



## **CABINET**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 11TH MARCH 2020 AT 10.30 A.M.**

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**PRESENT:**

Councillor P. Marsden (Leader) - Chair

**Councillors:**

C. Cuss (Social Care and Wellbeing), N. George (Environment and Neighbourhood Services), C.J. Gordon (Corporate Services), S. Morgan (Regeneration, Transportation and Sustainability), and E. Stenner (Finance, Performance and Planning).

**Together with:**

C. Harry (Chief Executive), R. Edmunds (Corporate Director – Education and Corporate Services), M.S. Williams (Interim Corporate Director – Communities).

**Also in Attendance:**

K. Cole (Chief Education Officer), A. Cullinane (Senior Policy Officer - Equalities, Welsh Language and Consultation), K. Peters (Corporate Policy Manager), M. Lloyd (Head of Infrastructure), G. Roberts (Team Leader, Transport Officer ITU), R. Hartshorn (Head of Public Protection, Community & Leisure Services), S. Harris (Interim Head of Business Improvement Services and Acting S151 Officer), R. Tranter (Head of Legal Services and Monitoring Officer) and C. Evans (Committee Services Officer).

K. Bevan (Director – EAS), J. Wood (Assistant Director – Professional Learning/ School Improvement – EAS), E. Pryce (Assistant Director

#### **1. APOLOGIES FOR ABSENCE**

Apologies for Absence were received from Councillor B. Jones (Education and Achievement) and L. Phipps (Homes, Places and Tourism) and D. Street (Corporate Director – Social Services and Housing).

#### **2. DECLARATIONS OF INTEREST**

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

#### **3. CABINET – 26TH FEBRUARY 2020**

RESOLVED that subject to an amendment in relation to Minute number 7 –

Consultation and Engagement Framework 2020-2025, the fact that the Leader of the Independent group was not present at the Policy and Resources committee and therefore did not have the opportunity to discuss the matter as stated in the minutes, the minutes were approved as a correct record.

#### **4. CABINET FORWARD WORK PROGRAMME – TO NOTE**

Cabinet were provided with the Cabinet Forward Work Programme, which detailed the scheduled reports from 25th March 2020 to 7th October 2020. Members were reminded that the Cabinet Forward Work Programme is a working document and therefore subject to change.

Following consideration and discussion, it was moved and seconded that the Forward Work Programme be noted. By a show of hands this was unanimously agreed.

RESOLVED that the Cabinet Forward Work Programme be noted.

#### **MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED**

#### **5. EDUCATION ACHIEVEMENT SERVICE (EAS) BUSINESS PLAN (2020-2021) AND LOCAL AUTHORITY ANNEX 2020-2021**

The report, which was considered by the Education Scrutiny Committee on 24th February 2020 and outlined the Education Achievement Service (EAS) Business Plan (2020-2021) and Local Authority Annex 2020-2021.

Cabinet noted that the EAS is required to submit an annual overarching regional Business Plan with accompanying annexes for each of the five Local Authorities (LAs). The report sought Cabinet consideration of the draft EAS Business Plan and Caerphilly LA Annex as part of the regional consultation process.

It was noted that the business plan sets out how the EAS plans to deliver school improvement services across all schools, pupil referral units and funded non-maintained nursery settings on behalf of each LA. The plan sets out how LAs be supported to deliver their statutory function, by addressing their individual improvement priorities and promoting improved pupil outcomes.

The business plan priorities have been derived from LA strategic plans, progress from the previous business plan and areas identified through self-evaluation and external research. Cabinet were advised of the strengths and areas for development within Caerphilly which are detailed in the LA Annex, which can be aligned to the provision of LA services to ensure that all pupils meet their full potential.

Cabinet were asked to note that the EAS is a not for profit limited company that is owned by the five LAs in South East Wales. The EAS delivers, through an agreed Business Plan, a wide range of school improvement services to all schools (all key stages, including all through schools and special schools), pupil referral units and funded non-maintained nursery settings on behalf of each LA. This plan supports the role LAs have in delivering their statutory function, addressing their individual improvement priorities and promoting improved pupil outcomes.

