



## COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 17TH NOVEMBER 2015 AT 5.00 PM

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#### PRESENT:

Councillor L. Gardiner - Mayor  
Councillor Mrs D. Price - Deputy Mayor

#### Councillors:

L. Ackerman, M. Adams, Mrs E.M. Aldworth, A.P. Angel, J. Bevan, P.J. Bevan, Mrs A. Blackman, D. Bolter, D.G. Carter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, D.T. Davies, H.R. Davies, K. Dawson, C. Elsbury, M. Evans, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, Ms J. Gale, N. George, C.J. Gordon, R.W. Gough, D. Havard, C. Hawker, G.J. Hughes, K. James, M.P. James, Mrs B.A. Jones, Ms J.G. Jones, Miss L. 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, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, K.V. Reynolds, Mrs M.E. Sargent, J. Simmonds, S. Skivens, E. Stenner, J. Taylor, T.J. Williams, R. Woodyatt

#### Together with:-

C. Burns (Interim Chief Executive), C. HARRY (Corporate Director – Communities), D. Street (Corporate Director of Social Services), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), P. Elliott (Head of Regeneration and Planning), R. Kyte (Team Leader - Strategic and Development Planning), J. Morgan (Trading Standards, Licensing and Registration Services Manager), M. McSherry (Licensing Manager), A. Price (Interim Deputy Monitoring Officer) and R. Barrett (Committee Services Officer)

#### 1. **MAYOR'S ANNOUNCEMENT - PARIS TERRORIST ATTACKS**

The Mayor referred to the recent terrorist attacks in Paris, France, on the evening of Friday 13th November 2015, which resulted in the deaths of 130 people and left hundreds more wounded. All present stood for a moment of silence as a mark of respect for the victims of this tragic event.

Members agreed that a letter be sent to authorities in Paris to convey the condolences of Caerphilly County Borough Council.

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

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

Reference was made to the matter of sitting/standing whilst speaking at Council, and the Interim Chief Executive advised that although it had historically been customary for Members to stand whilst addressing Council as a mark of respect to their peers, this practice had been revised with the introduction of webcasting (whereby Members spoke in a sitting position instead to allow for a clearer video image). It had since been established that the video cameras worked equally well irrespective of whether speakers chose to sit or stand, and a number of Members had subsequently requested a review of the policy in that the practice of standing whilst addressing Council be reinstated.

Clarification was sought on whether there would be an exemption to the practice of standing for those Members who were disabled or had difficulty in standing, and it was confirmed that discretion would be afforded in such circumstances.

By a show of hands (and in noting there was 1 against) it was agreed by the majority present that the practice of Members standing to address Council be reinstated with immediate effect.

## **3. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors H.A. Andrews, Mrs K.R. Baker, L. Binding, N. Dix, Mrs P. Griffiths, A.G. Higgs, G. Johnston, J.E. Roberts, R. Saralis, Mrs J. Summers and L.G. Whittle.

## **4. MAYOR'S ANNOUNCEMENTS**

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting. He also made reference to the many commemorative events for Armistice Day that had been hosted across the county borough, which had been very well received. Of particular note was the unveiling of a new memorial garden in Princetown and Tafarnaubach, honouring those who served in the two world wars, and the Mayor paid tribute to the community spirit of those local residents involved in the creation of this memorial.

## **5. PRESENTATION OF AWARDS**

### **Winding House Museums and Heritage Service – Kids in Museums and Telegraph Award**

Members were informed that the Telegraph Family Friendly Museum award is the largest such award in the UK. The Winding House in New Tredegar was recently short-listed amongst 6 museums across the whole of the UK to be chosen as the most Family Friendly, and was the first museum in Wales to be short-listed for 10 years.

At the Telegraph Newspaper office in September 2015, the overall winner was announced, and although the Winding House did not win on this occasion, the Telegraph and Kids in Museums took the unprecedented step of creating a special award for the Winding House (Special Commendation for Outstanding Contribution to their Local Community).

