



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 18TH NOVEMBER 2014 AT 5.00 P.M.

PRESENT:

Councillor D.G. Carter - Mayor
Councillor L. Gardiner - Deputy Mayor

Councillors:

Miss L. Ackerman, M. Adams, Mrs E.M. Aldworth, H.A. Andrews, A.P. Angel, Mrs K.R. Baker, J. Bevan, P.J. Bevan, L. Binding, D. Bolter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, K. Dawson, N. Dix, C. Elsbury, Mrs C. Forehead, Miss E. Forehead, Mrs J. Gale, N. George, C.J. Gordon, R.W. Gough, D.M. Gray, Mrs. P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, Mrs. D. Price, J. Pritchard, J.A. Pritchard, A. Rees, K.V. Reynolds, R. Saralis, Mrs. M.E. Sargent, S. Skivens, Mrs E. Stenner, Mrs J. Summers, J. Taylor, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), D. Street (Corporate Director of Social Services), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), G. Williams (Interim Head of Legal Services and Monitoring Officer), A. Price (Interim Deputy Monitoring Officer), G. Hardacre (Head of Human Resources and Organisational Development), R. Hartshorn (Head of Public Protection), J. Jones (Democratic Services Manager) and R. Barrett (Committee Services Officer)

1. **BEREAVEMENT**

The Mayor informed those present that former Councillor Ken Snell had recently passed away. All present stood for a moment of silence as a mark of respect.

2. **WEB-CASTING FILMING AND ELECTRONIC VOTING ARRANGEMENTS**

The Mayor reminded those present that the meeting was being filmed for training purposes in advance of the planned implementation of live web-casting of Council meetings. Members were also advised that the new electronic voting system would be tested at the meeting. It was also explained that during the course of the meeting, decisions would continue to be made by a show of hands. However, for testing and training purposes, each vote would be repeated using the electronic voting system.

During discussions arising within the course of the meeting, Members were pleased to note the formal implementation of the new arrangements in the near future, which will satisfy a number of the recommendations set out in the Wales Audit Office Report in the Public Interest dated 23rd April 2013.

3. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs G. Bevan, Mrs A. Blackman, C. Durham, J.E. Fussell, M.P. James, Ms P. Leonard, Mrs G. Oliver, D. Rees, J.E. Roberts and L.G. Whittle.

Members were advised that Councillors Mrs G. Bevan, Mrs G. Oliver and M. James are currently unwell and receiving hospital treatment. It was agreed that the Interim Chief Executive to write to them to convey the best wishes of Members for a speedy recovery.

4. 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 made specific reference to a number of Remembrance Day Services and events held in schools across the county borough. Members were informed that school staff had excelled themselves in arranging commemorations for this important event.

5. PRESENTATION OF AWARDS

Dublin Declaration for Age Friendly Cities and Communities

Members were informed that on 22nd October 2014, the Commissioner for Older People launched the 'Ageing Well in Wales' programme and announced that all local authorities in Wales had signed the Dublin Declaration for Age Friendly Cities and Communities. The declaration is a public commitment to make Wales an Age Friendly Nation.

This is a five-year programme which supports the strategy for Older People in Wales around the key themes of Age Friendly Communities, Dementia Supportive Communities, Falls Prevention, Opportunities for Employment and New Skills, and Loneliness and Isolation.

Mandy Sprague (Development Officer for Older People) together with Iwan Williams and Alison Pritchard from the Office of the Older People's Commissioner for Wales, came forward to present the Council's Certificate of Commitment to the Mayor.

Wales Green Energy Awards

Members were advised that Caerphilly County Borough Council had recently won Best Use of Renewable Energy in the Public Sector at the prestigious Wales Green Energy Awards. This award was for the Oakdale Wind Farm situated within Oakdale Business Park, where the two wind turbines generate approximately 10 GWh of electricity per year, equivalent to the annual usage of around 2,400 homes. Annually, this would avoid 4,400 tonnes of CO₂ emissions being released into the atmosphere.

This award signifies the completion of a seven-year partnership (from conception to energy generation) with the Council's partners and developers, Partnerships for Renewables.

Pauline Elliott (Head of Regeneration and Planning) and Ian MacVicar (Group Manager for Operations, Asset Based Services) together with Stephen Ainger and John Mills from Partnerships for Renewables came forward to receive the award from the Mayor.

