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Date: 15th November 2017

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If you have any queries please contact the Interim Head of Legal Services/Monitoring Officer by email willige@caerphilly.gov.uk or telephone 01443 863393

Dear Sir/Madam,

A meeting of **Council** will be held in the **Council Chamber, Penallta House, Tredomen, Ystrad Mynach** on **Tuesday, 21st November, 2017** at **5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

Chris Burns
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 Presentation of Awards.

A greener place Man gwyrddach



4 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

To approve and sign the following minutes: -

- | | | |
|---|--|---------|
| 5 | Council held on 10th October 2017. | 1 - 10 |
| 6 | Special Council held on 31st October 2017. | 11 - 14 |

To receive and consider the following reports: -

- | | | |
|----|--|---------|
| 7 | Notice of Motion - Commitment to Work in Partnership with Dementia Friendly Initiative. | 15 - 18 |
| 8 | Notice of Motion - Joint Council for Wales Statement on Pay in Local Government in Wales. | 19 - 20 |
| 9 | Notice of Motion - 5 Year Land Supply. | 21 - 22 |
| 10 | Internal Investigation of Senior Officer - Additional Financial Provision. | 23 - 26 |
| 11 | Contract Arrangements of Interim Chief Executive and Continuation of Internal Management Arrangements. | 27 - 30 |
| 12 | Appointment of Deputy Monitoring Officer. | 31 - 34 |

To receive and to answer questions received under Rule of Procedure 10(2) which may have been submitted after the preparation of the agenda.

Circulation:

All Members And Appropriate Officers



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 10TH OCTOBER 2017 AT 5.00 PM

PRESENT:

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

Councillors:

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

Together with:

C. Burns (Interim Chief Executive), C. HARRY (Corporate Director – Communities), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), D. Street (Corporate Director - Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), R. Hartshorn (Head of Public Protection), T. Stephens (Development Control Manager), R. Kyte (Team Leader Strategic and Development Planning), D. Lucas (Principal Planner), R. Roberts (Performance Manager) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. He advised that decisions would be made by a show of hands.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors P.J. Bevan, A. Collis, M. Davies, J.E. Fussell, D. Havard, V. James, D.W.R. Preece, Mrs D. Price and J. Ridgewell.

3. BEREAVEMENT

The Mayor referred to the recent passing of Blackwood Community Councillor Jim Criddle. All present stood in silence as a mark of respect to the former County Councillor and extended their condolences to the bereaved family.

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, including a visit to Penallta RFC to meet rugby players and officials, and two civic service receptions in neighbouring local authorities. The Mayor spoke of his pleasure at attending several milestone wedding anniversary and birthday commemorations and thanked the Deputy Mayor for his continued support in carrying out these engagements.

5. PRESENTATION OF AWARDS

Welsh Heart Health Professional of the Year Award - British Heart Foundation

Members were informed that Michelle Johnson from Engineering Services has recently received the Welsh Heart Health Professional of the Year Award from the British Heart Foundation in recognition of her drive and commitment in helping to improve the lives of heart patients and their families.

In 2013, Michelle suffered terrible injuries in a serious car crash and spent months recovering in hospital and at home with the assistance of doctors, nurses and community resource teams. Following her long recovery Michelle wanted to give something back to the NHS and, with her background in fitness, approached the Cardiac Rehabilitation Team at the University Hospital of Wales to volunteer and help with cardiac patients. Michelle now works with the NHS two evenings per week as part of the Cardiac Rehabilitation Team, helping the patients on their road to recovery through the Phase III Cardiac Rehabilitation Programme, and has also achieved a Level 4 Exercise Instructor qualification to support her role.

Michelle has continued her community support by organising fundraising events and has raised over £5,000 to date, which has been used to buy lifesaving defibrillators for her local primary and secondary schools, football clubs and libraries.

Although Michelle was unable to attend the presentation in person, Members were very pleased to hear the details of her impressive work with cardiac patients and congratulated her on achieving this prestigious award.

6. DECLARATIONS OF INTEREST

Gail Williams (Interim Head of Legal Services and Monitoring Officer) declared an interest in a petition being presented to Council (Proposed Housing Development, Grove Park) as she resides in this area. In that there was no debate on this item, she remained in the Chamber during presentation of the petition to Council.

7. 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) Road Surface - Caldicot Close, Grove Park, Blackwood - Cllr K. Etheridge;
- (ii) Proposed Housing Development, Grove Park – Cllr K. Etheridge;
- (iii) Lighting of Colliers Lane leading to Courtabella House, Argoed – Cllr W. Williams.

8. COUNCIL – 25TH JULY 2017

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

Council held on 25th July 2017 (minute nos. 1-11).

9. SPECIAL COUNCIL – 31ST JULY 2017

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

Special Council held on 31st July 2017 (minute nos. 1-6).

REPORTS REFERRED FROM CABINET

Consideration was given to the following report referred from Cabinet.

10. ANNUAL PERFORMANCE REPORT 2016/17

Cabinet considered this report on 4th October 2017 and in endorsing its content recommended its acceptance by Council.

The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance Framework. The Council is required to assess its own performance and provide the public with a balanced picture of that performance. The report must also show how the Council performed against the Well-being Objectives it set itself for 2016/17 and how it performed against its eight priorities which ran from 2013 to 2017 and have now come to the end of their published timeframe.

Members noted that 2 of the 5 Well-being Objectives set by the Authority for 2016/17 have been successful and 3 have been partly successful. Overall, there is a mixed picture of performance across the Local Authority and against national data, with some areas performing exceptionally well against national indicators and others in need of further improvement. Caerphilly saw 16 indicators improve upon their 2015/16 results and 6 indicators decline in performance compared to the 2015/16 result. Details of the reasons for performance of the individual indicators, together with details of the Council's performance in relation to Wales across all 31 indicators were appended to the Annual Performance Report.

Discussion took place regarding several of the performance indicators outlined in the report and their respective all-Wales ranking. Members expressed a need to improve performance across Education and utilise intervention strategies where required (particularly in relation to Key Stage 4) and sought details of intended improvements for lower-performing areas. Reference was also made to an underspend within the Education Directorate. Members were pleased to note the continued high performance across performance indicators relating to special education needs and requested that their thanks to staff be placed on record.

The Interim Chief Executive reminded Members that the data relates to the previous school year but acknowledged the need for improvement across Key Stage 4 performance. It was explained that additional financing has been allocated to schools for a range of provisions such as special classes to enhance English and Mathematics learning, which have been positively received by schools. Members were advised that the Council continues to work in partnership with the Education Achievement Service (EAS) and headteachers in regards to improving school performance, and were also reminded of the continued capital investment in schools via the 21st Century Schools Programme.

A Member highlighted the Council's low ranking regarding the percentage of pupils leaving education without an approved qualification. The Interim Chief Executive referred to the challenging personal circumstances of some learners and explained that a continuing priority for the Council is to reduce the gap in attainment between pupils in advantaged and disadvantaged communities and ensure that all pupils are given the opportunity to achieve their maximum potential.

Reference was made to a drop in performance against the Council's Corporate Priority in respect of Social Care needs. It was explained that the situation is being monitored but that the Council is experiencing an increase in complex cases which are having an impact on the overall demographic, which were outlined further in the Annual Report from the Director of Social Services being presented to Council later that evening.

A Member referred to the performance data for Caerphilly Homes and queried the continued high level of vacancies within the private rented sector. It was confirmed that this information would be provided to the Member following the meeting. Reference was also made to issues raised by local residents arising from the recent implementation of new recycling measures. Officers reiterated the need for these measures in order to reduce the level of contaminated recycling and explained that the targeted approach undertaken by the Authority has led to the new procedure being successfully adopted by the majority of residents.

