



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY, 13TH DECEMBER 2018 AT 5.00PM

PRESENT:

Councillor M. Adams - Mayor
Councillor J. Simmonds - Deputy Mayor

Councillors:

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

Together with:-

C. Harrhy (Interim Chief Executive), R. Edmunds (Corporate Director Education and Corporate Services), M.S. Williams (Interim Corporate Director of Communities), L. Morgan (Licensing Manager), J. Morgan (Trading Standards, Licensing and Registrars Manager) N. Scammell (Head of Corporate Finance and Section 151 Officer), R. Tranter (Head of Legal Services and Monitoring Officer), E. Sullivan (Senior Committee Services Officer).

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.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Angel, J. Bevan, K. Dawson, M. Evans, M. James, L. Jeremiah, S. Kent, D. Price, M. Sargent, S. Skivens, J. Taylor and B. Zaplantynski.

2. 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 the Best Kept Village/School awards, the Summer Reading Scheme and the various Remembrance Day events held throughout the county borough. He also made reference to an event with the Cefn Hengoed Ladies Choir in aid of the Mayor's Charity and formally thanked all those involved in this year's Operation Santa Appeal for their hard work and generosity. Finally the Mayor acknowledged the Diamond Wedding Anniversary celebrated by Councillor D.T. Davies and his wife and thanked them for their hospitality.

3. PRESENTATION OF AWARDS

There were no awards to be presented.

4. DECLARATIONS OF INTEREST

The Monitoring Officer provided advice to Members of the Investigating and Disciplinary Committee (IDC) in relation to Agenda Item No. 14 and confirmed that as the report related to financial provisions only and not the investigation itself there was no requirement for them to declare an interest and leave the Chamber however this was a matter for the individual member to consider.

Having considered the advice of the Monitoring Officer Councillors C. Gordon, D.T. Davies and N. George confirmed that they would be declaring a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and would leave the Chamber when the item was discussed. Councillors M. Adams and J. Simmonds confirmed that having considered the advice of the Monitoring Officer they would not be declaring an interest and would remain.

The Interim Corporate Director Communities and Interim Chief Executive also sought advice in this regard as both posts were linked to the interim management arrangements currently in place as a result of the ongoing process. The Monitoring Officer confirmed that the report under consideration related only to additional financial provision and not the investigation itself and as such there was no requirement for either Officer to declare an interest. This advice mirrored the advice given to the members of the IDC.

5. SPECIAL COUNCIL – 31ST JULY 2018

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

Special Council held on 31st July 2018 (minute nos. 1-5)

6. COUNCIL – 9TH OCTOBER 2018

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

Council held on 9th October 2018 (minute nos. 1-15)

7. TO RECEIVE PETITIONS

The Mayor received the following petitions presented by Members on behalf of local residents and indicated they would be referred to the appropriate directorate for attention:

- (i) Remove Traffic Calming in Pentwynmawr Village – Councillor G. Johnston;
- (ii) No extra £242,000 for Chief Executive pay scandal investigation at Caerphilly Council – Councillor N. Dix.

8. NOTICE OF MOTION – 20'S PLENTY CAMPAIGN

Consideration was given to the report, which detailed the following Notice of Motion received from Councillor S. Morgan and supported by Councillors D.V. Poole, B. Jones, C. Cuss, C. Gordon, L. Phipps, N. George, P. Marsden and E. Stenner. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

Councillor Morgan requested in his Notice of Motion that: -

- (i) the Council supports the 20's Plenty Campaign and calls on Welsh Government to lead with a 20mph default for built up areas. This can be done on most streets without the need for any physical calming and we accept that on some streets it may be appropriate to have the higher 30mph limit, but any limit above 20mph should be a considered decision based on local circumstances.
- (ii) to support this call also asked Welsh Government to explore all the evidence for and against this initiative, especially, but not limited to...

Reducing costs to the health service through reductions in, and severity of, accidents.

The large increase in local support for 20mph after implementation.

That 20mph limits are popular and effective at reducing road danger and fear, therefore increasing and support active travel initiatives which is a cost-effective way to raise public health and exercise levels.

This initiative is supported by National Institute for Clinical Excellence, World Health Organisation, Public Health Wales and The Institute of Welsh Affairs and also recognises that Scotland has a bill going through its parliament to set a national 20mph default limit.

Clarification was sought in relation to the mechanism for notices of motion being reported to Council without the need for them to be considered first at Scrutiny. The Monitoring Officer confirmed that it was within the discretion of the Mayor to make that decision and the Mayor confirmed his reasons for the decision in accordance with procedure.

Members debated the fact that traffic orders were already within the power of Authority to implement and the proposer of the motion acknowledged this, however that would mean implementation on a piecemeal basis rather than a blanket, Wales wide approach which would ensure consistency and be more cost effective.

Following consideration of the notice of motion it was moved and seconded that it be supported and by show of hands this was unanimously agreed.

RESOLVED that the notice of motion as detailed in 4.1 of the report be supported.

