



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 19TH NOVEMBER 2013 AT 5.00 PM

PRESENT:

Councillor D. M. Gray - Mayor
Councillor D.G. Carter - Deputy Mayor

Councillors:

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

Together with:-

S. Rosser (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services), D. Perkins (Head of Legal and Democratic Services), G. Williams (Monitoring Officer/Principal Solicitor), S. Couzens (Chief Housing Officer), S. Isaacs (Senior Rents Officer), D. Regan (Lead Officer - Benefits and Finance), I. Evans (Contracts Manager), R. Kyte (Team Leader Strategic and Development Planning), A. Price (Solicitor), L. Donovan (HR Service Manager - Customer Services), D. Thomas (Senior Policy Officer - Equalities and Welsh Language), G. North (Public Sector Housing Manager), H. Morgan (Senior Committee Services Officer)

1. APOLOGIES

Apologies for absence were received from Councillors P.J. Bevan, L. Binding, Mrs. A. Blackman, D. Bolter, K. Dawson, Mrs. D. Ellis, N. Dix, L. Gardiner, C.J. Gordon, R.W. Gough, A.G. Higgs, G.J. Hughes, Mrs. R. Passmore, J.E. Roberts and S. Skivens.

2. MAYORS 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 dedication of the National Mining Memorial at Senghenydd, the presentation of flowers to two 100 year old ladies and the integrated awards ceremony. During his summary he also referred to the number of Remembrance Services that had been attended by Members.

He was pleased to announce that the sum for his charities, Latch and the Alzheimers Society, now stands at £3,804 and welcomed all to his Civic Carol Service to be held in Newbridge on Monday 2nd December 2013.

3. 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) objections to the restricted day time availability of the swimming pool for public use at Caerphilly Leisure Centre - Councillor R.T. Davies;
- (ii) objections to the proposed Nanty Llesg open cast mine application - Councillor C. Cuss - an example of the over 2,000 letters of objection was presented;
- (iii) objections to the closure of Pontllytyn Primary School and the opening of a new school in Abertyswg - Councillor Mrs. G. Oliver.

4. PRESENTATION OF AWARDS

Members were advised that the Waste Management Team was recently named 'Local Authority of the Year 2013' at The Plant and Waste Recycling Show Awards for their successful Waste and Recycling Strategy. This strategy has resulted in an increase in recycling participation and innovation in the way waste is processed.

The Team have also been crowned Best Service Team by the Association for Public Service Excellence for 2013. This is the second consecutive year that they have won the award. At the same awards, the Community and Leisure Services Team were also shortlisted for 3 additional awards, Building/Facilities Cleaning and Sport and Leisure nominated for Best Service Teams of the Year and Sport and Leisure nominated for Best Information and Communication Technology Initiative. The Authority was also shortlisted for Overall Council of the Year, putting Caerphilly within the top 10 in the UK.

The third prestigious award was presented to the Waste Management Team by the Chartered Institute of Waste Management for using effective stakeholder communication and a comprehensive range of activities to promote recycling which resulted in increased recycling rates.

Nicole Kirke, Mark Miller, Malcolm Kilby, Bryn Jones, Scott Jones and Colette Price came forward to receive the awards on behalf of the service and in recognition of the achievements. Members wished to place on record their appreciation to all those involved in achieving the awards.

5. DECLARATIONS OF INTEREST

Councillor M. Prew declared an interest in agenda item 6(1) in relation to amendments to Councils Standing Orders for Contracts. Councillors R.T. Davies and K.V. Reynolds declared an interest in agenda item 7(1) as it relates to the Notice of Motion on Bedroom Tax - one was personal (which enabled the Member to stay and take part in the discussion and voting thereon) and the other was both personal and prejudicial (which required the Member to leave the chamber when the item was discussed). Councillor D.T. Davies declared an interest in agenda item 8(4) as it relates to Financial Accounts - Unlawful Expenditure.

Mr. Rosser, Interim Chief Executive, advised that with regards to agenda item 8(4) - Financial Accounts - Unlawful Expenditure, it should be noted that Nicole Scammell, Dan Perkins, Gail Williams, Shaun Couzens, Gareth Hardacre and Graham North would be required to declare an interest in this item and leave the meeting (if any were still present at the meeting when the item is to be discussed).

Details are minuted with the respective items.