It was noted that priorities for the Business Plan have been derived from Local Authority Strategic Plans, the progress that has been made towards the previous Business Plan, areas that have been identified as requiring improvements through internal self-evaluation processes and external research.

Cabinet were asked to note that the EAS is subject to a robust governance model that is underpinned by a Collaboration and Members agreement (CAMA) and Articles of Association. Ensuring that the EAS provides value for money is of utmost importance. As recipients of public funding it is important that budgets are allocated wisely. EAS endeavour to deliver even better value for money through achieving financial balance and delivering services within the constraints of their budget, making further efficiency savings wherever possible and ensuring delegation rates to schools are maximised.

Delegation rates to schools has increased by 94% whilst the EAS staff profile by 48% since 2012. An element of the EAS was originally set a trading income target of £1.25m from schools to enable balanced year end account position. This has now been totally eradicated from income dependency and schools are no longer charged for any training or services provided in line with the business plan.

Local authority funding for consortium working is underpinned by the National Model for Regional Working, published by the Welsh Government in 2014. The model recommended a core funding allocation of £3.6m for the EAS. The current LA core contribution is based on these figures less year on year efficiencies of £1.17m since 2012 agreed in collaboration with the 5 local authorities. The local authorities' indicative figures for 2020/21 are as follows: Caerphilly LA's contribution from 2020/21 is £1,005,705 compared with £1,021,020 in 2019/20.

Cabinet were asked to note some amendments to 5.26 of the report, which refers to Caerphilly LA Risks:

- Not a high enough percentage of learners make the expected rate of progress and achieve appropriate outcomes at Key Stage 4, particularly in the English language and Capped 9 measures.
- The pace of improvement in the quality of leadership across all phases of education does not continue on its current trajectory.
- The number of pupils achieving A-A\* at Key Stage 5 remains too low.
- Vulnerable learners across all phases do not make sufficient progress.
- Pupils' do not acquire sufficient digital competency skills.

Cabinet thanked the Officers for the report and discussion ensued.

A Cabinet Member, in noting the Risks, raised concerns around Quality of Leadership and Digital Competency. Officers explained that they have been identified as Risks, as it is unlikely that all schools will be performing in such a way all of the time. However, Members were assured that there has been significant investment in Leadership Skills for certain schools, and it is anticipated that this same project will be rolled out across other schools. There are, in addition, a number of checks and balances in place to mitigate the impact of these identified Risks. Further information was provided around Digital Competency and it was clarified that this Risk relates to a new programme of technology which will be rolled out across all schools.

In light of the concerns, it was moved and seconded that an additional recommendation be added to monitor and review the progress of the identified Risks.

Following consideration and discussion and the inclusion of the additional recommendation, it was moved and seconded that the report be deferred. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report and subject to an additional recommendation (iii):

- i) The comments of the Education Scrutiny Committee be considered and noted;

- ii) The EAS Business Plan be agreed and submitted to Welsh Government.
- iii) the risks, as identified within the report be regularly reviewed and monitored and reported to Cabinet.

## 6. STRATEGIC EQUALITY PLAN, OBJECTIVES AND ACTIONS 2020-2024

The report, which was considered by Policy and Resources Scrutiny Committee on 25th February 2020, sought Cabinet views on the draft Strategic Equality Plan.

Cabinet noted that since April 2016, the Council has had in place a four-year operational document known as the Strategic Equality Plan – Equalities and Welsh Language Strategic Objectives, which has been accompanied by a separate Action Plan.

The Public Sector Equality Duty in Wales requires all public authorities to develop and publish a Strategic Equality Plan every four years.

The Strategic Equality Plan 2020-2024 has undergone a full revision compared with the previous version, in order to reflect changes in best practice and objectives or to provide additional information. The combined Objectives and Action Plan have been developed to take achievements and progress into account and merged them into one operational document.

