



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 19TH NOVEMBER 2019 AT 5.30PM

PRESENT:

Councillor J. Simmonds - Mayor
Councillor C. Andrews - Deputy Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, A.P. Angel, J. Bevan, P.J. Bevan, C. Bezzina, A. Collis, S. Cook, C. Cuss, W. David, D.T. Davies, M. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, L. Harding, D. Harse, D. Havard, A.G. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, Mrs B.A. Jones, S. Kent, G. Kirby, Mrs A. Leonard, Ms P. Leonard, C.P. Mann, P. Marsden, B. Miles, S. Morgan, Mrs G.D. Oliver, B. Owen, Mrs T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, G. Simmonds, S. Skivens, C. Thomas, A. Whitcombe, R. Whiting, L G. Whittle, T. Williams, W. Williams, B. Zaplatynski

Together with:-

C. Harray (Interim Chief Executive), M.S. Williams (Interim Corporate Director of Communities), R. Edmunds (Corporate Director for Education and Corporate Services), L. Donovan (Head of People Services), S. Harris (Interim Head of Business Improvement Services & Acting S151 Officer), R. Tranter (Head of Legal Services and Monitoring Officer), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), E. Sullivan (Senior Committee Services Officer) and R. Barrett (Committee Services Officer)

Also present:

N. Jenkins and G. Jones (Wales Audit Office)

1. 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. She advised that decisions would be made via the electronic voting system.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L.J. Binding, D. Cushing, K. Dawson, Miss E. Forehead, J.E. Fussell, D.T. Hardacre, M.P. James, Mrs D. Price, J. Scriven, Mrs E. Stenner and J. Taylor.

3. MESSAGES FROM THE MAYOR

The Mayor expressed his condolences to Councillor Donna Cushing following the tragic loss of her partner, and asked Members to keep her in their thoughts during this sad time.

The Mayor also gave a warm welcome to Councillor Kevin Etheridge on his return to Council following his recent illness. Councillor Etheridge thanked the Mayor for his kind words and expressed his appreciation to all those who had sent him messages of support and kept in touch with his family during his treatment and recovery, including fellow Members, Corporate Directors, staff at Blackwood Housing Office, local ward residents, and the Interim Chief Executive.

4. DECLARATIONS OF INTEREST

Declarations of interest under the Employees' Code of Conduct were received from Christina Harray (Interim Chief Executive) and Mark S. Williams (Interim Corporate Director of Communities) in respect of Agenda Item 13 (Recruitment for the Post of Chief Executive). Details are minuted with the respective item.

5. TO ELECT A LEADER OF COUNCIL AND NOTE THE PAYMENT OF A SENIOR SALARY

It was moved and seconded that Councillor Philippa Marsden be appointed as Leader of Caerphilly County Borough Council and receive a senior salary payment. By a show of hands, this was unanimously agreed.

RESOLVED that Councillor P. Marsden be appointed as Leader of Caerphilly County Borough Council and her receipt of a senior salary payment be noted.

Fellow Members offered their congratulations to Councillor Marsden on her appointment and highlighted the many skills and qualities that she would bring to the position of Leader.

Councillor Marsden thanked Members for their support and stated that it would be a true honour and privilege to serve as Leader of Caerphilly County Borough Council. She announced that the Cabinet would remain unchanged for the foreseeable future but that Council would be advised of any subsequent changes. The Leader also referred to the year ahead and announced that she looked forward to setting out her exciting plans in detail in January 2020.

6. 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 referred to Members to the list of engagements included in the agenda papers at Agenda Item No. 4.

The Mayor highlighted the many Remembrance Services held across the county borough to honour past and present members of the Armed Forces and had been honoured to attend many of these services. Members were also advised of the recent Royal visit by HRH Princess Anne to the Sense TouchBase daycare centre for adults in Caerphilly. Finally, the Mayor highlighted the launch of the Litter Picking Hub at Bargoed Library, which included participants from local primary schools.

7. TO RECEIVE PETITIONS UNDER RULE OF PROCEDURE 28(3)

It was noted that there were no petitions to be presented on this occasion.

8. PRESENTATION OF AWARDS

Chartered Institute of Public Relations Silver Award

Members were informed that the Council's Communications Team were recently awarded a CIPR Silver Award at the prestigious PRIDE Awards ceremony held in Cardiff Bay. These awards celebrate best practice in the Public Relations and Communications industry across Wales, and bring together the top communications teams from the private and public sector to celebrate success and recognise excellence.

The Communications Team received the Silver Award for their work in communicating the recent changes to parking enforcement across the county borough. The Council's 'Park Smart' campaign has been held up as an example of best practice, with elements being used by neighbouring authorities in their own communication work around parking enforcement.

