

# Pecyn Dogfennau Cyhoeddus

Penallta House,  
Tredomen Park,  
Ystrad Mynach,  
Hengoed CF82 7PG

Ty Penallta,  
Parc Tredomen,  
Ystrad Mynach,  
Hengoed CF82 7PG



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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Emma Sullivan  
(Rhif Ffôn: 01443 864420 Ebst: [sullie@caerphilly.gov.uk](mailto:sullie@caerphilly.gov.uk))

**Dyddiad: Dydd Mercher, 30 Mai 2018**

Bydd y cyfarfod hwn yn cael ei ffilmio a'i wneud ar gael i weld yn fyw ac ar ffurf archif drwy wefan y Cyngor. Caiff y cyfarfod cyfan ei ffilmio, ac eithrio ar gyfer trafodaethau sy'n cynnwys eitemau cyfrinachol neu sydd wedi'u heithrio. Bydd y gweddarllediad ar gael am 18 mis o ddyddiad y cyfarfod ar [www.caerffili.gov.uk](http://www.caerffili.gov.uk)

Mae'n bosib y gall manau eistedd cyhoeddus gael eu ffilmio a thrwy fynd i mewn i'r Siambr rydych yn rhoi'ch caniatâd i gael eich ffilmio ac ar gyfer y defnydd posibl o'r delweddau a recordiadau sain hynny at ddibenion gweddarlledu.

Mae croeso i chi ddefnyddio'r iaith Gymraeg yn y cyfarfod, a dylid rhoi cyfnod rhybudd o 3 diwrnod gwaith os ydych yn dymuno gwneud hynny. Bydd cyfieithu ar y pryd yn cael ei ddarparu ar gais.

Mae pob cyfarfod Pwyllgor yn agored i'r Wasg a'r Cyhoedd. Gofynnir i arsylwyr a chyfranogwyr ymddwyn gyda pharch ac ystyriaeth at eraill. Sylwer y bydd methu â gwneud hynny yn golygu y gofynnir i chi adael y cyfarfodydd ac efallai y cewch eich hebrwng o'r safle.

Os oes gennych unrhyw ymholiadau, cysylltwch â'r Gwasanaethau Cyfreithiol drwy e-bost [grifff2@caerffili.gov.uk](mailto:grifff2@caerffili.gov.uk) neu ffoniwch 01443 863028

Annwyl Syr/Fadam,

Bydd cyfarfod y **Cyngor** yn cael ei gynnal yn **Siambr y Cyngor, Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Mawrth, 5ed Mehefin, 2018** am **5.00 pm** i ystyried materion a gynhwysir yn yr agenda canlynol.

Yr eiddoch yn gywir,

**Christina Harrhy**  
PRIF WEITHREDWR DROS DRO

## AGENDA

A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



1 I dderbyn ymddiheuriadau am absenoldeb.

2 Cyhoeddiadau'r Maer.

3 Cyhoeddiad gan y Brif Weithredwr Dros Dro.

4 Cyflwyno Gwobrau.

5 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I gymeradwyo a llofnodi'r cofnodion canlynol:-

6 Cyngor Arbennig a gynhaliwyd ar 28ain Mawrth 2018.

1 - 6

7 Cyngor Arbennig a gynhaliwyd ar 17eg Ebrill 2018.

7 - 22

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

8 Hysbysiad o Gynnig - I gefnogi Ymgyrch Genedlaethol Lucy's Law Ymgyrch i Warchod a Chyfarwyddo Ffermio Cŵn bach Trydydd Parti.

23 - 28

9 Hysbysiad o Gynnig - Adleoli Swyddfeydd Adran Gwaith a Phensiynau yng Caerffili.

29 - 32

10 Trwyddedu a Gamblo/ Cofrestru/ Ffioedd Trwyddedau - 2018/19.

33 - 42

11 Tacsï a Thrwyddedu Cyffredinol / Ffioedd Trwyddedau - 2018/19.

43 - 52

12 Ymateb Cyngor Bwrdeistref Sirol Caerffili I Bapur Gwyrdd Cryfhau Llywodraeth Leol.

53 - 72

13 I dderbyn ac i ateb cwestiynau a dderbyniwyd o dan Reol Gweithdrefn 10 (2).

### **Cylchrediad:**

Pob Aelod a Swyddog Priodol



## CYFARFOD ARBENNIG O'R CYNGOR

### COFNODION Y CYFARFOD A GYNHALIWDYD YN NHŶ PENALLTA, YSTRAD MYNACH AR 28AIN MAWRTH 2018 AM 5.00PM

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#### PRESENNOL:

Y Cynghorydd J. Bevan - Maer  
Y Cynghorydd M. Adams - Dirprwy Faer

#### Cynghorwyr:

Mrs E. Aldworth, P.J. Bevan, A. Collis, S. Cook, D. Cushing, C. Cuss, M. Davies, D.T. Davies, K. Dawson, C. Elsbury, K. Etheridge, M. Evans, A. Farina-Childs, Mrs C. Forehead, Ms E. Forehead, J.E. Fussell, A. Gair, Ms J. Gale, N. George, C. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Harse, D. Havard, A. Higgs, A. Hussey, M. James, V. James, L. Jeremiah, Mrs B. Jones, S. Kent, G. Kirby, 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, D.W.R. Preece, Mrs D. Price, J. Pritchard, J. Ridgewell, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, G. Simmonds, J. Simmonds, Ms E. Stenner, J. Taylor, C. Thomas, A. Whitcombe, R. Whiting, L G. . Whittle, T. Williams, W. Williams.

#### Ynghyd â:

C. Harry (Prif Swyddog Gweithredol Dros Dro), D. Street (Cyfarwyddwr Gwasanaethau Cymdeithasol), M.S. Williams (Cyfarwyddwr Corfforaethol Cymunedau Gweithredol), L. Donovan (Pennaeth Adnoddau Dynol Gweithredol), K.Cole (Prif Swyddog Addysg), L. Lane (Cyfreithiwr Corfforaethol), S. Harris (Pennaeth Cyllid Corfforaethol Dros Dro) ac E. Weale (Cyngor Dinas Caerdydd) ac E. Sullivan (Uwch Swyddog Gwasanaethau Pwyllgor).

#### TEYRNGED I'R CYNGHORYDD HARRY ANDREWS, CYN-ARWEINYDD Y CYNGOR

Gyda thristwch mawr cyhoeddodd y Maer farwolaeth y Cynghorydd Harry Andrews, cyn-Arweinydd y Cyngor ac Aelod Ward Gilfach. Gwnaeth Aelodau a Swyddogion sefyll am funud o dawelwch i ddangos parch.

Galwyd ar y Cynghorydd D.T. Davies i dalu teyrnged i'r Cyn-Gynghorydd Andrews a oedd wedi bod yn ffrind ac yn gydweithiwr am flynyddoedd lawer. Cyfeiriodd y Cynghorydd Davies at ymroddiad y Cynghorydd Andrews, a oedd yn cwmpasu pob agwedd ar ei fywyd gan gynnwys gwasanaethu fel Llywydd YMCA Bargod, Ynad, Pêl Droediwr, Dyn Teulu a Gwleidydd, rôl lle enillodd pob etholiad a daeth i frig pob pleidlais. Cyfeiriwyd at y nifer o gyraeddiadau yn ei yrfa wleidyddol, ac enwyd cwblhau adeilad Tŷ Penallta ac Ysbyty Ystrad Fawr fel dau o'i gyflawniadau mwyaf yn y rôl. Bu'r Cynghorydd Davies yn hel atgofion am allu di-ffael Harry i gyflawni pethau ar gyfer ei ward, ei ymrwymiad pendant i'w etholwyr, ei hiwmor da a gwnaeth gydnabod bod gormod o straeon a gormod o enghreifftiau o garedigrwydd i gofio pob un. Gyda thristwch, cofiodd y Cynghorydd Davies ei ymweliadau olaf â Harry yn yr ysbyty a'i sicrwydd bod meddyliau'r holl Gyngor, Aelodau a Swyddogion bellach gyda theulu Harry, yn enwedig ei wraig Doreen a'u plant a'u hwyrion.

Mynegodd y Cynghorydd C.P. Mann ei gydymdeimlad ar ran ei blaid a thalodd deyrnged i was llywodraeth leol gwych fel Aelod Ward a chyn-Arweinydd y Cyngor. Roedd yn berson a oedd

yn cael ei barchu ym mhob rôl, yn ymroddedig ac â gair caredig i bawb. Bydd yn cael ei golli'n fawr.

Mynegodd y Cyngorydd K. Etheridge ei dristwch o golli dyn mor wybodus, cymwynasgar a thosturiol, person gwirioneddol gofalgaf a dyn o egwyddor.

I gloi mynegodd y Cyngorydd E.M. Aldworth ei thristwch wrth golli arweinydd penderfynol a gweledigaethol, y bydd pawb yn ei golli. Cofiodd eu cyfarfod cyntaf a'i drugaredd, ei gwrteisi a'i broffesiynoldeb, ac uwchlaw pob dim y ffordd barchus yr oedd yn cysylltu ag eraill. Trosglwyddodd y Prif Weithredwr Dros Dro ei chydymdeimlad ac atgyfnerthodd y negeseuon a gafodd eu cyfleu eisoes ar ran y staff.

### **1. FFLMIO GWEDDARLLEDIAD A THREFNIADAU PLEIDLEISIO**

Atgoffodd y Prif Weithredwr Dros Dro y rheini a oedd yn bresennol fod y cyfarfod yn cael ei fflmio ac y byddai ar gael yn gyhoeddus yn fyw ac ar archif drwy wefan y Cyngor. Esboniodd y byddai penderfyniadau yn cael eu gwneud drwy godi dwylo.

