



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 13TH JUNE 2017 AT 5.00PM

PRESENT:

Councillor J. Bevan - Mayor
Councillor M. Adams - Deputy Mayor

Councillors:

Mrs E. Aldworth, C. Andrews, A. Angel, C. Bezzina, L. Binding, S. Cook, D. Cushion, C. Cuss, W. David, M. Davies, D.T. Davies, K. Dawson, N. Dix, K. Etheridge, M. Evans, A. Farina-Childs, Miss E. Forehead, A. Gair, N. George, C. Gordon, R.W. Gough, D. Harse, D. Havard, A. Higgs, A. Hussey, M. James, V. James, L. Jeremiah, S. Kent, G. Kirby, C.P. Mann, P. Marsden, B. Miles, S. Morgan, B. Owen, Ms A. Passmore, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. Whittle, T. Williams, W. Williams, B. Zaplatynski

Together with:-

C. Burns (Interim Chief Executive), C. Harray (Corporate Director - Communities), D. Street (Corporate Director - Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), S. Harris (Interim Head of Corporate Finance), R. Hartshorn (Head of Public Protection) and R. Barrett (Committee Services Officer)

Also in attendance: Mr J. Cuthbert (Police and Crime Commissioner for Gwent), Ms E. Thomas (Deputy Police and Crime Commissioner for Gwent), Ms S. Curley (Chief of Staff, Office of the Police and Crime Commissioner for Gwent)

1. MAYOR'S ANNOUNCEMENT – RECENT EVENTS

The Mayor referred to the Manchester Arena bombing on the night of Monday 22nd May 2017, which resulted in the deaths of 22 people and left many more injured. He also referred to the London Bridge terrorist attack on Saturday 3rd June 2017, which left 8 people dead and many people injured. All present stood for a moment of silence as a mark of respect for the victims of these tragic events.

2. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

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

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Bevan, A. Collis, C. Elsbury, Mrs C. Forehead, J.E. Fussell, Ms. J. Gale, D.T. Hardacre, L. Harding, G. Johnston, Mrs B. Jones, Ms P. Leonard, G.D. Oliver and T. Parry.

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, and made specific reference to two concerts he had attended (a Poppy Appeal fundraising concert at Blackwood Methodist Church and the Annual Bedwas, Trethomas and Machen Band Society Summer Concert). In addition to these concerts, the Mayor recently had the honour of representing the local authority at a Royal Garden Party at Buckingham Palace.

Members were also advised that the Mayor's consort, Hilary Lynn, had stepped down from her role due to other commitments, and that as such, his daughter, Beverley Wooldridge, would take on this role.

5. PETITION – REQUEST TO REINSTATE THE PARK RANGER AT YSTRAD MYNACH PARK

The Mayor received a petition presented by Councillor M.P. James, on behalf of local residents of Ystrad Mynach, which requested the reinstatement of the park ranger at Ystrad Mynach Park. The Mayor indicated that it would be referred to the appropriate directorate for attention.

6. PRESENTATION OF AWARDS

Local Authority Building Control (LABC) Regional Building Excellence Awards

Members were advised that the Council's Building Control Team work with residents and building firms to ensure that construction work across the county borough meets Building Regulation Technical Standards. Those parties who are recognised as delivering best practice and exemplary work are nominated at the annual Local Authority Building Control (LABC) Regional Building Excellence Awards.

Mr Chris Jones (Taylor Wimpey) was awarded 'Best Residential Site Manager' at the LABC Awards 2017, and will now go on to represent South Wales in the all-Wales finals in Cardiff later this year. Additionally, Mr and Mrs Joyce (local residents) were highly commended in the 'Best Extension or Alteration' category, and P&P Building and Roofing Contractors Ltd were highly commended in the 'Best Affordable New Housing Scheme' category.

Jason Lear from the Building Control Team, together with Mr Chris Jones and Mr and Mrs Joyce, came forward in order that Members could recognise their awards, and they were congratulated on their achievements.

7. DECLARATIONS OF INTEREST

During the course of the meeting, Councillors A. Angel, M. Adams, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor declared an interest in respect of Agenda Item No. 12 (Internal Investigation of Senior Officers - Additional Financial Provision). Details are minuted with the respective item.