Steve Pugh, Hayley Lancaster and Nick Rutter from the Communications Team came forward in order to be congratulated on their achievement.

South Wales Argus Health and Care Home Awards

Members were informed that Andrew Davies from Social Services had been selected as a finalist in the South Wales Argus Health and Care Home Awards.

Andrew has worked for the Authority for many years to support adults with learning disabilities, and since 2003, has continually supported clients at a purpose built bungalow. Over the years, Andrew has built up fantastic relationships with the clients' families and helped to provide the most appropriate support for them. He became especially close to one client, supporting his day to day activities, gaining his trust, and becoming his friend. Sadly, the client lost his battle with cancer earlier in the year, but throughout his illness, Andrew spent many hours sitting with him, even on his days off, and was a great comfort to the residents and staff in helping everyone cope with the loss.

It was explained that Andrew is a popular member of his team and is dedicated to bringing quality and happiness to people's lives, which is evident in the level of care and support he provides.

Andrew Davies came forward in order to be commended by Council on his achievement.

Shared Lives Plus Awards – Scheme Innovation Award

Members were advised of the South East Wales Shared Lives Scheme, which is a Caerphilly county borough-led service provided as a partnership between Caerphilly, Blaenau Gwent, Merthyr Tydfil, Monmouthshire, Newport and Torfaen for any adult only 18 years old with an identified support need. The Council also provide Shared Lives for the Aneurin Bevan University Health Board for individuals experiencing a mental health crisis.

It was explained that at the recent Shared Lives Plus Awards Ceremony, the Council won the Scheme Innovation Award, which is a national award that was awarded to the scheme that has changed most to develop Shared Lives for new people, or demonstrated a co-

produced approach to developing and improving its service. The Shared Lives Scheme has significantly developed in many areas, including preventing hospital admission and the escalation of care and support needs, supporting hospital discharge and older people with dementia and end of life plans. Shared Lives carers share their home, family and community life with the individual, providing safety and support with a focus on developing and maintaining independent living skills and connections in the community.

Emma Jenkins and Louise Powell from the Shared Lives Team came forward in order to be congratulated by Council on the team's achievement.

Defence Employer Recognition Scheme – Gold Award

Members were informed that the Council recently achieved the Gold Award as part of the Defence Employer Recognition Scheme, which recognises UK employers for their support and commitment towards the Defence and Armed Forces communities. The Gold Award is given in recognition of employers who have provided exceptional support to the Armed Forces Community and defence by going above and beyond their Armed Forces covenant pledge.

It was explained that Caerphilly has demonstrated an active approach towards Armed Forces Community employment via established HR policies and procedures, as well as flexibility for annual training and mobilisation commitments. Caerphilly is one of the first local authorities in Wales to introduced Guaranteed Interview Schemes for service leavers, veterans, reservists and spouses.

Lisa Rawlins (Armed Forces Liaison Officer) and Kathryn Peters (Corporate Policy Manager) came forward to be congratulated on their hard work and to be presented with the award from Councillor Andrew Whitcombe (Armed Forces Champion).

Pride of Britain Awards – Child of Courage Award

Members were very pleased to recognise the achievement of Jaydee-Lee Dummett from the Caerphilly county borough who, after saving her brother Laylan's life, was honoured with a Child of Courage Award at the national Pride of Britain Awards ceremony.

It was explained that earlier in the year, Laylan had awoken disorientated during the night and, after recalling a gas safety lesson in school, Jaydee-Lee recognised the deadly signs of carbon monoxide poisoning. She noticed that the detector alarm had turned from green to red, and recited the gas emergency number from memory to her mother. An engineer arrived at their home to make the gas supply safe, and was very impressed with how much Jaydee-Lee has remembered from her lesson in school. Her quick thinking certainly saved her brother's life, and this demonstrates how important it is to teach children of all ages about home safety and the work of the emergency services.

Jaydee-Lee, together with her brother Laylan and mother Lindy, came forward in order for Council to recognise her Pride of Britain award, and received a standing ovation from Members.

9. MINUTES – SPECIAL COUNCIL 3RD OCTOBER 2019

Subject to it being recorded that Councillor D.T. Davies had left the meeting immediately following his declaration of interest (and before consideration of Item 3) it was RESOLVED that the minutes of the Special Meeting of Council held on 3rd October 2019 be approved as a correct record and signed by the Mayor.

10. MINUTES – COUNCIL 23RD OCTOBER 2019

RESOLVED that the minutes of Council held on 23rd October 2019 be approved as a correct record and signed by the Mayor.