Discussion took place regarding the Council's progress in respect of the Cardiff Capital Region City Deal, including the South Wales Metro transport scheme and other investments, and the potential benefits these could bring to the county borough. It was explained that a Business Plan is being developed which will examine potential projects across the county borough. These will be discussed at a future Members' seminar before being presented to Council for consideration.

Members thanked the Officer for the comprehensive report and noted the contribution of all staff involved in the development of the Annual Performance Report.

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet as outlined in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED for the reasons contained in the report, the Annual Performance Report 2016/17 as appended to the Officer's report be accepted.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. SCRUTINY REVIEW: SCRUTINY SELF EVALUATION AND PEER REVIEW

Consideration was given to the report, which was presented to the Democratic Services Committee on 28th September 2017. The report detailed the outcome of the scrutiny self-evaluation and the peer review arising from the Scrutiny Review agreed by Council on 5th October 2015.

It was noted that a questionnaire was issued to all Members and senior Officers in November 2016, which used the Outcomes and Characteristics of Effective Scrutiny in Local Government as the basis for its questions. Arrangements for a peer review and to take part in reciprocal peer evaluations were also made with two neighbouring authorities. Having considered the outcome of the self-evaluation and peer review, the Scrutiny Leadership Group recommended to the Democratic Services Committee (and thereafter Council) that a scrutiny self-evaluation exercise is carried out twice per council term in order to provide ongoing feedback and monitoring of scrutiny arrangements.

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

RESOLVED that for the reasons contained in the report, a scrutiny self-evaluation questionnaire be carried out twice per council term in order to measure scrutiny performance.

12. ANNUAL LETTER FROM PUBLIC SERVICES OMBUDSMAN FOR WALES 2016-2017

Consideration was given to the report, which had been presented to the Standards Committee on 28th September 2017. Members were provided with the Annual Letter (2016-2017) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The data attached as an appendix to the Annual Letter included a detailed breakdown of complaints received and investigated, and included a new set of statistics regarding Ombudsman interventions (including all cases upheld as well as early resolution and voluntary settlements).

In relation to Caerphilly, the number of complaints received by the Ombudsman was at a similar level to the previous year (56 in 2015/16 compared to 54 in 2016/17). Members noted that the Authority's largest area of complaint is Housing and of the 12 complaints in relation to this area, 6 were made prematurely (i.e. had been referred to the Ombudsman before exhausting the Council's Corporate Complaints Process and 1 complaint was referred out of time). The remaining 5 referrals were not taken into investigation. Practically it is not possible to prevent premature referrals to the Ombudsman. The Council's Complaints Policy is available via the Council's website and a hard copy booklet is readily available to the public.

The Annual Letter also referred to a significant drop in Children's Social Services complaints this year from 9 to 3, with no upheld complaints and only 7% of cases requiring Ombudsman intervention (the second lowest of any local authority). Members also noted that overall 14 premature complaints were received by the Ombudsman, which is slightly less than the Local Authority average of 15. There were 4 early resolutions/interventions by the Ombudsman (3 Social Services complaints and 1 in relation to waste collection).

Reference was made to the Code of Conduct complaints for elected Members within Section E of the Annual Letter, with 7 code of conduct complaints made against Members of Caerphilly County Borough Council during 2016/17. 6 were closed after initial consideration and 1 found no evidence of a breach.

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

RESOLVED that for the reasons contained in the report, the contents of the Annual Letter as appended to the report be noted.

13. CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE ELECTORAL REFORM IN LOCAL GOVERNMENT CONSULTATION

Consideration was given to the report, which sought Council approval for the proposed Caerphilly County Borough Council response to the Welsh Government (WG) consultation document on Electoral Reform in Local Government in Wales.

Members were advised that as a result of provisions contained within the Wales Act 2017 coming into force next year, WG is taking the opportunity to review how Assembly and local government elections function in Wales and to explore ways in which it may be possible to promote participation in local government elections. Members were referred to a number of key points from the consultation document which were set out in the report and were asked to endorse the Council's proposed response to the consultation as appended to the report.

Discussion took place regarding votes for 16 and 17 years olds and a Member queried whether WG could be asked to consider providing political education within the school curriculum. It was confirmed that this suggestion could be included in the Council's covering letter to WG. Members debated the merits of Single Transferable Vote versus the first-past-the-post system. Discussion also took place regarding the restrictions placed on council staff in standing for their own local authority. The Interim Chief Executive confirmed that Council employees wishing to stand for election have been accommodated if they make a request to resign and be re-employed if unsuccessful at election.

It was moved and seconded that the recommendation in the report be approved. An amendment to the report recommendation was moved and seconded that the Council support a change to the Single Transferable Vote (STV) within their response to the consultation on electoral reform (in place of the retention of the first-past-the-post system).

A vote on the amendment was taken first, and by a show of hands, this was rejected by the majority present. A vote was then taken on the substantive motion, and by a show of hands (and in noting that there were 17 against) this was approved by the majority present.

RESOLVED that for the reasons contained in the report, the response to the consultation on electoral reform in local government in Wales as appended to the report be endorsed.

14. ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES 2016/17

The report detailed the key messages that had been identified in the preparation of the Annual Report for the Director of Social Services for 2016/17, and sought Council's endorsement of its content, prior to submission to the Care and Social Services Inspectorate for Wales (CSSIW).

Members noted that this is the eighth such report for the Directorate and that in line with the requirements of the Social Services and Wellbeing (Wales) Act 2014 (SSWBA) a new report format was formally adopted this year to be compliant with the Act. This has given staff an opportunity to determine the areas in which the appropriate information is at hand and where information gathering needs to be developed in readiness for 2017-18. It also allows the Council the opportunity to benchmark performance in order to provide a meaningful comparison in future years.

Members noted that the report places a significant emphasis on well-being and highlights some of the priorities for 2017-18. Progress against these priorities will be a significant part of the annual report for 2017-18. The report highlights the increasing pressure on social care services in the county borough, both from a financial perspective and in terms of the complexity of need. This has been demonstrated within the report by the level of growth required over the past four years and the increasing challenge of coming within budget,

especially in regards to significant demographic pressures within Adults Services and Children's Services during 2016/17. It was explained that the draft report had been submitted to CSSIW and the comments received were positive, and that subject to Council endorsement, the report would be made available to members of the public, partners and stakeholders.

During the course of the debate, Members thanked the Corporate Director of Social Services for the comprehensive report and placed on record their appreciation to staff for the professional way in which they carry out their duties.

A Member referred to the percentage of looked after children achieving the core subject indicator at Key Stage 4 (15.49%) and queried how this compares to previous years and across Wales. The Corporate Director of Social Services explained that due to the new measures, the Council has little comparable information from previous years to benchmark performance. However, the result is not untypical of other authorities across Wales and the Authority continues to face challenges regarding the educational attainment of looked after children. A query was received regarding the low percentage of children seen by a dentist within 3 months of becoming looked after (43.86%). It was explained that this is due to the need to find a suitable dentist for the child and also because of the short reporting timeframe against this performance measure.

A Member suggested that it would be useful for the summary of performance to show the numbers of people included against each performance measure, in addition to the percentage. A query was also received in respect of social care providers and whether savings could be made by bringing these services in-house. Officers explained that generally the cost difference is narrowing due to legislative changes such as National Minimum Wage but that the Council continues to monitor the financial landscape within this area.

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

RESOLVED that for the reasons contained in the report, the contents of the Annual Report of the Director of Social Services for 2016/17 be endorsed.

15. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 – ANNUAL MONITORING REPORT 2017 (INCLUDING THE 3RD ANNUAL COMMUNITY INFRASTRUCTURE LEVY REPORT)

Consideration was given to the report, which outlined the findings of the Caerphilly County Borough Local Development Plan 2017 Annual Monitoring Report and the implications of the recommendations contained therein.

