



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 17TH OCTOBER 2018 AT 10.30 A.M.

PRESENT:

Councillor D. Poole – Chair

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. Harrhy (Interim Chief Executive), D. Street (Corporate Director - Social Services), M. S. Williams (Interim Corporate Director - Communities) and R. Edmunds (Corporate Director – Education and Corporate Services).

Also in Attendance:

R. Tranter (Head of Legal Services and Monitoring Officer), R. Hartshorn (Head of Public Protection, Community and Leisure Services), S. Richards (Head of Education, Planning and Strategy) and A. Dredge (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

Councillors C. Gordon and S. Morgan declared personal and prejudicial interests at the commencement of the meeting in relation to Agenda Item 6 – Domiciliary Care Framework. Details of which are recorded with the respective item.

3. CABINET – 3RD OCTOBER 2018

RESOLVED that the minutes of the meeting held on 3rd October 2018 (minute nos. 1 - 9) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. THE RECOVERY OF FLYTIPPING CLEAN UP COSTS

The report sought Cabinet's consideration of the options available to the Council to recover the costs of cleaning up fly-tipping from perpetrators. At its meeting of 28th February 2018 Cabinet considered a report regarding fixed penalty notices for unauthorised deposits of waste and resolved to implement a fixed penalty for relevant fly-tipping offences at the maximum level of £400 with no discount for early payment. At that meeting, Cabinet requested that a further report be brought in relation to recovering the costs of cleaning up fly-tipping offences.

Cabinet were advised that the law of trespass offers a potential civil cause of action in order to pursue the recovery of fly-tipping clean-up costs. Trespass deals with interference with the enjoyment of land, but it is a proprietary claim and so is only an option in circumstances where the Council owns the land upon which waste is deposited. Legal Services has advised that whilst acceptance and payment of a fixed penalty notice discharges criminal liability, the Courts have ruled that it does not amount to an admission of guilt. Therefore the Council could not rely on the payment of the fixed penalty as proof of any civil claim. This would still need to be proven on the balance of probabilities. Corporate Finance has advised that it is not economical to pursue County Court proceedings for smaller debts and these are proposed to the Head of Corporate Finance for write off.

The process of recovering costs where the amount being pursued is above the economical debt recovery threshold was discussed. Each claim is to be considered on its merits by the Head Public Protection, Community and Leisure Services in consultation with the Head of Legal Services having regard to the need for it to be proven on the balance of probabilities and the prospects of a successful recovery. Cabinet requested that the relevant Cabinet Member also be consulted with this process. Members also requested that consideration be given to the same process being applied on Common land and Officers confirmed that legal advice would be sought in this regard. A Member referred to paragraph 4.1. in the report that highlighted the cost to Caerphilly for clean-up recovery of fly-tipping in 2016/17. Officers confirmed that this is the total clean-up cost that includes labour and disposal of waste. Cabinet welcomed the recommendations and considered this approach to be the first step on this plateau in moving forward.

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

RESOLVED that subject to amendments at paragraphs 10.1. (i) to include '*and if legally possible on Common land*' and in relation to paragraph 10.1. (ii) to include '*and the relevant Cabinet Member*', and for the reasons contained in the Officer's report: -

- (i) the Council takes steps to recover the costs of fly-tipping against perpetrators of fly tipping incidents on Council land *and if legally possible on Common land* and where the amount being pursued is above the economical debt recovery threshold, be agreed;
- (ii) each claim is considered on its merits by the Head of Public Protection, Community and Leisure Services in consultation with the Head of Legal Services *and the relevant Cabinet Member*, and having regard to the need for it to be proven on the balance of probabilities and the prospects of a successful recovery, be agreed.

5. EUROPEAN SOCIAL FUND OPERATION NURTURE EQUIP THRIVE (NET)

The report sought Cabinet approval for Caerphilly's involvement in the European Social Fund (ESF) Operation - Nurture Equip Thrive (NET).

Officers explained that Nurture, Equip and Thrive (NET) is an operation to address underemployment across 5 Local Authorities (Caerphilly, Torfaen, Merthyr Tydfil, Blaenau Gwent, Bridgend) in South East Wales (West Wales and the Valleys). This will be achieved through a collaborative approach. The Operation aims to engage, support and prepare employed individuals with work limiting health conditions and / or other barriers to gain sustainable employment. The current ESF operation of Bridges into Work 2 provides employment support for unemployed adults aged 25+, while Working Skills for Adults 2 offers training opportunities for those in low skilled and low paid work.

Cabinet were advised that Working Skills for Adults is not able to offer other support, such as coaching, CV writing etc. often necessary for those in the most unstable employment to improve their labour market position. The target group for the NET operation are employed so cannot be supported by Bridges but would benefit from support additional to the training opportunities offered by Working Skills for Adults. Members were referred to paragraph 4.7. in the report that sets out how the operation will be developed and the range of activities that will be available to improve participants situations in the job market. Caerphilly will aim to support 326 participants over 5 years. Reference was made to paragraph 7.2. and Officers explained that the "real" cash cost to Caerphilly is less than the "headline" match funding identified in the financial model. In this case, there is projected to be no additional cash cost to Caerphilly.

Members discussed the operation and its engagement with other initiatives, agencies and organisations both locally and regionally. The intention is to ensure provision is not duplicated and is marketed effectively with an appropriate referral mechanism to encourage engagement. This operation in Caerphilly will work closely with the rents department of Housing as a means of referral. It was clarified that the Education Department also engage with and are closely aligned with the Regeneration Team.

