



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 19TH APRIL 2016 AT 5.00 PM

PRESENT:

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

Councillors:

L. Ackerman, M. Adams, Mrs E.M. Aldworth, A.P. Angel, Mrs K.R. Baker, J. Bevan, L. Binding, Mrs A. Blackman, D. Bolter, Mrs P. Cook, C.J. Cuss, D.T. Davies, H.R. Davies, N. Dix, C. Elsbury, M. Evans, Mrs C. Forehead, J.E. Fussell, Ms J. Gale, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, D.C. Harse, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, M.P. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, A. Lewis, K. Lloyd, C.P. Mann, Mrs P.A. Marsden, S. Morgan, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, A. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, S. Skivens, Mrs E. Stenner, Mrs J. Summers, L.G. Whittle, T.J. Williams
R. Woodyatt

Together with:

C. Burns (Interim Chief Executive), C. Harray (Corporate Director – Communities), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), D. Street (Corporate Director Social Service), G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Donovan (Acting Head of Human Resources and Organisational Development) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

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

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Bevan, D.G. Carter, H.W. David, W. David, Miss E. Forehead, Mrs P. Griffiths, D. Havard, G. Kirby, Ms P. Leonard, Mrs G. Oliver, Mrs R. Passmore, D. Rees, J. Simmonds and J. Taylor.

3. WELCOME – NEW MEMBERS

Members welcomed newly elected members David Harse (Moriah Ward) and Philippa Marsden (Ynysddu Ward) to their first meeting of Council.

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 made particular reference to a special concert that was recently held at Lewis Girls School in aid of his Charity Appeal and paid tribute to the realm of talent in attendance at this event.

Members were advised that the Mayor's Charity total for this year currently stood at approximately £15,000. He expressed his gratitude for the kindness and generosity shown to his charity appeal over the past year and referred to a number of individual donations recently received from local residents within the county borough.

5. RETIREMENT – COUNCILLOR HARRY ANDREWS

It was announced that Councillor Harry Andrews had decided to retire as a Member for the Gilfach Ward after 49 years as a local councillor. Warm tributes were paid to the long-standing Member and to the manner in which he has carried out his duties on behalf of the county borough and the community he represented. Reference was made to Councillor Andrews' long and distinguished career in local government with Caerphilly County Borough Council and its predecessor authorities and to a number of significant achievements as Leader of the Authority between 2004-2008 and 2012-2014. Members wished him well in his retirement from local government.

6. PETITION – OBJECTION TO THE PROPOSED DEVELOPMENT OF LAND ADJACENT TO GROVE PARK ESTATE, BLACKWOOD

The Mayor received a petition presented by Councillor A. Rees on behalf of local residents of Blackwood, which objected to the proposed development of land adjacent to Grove Park Estate, Blackwood, as designed for housing stock and identified in the Caerphilly County Borough Local Development Plan. The Mayor indicated that it would be referred to the appropriate directorate for attention.

7. PRESENTATION OF AWARDS

National Street Games Awards 2016

Members were informed that Caerphilly Communities First recently won the "Us Girls" Project of the Year at the National Street Games Awards in Warwick.

Us Girls is a targeted programme which aims to identify females aged 13-19 living in areas of deprivation who do not participate in sport or physical activity. This project aims to change females' lives, give them greater self-esteem and confidence, and break down the barriers to participation in physical activity. The project was launched in Caerphilly in May 2015 and to date over 250 girls have attended community hub or school based sessions.

The programme is a collaborative approach led by Communities First and partners from a number of agencies and businesses. Caerphilly Communities First was the only organisation in Britain to be shortlisted for 3 Street Games awards in different categories and has the highest retention rate of females taking part in the sessions in Wales (92%). Members were pleased to note the work being carried out which has raised the profile of the county borough and Communities First.

Tina McMahon, Andrew Diggle, Lauren Thomas and Lucy Thomas came forward to receive the award from the Mayor.

8. DECLARATIONS OF INTEREST

It was noted that with regards to Agenda Item No. 10 (Contract Arrangements of Interim Chief Executive and Continuation of Internal Management Arrangements), a number of Officers would be required to declare an interest and leave the meeting. Details are minuted with the respective item.

9. SPECIAL COUNCIL – 24TH FEBRUARY 2016

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

Council held on 24th February 2016 (minute nos. 1-8).

10. COUNCIL – 8TH MARCH 2016

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

Council held on 8th March 2016 (minute nos. 1-15).

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. CITY DEAL – APPROVAL OF OUTLINE AGREEMENT

The report advised Members of the approval of the outline terms of the “City Deal” investment plan for the Cardiff City region, comprising the ten local authorities in South East Wales, and sought approval for further negotiation of the next steps in the process.

