



POLICY AND RESOURCES SCRUTINY COMMITTEE

**MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON
TUESDAY, 1ST MARCH 2016 AT 5.30 P.M.**

PRESENT:

Councillor H.W. David – Chair
Councillor S. Morgan – Vice-Chair

Councillors:

L. Binding, Mrs P. Cook, C.J. Cuss, C. Hawker, Ms J.G. Jones, G. Kirby, A. Lewis, C.P. Mann,
D. Rees, R. Saralis, J. Simmonds

Cabinet Members:

D. T. Hardacre (Performance and Asset Management), Mrs B. Jones (Corporate Services)

Together with:

N. Scammell (Acting Director of Corporate Services and Section 151 Officer), P. Davy (Head of Programmes), S. Harris (Interim Head of Corporate Finance), D.A. Thomas (Senior Policy Officer, Equalities and Welsh Language), L. Lane (Solicitor) and R. Barrett (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J.E. Fussell, Miss E. Forehead and J. Taylor, together with Cabinet Members Mrs C. Forehead (HR and Governance/Business Manager) and D.V. Poole (Housing).

2. DECLARATIONS OF INTEREST

Councillor C.J. Cuss declared an interest in Agenda Item 8 (Review of Community Improvement and Community Safety Funds). Details are minuted with the respective item.

3. MINUTES – 19TH JANUARY 2016

RESOLVED that the minutes of the Policy and Resources Scrutiny Committee held on 19th January 2016 (minute nos. 1 – 16) be approved as a correct record and signed by the Chair.

4. CALL-IN PROCEDURE

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

5. REPORT OF THE CABINET MEMBER

The Scrutiny Committee received a verbal report from Cabinet Member Mrs B. Jones.

Councillor Mrs B. Jones (Cabinet Member for Corporate Services) presented her report and explained that the Council's IT Department is currently involved in an outline business case process to evaluate whether it would be appropriate to join an All-Gwent collaborative ICT service. The Shared Resource Service (SRS) is based in Blaenavon and is a collaborative ICT venture across South Wales that provides ICT services to public sector organisations. This process is ongoing and scheduled to be completed by 30th June 2016.

Members were also informed that the Council's computer upgrade programme is due to be completed during March/April 2016. This exercise has involved a significant amount of work by the Council's ICT Team to ensure that the process has been as seamless as possible.

A Member queried if the potential collaborative venture could have an impact on the day-to-day running of ICT operations within the Council (in that it is based in Blaenavon). The Cabinet Member confirmed that there will still be staff from IT based in CCBC.

In explaining that he had been unaware that the matter would be presented at the meeting, Councillor D. Rees asked for it to be noted that he had not participated in the discussion regarding the collaborative venture with SRS.

The Cabinet Member was thanked for her report.

6. CABINET REPORTS

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following reports.

7. STRATEGIC EQUALITY PLAN AND OBJECTIVES 2016-2020

David A. Thomas (Senior Policy Officer, Equalities and Welsh Language) presented the report, which sought the views of Members on an updated Strategic Equality Plan and Objectives 2016-2020, prior to its presentation to Cabinet and Council to seek approval for adoption as Council policy.

Members were advised that since April 2012, the Council has had in place a four-year Strategic Equality Plan alongside a Welsh Language Scheme in order to comply with statutory duties. These have been supported by a single operational document, the Equalities and Welsh Language Strategic Objectives and Action Plan. This operational document was created as the requirements of both statutory duties have many similar requirements in terms of implementation, so this unified action plan reduces duplication of actions and streamlines the implementation of both sets of duties.

All local authority Welsh Language Schemes come to a formal end in March 2016 due to the introduction of the new legislation and so as part of this policy update, the Council's Welsh Language Scheme document will be removed from the policy framework, so that actions within the Strategic Equality Plan, related to the new Welsh Language Standards, can replace it.

The Strategic Equality Plan has undergone relatively minor updates in order to reflect changes or to provide additional information only. The Objectives and Action Plan have been developed to take achievements and progress into account and to bring the document in line with the Welsh Language Standards. The main additions are sections on the Armed Forces Covenant and links to the Well Being of Future Generations (Wales) Act 2015, as Equalities and Welsh Language issues (alongside Community Cohesion matters) form 3 of the 7 Well-being Goals within the Act.