This is the sixth Annual Monitoring report (AMR) to be prepared for the Caerphilly County Borough Local Development Plan (LDP) up to 2021 which monitors the period from 1st April 2016 to 31st March 2017. The Council is required to submit the 2017 AMR (including the 3rd Annual Community Infrastructure Levy Report) to Welsh Government (WG) by 31st October 2017 in order to satisfy the Council's statutory requirements.

The 2017 Report concluded and recommended that substantial progress should continue to be made in the delivery of the majority of the Adopted Development Plan, that Council continue to seek the preparation of the Strategic Development Plan for the Cardiff Capital Region, and that Council continue to address the shortfall in the five year housing land supply through proactive action. The AMR 2017 also recommended that a further report be presented to Council, following consideration of the SDP by the Regional Cabinet, to consider the Council's approach to the need to review the LDP. Further details of the findings and recommendations were detailed in the Officer's report

Members were reminded of the decision of Council on 19th July 2016 to withdraw the Deposit Replacement LDP and were advised of the strengthening pressures on the Council to commence work on a Replacement LDP. These include a statutory requirement to move to review after four years, the passage of time since the 2013 AMR identified the need to prepare a new plan, the increasing risk that the county borough will not have development plan coverage post 2021, the urgent need to increase the housing land supply, and the likelihood of further unplanned development being allowed on appeal in the short term. It was noted that since the withdrawal of the Deposit Replacement LDP, Officers have continued to lobby WG regarding TAN 1, which sets out the methodology behind the calculations behind the 5 year housing land supply. WG have recently indicated that they are minded to review TAN 1 as part of discussions regarding the development of the Strategic Development Plan (SDP) for the Cardiff Capital City Region.

It was explained that an options report in respect of the Strategic Development Plan is expected to be considered by the City Region Joint Cabinet (Regional Cabinet) before the end of the year, when a formal decision in respect of the preparation (or otherwise) of the SDP will be made. Following the decision, a further report will be presented to Council to either outline the preparation process for the SDP, if approved, or to consider options in respect of reviewing the Adopted LDP if the decision is taken not to pursue a SDP.

Members noted that during the monitoring period a total of £228,330.49 was received in CIL receipts. In accordance with the CIL Regulations a total of £30,820.36 was passed to 8 Community Councils (Local Councils). The remaining revenue will be used to assist in funding appropriate infrastructure.

It was moved and seconded that the recommendations in the report be approved. An additional recommendation was proposed and seconded that the Council write to the Cabinet Secretary for Environment and Rural Affairs to urge Welsh Government to place a moratorium on TAN 1. The mover of the motion agreed to incorporate this additional recommendation within his motion.

Discussion then ensued on the content of the report and Members referred to the pressures placed on the Council, and in particular the Planning Committee, which have arisen from the lack of a 5-year land supply and have led to 3 successful appeals from housing developers in recent months. Members raised concerns that future housing development in the Caerphilly basin will place further pressure on the surrounding travel infrastructure and lead to an increase in pollution levels, and spoke of the need to develop affordable housing and regenerate northern valley areas. A Member referred to the number of residents in employment as identified in the data for the 2017 AMR and expressed a need to ensure that residents have access to a good standard of employment to protect their quality of life. Members also spoke of the availability of brownfield sites and in particular the need to incentivise brownfield development. Officers confirmed that this issue has been highlighted to Welsh Government who are examining the way forward on this matter.

A Member sought clarification on the work being carried out by the Council since the withdrawal of the Deposit Replacement LDP and also queried the Council's position regarding planning applications pending approval or otherwise of the SDP. Officers explained that although the Deposit Replacement LDP had been withdrawn, the Adopted LDP remains in place which sets out the Council's land use policies and proposals to control development in the county borough. It was confirmed that Officers are continuing to gather supporting evidence in readiness for the decision regarding the SDP. Queries were received as to whether the Council could curtail major developments pending a decision on the SDP and the nature of TAN 1 and whether greenfield sites are included in the consideration of applications on planning merits. It was explained that each application has to be considered on its own merits in accordance with local and national planning policy and guidance, which is also applicable to greenfield sites. Officers also responded to queries in respect of CIL revenue collection and distribution and outlined the process by which this is carried out.

It was moved and seconded that the recommendations in the report (including the additional recommendation) be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the report:-

- (i) the findings of the 2017 Annual Monitoring Report and the implications of the recommendations contained therein be noted;
- (ii) the 2017 Annual Monitoring Report (Including the 3rd Annual CIL Report) be submitted to Welsh Government before the deadline of 31st October 2017;
- (iii) Council write to the Cabinet Secretary for Environment and Rural Affairs to urge Welsh Government to place a moratorium on TAN 1 (i.e. the method upon which the 5 year housing land supply is calculated).

16. AMENDMENT TO COUNCIL'S CONSTITUTION – CHANGES TO PROTOCOL FOR WEBCASTING OF COUNCIL MEETINGS

Consideration was given to the report, which sought Members' approval of a minor change to the Council's Constitution in respect of the Protocol for Webcasting of Council Meetings set out in Part 5 – Codes and Protocols and for the Council's Interim Monitoring Officer to incorporate the changes.

Members were advised that the Council Agenda now includes a statement confirming that the use of the Welsh language is welcome at the meeting, subject to a minimum notice period of 3 working days. It was explained that a minor amendment was required to the Webcasting Protocol (which stated that at least a 5 day notice period is required). In order to regularise the position it was proposed that the Webcasting Protocol be amended to refer to a 3 working day period to provide consistency with the information provided in the Agenda.

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 set out in the report:-

- (i) the contents of the report be noted;
- (ii) the proposed changes to the Council's Constitution as set out in paragraph 4.5 of the report be approved;
- (iii) the interim Monitoring Officer be given delegated authority to make the necessary changes to the Council's Constitution.

17. QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

Consideration was given to the following Question under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answer is also provided.

BLACKWOOD HIGH STREET - TO THE CABINET MEMBER FOR ECONOMY, INFRASTRUCTURE AND SUSTAINABILITY FROM COUNCILLOR K. ETHERIDGE

To ask the Cabinet Member how much money has been paid out in claims in Blackwood High Street over the last 2 years to residents; motorists.

To ask the Cabinet Member in view of the obstructive and illegal parking on Blackwood High Street and the many hundreds of paving stones cracked in the interests of best value and pedestrian safety would it not be effective to consider partial railings to stop these constant obstructions, and what is the detailed policy of the Council as I understand the police have not got the resources to deal with these matters.

RESPONSE FROM COUNCILLOR S. MORGAN, CABINET MEMBER FOR ECONOMY, INFRASTRUCTURE AND SUSTAINABILITY

There have been no claims paid out over the last 2 years in relation to Blackwood High Street. However, there are 6 claims currently pending. Of those claims 4 are related to the footway, 1 carriageway and 1 related to a wheelie bin being set on fire. The current estimated value of those pending claims are £28,661. Please note that the pending value is in no way an indication that any payment will be made. The authority has wholly appropriate inspection and maintenance regimes in place and these claims will be defended. The authorities record of defending such claims is very good.

I agree that there has been an increase of vehicles parking on footways, which are causing damage to the paving slabs and could cause a danger to the general public. This has occurred since the removal of the barriers and the discontinuation of Traffic Wardens in approximately 2012. I can also confirm that the Police are either unwilling or under resourced to take action against drivers that are disregarding the various parking orders.

Officers have looked at various options that could be applied like the installation of bollards or reinstatement of railings, which will obviously restrict the opportunity for vehicles to mount the footway. However, it has been the Councils position for a number of years to remove 'street clutter' and promote the use of a 'shared space', hopefully making the environment more pleasing from an aesthetics point of view. I believe if the enforcement was undertaken the need for bollards and/or railings would not be required.

Unfortunately it is the police who currently hold the powers to deal with illegal parking. I can confirm that discussions are currently ongoing in relation to the authority considering taking on the relevant powers under Civil Parking Enforcement. However, due to the timeframes involved to gain Cabinet and WG approval to transfer the powers once the business case has been finalised, this is well over a year away.

