



## **CABINET**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN, ON WEDNESDAY, 4TH JUNE 2014 AT 2.00 P.M.**

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#### **PRESENT:**

Councillor K.V. Reynolds - Chairman

#### **Councillors:**

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

#### **Together with:**

S.A. Rosser (Interim Chief Executive) and D. Street (Corporate Director Social Services).

#### **Also in Attendance:**

M. Donovan (Project Lead 21st Century Schools), P.G. Davy (Head of Programmes), M.S. Williams (Head of Community and Leisure Services), C. Jones (Head of Performance and Property), R. Hartshorn (Head of Public Protection), D.A. Thomas (Senior Policy Officer, Equalities and Welsh Language), R. Amundson (Principal Planning Officer), D. Lucas (Principal Planner Strategic and Development Plan Team), S.M. Kauczok (Committee Services Officer).

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

Apologies for absence had been received from Mrs S. Aspinall (Acting Deputy Chief Executive)\* and Mrs N. Scammell (Acting Director of Corporate Services & S151 Officer).

\* Mrs S. Aspinall joined the meeting at 2.50 pm.

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

There were no declarations of interest.

### **3. MINUTES**

RESOLVED that the minutes of the following meetings be approved and signed as a correct record: -

1. Special Cabinet held on 7th May 2014 (revised minutes).
2. Special Cabinet held on 14th May 2014.
3. Cabinet held on 21st May 2014.

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

#### **4. PROCUREMENT ROUTE FOR OAKDALE SECONDARY SCHOOL PLATEAU 3**

The report was considered by a special meeting of the Policy and Resources Scrutiny Committee on 27th May 2014. The views of the Scrutiny Committee were reported to Cabinet.

Mr M. Donovan, Project Lead 21st Century Schools, drew Members' attention to paragraph 3.1, which sets out the key challenges facing the project. The new school is scheduled to open at the beginning of September 2016 and although achievable, this is a challenging timescale. It is currently estimated that the cost of the new school will be in the region of £18million. Funding has already been approved for the cost of building the new school plus related costs in respect of the Oakdale Plateau 3 site and it was imperative that the cost of the new school is rigorously managed to ensure it remains within budget.

Following consideration and discussion, the recommendation from the Policy and Resources Scrutiny Committee that Option 2, as described in paragraph 3.11 of the report be approved, was moved and seconded. By a show of hands this was unanimously approved.

RESOLVED that for the reasons given at the meeting, the recommendation from the Policy and Resources Scrutiny Committee, that the two-stage procurement process using Option 2, as described in paragraph 3.11 of the officer's report, be used for the proposed new secondary school at Oakdale Plateau 3, was approved.

In addition, it was agreed that a project plan would be submitted to Cabinet at the earliest opportunity. Regular updates would be presented to the project board and any issues of concern would be reported back to Cabinet.

#### **5. WHQS INTERNAL WORKS CONTRACT**

The report was considered by the Caerphilly Homes Task Group on 22nd May 2014. The views of the Task Group were reported to Cabinet.

In accordance with the agreed contract structure for the WHQS Programme, approved by the CHTG / Cabinet Sub Committee in September 2012, the internal works were the subject of a procurement process during 2013. The tendered discount rates received raised concerns about value for money and affordability. A dialogue with the contractors who submitted compliant tenders has resulted in revised rates. These revised rates have been benchmarked by the Council's cost consultants ChandlerKBS. Despite the improved rates the estimated works cost across the three lots is around 10% higher than the Savills cost plan, which is the basis of the WHQS business plan. The report outlines a number of considerations relating to the WHQS Programme and puts the estimated cost increase into context. The report recommends acceptance of the revised tender rates.

Following consideration and discussion, the recommendations in the report were moved and seconded. By a show of hands they were unanimously approved.

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

1. The awarding of the internal works contracts be as follows:-

|                      |                                 |
|----------------------|---------------------------------|
| Eastern Valleys      | Keepmoat                        |
| Upper Rhymney Valley | Vinci plc                       |
| Lower Rhymney Valley | Contract Services (South Wales) |

2. Subject to the Council's ability to put in place arrangements that will provide greater certainty and longer advance notice of workload during the contract period, negotiations be pursued with the contractors to achieve a further improvement to the discount percentage rates.
3. Following contract award, discussion takes place with the contractors to explore how the slippage that has arisen on the 2014-15 internal works programme can be mitigated.

## **6. WHQS EXTERNAL WORKS CONTRACT**

The report was considered by the Caerphilly Homes Task Group on 22nd May 2014. The views of the Task Group were reported to Cabinet.

In accordance with the agreed contract structure for the WHQS Programme, approved by the CHTG / Cabinet Sub Committee in September 2012, the external works were the subject of a procurement process during 2013. The outcome of the tender process has raised a number of concerns including value for money and process irregularities. The report recommends the current tender process is terminated, the procurement strategy is reviewed and a new tender process is commenced.

Following consideration and discussion, the recommendations in the report were moved and seconded. By a show of hands they were unanimously approved.