Members were advised that the number of Strategic Equality Objectives has risen from 7 to 11, with the addition of Compliance with the Welsh Language Standards, Supporting Age-friendly Communities, Supporting the Armed Forces Covenant and Working with Gypsy and Traveller Communities. Members were referred to Appendices 2 and 3 of the report which contained the updated Strategic Equality Plan and the Equalities and Welsh Language Objectives and Action Plan for 2016-2020.

The Strategic Equality Plan and the unified Objectives and Action Plan were the focus of consultation and engagement undertaken between December 2015 and January 2016. 17 responses were received and where possible, the comments and additional information received from the consultees (who were listed in Appendix 1 of the report) have been reflected in the amended draft policy. The key amendments arising from the consultation were a greater alignment of the new Ageing Well in Caerphilly Objective with existing national programmes, and inclusion of further reference to criminal legislation around Hate Crime and other relevant legislation and regulations.

The Officer was thanked for his report, and during the course of the ensuing debate, a number of observations were raised by Members regarding the contents of the updated Strategic Equality Plan. Officers agreed that the relevant sections would be updated to reflect these views, prior to the final version of the Plan being released.

These observations included a query on why some factors (such as pregnancy) as outlined in Section 3.2 of the report (Definitions of Discrimination) are not covered by the Equality Act 2010. Officers explained that these areas are covered in other ways (such as HR legislation) and confirmed that this section would be updated to clarify the other types of legislation in effect. Reference was made to Section 4.6 of the Plan (Equalities in Practice within the Council – Employment Data) which referred to learning and development data as contained within individual staff records. Officers confirmed this paragraph would be expanded to add clarity to this section of the Plan.

Reference was made to Equality Objectives 3 and 7 (Improving Physical Access and Supporting Age-Friendly Communities) in relation to the issue of impeded pedestrian access caused by parking on pavements. Members expressed a need for the Police to be included in the list of stakeholders listed against these Objectives and for this section to be extended to reflect the need for discussion between the police and other stakeholders regarding such issues. A Member also requested that the rights of children be reflected in the section of the Plan outlining the Human Rights Equality issue. Officers confirmed that these sections would be updated and expanded accordingly.

Officers also responded to a number of general queries in respect of the Strategic Equalities Plan and Objectives. A Member enquired as to the impact of the Council's obligation to offer Welsh Language classes to its staff. Officers outlined the methods by which this training is offered to Council staff and explained that this training will take into consideration workplace operational requirements to provide the most accessible means of training to its employees. It

was agreed that information would be circulated to Members following the meeting regarding the legislation, current provision, the number of staff who have received training, details of their fluency level, and the annual report giving the full details of all the training provided.

Discussion took place regarding the extent of the Council's obligation to translate service requests received in other languages and formats. Officers explained that although the Council responds to all requests in line with current legislation, the situation is regularly monitored to ensure that there are no significant cost or resource implications to the Council. Members explained that in instances where such an impact could arise, discussion will take place between relevant departments to determine the most effective way to progress the translation request. A Member also queried whether there had been any issues experienced by Council staff in dealing with ethnic minority service requests in other languages and formats. Officers confirmed that all such requests had been passed to the relevant department in a timely manner and that no issues had been reported back to the Equalities and Welsh Language Team.

Reference was made to the responses that had arisen from the consultation process, and Officers confirmed that those of an appropriate nature had been reflected in the amended draft policy. A Member queried if any successful challenges had been made against the Council as a result of the Equalities Act 2010. Officers explained that no legal challenges had been made, though a number of complaints are received each year, some of which do progress to the Ombudsman, but that the Council is generally very robust in meeting the requirements of this legislation.

A Member queried why CCBC schools were not included in the list of stakeholders against Equality Objective 3 (Improving Physical Access). Officers explained that the DDA Access Officer (who is listed as a stakeholder) represents the interests of all schools across the county borough in this regard. A Member also queried the impact of the Council's Medium Term Financial Plan and associated budget savings on certain Equalities-related matters across the county borough. Officers explained that an Equalities Impact Assessment is carried out against all proposed savings and includes a section on mitigating factors in an attempt to minimise any such impact.