11. MINUTES – SPECIAL COUNCIL 28TH OCTOBER 2019

Subject to it being recorded that Councillor J. Bevan had been in attendance, and that Councillors C. Gordon and D.T. Davies had left the meeting immediately following their respective declarations of interest (and before consideration of Item 3) it was RESOLVED that the minutes of the Special Meeting of Council held on 28th October 2019 be approved as a correct record and signed by the Mayor.

12. TO RECEIVE AND TO ANSWER QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(4)

It was noted that there had been no questions received on this occasion.

13. NOTICE OF MOTION – NATIONAL STRATEGY FOR THE PREVENTION OF YOUNG CARDIAC DEATH

Consideration was given to the Notice of Motion received from Councillor C. Cuss and supported by Councillors J. Bevan and D. Harse. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

Councillor Cuss requested in his Notice of Motion that Council:-

- (i) write to Welsh Government and ask that they support a National Strategy for the Prevention of Young Sudden Cardiac Death and look at the possibility of providing a free cardiac screening programme for our young people, starting with mandatory screening for any young person taking part in competitive sport in Wales;
- (ii) pledge to support a National Strategy for the Prevention of Young Sudden Cardiac Death to help save the lives of the 12 apparently fit and healthy young people who die every week in the UK of undiagnosed cardiac conditions by writing to UK Parliament and urging Members of Parliament to support the campaign mypledge@c-r-y.org.uk.

Councillor Cuss explained that his Notice of Motion followed the tragic passing of 16-year old Jake Pickford from the Moriah ward, who died from Sudden Arrhythmic Death Syndrome (SADS) in August 2018. Jake was a talented footballer and athlete who played for Aberbargoed and Pengam Football Clubs, and since his untimely death, a number of fundraising events have been organised by his family and the local community to raise money for public access defibrillators, which have now been placed in several locations across the Rhymney area.

It was explained that unfortunately this is not the only incidence of sudden cardiac death in the county borough and that 12 young people every week lose their lives to an undiagnosed heart defect. Members were therefore asked to support a national strategy to ensure consistent reporting, with the data collected being used to inform national policy and allow for

preventative or therapeutic interventions to reduce or remove the risk of sudden cardiac death.

Members acknowledged the cardiac screening already carried out by voluntary organisations, but expressed their support for the Notice of Motion and the need for a national strategy, and also extended their sympathies to the family of Jake Pickford. Members asked why mandatory screening had only been proposed for young people participating in competitive sport and suggested that this screening should be extended to all children as a preventative measure. It was explained that research has shown that young people participating in competitive sport are more at risk of sudden cardiac death.

Having considered the reasons for the Motion, and the information provided in relation to the Motion, and following due debate, it was moved and seconded that its content be supported. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the Notice of Motion be supported.

REPORTS REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

14. ANNUAL IMPROVEMENT REPORT 2018/19

Consideration was given to the report, which was presented to the Audit Committee by the Wales Audit Office on 15th October 2019 and subsequently to Cabinet on 16th October 2019. Both the Audit Committee and Cabinet endorsed the contents of the Annual Improvement Report (AIR) 2018/19 as appended to the Officer's covering report and recommended its approval by Council.

It was noted that the Annual Improvement Report for 2018/19 outlined the key messages from the Wales Audit Office and makes a judgement as to whether the Council have and are likely to comply with their statutory duty in compliance with the Local Government (Wales) Measure 2009 to 'make arrangements to secure continuous improvement'. This AIR is two-fold as it summarises the work carried out by the WAO during the year 2018/19 and provides the regulators judgement as to whether the Council 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.

Ms Non Jenkins (Wales Audit Office) was welcomed to the meeting to summarise the findings of the AIR. She explained that the Council is now at a crucial pivotal point and has significant opportunities to quickly grasp through its *#TeamCaerphilly* transformation programme, in order to ground its ambitions and turn them into action and improved outcomes for its citizens by 2022.

The WAO has recognised the achievements of the Council, particularly in relation to meeting the requirements of the Wellbeing of Future Generations Act whilst delivering the Flying Start programme, and has recognised that the Council has taken account of the sustainable

development principle whilst delivering this programme. Ms Jenkins also referred to the Thematic Review Service User Perspective carried out by the WAO to gain the views of tenants and leaseholders on the work undertaken through the Council's WHQS programme. Positive views were received on many aspects of the programme, although feedback was less satisfactory in relation to areas of external works. The Council has also responded positively to the WAO's WHQS report and statutory recommendations in June 2017, and has made significant improvements which has led to the WAO concluding that the Council is likely to meet the WHQS by December 2020.