8. PRESENTATION – POLICE AND CRIME COMMISSIONER FOR GWENT

Mr Jeff Cuthbert, the Police and Crime Commissioner for Gwent, was welcomed to the meeting, together with the Deputy Police and Crime Commissioner (Ms Eleri Thomas) and his Chief of Staff (Mrs Sian Curley).

Mr Cuthbert opened his presentation by outlining his role and reflecting on his first year in office and explained that during that time, he had set out his direction of travel, consulted with the residents and businesses of Gwent, and attended over 425 engagement activities. The Commissioner highlighted the importance of shared partnership working by Gwent Police and advised Members that all of the aforementioned actions had helped to populate the new Gwent Police and Crime Plan 2017-2021, which launched on 31st March 2017 and provides a four-year strategic direction for policing in Gwent.

The Commissioner outlined the priorities of the Police and Crime Plan, namely crime prevention, supporting victims, community cohesion, dealing with anti-social behaviour (ASB), and effective service delivery, and explained the importance of delivering a balanced Plan against national policing priorities. He referred to the increasing challenges faced by Gwent Police in countering the sophisticated approaches used to carry out crimes such as internet/cyber-based crime and human trafficking, and spoke of the need to tackle newer types of crime such as “mate crime”. Mr Cuthbert also spoke of the importance of supporting victims of crime and of the need for partnership and engagement work across a wide range of groups and communities in order to tackle and reduce instances of crime.

Mr Cuthbert referred to austerity measures and of the need to deliver and manage a balanced police budget. Members were advised that although there have been significant budget cuts over the past few years (with further cuts anticipated for the future), savings have been identified and reinvested, which have led to the recruitment of 100 new police officers during 2016/17.

The Commissioner also spoke of the potential changes that lay ahead in view of the impending retirement of the Chief Constable for Gwent Police (Mr Jeff Farrar) and confirmed that the process to appoint his replacement is currently underway.

In closing, Mr Cuthbert referred to an earlier review of the police funding formula and spoke of the potential for a further review arising from the outcome of the recent General Election, together with recent terrorism incidents in the UK, which could present fresh challenges for policing across Gwent.

Discussion of the Commissioner’s report ensued and in referring to the rapid armed police response time during the recent London Bridge attack, a Member queried whether similar arrangements are in place for the Caerphilly county borough. Mr Cuthbert confirmed that trained firearms officers would be deployed should the need arise, and assured Members that contingencies for forthcoming events in the area have been thoroughly planned and scrutinised, with particular emphasis placed on the value of local intelligence.

A Member highlighted anti-social behaviour arising from large groups of young people congregating in town centres and in referring to limited police resources in the area, enquired as to how the Commissioner planned to address this matter.

Ms Eleri Thomas, the Deputy Police and Crime Commissioner for Gwent, explained that public consultation results had demonstrated an overwhelming need for visible policing, and therefore policing teams were being located in critical areas to provide reassurance to residents and engage with young people in the area. She highlighted the importance of working with local ward Members to resolve issues and also referenced the value of partnership working with agencies such as the Public Service Board, Youth Forum and Junior Youth Forum.

A Member sought further information on the Commissioner's approach to inter-agency working when tackling organised crime. Mr Cuthbert spoke of the rise in cybercrime and of the work being carried out by police officers and PCSOs to educate young people on how to safely use the internet. He explained that arising from a need to extend this approach, the police will be working with key partners and third-sector groups to get the message across to as wide an audience as possible.

Comments were received regarding illegal parking in the area and Mr Cuthbert spoke of the need for such behaviour to be tackled via a multi-agency response in view of the potential for decriminalised parking enforcement across Wales in the future. Members also spoke of parking issues in the area caused by untaxed cars and both the Commissioner and Deputy Commissioner gave reassurances that action is taken by the police in cases where a motoring offence has been committed.

The Mayor thanked the Police and Crime Commissioner and his colleagues for their attendance and valued contributions, and Mr Cuthbert, Ms Thomas and Mrs Curley then left the meeting.