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

1. In light of the issues raised by the due diligence review the tender process for the external works contracts in the Upper Rhymney Valley be terminated.
2. The external works contracts in the Upper Rhymney Valley be retendered and the WHQS Project Board be delegated to determine the most appropriate procurement strategy taking account of the availability of survey information that will inform the tender process and deliver value for money.

## **7. INTERIM WASTE DISPOSAL CONTRACT**

The report advised Members of the options to negotiate an interim waste disposal contract on a partnership basis leading up to the Project Gwyrdd full service commencement date and sought Cabinet approval to progress contract negotiation and award.

The Project Gwyrdd Contract has been awarded to Viridor Ltd with a full service commencement date of 1<sup>st</sup> April 2016. The opportunity exists for Cardiff Council as the lead Authority for the partnership to negotiate with Viridor Ltd for an "interim" contract for the partnership leading up to the full service commencement date.

The Authority's existing residual disposal contractual arrangements (with Biffa and Newport City Council) are flexible enough to accommodate quantity changes or complete cessation of

service and in this regard the Authority has the ability to deliver varying quantities of waste to the Project Gwyrdd plant as it is commissioned.

It is estimated that an interim/commissioning arrangement where residual waste is delivered to the Viridor plant could achieve significant savings for the Authority although this will be dependent on the quantity of waste required for commissioning the plant over the period 2014-2016.

Following consideration and discussion, the recommendations in the report were moved and seconded. By a show of hands they were unanimously approved.

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

1. The principle of the interim/commissioning contract as outlined in the report be approved.
2. It be agreed that Cardiff Council will act as the lead Authority in finalising the negotiations and procuring the interim/commissioning contract.
3. Delegated authority be given to the Head of Community and Leisure Services in consultation with the Cabinet Members for Community and Leisure Services and Corporate Services to enter into the inter Authority agreement with Cardiff Council on successful resolution of the negotiation and procurement process.

## **8. FORMER CAERPHILLY LIBRARY, MORGAN JONES PARK**

The views of Cabinet were sought on the proposed options concerning the disposal of the site of the former Caerphilly Library, Morgan Jones Park.

The former Caerphilly Library site is now surplus to the requirements of the holding service and no ongoing operational use has been identified. Whilst the building remains vacant and the responsibility of the Council, it is likely that the building condition will continue to deteriorate.

As the site is located adjacent to the boundary of Morgan Jones Park, it is important that the future use is sympathetic to its setting at the entrance of the park. The report presented 4 options for Members' consideration.

Following consideration and discussion on the options set out in the report, it was moved and seconded that Option 2: to offer, via freehold sale or leasehold disposal, the opportunity for interested parties to submit detailed proposals and supporting business cases for acquisition of the former library, be endorsed. By a show of hands this was unanimously approved.

RESOLVED that for the reasons set out in the officer's report and at the meeting: -

1. Option 2: to offer, via freehold sale or leasehold disposal, the opportunity for interested parties to submit detailed proposals and supporting business cases for acquisition of the former library, be approved.
2. A further Cabinet report be submitted outlining AMG recommendations for the preferred end use following consideration of any business proposals submitted.
3. The decision regarding the detailed terms of the sale or lease be delegated to the Head of Performance and Property and Cabinet Member for Performance, Property and Asset Management.

**9. CAERPHILLY TOWN CENTRE AIR QUALITY ACTION PLAN**

The report was presented to the Regeneration and Environment Scrutiny Committee on 20th May 2014. The views of the Scrutiny Committee were reported to Cabinet.

The national nitrogen dioxide air quality objectives are being exceeded at receptor locations around Caerphilly Town Centre. The Local Authority is required to designate any area failing the national air quality objectives as an Air Quality Management Area (AQMA) and produce an Action Plan which details measures to bring the pollutant within acceptable limits.

The draft Air Quality Action Plan for the Caerphilly Town Centre AQMA has recently been through a 3-month public consultation process, only 1 response was received. The draft Air Quality Action Plan needs to be formally submitted to Welsh Government and the actions detailed within it, once approved, will be implemented.

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

RESOLVED that for the reasons contained in the officer's report, the final version of the Caerphilly Town Centre Air Quality Action Plan be endorsed prior to its submission to Welsh Government.

**10. EQUALITIES AND WELSH LANGUAGE ANNUAL REPORTS**

The report and its appendices were presented to the Policy and Resources Scrutiny Committee on 3rd June 2014. The views of the Scrutiny Committee were reported verbally to Cabinet.

Details were received of progress made during the financial year 2013/2014 against targets in the Council's current Strategic Equality Plan and Welsh Language Scheme. The Council has a statutory duty to produce annual monitoring reports on Equalities and Welsh Language issues under the current legislation. The reports evidence the amount of positive work and good practice the Council is achieving to benefit those individuals and groups who fall under one or more of the protected characteristics and wider Equalities issues.

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

RESOLVED that for the reasons contained in the officer's report, the content of these annual reports was noted and the submission of the information to the relevant commissioners by the deadline of 30th June 2014 was endorsed.