In an effort to reduce damage by the vehicles mounting the kerbs, there are considerations being made to trial imprinting of 6mm tarmac to mimic cobbles, pavements and slabs (various designs and colours available) to improve durability and hopefully reduce maintenance costs. Meetings have been undertaken with various suppliers and Officers are awaiting costs before making a decision on whether this option provides value for money. However, we do appreciate that this is not the answer to the problem and that enforcement is needed to prevent all illegal parking in the town.

The meeting closed at 7.08 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 21st November 2017, they were signed by the Mayor.

MAYOR



SPECIAL MEETING OF COUNCIL

MINUTES OF THE SPECIAL MEETING HELD AT PENALLTA HOUSE, YSTRAD
MYNACH ON TUESDAY, 31ST OCTOBER 2017 AT 5.00 PM

PRESENT:

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

Councillors:

Mrs E. Aldworth, C. Andrews, A. Angel, P. J. Bevan, C. Bezzina, L. Binding, S. Cook, A. Collis, D. Cushing, C. Cuss, D.T. Davies, M. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D. Harse, D. Havard, A. Higgs, A. Hussey, V. James, L. Jeremiah, G. Johnston, Mrs B. Jones, S. Kent, C.P. Mann, Mrs B. Miles, S. Morgan, Mrs G. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, G. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, T. Williams, W. Williams, B. Zaplatynski

Together with:

C. Burns (Interim Chief Executive), D. Street (Corporate Director - Social Services), L. Donovan (Interim Head of Human Resources), S. Harris (Interim Head of Corporate Finance) and E. Sullivan (Interim Scrutiny Officer).

Also present:

Mr D. Marr (Deputy Monitoring Officer, Cardiff City Council), Mrs C. Bradbury (Geldards Associates) and Mrs K. Howell (Geldards Associates)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. He advised that decisions would be made by a show of hands.

For the benefit of the Members of Public present and those viewing the live webcast, the procedures in terms of exempt information were explained by the Interim Chief Executive. It was noted that should the Public Interest Test be accepted the webcast would be concluded and those present in the public gallery would be required to leave the Chamber to allow the meeting to move into private session.

Mr Burns confirmed that the decision taken in relation to Agenda Item 5 would be posted on the Caerphilly County Borough Council website immediately following the meeting.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors W. David, K. Dawson, J.E. Fussell, D.T. Hardacre, L. Harding, G. Kirby, M. James, Mrs A. Leonard, Ms P. Leonard, Mrs P. Marsden, D.W.R. Preece, J. Scriven J. Simmonds and L G. Whittle.

3. URGENT ITEM - TO APPOINT A DEPUTY MONITORING OFFICER FOR THE DURATION OF THIS MEETING

The Interim Chief Executive advised that due to the absence of Mrs G. Williams (Interim Monitoring Officer) and the need for a Deputy Monitoring Officer to be present at the meeting, with the agreement of the Mayor under section 100(b)(4)(b) of the Local Government Act 1972 this item had been added to the published agenda as an urgent item.

It was moved and seconded that Mr David Marr be appointed as Deputy Monitoring Officer for the duration of this meeting and by show of hands this was unanimously agreed.

RESOLVED that Mr David Marr be appointed as Deputy Monitoring Officer for the duration of this meeting.

4. DECLARATIONS OF INTEREST

With regard to Declarations of Interest the Interim Chief Executive referenced the advice from Queens Counsel previously circulated to Members. However as always this was a personal matter for Members.

At the commencement of the meeting in relation to Potential Settlement Agreement report (Part 1 and 2), declarations of interest were received from Councillors J. Taylor, M. Adams, A. Angel, N. George, C. Gordon, D. Hardacre and D. Havard and from Mr S. Harris (Interim Head of Corporate Finance). Details are minuted with the respective items. Cllrs. Taylor and Angel left the meeting.

5. POTENTIAL SETTLEMENT AGREEMENT

Mr S. Harris in attendance for Mrs N. Scammell, declared an interest in that since March 2013 he has been appointed to an interim position that of Head of Corporate Finance, he wished it noted that his contribution would be limited to the financial aspects of the report.

Councillor D. Hardacre declared a personal and prejudicial interest prior to the commencement of the meeting as a family member was Head of Human Resources during the period in question and as such did not attend the meeting.

Councillors J. Taylor and A. Angel declared a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and left the meeting at this point in the proceedings.

Councillors N. George and M. Adams declared a personal interest as current Members of the Investigating and Disciplinary Committee but having considered the legal advice would take part in the meeting.

Councillor C. Gordon declared a personal interest as a Member of the Investigating and Disciplinary Committee. Also as Cabinet Member for Corporate Services in that HR formed part of his portfolio responsibilities but having considered the legal advice would take part in the meeting.

Councillor D. Havard as a previous Member of the Investigating and Disciplinary Committee declared a personal interest but having considered the legal advice would take part in the meeting.

The Interim Chief Executive introduced the report which set out the background and history of the disciplinary investigations that arose from the publication of the Public Interest Report by the Wales Audit Office, followed by the police investigation and subsequent charges which were later dismissed by the Court. Mr Burns explained the responsibilities and constraints placed on Local Authorities when determining disciplinary proceedings for Statutory Officers in accordance with the Local Government (Wales) Standing Orders Regulations. It was noted that these regulations dictate how proceedings of this nature must be handled.

Members were advised that full details of the proposed settlement agreements were contained within the second part of the report, to be considered under exemption, should Members accept the Public Interest Test (PIT). However in order to be as clear and transparent as possible with the public and staff, the decision taken by Council, including the amount of any settlement agreed would be disclosed immediately following the meeting.

Mrs Howells was invited to provide additional information on the requirements of the Local Government (Wales) Standing Orders Regulations and advised that no other public sector bodies were governed by this legislation. In fact it pertained only to local government and only in Wales. The legislation had been downgraded in England due to the bureaucratic and costly Designated Independent Person (DIP) process.

The DIP progress was explained further and the importance of Members conduct within both the open and exempt sessions emphasised. As the final arbiters over this process they must be mindful that there was at least still one disciplinary proceeding to bring to resolution. The Statutory Officers 'right of appeal' would be to Full Council and as such any statements made without hearing all the evidence had the potential to compromised the fairness of this and any future hearings. To this end Mr Burns respectfully requested that Members confine their remarks to the matter before them.

The Mayor thanked Mr Burns and Mrs Howells for their advice and the floor was opened for debate.

Councillor K. Etheridge asked to place on record his apology to the people of Caerphilly County Borough for the duration and cost of this undertaking and further more felt that all elected Members owed the rate payers of this borough such an apology.

In terms of the investigation as a whole, he requested that once concluded an Independent Officer from outside this authority be appointed to look at the process. This person to establish whether it is fit for purpose as it has been a blight on Caerphilly County Borough.

Councillor G. Simmonds asked to place on record that he would not support any settlement and would like his vote on this matter to be recorded.

Members expressed their frustration that given the length of the process which is now close to resolution that a settlement is being sought. This if taken forward would see no blame apportioned but a blank slate issued on which those concerned could move forward.

Mr Burns in response to Councillor Etheridge was of the opinion that as a consequence of the events in Caerphilly, Welsh Government would want to make a through examination of the process. Taking into account that this legislation no longer applies in England he anticipated that this would be very carefully scrutinised in order to establish if it is in fact still fit for purpose.

Members expressed their support for such an investigation and expressed concern with regard to the parts played by the Police, Crown Prosecution Service and Independent Investigator and would like to see Welsh Government review such legislation to ensure that this doesn't happen again.

6. PUBLIC INTEREST TEST

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information. It was moved and seconded that the public interest test should apply and by show of hands this was unanimously agreed.

