



CABINET

MINUTES OF THE REMOTE MEETING HELD VIA MICROSOFT TEAMS ON WEDNESDAY, 28TH OCTOBER 2020 AT 10.30 A.M.

PRESENT:

Councillor S. Morgan (Deputy Leader and Cabinet Member for Economy and Enterprise) – Chair
(Presiding)

Councillors:

S. Cook (Social Care), N. George (Waste and Public Protection), C.J. Gordon (Corporate Services), J. Ridgewell (Environment and Infrastructure), E. Stenner (Performance and Customer Services) and R. Whiting (Learning and Achievement).

Together with:

D. Street (Corporate Director – Social Services and Housing) and M.S. Williams (Interim Corporate Director – Communities).

Also in Attendance:

T. Broadhurst (Estates Manager), L. Donovan (Head of People Services), S. Harris (Head of Corporate Finance and Section 151 Officer), S. Mutch (Early Years Manager), K. Peters (Corporate Policy Manager), R. Roberts (Business Improvement Manager), S. Richards (Head of Education Planning and Strategy), C. Forbes-Thompson (Scrutiny Manager), R. Tranter (Head of Legal Services and Monitoring Officer), C. Evans (Committee Services Officer), K. Peters, Corporate Policy Manager

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P. Marsden (Leader) and L. Phipps (Cabinet Member for Housing and Property); and C. Harry (Chief Executive) and R. Edmunds (Corporate Director – Education and Corporate Services).

2. DECLARATIONS OF INTEREST

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

3. CABINET – 14TH OCTOBER 2020

RESOLVED that the minutes of the meeting held on 14th October 2020 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 11th November 2020 to 25th November 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.

5. SAFER RECRUITMENT PROCEDURE AND DISCLOSURE AND BARRING SERVICE (DBS) POLICIES

The report, which was considered by Policy and Resources Scrutiny Committee on 25th March 2020 sought Cabinet consideration of the Safer Recruitment Procedure and Disclosure and Barring Service (DBS) Policies, which were attached at appendices 1, 2 and 3 of the report.

Cabinet noted that Caerphilly County Borough Council's current Recruitment and Selection Procedure was last reviewed in 2004 and therefore approval has been sought to introduce a revised procedure that is reflective of current safe recruitment practice and equal opportunity.

The proposed Safer Recruitment Procedure attached at Appendix 1 of the report complements the current vacancy management process and guidance that is available for recruiting managers on the Council's intranet, i.e. the process and guidance that requires regular review and update in accordance with Council operational priorities and legislative updates.

The focus of the proposed Safer Recruitment Procedure is based on equal opportunities and safer recruitment practice, both of which are non-negotiable requirements in recruitment to posts within the Council. It provides a set of guidelines which ensure a fair and objective process is followed in recruitment, which takes account of employment and equalities legislation together with Safeguarding best practice when recruiting to a post and/ or engaging agency staff/ volunteers to work across the Council. It reflects the statutory guidance and best practice principles of the South East Wales Safeguarding Children Board (SEWCSB), the Gwent Wide Adult Safeguarding Board (GWASB) and Care Inspectorate Wales (CIW) where awareness and good practice is promoted.

It was noted that integral to Safer Recruitment practice is the Council's position on Disclosure and Barring Service (DBS) checks and it is an expectation of the DBS that the Council's position is clearly reflected in written policy. The Council has consistently followed DBS Policy and Procedure in its operational practice, but it has not yet published its own written policy position. This Policy was attached at Appendix 2 of the report.

The DBS issued guidance in Autumn 2018 entitles 'A Guide to School Governors and Elected Councillor Roles in Wales (Attached at Appendix 4)'. This guidance gives the Council the opportunity to review its current operational practice to ensure that it is consistently robust and safe. In response to this guidance, Committee Services, HR, Education and Social Services colleagues responsible for/ involved with safeguarding seek to extend the operational DBS checking process to include Elected Members and School Governors as outlined in the DBS Policy and Procedure documents attached at Appendices 2 and 3.

Cabinet thanked the Officer for the report and discussion ensued.

A Cabinet Member sought further information around the costs of the DBS checks and how these are incurred by the Council. Officers explained that the costs for these checks were

reduced slightly last year and a revised cost has not yet been received. Members were asked to note that costs are often covered by the individual service area.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By way of electronic voting, this was unanimously agreed.