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 contained in the Officer's report, Caerphilly's involvement in the European Social Fund Project "Nurture, Equip and Thrive" at a nil additional cash cost to the Authority, be approved.

6. DOMICILIARY CARE FRAMEWORK

Councillors C. Gordon and S. Morgan declared personal and prejudicial interests in respect of this item as they both have close personal friends who are service providers. They left the room when the report was presented and did not take part in the debate or vote.

The report sought Members' views on the recommendations proposed to progress the commissioning of a new Domiciliary Care arrangement, minimising disruption to individuals who currently receive the service whilst increasing capacity to meet identified needs. The current arrangements were outlined for the provision of externally commissioned and internally provided domiciliary care in the Caerphilly Borough. Some of the difficulties and issues facing the domiciliary care sector on a local and national basis were highlighted in the report. The report was presented to the Health Social Care and Wellbeing Scrutiny Committee on the 19th June 2018 and was deferred at that Meeting as Members' expressed concerns in relation to the new Domiciliary Care Model. They considered that it would be appropriate to hear an expert testimony prior to making recommendations to Cabinet. Members requested that Representatives from an External Service Provider, Trade Union and

Service User and/or Representative be invited to attend a future meeting to provide their perspective on the model.

Cabinet were advised that the Chief Executive of the Carer's Trust and a Representative from the Trade Union Unison attended the next Scrutiny Meeting held on the 11th September 2018, to provide their perspective on the new Model. The Trade Union supported the in-house provision and generally supported the report. They felt that the framework offers an important opportunity in key areas to secure work places and external service providers themselves will also see the benefits. They would like to see Trade Union recognition or access to the work place in moving forward. The Chief Executive of Carers' Trust referred to the Regulation Inspection Social Care Act (2016) (RISCA) that has introduced a different measure with emphasis on 'What matters conversations and What Care/Respite is needed'. He explained that recruitment in Social Care is in crisis and supported the recommendations in the report. He stated that the Director should be congratulated in achieving this new Model as this approach will seek to ensure continuity and consistency for the people currently in receipt of a service. An additional benefit is the introduction of a 'block' of hours offered on a weekly basis with an indication of times that the 'eligible' needs of the individual should be met. From the Carers' perspective he stated that this Model is a step in the right direction that offers more flexibility. The Health Social Care and Wellbeing Scrutiny Committee supported the recommendations in the report with an additional recommendation that *the in-house provision will not reduce to less than the current percentage which represents 28% of the service provision.*

Cabinet discussed the proposed contract for a 10 year period (4 years with 2 + 2 + 2 years) referred to in paragraph 4.11 in the report. Officers explained that as long as performance is maintained at an agreed level this would help all providers to invest in their business, plan for the future and secure financial resources where necessary. The initial 4 year period would allow the Authority to make a judgement in moving forward. Members were advised that although there is a requirement to tender for a new Care at Home Service, there are risks associated with this process. These include the potential for a significant increase on the current costs for this service that will be a further pressure on the Directorate's budget. Service Providers will also see changes to the way that regulation affects services on both a delivery and management level with the introduction of RISCA.

Members welcomed the new approach and supported the recommendations in the report and emphasised the vital importance of minimising disruption to existing service users.

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 contained in the Officer's report: -

- (i) the contents of the report be noted;
- (ii) the approach being proposed in paragraph 4.11 in relation to the tender process for a Care at Home Service, be agreed;
- (iii) the risks associated with this process are acknowledged and understood;
- (iv) the in-house provision will not reduce to less than the current percentage which represents 28% of the service provision.

7. CAPITAL WORKS

The report sought Cabinet approval for access to reserves to fund essential works in residential and respite properties to enable facilities budget to be used for planned maintenance and decoration in the same buildings.

Cabinet were advised that the Fire Alarm systems within six residential homes across the Borough are approximately fifteen years old and plans were in place to upgrade the systems over the next three year period (2 systems per home). Recent Fire Risk Assessments have identified concerns regarding Fire Compartmentation within the homes compromising Fire Evacuation and there are a number of areas above suspended ceilings that require improvement. This is as a result of the new Fire Standards introduced following the Grenfell Disaster. The works will include a full upgrade of Fire Alarm System and also address the issues highlighted in the recent Fire Risk Assessments. Due to the works involved in upgrading the systems it is recommended to cover all works at the same time. The Director has requested the upgrade programme be accelerated and funded from Social Services Capital Funds 2018/19 with works starting as a matter of urgency. Following a recent tender exercise for the Maintenance of Fire Alarms within all CCBC public buildings although Fire Improvement Works was not part of the arrangement Ambassador Fire and Security Ltd have been awarded the contract. In addition, asbestos working and essential lighting has been identified in Ty Iscoed Residential Home at a cost of circa 50K.

Officers emphasised that the requirement of the upgrade and improvement works does not pose any danger to service users/residents and no issues have been identified by the Fire Service. The facilities budget has been used to fund the work to date and as a result there is insufficient funds remaining to carry out any of the planned and agreed work for 2018/2019 in residential and respite properties.

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 contained in the Officer's report, the access to reserves for £170K to cover essential work to ensure compliance with fire regulations, be agreed.

The meeting closed at 11.05 am.

Approved and signed as a correct record subject to any corrections made at the meeting held on 31st October 2018.

CHAIR