



## CABINET

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 16TH OCTOBER 2019 AT 10.30 A.M.

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#### PRESENT:

Councillor B. Jones - Chair

#### Councillors:

C. Cuss (Social Services and Well Being), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), 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. Harry (Interim Chief Executive), R. Edmunds (Corporate Director – Education and Corporate Services), D. Street (Corporate Director – Social Services and Housing), M. S. Williams (Interim Corporate Director - Communities), S. Harris (Interim Head of Business Improvement Services and Interim S. 151 Officer).

#### Also in Attendance:

C. Edwards (Environmental Health Manager), R. Roberts (Business Improvement Manager), J. Reynolds (Sports and Leisure Facilities Manager), J. Lougher (Sport and Leisure Development Manager), S. Jones (Area Team Leader – Newbridge Leisure Centre), M. Williams (Interim Head of Property Services), D. Lucas (Team Leader, Strategic Planning), R. Tranter (head of Legal Services and Monitoring Officer) and C. Evans (Committee Services Officer).

N. Jenkins (Wales Audit Office)

#### 1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

#### 2. DECLARATIONS OF INTEREST

There were no declarations made at the beginning or during the course of the meeting.

A Member queried the declarations of interest within the report at Agenda Item 8 – Land for Sale at Pontymister Industrial Estate, in noting that a Member declared a personal and prejudicial interest, but was able to speak at the meeting. The Monitoring Officer advised that the Code of Conduct allows Members to remain following a declaration of a personal and prejudicial interest if a member of the public is also speaking on the item, but the member would have to leave the meeting immediately following making their representation.

### 3. CABINET – 2ND OCTOBER 2019

RESOLVED that the minutes of the meeting held on 2nd October 2019 were approved as a correct record.

### MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

#### 4. ANNUAL IMPROVEMENT REPORT 2018/19

The Annual Improvement Report (AIR) as appended to the report at Appendix A; was presented to the Audit Committee on 15th October 2019 and provided details of the key messages from the Wales Audit Office (WAO) Annual Improvement Report (AIR). The AIR makes a judgement as to whether we have and whether we are likely to comply with our statutory duty in compliance with the Local Government (Wales) Measure 2009 to 'make arrangements to secure continuous improvement'.

Cabinet noted that the AIR is two-fold. It summarises the work carried out by the Wales Audit Office (WAO) during the year 2018/19 and provides the regulators judgement as to whether we will comply with the Local Government (Wales) Measure 2009. For 2018/19 the WAO judgement was:

**“The Council is meeting its statutory requirements in relation to continuous improvement and is at a crucial pivotal point in its ambition to transform”**

Based on, and limited to, the work carried out by the Wales Audit Office and relevant regulators, the Auditor General believes that the Council is likely to comply with the requirements of the Local Government Measure (2009) during 2019-20.”

It was noted that the Council is now at a crucial pivotal point in its ambition to transform, and it has significant opportunities to quickly grasp through its transformation programme, Team Caerphilly to ground its ambitions and turn into action and improved outcomes for its citizens by 2022.

Cabinet considered each of the issues identified within the report at Exhibit 1: audit, regulatory and inspection work reported during 2018-19, noting areas of development where identified and any recommendations in order to meet National Recommendations.

Cabinet thanked the Officer for the report and noted that the Audit Committee had agreed and endorsed the report at its meeting on 15th October 2019.

In discussing the local risk-based performance audit information and WHQS follow-up, it was noted that significant progress had been made in the WHQS Programme and the programme is on track for full compliance in June 2020.

Financial Sustainability was discussed and a Member queried whether discussions had taken place with WLGA. Officers explained that a number of councils are developing transformation strategies, as a result of austerity measures and budget pressures and therefore, discussions have taken place both with WLGA and S151 groups, to look at ways of working together and supporting where possible.

Members raised concerns around the Local Government Services to Rural Communities recommendation in relation to supporting community asset transfers and the challenges this could pose due to shrinking budgets and resilience of Town and Community Councils to maintain key assets. Members were assured that this was part of a National Report across Wales, in which some recommendations may be more relevant to other Local Authorities, and each recommendation is to be considered for relevance and fit.

Discussions took place around Waste Management and it was noted that Caerphilly, having conducted a review of services, will not be following the 'blue print', and Members queried what implications this would have, as the current process is producing excellent performance and response from residents. The Officer explained that the recommendations in the report are made on the work undertaken and a focus on increasing participation, and not on assumptions of the 'blue print'.

Cabinet thanked the Officer for the extensive work undertaken and were keen to see progress reports in due course.

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 Officer's Report the Annual Improvement Report (AIR) 2018/19 be approved.

## **5. ANNUAL PERFORMANCE REPORT 2018/19**

The report presented Cabinet with the Authority's annual self-assessment of its performance, the Annual Performance Report for 2018/19, and sought the views and approval of Cabinet prior to its presentation to Council on 23rd October and subsequent publication on the internet by 31st October 2019.