6. COUNCIL - 8TH AND 23RD OCTOBER 2013

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

Council held on 8th October 2013 (minute nos. 1 - 18 on page nos. 1 - 10) and Special Council held on 23rd October 2013 (minute nos. 1 - 4 on page nos. 1 - 4).

REPORTS REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

7. AMENDMENTS TO COUNCILS STANDING ORDERS FOR CONTRACTS, ADOPTION OF CAERPHILLY COUNTY BOROUGH COUNCIL PROCUREMENT POLICY AND STRATEGY AND WELSH GOVERNMENT PROCUREMENT POLICY

Councillor M. Prew declared an interest in this item (as being employed by a Company who may be part of the tender process) and left the Chamber when the item was discussed.

The report, which had been presented to both the Policy and Resources Scrutiny Committee and Cabinet, set out a number of proposals to update the current Standing Orders for Contracts. When considering the report Members had sought assurances that the Council has a process in place to ensure that anyone who is employed to act on its behalf in relation to any procurement, adheres to the Council's Standing Orders for Contracts and Financial Regulations and agreed that the document be amended accordingly.

The proposed amendments were summarised in Appendix A of the report together with Standing Orders as amended. It was noted that the amendments are minor in detail but will allow a secure operational guide to procuring in an open, fair and transparent manner whilst maintaining all the principals of the EU Procurement Legislation. Appendix B set out the WG Policy to Procurement, much of which is already embedded as operational working practices within the Authority, and Appendix C details a Procurement Policy and Strategy for Caerphilly. It was noted that there will also be minor drafting changes required (details of these would be circulated to all Members).

During the course of the debate concerns were expressed regarding zero hour contracts and it was explained that as it is not unlawful to employ a person on a zero hours contract it is not possible to include any proviso within the document. Similarly it was not possible to include social values into the process. Reference was also made to the use of Internal Providers (paragraph 5 refers) and it was explained how both in house and external providers would be used.

Members considered the report in detail and it was proposed and seconded that subject to the additional recommendation proposed by Cabinet (which will clarify paragraph 26.1 of Standing Orders for Contracts as it relates to Procurement by Consultants) the recommendations within the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report and detailed at the meeting:-

- (i) paragraph 26.1 of Standing Orders for Contracts as it relates to Procurement by Consultants be amended to read:-

'The procurement of Consultants to work within the Authority or to undertake work on behalf of the Authority as part of a wider project will be subject to these Standing Orders and Section 21 of the Authority's Financial Regulations';
- (ii) Standing Orders for Contracts be amended in line with proposals set out within Appendix A of the report;
- (iii) all Heads of Service and Authorised Officers receive a copy of the full amendments via e mail and detailed training from the Procurement Team be made available upon request. All revised documentation to be available via the Intranet and Internet;
- (iv) no Officer be allowed to conduct or form part of any procurement without formal training;
- (v) the WG Procurement Policy as set out in Appendix B of the report be adopted;
- (vi) the Caerphilly County Borough Council Procurement Policy and Strategy as set out in Appendix C be adopted;
- (vii) the change to EU Procurement Legislation (within the next two years) be noted, with the necessary report to be provided at the appropriate time;
- (viii) any further changes to Standing Order for Contracts be subject to Council approval.

REPORT REFERRED FROM SCRUTINY COMMITTEE

Consideration was given to the following report.

8. NOTICE OF MOTION - SKY LANTERNS

The following Notice of Motion, submitted by Councillor A. Lewis, was considered and endorsed by the Policy and Resources Scrutiny Committee on 12th November 2013.

' That the Council recognises the fire hazard associated with the use of sky lanterns (also known as Chinese lanterns), which can potentially lead to the loss of life, damage to property and increase the pressure on the police, fire service and medical emergency services.

That the Council agrees to ban the sale and use of sky lanterns from any of its premises or property'.

Following consideration of the content of the Notice of Motion it was moved and seconded that it be supported. By a show of hands this was unanimously agreed.

RESOLVED that the Notice of Motion, which proposes that the Council recognises the fire hazard associated with the use of sky lanterns (also known as Chinese lanterns), which can potentially lead to the loss of life, damage to property and increase the pressure on the police, fire service and medical emergency services and agrees to ban the sale and use of sky lanterns from any of its premises or property, be supported.

REPORTS OF OFFICERS

Consideration was given to the following reports.