RESOLVED that in accordance with Section 100A(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 identified in paragraph 15 of Part 4 of Schedule 12A of the Local Government Act 1972.

7. EXEMPT ITEM - POTENTIAL SETTLEMENT AGREEMENT

Having fully considered the report it was moved and seconded that for the reason contained therein recommendations 10.1 (i), 10.1 (ii), 10,(iii) amended and 10 (iv) be approved and by show of hands and in noting that there were 6 against and 2 abstentions this was agreed by the majority present.

In accordance with Rule of Procedure 15.5 Councillor G. Simmonds wished it recorded that he had voted against the motion.

RESOLVED that: -

- (i) the settlement proposals in the terms outlined in the report be approved for both Officers (£171,000 for Mr N. Barnett and £127,000 for Mr D. Perkins);
- (ii) the settlement proceed individually should either Officer decide not to proceed;
- (iii) the Interim Chief Executive in consultation with the Leader and Deputy Leaders be authorised to make any minor adjustments required for tax, National Insurance and such matters, up to the date of final agreement provided cost remain at a level below (within £1,000.00) the anticipated savings as outlined;
- (iv) costs be funded from within the General Fund balances.

The meeting closed at 6.50 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 21st November 2017, they were signed by the Mayor.

MAYOR



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: NOTICE OF MOTION - COMMITMENT TO WORK IN PARTNERSHIP WITH DEMENTIA FRIENDLY INITIATIVES

REPORT BY: CORPORATE DIRECTOR –SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 4 of the Report. In accordance with Rule of Procedure 11(3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. BACKGROUND

- 2.1 A Notice of Motion has been received from Councillor C. Cuss and is supported by Councillors D. Poole, Mrs B. Jones and Mrs E. Stenner.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred to Council for consideration.

3. LINKS TO STRATEGY

- 3.1 This proposal links to the following:
- The Strategy for Older People In Wales: Living Longer Ageing Well and its implementation programme: Ageing Well in Wales
 - National Dementia Vision for Wales, 2011
 - Wales: A Dementia Friendly Nation, 2015
- 3.2 The Council has signed up to the 2014 Dublin Declaration for Age Friendly Cities & Communities, creating dementia friendly communities supports this declaration.
- 3.3 The Well-being of Future Generations (Wales) Act 2015 sets out seven well-being goals that provide a vision for public bodies to work towards. Making our borough and council more dementia friendly works towards "a healthier Wales" by improving the mental well-being of those living with dementia, as well as their carers. It also raises awareness of dementia across the County Borough. The proposed motion is supported by work to make our town centres safe attractive and viable, and services more accessible, as set out below contributing to "a more equal Wales" and "a Wales of cohesive communities".

4. REPORT

4.1 Councillors Cuss, D. Poole, Mrs B Jones and Mrs E. Stenner request in their Notice of Motion that

“This Council confirms its commitment to becoming a Dementia Friendly Council through working in partnership with Dementia Friends to improve the lives of people affected by dementia. Council will support Dementia Friendly communities that empower people affected by dementia, to have high aspirations and feel confident, knowing they can contribute and participate in activities that are meaningful to them. Council will work with other public services, the private and voluntary sector, to raise awareness and promote the training on offer.”

4.2 In supporting the commitment, that Members appoint a Dementia Friendly Champion for the borough of Caerphilly and encourage all Council Members to undertake the Dementia Friends Training.

4.3 By way of background, commencing 2015, a joint initiative between the Alzheimer’s Society, Caerphilly County Borough Council and the Gwent Social Services and Well-being Act Transformation Team led to work across various Council services to assist residents and visitors to the Borough who are living with dementia. This work developed in to a range of work streams including;

- Blackwood Miners’ Institute becoming the first Dementia Friendly theatre in Wales.
- The Winding House in New Tredegar becoming the first Dementia Friendly museum in Wales.
- Rhymney and Caerphilly working towards becoming dementia friendly communities.
- Supporting CCBC and commissioned residential/nursing home care providers in respect of promoting and establishing good dementia care in order that people with dementia can live well.
- It is identified by the Alzheimer’s Society that our town centres, by their very nature, have the potential to be very challenging environments for those living with dementia. In light of this Town Centre Management Officers have sought to alleviate the challenges faced within our principal town centres. Blackwood and Caerphilly Town Centres have worked towards Dementia Friendly status; the aim is to extend the scheme into other towns.
- Dementia awareness training has been rolled out to key local authority staff using the Dementia Friends framework provided by the Alzheimer’s Society.
- Dementia Friends training was offered to all Council Members in November 2016.

Enabling people with dementia to live well is reliant on everyone within local communities understanding what dementia is and what it means for people who have it - it is about people with dementia having both formal and informal support that enables them to continue to live life to the full. It is fair to say that if, as an individual, you do not currently know someone with dementia, over the course of the next couple of years you will undoubtedly know someone living with dementia.

4.4 Dementia Friends is an Alzheimer’s Society initiative: about giving more people an understanding of dementia and the know-how to help people with dementia feel understood and included in their community. Often it is the small things that make a big difference; it greatly assists people with dementia if those around them know what dementia is and how it impacts on their life.

A Dementia Friend learns a little bit more about what it's like to live with dementia and then turns that understanding into action within their community - anyone of any age can be a Dementia Friend.

People in Dementia Friendly Organisations aim to understand the needs of people with dementia respond to them appropriately wherever they meet a person with dementia and promote awareness as part of their daily role if necessary.

5. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

- 5.1 The proportion of residents living with dementia will increase as life expectancy rates increase in line with projections. Understanding the needs of people with dementia, and those that support them in the community, improves well-being. More people will suffer from dementia in the future and it is important that public services and communities are responsive to this need.

6. EQUALITIES IMPLICATIONS

- 6.1 This work proactively supports our duties under the Equality Act 2010 including supporting carers, age equality and people with disabilities.
- 6.2 The Council's Equalities and Welsh Language Objectives and Action Plan 2016-2020 has a specific equality objective which further demonstrates the council's support – Equality Objective 7 – Supporting Age-Friendly Communities.

7. FINANCIAL IMPLICATIONS

- 7.1 No financial implications have been identified other than a commitment of time; the training proposed is provided by the Alzheimer's Society and is free.

8. PERSONNEL IMPLICATIONS

- 8.1 Initial attendance at Dementia Friends training is a one hour commitment.

9. CONSULTATIONS

- 9.1 There are no consultations responses that have not been included in the body of this report.

10. RECOMMENDATIONS

- 10.1 Council is asked to consider the Notice of Motion outlined in paragraph 3.1 of the report and support the request that the Council becomes a Dementia Friendly Council, appoint a Dementia Friendly Champion for the borough of Caerphilly and encourages all Members to undertake Dementia Friends training.

11. REASONS FOR RECOMMENDATIONS

- 11.1 To demonstrate the commitment that Council has to supporting those living with dementia, their families and carers.

12. STATUTORY POWER

- 12.1 Equality Act 2010
Social Services and Well-being (Wales) Act 2014
Well-being of Future Generations (Wales) Act 2015.

Author: Mandy Keenan, Policy Officer
Consultees: Cllr David Poole, Leader
Cllr Carl Cuss, Cabinet Member for Social Care and Well-being
Cllr Barbara Jones, Cabinet Member for Finance Performance and Governance
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
David Street, Corporate Director, Social Services
Rob Hartshorn, Head of Policy and Public Protection
Lisa Lane, Corporate Solicitor
Bethan Manners, Senior Solicitor
Sean Watkins, Principal HR Officer
Mike Eedy, Principal Accountant
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: NOTICE OF MOTION - JOINT COUNCIL FOR WALES STATEMENT ON PAY IN LOCAL GOVERNMENT IN WALES

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 3 of the Report, and make an appropriate recommendation. In accordance with Rule 11 (3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. BACKGROUND

- 2.1 A Notice of Motion has been received from Councillor D.V. Poole and is supported by Councillors C. Gordon, Mrs B. Jones, S. Morgan and L. Phipps.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred to Council for consideration.

