



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN, ON WEDNESDAY, 2ND OCTOBER 2013 AT 2.00 P.M.

PRESENT:

Councillor H.A. Andrews - Chairman

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), G. Jones (Deputy Leader and Cabinet Member for Housing), D.T. Hardacre (Performance and Asset Management), K. James (Regeneration, Planning and Sustainable Development), K.V. Reynolds (Deputy Leader and Cabinet Member for Corporate Services), T.J. Williams (Highways, Transportation and Engineering), R. Woodyatt (Social Services).

Together with:

S. A. Rosser (Interim Chief Executive), S. Aspinall (Acting Deputy Chief Executive), N. Scammell (Acting Director of Corporate Services and Section 151 Officer).

Also present:

R. Hartshorn (Head of Public Protection), C. Jones (Head of Performance and Property Services), P. Elliott (Head of Regeneration and Planning), R. Kyte (Team Leader, Strategic and Development Plans), S.M. Kauczok (Committee Services Officer).

205. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Mrs R. Passmore (Cabinet Member for Education and Lifelong Learning) and D.V. Poole (Community and Leisure Services) and Mr D. Street (Acting Corporate Director Social Services).

206. DECLARATIONS OF INTEREST

Councillor K.V. Reynolds declared an interest in agenda item 4(4) - Aberbargoed Primary School, as he lives opposite the school site. Councillor Reynolds left the meeting during consideration of this item.

207. MINUTES

RESOLVED that the minutes of the Cabinet meeting held on 18th September 2013 (minute nos. 199-204; page nos. 100-102) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED**208. AIR QUALITY UPDATE**

The report had been presented to the Regeneration and Environment Scrutiny Committee held on 17th September 2013.

It was noted that national air quality objectives are being exceeded at receptor locations around Caerphilly Town Centre and along Hafod-yr-ynys Road, Crumlin. The Local Authority is required to designate any area failing the national air quality objectives as an Air Quality Management Area and produce an Action Plan which details measures to bring the pollutant within acceptable limits.

Members' views were sought on the proposals to extend the current Caerphilly Town Centre Air Quality Management Area, to incorporate the exceeding areas along Nantgarw Road and Ton-y-felin Road and to designate an Air Quality Management Area along Hafod-yr-ynys Road, Crumlin.

Following consideration and discussion, 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 officer's report: -

1. The Caerphilly Town Centre Air Quality Management Area be extended to incorporate certain properties along Nantgarw Road and Ton-y-Felin Road, Caerphilly as delineated in the map at Appendix 2.
2. A draft Air Quality Action Plan for improving air quality in and around Caerphilly Town Centre Air Quality Management Area, as attached at Appendix 4, be issued for consultation.
3. An Air Quality Management Area be designated along Hafod-yr-ynys Road, Crumlin, as delineated in the map at Appendix 3.
4. A steering group be established in relation to the Hafod-yr-ynys Air Quality Management Area.

209. PROPOSED GWENT TRADING STANDARDS SERVICE

The report had been presented to the Regeneration and Environment Scrutiny Committee held on 17th September 2013. An addendum report setting out the key points raised at the Scrutiny Committee in relation to this matter, had also been produced and sent to all Members.

Trading Standards has been identified as a service that should be considered for collaborative service delivery. The Trading Standards services of the five Gwent Local Authorities comprise of approximately 75 staff and Welsh Government have approved a bid to fund a project to establish a single service in Gwent led by Caerphilly Council.

Under the proposal staff would transfer to Caerphilly Council under TUPE arrangements. The Project Team would be expected to identify and address all associated personnel matters, legal issues, governance and financial arrangements, as well as IT and customer contact requirements.

Approval was sought to progress the project on the basis that the funding contribution of each Local Authority will be based upon the resources required for the new service, rather than existing resources and that any final agreement to establish a Gwent Trading Standards Service will be subject to the completion of a detailed business case for consideration by the respective Councils.

Having regard to the difficulties that are facing local authorities and this Authority's experience with collaborative working, Members considered that this was a sensible way forward. However, some concern was expressed in regard to the penultimate sentence in the Financial Implications section of the report, which advises that "the financial contribution by constituent Local Authorities would be based on a formula and apportionment to be agreed, which might result in individual local authorities needing to find more or less resource than existing". They were reassured therefore that there was an in built safety net in the recommendations that any financial agreement would be subject to the final business case being brought back to Members if the collaboration proceeds.