9. NOTICE OF MOTION – CAERPHILLY POLICE STATION

Consideration was given to the report, which detailed the following Notice of Motion received from Councillor J. Pritchard and supported by Councillors D.V. Poole, B. Jones, S. Morgan, C. Mann and P. Bevan. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

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

- i) notes Gwent Police' Gwent wide review of Police front desk services and how frequently the public use them. The decisions to retain or remove front desk services in Gwent rests with the Chief Constable for Gwent.
- (ii) further notes that face to face contact between members of the public and the Police in a safe and secure environment is important to ensure effective reporting of crime is undertaken.
- (iii) is concerned with continued real - terms funding reductions for Gwent Police and the 21,000 Police officer cuts since 2010. Council calls on the UK Conservative Government to reverse cuts to police budgets.
- (iv) Council opposes the removal front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk provision in Caerphilly Library to increase face to face contact with members of the public.

Members considered the notice of motion and it was moved and seconded that it be supported. During the course of the debate the proposer of the motion was asked to consider a change to the wording of the motion and this was declined. An amendment was then moved and seconded to accept points (i) – (iii) but to revise the wording of point (iv) of the motion in order to better safeguard provision from the Caerphilly Police Station location. The amendment to read: -

- (iv) Council opposes the removal of front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk provision to increase face to face contact with members of the public by using the Neighbourhood Policing Team and Enforcement Officers.

By show of hands and in noting there were 46 against the amendment was declared lost.

By show of hands and in noting there were 2 abstentions the motion was upheld.

RESOLVED that the notice of motion as detailed in 4.1 of the report be supported.

10. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2017/18

Consideration was given to the report which presented the Public Services Ombudsman for Wales Annual Letter for 2017/18.

The Monitoring Officer confirmed that the letter sets out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2017/18. Members were referred to sections 4.3.1, 4.3.2 and 4.3.4 of the report which highlighted the findings of the Ombudsman. In relation to code of conduct complaints it was noted that 4 complaints had been received within this timeframe all of which were closed after initial consideration.

Following consideration of the report and its content it was moved and seconded that the recommendation contained therein be approved and by show of hands this was unanimously agreed.

RESOLVED that the Annual Letter of the Public Services Ombudsman for Wales 2017/18 be noted.

11. PROPOSED CHANGES TO THE CONSTITUTION

Consideration was given to the report which proposed changes to the Constitution at Part 4 – Rules of Procedure in terms of Questions by Members along with changes to the report template, also contained within Part 4.

The Monitoring Officer referred to section 5.1 of the Officers report which detailed the changes to Questions by Members and confirmed that if approved questions would be asked and answered verbally at the council meeting rather than having the written responses tabled. With Council meetings being webcast, viewers from home would be better informed by seeing and hearing the questions being asked and answered.

With regard to the report template it was noted that the 'Recommendation' section of the report would now appear on the first page at section 3 with guidance changes in section 7 and section 9, 'Wellbeing of Future Generations' and 'Equalities Implications' respectively.

Members welcomed the changes to the procedures for answering questions and clarification was sought in relation to the total number of questions and this was confirmed as 3 questions to Cabinet as a whole and 3 questions to the Leader. Further clarification was sought as to whether written submissions would count towards the 3 questions allowed and the Monitoring Officer confirmed that should a Member wish to submit a written question they could do so but it would count as 1 of the 3. It was noted that if approved the procedure would commence at the next meeting.

During the course of debate it was moved and seconded that a further amendment be made to the report template to incorporate a section heading for 'Key Assumptions', this would allow Officers to document the key forecasting work and strategy judgements based on trends made in the development of the data being presented for consideration and by show of hands this was unanimously agreed.

It was then moved and seconded that the recommendations contained within the Officer's report subject to the inclusion of the aforementioned additional amendment to the report template be approved. By way of the electronic voting system and in noting there was 1 against this was agreed by the majority present.

RESOLVED that: -

- (i) the changes to Questions by Members as set out in Appendix 1 to the Officer's report be endorsed and the Head of Legal Services and Monitoring Officer be authorised to make the necessary changes to the Constitution;
- (ii) the Report Template as set out in Appendix 1 to the Officer's report with the addition of a Key Assumptions section be endorsed and the Head of Legal Services and Monitoring Officer be authorised to make the necessary changes to the Constitution.

12. REVIEW OF POLITICAL BALANCE

Consideration was given to the report which provided a review of the political balance across the authority due to a change of membership within the Labour political group.

The Monitoring Officer advised that there had been no change to the general allocation of seats to the committees in accordance with the revised political balance as outlined in Appendix 1 of the report.

Having fully considered its content it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that the political balance as outlined in Appendix 1 of the Officer's report be noted.

13. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

Consideration was given to the report which had been previously presented to the Licensing and Gambling Committee on the 29th November 2018.

In accordance with the Gambling Act 2005 the Statement of Licensing Policy had been prepared and consulted upon in order to comply with the requirement to publish a revised policy by the 1st January 2019. The responses received from the consultation process were confirmed and the comments and recommendation of the Licensing and Gambling Committee was outlined.