The plan has been developed so that the Council can set out how it aims to meet its commitment to equality and how it will meet its legal obligations contained within the Equality Act 2010. We have used key documents to help develop the revised plan such as the Corporate Plan 2018-2023 and Education's Shared Ambitions Strategy as well as information provided by service managers.

The Plan includes 7 Equality Objectives, which are:

- Service Planning and Delivery
- Education, Skills and Employment
- Community Cohesion
- Inclusive Engagement and Participation
- Welsh Language
- Inclusive, Diverse and Equal Workforce
- Reducing the Gender Pay Gap

It was noted that a formal consultation took place in November 2019. This included targeted engagement with stakeholders with a specific interest in equalities e.g. Disability, Welsh Language, and Parents etc., elected Members, service managers and staff. The Consultation Report is attached at Appendix B of the report.

Cabinet noted that feedback on the consultation process was very supportive of the draft objectives on the whole. Areas for improvement and barriers identified have been included as actions under each relevant Equality Objective. Members were asked to note in the Consultation Report, alongside the feedback received as part of the consultation, referenced were made to comments that have been embedded within the Strategic Equality Plan.

Cabinet were asked to note a few amendments that have been made to add clarity only, since the draft was presented to Policy and Resources Scrutiny Committee:

- The newly adopted **Consultation and Engagement Framework** will be added to Equality Objective 4 under **Supporting Documents**.
- Strategic Equality Objective 6 – Action 4, we will specify the specific regulations

mentioned, as the: ***Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011***

- A sentence will be added to the last paragraph on page 31 of the Plan, which will say; ***Whilst an effort was made to consult with all sectors of the community, it is evident that some stakeholders did not engage in the process.***

The Strategic Equality Plan 2020-2024 and associated actions; will ensure that the Council has a fit-for-purpose document which demonstrates compliance with the latest statutory Equalities and Welsh Language duties. It has been developed in line with legislative requirements and guidance produced by the Equality & Human Rights Commission.

Therefore Cabinet were asked to consider the report and recommend to Council for approval on 21st April 2020.

Cabinet thanked the Officers for the report and discussion ensued.

A Cabinet Member raised concerns around a recent consultation being undertaken by the UK Government in respect of the Gender Recognition Act and sought further information around the actions of the Council to support the Transgender Community and individuals in the work place. Officers explained that training is available for all staff and members. Leisure Services previously requested Transgender Awareness training for staff, in order to deal with issues around the use of changing rooms in leisure centres. The team work closely with Umbrella Cymru and other partners, including the LGBT Youth Group to provide support and advice as required. In addition, staff awareness days are held to highlight specific awareness days relating to equalities and Welsh language, and as an opportunity to seek advice and support in relation to their work.

Cabinet were reassured that the Council aims to empower staff and provide the required support, which is embedded throughout the organisation, supported and celebrated.

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:

- i) The views expressed by the Scrutiny Committee be considered;
- ii) The Strategic Equality Plan, Objectives and Actions 2020-2024 be presented to Council for its approval and adoption as Council policy.

## **7. INTEGRATED TRANSPORT UNIT COLLABORATION**

The report, which was presented to Environment and Sustainability Scrutiny Committee on 11th February 2020 and outlined the proposal for the Integrated Transport Units (ITUs) of both Caerphilly and Rhondda Cynon Taf County Borough Councils to work collaboratively to create a centre of excellence for the delivery of passenger transport services across both local authorities.

It was noted that Caerphilly and Rhondda Cynon Taf have been discussing the potential for the creation of a joint Integrated Transport Unit (ITU). Both councils already have well-run and adequate resourced ITUs providing services for public bus services, home to school transport and Social Services transport for vulnerable adults and children. The proposal is to underpin the good work that each council undertakes through its respective ITUs, and create resilience and capacity that will ensure business continuity.

The proposal is for a joint management structure to be put in place to manage the respective ITUs of each Council, and through this collaboration the two councils would share resources

to create a centre of excellence for the delivery of passenger transport services across Caerphilly and Rhondda Cynon Taf.

Cabinet thanked the Officer for the report and discussion ensued.