Following consideration and discussion, 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 officer's report: -

1. A project team be established to progress proposals for a Gwent Trading Standards Service, with Caerphilly CBC as the lead Authority.
2. The funding contribution of each Local Authority for the new service will be based upon the resources required for the new service, rather than existing resources.
3. Any final agreement to establish a Gwent Trading Standards Service will be subject to consideration of a detailed business case by the respective meetings of full Council.

210. RISK MANAGEMENT STRATEGY AND GUIDANCE

In order to address the one outstanding Proposal for Improvement in the Wales Audit Office Corporate Assessment relating to risk, the WAO has suggested the Council "strengthen its risk management arrangements in the light of emerging challenges".

Following discussions at Corporate Management Team, a Council wide Risk Strategy was established for consideration by the Audit Committee as part of its governance and assurance role. The draft strategy was agreed by the Audit Committee on 17th September 2013 and recommended to Cabinet for approval. Associated guidance on how to implement the Strategy has also been developed to help both Members and staff understand how risk is used as an integral part of Council business. Training on all aspects of the system will be provided through briefings and facilitated workshops and a timetable is being developed that will be presented to the Audit Committee for information.

Following consideration and discussion, 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 officer's report: -

1. The Draft Risk Management Strategy and Draft Guidance be adopted.
2. The receipt of regular updates of the Corporate Risk Register be included on the Audit Committee's meeting agenda.
3. The scrutiny arrangements for monitoring Risk Management, as detailed in the report, be endorsed.

211. ABERBARGOED PRIMARY SCHOOL

Councillor K.V. Reynolds had declared an interest in this matter at the beginning of the meeting as he lives opposite the school site. Councillor Reynolds left the meeting during consideration of this item.

The report sought approval to the principal terms of the disposal of the former Aberbargoed Primary School to United Welsh Housing Association (UWHA).

Aberbargoed Primary School has been declared surplus to requirements and is available for sale. An operational housing use for the land has been identified at the site for the provision of an affordable housing scheme. The proposal is to deliver a range of property types including a number of bungalows for older persons. A draft layout is shown at Appendix 2 to the report.

UWHA is the Council's preferred development partner in this location and it will prepare a scheme in consultation with relevant officers to identify a mix of properties that meets with the needs identified within the Council's Local Housing Market Assessment and Housing register. Other benefits that UWHA can bring are the emphasis on sustainable construction including Code for Sustainable Homes Level 3+ and Targeted Recruitment and Training (TR&T).

In the event that UWHA is unable to proceed at market value (as its total cost of development, including land acquisition and build cost, is limited by Welsh Government regulations) a further report will be brought forward setting out options for Members' consideration.

Following consideration and discussion, 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 officer's report: -

1. Aberbargoed Primary School be sold to United Welsh Housing Association for the development of affordable housing, on terms to be negotiated.
2. Approval of the detailed terms of the disposal be delegated to the Head of Performance and Property Services, for the purposes identified in the report.

RECOMMENDATIONS TO COUNCIL

212. LOCAL DEVELOPMENT PLAN - ANNUAL MONITORING REPORT 2013

The report was presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013. Members of the Scrutiny Committee endorsed the recommendations in the report subject to the following amendment of AMR Recommendation R2 of Report Point 4.38:-

*R2 That the Caerphilly County Borough Local Development Plan is rolled forward to cover the plan period **up to 2031** and the Evidence Base and Policies across all topic areas be reviewed to ensure that all forecasts and assumptions underpinning the plan and contained within the Policy Framework of the plan cover the revised plan period.*

Overall the AMR concludes that whilst the LDP Development Strategy remains sound, the downturn in the economy has had a marked effect on house building rates and there is a need to address the supply of housing land. Furthermore the AMR recognises that in order to facilitate the Council's ambitious school rationalisation programme there is a need to identify sites for education provision, which necessitates a review of the plan.

