



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 11TH OCTOBER 2016 AT 5.00 PM

PRESENT:

Councillor Mrs D. Price - Mayor
Councillor J. Bevan - Deputy Mayor

Councillors:

L. Ackerman, M. Adams, Mrs E.M. Aldworth, Mrs K.R. Baker, L. Binding, Mrs A. Blackman, D. Bolter, D.G. Carter, Mrs P. Cook, C.J. Cuss, W. David, D.T. Davies, H.R. Davies, K. Dawson, N. Dix, M. Evans, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, N. George, C.J. Gordon, R.W. Gough, Mrs P. Griffiths, D.T. Hardacre, L. Harding, D.C. Harse, D. Havard, C. Hawker, A.G. Higgs, K. James, M.P. James, G. Johnston, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, P.A. Marsden, S. Morgan, Mrs G. Oliver, A. Passmore, D.V. Poole, M.J. Prew, J. Pritchard, J.A. Pritchard, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Simmonds, Mrs E. Stenner, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:

C. Burns (Interim Chief Executive), C. Harry (Corporate Director – Communities), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), D. Street (Corporate Director - Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), R. Hartshorn (Head of Public Protection), C. Jones (Head of Performance and Property Services), T. Stephens (Interim Head of Planning), R. Kyte (Team Leader Strategic and Development Planning) 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 A.P. Angel, P.J. Bevan, H.W. David, C. Elsbury, Ms J. Gale, L. Gardiner, G.J. Hughes, Mrs B.A. Jones, D.W.R. Preece, A. Rees, D. Rees, S. Skivens and Mrs J. Summers.

3. WELCOME – NEW MEMBERS

Members welcomed newly elected members Lindsay Harding (Gilfach Ward) and Arianna Passmore (Risca East Ward) to their first meeting of Council.

4. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that she and the Deputy Mayor have undertaken since the last meeting. The Mayor spoke of her pleasure in attending the recent Looked After Children Achievement Awards held at Penallta House and Caerphilly Castle, which acknowledged and celebrated the achievements made by looked after children and young people within the county borough. Members placed on record their appreciation to staff within Caerphilly Children's Services for their hard work and the vital role they play in the lives of these children and young people.

5. PRESENTATION OF AWARDS

There were no awards to be presented.

6. DECLARATIONS OF INTEREST

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

7. COUNCIL – 19TH JULY 2016

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

Council held on 19th July 2016 (minute nos. 1-16).

8. SPECIAL COUNCIL – 28TH SEPTEMBER 2016

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

Special Council held on 28th September 2016 (minute nos. 1-5).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

9. AUTHORISATION OF OFFICERS – COMMUNITY/PARTNERSHIP GRANT SCHEMES

The report, which was presented to Cabinet on 7th September 2016, sought approval to authorise Officers in relation to the operation of community/partnership grant schemes within the Public Protection Division, and the endorsement of a subsequent change to the Council's Constitution.

The report outlined proposed changes to the Council's Constitution following organisational changes, whereby the Head of Public Protection is now responsible for the Corporate Policy function, including the administration of two grant funded schemes (the Technical Assistance Fund and the Greener Caerphilly Small Grants Fund). At the meeting of Cabinet, and in noting these organisational changes, Members unanimously agreed that the report recommendation which proposed that any Director or the Head of Public Protection be authorised to approve or refuse applications under these grant funded schemes, be approved.

Cabinet also recommended to Council that the proposed changes to the Council's Constitution as set out in the report be approved and that the Monitoring Officer be given delegated authority to make the necessary changes to the Council's Constitution.

During the course of the ensuing debate, a Member referred to the relocation of the Corporate Policy function within the Public Protection division, and queried the impact of this change on the role of the Health, Social Care and Wellbeing Scrutiny Committee and the workload of the Director of Social Services. The Interim Chief Executive outlined adjustments to scrutiny arrangements and increased corporate management responsibilities across the Authority, and explained that the change to the Corporate Policy function is an interim arrangement that will be revisited at a later date, along with the other temporary arrangements currently in place.

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

RESOLVED that for the reasons contained in the report:-

- (i) any Director or the Head of Public Protection be authorised to approve or refuse applications under the Technical Assistance Fund and Greener Caerphilly Small Grants Fund;
- (ii) the proposed changes to the Council's Constitution to add the delegation for the approval or refusal of applications for these grant funding schemes, and to add Corporate Policy to the list of functions, be approved;
- (iii) the Monitoring Officer be given delegated authority to make the necessary changes to the Council's Constitution.