Having fully considered its content it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that the revised Statement of Licensing Policy be approved.

14. INVESTIGATION OF SENIOR OFFICER – ADDITIONAL FINANCIAL PROVISION

The Interim Chief Executive reminded Members that there should be no discussion regarding the ongoing investigation by the Investigating and Disciplinary Committee (IDC) as the report for consideration sought approval for additional financial provision only and did not address the investigation itself. The earlier advice from the Monitoring Officer was emphasised in that there was no requirement for Members of the Investigating and Disciplinary Committee to declare a prejudicial interest and leave the meeting on that basis, however it was a matter for the individual Member as to whether they wish to declare such an interest and was mindful that it has been customary for Members of the IDC to leave the meeting when the matter had been considered previously.

Councillors D.T. Davies, C. Gordon and N. George declared a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and left the Chamber when the item was discussed.

Consideration was given to the report which sought Council approval for additional financial provision in relation to the ongoing internal investigation of a Senior Officer. Members were advised that the original timeframe for the formal investigation by the Designated Independent Person (DIP) was unlikely to be met and indications from the DIP were that it was likely to take until the end of March 2019 at the earliest to conclude the process. As a result of this it was necessary to establish a further financial provision of £108k to meet the salary costs of the Senior Officer for the period to 31st July 2019 with anticipated additional provision in respect of legal fees of £134k for the same period.

Members were referred to section 4.9 of the report which detailed the total costs to date and the tables at 7.1 and Appendix 1 which provide additional financial information. The Section 151 Officer confirmed that the additional provision would be funded from the projected underspend for 2018/19 in respect of Treasury Management.

Members expressed their frustration; disappointment and regret that further funds had to be made available in order to bring the process to conclusion, particularly during a time of unprecedented financial pressures and with reluctance it was moved and seconded that the recommendation contained within the Officer's report be approved.

Although Members accepted that the Authority was legally bound to follow the legislation governing disciplinary proceedings for statutory officers the failure to meet deadlines and timeframes was considered unacceptable and clarification was sought as to whether the DIP could attend the next meeting of Council in order to address the concerns being raised. The Monitoring Officer advised that as an Independent Person designated by Welsh Government they would have no formal contact with this Council until the conclusion of the investigation and while fully accepting and appreciating Members frustrations reiterated that this was a statutory process that must be followed.

During the course of debate a further motion was moved and seconded that there be no further financial provision and the investigation ceased as at the 31st of December and whatever the findings at this stage, they be reported to Council.

In relation to the motion procedural advice was sought, as it was felt that by voting against the recommendation contained within the Officer's report Members would be doing just that, as the approval granted by Council on the 17th April 2018 would cease on the 31st December 2018. The Monitoring Officer confirmed this understanding as correct and as such the motion was withdrawn.

Clarification was then sought in relation to DIP costs and the Interim Chief Executive confirmed that as she did not have the information to hand, the previous report to Council which detailed said expenditure would be circulated to all Members following the meeting. However it was noted that DIP costs did not form part of the additional funds requested, these had been previously agreed and had not changed.

Members expressed their continuing frustration and disappointment in the process, its escalating costs and the legislation that enforced the statutory proceedings, particularly in light of proposed budget cuts and the impact that they would have on public services.

Having considered the report, the recommendation contained therein and having been moved and seconded by way of the electronic voting system and in noting there were 16 against and 1 abstention this was approved by the majority present.

Directly following the vote and in accordance with Rule of Procedure 15.5, Councillors L. Binding, K. Etheridge and G. Simmonds wished it recorded that they had voted against the motion.

RESOLVED that the establishment of a further financial provision of £242k to be funded from the projected Treasury Management underspend for 2018/19 be approved.

15. MINUTES OF THE STANDARDS COMMITTEE – 2ND NOVEMBER 2018

The minutes of the meeting of the Standards Committee held on the 2nd November 2018 were noted.

16. STATEMENT OF THE LEADER OF COUNCIL

Councillor D. V. Poole addressed Council and expressed his thanks and admiration to the hard working staff of Caerphilly County Borough Council who day in and day out delivered exceptional services to the resident of the borough. In a year of cuts with further financial challenges ahead they should not be taken for granted and should be congratulated.

The Leader acknowledged the increasing demands on Councillors and praised them for their respect for each other irrespective of their political differences and thanked them for both their challenge and support.

With the uncertainty of Brexit and in light of the austerity measures still to come the Leader assured Members that Caerphilly County Borough would continue to strengthen Welsh Government and Local Government links with the new First Minister and build on that relationship. He would continue to emphasise the importance of the Local Government role as the preventative health service.

In conclusion Councillor Poole wished all those present a Merry Christmas and a Happy New Year.

17. TO RECEIVE AND TO ANSWER QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10 (2)

Consideration was given to the following Questions under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answers are also provided.

The meeting closed at 18.55pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd January 2019 they were signed by the Mayor.

MAYOR