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

RECOMMENDED that for the reasons contained in the officer's report, subject to the following amendment of AMR Recommendation R2 of Report Point 4.38: -

*R2 That the Caerphilly County Borough Local Development Plan is rolled forward to cover the plan period **up to 2031** and the Evidence Base and Policies across all topic areas be reviewed to ensure that all forecasts and assumptions underpinning the plan and contained within the Policy Framework of the plan cover the revised plan period.*

1. The findings of the 2nd Annual Monitoring Report and the implications of the recommendations contained therein, be noted.
2. The 2nd Annual Monitoring Report be referred to Council for consideration.
3. The revised Draft Delivery Agreement be referred to Council for approval.
4. The LDP Focus Group Meeting notes of 19th July 2013 be noted.
5. The requirement to submit the 2nd Annual Monitoring Report to the Welsh Government before 31st October 2013 be noted.

213. COMMUNITY INFRASTRUCTURE LEVY (CIL) - DRAFT CHARGING SCHEDULE - REPORT OF CONSULTATION

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013, advised Members of the comments received as part of the consultation on the Council's Draft Charging Schedule Community Infrastructure Levy.

On 12 March 2013 the Council resolved to formally consult on the Draft Charging Schedule and the associated CIL Documents. The documentation was placed on consultation on 20 March 2013 with a deadline for submission of representation of 1 May 2013. During this period 8 submissions were duly received, which realised a total of 36 representations. The issues raised through the representations are summarised in the report. Each of the representations has been considered and addressed in the Report of Consultation.

It was noted that the DVS has advised that there is a theoretical case for potentially reducing the CIL rate for Primary Healthcare down from the £60 per square metre set out in the Charging Schedule. As a result officers are seeking authorisation to continue negotiations with the Health Board and partner local planning authorities in respect of this matter with a view to reporting back to Members. The amended rate, if agreed, would then be tested at the Independent Examination and the outcome reported back to full Council.

The consultation on the Draft Charging Schedule is the last formal stage prior to submitting the Schedule for independent examination. For the reasons given in the officer's report it is proposed that a joint examination with Merthyr Tydfil County Borough Council be held. Dependent upon the date of submission, the examination is likely to be held early in 2014, which accords with the Delivery Agreement.

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

RECOMMENDED that for the reasons contained in the officer's report: -

1. The representations submitted in respect of the Draft Charging Schedule and the analysis and response set out in the Report of Consultation be noted.
2. The following recommendations be approved:
 1. To approve the recommendations set out in the Draft Charging Schedule Report of Consultation.
 2. That officers be authorised to continue negotiations with the Health Board and partner Local Planning Authorities to work towards setting the Primary Healthcare Use Rate at an acceptable level to all, with a view to reporting the outcome and recommendations of the negotiation back to Cabinet for agreement.
 3. To agree that the Draft Charging Schedule be submitted to the Planning Inspectorate for examination.

214. WELSH GOVERNMENT CONSULTATION DOCUMENT - 'THE FUTURE OF OUR PAST' HERITAGE BILL

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 17th September 2013, summarises the key considerations proposed in the consultation document and most pertinent to Caerphilly County Borough Council.

The document sets out the measures under consideration to improve the protection of the historic environment in Wales. It includes a variety of policy interventions, improvements to guidance and legislative proposals (including amendments to secondary legislation). A summary of the proposals is attached as an appendix to the report.

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

RECOMMENDED that for the reasons contained in the officer's report: -

1. The proposed measures under consideration to improve the protection of the historic environment in Wales, be noted.
2. A formal response on '*The future of our past*' as reflected in the report, be submitted to Welsh Government.

215. EXEMPT MATTER

Members considered the Public Interest Test and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was: -

RESOLVED that in accordance with Section 100(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 defined in paragraph 14 of Schedule 12A of the Local Government Act 1972.

216. LAND AT MILL ROAD AND LEWIS DRIVE, CAERPHILLY

The report sets out options for the disposal of the former Meals on Wheels Kitchen and Area A at the rear of the former gas works site on Mill Road, Caerphilly.

Following detailed consideration of the options available, it was moved and seconded that Option 1 be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report, Cabinet endorsed Option 1, as set out in the report.

The meeting closed at 2.50 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 16th October 2013.

CHAIRMAN