3. REPORT

- 3.1 Councillors D.V. Poole, C. Gordon, Mrs B. Jones, S. Morgan and L. Phipps request in their Notice of Motion that the following resolutions, agreed by the Joint Council for Wales and Welsh Local Government Executive Board be supported and as such,
- (i) the LGA be asked to effectively lobby Central Government to fund the implementation of the NJC Pay Spine Review caused by the direct effect of the National Living Wage.
 - (ii) a letter be sent to Central and Welsh Governments to provide local government in Wales with the funding to ensure a fair, affordable and sustainable pay increase is made to the local government workforce in Wales.
 - (iii) the WLGA be asked to work with the trade unions in pursuance of a fair funding deal for local government.
- 3.2 The following information from the Joint Council for Wales (and as considered and agreed by the Welsh Local Government Executive Board) is provided by the Members in support of their Notice of Motion.

'The Joint Council for Wales recognises the impact that austerity has had on the pay of local government workers in Wales since 2010 where basic pay has fallen by 21% in real terms and included a 3-year pay freeze.

The Joint Council for Wales supports the notion of pay that is both fair, affordable and sustainable.

The Joint council also supports the NJC for Local Government Services in its pursuance of a renewed pay spine that addresses the issues 'bunching' at the lower end of the pay spine.

The Joint Council for wales wishes to see an end to austerity and an improvement in funding that enables local authorities to fund a fair pay increase for its workforce.

Therefore, the Joint Council for Wales resolves to:

- Ask the LGA to effectively lobby Central Government to fund the implementation of the NJC Pay Spine Review caused by the direct effect of the National Living Wage.
- Write to both Central and Welsh Governments to provide local government in Wales with the funding to ensure a fair, affordable and sustainable pay increase is made to the local government workforce in Wales.
- Asks the WLGA to work with the trade unions in pursuance of a fair funding deal for local government'.

4. EQUALITIES IMPLICATIONS

- 4.1 The report deals with an issue that raises equalities issues, but there are no specific equalities implications that directly affect the Council arising from the report.

5. FINANCIAL IMPLICATIONS

- 5.1 There are financial implications associated with this report.

6. PERSONNEL IMPLICATIONS

- 6.1 There are personnel implications associated with this report.

7. CONSULTATIONS

- 7.1 There has been no consultation undertaken.

8. RECOMMENDATIONS

- 8.1 Council is asked to consider the Notice of Motion outlined in paragraph 3.1 above.

Author: Helen Morgan, Committee Services Officer



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: NOTICE OF MOTION - 5 YEAR LAND SUPPLY

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 3 of the Report, and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee.

2. BACKGROUND

- 2.1 A Notice of Motion has been received from Councillor C.P. Mann and is supported by Councillors A. Angel, J. Taylor, J.E. Fussell, L. Binding, L.G. Whittle, P.J. Bevan, Mrs T. Parry and R. Gough.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure is now referred to Council for consideration.

3. REPORT

- 3.1 Councillor C. P. Mann requests in his Notice of Motion:-

That this council urges Welsh Government Secretary, Lesley Griffiths, to suspend for the time being the need for a 5-year land supply in Caerphilly County Borough.

- 3.2 The following information is provided by the Member in support of his notice of motion.

Planning applications for development outside areas designated for housing have been rejected under the local democratic process on the grounds of inadequate infrastructure, in particular roads and other facilities such as sufficient doctors' surgeries and other local facilities.

In spite of this appeals to Planning Inspectors and the Welsh Government have been overturned on four occasions, mainly on the basis of the absence of a 5-year land supply. These decisions alone could mean a total of around 700 extra homes, adding to the potential for gridlock.

Is it right that this one consideration should outweigh all other considerations? Surely the existing population of the area has the right to be able to access facilities within the area they live without being delayed on a regular basis making it very difficult to get to work, schools, etc.

One Inspector's report even claimed that there was no real increase in traffic over the last 10 years. Anyone with experience of the local area would never have reached this decision.

The present situation is totally untenable.

- 3.3 Members are reminded that at its meeting on 10th October 2017, while considering the Caerphilly County Borough Local Development Plan up to 2021 - Annual Monitoring Report 2017 (including the 3rd Annual Community Infrastructure Levy Report), Council noted that since the withdrawal of the Deposit Replacement LDP, Officers have continued to lobby Welsh Government regarding TAN 1, which sets out the methodology behind the calculations behind the 5 year housing land supply.
- 3.4 Following debate it was agreed at that time that Council write to the Cabinet Secretary for Environment and Rural Affairs to urge Welsh Government to place a moratorium on TAN 1 (i.e. the method upon which the 5 year housing land supply is calculated). This letter has been sent.

4. EQUALITIES IMPLICATIONS

- 4.1 There are no specific equalities implications that directly affect the Council arising from the report.

5. FINANCIAL IMPLICATIONS

- 5.1 There are financial implications associated with this report.

6. PERSONNEL IMPLICATIONS

- 6.1 There are personnel implications associated with this report.

7. CONSULTATIONS

- 7.1 There has been no consultation undertaken.

8. RECOMMENDATIONS

- 8.1 Council is asked to consider the Notice of Motion outlined in paragraph 3.1 above.

Author: Helen Morgan, Committee Services Officer



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: INTERNAL INVESTIGATION OF SENIOR OFFICER – ADDITIONAL FINANCIAL PROVISION

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER

1. PURPOSE OF REPORT

1.1 To seek Council approval of additional financial provisions in relation to the ongoing internal investigation of a Senior Officer.

2. SUMMARY

2.1 The report sets out the need for further financial provisions to ensure that sufficient funding is set aside to meet costs associated with the ongoing internal investigation of a Senior Officer.

3. LINKS TO STRATEGY

3.1 As a part of prudent financial management the Council is required to set aside funding to meet its liabilities.

4. THE REPORT

4.1 Members will be aware of the current interim arrangements in place within the Authority arising from the internal investigation of three Senior Officers.

4.2 There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services/Monitoring Officer and the postholders currently fulfilling these duties on an interim basis are funded from these revenue budgets.

4.3 Members will recall that the additional costs associated with the three Senior Officers have been funded from provisions established using the General Fund Reserve as approved by Council.

4.4 Members will also recall that an Investigating & Disciplinary Committee was established in 2013 and an independent investigator was engaged from Blake Morgan LLP. However, this independent investigation was put on hold at the request of the police due to the ongoing Criminal Proceedings at that time.

4.5 The Criminal Proceedings against the three Senior Officers were dismissed in October 2015 and since that time the Authority has been progressing internal investigations in accordance with the Council's approved procedures and statutory requirements.

4.6 At its meeting on the 10th March 2017, the Investigating and Disciplinary Committee resolved that there were allegations that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers.

- 4.7 At its meeting on the 13th June 2017, Council was advised that External Legal Advisers who have been involved in such processes previously suggested that the process will take at least 100 days. Typically, the cost of undertaking such an investigation is £1,000 per day so Council agreed that a financial provision of £100k should be set aside to meet the estimated cost of the Designated Independent Person. Council also agreed further financial provisions of £241k to cover the salary costs of the three Senior Officers for the period 1st July 2017 to the 31st December 2017 and £128k in respect of anticipated legal costs. It was agreed that these provisions would continue to be funded through the General Fund Reserve.
- 4.8 At a Special Council meeting held on the 31st October 2017, settlement agreements were approved in respect of two of the Senior Officers and these settlements now draw matters to a close for these two individuals. However, it will now be necessary to engage a Designated Independent Person in respect of the allegations that require formal investigation in respect of the remaining Senior Officer.
- 4.9 Based on financial estimates included in the report presented to Council on the 31st October 2017, it is anticipated that the costs of undertaking the formal investigation for the one Senior Officer are as follows:-

	£000s
Designated Independent Person	60
Legal Costs	187
Total: -	247

- 4.10 In addition to the above it will be necessary to establish a financial provision to meet the ongoing salary cost of the remaining Senior Officer whilst the formal investigation is being undertaken. At this stage it is recommended that this provision should cover the six month period from the 1st January 2018 to the 30th June 2018, totalling £93k. The salary costs of the Senior Officer for November and December 2017 are already covered by previously approved provisions.
- 4.11 These additional costs will be partially met by a balance of £190k that remains from provisions previously approved by Council.