The award was inspired by the positive and supportive swathe of comments from their visitors and the local community, as well as the Telegraph's own mystery visitors. On the night of the awards, the Director of Kids in Museums commented on the need to acknowledge the achievements of the Winding House and recognise their commitment to serving their community, welcoming families, and supporting and enabling them to discover their own heritage.

Helen Wilson and Emma Wilson from the Winding House Museums and Heritage Service came forward to receive the award from the Mayor.

### **Cwmcarn Forest and Visitor Centre – Family Day Out of the Year**

Cwmcarn Forest recently achieved a V Award for 'Family Day Out of The Year' as voted for by the readers of Voice magazine (South Wales region) beating a number of other prestigious attractions within the area.

With a varied and full events programme, wildlife explorer trails for the children, toddlers' play area, many walking and cycling trails, Ravens Café and a four star campsite, the overall package of events activities and services all contributed to making Cwmcarn Forest the best family day out.

Tracy Hughes from Cwmcarn Visitor Centre came forward to receive the award from the Mayor.

### **Blackwood Miners Institute - Theatre of the Year**

Blackwood Miners' Institute was recently awarded 'Theatre of the Year' at the V Awards, as voted for by the readers of Voice Magazine.

Blackwood Miners' Institute is the only professional theatre in the county borough, and hosts a comprehensive programme of arts and entertainment. It is also widely used by local community and amateur groups of all ages enabling them to rehearse and perform in first class facilities.

This award demonstrates that Blackwood Miners Institute is officially recognised for its high quality and varied programme and a commitment to raising the profile of the arts and creativity in the region.

Ian MacVicar on behalf of Blackwood Miners Institute came forward to receive the award from the Mayor.

### **Caerphilly Apprentice of the Year**

Members were informed that in 2006 the Sector Skills Council introduced NVQs in recycling to meet the requirements of the Waste Directive and the need for skilled staff within the waste industry. In 2012 the Sector Skills Council introduced upgrade qualifications in the form of sustainable resource management in 2012, which was funded through the Welsh Government work-based learning apprenticeship program.

Nigel Phillips from the Waste Management Team saw this as an opportunity to further his career and after completing his Level 2 apprenticeship, signed up for a Level 3 Diploma in Sustainable Recycling Activities (Supervisory). Having successfully completed this, Nigel will now progress to Level 4.

The organisation who deliver this training, Safe and Secure Training, are part of the Quality Skills Alliance, a consortium managed by the Cardiff and Vale Colleges and monitored by ESTYN. At the end of each course the assessors nominate an apprentice who has continuously endeavoured to produce work of the highest quality and meet the set deadlines. From the 26 candidates successfully completing the course and receiving their certificates, the assessors had no hesitation in nominating Nigel as Caerphilly's Apprentice of the Year.

Since the funding was made available by the Welsh Government for work-based learning, Caerphilly's refuse and cleansing department has now over 100 staff with national vocational qualifications in recycling or sustainable resource management (nearly 50% of the workforce). This has contributed to the ongoing success of the department and high satisfaction levels expressed by residents.

Nigel Phillips came forward to receive the award from the Mayor.

### **Alfie's Angels – Cardiff Half Marathon for Ty Hafan**

A group of Council employees tackled the Cardiff Half Marathon in October 2015 with help from Welsh rugby legend Gareth Thomas. The group, known as Alfie's Angels, featured in a new BBC series as part of the 'Live Longer Wales' season.

Hayley Bowen, Elizabeth Barrett, Sherell McLaughlan and Emma Matuszczyk-Jones participated in the training along with 12 friends from the local community. All the group successfully completed the Cardiff Half Marathon, raising over £10,000 for Ty Hafan.

Members congratulated Alfie's Angels on their achievement and thanked them for doing their part to promote the benefits of leading a healthy lifestyle.