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

- i) The Safer Recruitment Procedure attached at Appendix 1 of the report be approved. This will replace the current 2004 Recruitment and Selection Procedure;
- ii) The DBS Policy attached at Appendix 2 of the report be approved. This Policy will be published on the Council's website;
- iii) The DBS Policy relating to School Governors attached at Appendix 3 of the report be approved. The Policy will then be circulated to Schools for recommended adoption.

6. FREEDOM OF BOROUGH – ROYAL BRITISH LEGION

The report sought a decision on whether the Cabinet wishes to recommend that Council admit as Honorary Freemen of the Borough the Royal British Legion in recognition of their 100 Year Anniversary on 15th May 2021 and to honour the charitable work of the organisation supporting ex-service men and women and their families.

It was noted that under Section 249 (5) of the Local Government Act 1972 a Borough Council can grant the Freedom of the Borough to "persons of distinction and persons who have, in the opinion of the Council, rendered eminent services to the Borough". In order to grant the Freedom of the Borough, a resolution must be passed by not less than two thirds of the members voting at a meeting of the Council specially convened for the purpose.

Cabinet thanked the Officer for the report and discussion ensued.

Members noted the considerable work undertaken by the Royal British Legion to support Service and ex-Service personnel and their families and drew attention to the current pandemic and its resultant limitation for fundraising, and the alternative suggestions and activities being undertaken by the Royal British Legion in respect of the Poppy Appeal.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By way of electronic voting this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's Report that in pursuance of Section 249 (as amended) of the Local Government Act 1972 the Council will confer upon the Royal British Legion in 2021, the Freedom of the County Borough of Caerphilly.

7. COMMUNITY ASSET TRANSFER – DRAFT POLICY AND PROCESS

The report introduced a draft policy and process for Community Asset Transfer and sought the views of Cabinet on its content. The Policy has been consulted upon internally, and with the Voluntary Sector. It was noted that the version appended to the report encompasses the views of stakeholders to date. Consultation was undertaken with Community Council Liaison Committee on the 11th March 2020 and Environment and Sustainability Scrutiny Committee on 11th February 2020.

Cabinet noted that the Community Asset Transfer (CAT) is the transfer of assets previously provided via public sector funds to the management and control of community organisations. CAT can be used where the asset may have a community benefit as an alternative to disposal. The disposal of assets will usually be on a commercial basis to achieve best value; however, there will be circumstances where the Council may decide that the asset would be better managed by a community organisation. Community organisations may be able to use the asset in a more sustainable way; reflecting the needs of the community, making use of volunteer expertise and time, and accessing funding streams not open to the local authority. CAT is not a route to surplus asset disposal and cost saving, when undertaken it should be used to bring benefits to communities through collaboration and release of assets for community use.

It was noted that the Council has transferred assets in the past; however, the process has not been codified into a set of guiding principles. Welsh Government, through Estadau Cymru (Assets Cymru), promote the adoption of a CAT process that can be readily understood by community organisations and provide a consistent assessment process for the authority. The draft policy is based on the latest set of Estadau Cymru guidance.

The draft CAT policy is intended to be an umbrella policy that states the high level aims and approach. It is recognised that CAT will be different for each asset under consideration.

It was noted that when considered by the Scrutiny Committee, Members recommended that the Policy be adopted with the removal of the sentence “Those assets which have the potential to generate significant capital receipts are not likely to be considered as suitable for transfer” as set out in the “Guiding Principles used by the Local Authority” section to the draft Policy and process be adopted.

Cabinet thanked the Officer, Scrutiny and the Community Council Liaison Committee for their efforts in bringing the report and discussion ensued.

The Deputy Leader, in noting that the Environment and Sustainability Scrutiny Committee recommended the removal of the sentence “Those assets which have the potential to generate significant capital receipts are not likely to be considered as suitable for transfer”, sought further information on the impact this removal would have on the Policy. Officers explained that the sentence has been taken from the Welsh Government supported guidance which suggests that local authorities should set out clearly what they will, and will not, consider. The removal of the clarification would make no practical difference to decision-making, but it could increase the number of requests that are unlikely to be considered. It could create false hope for applicants, and therefore the sentence provides advice and guidance on some of the limitations to the scheme.