### **2. YMDDIHEURIADAU**

Cafwyd ymddiheuriadau am absenoldeb gan y Cyngorwyr Mrs C. Andrews, A. Angel, C. Bezzina, L. Binding, W. David, N. Dix, G. Johnston, A. Leonard, J. Scriven, S. Skivens a B. Zaplatynski.

### **3. DATGAN BUDDIANNAU**

Gwnaeth Mrs L. Lane (Cyfreithiwr Corfforaethol) a Ms E. Weale (Cyngor Dinas Caerdydd) ddatgan buddiant rhagfarnus yn Eitem 4 ar yr Agenda; mae manylion wedi'u cofnodi'r gyda'r eitem berthnasol.

### **CYHOEDDIAD GAN Y DIRPRWY ARWEINYDD AC AELOD CABINET DROS YR ECONOMI, SEILWAITH A CHYNALIADWYEDD**

Cyflwynodd y Cyngorydd S. Morgan, Dirprwy Arweinydd ac Aelod Cabinet dros yr Economi, Seilwaith a Chynaliadwyedd y wybodaeth ddiweddaraf am y gwaith ar Gylchfan Pwll-y-Pant.

Cyfeiriwyd at yr effaith roedd y tywydd garw diweddar wedi'i gael ar gynnydd y gwaith, a chadarnhaodd bod y ddwy lôn wedi ailagor y bore yma. Byddai'r amser a gollwyd oherwydd yr eira a'r rhew yn golygu dychwelyd i un lôn yn rhedeg am ychydig wythnosau. Fodd bynnag, roedd hyn wedi'i gynllunio i ddigwydd yn ystod y gwyliau haf ym mis Awst pan fydd lefelau traffig wedi gostwng a bydd wedi'i gwblhau cyn i'r tymor ysgol ailddechrau.

Mewn perthynas â Heol Pwll-y-pant, rhoddodd y Cyngorydd Morgan sicrwydd na fyddai'r ffordd hon ar gau am ddau fis; byddai'r gwaith gofynnol yn yr ardal hon yn cael ei gynnal gan ddefnyddio system rheoli traffig. Yn yr un modd ar gyfer breichiau Bedwas a Threcenydd, roedd newidiadau i'r cynllun yn golygu na fyddai rheoli traffig yn ofynnol yn ystod cyfnodau prysur. Byddai'r gwaith hwn, yn dechrau ar 4 Ebrill 2018, yn cymryd tua phedair wythnos.

O ganlyniad i'r tywydd a sylwadau gan y cyhoedd mewn perthynas â lôn unigol yn rhedeg, byddai'r rhaglen 52 wythnos wreiddiol yn cymryd mwy o amser na a ragwelwyd yn flaenorol er mwyn cadw dwy lôn ar agor am gyfnod mor hir â phosibl, ond disgwylir iddo gael ei gwblhau ym mis Tachwedd 2018 ar hyn o bryd. Mae'r cwmni Walters a'r Tîm Peirianeg yn parhau i gydweithio er mwyn gwneud cynnydd cyflym. Roedd y Dirprwy Arweinydd yn gobeithio y byddai'r cyhoeddiad hwn yn helpu i leddfau unrhyw ofidion o ran y gwaith sy'n mynd rhagddo.

## ADRODDIADAU SWYDDOGION

Rhodddwyd ystyriaeth i'r adroddiadau canlynol.

### 4. ADFERIAD POSIBL O GYNIGION ARBEDION 2018/19 A OHIRIWDYD

Cyflwynodd Mr S. Harris (Pennaeth Cyllid Corfforaethol Dros Dro) yr adroddiad a oedd yn manylu'r arbedion 2018/19 y gall fod angen eu hadfer yn dibynnu ar ganlyniad ystyriaeth y Cabinet o adroddiad pellach ar ddyfodol Canolfan Hamdden Pontllanfraith.

Yn y cyfarfod ar 22 Chwefror 2017, nododd y Cyngor y byddai angen dod o hyd i arbedion amgen o gyfanswm o £107k yn ystod blwyddyn ariannol 2018/19 os na fyddai'r cynllun arfaethedig i gau Canolfan Hamdden Pontllanfraith yn parhau. Yn ogystal â hynny, byddai angen twf cyllidebol ychwanegol o tua £17K am fod y Ganolfan Hamdden bellach yn cael ei dosbarthu fel safle unigol at ddiben asesiadau graddio. Ers cyfarfod y Cyngor, nodwyd costau blynyddol pellach o £12K mewn perthynas â chostau sefydlog am gyfleustodau a diogelwch y safleoedd ysgol gwag.

Yn y cyfarfod ar 28 Mawrth 2018, cytunodd y Cabinet i ohirio'r penderfyniad i gau'r Ganolfan Hamdden tan yn nes ymlaen yn 2018, ac ystyried y cynnig fel rhan o'r Strategaeth Chwaraeon a Hamdden 10 Mlynedd ehangach. O ganlyniad byddai arbedion amgen o £136K yn ofynnol felly gwnaeth y Cabinet hefyd gefnogi argymhelliad i'r Cyngor y dylid adfer yr arbedion wedi'u gohirio ar gyfer y flwyddyn ariannol 2018/19. Mae'r Cabinet hefyd yn cefnogi'r argymhelliad y dylid adfer yr arbedion wedi'u gohirio a nodir yn Adran 4.12 yr adroddiad ar gyfer y flwyddyn ariannol 2018/19.

- £66K o swyddi gwag ym maes Cymorth Iaith mewn Ysgolion Cynradd; ac
- Lleihau'r gostyngiad rhannol mewn arbedion arfaethedig o waith Cynnal Priffyrdd o £212K i 142K.

Cyfeiriodd Mr Harris yr Aelodau at baragraff 4.21 yn adroddiad y Cyngor a'r argymhelliad ym mharagraff 10.2 a cheisiodd eu cymeradwyaeth i adfer y cynigion arbedion wedi'u gohirio a nodwyd uchod ar gyfer y flwyddyn ariannol 2018/19.

Cafodd ei gynnig a'i eilio y dylai'r argymhellion yn yr adroddiad gael eu cymeradwyo.

Cafodd diwygiad ei gynnig a'i eilio bod y £136K yn cael ei sicrhau o'r 'Balansau Cronfeydd Cyfalaf' a'r 'cyllid Buddsoddi i Arbed', yn hytrach na gwneud toriadau pellach i wasanaethau addysg neu'r rhaglen cynnal a chadw ffyrdd.

Pwysleisiodd Mr Harris yr angen i sicrhau arbedion cynaliadwy ac y byddai defnyddio'r balansau neu gyllid buddsoddi i arbed ond yn caniatáu arbediad untro ar gyfer y flwyddyn ariannol 2018/19.

Ceisiwyd eglurhad mewn perthynas â'r diffiniad o gronfeydd wrth gefn nas neilltuwyd a chadarnhaodd Mr Harris mai'r diffiniad cywir yw cronfeydd wrth gefn y gellir eu defnyddio fel y nodwyd o fewn y datganiadau o gyfrifon. Ceisiwyd eglurhad pellach mewn perthynas â'r cynigion o fewn y diwygiad arfaethedig.

Yn hyn o beth, ceisiodd Swyddogion ohiriad byr er mwyn trafod â'r Pennaeth Cyllid Corfforaethol Dros Dro a rhoi'r eglurhad a geisir gan Aelodau mewn perthynas â goblygiadau ariannol y diwygiad dan sylw.

Gohiriwyd y cyfarfod.

Ar ôl ailgynnull y cyfarfod cafodd y diwygiad wedi'i egluro ei gynnig a'i eilio y caiff yr arbedion o £136K eu sicrhau o'r Cronfeydd Cyfalaf Wrth Gefn Wedi'u Clustnodi yn unig.

Atgoffodd Mr Harris yr Aelodau y byddai hyn ond yn sicrhau arbediad untro a bod yr arian hwn wedi cael ei glustnodi i hawlio arian ar gyfer prosiectau megis Rhaglen Ysgolion yr 21ain Ganrif o bosibl.

Drwy godi dwylo a nodi bod 44 yn erbyn a 0 yn ymatal, cofnodwyd bod y diwygiad wedi colli.

Drwy godi dwylo eto a nodi bod 17 yn erbyn a 0 yn ymatal, cofnodwyd bod y cynnig wedi llwyddo.

PENDERFYNWYD am y rhesymau a nodir yn adroddiad y Swyddog y dylid adfer yr arbedion wedi'u gohirio ar gyfer y flwyddyn ariannol 2018/19 fel y nodir yn adran 4.12 yr adroddiad.

## 5. PENODI SWYDDOG MONITRO DROS DRO

Gwnaeth Mrs L. Lane (Cyfreithiwr Corfforaethol) ddatgan buddiant personol a rhagfarnus am fod yr adroddiad yn ymwneud â hi yn uniongyrchol a gadawodd y Siambr pan gafodd yr eitem ei thrafod.

Gwnaeth Ms E. Weale (Cyngor Dinas Caerdydd) ddatgan buddiant personol a rhagfarnus am i Gyngor Dinas Caerdydd roi cyngor cyfreithiol i'r awdurdod hwn drwy gytundeb lefel gwasanaeth a gadawodd y Siambr pan gafodd yr eitem ei thrafod.