**11. WITHDRAWAL OF INCENTIVE PAYMENTS TO SERVICE USERS WITH LEARNING DISABILITIES WITHIN COMMUNITY SUPPORT SERVICES**

The report was considered by the Health Social Care and Wellbeing Scrutiny Committee on 13th May 2014. The views of the Scrutiny Committee were reported to Cabinet.

The report informed Members of the current position in Community Support Services in relation to incentive payments to service users and sought their views on the proposal to withdraw incentive payments and make a one off payment to the establishments concerned.

Members and Officers expressed their appreciation of the work undertaken by Caerphilly People First in connection with this matter.

Following consideration and discussion, the recommendations in the report were moved and seconded. By a show of hands they were unanimously approved.

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

1. The proposal to withdraw incentive payments be approved.
2. A one off payment of £100 be made to each of the establishments concerned for 2014/15.

## **12. CABINET FORWARD WORK PROGRAMME**

The report sought Members' approval of the updated Cabinet Forward Work Programme for the period June to September 2014.

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

RESOLVED that for the reasons contained in the officer's report, the Cabinet Forward Work Programme as outlined in Appendix 1 to the report be approved.

## **RECOMMENDATIONS TO COUNCIL**

### **13. REGIONAL TECHNICAL STATEMENT FOR THE SOUTH WALES REGIONAL AGGREGATES WORKING PARTY**

The report was presented to the Regeneration and Environment Scrutiny Committee on 20th May 2014. The views of the Scrutiny Committee were reported to Cabinet.

The report sets out the Regional Technical Statement (RTS) for the South Wales Regional Aggregates Working Party (SWRAWP) and seeks Members' views on the recommendation contained therein.

The RTS is a strategic document and does not give site-specific guidance. It gives a recommendation to each local planning authority regarding the amount of aggregates that need to be supplied from its area (apportionment) and the local tonnage of any new areas of future working (allocation) which should be made through the LDP.

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

RECOMMENDED that for the reasons contained in the officer's report, the amended Regional Technical Statement be endorsed and referred to Council for approval and the Welsh Government be advised of the Council's decision.

### **14. COMMUNITY INFRASTRUCTURE LEVY (CIL) - APPROVAL AND IMPLEMENTATION OF THE CAERPHILLY COUNTY BOROUGH CIL CHARGING SCHEDULE**

The report was presented to and endorsed by the Regeneration and Environment Scrutiny Committee on 20th May 2014. The views of the Scrutiny Committee were reported to Cabinet.

On 26th July 2011 the Council resolved to prepare CIL for the County Borough. Following two public consultations and an Examination in Public in respect of the Charging Schedule, the Examiner has concluded that, subject to the rate for D1 Primary Health Care being modified to

£0, the Council is able to demonstrate that it has sufficient evidence to support the schedule and can show that the levy rates would be set at levels that will not put the overall development of the area, as set out in its Local Development Plan, at risk. This report seeks Council approval for the Council's Community Infrastructure Levy Charging Schedule and further it recommends that CIL be implemented on 1st July 2014.

Following consideration and discussion, the recommendations in the report were moved and seconded. By a show of hands they were unanimously approved.

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

- (i) The Charging Schedule, as modified by the Examiner, be approved for implementation on 1st July 2014.
- (ii) The Regulation 123 list and the 4 Guidance Notes be approved for publication in accordance with the implementation of CIL.
- (iii) The 11 Recommendations from the CIL Steering Group be agreed.
- (iv) The setting up and implementation of appropriate processes and procedures be agreed to enable the implementation of the CIL Charging Schedule on 1st July 2014.
- (v) Officers commence discussions with the Community Councils to agree payment periods for paying the Community Councils their 15% of CIL receipts.

## 15. CORPORATE PRIORITIES AND IMPROVEMENT OBJECTIVES 2014/15

The Local Government Measure 2009 requires all local authorities in Wales to set and publish a set of priorities called Improvement Objectives. The Wales Audit Office will use these to evaluate the Council's likelihood of improvement and following that, the level of actual improvement that is achieved for the citizens of Caerphilly. The Council is required to review its Improvement Objectives to ensure they remain relevant and current. The report details the outcome of this process and identifies the recommended set of Priorities and Improvement Objectives for 2014/15.

Prior to highlighting the key issues within the report, the Head of Performance and Property drew Members' attention to the following: - Paragraph 4.1 - the date in brackets should read June 2014. Paragraph 4.6, item 5, should read 'pupils in advantaged/*disadvantaged* communities'; item 6, should read 'Promote the benefits of *an Active* and Healthy Lifestyle'. In addition, Councillor D.T. Hardacre, Cabinet Member for Performance and Asset Management, was consulted on the report and therefore should have been included in the list of consultees.

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

RECOMMENDED that for the reasons contained in the officer's report, the Priorities and Improvement Objectives for 2014/15 be endorsed and referred to Council for approval.

The meeting closed at 3.15 pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 18th June 2014.

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CHAIRMAN