Members were advised that the WAO has worked with the Council in terms of the Business Improvement Programme Board and acted as a critical friend to provide real-time constructive feedback and challenge to the Board in terms of its vision and objectives for the transformation programme. As a result the Council has recognised that a fresh approach to transformation is needed and *Caerphilly 2022 (C2022)* is therefore an opportunity not to be missed. In addition, Ms Jenkins explained that although some progress has been made in addressing the previous WAO recommendations in relation to corporate safeguarding, the Council needs to further strengthen its corporate safeguarding oversight and assurance arrangements.

In closing, Ms Jenkins referred to the national report recommendations set out at Appendix 3 of the AIR and invited questions from Members.

During the course of the ensuing debate, reference was made to the *#TeamCaerphilly Transformation Strategy* and a Member asked if it would be possible for the Leader to outline in January 2020 how it is intended to turn the aims of the Strategy into actions and drive the change of agenda forward in order to achieve best practice for the Council and best outcomes for residents. The Leader confirmed that she would set out her vision in January 2020 on how she planned to take forward the Strategy, which will place an emphasis on the Council as a 'listening Authority' in respect of communication and engagement. It was also explained that that extensive work has been carried out in preparation for the *#TeamCaerphilly* operating model and that once the Leader has set out her plans in January 2020, work will be carried out with elected Members, Council staff, residents and stakeholders to drive the aims of the Strategy forward.

A Member referred to the findings of the WAO in respect of corporate safeguarding arrangements and asked if there should be a requirement for the post of Chief Executive and other senior officers to have a DBS check as part of their conditions of employment. It was confirmed that this question would be taken during consideration of the next item on the agenda.

It was moved and seconded that the recommendations in the report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the Annual Improvement Report (AIR) 2018/19 be approved.

Ms Jenkins was thanked for her presentation and for her attendance at the meeting.

REPORTS OF OFFICERS

Consideration was given to the following report.

15. RECRUITMENT FOR THE POST OF CHIEF EXECUTIVE

Christina Harray (Interim Chief Executive) and Mark S. Williams (Interim Corporate Director of Communities) declared personal interests item in this item, under the Employees' Code of Conduct, as their current interim posts were directly affected by the report, and left the Chamber for the remainder of the meeting.

The Head of People Services drew Members' attention to items in the report requiring clarification, namely Paragraph 5.9 which refers to 2 JNC national pay awards in recent years for Chief Executives in 2016 and 2018. It was explained that both pay awards covered a period of 2 years, and that the pay award in 2016 was for 1% in each year but the pay award in 2018 was for 2% in each year and not 1%. Members were therefore advised that the information set out in the table at Paragraph 5.10 therefore needed to be amended to reflect the 2% pay awards as follows:

	Increment 1	Increment 2	Increment 3	Increment 4
Chief Executive	151,262	156,859	162,456	168,070

Consequently, it was explained that some of the Financial Implications at Section 10 of the report would also need to be changed as follows:-

- 10.3 Should Council agree the national pay awards as detailed in paragraph 5.10 there will be a further additional cost of £11,050 [and not £6,591 as set out in the report].
- 10.4 The total additional cost including oncosts for incremental progression and the national pay awards will be £32,803 at the top of the grade [and not £28,344 as set out in the report].
- 10.7 This would leave a residual additional cost of £13,793 [and not £9,334 as set out in the report] that would need to be incorporated into the Final 2020/21 Budget Proposals report in February 2020 alongside all other pay and non-pay inflationary pressures.

Furthermore, the recommendation at 3.1.2 would therefore need to be updated as follows:-

- 3.1.2 That the salary range is updated to include the national pay awards for 2016 and 2018. Both pay awards covered a period of 2 years and was 1% in 2016 and 2% in 2018.

Members were reminded that the pay award was agreed in 2016 for the Interim Chief Executive as stated in Paragraph 5.9 of the report and the salary range was updated at that time.

Consideration was then given to the report which advised Members of the requirement by law for the Council to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive. On 3rd October 2019, Council made the decision to dismiss the former Chief Executive from the employment of the Council with effect from that date. The Council is now able to recruit a permanent Chief Executive and the report made recommendations in this regard in accordance with Council policies.

Members were advised that the Council's constitution determines that full Council will make the appointment of the Head of Paid Service following the recommendation of a short list for such an appointment by the Appointments Committee.