Cyflwynodd Mrs C. Harrhy (Prif Weithredwr Dros Dro) yr adroddiad a geisiodd cymeradwyaeth i benodi Swyddog Monitro Dros Dro wrth recriwtio ar gyfer y swydd barhaol. Cadarnhaodd y Prif Weithredwr Dros Dro bod gofyniad statudol i gael swydd Swyddog Monitro dynodedig ac yn dilyn ymddeoliad Mrs G. Williams ac yn absenoldeb Mr R. Harris a oedd wedi bod yn gweithredu fel Dirprwy Swyddog Monitro'r Cyngor, roedd angen ailymweld â hyn.

Yn dilyn proses recriwtio wedi'i chlustnodi, roedd Mrs L. Lane wedi mynegi diddordeb mewn ymgymryd â'r rôl a chynigir y caiff hi ei phenodi tan y bydd deiliad newydd y swydd yn ymgymryd â swydd Pennaeth Cyfreithiol/Swyddog Monitro gwag. Nodwyd y byddai'r broses recriwtio ar gyfer y swydd wag yn dod i ben ym mis Ebrill.

Gofynnodd Aelod am eglurhad o ran cost y cytundeb lefel gwasanaeth i'r awdurdod. Cadarnhaodd Mr Harris nad oedd ganddo'r wybodaeth honno wrth law ond y byddai'n ei hanfon at yr Aelod drwy e-bost yn dilyn y cyfarfod.

Yn dilyn ystyried yr adroddiad ac am y rhesymau a roddwyd yn adroddiad y Swyddog, cafodd ei gynnig a'i eilio y caiff yr argymhellion yn adran 10.1 (i) a 10.1 (ii) eu cymeradwyo a drwy godi dwylo cytunwyd ar hyn yn unfrydol.

PENDERFYNWYD bod: -

- (i) Lisa Lane, Cyfreithiwr, yn cael ei phenodi i swydd Swyddog Monitro Dros Dro tan y bydd deiliad newydd y swydd yn ymgymryd â rôl Pennaeth Cyfreithiol/Swyddog Monitro;
- (ii) y cytundeb lefel gwasanaeth gyda Chyngor Caerdydd i roi cymorth i Lisa Lane os bydd angen a/neu yn uniongyrchol i Swyddogion ac Aelodau eraill os oes angen, yn parhau tan y bydd deiliad newydd y swydd yn ymgymryd â rôl Pennaeth Cyfreithiol/Swyddog Monitro.

**6. CYMERADWYO CYNLLUN BUSNES CYTUNDEB CYDWEITHREDU BARGEN DDINESIG PRIFDDINAS RHANBARTH CAERDYDD**

Cyflwynodd Mrs C. Harry, y Prif Weithredwr Dros Dro yr adroddiad a geisiodd cytundeb y Cyngor i fabwysiadu'r Cynllun Busnes Cytundeb Cydweithredu Drafft (Cynllun Busnes JWA) fel y Cynllun Busnes JWA ffurfiol.

Mae'r Fargen Ddinesig yn cynnwys buddsoddiad o £1.2 biliwn, gan gynnwys datblygu Metro De Cymru, cymorth ar gyfer arloesedd a seilwaith digidol, datblygu sgiliau a helpu pobl i ddychwelyd i'r gwaith, hyrwyddo menter a thwf busnes a gweithgarwch ehangach ym maes adfywio a thai a helpu i greu 25,000 o swyddi yn y rhanbarth.

Hysbyswyd aelodau am y themâu strategol a chyfleoedd sy'n dod i'r amlwg a fyddai'n cael eu hystyried a'u datblygu o fewn bywyd y cynllun, y caiff popeth eu hasesu yn unol â'r Fframwaith Sicrwydd. Roedd manylion tri cham y cynllun o fewn adran 4.2.1 yr adroddiad a nodwyd y caiff pob cam o'r cynigion eu cyflwyno i Fwrdd y Rhaglen CCR i'w hasesu, a fydd yn gwneud argymhellion i'r Cabinet Rhanbarthol, a fydd yn ei dro yn gyfrifol am gadarnhau a yw'r cynllun ymgeiswyr yn gymwys i gael ei gynnwys. Pwysleisiodd y Prif Weithredwr Dros Dro y byddai cyfranogiad Aelodau yn y gwaith o ddatblygu cynlluniau o'r fath yn hollbwysig.

Amlinellodd Mr Steve Harris, y Pennaeth Cyllid Corfforaethol Dros Dro oblygiadau ariannol y cynllun a nodwyd bod £734m wedi'i neilltuo ar gyfer y Metro (£503m o Lywodraeth Cymru, £125m o Lywodraeth y DU a £106m o Gronfa Datblygu Ewrop), gyda balans o £495m ar gael fel y 'Gronfa Buddsoddi Ehangach'. Mae'r Gronfa Buddsoddi Ehangach yn cynnwys grant o £375m o Lywodraeth y DU a delir dros 20 mlynedd a £120m o gyfraniadau cyfalaf partneriaeth yr awdurdod lleol i'w hawlio fel y bo angen.

Esboniodd Mr Harris mai cyfanswm uchaf y gost refeniw i'r 10 Cyngor ar gyfer gwasanaethu'r ddyled i ariannu'r cyfraniad cyfalaf o £120m dros oes y Fargen Ddinesig yw £210.8m. Nodwyd mai cyfran CBS Caerffili o'r £210.8m yw £25.2m. Nodwyd hefyd mai cyfraniad cyfalaf Caerffili fyddai £6.23m dros gyfnod cychwynol y rhaglen 5 mlynedd. Mae goblygiadau refeniw'r gofynion benthyg wedi cael eu cynnwys yng nghyllideb refeniw 2018/19 a'r Cynllun Ariannol Tymor Canolig wedi'i ddiweddarau a gymeradwywyd gan y Cyngor ar 22 Chwefror 2018.

Siaradodd y Cyngorydd D. V. Poole, Arweinydd y Cyngor, am y cyfleoedd cyffrous a gyflwynir o fewn y Fargen Ddinesig, mwy o gyfleoedd cyflogaeth, tai, adeiladu a datblygu, cyfleoedd ar gyfer BBaChau, seilwaith digidol, prentisiaeth a fyddai'n fanteisiol am flynyddoedd i ddod, ac o fewn hyn i gyd byddai cyfranogiad Aelodau yn hanfodol. Yn bennaf drwy graffu a'r Pwyllgor Craffu Adfywio a'r Amgylchedd, byddai union natur cyfranogiad Aelodau yn cael ei ddatblygu wrth i'r Fargen Ddinesig fynd yn ei blaen.

Cafodd ei gynnig a'i eilio y bydd y Cynllun Busnes JWA fel yr atodwyd yn Atodiad 1 adroddiad y Swyddog yn cael ei gymeradwyo ac y caiff y £6.23M mewn perthynas â chyfraniad cyfalaf CBS Caerffili yn ystod y cyfnod cychwynol o bum mlynedd a gwmpesir gan Gynllun Busnes JWA ei gymeradwyo.

Cafodd diwygiad ei gynnig a'i eilio yn nodi ynghyd ag argymhellion 10.1 a 10.2 yn adroddiad y Swyddog, y dylid gwneud argymhelliad ychwanegol i sefydlu Bwrdd Prosiect yn cynnwys Swyddogion a Chynghorwyr, gyda chydbwysedd gwleidyddol er mwyn sicrhau deialog agored a llif gwybodaeth ar gynnydd y Fargen Ddinesig.

Rhoddodd yr Arweinydd sicrwydd y byddai'n ymgysylltu'n llawn ag Aelodau drwy gydol y broses, ffurf yr ymgysylltu, p'un a fydd drwy Grŵp Prosiect neu ddulliau eraill o gyfathrebu i'w hystyried yn y dyfodol. Yn ystod y drafodaeth, nodwyd bod dryswch ymhlith Aelodau o ran y Fargen Ddinesig ac IQE Datblygiad Dinas Caerdydd a oedd yn hollol annibynnol o'r Fargen Ddinesig a'r adroddiad o flaen yr Aelodau.

Roedd rhai Aelodau yn teimlo bod y dryswch hwn yn dangos yn glir bod angen mwy o gyfranogiad gan Aelodau yn y broses rhannu gwybodaeth a hefyd iddynt gael sicrwydd am

ecwiti buddiannau drwy gydol y fwrdeistref.

Trafodwyd cyfleoedd cyflogaeth a sgiliau meithrin ar gyfer y dyfodol a chyfeiriwyd at brentisiaethau. Holodd Aelod ynglŷn â chais am wybodaeth ar y pwnc hwn a oedd yn weddill. Ymddiheurodd y Prif Weithredwr Dros Dro nad oedd y wybodaeth wedi cael ei derbyn, a chafodd yr Aelod dan sylw ei sicrhau y byddai'n cael ei darparu yn dilyn y cyfarfod.

Trafododd Aelodau gysylltiadau trafndiaeth a darpariaeth trafndiaeth ranbarthol gan gynnwys y Metro, a chyfeiriwyd at ddatganiad gan Lywodraeth Cymru na fyddai holl rwydwaith y Metro wedi'i drydaneiddio, a holwyd am yr effaith y byddai trydaneiddio rhannol yn ei gael. Cafodd Aelodau eu sicrhau gan y Prif Weithredwr Dros Dro nad oedd wedi clywed am unrhyw ddatganiad o'r fath ac nid oedd wedi cael unrhyw gadarnhad gan Lywodraeth Cymru ynglŷn â hyn. Os bydd hyn yn digwydd, bydd yn hysbysu Aelodau am unrhyw oblygiadau dilynol.