9. COMMUNITY INFRASTRUCTURE LEVY

Consideration was given to the report which sought approval for a declaration (at Appendix 1 of the report) that confirms that Caerphilly County Borough Council has complied with the appropriate statutory requirements and has used appropriate available evidence to inform the preparation of its Community Infrastructure Levy (CIL) Draft Charging Schedule.

It was moved and seconded that the recommendation in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that the Community Infrastructure Levy - Draft Charging Schedule: Planning Act 2008 - Section 211 and 212 Declaration be approved for submission to the Planning Inspectorate.

10. NOTICE OF MOTION - 'BEDROOM TAX'

Councillors R.T. Davies and K.V. Reynolds declared an interest in this item. In that Councillor R.T. Davies had a personal and prejudicial interest (as having relatives affected by the proposal) he left the Chamber during consideration of this item. As Councillor K.V. Reynolds had a personal but not prejudicial interest he remained in the Chamber and took part in the discussion and voting thereon.

Consideration was then given to the report which detailed proposals to mitigate against the introduction of the under-occupancy rules following Welfare Reform. It incorporated the Notice of Motion received, the views expressed by the Policy and Resources Scrutiny Committee on 24th July 2013 and the recommendations put forward by the Caerphilly Homes Task Group (which had subsequently been considered by the Policy and Resources Scrutiny Committee on 1st October 2013). As requested at the last meeting of Council it also advised of the financial and legal implications of the content of the Notice of Motion and the recommendations of the Caerphilly Homes Task Group (as amended by the Policy and Resources Scrutiny Committee).

Members considered the report, which listed the individual proposals that were agreed by the Caerphilly Homes Task Group (and amended by the Policy and Resources Scrutiny Committee) and were advised of the financial, legal and equality issues where these apply. During the course of the debate it was reiterated that a 'no eviction policy' for those affected by the under-occupancy rules would be illegal and would leave the Council open to challenge in respect of equalities legislation. Member were also advised of the face to face support provided to tenants and of the advice available through money management workshops, one-to-one sessions and debt and money surgeries, held in conjunction with the Citizens Advice Bureau.

Consideration was then given to the following Notice of Motion submitted by Councillors C.P. Mann, J.A. Pritchard, K. Lloyd, L. Ackerman, P.J. Bevan, C. Elsbury, J. Taylor and A. Angel.

- (a) "that where the appropriate officers are satisfied that tenants who are subject to the under-occupancy charge have done all they reasonably could to avoid falling into arrears, then all legitimate means to collect rent arrears should be utilised except eviction and the use of bailiffs".

- (b) “to establish a joint working group that will include elected members, officers from Housing and Revenues and Benefits, Registered Social Landlords and tenants representatives. The role of the working group shall be to monitor the implementation and impact of various benefits changes and to contribute to consideration of further measures to support tenants, including examples as mentioned below”.
- (c) “to support calls by local campaign groups to scrap the bedroom tax”.
- (d) “to support appeals - extend the deadlines for appeals and give clear information on how to appeal”.
- (e) “not to prevent tenants moving to smaller properties because of bedroom tax arrears”.
- (f) “not to force people to move from homes and out of communities where they have lived for many years”.
- (g) “to increase provision of smaller units of housing, especially in areas most affected by the bedroom tax, by reclassifying properties or other means.”

Councillor C.P. Mann, on behalf of the signatories, advised that there was an amendment to the Notice of Motion which deleted paragraph (a) and included at the end of paragraph (g) the words 'where appropriate'.

It was moved and seconded that the amended Notice of Motion be supported. By show of hands this motion was lost and as such, the amended Notice of Motion was not supported and declared lost.

It was moved and seconded that in order to mitigate against the impact of the under-occupancy rules and assist those tenants affected as far as reasonably possible, whilst complying with the regulations and guidance provided by the DWP, the recommendations within paragraph 9.2 of the report be approved. By show of hands by the majority of Members present it was declared carried.

RESOLVED that; -

- (i) the amended Notice of Motion be declared lost;
- (ii) in order to mitigate against the impact of the under-occupancy rules and assist those tenants affected as far as reasonably possible, whilst complying with the regulations and guidance provided by the DWP, the following be approved and future reports be presented to Caerphilly Homes Task Group on their implementation/progress:-
 - (i) Waive limited breaches of tenancy to assist with transfers, for example certain levels of arrears and property condition.
 - (ii) Award tenants affected by the under-occupancy rules additional points to assist their transfer to more suitable accommodation.
 - (iii) Pursue opportunities to increase the use of the private sector for suitable alternative properties.
 - (iv) Continue to provide practical/financial support to those tenants who wish to downsize, for example signposting, debt and financial management advice, assist with applications for DHP, energy advice, referral to voluntary sector for assistance, assistance to move home, fast-track referral to Job Centre Plus.