Members were reminded that at Special Council on 24th February 2016, it was agreed that the Leader be authorised to sign an in principle agreement with the other nine local authorities in the region, UK and Welsh Government for the purposes of agreeing the framework of a £1.2 billion investment plan for the region.

Accordingly, on 15th March 2016 an agreement was signed by the ten local authority Leaders in the region, together with Carwyn Jones (the First Minister for Wales) and Greg Hands, (Chief Secretary to the Treasury). This agreement sets out, subject to formal approval by each of the parties at the appropriate stage, an outline proposal for the £1.2 billion investment plan. Details of the main elements of the agreement were contained within the report.

Further work will now be required to agree funding contributions and the mechanism for drawing down UK and Welsh Government contributions and detailed plans for the use of the fund. It is anticipated that further reports will be presented in due course dealing with the constitution, responsibilities and governance of the proposed Joint Committee/Joint Cabinet. It will be required to manage and direct the plan, detail arrangements for the funding of the plan, outline the exact contribution required from each authority, and set proposals for determining the allocation of the fund to specific projects. Each report will need to be approved by Members, with the current report intended as a progress update on City Deal matters since the last meeting of Council.

During the course of the ensuing debate, Members welcomed news of the latest development and outlined the many positive benefits that the scheme could bring to the county borough, which is expected to extend over 20 years.

Assurances were sought regarding the level of investment and benefits for local communities arising from the City Deal, with comparisons made between this scheme and the former Cardiff Bay Regeneration Project. Members were reminded of the benefits of the City Deal proposals, which will include at least £1.2 billion of additional investment across the region, and were assured that every effort will be made to ensure that Caerphilly county borough benefits from the City Deal. It was also explained that the City Deal proposals complement many of the goals of the Well-being Future Generations (Wales) Act 2015 in that the scheme aims to improve the health of people and improve economic and social wellbeing across the region.

Reference was made to the establishment of a number of specialist bodies as outlined in the report, which will contribute towards the shaping of the City Deal plan, and a Member expressed a need for Caerphilly Council to have expert and adequate representation on each of these bodies. Officers explained that it is anticipated that Caerphilly Business Forum will have a major involvement with the representative body for business. However, the Economic Growth Partnership will comprise of stakeholders from a number of professions and organisations and there is no guarantee that all the local authorities will be afforded representation on this advisory panel. It was also explained that the Independent Growth and Competitiveness Commission will comprise of experts from the university sector and will be advising on matters such as economic growth and hence the Council will not be represented on this body.

It was confirmed that the Joint Committee/Joint Cabinet will comprise of representatives from the ten local authorities, who will undertake overall management of the scheme and make decisions on the majority of the projects arising from the City Deal proposals. Decisions would not be delegated to other bodies on matters such as the management of investment funds.

Members referred to the proposed allocation of a significant portion of the investment fund to the South East Wales Metro project (£734 million) and expressed the need for caution regarding the allocation and handling of the remaining funds (£495 million) for other schemes over the 20-year period. Concerns were also raised as to whether the City Deal would be able to deliver on a guarantee of economic growth arising from the agreed contribution by the UK and Welsh Governments and local authorities. Assurances were given that the Council would continue to be fully involved in the development of the City Deal proposals and interim decisions and that further reports would be presented to Council in respect of the financial implications arising from a future contribution to the City Deal fund.

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

RESOLVED that for the reasons set out in the report, the in-principle agreement reached on 15th March 2016 be noted and that further reports be presented on the City Deal investment plan as outlined therein.

12. AMENDMENTS TO THE COUNCIL'S CONSTITUTION

The report recommended minor changes to the Council's Constitution in order to reflect current arrangements and sought approval for the Council's Interim Monitoring Officer to make the necessary changes to the Constitution as set out therein.

The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution is a “living document” in that it is continuously being updated and revised to reflect new legislation, improvement in procedures and changes to working practices.

The report sought Members’ approval to amend the Council’s Constitution at Part 3, Section 5 headed ‘General Delegations of Powers: Council and Executive Powers’, paragraph f(vii) to provide for the incorporation of substitute Officers in the absence of the single Officer currently named in the Constitution (the Head of Regeneration and Planning). It was proposed that this delegation be extended to incorporate the Development Control Officer, relevant Director, and Head of Legal Services as additional substitute Officers.

During the course of the ensuing debate, reference was made to the role of the cross-party Constitution Working Group established to review the Council’s Constitution. A Member sought clarification on when the Group had last met and expressed the importance of Members’ involvement regarding amendments to the Constitution. Officers confirmed that the Group had not met recently but gave assurances that all proposed amendments to the Council’s Constitution are brought to full Council for Members’ approval prior to implementation of these changes.