Rhoddodd yr Arweinydd sicrwydd pellach o'i ymrwymiad i ymgysylltu ag Aelodau yn llawn. At hynny, roedd o'r farn na fyddai'r broses yn gweithio heb eu hymrwymiad a'u gwybodaeth yn ei symud ymlaen, a gofynnodd i'r Aelod ystyried tynnu'r diwygiad yn ôl.

Yna ceisiwyd eglurhad mewn perthynas â'r Papur Gwyrdd a chynigion ar gyfer ad-drefnu Llywodraeth Leol a'r effaith bosibl ar y Fargen Ddinesig. Rhoddodd yr Arweinydd sicrwydd i Aelodau y byddai ymateb Caerffili yn adlewyrchu'r teimladau yn y Siambr y gallai'r awdurdod hwn sefyll ar ei ben ei hun ac ni fyddai'n croesawu unrhyw fath o ad-drefnu.

Cafodd y diwygiad ei gynnis a'i eilio unwaith eto yn nodi yn ogystal ag argymhellion 10.1 a 10.2, y bydd argymhelliad pellach i sefydlu gweithgor neu fwrdd datblygu prosiect o fewn 3 mis i'r cyfarfod hwn. Drwy godi dwylo a nodi bod 44 yn erbyn ac 1 yn ymatal, cofnodwyd bod y diwygiad wedi colli.

Drwy godi dwylo eto a nodi bod 17 yn erbyn a 2 yn ymatal, cofnodwyd bod y cynnis wedi llwyddo.

**PENDERFYNWYD: -**

- (i) cymeradwyo Cynllun Busnes JWA (Cynllun Busnes Strategol CCR) fel yr atodwyd yn Atodiad A adroddiad y Swyddog;
- (ii) cymeradwyo benthyg hyd at £6.23m mewn perthynas â chyfraniad cyfalaf CBS Caerffili yn ystod y cyfnod cychwynnol o bum mlynedd a gwmpesir gan Gynllun Busnes JWA.

Daeth y cyfarfod i ben am 7.00pm

Cymeradwywyd fel cofnod cywir, ac yn amodol ar unrhyw ddiwygiadau neu gywiriadau y cytunwyd arnynt a'u nodi yng nghofnodion y cyfarfod a gynhelir ar 5 Mehefin 2018, cawsant eu llofnodi gan y Maer.

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MAER





## Y CYNGOR

### COFNODION Y CYFARFOD A GYNHALIWYD YN NHŶ PENALLTA, YSTRAD MYNACH DDYDD MAWRTH 17EG EBRILL 2018 AM 6.30PM

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#### YN BRESENNOL:

Y Cyngorydd J. Bevan - Maer  
Y Cyngorydd M. Adams - Dirprwy Faer

#### Cynghorwyr:

Mrs E.M. Aldworth, A. Angel, P.J. Bevan, C. Bezzina, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, 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, D. Havard, A. Higgs, A. Hussey, G. Johnston, Mrs B.A. Jones, S. Kent, G. Kirby, Ms P. Leonard, C.P. Mann, Mrs P. Marsden, B. Miles, S. Morgan, Mrs G.D. Oliver, B. Owen, T. Parry, Mrs L. Phipps, D.V. Poole, D.W.R. Preece, Mrs D. Price, J. Pritchard, J.E. Roberts, R. Saralis, J. Scriven, G. Simmonds, J. Simmonds, S. Skivens, Mrs E. Stenner, J. Taylor, C. Thomas, R. Whiting, L.G. Whittle, T.J. Williams, W. Williams, B. Zaplatynski

#### Ynghyd â:

C. Harrhy (Prif Weithredwr Dros Dro), M.S. Williams (Cyfarwyddwr Corfforaethol Cymunedau Dros Dro), D. Street (Cyfarwyddwr Corfforaethol – Gwasanaethau Cymdeithasol), L. Donovan (Pennaeth Adnoddau Dynol a Datblygu Sefydliadol Dros Dro), R. Hartshorn (Pennaeth Polisi a Diogelwch y Cyhoedd), S. Harris (Pennaeth Cyllid Corfforaethol Dros Dro), M. Lloyd (Pennaeth Gwasanaethau Peirianeg Dros Dro), D. Marr (Dirprwy Swyddog Monitro – Cyngor Caerdydd), L. Lane (Swyddog Monitro Dros Dro), C. Forbes-Thompson (Pennaeth Gwasanaethau Democrataidd Dros Dro) a R. Barrett (Swyddog Gwasanaethau Pwyllgor)

#### 1. **FFILMIO GWE-DDARLLEDU A THREFNIADAU PLEIDLEISIO**

Atgoffodd y Prif Weithredwr Dros Dro y rheini a oedd yn bresennol fod y cyfarfod yn cael ei ffilmio a byddai ar gael yn gyhoeddus yn fyw ac yn yr archifau drwy wefan y Cyngor. Nododd y caiff penderfyniadau eu gwneud drwy godi llaw.

#### 2. **YMDDIHEURIADAU AM ABSENOLDEB**

Cafwyd ymddiheuriadau am absenoldeb gan Gynghorwyr C. Andrews, L. Binding, K. Dawson, A. Farina-Childs, J.E. Fussell, M.P. James, V. James, L. Jeremiah, Mrs A. Leonard, J. Ridgewell, Mrs M.E. Sargent, ac A. Whitcombe.

### **3. CYHOEDDIADAU'R MAER**

Nodwyd mai hwn oedd cyfarfod olaf y Cyngor y byddai'r Cynghorydd J. Bevan yn ei gadeirio cyn y Cyfarfod Cyffredinol Blynyddol a chyfeiriodd at ei ymrwymadau a'i ddyletswyddau Maerol dros yr wythnosau nesaf.

### **4. DEISEB**

Cyflwynodd y Cynghorydd Mrs G. D Oliver ddeiseb i'r Maer ar ran trigolion lleol Pontlotyn, a oedd yn gofyn am gysgod ar gyfer y llwybr cerdded yn Ysgol Idris Davies 3-18. Nododd y Maer y caiff ei gyfeirio at y gyfarwyddiaeth briodol i'w ystyried.

### **5. CYFLWYNO GWOBRAU**

Nid oedd unrhyw wobrau i'w cyflwyno ar yr achlysur hwn.

### **6. DATGAN BUDDIANNAU**

Wrth gyfeirio at Eitem Rhif 10 o'r Agenda, (Adroddiad Blynyddol Panel Annibynnol Cymru ar Gydabyddiaeth Ariannol 2018/19), esboniodd y Prif Weithredwr Dros Dro fod buddiant personol yn berthnasol i bob Aelod ar gyfer yr eitem hon, ond y gallent ystyried yr adroddiad drwy eithriad penodol yng Nghod Ymddygiad Aelodau sy'n ymwneud â thaliadau (yn ôl Adran 12 paragraff (b)(iv)).

Nodwyd y byddai gofyn i Mrs C. Harry (Prif Weithredwr Dros Dro) a Mr M. S. Williams (Cyfarwyddwr Corfforaethol Cymunedau Dros Dro) ddatgan buddiant personol a rhagfarnus ar gyfer Eitem Rhif 12 o'r Agenda (Trefniadau Contract y Prif Weithredwr Dros Dro) a gadael y cyfarfod pan fydd yr eitem yn cael ei ystyried.

Cyfeiriodd y Prif Weithredwr Dros Dro at Eitem 13 o'r Agenda (Ymchwiliad Mewnol o Uwch Swyddog – Darpariaeth Ariannol Ychwanegol) ac atgoffodd yr Aelodau na ddylid cynnal unrhyw drafodaeth mewn perthynas â'r ymchwiliad mewnol sy'n mynd rhagddo y cyfeiriwyd ato yn yr adroddiad. Esboniodd hefyd fod yr adroddiad yn ceisio cymeradwyaeth ddarpariaeth ariannol ychwanegol ar gyfer costau cyfreithiol (ac nid oedd yn mynd i'r afael â'r ymchwiliad ei hun) ac nid oedd angen i Aelodau na Swyddogion ddatgan buddiant rhagfarnus a gadael y cyfarfod ar y sail honno. Fodd bynnag, roedd yn fater i Aelodau unigol p'un a oeddent am ddatgan buddiant personol a/neu ragfarnus.

Gwnaeth y Cyngorwyr M. Adams, A. Angel, D.T. Davies, N. George, C. Gordon, J. Simmonds a J. Taylor ddatgan buddiant ar gyfer Eitem 13 o'r Agenda (Ymchwiliad Mewnol o Uwch Swyddog – Darpariaeth Ariannol Ychwanegol). Caiff manylion eu cofnodi â'r eitem berthnasol.

### **7. CYNGOR ARBENNIG – 22AIN CHWEFROR 2018**

PENDERFYNWYD y dylid cymeradwyo'r cofnodion canlynol fel cofnod cywir a'u bod yn cael eu llofnodi gan y Maer.

Cyfarfod y Cyngor Arbennig a gynhaliwyd ar 22ain Chwefror 2018 (rhifau cofnodion 1-6).

## **8. CYNGOR – 6ED MAWRTH 2018**

PENDERFYNWYD y dylid cymeradwyo'r cofnodion canlynol fel cofnod cywir a'u bod yn cael eu llofnodi gan y Maer.

Cyfarfod y Cyngor a gynhaliwyd ar 6ed Mawrth 2018 (rhifau cofnodion 1-12).