10. ANNUAL PERFORMANCE REPORT FOR 2015/16

Cabinet considered this report on 5th October 2016 and in endorsing its content recommended its acceptance by Council.

The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance Framework. The Council is required to assess its own performance and provide the public with a balanced picture of that performance.

The report highlighted how the Council performed against the Improvement Objectives it set itself for 2015/16. In addition, it was noted that for 2016/17, Improvement Objectives will be called Well-Being Objectives. However, as the report covers the time period of 2015/16, the term Improvement Objectives has been used for consistency and audit purposes.

Members noted that for 2015/16, there were 5 Improvement Objectives set by the Authority, of which 4 have been partially successful and carried forward to 2016/17 and 1 has been successful. Overall, there is a mixed picture of performance across the Local Authority and against All Wales data, with some areas performing exceptionally well and others in need of further improvement. Thirteen of the indicators are in the "Upper Quarter" in Wales, including 4 which are the best (1st placed) in Wales. Members were asked to note in particular the Council's improved performance in respect of the percentage of municipal waste sent to landfill (having moved from 10th place in Wales up to 4th place in 2015/16). Full details of the Council's performance in relation to Wales across all 41 indicators were included in the Annual Performance Report appended to the Officer's report.

Discussion took place in respect of a number of the performance indicators outlined in the report and their respective all-Wales ranking. Reference was made to a drop against the

previous year all-Wales rankings regarding pupil attendance and the percentage of pupils leaving school without an approved qualification. A Member referred to an underspend within Education budgets and sought details of the intended improvements for these lower-performing areas.

The Interim Chief Executive reminded Members that the Council has honoured the Welsh Government pledge to increase and protect school budgets and that school funding has not been affected. Members were advised that the Council continues to work in partnership with the Education Achievement Service (EAS) who have undertaken the role of challenging all secondary schools to improve performance, including ensuring that all pupils leave with an approved external qualification. Although only a very low percentage of pupils (0.5%) left school without any qualifications in 2015/16, it has been recognised that improvements are needed in this area. Members were given assurances that this area is currently being addressed, with Officers currently holding a series of meetings with the EAS and secondary school headteachers to produce an action plan on this matter.

Members were asked to note a steady improvement in the percentage of attendance against previous years (although these are not necessarily reflected in the all-Wales rankings), and were advised that the Education Welfare Team continues to work with schools and parents to encourage and improve pupil attendance.

A Member highlighted a gap in attainment at Key Stage 4 for those children receiving Free School Meals compared to other Key Stages. The Interim Chief Executive explained that there are indications that secondary school funding is more constrained compared to primary schools and explained that there would be an opportunity for the school funding formula to be re-assessed in the near future. During the course of the debate, Members were also reminded of the Council's commitment to improving education standards across the county borough.

Members thanked the Officer for the detailed report and noted the contribution of all staff involved in the development of the Annual Performance Report.

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

RESOLVED for the reasons contained in the report, the Annual Performance Report 2015/16 as appended to the Officer's report be accepted.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. ANNUAL DIRECTOR'S REPORT ON THE EFFECTIVENESS OF SOCIAL CARE SERVICES 2015-2016

The report, which detailed the key messages that had been identified in the preparation of the seventh Annual Director's Report on the Effectiveness of Social Care Services, was presented to the meeting of the Health, Social Care and Wellbeing Scrutiny Committee on 13th September 2016. After due consideration, it was recommended that the report be noted and be submitted to Council for adoption.

Members were advised that the process of compiling the report has been undertaken in accordance with the Annual Council Reporting Framework, and its aim is to provide a summary outlining the effectiveness of how CCBC delivers Social Services to its citizens. The report provides details on the Directorate's performance for 2015-2016 and the priority areas

for development in 2016-17. In 2015-16 the Directorate set itself a number of specific divisional priorities. The progress achieved in relation to these priorities is shown throughout the document (attached at Appendix 1 of the Officer's report).

The Directorate has also identified a number of priority areas for development in 2016-17, which are shown throughout the document and have informed the Directorate's Annual Service Plan for 2016-17. Following presentation to Council, the Annual Director's Report will be made available to members of the public, partner agencies and stakeholders. The report placed significant focus on the Directorate's preparation for the introduction of the Social Services and Wellbeing (Wales) Act 2014 (SSWBA), as well as highlighting a number of key issues which the Directorate dealt with in 2014-15 but remain significant issues moving forward.