5. EQUALITIES IMPLICATIONS

- 5.1 No equality impact assessment has been undertaken on this report as it essentially seeks approval for an extension of financial arrangements previously agreed.

6. FINANCIAL IMPLICATIONS

- 6.1 It is proposed that an additional financial provision of £150k should be established as follows (funded from the General Fund Reserve):-

	£000s
Designated Independent Person	60
Legal Costs	187
Senior Officer Salary (January 2018 to June 2018)	93
Sub-Total: -	340
Balance available from previously approved provisions	(190)
Net Additional Provision Required: -	150

- 6.2 The financial provision for the salary of the Senior Officer will need to be reviewed again in June 2018 if the investigation process has not been concluded at that time. Furthermore, if the costs of the Designated Independent Person and/or legal costs are higher than currently anticipated then an earlier report to Council will be required. If matters are concluded at an earlier date than is currently anticipated then any remaining financial provision will be returned to the General Fund Reserve.

6.3 Members will recall that the Section 151 Officer has recommended in previous reports to Council that the minimum balance on the General Fund Reserve should be £10m i.e. circa 3% of the Council's net revenue budget. The proposed additional provision of £150k in this report can be funded from the General Fund Reserve without compromising the recommended minimum balance of £10m.

7. PERSONNEL IMPLICATIONS

7.1 The personnel implications are included in the report.

8. CONSULTATIONS

8.1 All consultation responses are included in the report.

9. RECOMMENDATIONS

9.1 It is recommended that Council approves the establishment of a further financial provision of £150k to be funded from the General Fund Reserve as detailed in paragraph 6.1 of this report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To ensure that sufficient funding is set aside to meet the potential costs of the ongoing investigation process should matters not be concluded by the 30th June 2018.

11. STATUTORY POWER

11.1 Local Government Acts 1972 and 2000.
Local Authorities (Standing Orders) (Wales) Regulations 2006.
Local Government and Housing Act 1989.

Author: Stephen Harris, Interim Head of Corporate Finance
E-mail: harrisr@caerphilly.gov.uk Tel: 01443 863022

Consultees: Chris Burns, Interim Chief Executive
Dave Street, Corporate Director, Social Services
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance and Governance

Background Papers:

Cabinet 23/07/13 - Provisional Outturn for 2012/13.

Council 26/02/14 - Budget Proposals 2014/15 and Medium-Term Financial Strategy 2014/2017.

Cabinet 02/04/14 – Interim Arrangements – Head of Legal Services.

Council 25/02/15 – Budget Proposals 2015/16 and Medium-Term Financial Strategy 2015/2018.

Council 09/06/15 – Contract Arrangements of Interim Chief Executive.

Council 19/07/16 – Internal Investigation of Senior Officers – Additional Financial Provision.

Council 22/11/16 – Internal Investigation of Senior Officers – Additional Financial Provision for Legal Costs.

Council 07/03/17 – Internal Investigation of Senior Officers – Additional Financial Provision.

Council 13/06/17 – Internal Investigation of Senior Officers – Additional Financial Provision.

Council 31/10/17 – Potential Settlement Agreement.

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COUNCIL - 21ST NOVEMBER 2017

SUBJECT: CONTRACT ARRANGEMENTS OF INTERIM CHIEF EXECUTIVE AND CONTINUATION OF INTERNAL MANAGEMENT ARRANGEMENTS

REPORT BY: DAVID STREET, CORPORATE DIRECTOR – SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 The Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive.
- 1.2 On 22 July 2014, Council appointed Chris Burns to the post of Interim Chief Executive. This report requests that Council delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders.
- 1.3 Members will be aware that interim arrangements have been in place in relation to the Director of Corporate Services and the Head of Legal Services / Monitoring Officer since March 2013 and April 2014 respectively. Members will also be aware that these posts are now substantively vacant with effect from 1 November 2017.
- 1.4 This report also requests that Council delegate the decision to extend the interim contract arrangements outlined in paragraph 1.3 above to the Leader in consultation with two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

2. SUMMARY

- 2.1 Interim arrangements have been in place for the positions of Chief Executive, Director of Corporate Services and Head of Legal Services / Monitoring Officer as outlined in section 1 of this report, which now need to be reviewed by Council and a decision made with regards to their continuation.

3. LINKS TO STRATEGY

- 3.1 The recommendations set out in this report contribute to the following Well-being goals within the Well-being of Future Generations Act (Wales) 2015:
 - A more equal Wales
- 3.2 To achieve the Council's strategic aims, provide services as planned and to fulfil its statutory duties, including the duty to make arrangements to secure continuous improvement.

4. THE REPORT

- 4.1 Members will be aware of the current interim arrangements in place within the Authority since the initial suspension of three Senior Officers.

- 4.2 As stated, the Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive, who also undertakes the required statutory roles of Proper Officer for the registration of births, marriages and deaths and the Returning Officer.
- 4.3 Following a competitive external recruitment process, on 22 July 2014, Council appointed Chris Burns to the post of Interim Chief Executive to undertake these duties on a fixed term contract for a period of 12 months. Council, on 9 June 2015, agreed to further extend the contract for a period of 12 months with effect from 1 September 2015. Council, on 19 April 2016, again agreed to extend this contract for a further period of 12 months with effect from 1 September 2016. Council, on 31 July 2017 agreed to extend this contract for a further period of 3 months with effect from 1 September 2017.
- 4.4 This interim contract is therefore due to end on 31 December 2017.
- 4.5 Members will also be aware that the Investigating and Disciplinary Committee, at its meeting on the 10th March 2017, resolved that there were allegations in respect of the three Senior officers that required formal investigation and that the matter be referred to a Designated Independent Person to undertake a comprehensive investigation in accordance with the Disciplinary Proceedings for Statutory Officers.
- 4.6 Members will be aware from the report to Council on 31 October 2017, that the expectation is that the Designated Independent Person stage of this investigation would most likely take 12 months. However, this related to the investigation of the three Senior Officers and Members will be aware from the decision made at Council on 31 October 2017, that the investigation now only involves one of the Senior Officers and therefore a quicker resolution is expected of this case.
- 4.7 Consequently, it is necessary to consider the contract of the current Interim Chief Executive and whether or not this should be extended beyond 31 December 2017.
- 4.8 Currently, the Authority is engaged in a number of significant projects, including City Deal, Twenty First Century Schools, management of the medium term financial plan and the collaboration agenda. Council is therefore asked to delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders in order to provide ongoing continuity for the organisation.
- 4.9 Members are asked to note that Welsh Government have been notified of the request being made to Council.
- 4.10 Members will recall from previous reports that interim arrangements are in place in relation to the Director of Corporate Services and the Head of Legal Services / Monitoring Officer. Members will also be aware from the Council meeting on 31 October 2017 that these posts are now substantively vacant.
- 4.11 Council is therefore asked to delegate the decision to extend the interim contract arrangements for the Director of Corporate Services and the Head of Legal Services / Monitoring Officer to the Leader in consultation with the two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Having considered the five ways of working, they will not be affected by the contents of this report.

6. EQUALITIES IMPLICATIONS

- 6.1 No equality impact assessment has been undertaken on this report as it essentially covers an extension to arrangements already agreed.