## **ADRODDIADAU A ATGYFEIRIWDYD O'R CABINET**

Ystyriwyd yr adroddiadau canlynol a atgyfeiriwyd o'r Cabinet.

## **9. COMISIYNU INTEGREDIG A CHYTUNDEB ADRAN 33 AR GYFER CARTREFI GOFAL I BOBL HYN YN RHANBARTH GWENT (CRONFEYDD CYFUN)**

Rhoddodd yr adroddiad, a gyflwynwyd i'r Cabinet ar 28ain Mawrth 2018 ac a gymeradwywyd o ganlyniad i hynny, y wybodaeth ddiweddaraf am ddatblygiad y trefniadau i gyfuno cronfeydd ar gyfer trefniadau cartrefi gofal rhwng y 5 awdurdod lleol yn Rhanbarth Gwent. Mae hyn wedi codi o Ran 9 o Ddeddf Gwasanaethau Cymdeithasol a Llesiant (Cymru) (2014) sy'n gosod gofyniad statudol ar awdurdodau lleol a byrddau iechyd mewn perthynas â gweithio mewn partneriaeth ac ar y cyd.

Roedd yr adroddiad yn argymhell i'r Cabinet y dylid sefydlu cyllideb gyfun ranbarthol o ran arfer swyddogaethau llety cartref gofal rhwng Cyngor Sir Caerffili, Awdurdodau Lleol eraill Gwent (Blaenau Gwent, Sir Fynwy, Casnewydd a Thorfaen) a Bwrdd Iechyd Prifysgol Aneurin Bevan (BIPAB), a gaiff ei goruchwyllo gan y Bwrdd Partneriaeth Rhanbarthol (BPRh). Gwnaeth hefyd amlinellu'r cynnydd a wnaed yn y gwaith o ddatblygu elfennau allweddol eraill sy'n ofynnol gan ganllawiau Llywodraeth Cymru o ran cefnogi trefniadau cyllideb gyfun, sef contractau cyffredin a datblygu dull integredig o gomisiynu, ac yn rhanbarth Gwent.

Cyfeiriwyd y Cyngor at adroddiad cwmpasu y Swyddog a oedd yn esbonio, ar ôl cael cymeradwyaeth y Cabinet, y ceisiwyd awdurdod i ddiwygio Cyfansoddiad y Cyngor er mwyn i'r pwerau dirprwyedig a roddir i Aelod y Cabinet dros Ofal Cymdeithasol a Llesiant ddod i rym, fel y nodir ym mharagraff 1.1 (iii) o argymhellion yr adroddiad.

Yn ystod y drafodaeth, cafwyd ymholiad ynghylch yr incwm a gafwyd gan gyfraniadau cleientiaid a phartneriaid mewn perthynas â chyllidebau gofal cartref. Cadarnhaodd y Cyfarwyddwr Corfforaethol ar gyfer Gwasanaethau Cymdeithasol a Thai mai Cyngor Caerffili sy'n cael yr incwm, sydd tua £4.5 miliwn y flwyddyn, a bod y costau ar gyfer gwasanaethau o'r fath union yr un peth ledled pob un o'r 22 awdurdod lleol yng Nghymru.

Ar ôl ystyried a thrafod, cafodd ei gynnig a'i eilio y byddai'r argymhelliad gan y Cabinet, a nodir yn adroddiad cwmpasu y Swyddog, yn cael ei gymeradwyo. Drwy godi dwylo, cytunwyd ar hyn yn unfrydol.

PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn yr adroddiad, dylai'r Prif Gyfreithiwr gael awdurdod dirprwyedig i wneud y newidiadau angenrheidiol i Gyfansoddiad y Cyngor er mwyn i'r pwerau dirprwyedig a roddir i Aelod y Cabinet dros Ofal Cymdeithasol a Llesiant ddod i rym, fel aelod Cyngor Sir Caerffili o'r Bwrdd Partneriaeth Rhanbarthol, o ran arfer swyddogaethau llety cartref gofal, a bod angen ystyried unrhyw drefniadau penodol y mae angen eu rhoi ar waith er mwyn cyflawni dyletswyddau statudol ar lefel leol a rhanbarthol.

## 10. CYNLLUN CORFFORAETHOL GAN GYNNWYS AMCANION LLESIAINT 2018-2023

Ceisiodd yr adroddiad, a gyflwynwyd i'r Cabinet ar 11 Ebrill 2018 ac a gymeradwywyd o ganlyniad i hynny, gymeradwyaeth y Cyngor ar gyfer Cynllun Corfforaethol yr Awdurdod Lleol a'i Amcanion Llesiant ar gyfer 2018-2023.

Roedd yr adroddiad yn nodi'r gofyniad ym Mesur Llywodraeth Leol 2009 i bob awdurdod lleol yng Nghymru bennu a chyhoeddi cyfres o flaenoriaethau o'r enw Amcanion Gwella cyn gynted ag y bo'n 'rhesymol ymarferol' yn y flwyddyn ariannol newydd. Fodd bynnag, mae cyflwyno Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015 hefyd yn gosod gofyniad cyfreithiol ar 'gyrff cyhoeddus' i bennu a chyhoeddi Amcanion Llesiant. Gan fod rhywfaint o orgyffwrdd rhwng y ddau ddarn o ddeddfwriaeth, mae'r awdurdodau lleol yn ymdrin â'r ddau ofyniad fel un canlyniad i gyhoeddi un gyfres o Amcanion Llesiant. Mae'r dull hwn wedi'i gymeradwyo gan Swyddfa Archwilio Cymru a Chymdeithas Llywodraeth Leol Cymru.

Mae'r Cynllun yn cyflwyno cyfres newydd o 6 Amcan Llesiant yr Awdurdod Lleol a fydd ar waith am bum mlynedd rhwng 2018 a 2023 ac mae'n nodi sut y caiff y rhain eu mesur a'u cyflawni. O ystyried canllawiau statudol Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru), bwriedir i'r Cyngor adolygu'r Amcanion Llesiant bob blwyddyn yn unol â llunio adroddiadau ar gynydd ei berfformiad i'r cyhoedd. Mae'r Cynllun hefyd yn cyflwyno 7 'Ymrwymiad Cabinet' ac 'Egwyddorion Cynllun Ariannol Tymor Canolig'. Roedd rhagor o fanylion wedi'u cynnwys yng Nghynllun Corfforaethol 2018-2023 a oedd wedi'i atodi i'r adroddiad.

Nodwyd bod y Cabinet wedi cymeradwyo'r Cynllun Corfforaethol, yn amodol ar ychwanegiad i Amcan Llesiant 5 (Creu bwrdeistref sirol sy'n cefnogi ffordd iach o fyw) i gynnwys y geiriad "yn unol â'r Egwyddor Datblygu Cynaliadwy yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015."

Diolchodd Aelodau i'r Swyddogion hynny a oedd yn rhan o'r gwaith o baratoi'r Cynllun Corfforaethol a chafodd ei gadw ar y cofnod. Gwnaethant hefyd gydnabod manylder y ddogfen a'r gwaith helaeth a oedd yn rhan o drosi Amcanion Gwella'r Cyngor yn strategaeth tymor hwy.

Cafwyd trafodaeth fanwl ar gynnwys y Cynllun Corfforaethol a'r camau gweithredu arfaethedig i gyflawni'r 6 Amcan Llesiant. Cyfeiriodd Aelod at Amcan Llesiant 1 (gwella cyfleoedd addysg i bawb) a'r cyllid gan Lywodraeth Cymru ar gyfer y rhaglen Band B, Rhaglen Ysgolion yr 21ain Ganrif, a gofynnodd p'un a gaiff hwn ei ddyfarnu os na all awdurdodau lleol gyflawni nodau'r rhaglen. Cadarnhaodd Aelod y Cabinet dros Addysg a Chyflawniad y byddai'n holi ynghylch y mater, ond bod cynigion cyllido yn cael eu cyflwyno drwy achos busnes a'u hystyried fesul achos gan Lywodraeth Cymru. Gofynnodd Aelod sut y caiff nodau'r Amcan eu cyflawni o ystyried bod gan ysgolion gyllideb lai. Gofynnodd Aelod y Cabinet i fanylion y gostyngiadau hyn gael eu hanfon ati fel y gallai drafod y mater ymhellach â'r Aelod hwnnw.

Holodd Aelod sut y caiff y gweledigaethau Amcan Llesiant 5 (creu bwrdeistref sirol sy'n cefnogi ffordd iach o fyw) eu mesur a gofynnodd p'un a ystyriwyd y mater o leihau allyriadau carbon monocsid drwy osod cyfyngiadau cyflymder o 20mya ar ardaoedd trefol. Esboniodd Pennaeth Polisi a Diogelu'r Cyhoedd ei bod yn anodd mesur gwelliannau i iechyd oherwydd newidiadau rhwng y cenedlaethau, ond y gellir monitro hyn drwy weithredoedd megis mwy o gyfranogiad mewn chwaraeon, gweithgareddau hamdden yn yr awyr agored a'r rhaglen ysgolion iach. Cadarnhawyd hefyd nad oedd lleihau carbon monocsid drwy osod cyfyngiadau cyflymder o 20mya yn faes a ystyrir yn rhan o gylch gwaith yr Amcan Llesiant penodol hwn.