White Ribbon Status Plaque Presentation

White Ribbon Day is the United Nations International Day for the elimination of violence against women and falls on 25th November every year. The White Ribbon Campaign aims to prevent violence against women and girls and promote respectful relationships.

Members were informed that the Council were successful in obtaining White Ribbon Status in July 2014. The White Ribbon Campaign Towns Award is made to Councils demonstrating their commitment to the aims of the White Ribbon Campaign, which include; involving men and boys in prevention activities, addressing and altering social norms that lead to violent behaviour against women, increasing awareness on the issue and providing services aimed at reducing the incidence of domestic violence, and mobilising the entire community under the goal of ending violence against women and girls.

Lucy Farmer (HR Officer) and Natalie Kenny (Community Safety) together with Rebecca Haycock from Llamau, came forward to present the award to the Mayor.

Members were also pleased to note that the South Wales Fire and Rescue Service recently became the first fire service in the UK to be awarded the White Ribbon accreditation. It was agreed that a letter of congratulations be sent to the Service.

6. DECLARATIONS OF INTEREST

Councillors L. Binding and Miss E. Forehead declared an interest in Agenda Item No. 8 (Welsh Government Invitation to Local Authorities to Submit Proposals for Voluntary Merger). Details are minuted with the respective item.

It was noted that with regards to Agenda Item No. 9 (Interim Corporate Management Team and Governance Arrangements), a number of Officers would be required to declare an interest and leave the meeting. Details are minuted with the respective item.

7. LEADER'S ANNOUNCEMENT

The Leader of Council, Councillor K.V. Reynolds, made reference to plans to withdraw junior doctors from Ysbyty Ystrad Fawr and raised concerns as to the possible impact this could have on the services available at the hospital. The comments of the Leader were endorsed by other Members, with it unanimously agreed that a letter be sent to the Chair of Aneurin Bevan Health Board to request an update on the situation.

8. COUNCIL - 29TH SEPTEMBER 2014 AND 7TH OCTOBER 2014

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Special Council held on 29th September 2014 (minute nos. 1 - 7) and Council held on 7th October 2014 (minute nos. 1 - 15).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

9. DRAFT WHISTLEBLOWING POLICY

The report was presented to and endorsed by the Policy and Resources Scrutiny Committee on 11th November 2014 and, subject to minor amendments, endorsed by Cabinet on 12th November 2014. A covering report detailing requested amendments to the policy and the recommendations of Cabinet was tabled at the meeting.

The report sought approval of a revised Whistleblowing Policy and informed Members of a proposed change to the administrative form used to record declarations of interests. In that the form is an appendix to the Code of Conduct which is contained within the Constitution, such a change requires approval from Council.

Officers summarised the report and Members were reminded that a Whistleblowing Commission was set up in February 2013 by the leading whistleblowing charity, Public Concern at Work, to review the effectiveness of whistleblowing in UK workplaces, and to make recommendations for change. In late November 2013 it published its findings, which included the recommendation that a Code of Practice be established that could be taken into account in whistleblowing cases before courts and tribunals. The Commission has published a draft Code which sets out clear standards for organisations across all sectors to enable them to have clear whistleblowing arrangements, and which was detailed in the appendices to the report.

Officers have worked with Public Concern at Work to access best practice guidance and support to develop a new draft Whistleblowing Policy reflective of current guidance and regulations. There is an ongoing facility provided for employees to access the confidential support helpline provided by Public Concern at Work, with the draft revised Policy written in plain English to encourage a wide understanding by employees.

At the Cabinet meeting, a number of minor amendments were suggested to ensure that it is clear who is covered by the Policy, and it was arranged for these to be incorporated into the final revised version of the Policy.

During the course of the ensuing discussion, Members welcomed the revised Policy as a measure to provide additional safeguards to the individual and the Authority as a result of whistleblowing. Assurances were sought that employees would not face retribution as a result of instigating whistleblowing proceedings. The Interim Chief Executive reiterated that the Council did not tolerate the harassment or victimisation of anyone raising a genuine concern and that full support would be provided to individuals who made such disclosures of information in good faith.

The Interim Monitoring Officer clarified questions from Members in relation to the protection afforded to Elected Members in relation to anonymous complaints in relation to conduct issues and confirmed that this would not be covered by the new Policy.