Cabinet discussed this point further and Members were referred to paragraph 5.2 of the Officers report which reiterated that CAT is not a route to surplus asset disposal, but is about the Council working with communities to consider what assets might be suitable for transfer with a view to protecting that asset for community use in the future, but under a different management/ ownership arrangement.

A Cabinet Member expressed their concern at the wording in the guidance and felt that it can be interpreted in a way that could limit communities applying for assets and also create doubts.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By way of electronic voting this was unanimously agreed.

RESOLVED that for the reasons contained in the officer’s report the Community Asset Transfer – Policy and Process be adopted

8. “STREET CAFÉ” LICENCES

The report provided Cabinet with an update on changes required to the process for the granting of “Street Café” Licences and sought Cabinet approval to implement those changes.

It was noted that many businesses within the County Borough have faced significant challenges as a result of Covid-19 and the lockdown requirements that have resulted. This includes many town centre businesses and particularly the town centre hospitality sector.

All Local Authorities in Wales have been encouraged by Welsh Government to support such businesses in their efforts to recover from the Covid-19 economic damage and in doing so to reduce any bureaucracy and/or ensure a degree of flexibility in stimulating and maintaining a trading environment and re-purposing space to allow this to happen. In doing so Caerphilly County Borough Council (CCBC) has positively encouraged a “street café” approach and has assisted with some physical interventions in certain town centres.

It was noted that CCBC supports and encourages the provision of street cafes in the town centres, as they make a positive contribution by adding vitality, colour, life and interest to the street scene. They can help maximise the use of public spaces, aid the local economy and add to the facilities offered to people who visit, live and work in the Borough. Creating a “street café” culture can also assist in the longer-term re-purposing of town centres as they strive to survive in tough economic conditions and pressure from the move to online shopping.

Whilst the provision of street cafes is encouraged, it is important that they are properly administered and managed to ensure that they meet the high standards expected in the town centres. They should not obstruct the highway or create a hazard for pedestrians, especially for blind, partially sighted and other disabled people.

The process for seeking and obtaining permission to trade on the footway within the County Borough is no longer fit for purpose i.e. it is a lengthy, bureaucratic process that does not offer the flexibility demanded by modern town centres that need to react to changing economic climates.

The report therefore seeks to “modernise” this process via the introduction of a new process for cafes looking to trade on the highway. This revised process would cover the use of café trading space on the footway and will be in addition to the Council street trading policy which covers all other aspects of trading on the footway.

Cabinet thanked the Officer for the report and discussion ensued.

A Cabinet Member, in noting that a number of other Local Authorities are also implementing the same, if not similar approaches in order to encourage businesses to continue trading, and in noting the car parking fees have been suspended until the New Year, it was queried why this scheme has been extended to September 2021. Officers explained that there has been a ‘work-around’ to the legal 28-day consultation period, which allows business owners to take advantage of the scheme and capitalise on the outdoor trade, and the extended period will allow said business owners to take advantage of the spring and summer months.

In discussing the consultation period, a Cabinet Member sought further information on the process, should significant objections be raised around public safety and access to footways. Officers explained that businesses will be kept informed on the process and should any significant objections be raised; the licence may not be granted. Whilst the proposal aims to aid businesses during these trying times, public safety remains paramount. Members were also asked to note that as a temporary measure, barriers have been placed in areas within town centres to accommodate outdoor seating/ dining, however ‘Parklets’, a form of decked seating solutions have been ordered, which will provide a more suitable solution whilst also ensuring public footways remain clear. Members were asked to note that these parklets can take up to

8-12 weeks for delivery, so whilst it is unlikely they will be in place for Christmas trade, it is hoped that they will be implemented prior to the Spring.

A Cabinet Member sought further information on the internal processes in place to deal with applications for Street Licences. Officers explained that this falls under the Highways Act. Applications can be made to the Highways Department who, in consultation with the Town Centre Management Team, undertake the relevant assessment, as part of the well-established process.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By way of electronic voting this was unanimously agreed.