Hayley Bowen, Elizabeth Barrett, Sherell McLaughlan, Emma Matuszczyk-Jones, Claire McLaughlan, Lisa James, Bethan Bowen, Natalie Williams, Avril Stephens, Louise Lott, Gail Temby, Helen Mayo, Chloe Mayo, Kelly Lewis and Adam Jones came forward to be congratulated by the Mayor.

The Mayor indicated that he would arrange for a letter of thanks to be sent to Ty Hafan, which is one of his chosen charities for 2015.

## **6. DECLARATIONS OF INTEREST**

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

## **7. SPECIAL COUNCIL – 29TH SEPTEMBER 2015**

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

Special Council held on 29th September 2015 (minute nos. 1-8).

## **8. COUNCIL – 6TH OCTOBER 2015**

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

Council held on 6th October 2015 (minute nos. 1-16).

**9. SPECIAL COUNCIL – 28TH OCTOBER 2015**

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

Council held on 28th October 2015 (minute nos. 1-5).

**10. COUNCILLOR JOHN BEVAN**

Councillor John Bevan referred to the recent loss of his wife, Councillor Gina Bevan, and thanked Members for the numerous messages of support and condolence that he and his family had received.

**REPORTS REFERRED FROM CABINET**

Consideration was given to the following reports referred from Cabinet.

**11. CORPORATE SAFEGUARDING CHILDREN AND VULNERABLE ADULTS POLICY**

The report, which was considered by Cabinet on 14th October 2015, outlined the final draft of the Corporate Safeguarding Children and Vulnerable Adults Policy and sought the approval of Council on its content.

Members were informed that between March and May 2014 the Welsh Audit Office (WAO) completed a review of Caerphilly County Borough Council's assurance and accountability arrangements for ensuring that safeguarding policies and procedures were in place and being adhered to.

The findings of the Review were published in October 2014 and 5 key areas for improvement were identified, mainly around corporate governance, which included updating the Safeguarding Policy, accountability and reporting and including Safeguarding within the Internal Audit work programme. Full details of the recommendations were contained within the report. These findings were reported to Cabinet on 10th December 2014, where it was agreed that a cross-directorate group of key Officers would be established to implement the recommendations made by WAO.

This report provided an update on the actions taken to meet the WAO requirements through the production of an overarching Corporate Safeguarding Policy. At the meeting of Cabinet on 14th October 2015, it was noted that there had been some amendments to the Policy since the time of printing. Details of these were outlined within the Officer's covering report that was presented to Council. The proposal to develop a Corporate Safeguarding portal on the Council's intranet site was noted by Cabinet and it was also agreed that Councillor Robin Woodyatt be named Lead Cabinet Member for Safeguarding.

During consideration of the report by Council, Members were asked to note that the Review did not identify any weaknesses in the operational day to day safeguarding arrangements for children and young people in Caerphilly and that the recommendations relate to the corporate governance of these arrangements. Officers also confirmed that nominations for Elected Member representation from each of the Political Party Groups to join the Corporate

Safeguarding Group would be sought following the meeting.

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

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

- (i) the Chief Executive be given delegated authority to make minor amendments to details within the policy as indicated during the meeting and that the draft Corporate Safeguarding Children and Vulnerable Adults Policy be approved as amended;
- (ii) Councillor R. Woodyatt be nominated as Lead Cabinet Member for Safeguarding.

## **12. PROPOSED CHANGES TO THE CCBC CIL REGULATION 123 LIST OF INFRASTRUCTURE**

The report was considered by the Regeneration and Environment Scrutiny Committee on 27th October 2015 and thereafter Cabinet on 11th November 2015. It presented the findings of the public consultation exercise undertaken in respect of the proposed changes to the Regulation 123 List and sought Members' approval on the publication of the Replacement Regulation 123 List in accordance with the implementation of Community Infrastructure Levy (CIL).