Following consideration of the report (and subject to the aforementioned amendments) it was moved and seconded that the following recommendation be referred to Cabinet for consideration (and thereafter Council for approval). By a show of hands this was unanimously agreed.

RECOMMENDED to Cabinet (and thereafter Council) that subject to the amendments proposed at the meeting, the updated Strategic Equality Plan and the Objectives and Action Plan as set out in the Appendices to the report be approved.

8. REVIEW OF COMMUNITY IMPROVEMENT AND COMMUNITY SAFETY FUNDS

Councillor C.J. Cuss declared an interest in this item in that he is the Secretary of Pen y Dre Tenants and Residents Association (who are named as a grant beneficiary in the report). As the interest was determined to be personal and not prejudicial, the Member remained in the meeting during consideration of the item.

Phil Davy (Head of Programmes) presented the report, which had been previously considered by the Caerphilly Homes Task Group on 18th February 2016. The report sought the views of Members on proposals to absorb the Welsh Housing Quality Standard (WHQS) Community Improvement Fund and Community Safety Fund into the Environmental Programme budget, prior to its presentation to Cabinet for approval.

Members were advised that following the stock transfer ballot in February 2012, the Council agreed that it would deliver the promises made in its Offer Document to tenants and deliver

the WHQS by 2019/2020. It also gave a commitment to delivering numerous additional benefits which would add value to the WHQS programme and help deliver the Council's ambition of using the £200 million WHQS investment as a catalyst to Transform Homes, Lives and Communities. These additional benefits included the creation of a Community Improvement Fund and Community Safety Fund. The Council also created a Local Employment Fund, which has been relatively successful and will be the subject of a separate future report. £50,000 is allocated to each fund annually.

Officers explained that each year, despite a number of promotional approaches by staff, there is a significant under spend in the funds allocated to the Community Improvement Fund and Community Safety Fund. As the Community Improvement Fund and Community Safety Fund have not met their original expectations (in that they were designed to increase community cohesion and address local priorities) it is therefore advocated that these Funds be incorporated into the WHQS Environmental Programme budget.

It was noted that the Caerphilly Homes Task Group raised the matter of future applications to the fund and that it was determined that if any projects emerge that would previously have been candidates for the two funds they will (if appropriate) be incorporated within proposals for specific estates and be subject to the consultation arrangements that will inform the decision making as to which project proposals can be supported. The Task Group also raised concerns around the allocation of funding and projects in the larger estates across the borough and sought reassurance that, when work on the Environmental Programme begins, consideration would be given to all estates. The Caerphilly Homes Task Group (by a majority vote and in noting there was one abstention) subsequently supported the report recommendation.

During the course of the ensuing debate, Officers responded to queries regarding current and future administration of these Funds, outlined eligibility criteria in respect of such funding, and highlighted the promotional work and engagement processes carried out by Council staff to encourage take-up of these Funds. Reference was made to the use of the Community Safety Fund to support the purchase and installation of mobile CCTV cameras for use on the housing estates. Discussion also took place regarding how the Environmental Programme would address mixed tenure estates and whether it would benefit private tenants in addition to Council tenants. Officers explained that Council-owned sections of these estates would be identified within the programme but that all residents on such estates would be eligible for inclusion in the engagement process relating to the programme.

Members sought clarification on the reasons for the proposed change in engagement strategy in respect of these Funds. Officers reiterated that despite their best efforts, the number and diversity of organisations requesting funding has been minimal, with feedback suggesting the application process was too complex. They explained that absorbing these Funds into the Environmental Programme will be a more proactive way of engaging communities in improving the quality of their environment. Members were also advised that there have been occasions where grants have been awarded to a number of organisations, but who have subsequently decided not to take up the funding offer.

A number of Members stated that they had been unaware of these Funds and expressed disappointment as to their proposed withdrawal. A query was raised as to whether these Funds could still be accessed for community initiative purposes at the present time and Officers indicated that this was contingent on the outcome of the forthcoming Cabinet decision on these proposals. If Cabinet are minded to approve the proposals then future applications will not be processed in the same way.