The Annual Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009, it forms 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. In addition, the Council must also report progress on the six Well-being Objectives it set for itself within the Corporate Plan 2018-2023. The annual report represents the first year's progress on the five- year plan.

In addition, it was noted that the Wales Audit Office is required to check whether an authority has complied with the statutory duty and to issue a 'certificate of compliance' in response. The Annual Performance Report demonstrates to the Wales Audit Office how we have met our duty.

Cabinet were provided with a presentation, which outlined each of the six Well-Being Objectives and progress against each Objective.

It was noted that some of the key achievements under Well-Being Objective 1 (Improve Education Opportunities for all) included; Inspire to Work has supported 160 young people (aged 16-24), 95 of which have gained qualifications, 40 have gained employment and 9 had progressed to further learning opportunities; funding has been successfully obtained to provide additional childcare by 2021 totally £5.1m investment; the successful delivery of the £56.5m 21st Century Schools Band A Programme and the project launched to tackle Period Poverty has successfully been implemented in Schools, Period Dignity provides free products to girls and young women across schools within the Borough and the project also aims to go Plastic free.

Under Well-Being Objective 2 (Enabling Employment), it was noted that Communities for Work Programmes have supported 246 people into employment across the borough; The City Deal unveiled a 5-year plan for South East Wales, with the overarching economic objective to create 250,000 new jobs; extensive work has been undertaken with a focus on interaction with the Business Community and the Regeneration Department have undergone a restructure, as a result of changes in funding and uncertainty for EU funding post Brexit.

In considering Well-Being Objective 3 (address the availability, condition and sustainability of homes throughout the county borough and provide advice, assistance or support to help

improve peoples well-being), it was noted that 6,166 homes have been completed under the Wales Housing Quality Standard (WHQS) programme; Home visits have resulted in an extra £628,000 additional income for tenants; loans and Grants totalling approx. £794,000 to improve owner/ occupier homes and the successful prevention of 471 households from becoming homeless in 2018/19. In addition, Cabinet noted that the WHQS works are on target to complete by June 2020, however post 2020, additional works could be required under Energy Efficiency agendas. Work is also underway to increase the number of affordable homes across the borough, as well as reducing the number of empty properties, and bringing them back into circulation and fit for purpose.

Well-Being Objective 4 (Promote a modern, integrated and sustainable transport system that increased opportunity, promotes prosperity and minimises the adverse impacts on the Environment) demonstrated that the Authority continue to play a leading role in shaping and delivering the ambitious City Deal programme, which will deliver a far reaching package of benefits of the region totalling £1.2 billion in investment; we are among the first in Wales to have our Active Travel Routes and Integrated Network Maps approved by Welsh Government and the Caerphilly Interchange will be a transport hub located at the top of Caerphilly Town to provide access to bus, coach, rail and other transport links to other areas/ regions. Officers explained that these are long-term investments, including a number of partner agencies to improve transport links and accessibility across the Borough, as well as meeting environmental needs, such as the implementation of Electric vehicle charging points.

In discussing Well-Being 5 (Creating a County Borough that supports a healthy lifestyle) it was noted that there were 1.5m visits to parks and countryside, this is the highest level recorded to date, the most popular activity being walking; 40% girls now participating in sport and physical activity at least 3 times a week and 71% of girls are confident of trying new activities; The adoption of the Caerphilly Sport and Active Recreation Strategy (2019-29) in November 2018 is a significant milestone and there are 84,000 participants that took part in Sport Caerphilly activities.

Officers referred to Well-Being Objective 6 (Support citizens to remain independent and improve their wellbeing) and it was noted that key outcomes have been supporting people to help themselves by providing advice and information including signposting to other services; having meaningful conversations to help people identify 'what matters' to them to inform 'their choices'; we have invested in the DEWIS Cymru web base system, this is an online support resource that can help you think about what matters to you, and gives information about the people and services in their area.

Cabinet discussed the Public Accountability Measures Comparison 2019/20 and it was noted that there are 35 Public Accountability Measures in the total set, 19 of which can currently be compared across Wales, with the ranked position. Of those we can compare 14 year on year against our performance in the previous year. As many of the 35 measures are taken from other national data sets, which have their own timeframes, many wont be available to the PAM set until the end of 2019.

Cabinet thanked the Officers for the report and presentation and discussion ensued.

In discussion Well-Being Objective 2, Members raised concerns around the grant funding process and security of staff, who provide excellent support to Communities but are left uncertain year on year about funding and job security as a result of grant funding. Officers expressed their own frustration, and assured Members that representations have been made to the WLGA and at S151 Officer meetings, with the aim to lobby central government.