9. SPECIAL COUNCIL – 22ND FEBRUARY 2017

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

Council held on 22nd February 2017 (minute nos. 1 - 6 on page nos. 1 - 10).

10. COUNCIL – 7TH MARCH 2017

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

Council held on 7th March 2017 (minute nos. 1 - 16 on page nos. 11 - 22).

11. ANNUAL MEETING OF COUNCIL – 18TH MAY 2017

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

Annual Meeting of Council held on 18th May 2017 (minute nos. 1 - 24 on page nos. 23 - 38).

REPORTS REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

12. BRYN COMPOST LIAISON GROUP – TERMS OF REFERENCE

It was noted that this report (which had been considered by Cabinet on 7th June 2017) had been deferred to a future meeting of Council.

REPORTS OF OFFICERS

Consideration was given to the following reports.

13. ROYAL BRITISH LEGION “COUNT THEM IN” CAMPAIGN – PROPOSED COUNCIL MOTION

Consideration was given to the report which detailed a Notice of Motion received from Councillors D.V. Poole, J. Bevan and A. Higgs, in support of the Royal British Legion ‘Count Them In Campaign’, to include questions on the UK Census that capture information on serving and ex-members of the Armed Forces. In accordance with Rule of Procedure 11 (3) of the Constitution, the Mayor, Councillor J. Bevan, had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

Members were advised that the Royal British Legion ‘Count Them In Campaign’ has requested that the next UK Census (in 2021) includes additional questions on the residence of members of the UK Armed Forces, both serving and veteran, to establish the size and needs of the armed forces community. The location of members of the armed forces community and their families is often difficult to track, particularly once service has ended. The Motion supports the local authority’s Armed Forces Community Covenant responsibilities to understand and support service personnel and their families. The County Borough formally signed the Armed Forces Community Covenant on the 28th of June 2013.

Following consideration and discussion, it was moved and seconded that the Notice of Motion be supported. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons set out in the report, the Notice of Motion presented by the Royal British Legion ‘Count Them In Campaign’, requesting that the next UK Census (in 2021) includes additional questions on the residence of members of the UK Armed Forces, both serving and veteran, to establish the size and needs of the armed forces community. be supported.

14. UPDATE ON COUNCIL'S CONSTITUTION

Consideration was given to the report which set out details of the required changes to the Council’s Constitution to give effect to the changes to the Executive as agreed by Council at the Annual General Meeting on Thursday 18th May 2017.

Members were asked to note and endorse the amendments to the Council’s Constitution as set out in Appendix 1 to the report and marked in italics and bold on the relevant extracts to give effect to these changes. In addition, the report proposed that the Council’s Rules of Procedure paragraph 1.1 (v) be amended to reflect that the current term of office for the Leader has been extended to 5 years from the elections held in May 2017.

Members were asked to note that the details of the Health, Social Care and Wellbeing portfolio relating to the Cabinet Member for Social Services and Wellbeing had been omitted from the appendix to the report. The Interim Head of Legal Services and Monitoring Officer provided a verbal update on the responsibilities relating to this portfolio and asked that it be considered by Council as part of the report recommendation and the changes to the Constitution.

Following consideration and discussion, it was moved and seconded that subject to the inclusion of the additional information relating to the Health, Social Care and Wellbeing portfolio, 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, and subject to the inclusion of the additional information relating to the Health, Social Care and Wellbeing portfolio as outlined at the meeting, the changes to the Council's Constitution as appended to the report be noted and endorsed.

15. INTERNAL INVESTIGATION OF SENIOR OFFICERS – ADDITIONAL FINANCIAL PROVISION

The Interim Chief Executive reminded Members that there should be no discussion regarding the ongoing investigation by the Investigating and Disciplinary Committee. He also explained that as the report was seeking approval for additional financial provisions (and did not address the investigation itself) there was no requirement for Members to declare a prejudicial interest and leave the meeting on that basis. It was however a matter for the individual Member as to whether they wished to declare a personal and/or prejudicial interest.

Councillors A. Angel, M. Adams, D.T. Davies, N. George, C. Gordon, J. Simmonds and J. Taylor declared an interest (being members of the Investigating and Disciplinary Committee) and left the Chamber during consideration of the item.