Following consideration of the report, it was moved and seconded that the recommendation from the Caerphilly Homes Task Group as set out in the report be supported. By a show of hands (and in noting there were 6 against with 1 abstention) the motion was declared lost.

The Policy and Resources Scrutiny Committee therefore did not support the recommendation to Cabinet that was set out in the Officer's report.

9. COUNCIL TAX DISCRETIONARY REDUCTION POLICY - SECTION 13A (1) (C)

Steve Harris (Interim Head of Corporate Finance) presented the report, which sought the views of Members on a proposed draft Council Tax Discretionary Reduction Policy concerning Section 13A (1) (c) of the Local Government Finance Act 1992, prior to its presentation to Cabinet for approval.

Members were advised that Section 13A (1) (c) of the Local Government Finance Act 1992 as amended gives discretion to billing authorities to reduce a liable person's council tax 'to such extent as it thinks fit', even to nil, whether on an individual basis or by prescribing one or more categories

The Section 13A discretion is in addition to various statutory reductions, discounts, disregards and exemptions that are already within existing legislation. The discretionary power was originally envisaged to be used in extreme cases affecting a limited number of council tax payers (such as a crisis or fire/flooding event). However, from 1st April 2013, the way in which support is provided to council tax payers on low income changed with the introduction of Council Tax Reduction Schemes throughout the UK.

In Wales the Welsh Government has committed to a 100% funded Council Tax Reduction Scheme until the end of March 2017. This is not the case in England and consequently an increase in Section 13A applications has been experienced. Any move by the Welsh Government to not fully fund the Council Tax Reduction Scheme from April 2017 may result in a rise in Section 13A applications in Wales. Any change in the Council Tax Reduction Scheme would require a report to full Council along with an assessment of the potential financial implications.

The Section 13A policy (appended to the report in draft form) aims to provide a more transparent and equitable way of determining applications received for discretionary council tax reduction.

Discussion took place regarding the support available to persons applying for discretionary council tax reduction and the available methods of appeal in cases of refusal. Officers explained that a financial assessment is required to support cases of financial hardship and that where required Council staff would offer support in completing the relevant income/expenditure form. Members were advised that under the Local Government Finance Act 1992, there is no right of appeal against the Council's use of discretionary powers, but the Council will accept a taxpayer's written request for a review of its decision if it is made within 28 days of the original decision. The review will be carried out by the Director of Corporate Services and Section 151 Officer who will consider whether the applicant has provided any additional information against the required criteria that will justify a change of decision.

Officers explained that the Council will treat all Section 13A applications on their individual merits and emphasised that support is already available through the Council Tax Reduction Scheme, which is separate to the Section 13A Discretionary reduction. Officers also outlined the details of the limited number of successful Section 13A applications approved to date and it was agreed that further information regarding unsuccessful applications would be provided to Members following the meeting.

Following consideration of the report, it was moved and seconded that the following recommendation be referred to Cabinet for approval. By a show of hands this was unanimously agreed.

RECOMMENDED to Cabinet that the Council Tax Discretionary Reduction Policy - Section 13A (1) (c) as set out in the Appendix to the report be approved.

10. REQUESTS FOR REPORTS TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA

Councillor Ms J.G. Jones requested a report in relation to dog fouling. She was advised that this comes under the remit of the Health, Social Care and Wellbeing Scrutiny Committee and was asked to re-direct her request accordingly.

11. INFORMATION ITEMS

The Committee noted the following items for information, full details of which were included within the Officers reports. There were no items brought forward for review.

- (1) Treasury Management and Capital Financing Prudential Indicators Quarter 3 Monitoring Report (1st April 2015 to 31st December 2015);
- (2) Caerphilly Local Service Board Minutes - 1st September 2015;
- (3) Corporate Health and Safety Committee Minutes - 16th November 2015;
- (4) Caerphilly Homes Task Group Minutes - 10th December 2015;
- (5) Caerphilly Homes Task Group Minutes - 27th January 2016;
- (6) Pensions/Compensation Committee Minutes - 25th January 2016.

The meeting closed at 6.45 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 31st May 2016, they were signed by the Chair.

CHAIR