It was explained that the updated table at Paragraph 5.10 reflected the salary range agreed by Council within the Pay Policy in March 2019 and the adjusted nationally agreed pay awards 2016-2019, namely £151,262 at the lower increment and £168,070 at the higher

increment. Should Council agree to set a salary range different to the one above, it would need to refer the new arrangements to the Independent Remuneration Panel for Wales. Members were reminded that the Chief Executive also undertakes the statutory role of Returning Officer at elections. The salary for the post does not include the fees for those elections, which for non-local elections are set and agreed by the Cabinet Office/Welsh Government over which the Council has no jurisdiction.

Should the Council agree to the recommendations in the report, the Appointments Committee will be convened to agree the job advert and recruitment exercises. It is intended to advertise the post in January 2020 in accordance with the salary to be agreed by Council, and the job description and person specification attached at Appendix A to the report.

Members were reminded of the key nature of the Chief Executive post in terms of the future direction of the Council and were also advised of the need to strike a balance between the level of salary set, in these times of austerity, whilst also seeking to attract candidates of the highest calibre. With this in mind, a set of amended recommendations to replace those set out in the report were proposed as follows:-

- 3.1.1 That the recruitment of a permanent Chief Executive be agreed with a spot salary of £140k, subject to the salary being confirmed/approved by the Independent Remuneration Panel for Wales;
- 3.1.2 That all future nationally agreed pay awards for the Chief Executive be approved automatically;
- 3.1.3 That the post be externally advertised in January 2020 in accordance with the job description and person specification attached at Appendix A and the process set out within the report;
- 3.1.4 The post of Deputy Chief Executive be removed from the Council's organisational structure.

Members were advised that these amended recommendations would achieve annual savings from the Chief Executive post of £5371 per annum, as well as avoiding the need to find an additional £32,803 to fund the salary range agreed within the 2019 Pay Policy and associated pay awards. Furthermore, the removal of the funding attached to the Deputy Chief Executive post would enable further savings of £19,010 to be released.

The proposals in respect of the amended recommendations were moved and seconded and debate took place on the contents of the report.

Support was expressed for the proposed reduction in the Chief Executive's salary given the need for the Council to make savings across a wide range of service areas. Members referred to the fees associated with the statutory role of Returning Officer and asked if these could be absorbed into the Council's budget to make further savings, or if the Returning Officer role and fees could be re-assigned to other individuals, such as Officers within the Electoral Services Team.

The Head of People Services explained that the delegation of the role of Returning Officer is a matter for each local authority, and that Caerphilly Council has determined that the role of their Returning Officer is the responsibility of the Chief Executive. It was explained that the Returning Officer responsibility is one of a personal nature and is distinct from their responsibilities as an employee of the Council. These responsibilities are defined by legislation, and any breach of these duties is a summary offence and could be subject to a personal fine. It was explained that although money is received from WG and other parties for any non-local elections, it is difficult to plan for snap elections and therefore it would be

very difficult to pitch a salary for the role of Returning Officer at short notice. Members were also advised that Welsh Government are currently considering new legislation which may remove the fee associated with the role of Returning Officer.

During the course of debate, Members expressed the view that they should have more involvement throughout the recruitment process for the Chief Executive, and were reminded that although responsibility for shortlisting is delegated to the Appointments Committee, the appointment of the successful candidate is made by full Council.

Reference was made to the query received earlier in the evening in respect of DBS checks, and a Member suggested that the position of Chief Executive should include a requirement to undergo a DBS check, in order to provide reassurance to the public. The Head of People Services explained that the Council are guided by the regulations set down by the Disclosure and Barring Service, who operate to a strict set of criteria, and that the post of Chief Executive would not fit the criteria in accordance with their work set. Furthermore, it was explained that if the local authority attempt to undertake DBS checks for non-eligible personnel, then there is a significant risk of a fine being levied against the Council.

Following due debate and having already been moved and seconded, the set of amended recommendations were put to the vote. By way of the electronic voting system (and in noting there was 1 against) these were agreed by the majority present, and became the substantive motion.

A further vote was then taken in order for these recommendations to be approved. By way of the electronic voting system (and in noting there were 2 against) this was agreed by the majority present.

Council therefore RESOLVED that

- (i) the recruitment of a permanent Chief Executive be agreed with a spot salary of £140k, subject to the salary being confirmed/approved by the Independent Remuneration Panel for Wales;
- (ii) all future nationally agreed pay awards for the Chief Executive be approved automatically;
- (iii) the post be externally advertised in January 2020 in accordance with the job description and person specification attached at Appendix A and the process set out within the report;
- (iv) the post of Deputy Chief Executive be removed from the Council's organisational structure.

The Mayor closed the meeting at 6.45 p.m. and wished all in attendance a Merry Christmas and Happy New Year.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 21st January 2020 they were signed by the Mayor.

MAYOR