Consideration was given to the report which sought approval of additional financial provisions to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of three Senior Officers.

Members were reminded of the current interim arrangements in place within the Authority arising from the ongoing internal investigation. There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.

It was noted that the additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. At its meeting on 7th March 2017, Council approved a further financial provision of £123k to be funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st April 2017 to 30th June 2017.

At its meeting on 10th March 2017, the Investigating and Disciplinary Committee resolved that there were allegations that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers. External Legal Advisers have suggested that this process will take at least 100 days, with the typical cost being £1000 per day. Therefore the report recommended that a financial provision of £100k be set aside to meet the cost of the Designated Independent Person and that this should be funded from General Fund balances.

Given this estimate for the Designated Independent Person to undertake the formal investigation, it is unlikely that matters will be concluded until at least the end of the calendar year. The report therefore proposed that a further financial provision of £241k be funded from General Fund balances to cover the salary costs of the three Senior Officers for the period 1st July 2017 to the 31st December 2017.

At its meeting on 7th March 2017, Council also agreed a further financial provision of £140k to meet the estimated legal costs of the ongoing internal investigation to the 30th June 2017. Based on an assessment of actual legal costs incurred to date, the balance available on the financial provision previously agreed, and likely requirements moving forward, the report recommended that a further financial provision of £128k be funded from General

Fund balances to meet anticipated legal costs to the end of December 2017. It was noted that any balance on these financial provisions will be returned to General Fund balances if matters are concluded earlier than currently anticipated.

Several Members expressed reservations with regards to the statutory process, together with concerns as to the ongoing financial impact to the Council, and indicated that they were not able to support the recommendations. A Member queried, if as a result of the change in status of the three Senior Officers, whether the Authority had taken legal advice regarding the options available to the Authority in relation to the continued payment of the salary costs of the three Senior Officers. The Interim Chief Executive explained that he would ask for the matter to be referred to the Investigating and Disciplinary Committee for consideration and that he was unable to respond to the Member's question further.

Clarification was sought on the costs relating to Interim Officer arrangements and it was confirmed that these are already funded from core revenue budgets and that the officers in these roles are paid in accordance with the Pay Policy approved by Council. The same Member also enquired as to the number of allegations associated with the investigation and the current stage of the investigation. The Interim Chief Executive referred Members to the contents of the report, which outlined the current stage and the appointment of a Designated Independent Person. The Interim Chief Executive also explained that he was unable to provide details on the number of allegations as this is a delegated matter for the Investigating and Disciplinary Committee.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved.

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

FOR THE MOTION

Councillors Mrs E. Aldworth, C. Andrews, J. Bevan, C. Bezzina, S. Cook, C. Cuss, W. David, K. Dawson, M. Evans, Miss E. Forehead, A. Gair, D. Harse, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Kirby, P. Marsden, B. Miles, S. Morgan, Ms A. Passmore, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, R. Saralis, Mrs E. Stenner, C. Thomas, A. Whitcombe, R. Whiting, T. Williams, W. Williams, B. Zaplatynski (36)

AGAINST THE MOTION

Councillors L. Binding, D. Cushion, M. Davies, K. Etheridge, A. Farina-Childs, R.W. Gough, M. James, S. Kent, C.P. Mann, B. Owen, J.E. Roberts, Mrs M.E. Sargent, J. Scriven, G. Simmonds, S. Skivens, L.G. Whittle (16)

ABSTENTIONS

Councillor N. Dix (1)

The motion was declared carried by the majority present.

RESOLVED that for the reasons contained in the report and to ensure that sufficient funding is set aside to meet the potential costs of the ongoing investigation process should matters not be concluded by the 31st December 2017;

- (i) a financial provision of £100k be funded from General Fund balances to meet the anticipated cost of a Designated Independent Person;

- (ii) a further financial provision of £241k be funded from General Fund balances to cover the potential salary costs of the three Senior Officers for the period 1st July 2017 to 31st December 2017;
- (iii) an additional financial provision be funded from General Fund balances of £128k to meet anticipated legal costs to 31st December 2017.

16. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

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

The meeting closed at 6.23pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 25th July 2017 they were signed by the Mayor.

MAYOR