Members were advised that Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) sets out the requirement for the CIL Charging Authority to publish a list of the infrastructure that can be funded through CIL. It is proposed to make some changes to this list which will enable school provision to be sought on-site in line with the aspirations of the adopted Local Development Plan (LDP) via Section 106 obligations. The proposed changes to the Regulation 123 List (as appended to the report) will have a minimal impact on the viability evidence that was considered by the CIL Examiner in that it will only impact on two specific sites (namely Waterloo Works and Bedwas Colliery).

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

RESOLVED for the reasons set in the report:-

- (i) the findings of the public consultation exercise undertaken in August/September 2015 in respect of the proposed changes to the Regulation 123 List be noted;
- (ii) the Replacement Regulation 123 List be approved for publication in accordance with the implementation of Community Infrastructure Levy.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

### **13. LICENSING ACT 2013 – REVIEW OF STATEMENT OF LICENSING POLICY**

The report, which informed Members of the necessity to review the Statement of Licensing Policy and the result of consultations carried out, was considered by the Licensing Committee on 24th September 2015.

The Licensing Act 2003 requires the Authority to publish a Statement of Licensing Policy to determine how licensing applications are considered. The Authority is required to review the statement every five years, with the current Policy published in January 2011 and a revised Policy required for publication in January 2016.

In reviewing the Policy, the Authority has consulted with relevant bodies and invited comments from residents and businesses throughout the county borough. Regard has been given to the guidance issued by the Home Office and reflected in the revised Policy (as appended to the report) and there have also been a number of legislative changes that have a direct effect on the Policy. A number of statutory controls, which have an effect on the Licensing function, are set out in the revised policy, together with the inclusion of relevant data from the Local Health Board.

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

RESOLVED that for the reasons set out in the report, the revised Statement of Licensing Policy be approved.

### **14. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY**

The report, which informed Members of the result of consultation carried out to review the Statement of Gambling Licensing Policy, was considered by the Licensing Committee on 24th September 2015.

The Gambling Act 2005 requires the Licensing Authority to prepare, consult upon and approve a Statement of Licensing Policy that must be reviewed every three years. The current Policy was approved by Council and published in January 2013.

In reviewing the Policy, the Authority has consulted with relevant bodies and individuals and invited comments from residents and businesses throughout the county borough. Regard has been given to a number of legislative changes, together with new guidance and a Licensing Conditions and Codes of Practice (LCCP) document issued by the Gambling Commission, and reflected in the revised Policy (as appended to the report).

During the course of the ensuing debate, concerns were raised in respect of a perceived saturation of gambling premises across the county borough and links to poverty and anti-social behaviour within local communities. Officers explained that due to current legislation in place, a cumulative impact policy in respect of gambling premises could not be presently applied within the county borough but that this was a matter of concern that had been raised by the Welsh Local Government Association. Should there be a change to this legislation, then Officers would seek to re-examine the number of premises within a particular location. Members were reminded of the aims of the Licensing Objectives which also apply to gambling premises and address matters such as the prevention of crime and disorder.

A query was also raised regarding legislation surrounding fixed-odds betting machines located within gambling premises. Officers confirmed that although the Government were not currently minded to change such legislation, a special board within the WLGA were currently

considering an appeal in respect of this matter.

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

RESOLVED that for the reasons set out in the report, the revised Statement of Gambling Licensing Policy be approved.

## **15. MEMBERS' PLANNING SITE VISITS**

The report was presented to the Planning Committee on 4th November 2015 and advised Members of the Royal Town Planning Institute (RTPI) research in relation to the operation of Planning Committees in Wales and their recommendations in relation to site visits.

In order to meet the requirements of the Planning Wales Act 2016, the views of the Planning Committee were sought on the suggested changes to the current site visit protocol, prior to the report being presented to Council for consideration.

At that meeting, a number of comments and suggested amendments from Members were received in respect of the proposed changes. It was suggested that the RTPI recommendation that site visits be identified by Officers in consultation with the Chair be extended to include reference to the Vice-Chair. A query was also raised regarding the final decision in the event of any dispute about the need for a site visit and it was confirmed that this will be taken by the Chair and/or Vice Chair in consultation with the Head of Planning and Regeneration and/or the Development Control Manager, and be reflected in the revised protocol accordingly.