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 report:-

- (i) Subject to minor changes being made to ensure it is clear who is covered by the policy, the Whistleblowing Policy be adopted, and the Council's Monitoring Officer be authorised to make the necessary amendments to the Council's Constitution;
- (ii) the changes to the administrative form for the declaration of interests recorded by employees be noted, the declaration form be adopted and Council's Monitoring Officer be authorised to make the necessary amendments to the Council's Constitution.

REPORTS OF OFFICERS

Consideration was given to the following reports.

10. **WELSH GOVERNMENT INVITATION TO LOCAL AUTHORITIES TO SUBMIT PROPOSALS FOR VOLUNTARY MERGER**

Councillors L. Binding and Miss E. Forehead declared a personal and prejudicial interest, in that they are employed by other local authorities referenced within the report, and left the meeting during consideration of this item.

Consideration was given to the report which advised of the Welsh Government invitation to local authorities to submit proposals for voluntary merger, and sought to invite Members to agree whether or not to make such a submission.

The Interim Chief Executive summarised the report, with Members reminded that on 18th September 2014, the Welsh Government (WG) published an invitation for local authorities to submit a proposal for voluntary merger. This was reported at Council on 29th September 2014 and the Leader advised that a further report would follow. It is principally intended for authorities to submit proposals in accordance with the previously notified recommendations of the Williams Commission. In Caerphilly's case, this would be for a merger with Blaenau Gwent and Torfaen councils. However, there is scope for alternative proposals involving merger with other authorities to be submitted provided certain criteria and conditions are met.

The benefit of a voluntary merger would be that the new authority would come into being two years earlier than is envisaged for the 'forced' mergers, from 2018, and that any benefits (including any cost savings arising from the merger) would therefore accrue earlier.

Council resolved on 29th September 2014 not to support the merger with Blaenau Gwent and Torfaen. It has been indicated publicly that Blaenau Gwent and Torfaen are considering a merger of those two authorities, but it is not clear if that would be supported by Welsh Government.

The report confirmed that Caerphilly County Borough Council had received an enquiry from Rhondda Cynon Taff County Borough Council as to whether there would be any interest in Caerphilly pursuing a merger with that authority. They have written to all of their adjoining councils, including Merthyr, Cardiff, the Vale of Glamorgan and Bridgend. This letter seems to be intended to establish whether there would be any general interest in that option rather than indicating any express desire or policy by Rhondda Cynon Taff to do so at this stage.

The Council has also received an approach from Merthyr Tydfil County Borough Council to open discussions towards a voluntary merger with that authority. It was explained that a voluntary merger proposal with Merthyr would raise a number of issues in that it crosses Local Health Board and Police and Crime Commissioner boundaries, together with issues relating to education consortium boundaries.

Proposals for voluntary mergers were required to be submitted to WG by 28th November 2014 with it explained that agreement would need to be received from all authorities involved in each of the proposed mergers. The report presented five options for consideration, with a decision required by Council as to whether the Authority:-

- (1) Wishes to review its position regarding the Williams Review recommendation for merger with Blaenau Gwent and Torfaen and to seek, with those councils, to submit a proposal for voluntary merger;
- (2) Would prefer to seek to develop a bid with one or more other councils for an alternative proposal;

- (3) Would wish to pursue discussions with Rhondda Cynon Taff (and potentially others among their neighbouring authorities) for a merger, as per their letter;
- (4) To agree to open discussions with Merthyr Tydfil County Borough Council regarding their offer to explore options for voluntary merger;
- (5) Reaffirm the policy of preferring to remain as a standalone authority and to not submit any proposal for voluntary merger.

During the course of the ensuing discussion, Members expressed their concerns regarding the merger proposals for Caerphilly and reiterated their desire that Caerphilly CBC should remain as a stand-alone authority. Reference was made to the possibility of ward sizes increasing as a result of mergers and the subsequent impact this could have on Councillors' workloads and availability, particularly those who had employment elsewhere in addition to their constituency responsibilities. The Leader, together with other Members, referenced the strong financial management of the Authority, and praised the Council's track record in exceeding targets and delivering services.