Cafwyd sawl ymholiad ynghylch Amcan Llesiant 4 (hybu system drafnidiaeth fodern, integredig a chynaliadwy sy'n gwella cyfleoedd, yn hybu ffyniant ac yn lleihau effeithiau andwyol ar yr amgylchedd). Gofynnodd Aelod am eglurhad ar y ffynhonnell data ar gyfer nifer y teithiau y mae cymudwyr yn eu cymryd bob dydd y tu mewn i'r fwrdeistref a thu hwnt iddi, a

gofynnodd a fyddai'n bosibl mynd ati i annog busnesau i dendro ar gyfer llwybrau cysylltiol newydd. Cyfeiriwyd yn benodol at rôl a chyfraniad cwmnïau bws lleol at y gwaith o ddarparu'r cynllun Metro, a hefyd y gwaith posibl o adfer llinell rheilffordd Cwmbargoed a gorsaf drenau newydd i Nelson. Cyfeiriodd Aelod at y mater o leihau nifer y cynigwyr ar gyfer masnachfrait rheilffordd Cymru a'r Gororau y disgwylir ei hadnewyddu yn 2018 a gofynnodd p'un a oedd Llywodraeth Cymru yn hyderus y byddai'r tender llwyddiannus yn gallu darparu gwasanaethau'r fasnachfrait a'r elfennau perthnasol o'r Metro. Cyfeiriwyd hefyd at y camau a gymerir i gyflawni'r Amcan Llesiant hwn a'r amserlenni ar gyfer pryd y byddai trigolion lleol yn dechrau sylwi ar yr effaith weledol.

Esboniodd y Prif Weithredwr Dros Dro fod y ffigurau cymudwyr wedi'u casglu gan y Comisiwn Twf a Chystadleuaeth Annibynnol ac maent wedi'u cynnwys mewn adroddiadau a gyflwynwyd i'r Cyngor yn flaenorol. Cadarnhaodd fod Llywodraeth Cymru yn ystyried rôl cwmnïau trafndiaeth lleol yn y gwaith o ddarparu'r Metro a bydd yn canolbwyntio'n benodol ar anghenion y rhanbarth a'r rheolaeth a'r cymorth sydd eu hangen yn hyn o beth. Atgoffwyd Aelodau bod gan bob un o'r 10 o awdurdodau lleol y Fargen Ddinesig gynrychiolydd yn yr Awdurdod Trafndiaeth Rhanbarthol a fydd yn cyflwyno'r anghenion trafndiaeth ar gyfer eu bwrdeistref sirol. O ran llinell Cwmbargoed, esboniwyd bod y Cyngor yn ystyried lleoliad ar gyfer safle rheilffordd Nelson ar hyn o bryd. Cadarnhaodd y Prif Weithredwr Dros Dro hefyd fod Llywodraeth Cymru yn gyfforddus â'r tendrau sy'n weddill ar gyfer masnachfrait rheilffordd Cymru a'r Gororau a disgwylir i'r cynigiwr a ffeifrir gael ei gyhoeddi yn y dyfodol agos.

Holodd sawl Aelod ynghylch datblygiad a dichonoldeb llinellau rheilffyrdd unigol y cyfeiriwyd atynt yn y Cynllun Corfforaethol, gan gynnwys cysylltiad Casnewydd i Lynebwy a chysylltiad Caerffili i Gasnewydd. Cadarnhawyd bod y cyntaf wedi'i gynnwys yn y Cynllun Metro ond nid oes unrhyw gadarnhad o ran pryd y caiff hwn ei ddarparu, a bod astudiaeth SEWTA wedi amlinellu'r potensial ar gyfer y llall, ond bod y prosiect hirdymor hwn yn dibynnu ar ffactorau megis argaeledd tir a ph'un a ydyw yn cyd-fynd â dull trafndiaeth rheilffordd Llywodraeth Cymru. Cyfeiriwyd hefyd at raddfa'r buddsoddiad ar gyfer y llinell hon a chadarnhawyd bod y cynllun yn cyd-fynd â nodau'r Metro o ran lleihau llygredd a thagfeydd.

Awgrymodd Aelod y byddai'n ddefnyddiol cynnwys y cynnydd a wnaed eisoes ar yr Amcanion yn y Cynllun Corfforaethol. O ran Amcan Llesiant 2 (galluogi cyflogaeth), holodd p'un a oedd sôn am gynlluniau i adeiladu mwy o unedau busnes er mwyn gwella cyfraddau swyddi a hybu cyfleoedd cyflogaeth. Holodd yr Aelod ynghylch manylion y cymorth i wella amodau tai fel y cyfeirir atynt yn Amcan Llesiant 3 (mynd i'r afael ag argaeledd, amodau a chynaliadwyedd cartrefi ledled y fwrdeistref sirol a rhoi cyngor a chymorth er mwyn helpu i wella llesiant pobl) a mynegodd yr angen i alluogi prosesau i adfer cartrefi gwag hirdymor fel y gellir gwneud defnydd ohonynt. Tynnodd sylw hefyd at yr angen am berchenogaeth o'r cynlluniau trafndiaeth Metro unigol er mwyn cyflawni'r nodau hyn, yr angen i gydweithio ac i roi pwysau ar Lywodraeth Cymru yn hyn o beth. Cynigodd anfon sylwadau ychwanegol ar y Cynllun Corfforaethol ymlaen i'r Swyddogion perthnasol ar ôl y cyfarfod.

Cadarnhaodd y Pennaeth Polisi a Diogelwch y Cyhoedd y cyflwynwyd adroddiad ar y cyflawniadau yn erbyn yr Amcanion Gwella blaenorol i'r Pwyllgorau Craffu perthnasol ddwywaith y flwyddyn ac y bydd yr adolygiad blynyddol o'r Cynllun Corfforaethol yn rhoi'r cyfle i'r Cyngor weld sut mae'n datblygu a mesur sut y caiff perfformiad ei gyflawni yn erbyn yr Amcanion hyn. Esboniodd fod yr Amcanion Llesiant yn cyfrannu at y Nodau Llesiant a bennir yn Neddf Llesiant Cenedlaethau'r Dyfodol ac yn canolbwyntio ar atebion hirdymor gyda phwyslais ar atal.

Ar ôl ystyried yr adroddiad, cafodd ei gynnig a'i eilio y caiff yr argymhelliad yn yr adroddiad ei gymeradwyo, yn amodol ar yr ychwanegiad uchod o ran Amcan Llesiant 5. Drwy godi dwylo, cytunwyd ar hyn yn unfrydol.

PENDERFYNWYD, yn amodol ar y diwygiad i Amcan Llesiant 5 (i gynnwys "yn unol

â'r Egwyddor Datblygu Cynaliadwy yn Neddf Llesiant Cenedlaethau'r Dyfodol (Cymru 2015"), y caiff y Cynllun Corfforaethol gydag Amcanion Llesiant 2018-2023, wedi'i atodi i'r adroddiad, ei gymeradwyo.

## **ADRODDIADAU SWYDDOGION**

Ystyriwyd yr adroddiadau canlynol.

### **11. RHOI IS-DEDDFAU DRAENIO TIR LLYWODRAETH CYMRU AR WAITH**

Ystyriwyd yr adroddiad a gyflwynwyd i'r Pwyllgor Craffu Adfywio a'r Amgylchedd ar 27ain Mawrth 2018 a cheisiodd gymeradwyaeth y Cyngor ar gyfer rhoi Is-Ddeddfau Draenio Tir ar waith, fel y'u hargymhellir gan Llywodraeth Cymru.

Nodwyd, o dan Ddeddf Rheoli Llifogydd a Dŵr 2010, y rhoddwyd pwerau a chyfrifoldebau ychwanegol i awdurdodau lleol ar gyfer rheoli llifogydd oherwydd dŵr wyneb, dŵr daear a chwrs dŵr cyffredin. Fel rhan o'r pwerau newydd, cafodd y cyfrifoldeb o gyflwyno caniatadau cwrs dŵr cyffredin eu trosglwyddo o Cyfoeth Naturiol Cymru i'r Awdurdodau Llifogydd Lleol Arweiniol yn 2012.

Ers ymgymryd â'r dyletswyddau a'r swyddogaethau hyn, mae awdurdodau lleol wedi nodi bod pwerau yn gyfyngedig o dan y ddeddfwriaeth gyffredol a gallai gweithgareddau penodol nad ydynt wedi eu caniatáu ar hyn o bryd gynyddu'r risg o lifogydd o bosibl, yn enwedig mewn ardaloedd mwy adeiledig. Er mwyn mynd i'r afael â'r mater hwn, yn ddiweddar, mae Llywodraeth Cymru wedi cadarnhau'r gyfres ddiwygiedig o'i Is-ddeddfau Cwrs Dŵr Cyffredin a lunnir o dan Adran 66 o Ddeddf Draenio Tir 1991, a fydd yn galluogi awdurdodau lleol i ategu pwerau sy'n bodoli eisoes a helpu gyda'u swyddogaethau rheoli draenio tir a risg llifogydd. Anogir pob awdurdod lleol i fabwysiadu'r is-ddeddfau model (wedi'u hatodi i'r adroddiad hwn) er mwyn sicrhau cysondeb ledled Cymru a chydymffurfio ag amcanion statudol.

Mynegodd Aelodau eu cefnogaeth ar gyfer yr Is-ddeddfau newydd fel ffordd o oresgyn y materion draenio a all godi yn ystod y gwaith o ddatblygu ystadau tai newydd.

Cafodd ei gynnig a'i eilio y caiff yr argymhelliad yn yr adroddiad yn cael ei gymeradwyo. Drwy godi dwylo, cytunwyd ar hyn yn unfrydol.

PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn yr adroddiad, y caiff yr Is-ddeddfau Draenio Tir a argymhellir gan Llywodraeth Cymru eu cymeradwyo.