7. FINANCIAL IMPLICATIONS

- 7.1 There are revenue budgets established for the posts of Chief Executive, Director of Corporate Services and Head of Legal Services / Monitoring Officer. Postholders currently fulfilling these duties are funded from these revenue budgets.
- 7.2 Additional costs associated with the three Senior Officers have been funded from a provision established using General Fund reserves as approved by Council. A separate report is included on this evening's agenda regarding the need to establish a further financial provision. Following the decision made by Council on 31 October 2017, this additional provision is for a reduced sum as only allegations in respect of one Senior Officer will now be referred to a Designated Independent Person.

8. PERSONNEL IMPLICATIONS

- 8.1 The personnel implications are included in this report.

9. CONSULTATIONS

- 9.1 All consultation responses have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 Council is asked to agree to delegate the decision to extend the Interim Chief Executive's contract to the Leader in consultation with the two Deputy Leaders.
- 10.2 Council is asked to delegate the decision to extend the interim contract arrangements for the Director of Corporate Services and the Head of Legal Services / Monitoring Officer to the Leader in consultation with the two Deputy Leaders and also the decision with regards to the longer term permanent recruitment to these posts.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure the Council complies with its statutory requirements to have in place a Head of Paid Service.
- 11.2 To ensure the Council has effective leadership to provide ongoing continuity for the organisation to deliver services to the residents of the County Borough.

12. STATUTORY POWER

- 12.1 Local Government Acts 1972 and 2000
Local Government and Housing Act 1989
Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014
Local Government (Wales) Bill 2015

Author: Lynne Donovan, Acting Head of Human Resources and Organisational Development
Consultees: Cllr David Poole, Leader of the Council
Cllr Barbara Jones, Deputy Leader
Cllr Sean Morgan, Deputy Leader
Cllr Colin Gordon, Cabinet Member for Corporate Services
Christina Harray, Corporate Director - Communities
Andrew Southcombe, Finance Manager

Background papers:

Council report 22 July 2014 'Recruitment of Interim Chief Executive'

Council report 9 June 2015 'Contract arrangements of Interim Chief Executive'

Council report 19 April 2016 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 31 July 2017 'Contract arrangements of Interim Chief Executive and continuation of internal management arrangements'

Council report 21 November 2017 'Internal investigation of Senior Officer – additional financial provision'



COUNCIL - 21ST NOVEMBER 2017

SUBJECT: APPOINTMENT OF DEPUTY MONITORING OFFICER

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 This report asks members to agree to the designation of an acting Deputy Monitoring Officer for the authority.

2. SUMMARY

- 2.1 This report asks members to agree to the designation of an acting Deputy Monitoring Officer for the authority.
- 2.2 It is a requirement that every local authority must designate one of their officers as a "Monitoring Officer". In the absence of that officer it is their responsibility to personally nominate another member of staff to act in their place. The authority does not currently have a Deputy Monitoring Officer and due to the current absence of the council's Interim Monitoring Officer it is necessary for the authority to make alternative arrangements to ensure that this function is adequately covered.
- 2.3 The report proposes the designation of Richard Harris, Audit Manager, as Deputy Monitoring Officer in a temporary capacity, and that he deputises in the absence of the Interim Monitoring Officer until such time as the authority reviews the future structure of the legal service and is able to put in place permanent arrangements which should include provision for a deputy to act in the absence of the Monitoring Officer.. This review is expected to be completed as soon as possible.

3. LINKS TO STRATEGY

- 3.1 This matter deals with a statutory requirement regarding the allocation of functions within the authority.

4. THE REPORT

- 4.1 It is a requirement that every local authority must designate one of their officers as a "Monitoring Officer".
- 4.2 This requirement flows from the Local Government and Housing Act 1989 which states that "It shall be the duty of every relevant authority to designate one of their officers... to be known as the monitoring officer...". The Act states that it shall be the duty of the relevant authority's monitoring officer, if it at any time appears to them that any proposal, decision or omission by

the authority, or by any committee, or sub-committee of the authority, or by any person holding any office or employment within the authority has given rise to or is likely or would give rise to a contravention or any law, that they should prepare a report to the council with respect to that action or omission.

- 4.3 This is an important check and balance within every council's governance structures.
- 4.4 Where a Monitoring Officer is unable to act due to absence or illness it is their responsibility to personally nominate another member of staff to act in their place. As Members may be aware, the Council's Interim Monitoring Officer is currently not in work due to illness.
- 4.5 The authority does not currently have a Deputy Monitoring Officer and due to the current absence of the council's Interim Monitoring Officer it is necessary for the authority to make alternative arrangements to ensure that this function is adequately covered. As members will be aware, we have had interim arrangements in place for some time in this area and the current Interim Monitoring Officer was previously the Deputy Monitoring Officer. There is currently no Deputy to take their place in the event of any absence. This will require rectification by way of a review of roles and structures for the future.
- 4.6 In most cases, though not all, councils tend to appoint their Head of Legal Services or another senior legal officer as Monitoring Officer. This is the case with this authority. This, however, is not universal and there is no requirement for the Monitoring Officer to be a legal officer. In the short term there is no-one considered appropriate or able to undertake these duties within the legal service of the authority and the council's Audit Manager, Richard Harris, has been asked to take on this role as an interim and purely temporary measure. Because of the corporate and regulatory nature of audit duties this is felt to be the 'best fit' and most appropriate solution to deal with this immediate need.
- 4.7 In order to ensure that there is access to legal advice and experience, Cardiff City Council have agreed to support this arrangement for a short period by way of a Service Level Agreement whereby their Deputy Monitoring Officer, Mr David Marr will be available to provide advice to Mr Harris if required and/or directly to other officers and members if needed.
- 4.8 The report proposes the designation of Richard Harris, Audit Manager, as Deputy Monitoring Officer in a temporary capacity, and that he deputises in the absence of the Interim Monitoring Officer until such time as the authority reviews the future structure of the legal service and is able to put in place permanent arrangements for a deputy. Looking ahead, it will be important for the authority to return to having a formal mechanism for deputising for the Monitoring Officer as needed. This review is expected to be completed as soon as possible.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal relates to the statutory requirements for the administration of the authority's business and is not related to the Act.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no equalities implications with this proposal.

7. FINANCIAL IMPLICATIONS

- 7.1 A service level agreement with Cardiff Council will be put in place on an hourly rate of £150 per hour. It is anticipated that the costs of this service level agreement with Cardiff Council will be limited, but will depend on the actual usage made of the arrangement.

8. PERSONNEL IMPLICATIONS

- 8.1 This is a short term and temporary measure being taken out of necessity to comply with statutory requirements and there are no ongoing personnel implications.

9. CONSULTATIONS

- 9.1 The views of the consultees are reflected in the report.

10. RECOMMENDATIONS

- 10.1 It is recommended that members agree to:
- (i) Nominate Mr Richard Harris, Audit Manager, as the council's Deputy Monitoring Officer for a temporary period, and that he shall deputise in the event of the absence at any time of the council's existing Interim Monitoring Officer
 - (ii) Agree to enter into a service level agreement with Cardiff City Council to provide support to Mr Harris, and to the authority in general as required, to support this arrangement.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 The authority is required by law to have a Monitoring Officer in place and that their function should be covered by an officer who is able to deputise for them in their absence.

12. STATUTORY POWER

- 12.1 The role of the Monitoring Officer is stipulated in the Local Government and Housing Act 1989.

Author: Chris Burns, interim Chief Executive
Consultees: Dave Street, Corporate Director, Social Services
Christina Harray, Corporate Director, Environment
Cllr David Poole, Leader
Cllr Sean Morgan, Deputy Leader
Cllr Barbara Jones, Deputy Leader
Stephen Harris, Interim Head of Corporate Finance
Lynne Donovan, Acting Head of Human Resources & Organisational Development

Background Papers:
Local Government and Housing Act 1989

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