangement, allowing for the employee identified as being at risk to be redeployed into their post, if they are deemed to be a suitable match. In addition, prior to identifying the actual detail of the individuals effected (particularly where this will cover larger employee groups rather than an individual post), Managers may wish to explore whether there are employees who would wish to volunteer for severance. This may assist in reducing the timelines involved, and alleviate issues for the employees concerned.
9. Heads of Service are required to draw up a Business Case to demonstrate that the Service Area is able to accommodate the voluntary severance request both operationally and financially. The business case should include the financial details of the severance payment and the benefit to the Service Area. The employee's termination date will be agreed as part of



the business case process. The Business Case should be counter signed by the relevant Director.

10. Viable voluntary severance business cases would be considered as an alternative to the need for compulsory redundancies in a Service Area. This means that applicants who apply to access voluntary severance could be cross-matched against those at risk. If the business case is not viable for the Service Area, it may be possible to facilitate a voluntary severance arrangement by cross matching to a post within another Service Area.
11. There is no automatic right for an employee's request for voluntary severance to be agreed.
12. Heads of Service should contact their HR Business Partner Team to discuss any applications for voluntary severance that they receive. This is especially important where an application cannot be supported. In this case, Heads of Service should seek advice, prior to notifying the employee that the application cannot be supported, to ensure that the case has been reasonably considered and all alternatives have been explored. When an application is not supported, employees must be given written reasons as to why the application cannot be accommodated by the relevant Manager/Head of Service.
13. The value of individual severance payments will differ depending on the employee's length of service. However the means of calculating the severance payment will be consistent. The severance payment will be the equivalent of 60% at their current gross salary level. This payment will currently be capped at the top of HAY Grade C.
14. Managers should be mindful of their obligations under Equalities legislation and in particular the requirement not to discriminate or treat employees differently on the grounds of age.

#### **INTERPRETATION OF THE SCHEME**

15. In the event of a dispute relating to the interpretation of this Scheme the Head of Workforce and Organisation Development or the Human Resources Service Manager will make the final decision on interpretation.

#### **REVIEW OF THE SCHEME**

16. A review of this Scheme will take place when appropriate. Any amendments will be consulted on with all the relevant parties. However, in the case of amendments relating to legislative requirements, the Scheme will be amended and reissued.

**NOVEMBER 2014**

Appendix I

**CAERPHILLY COUNTY BOROUGH COUNCIL - LOCAL ELECTION FEES**

As at 20<sup>th</sup> September 2007 increased by 2.48% annual pay award for 2008

As at May 2012 increased by 1% annual pay award for 2009

**A) RETURNING OFFICERS FEE**

For conducting the Election(s) giving the prescribed Notices, preparing and supplying Nomination papers, deciding on validity, appointing and remunerating staff, arranging and / or conducting the Poll, conducting the Count, declaring the result(s), making all necessary returns and generally performing all the duties which a Returning Officer is required to do under the Representation of the People Acts and Regulations – including all payments, disbursements and expenses as may be necessary.

<b>1) <u>CONTESTED ELECTIONS</u></b>	<b>1/5/2008</b>	<b>1/5/2012</b>	
	£	£	£
For each Electoral Division / Community Ward			
For each 1000 Electors (or part)	76.80	78.37	79.16
For next 1000 Electors (or part)	43.50	44.58	45.03
For every subsequent 250 Electors (or part)	14.70	15.06	15.21
<b>2) <u>UNCONTESTED ELECTIONS</u></b>			
For each uncontested Division / Ward	70.00	71.74	72.46
<b>3) <u>POSTAL VOTES – (Supervision)*</u> to be paid to DRO and or Asst. DRO's</b>			
*NB – in this event no fee should be claimed by the DRO or Asst. DRO's from the clerical fund for these duties.			
Issue (for each paper)	0.30p	0.31p	0.31p
(minimum per Division / Ward)	(24.00)		(24.24)
<i>(minimum per casual vacancy)</i>	<i>(70.00)</i>		<i>(70.70)</i>
Receipt (for each paper)	0.30p	0.31p	0.31p
(minimum per Division / Ward)	(24.00)		(24.24)
<i>(minimum per casual vacancy)</i>	<i>(70.00)</i>		<i>(70.70)</i>
<b>4) <u>POLL CARDS (Supervision)*</u> to be paid to DRO and or Asst. DRO as above</b>			
Per 1000 or part issued	28.00	28.70	28.99
<i>(minimum per casual vacancy)</i>	<i>(40.00)</i>	<i>41.00</i>	<i>41.41</i>



## COUNCIL – 10TH MARCH 2015

**SUBJECT: NOTICE OF MOTION - WORKFARE**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES**

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### 1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 3 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. BACKGROUND

- 2.1 A Notice of Motion has been received from Councillors K.V. Reynolds, G. Jones, Mrs B. Jones and D.V. Poole.
- 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. REPORT

- 3.1 Councillors K.V. Reynolds, G. Jones, Mrs B. Jones and D.V. Poole request in their Notice of Motion that :-

This Council pledges not to use the UK Government's WORKFARE placements and will encourage partners not to do so either, so far as it is legally permitted to do so.

- 3.2 The following information is provided by the Members in support of their notice of motion.

**Reasons for the Motion:**

Caerphilly County Borough Council is concerned about the lack of evidence that the UK Government WORKFARE scheme assists job seekers in finding work. We believe that a 30 hour a week placement makes it more difficult for people to find work and that WORKFARE stigmatises people and locks them further into poverty.

### 4. EQUALITIES IMPLICATIONS

- 4.1 There are no equalities implications associated with this report.

### 5. FINANCIAL IMPLICATIONS

- 5.1 There are financial implications associated with this report.

**6. PERSONNEL IMPLICATIONS**

6.1 There are personnel implications associated with this report.

**7. CONSULTATIONS**

7.1 There has been no consultation undertaken.

**8. RECOMMENDATIONS**

8.1 Council is asked to consider the Notice of Motion outlined in paragraph 3 above.

Author: Helen Morgan, Committee Services Officer