### **12. ADRODDIAD BLYNYDDOL PANEL ANNIBYNNOL AR GYDNABYDDIAETH ARIANNOL 2018/19**

Roedd yr adroddiad yn cynnwys manylion am benderfyniadau terfynol Panel Annibynnol Cymru ar Gydnabyddiaeth Ariannol mewn perthynas â Chynghorwyr ac aelodau Cyfetholedig ar gyfer 2018/19 a cheisiodd benderfyniad gan y Cyngor ar agweddau penodol ar gynllun cydnabyddiaeth ariannol Aelodau ar gyfer 2018/19. Cafodd gopi o'r Adroddiad Blynyddol ar gyfer 2018/19 ei atodi i adroddiad y Swyddogion.

Nododd Aelodau fod penderfyniadau'r Panel yn cynnwys cynnydd o 1.49% i gyflog sylfaenol Cynghorwyr ar gyfer 2018/19, sy'n cynrychioli cynnydd o £200 i gyflog sylfaenol cynghorwyr hyd at £13,600. Cynigodd y Panel hefyd i'r opsiwn blaenorol i bennu lefelau cyfnod gael ei ddileu ac mae wedi pennu'r cyflogau ar y lefel uwch flaenorol, yn cynnwys y cynnydd o £200 i'r cyflog sylfaenol. Felly, gan fod Cyngor Bwrdeistref Sirol Caerffili wedi penderfynu'n flaenorol

y byddai cyflogau'r uwch swyddogion yn cael eu pennu ar y band is, bydd cynnydd yn y gwariant ar gyfer cyflogau uwch swyddogion yn 2018/19. Cafodd manylion y rhain eu nodi ym mharagraff 4.5 o'r adroddiad.

Cafodd penderfyniadau'r Panel eu nodi yn ei adroddiad blynyddol ac roedd manylion y penderfyniadau allweddol nodedig wedi'u cynnwys yn adroddiad y Swyddog a gyflwynwyd i Aelodau. Nodwyd y daw'r penderfyniadau a'r argymhellion sydd wedi'u cynnwys yn yr adroddiad i rym ym mis Ebrill 2018, a gall Aelodau unigol neu Aelodau Cyfetholedig ddewis peidio â derbyn unrhyw ran o'r gydnabyddiaeth ariannol y maent yn gymwys i'w chael ar gyfer y flwyddyn sydd i ddod, drwy hysbysu'r Prif Weithredwr Dros Dro yn ysgrifenedig.

Cyfeiriwyd Aelodau i argymhellion yr adroddiad a oedd yn ceisio penderfyniad gan y Cyngor o ran lefel y Cyflog Dinesig ac agweddau eraill ar gynllun cydnabyddiaeth ariannol Aelodau, gan gynnwys hawliadau teithio a threuliau gofal, ynghyd â chymeradwyaeth ar gyfer penderfyniadau'r Panel.

Cafwyd trafodaeth ar argymhelliad 10.7 a chadarnhaodd Swyddogion y gellid sicrhau fod treuliau unigol ar gael drwy'r broses Ryddid Gwybodaeth os oedd y Cyngor yn bwriadu cymeradwy Opsiwn 2. Mynegodd rhai Aelodau yr angen am dryloywder o ran cyhoeddi costau gofal a hawliwyd gan aelodau unigol, tra cyfeiriodd eraill at sensitifrwydd y mater a bod angen ystyried preifatrwydd amgylchiadau unigol yr Aelodau.

Cafodd ei gynnig a'i eilio y caiff argymhelliad 10.2 ei gymeradwyo, ar yr amod y caiff penderfyniadau'r Panel gan gynnwys y cyflogau sylfaenol, cyflogau'r Arweinydd a'r Dirprwy Arweinydd, Aelodau'r Cabinet a Chadeiryddion Pwyllgorau, ad-dalu costau gofal, lwfansau teithio a chynhaliadau a thalu ffioedd i Aelodau Cyfetholedig, eu nodi a'u rhoi ar waith. Drwy godi dwylo (a nodi bod 6 yn erbyn ac 1 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

O ran argymhelliad 10.3, cafodd ei gynnig a'i eilio y caiff cyflog Lefel 2, fel y nodir ym mharagraff 4.6 o'r adroddiad, ei bennu fel y lefel briodol ar gyfer Cyflogau Dinesig ar gyfer 2018/19. Drwy godi dwylo (a nodi bod 3 yn erbyn gyda 4 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

O ran argymhelliad 10.4, cafodd ei gynnig a'i eilio y bydd y nifer uchaf o ddiwrnodau sy'n daladwy i Aelodau o'r Pwylllog Craffu Addysg am Oes, Aelodau Cyfetholedig (lleyg) o'r Pwyllgorau Safonau ac Archwilio, yn parhau i fod yn 10 diwrnod y flwyddyn, fel y nodir ym mharagraff 4.26 o'r adroddiad. Drwy godi dwylo (a nodi bod 4 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

O ran argymhelliad 10.5, cafodd ei gynnig a'i eilio y bydd y Swyddogion sydd wedi'u rhestru ym mharagraff 4.29 o'r adroddiad yn parhau i weithredu fel y 'swyddog priodol' ar gyfer Aelodau Cyfetholedig a nodir yn y paragraff hwnnw. Drwy godi dwylo (a nodi bod 4 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

O ran argymhelliad 10.6, cafodd ei gynnig a'i eilio na thelir unrhyw dâl lwfans ar gyfer hawliadau teithio ar gyfer teithiau a wnaed o fewn wardiau Aelodau, fel y nodir ym mharagraff 4.37. Drwy godi dwylo (a nodi bod 2 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

O ran argymhelliad 10.7, cafodd ei gynnig a'i eilio y caiff Opsiwn 2 ei gymeradwyo, hynny yw y bydd y Cyngor yn cyhoeddi cyfanswm y costau gofal a ad-dalwyd i Aelodau gan yr Awdurdod yn ystod y flwyddyn ond i beidio â phriodoli'r rhain i unrhyw Aelod, nac enwi'r Aelod hwnnw. Drwy godi dwylo (a nodi bod 9 yn erbyn gyda 3 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

Felly, PENDERFYNWYD, am y rhesymau sydd wedi'u cynnwys yn yr adroddiad hwn, y cafodd yr argymhellion a nodir uchod eu cymeradwyo.

**13. Y DIWEDDARAF AR GYFANSODDIAD Y CYNGOR — CYLCH GORCHWYL Y PWYLLGOR CRAFFU**

Ystyriwyd yr adroddiad, a oedd yn gofyn i'r Cyngor nodi a chymeradwyo unrhyw newidiadau i Gyfansoddiad y Cyngor, sydd wedi'i atodi i'r adroddiad ac wedi'i farcio mewn testun italig, er mwyn galluogi i'r newidiadau i gylch gorchwyl y Pwyllgor Craffu ddod i rym o ganlyniad i'r newidiadau dros dro i gyfrifoldebau'r Gyfarwyddiaeth. Gwnaeth yr adroddiad hefyd geisio cymeradwyaeth y Cyngor ar gyfer dirprwyo'r Swyddog Monitro Dros Dro er mwyn diwygio'r Gyfansoddiad i gynnwys y newidiadau a bennir yn yr atodiad.

Cafodd Cyfansoddiad y Cyngor ei fabwysiadu'n ffurfiol gan y Cyngor ym mis Mai 2002, ac mae'n pennu'r ffordd y mae'r Cyngor yn gweithio, sut y caiff penderfyniadau eu gwneud a'r gweithdrefnau a gaiff eu dilyn er mwyn sicrhau bod y prosesau gwneud penderfyniadau yn effeithlon, tryloyw ac ar gael i'r bobl leol. Mae'r Gyfansoddiad yn 'ddogfen fyw' yn yr ystyr ei bod yn cael ei diweddarau a'i hadolygu'n gyson er mwyn adlewyrchu deddfwriaeth newydd y llywodraeth a gwelliannau a newidiadau i weithdrefnau a gafwyd yn sgil profiad.

Gofynnwyd i Aelodau nodi a chymeradwyo'r newidiadau, a oedd yn bennaf yn adlewyrchu'r newid i gyfrifoldebau'r Cyfarwyddwr ym maes Cymunedau a Thai, ac oherwydd hynny, yn cynnwys newidiadau i Gylch Gorchwyl y Pwyllgor Craffu Partneriaethau, y Pwyllgor Craffu Adfywio ac Amgylchedd a'r Pwyllgor Craffu Iechyd, Gofal Cymdeithasol a Llesiant.

Yn ystod y drafodaeth a ddilynodd, holodd Aelod p'un a oedd unrhyw gynlluniau i ddechrau gwe-ddarlledu trafodion y Pwyllgor Craffu, a chadarnhawyd y bydd y mater yn cael ei ystyried rywbryd yn y dyfodol. Mewn ymateb i arsylwadau Aelod, cadarnhawyd hefyd y caiff mân gyfeiriadau at ryw mewn swyddi Swyddogion allweddol yn y Gyfansoddiad eu diweddarau'n briodol.

Ar ôl ystyried yr adroddiad, cafodd ei gynnis a'i eilio y caiff yr argymhellion yn yr adroddiad eu cymeradwyo. Drwy godi dwylo, cytunwyd ar hyn yn unfrydol.