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

- i) A 'modernisation' of the street café licence process be agreed, and Authority be delegated to the Interim Corporate Director (Communities) in consultation with the relevant Cabinet Member and Head of Legal Services to finalise the application documentation and accompanying guidance notes;
- ii) Any fees associated with trading externally be waived until 30 September 2021 (subject to further review) to allow businesses time to recover from Covid-19 and to take advantage of the 2021 spring and summer period;
- iii) the alternative process, as outlined in 5.5 of the report be agreed for the initial 28-day consultation period.

9. ANNUAL PERFORMANCE REPORT 2019/20

The report sought Cabinet's approval of the Annual Performance Report for 2019/20 prior to its onward submission for noting by full Council.

The Annual Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and forms an important part of the Council's performance framework.

Cabinet noted that the Council is required to assess its own performance and provide the public with a balanced picture of that performance. The Council must also report progress against the six Well-being Objectives set out within the Corporate Plan 2018-2023. The report covers the second year of the Corporate Plan.

The response to the COVID pandemic has brought a refinement to the prior year approach with the report being provided in a shorter, more accessible format focused on highlighting the key impacts.

It was noted that Welsh Government suspended the need to provide certain data sets this year and consequently no Public Accountability Measures have been collected across Wales by the Welsh Local Government Association. As a result, there are no national comparators or rankings available for this year's report.

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 the Council has met this duty.

Cabinet thanked the Officer for the report and discussion ensued.

A Cabinet Member sought further information around the reason for the 5% decrease in Child Assessments being undertaken on time. Officers explained that there are several reasons for this, which include the complexity of the child's needs, which could, as a result, require a

multiagency and partnership approach, causing a delay in the assessment. In addition, there were several vacancies in the Children's Services team last year, which, as a result of additional funding, these vacancies have now been filled, but caused a back log. Many of the new recruits were also newly qualified Social Workers, which often required accompanying, as part of their induction and learning process. Members were assured however, that whilst there was some delay with assessments, the primary aim is quality of assessment, ensuring a child has all their needs met.

A Cabinet Member sought further information around the Energy Efficiency Grant and whether the scheme is likely to improve in coming years. Officers explained that this can be problematic, especially considering the housing stock and significant upfront costs, however the Council and Welsh Government remain committed to the scheme. Members were asked to note that as a result of the pandemic, the completion of the WHQS scheme has been delayed, but were assured that fuel efficiency is next on the agenda following this.

Discussions took place around Well-being Objective 1 and the decrease in families benefitting from the Families First Programme. Officers explained that as a result of vacancies, as well as challenges of the Pandemic and a reshuffle across the Early Years and Family Schemes, there has been a need for other services to offer support to families, usually considered by Families First. As a result of this some families and services have not been counted in the usual robust way.

A Cabinet Member sought further information around the incidents of fly-tipping and enforcement action undertaken. Whilst it was noted that there has been an increase in enforcement action, 18 out of the 1477 reports can appear to be low. Officers assured Cabinet that there is significant work undertaken in this area, however it is often very difficult to enforce. Fly tipping often takes place in secluded beauty spots, and without evidence, such as catching culprits in the act or evidence within the materials, it can be very difficult to enforce action. Members were asked to note however that this is a growing issue nationally, and consideration is being given to covert surveillance in order to mitigate the issue.

Members discussed the homelessness issue and it was noted that 73% of Homelessness cases were prevented in 2019/20 but further information was sought around expectations going forward. Officers explained that this is difficult to predict, but it is anticipated that there will be an increase in homelessness cases. Welsh Government have clearly expressed that homelessness on the streets is to be prevented at all costs and whilst this is difficult to manage with lockdown closing hotels and bed and breakfast accommodation, which is often the temporary accommodation solution, further work is underway with Registered Social Landlords to look at alternative bespoke options for accommodation.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By way of electronic voting this was unanimously agreed.

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

- i) The Annual Performance Report 2019/20 as set out in Appendix 1 of the report be approved;
- ii) The relevance and continuation of the Well-being Objectives be agreed at this third year of the five-year Corporate Plan;
- iii) The onward submission of the Annual Performance Report to full Council in November be agreed.

The meeting closed at 11.27am.

Approved and signed as a correct record subject to any corrections made at the meeting held on 11th November 2020.

CHAIR