Reference was made to the Special Council meeting of 29th September 2014 and consideration of the report which advised of the recently published Welsh Government response to the Williams Commission Report, and clarification was sought on the Council's position on revisiting previous decisions within a six-month period. It was explained by the Interim Chief Executive that this was a different decision to that presented to Members on 29th September 2014.

It was moved and seconded that Recommendation 5 of the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the report, Caerphilly County Borough Council reaffirm the policy of preferring to remain as a stand-alone authority and to not submit any proposal for voluntary merger.

11. INTERIM CORPORATE MANAGEMENT TEAM AND GOVERNANCE ARRANGEMENTS

Nicole Scammell, Dave Street and Gail Williams declared an interest and left the meeting during consideration of this item.

Consideration was given to the report which sought agreement for the continuation of the existing interim arrangements currently in place for Corporate Management Team and the Head of Legal Services/Monitoring Officer, until 31st August 2015.

At the Special Council on 12th March 2013, Members agreed interim arrangements for Corporate Management Team (CMT). Whilst the appointment of an Interim Chief Executive has been subject to change, the other decisions of Council remain in place i.e. the acting up arrangements which are: Sandra Aspinall as Acting Deputy Chief Executive (with responsibilities for the Directorate of the Environment) and Nicole Scammell as Acting Director of Corporate Services and Section 151 Officer.

Council agreed at the meeting held on 10th June 2014 to extend the interim arrangements in relation to Corporate Management Team for a further six months at which time they would be reviewed.

Members were reminded that the Chief Executive, Deputy Chief Executive and Head of Legal Services appeared at Bristol Crown Court on 3rd October 2014, for a plea hearing, but unfortunately the proceedings were adjourned once again. At this plea hearing concerns were expressed as to whether the 4-week trial period planned for January 2015 would provide

sufficient time for the case to be heard and it was felt that a trial period of 5-6 weeks would be more appropriate, with the trial therefore rescheduled for a later date. The next plea hearing has been scheduled for w/c 5th January 2015, with the possibility of a new trial date being set for April or May 2015 at the earliest.

As a result of these legal proceedings, it was proposed that the existing interim arrangements in respect of the Acting Deputy Chief Executive and the Acting Director of Corporate Services and Section 151 Officer be extended until 31st March 2015, with provision for the Interim Chief Executive to extend further to 31st August 2015, which is the end date of the appointment to the post of Interim Chief Executive. A further report will be presented to Members closer to that time should matters still be unresolved.

Members were advised that there may be some minor amendments to the operational responsibilities of Directors during this extended period of interim arrangements and that the Interim Chief Executive would inform Members of any such changes as they arise.

In relation to Corporate Governance arrangements, the report also proposed the extension of the appointment of the Interim Head of Legal Services/Monitoring Officer, Gail Williams, until 31st August 2015.

The Interim Chief Executive referred to the Council meeting of 7th October 2014, during which the Leader spoke of his intention to write to the Crown Prosecution Service (CPS) to express his serious concerns about the financial impact to the Council caused by the deferral of the trial. It was confirmed that a reply had now been received by the CPS regarding the matter.

Members voiced their support for the recommendations and raised concerns in regards to the ongoing financial impact to the Council caused by the deferral of the trial. Queries were received in regard of the running costs to date as a result of the deferrals and costs arising from the suspension of those Officers involved in the legal proceedings.

It was confirmed that there were no additional costs arising from the interim arrangements as these are being met through the existing budgets for the substantive post holders. The costs of the suspensions are being funded through reserves to 31st March 2015, as previously approved by Council, with a combined total of approximately £400,000 per year. The 2015/16 budget report to be presented to Council in February 2015 will include a proposal to fund the ongoing cost of suspensions from 1st April 2015.

Concerns were raised regarding the impact of these arrangements on the wellbeing of those Officers acting up in an interim capacity. The Interim Chief Executive explained that support was afforded to these Officers and the situation was being kept under review, with the possibility of Director portfolio responsibility being reassessed and realigned in the near future.

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 report:-

- (i) the existing interim Corporate Management Team arrangements be extended until 31st March 2015, with provision for the Interim Chief Executive to extend further to the 31st August 2015 if necessary;
- (ii) the appointment of the Interim Head of Legal Services/Monitoring Officer be extended to 31st August 2015.

12. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 6.12 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 27th January 2015 they were signed by the Mayor.

MAYOR