Members were asked to note that this will be the last time that Directors of Social Services report performance/effectiveness in this way, as Part 8 of the Social Services and Wellbeing (Wales) Act 2014 sets out specific requirements in terms of the way that performance must be evaluated and reported moving forward. Statutory guidance relating to these new requirements were set out in Appendix 2 of the Officer's report.

During the course of the debate, Members thanked the Corporate Director of Social Services for his comprehensive report and placed on record their appreciation to all Social Services staff for the professional way in which they carry out their duties.

A Member referred to the increased demand on Social Services arising from improved life expectancy rates and queried the availability of resources to those in need. Members were given assurances that although the dynamics of social care have changed in that some services are now delivered in a different way, Social Services appropriately manage their resources to deliver them to those in need. Members were also advised that the introduction of the Social Services and Wellbeing (Wales) Act 2014 places greater emphasis on delivering resources to those in the greatest need, and that subsequently those with lesser needs may be redirected to alternative and more appropriate sources of support within their communities in the future.

A Member referred to the percentage of looked after children who have had more than 3 placements during the year and queried the measures being undertaken to reduce this figure. The Director of Social Services outlined the way in which these figures are calculated and explained that occasionally placements do fail due to a small number of particularly challenging young people. Members were given assurances that such cases are monitored and that relocations only take place when it is necessary to do so.

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 contained in the report, the contents of the Annual Director's Report on the Effectiveness of Social Care Services 2015-2016 be noted and adopted.

12. ANNUAL LETTER FROM THE PUBLIC SERVICES OMBUDSMAN

The report was presented to the Standards Committee on 27th September 2016. Members were provided with the Annual Letter (2015-2016) 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, the number of complaints received by the Ombudsman compared with the local authority average adjusted for population distribution is

slightly higher at 56 compared with 52. Whilst there was an increase in the number of complaints compared to 2014/15, none were taken to investigation. Additionally it was noted that there were no code of conduct complaints made against Members of Caerphilly County Borough Council during 2015/16. Members were asked to be mindful of the concerns of the Ombudsman regarding the potential for code of conduct complaints to increase in the run up to local elections. It was explained that the Annual Letter appended to the report was an amended version from the Ombudsman, arising from an error in the complaints data that had been attached to the original letter.

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

RESOLVED that for the reasons contained in the report, the contents of the amended Annual Letter as appended to the report be noted.

13. CO-OPTION AND MEMBERSHIP OF PARTNERSHIPS SCRUTINY COMMITTEE

Consideration was given to the report, which had been presented to the Partnerships Scrutiny Committee on 15th September 2016. At that meeting, Members fully discussed the various options and combinations of possible co-option membership and agreed that co-opting from more diverse groups would provide a different perspective with regard to questioning and make the scrutiny of the Public Services Boards more balanced.

Members were advised that following debate by the Partnerships Scrutiny Committee, it was subsequently recommended to Council that Option 2 of the report be adopted, subject to an amendment in that a co-opted place be offered to a representative from an equalities organisation, a disability organisation and the Youth Council, in addition to the three named statutory partner agencies. The Committee also supported the report recommendation that any nominated co-opted members be subject to the Code of Conduct and be re-nominated every Council term (5 years).

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

RESOLVED that for the reasons contained in the report:-

- (i) the three statutory partner agencies (Aneurin Bevan University Health Board, South Wales Fire and Rescue Service, and National Resources Wales) be invited to nominate a co-opted Member to the Partnerships Scrutiny Committee, and an additional co-opted place be offered to a representative from an equalities organisation, a disability organisation and the Youth Council, giving a committee membership of 16 Councillors, 6 co-opted members (3 statutory partner agencies and 3 others to be named) and up to 6 invited representatives;
- (ii) any nominated co-opted members be subject to the Code of Conduct and be re-nominated every Council term (5 years).

14. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 – ANNUAL MONITORING REPORT 2016 (INCLUDING THE 2ND ANNUAL COMMUNITY INFRASTRUCTURE LEVY REPORT)

Consideration was given to the report, which outlined the findings of the Caerphilly County Borough Local Development Plan 2016 Annual Monitoring Report and the implications of the recommendations contained therein.