Members discussed the Public Accountability Measures Comparison 2019/20 data and sought further information on the actions that would be taken to improve performance on some of the data and whether this information could be provided as an assurance in future reports and before presentation to Council. Officers noted and agreed to update where possible.

Cabinet were pleased to note the progress within the report and the actions which underpin the transformation programme and expressed their thanks to all staff involved in the production of the report and data within.

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 Officer's Report the Annual Performance Report 2018/19 be approved.

## **6. APPROACH TO THE DELIVERY OF THE WELSH GOVERNMENT FUNDED FREE SWIMMING INITIATIVE FOR OLDER ADULTS**

The report advised Cabinet of forthcoming changes that will be introduced as part of the Welsh Government funded Free Swimming Initiative, that is delivered across the Council's portfolio of leisure centres, and sought Cabinet approval for the introduction of a pricing structure for older adults (60+) that off-sets the reduction in Welsh Government funding, applied to the Council as part of the changes to the delivery of the Free Swim Initiative.

Following an independent review of the Welsh Government funded Free Swimming Initiative (FSI), a new scheme has been developed that changes the focus of the existing scheme and places a new emphasis upon the provision of free swimming for children aged under 16 from areas of deprivation and away from the provision of free swimming of older adults, classified through the current scheme as those ages over sixty (60).

It was noted that the new scheme has been introduced with a significant reduction and amendment in the way funding allocation is provided in support of the scheme's delivery.

The total funding previously allocated to Caerphilly to deliver the FSI was £213,300. Under the provisions of the new scheme, each local authority was provided with 100% funding for the period April to September 2019, with 50% allocation applied for the period October 2019 – March 2020. This change equates to funding reduction of circa £53,325.

From April 2020 the total budget allocation to support the delivery of the new FSI scheme will be £106,650, a budget reduction of 50%.

Cabinet noted that a further change to the funding allocation has been introduced to support each local authority to deliver the new scheme through the provision of a capital budget for a period of 18 months from October 2019. The one off capital allocation to CCBC is circa £71,100. This funding is to support facility improvements, developments and the purchase of appropriate equipment.

The change in focus of the new scheme, along with reduction in funding to support the scheme delivery requires Sport and Leisure Services to develop a new pricing structure that supports continued subsidised access to swimming for older adults (60+).

In support of the change in focus of the new scheme, each local authority was required to submit a delivery proposal that outlined how the scheme would be delivered, what provision would be in place to support the schemes key objectives and how this would be communicated to each stakeholder. The delivery plan for Caerphilly was attached at Appendix 1 of the report.

Cabinet thanked the Officers for the report and discussion ensued.

Cabinet Members, whilst acknowledging that the scheme for young people under 16 will provide benefits and opportunities to children in areas of deprivation, expressed their disappointment that Welsh Government had removed the 60+ provision, and sought further

information on numbers of users of the scheme. Officers explained that whilst the number of regular 60+ users is low (591 equating to 1.4% of the CCBC population aged 60+ and only 6% across Wales), they are loyal users relying on the free swim provision. Members were assured however that the proposed pricing structures may suit individuals.

Discussions took place around the proposed options within the report, and Members queried whether there would be options for users to either take up Direct Debit or Pay as You Go options. Officers explained that Option 4 is the preferred option, providing a high level of subsidy to older adult users, and would enable users to pay via Direct Debit or Pay as You Go.

The Cabinet Member for Social Care and Wellbeing expressed their disappointment that the Initiative would change, as the Free Swim Initiative for Older Adults helps promote independence, health and wellbeing and assists to reduce the number of older people in need of Adult Service provisions. Discussions took place around the promotion of the Initiative and whether the appropriate Health Practitioners were supporting the scheme. Officers explained that posters were made available to hospitals and GP Surgeries across the borough, however there is now a dedicated Marketing, Engagement and Communications Officer, who will work to promote the new schemes to the target audience. In addition, it was requested the communications are clear to the residents of the Borough that the funding has not been cut by the Local Authority.

A Member queried whether these changes will have implications on the Aqua-fit provision across the Borough. Officers explained that the provision was free under the Initiative, and will continue to remain so for those using the provision following A GP Health Referral, however, non-referral users would be required to pay the subsidised cost for classes should they not take up the monthly membership option.

Cabinet discussed each of the options within the report and were keen to support Option 4.

The Chief Executive wished an amendment be made to the recommendation at 3.1 ii) within the report that the new pricing structure be in accordance with the Council's agreed processes for introducing Fees and Charges.