- (v) Increase the provision of one and two-bed properties on future new developments in conjunction with RSL partners.
- (vi) In limited circumstances, convert vacant properties into smaller units of accommodation where appropriate to do so, e.g. houses into flats.
- (vii) Introduce support for tenants who are in arrears to attend money management workshops/one-to-one sessions.
- (viii) Consider re-classifying some properties where appropriate and review rooms, which are classified as bedrooms, but are unable to accommodate the size of a standard single bed.
- (ix) Develop step-by-step procedures for dealing with arrears so that the processes being followed are open and transparent to all.
- (x) Introduce a Tenancy Review Panel to scrutinise proposed evictions prior to progressing cases to Court and make recommendations to the Chief Housing Officer.
- (xii) Regular updates on the Welfare Reform impacts be presented to the Caerphilly Homes Task Group and Policy and Resources Scrutiny Committee.
- (xiii) Award tenants affected by overcrowding, additional points to assist their transfer to more suitable accommodation.

It was noted that a further seminar would be held for Members in April 2014 to provide a further update on the Welfare Reform Act and the progress made in relation to the recommendations contained within the report.

11. STANDARDS COMMITTEE - RESIGNATION OF INDEPENDENT MEMBER AND APPOINTMENT OF NEW MEMBER

Consideration was given to the report which advised of the resignation of an Independent Member of the Standards Committee and the appointment of a new member. Members noted that when the appointments process was undertaken for a vacancy on the Standards Committee in June 2013, Council had agreed to make an appointment to the Standards Committee (which was duly made) and to establish a reserve list of Independent Members so that if a vacancy arose within 6 months it could be filled from that list. The reserve list was established and at that time Mr. David Lewis accepted the invitation to remain on the list for a period of 6 months from 12th June 2013. Mr. Lewis has subsequently indicated that he is prepared to fill the vacancy that has arisen following the resignation of Professor Griffiths.

In view of the forgoing, it was moved and seconded that the recommendations in the report be approved. By show of hands this was unanimously agreed.

RESOLVED that:-

- (i) the resignation of Professor S. Griffiths be noted, and Officers write to her to thank her for her service on the Standards Committee;

- (ii) it be noted that Mr. D Lewis has been appointed from the reserve list to the Standards Committee as an Independent Member for a period of 4 years from the date of the report.

12. FINANCIAL ACCOUNTS - UNLAWFUL EXPENDITURE

Councillor D.T. Davies declared an interest in this item (as having a relative employed by the Council) and left the chamber during consideration of this item.

Gail Williams and Gareth Hardacre declared an interest and left the meeting. Officers Nicole Scammell, Dan Perkins, Shaun Couzens and Graham North had previously declared an interest in the item and were not present at the meeting when the item was discussed, having previously left the meeting.

Consideration was given to the report and the Interim Chief Executive explained that the Wales Audit Office have expressed a view that expenditure arising from two procedurally flawed "decisions" is unlawful (senior pay awards and the buy-out of essential car user allowances and holiday pay in respect of senior staff). With regards to the latter he advised that until such time that the report is received and the necessary investigation is undertaken it is not possible to determine the course of action to be taken.

In terms of the ongoing police investigation into senior pay, reassurances were given that as soon as it was appropriate to do so information would be shared with staff and Members. Any internal disciplinary action taken would depend on, and be led by, the outcome of the police investigation.

Given the on-going investigations, complexities and potential interaction between the two separate issues Members were advised that it will not be possible to present all the facts for some time and noted that reports will be brought forward as information become available.

Members noted the content of the report and the explanation given by the Interim Chief Executive.

13. QUESTIONS UNDER RULE OF PROCEDURE 10(2)

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

14. CABINET SUB-COMMITTEE (WELSH HOUSING QUALITY STANDARD)

The minutes of the Cabinet Sub-Committee (Welsh Housing Quality Standard) held on 5th September 2013 were received and noted.

The meeting closed at 6.30pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 28th January 2014 they were signed by the Mayor.

MAYOR