It was noted that the collaboration supports the plans of Welsh Government and the Local Authority is a lead in Transport, therefore a collaboration with another local authority, sharing resources and services, with an aim to provide regional provision supports the Caerphilly transformation agenda "Team Caerphilly" and Welsh Government Collaboration agenda.

A Member sought further information on the timescales for the implementation of the service and future planning. Officers explained that it is still early days for the project, however it is hoped that the collaboration can be utilised as a commercial enterprise, targeting the wider city deal area. Work is underway with the Business Development Officers in order to consider a commercial expansion of the collaboration.

It was noted that this is a specialist service, and therefore a Member queried the utilisation of apprentices. Officers explained that this has not yet been developed due to infancy of the project; however it is something to be considered for the future, especially with an aging workforce and the specialism of the subject. It was noted that there are currently apprentices employed within the wider division, which will shortly be moved to technical roles, and therefore it is hoped that additional apprentices can be recruited.

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:-

- i) The Council working with Rhondda Cynon Taff County Borough Council to create a centre of excellence for the delivery of passenger transport services across Caerphilly and RCT be agreed.
- ii) Delegated authority be sought from Cabinet for the approval and amendment of the business and delivery plan to the joint management team, and for the preparation and agreement of Terms of Reference for the joint board/ steering group in consultation with the respective Cabinet/ Executive Members.

## **8. PUBLICATION OF GENDER PAY GAP DATA 2019 – EQUALITY ACT 2010 (SPECIFIC DUTIES AND PUBLIC AUTHORITIES) REGULATIONS 2017.**

The report sought the approval of Cabinet for the publication of the Authority's gender pay gap written statement 2019.

Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, all organisations listed at Schedule 2 to the regulations that employ over 250 employees are required to report annually on their gender pay gap from 2017.

The provisions under these Regulations only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed by school head teachers/ Governing Bodies are, therefore, not required to be included within the scope of the Council's Gender Pay Gap Data. This reflects the unique employment legislation position whereby all school employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by head teachers/ governing bodies, as appropriate. Caerphilly Schools will not be required to publish and report their own specific figures as no School employs more than 250 staff.

The Council's gender pay gap data is required to be published on our own website and a government website by 30 March each year. The data must include the hourly pay, as both a mean figure (identifying the difference between the average of men's and women's pay) and the median figure, (identifying the difference between the midpoints in the ranges of men's and women's pay). Employers are encouraged to produce a written statement explaining the data.

The Regulations further require the Council to publish the mean and median gender pay gap relating to bonus pay. Cabinet will be aware that the Council does not offer piecework or bonus incentive schemes.

Cabinet thanked the Officer for the report and discussion ensued.

Cabinet reiterated that the report does not stem from paying male and female employees differently for the same or equivalent work but is the result of the roles in which male and females currently work and the salaries that these roles attract. The gender pay gap is reflective of the causes of gender pay gap at a societal level. The vast majority of posts in the lower quartile of data are part time posts. These are posts that continue to predominantly attract female applicants.

A Member queried why roles such as carers, caterers and cleaners are predominantly occupied by females. Officers explained that this is mostly due to work/life balance, the roles are usually part-time and often fit in around caring responsibilities and is a reflection of the Council's continued support to staff and promoting work/life balance. It was noted that there was a requirement previously to employ male carers, for which this was difficult to recruit.

In reference to the recording of the posts, in which a number of employees undertake a number of part time roles, it was queried as to how these are recorded. Officers explained that the posts are recorded, until the end of 2019, therefore an employee working 2 roles could effectively be counted twice.

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 the written Statement, as attached to the Report detailing gender pay gap data be agreed for publication on the Council's website and the Government website on line using the gender pay gap reporting service.

## **9. AUTHORISATION OF OFFICERS IN PUBLIC PROTECTION – MINIMUM UNIT PRIVING (MUP) OF ALCOHOL**

The report informed Cabinet of the new legislation on the Minimum Pricing of Alcohol in Wales and sought authorisation under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 for officers of the Public Protection Division.