Following consideration and discussion, and in noting the amendment to the recommendation ii) 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 Officers Report, in supporting Option 4 in the report and subject to the amendment to recommendation (ii) as outlined at the meeting:

- i) the changes to delivery of the Welsh Government Funded Free Swimming Initiative across the portfolio of swimming pools in the county borough be noted;
- ii) the introduction of a new pricing structure (*subject to it being in accordance with the Council's agreed processes for introducing Fees and Charges*) that continues to support subsidised access to swimming for older adults (60+) and addresses the funding gap associated with the continued delivery of the free swimming initiative scheme be approved;
- iii) the Corporate Director – Social Services and Housing and the Cabinet Member for Social Care and Wellbeing liaise with Public Health Wales regarding additional opportunities for promoting physical activity amongst older people.

## **7. HAFOD-YR-YNYS AIR QUALITY PROJECT – PROPERTY ACQUISITION AND COMPENSATION FUNDING**

The report informed Cabinet of the financial arrangements associated with the voluntary acquisition or compulsory purchase of properties at Hafod-Yr-Ynys for demolition in order to achieve compliance with the Ambient Air Quality Directive, in accordance with the Air Quality Direction issued to the Authority by Welsh Government.

In addition, the report sought Cabinet agreement that funding be set aside in an earmarked reserve from the Environmental Health revenue budget projected underspend for the 2019/20 financial year, to assist with the acquisition of properties and compensation package to residents and property owners at Hafod-Yr-Ynys.

Cabinet were reminded that the national nitrogen dioxide air quality objectives are being exceeded at receptor locations on Hafod-Yr-Ynys Road. In February 2018 Welsh Government issued an Air Quality Direction to Caerphilly CBC to undertake a feasibility study for the area and to determine a preferred option or basket of options which will achieve compliance with the Ambient Air Quality Directive air quality objectives in the 'shortest possible time'.

As a result, on the 31st July 2019, Welsh Government issued a new Direction to Caerphilly County Borough Council, 'Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2019'. The Direction states that the demolition option should proceed immediately and without delay. Cabinet proposed that to minimise the risk of residents suffering financial detriment and hardship; the properties would be purchased at 150% of the market value with a home loss payment set at 10% of the original valuation.

Valuations undertaken indicate that the cost of purchasing all the properties in question at 150% of market value, with a 10% home loss payment (where appropriate) will amount to circa £2.770m. However, Welsh Government has now advised that to demonstrate reasonable public expenditure within financial guidelines their funding should be in accordance with the Compensation Code. Whilst it is acceptable to use values reflecting a no scheme scenario i.e. prior to the identification of the pollution issue, this increases values to 130% of the market value rather than 150%; together with a Home Loss Payment which is 10% of the elevated value (130%). This approach would result in a shortfall of Welsh Government funding to purchase the properties of circa £268k. Welsh Government has been requested to consider funding a discretionary well-being top-up payment to make up the shortfall.

Section 2(1) of the Local Government Act 2000 gives a local authority a wide ranging discretionary power to do anything that it considers is likely to promote or improve the environmental, economic and social well-being of their area and persons within that area, or either of those. The Environmental Health Service is currently projecting a net revenue budget underspend of £296k for the current financial year. It is therefore proposed that £268k of this projected underspend is set aside in an earmarked reserve to fund the discretionary well-being top-up payment to residents in the event that the Welsh Government does not agree to fund the shortfall.

Cabinet thanked the Officer for the report and discussion ensued.

Cabinet Members expressed their disappointment that the original 150% of market value was not supported by Welsh Government, and Members reiterated that their priority is to ensure that residents are not left in any financial hardship as a result.

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 Officers Report that £268k of the

projected 2019/20 Environmental Health revenue budget underspend of £296k be set aside in an earmarked reserve to meet any shortfall in Welsh Government funding to fund the discretionary well-being top-up payments under section 2(1) of the Local Government Act 2000.

## **8. LAND FOR SALE AT PONTYMISTER INDUSTRIAL ESTATE**

The report, which was considered by Environment and Sustainability Scrutiny Committee on 17th September 2019 outlined proposals to sell a plot of surplus Council-owned land at Pontymister Industrial Estate to M Seven Real Estate (the owner of the adjacent Pontymister Industrial Estate). M Seven Real Estate wish to buy the land in order to construct a 'drive-thru' for Costa Coffee.

Cabinet were advised that that selling of land is usually agreed by the Head of Property under delegated powers. However, in this instance, because two local ward members raised objections during the consultation process, the report is presented for Cabinet consideration and decision on whether the sale should proceed. The Environment and Sustainability Scrutiny Committee were asked to consider the proposal, and following consideration and discussion by the majority present, the recommendations were endorsed.

Following consideration and discussion, 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 Officers Report:

- i) the sale of the land to the owners of the adjoining Pontymister Industrial Estate be agreed, subject to planning consent and "stopping up" the highway and otherwise on terms to be agreed to enable the construction of a 'drive thru' for Costa Coffee;
- ii) that the approval of terms of sale of the land be delegated to the Interim Head of Property Services in consultation with the Cabinet Member for Homes and Places.

The meeting closed at 12.03pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 30th October 2019.

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CHAIR