This is the fifth Annual Monitoring report (AMR) to be prepared for the Caerphilly County Borough Local Development Plan (LDP) up to 2021 which monitors the period from 1st April 2015 to 31st March 2016. The Council is required to submit the 2016 AMR (including the 2nd Annual Community Infrastructure Levy Report) to Welsh Government by 31st October 2016 in order to satisfy the Council's statutory requirements. Additionally, the report sought approval to formally withdraw the Replacement Deposit LDP in line with LDP regulatory requirements.

The 2016 Report concluded that the plan continues to have positive effect on the overall environment and that substantial progress continues to be made in implementing the vast majority of the LDP. The Report recommended a number of actions by the Council, including continued progression against the delivery of the Adopted Development Plan, progression of the early preparation of the Strategic Development Plan for the Cardiff Capital Region in partnership with other local planning authorities, and addressing the shortfall in the 5-year housing land supply through proactive action as detailed in the Officer's report.

Members noted the Community Infrastructure Levy (CIL) revenue for 2015-2016 totalling £39,000, some of which has been apportioned to Town and Community Councils, and some utilised to cover the costs of preparing and implementing the CIL. The remaining revenue will be used to assist in funding appropriate infrastructure.

Members were also advised that following the decision of Council on 19th July 2016 to withdraw the Deposit Replacement LDP, it was subsequently determined that Ministerial approval for plan withdrawal is not presently a requirement of the LDP regulations, and that the decision to withdraw the Replacement LDP was a matter for the Council to determine. Members were therefore requested to pass an explicit resolution to formally withdraw the Replacement LDP in order to ensure the LDP Regulations are complied with.

During the course of the ensuing debate, clarification was sought on the way forward regarding possible funding to incentivise brownfield development, and the proactive action to be undertaken to address the shortfall in the 5-year housing land supply. It was explained that detailed discussions are ongoing between the Council, Welsh Government and neighbouring local authorities on these matters. A Member also referred to Technical Advice Note 1 (which requires local authorities to take steps to increase the supply of housing land) and raised concerns as to whether this could lead to sites outside the land settlement boundary being developed. Officers explained that any such applications (being a Planning Committee function) will be considered on their own merits in accordance with local and national planning policy and guidance.

Assurances were also given that the Council, together with other local authorities, are actively lobbying the Welsh Government in respect of local development, including the need for financial incentives to unlock brownfield sites and less viable sites within the county borough, and to reconsider the methodology used to calculate the 5-year housing land supply.

It was moved and seconded that the recommendations in the report be approved. By a show of hands (and in noting there were 3 abstentions) this was agreed by the majority present.

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

- (i) the findings of the 2016 Annual Monitoring Report and the implications of the recommendations contained therein be noted;
- (ii) the 2016 Annual Monitoring Report (Including the 2nd Annual CIL Report) be submitted to Welsh Government before the deadline of 31st October 2016;
- (iii) the Replacement Deposit LDP be formally withdrawn, in line with the requirements of Regulation 26 of the Town and Country Planning Local Development Plan (Wales) Regulations 2005 (as amended).

15. BOUNDARY COMMISSION FOR WALES 2018 REVIEW INITIAL PROPOSALS

The report highlighted initial proposals by the Boundary Commission for Wales for the 2018 review of Parliamentary Constituencies. This review is being undertaken by the Commission with a view to recommending changes that are needed in order to comply with the relevant legislation which required that broadly speaking the number of electors in each constituency is equal, whilst also taking account of factors such as local communities. Consultation is currently underway on this matter, which will run until 5th December 2016.

Members noted the key requirements of the review as outlined in the report, which include proposals for a reduction in the number of constituencies across the UK. Within Wales, the number of constituencies allocated for the 2018 Review is 29, with the current figure being 40. These proposals will bring about a fundamental change to the existing pattern of constituencies in every part of Wales. Proposals for the creation of new Caerphilly, Merthyr Tydfil and Rhymney, and Blaenau Gwent constituencies and a list of the intended electoral wards to be assigned to each constituency were summarised within the report.

During the course of the ensuing debate, Members expressed a lack of support for these proposals. They raised concerns as to the impact of a reduced number of constituencies and MPs across Wales, and highlighted the geographical impracticalities associated with these proposals and the effect this could have on local communities. A query was also received regarding total electorate numbers across existing and proposed constituencies, with it confirmed that arrangements would be made to provide this information to Members.

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 contained in the report, the initial proposals for the Boundary Commission for Wales 2018 Review, including the closing date for consultation responses, be noted.

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

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

The meeting closed at 6.30 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 22nd November 2016, they were signed by the Mayor.

MAYOR