Full details of these comments and amendments were detailed in the covering report and amended site visit protocol, which were appended to the Officer's original report that had been presented to Planning Committee.

During consideration of the report by Council, clarification was sought on the new protocol in respect of Members requesting a site visit within 21 days of receiving the weekly list of planning applications, with it queried as to whether the Officer's report and recommendation to the Planning Committee would be available within this timeframe. Officers explained that the final version of such reports are published one week prior to Planning Committee but that Members could approach the relevant Case Officer to seek guidance on the anticipated recommendation for individual applications and then choose whether or not to request a site visit.

An additional recommendation to the report was moved and seconded, in that the proposed changes to the amended site visit protocol be reviewed in six months' time. As such, and subject to the inclusion of this additional recommendation, it was moved and seconded that the recommendations in the Officer's covering report be approved. By a show of hands (and in noting there was 1 against and 1 abstention), this was agreed by the majority present.

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

- (i) subject to the foregoing amendments, the proposed changes to the site visit protocol (as outlined in the Officer's report and appended to the covering report) be approved;
- (ii) the Council's Monitoring Officer be authorised to make the relevant changes to the Council's Constitution;



- (iii) the changes to the site visit protocol be reviewed after a period of six months from the date of implementation.

## **16. STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER**

The report outlined the need to appoint an independent member to the Standards Committee, and to consider a recommendation for the appointment of a reserve.

On 17th May 2015, Mr Phillip Morgan, stood down as an Independent Member of the Standards Committee. A Panel was established to consider all the applications for the subsequent vacancy and to make a recommendation to Council. Arising from the application process, three candidates were interviewed on 16th October 2015.

Following interview, the Panel considered that two of the candidates could be considered for appointment, and after discussion agreed the following:-

- (i) that Mr Maldwyn Stone be recommended for appointment as independent member of the Standards Committee for a period of four years from 18th November 2015;
- (ii) that Council be asked to agree that a reserve list of independent members be set up and Mr David Tolley be invited to remain on that reserve list for a period of six months from 18th November 2015.

During consideration of the report by Council, Members placed on record their appreciation to Mr Morgan for his invaluable contribution to the work of the Standards Committee.

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

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

- (i) Mr Maldwyn Stone be appointed for a period of four years from 18th November 2015 as an independent member of the Standards Committee;
- (ii) a reserve list of independent members be established and Mr David Tolley be invited to remain on that list for a period of six months from 18th November 2015.

## **17. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2014-2015**

The report was presented to the Standards Committee on 4th November 2015. Members were provided with the Annual Letter (2014-2015) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The data attached as an appendix to the Annual Letter included a detailed breakdown of complaints received and investigated and response times to requests for information.

Members noted that in relation to Caerphilly, whilst there had been a noticeable increase in the number of complaints received by the Ombudsman compared with 2013/14, this figure remains below the local authority average.

The original Annual Letter from the Ombudsman indicated that all responses from the Authority in respect of requests for information were received more than four weeks after the request. Following clarification with the Ombudsman's office, it was agreed to amend the letter to clarify that one response was received by the time limit agreed with the investigator. An amended Annual Letter had since been received and presented to the Standards Committee, with a copy appended to the report that was presented to Council.

Clarification was sought on the reasons for an increase in complaints in respect of Planning and Building Control compared to 2013/14. The Interim Chief Executive explained that as each complaint entailed an individual matter, it was difficult to generalise such complaints, but that the data had been monitored and there appeared to be no underlying reasons or circumstances for this increase. Assurances were also given that this matter had been fully debated by the Audit Committee.

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

RESOLVED that for the reasons set out in the report, the contents of the amended Annual Letter be noted.

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

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

The meeting closed at 5.54 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 26th January 2016, they were signed by the Mayor.

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MAYOR