Following consideration and discussion, 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 set out in the report:-

- (i) the contents of the report be noted;
- (ii) the proposed changes to the Council’s Constitution as set out in paragraph 4.3 of the report be approved;
- (iii) the Interim Monitoring Officer be given delegated authority to make the necessary changes to the Council’s Constitution.

13. COUNCIL TAX RESOLUTION 2016/17 – ITEM H NARRATIVE

The report detailed the omission of a descriptive narrative paragraph in the Council Tax Resolution 2016/17 reported to Special Council on the 24th February 2016, and sought the approval of Members for its adoption.

Members were advised that the Local Government Finance Act 1992 and The Local Authorities (Calculation of Council Tax Base) (Wales) Regulations 1995 set out the rules for the calculation of the Council Tax base. This is the amount required by the Local Government Finance Act 1992 to be used in the calculation of the Council Tax. Item H of the Council Tax Resolution 2016/17 details the calculation of the Authority’s band D Council Tax inclusive of Community Council precepts. The following narrative paragraph was omitted from the Resolution presented to Special Council on 24th February 2016:

“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.”

Officers explained that approval was sought from Members in respect of the narrative paragraph as part of the Council Tax Resolution 2016/17, due to a requirement for the purpose of completeness and to safeguard the Authority against potential challenge.

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

RESOLVED that for the reasons set out in the report, the descriptive narrative for Item H as outlined in the report be adopted as part of the Council Tax Resolution 2016/17.

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

Chris Burns, Nicole Scammell, and Gail Williams declared an interest and left the meeting during consideration of this item.

Dave Street (Corporate Director Social Services) gave an overview of the report, which sought approval to further extend the contract arrangements for the post of Interim Chief Executive in order to comply with legislative requirements. The report also sought approval for the decision to extend the interim contract arrangements for the Director of Corporate Services and the Head of Legal Services/ Monitoring Officer to be delegated to the Interim Chief Executive.

Members were reminded of the current interim arrangements in place within the Authority since the initial suspension of three Senior Officers. The Council is required by law to have in place a Head of Paid Service, which is designated to the Chief Executive. On 22nd July 2014, Council appointed Mr Chris Burns to the post of Interim Chief Executive and on 9th June 2015, Council agreed to further extend the contract for a period of 12 months with effect from 1st September 2015.

Internal procedures in accordance with the statutory requirements are now proceeding against the three suspended Senior Officers. These procedures must be conducted fairly and thoroughly, and therefore are taking time to progress accordingly. The Authority is currently engaged in a number of significant projects, and in order to provide ongoing continuity for the organisation, it was proposed to extend the Interim Chief Executive's contract by a further year to 31 August 2017, at which time it would be reviewed again.

It was explained that the Chief Executive's terms and conditions are agreed by a separate body (the JNC for Chief Executives) which negotiates on a national basis. Agreement has now been reached on a national pay award and this is 1% with effect from 1st April 2016 and 1st April 2017. WLGA have received confirmation from the Chair of the Independent Remuneration Panel that the pay award can be implemented without the involvement of the Panel. As pay awards for the Chief Executive are currently not covered in the Council's Pay Policy, Members were therefore asked to agree the national pay award of 1% with effect from 1st April 2016 for the Interim Chief Executive.

Interim arrangements are also in place in relation to the Director of Corporate Services and the Head of Legal Services/Monitoring Officer and Members were asked to delegate authority to the Interim Chief Executive to extend both contracts of employment as appropriate. Members were advised that should circumstances change, the interim contracts can again be reviewed quickly.

In respect of financial implications, there are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services / Monitoring Officer. Post holders currently fulfilling these duties are funded from these revenue budgets. Additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. A further report to Council

will be prepared if this provision requires additional funding.

Following consideration of the report, it was moved and seconded that the recommendations in the report be approved. A Member indicated that they were unable to support recommendation 9.2 (approval of the national pay award of 1% with effect from 1 April 2016 for the Interim Chief Executive) and requested that a vote be taken in turn on each of the report recommendations. This request was not supported.

It was moved and seconded that the recommendations in the report be approved. By a show of hands (and in noting there were 17 abstentions) this was agreed by the majority present.

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

- (i) the contract of the current Interim Chief Executive be extended for a further 12 months with effect from 1st September 2016, with this fixed term arrangement subject to 3 months' notice period on either side;
- (ii) the national pay award of 1% with effect from 1 April 2016 for the Interim Chief Executive be approved;
- (iii) the decision to extend the contracts of the current Interim Director of Corporate Services and Interim Head of Legal Services/Monitoring Officer as appropriate be delegated to the Interim Chief Executive.

15. QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

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

The meeting closed at 6.12 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 7th June 2016, they were signed by the Mayor.

MAYOR