The report also requested that the Councils Monitoring Officer makes the necessary changes to the Constitution to reflect the implementation of The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 and this reflected in the update of the Constitution at the Annual Meeting of Council in May 2020.

It was noted that Officers within the Public Protection Division require additional authorisation under The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 in order to enforce the legislation and carry out their duties.

Cabinet thanked the Officer for the report and discussion ensued.

In noting the Legislation, concerns were raised for the shop keepers, and small retailers within the Borough. Officers explained that Welsh Government have implemented a Communications Campaign, and a list of retailers has been provided by the Local Authority, with the aim of providing retailers with the details of the changes to MUP. Further support will be provided by Trading Standards Officers as part of their regular inspections. Members were reassured that a gentle approach will be undertaken prior to enforcement action, to allow the MUP to embed.

A Member sought further information on the MUP and who benefits as a result of the cost increase on alcohol. Officers explained that the increase is not a tax, therefore the retailers would benefit, however the aim is to reduce the volume of alcohol sold, as a result, this should balance out. It was noted that similar legislation is in place in Scotland, for which feedback has not yet been received. Officers agreed to provide Cabinet with the reports released on the scheme implemented in Scotland, however Health reports have not been provided at present.

A Member raised a query in relation to prices printed on packaging of alcohol and the implementation of the Act. Officers explained that it will be an offence to sell alcohol below the MUP and whilst there is Consumer Protection Legislation in place, The Public Health (Minimum Price for Alcohol) (Wales) Act 2018 supersedes the Consumer legislation.

Following consideration and discussion, it was moved and seconded that the recommendations in the Officers report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report: -

- i) the Head of Public Protection be authorised under the Public Health (Minimum Price for Alcohol)(Wales) Act 2018 so that officers within the division can utilise delegated powers to carry out their duties.
- ii) That the Council's Constitution be amended by added the Public Health (Minimum Price for Alcohol) (Wales) Act 2018.

## **10. STORM DENNIS**

The report sought approval from Cabinet for the funding of the financial assistance package announced at Council on the 20th February 2020.

It was noted that the recent flooding events in the county borough, as a consequence of Storm Dennis has affected many properties and residents and businesses were left facing the devastating clean-up operation.

At a meeting of Council on the 20th February 2020 the Leader announced details of a financial assistance package for residents and businesses impacted by the floods. This consists of a one-off payment of £500 for qualifying households and £1,000 for businesses. Council was also informed that an initial sum of £250k would be set aside.

Cabinet thanked the Officer for the report and discussion ensued.

It was noted that there have been 242 premises affected, the majority of which have been contacted and offered support and work continues to reach the remaining premises. In addition, the Welsh Government has offered a Discretionary Assistance Scheme, for which 86 applications have been completed with the support of Officers, and 48 remain incomplete, however, Officers are working to ensure these are submitted as soon as possible.

Cabinet and Officers wished it noted that the efforts and support of staff across a number of



services was exemplary during the most critical times of the floods. Staff mobilised very quickly to meet the needs of residents, ensuring care services were in place for the vulnerable members of the borough and assisting with the flood crisis. The Leader added that lobbying is underway of both Central and Welsh Government for support provision for those affected by Storm Dennis and for assistance for the major infrastructure works required.

Finally, the Head of Legal Services and Monitoring Officer, in respect of 7.1 of the report and the Financial Regulations, outlined the good governance undertaken as part of the process.

Following consideration and discussion, it was moved and seconded that the recommendation in the Officers report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report that the £250k set aside for the financial assistance package be funded from a projected underspend in 2019/20 Capital Financing budgets.

## **11. EXEMPT ITEM**

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information. By show of hands this was unanimously agreed.

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

## **12. SALE OF LAND ADJACENT TY DYFFRYN, YSTRAD MYNACH**

Cabinet were asked to withdraw the report.

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

RESOLVED that for the reasons given at the meeting, it was resolved that the item be withdrawn.

The meeting closed at 11.42am.

Approved and signed as a correct record subject to any corrections made at the meeting held on 24th June 2020.

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CHAIR