PENDERFYNWYD ar y canlynol am y rhesymau sydd wedi'u cynnwys yn yr adroddiad hwn:-

- (i) y caiff y newidiadau i gylch gorchwyl y Pwyllgorau Craffu, fel y nodir mewn testun italig a thrwm ar y detholiadau perthnasol i'r Gyfansoddiad sydd wedi'i atodi i'r adroddiad, eu nodi a'u cymeradwyo
- (ii) y rhoddir awdurdod dirprwyedig i'r Swyddog Monitro Dros Dro i ddiwygio'r Gyfansoddiad er mwyn cynnwys y newidiadau a bennir yn atodiad yr adroddiad.

**14. TREFNIADAU CONTRACT Y PRIF WEITHREDWR DROS DRO A PHARHAD TREFNIADAU RHEOLI MEWNOL**

Gwnaeth Christina Harrhy a Mark S. Williams ddatgan buddiant (am eu bod yn destun yr adroddiad) a gwnaethant adael y cyfarfod pan gafodd yr eitem ei ystyried.

Cyflwynodd Dave Street (Cyfarwyddwr Corfforaethol Gwasanaethau Cymdeithasol) yr adroddiad a oedd yn ceisio cymeradwyaeth i ymestyn trefniant y contract ymhellach ar gyfer swydd y Prif Weithredwr Dros Dro er mwyn cydymffurfio â gofynion deddfwriaethol, ac i ddirprwyo'r dasg o ymestyn y trefniadau contract dros dro ar gyfer y Cyfarwyddwr Corfforaethol Cymunedau.

Atgoffwyd Aelodau o'r trefniadau dros dro presennol sydd ar waith yn yr Awdurdod ers



gwahardd y Prif Weithredwr parhaol ym mis Mawrth 2013. Mae'n ofynnol yn ôl y gyfraith i'r Cyngor gael Pennaeth Gwasanaeth Taledig yn ei le, sydd wedi'i ddynodi i'r Prif Weithredwr. Yn dilyn penderfyniad y cyn Brif Weithredwr Dros Dro i beidio ag ymestyn ei contract dros dro y tu hwnt i ddiwedd mis Rhagfyr 2017, croesawodd tri Chyfarwyddwr Corfforaethol y Cyngor fynegiadau o ddiddordeb i ymgymryd â'r swydd, ac ar 5 Rhagfyr 2017, cadarnhaodd y Cyngor fod Mrs Harry wedi'i phenodi dros dro i swydd Prif Weithredwr Dros Dro am gyfnod o chwe mis yn weithredol o fis Ionawr 2018. Felly, disgwylir i'r contract ddod i ben ar 30 Mehefin 2018.

Esboniwyd bod y Person Annibynnol Dynodedig, a benodwyd i gynnal ymchwiliad cynhwysfawr o'r honiadau sy'n ymwneud â'r Prif Weithredwr, wedi nodi ei bod yn debygol y bydd yn cymryd tan ddiwedd y flwyddyn galendr i gwblhau'r ymchwiliad. Gan fod yr Awdurdod wedi'i ymgysylltu â nifer o brosiectau ar hyn o bryd, gan gynnwys y Fargen Ddinesig, Ysgolion yr 21ain Ganfrig, y gwaith o reoli'r Cynllun Ariannol Tymor Canolig a'r agenda cydweithio, mae'r adroddiad yn gofyn i Aelodau gytuno ar ymestyn contract y Prif Weithredwr Dros Dro presennol i 30 Mehefin 2019 (a chaiff ei adolygu eto ar yr adeg honno) er mwyn darparu parhad cyson i'r sefydliad. Mae'r amserlen yn ystyried y cyfnod amcangyfrifedig ar gyfer yr ymchwiliad ac yn caniatáu i'r Cyngor ddatblygu argymhelliad y Person Annibynnol Dynodedig tra'n cynnal sefydlogrwydd i'r sefydliad.

Amlinellodd Mr Street y cyflog y cytunwyd arno a chyhoeddwyd y telerau a'r amodau yn Natganiad Polisi Cyflog y Cyngor a chadarnhaodd y rhoddwyd gwybod i Lywodraeth Cymru am y bwriad i ymestyn y contract. Esboniodd hefyd, o ganlyniad i'r ffaith bod Mrs Harry wedi'i phenodi i swydd Prif Weithredwr Dros Dro, y penodwyd rhywun dros dro i'w swydd barhaol (Cyfarwyddwr Corfforaethol Cymunedau). Felly, gofynnwyd i Aelodau ddirprwyo awdurdod i'r Prif Weithredwr Dros Dro er mwyn ymestyn penodiad y Cyfarwyddwr Corfforaethol Dros Dro mewn ymgynghoriad â'r Arweinydd a'r ddau Ddirprwy Arweinydd. Nodwyd, pe byddai amgylchiadau'n newid, gellir adolygu'r ddau contract dros dro yn gyflym.

Hysbyswyd Aelodau am y goblygiadau ariannol a'r cyllidebau refeniw a sefydlwyd ar gyfer swyddi'r Prif Weithredwr a Chyfarwyddwr Corfforaethol Cymunedau, ac ariennir deiliaid y swyddi sy'n cyflawni'r dyletswyddau hyn ar hyn o bryd gan y cyllidebau refeniw hyn.

Yn ystod y drafodaeth a ddilynodd, gwnaeth Aelodau sylwadau ar y cynnig i ymestyn cyfnod contract y Prif Weithredwr Dros Dro i fis Mehefin 2019, o ystyried dyddiad a ragwelir ar gyfer cwblhau ymchwiliad y Person Annibynnol Dynodedig, sef mis Rhagfyr 2018, a gwnaethant awgrymu y gellid ymestyn y contract i fis Rhagfyr 2018 yn lle hynny, gyda'r opsiwn i'w adolygu tua diwedd y flwyddyn honno. Atgoffwyd Aelodau o'r ddarpariaeth sydd yn ei lle y gellir ei defnyddio unrhyw bryd i adolygu'r trefniadau sydd ar waith .

Ar ôl ystyried yr adroddiad, cafodd ei gynnis a'i eilio y caiff yr argymhellion yn yr adroddiad eu cymeradwyo. Drwy godi dwylo (a nodi bod 2 yn erbyn gyda 4 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

PENDERFYNWYD ar y canlynol am y rhesymau sydd wedi'u cynnwys yn yr adroddiad:-

- (i) caiff contract y Prif Weithredwr Dros Dro presennol ei ymestyn hyd at 30ain Mehefin 2019;
- (ii) caiff y penderfyniad i ymestyn trefniadau contract dros dro y Cyfarwyddwr Corfforaethol Cymunedau ei ddirprwyo i'r Prif Weithredwr Dros Dro mewn ymgynghoriad â'r Arweinydd a'r ddau ddirprwy Arweinydd.

Gwnaeth Mrs Harry a Mr Williams ddychwelyd i'r cyfarfod ar ôl trafodaeth y Cyngor.

## 15. YMCHWILIAD MEWNOL O UWCH SWYDDOG – DARPARIAETH ARIANNOL YCHWANEGOL

Gwnaeth y Cynghorwyr M. Adams, A. Angel, D.T Davies, C. Gordon, J. Simmonds a J. Taylor ddatgan buddiant personol a rhagfarnus fel Aelodau o'r Pwyllgor Ymchwilio a Disgybl a gwnaethant adael y cyfarfod pan gafodd yr eitem hon ei hystyried.

Ystyriwyd yr adroddiad a oedd yn ceisio cymeradwyaeth ar gyfer darpariaethau ariannol ychwanegol mewn perthynas â'r ymchwiliad mewnol o Uwch Swyddog sy'n mynd rhagddo. Atgoffwyd Aelodau o'r trefniadau dros dro a oedd ar waith yn flaenorol yn yr Awdurdod a oedd yn deillio o'r ymchwiliad mewnol o dri Uwch Swyddog a'r costau cysylltiedig ychwanegol sydd wedi'u hariannu gan ddarpariaethau a sefydlwyd drwy ddefnyddio'r Gronfa Gyffredinol Wrth Gefn a gymeradwywyd gan y Cyngor.

Cymeradwywyd trefniadau setliad y ddau Uwch Swyddog yng nghyfarfod y Cyngor Arbennig ar 31ain Hydref 2017, ac roedd y setliadau hyn yn dwyn y materion i ben ar gyfer y ddau unigolyn hyn. Fodd bynnag, hysbyswyd y Cyngor y byddai angen cyflogi Person Annibynnol Dynodedig o ran yr honiadau y mae angen ymchwilio iddynt yn ffurfiol mewn perthynas â'r Uwch Swyddog arall.

Cymeradwyodd y Cyngor ddarpariaeth ariannol ychwanegol ar 21ain Tachwedd 2017 er mwyn talu costau'r ymchwiliad sy'n mynd rhagddo mewn perthynas â'r Uwch Swyddog arall a'r costau cyflogau parhaus mewn perthynas â'r swydd hon hyd at 30ain Mehefin 2018. Cafodd y costau amcangyfrifedig hyn o £340 mil eu gwrthbwysu'n rhannol gan falans o £190 mil a oedd yn weddill o ddarpariaethau a gymeradwywyd yn flaenorol gan y Cyngor, gan arwain at ddarpariaeth ychwanegol o £150 mil yn cael ei chymeradwyo.

Mae Person Annibynnol Dynodedig bellach wedi'i gyflogi er mwyn cynnal ymchwiliad ffurfiol ac mae wedi nodi ei bod yn debygol y bydd yn cymryd tan ddiwedd y flwyddyn galendr i gwblhau'r broses. O ganlyniad, mae angen sefydlu darpariaeth ariannol ychwanegol o £94 mil i dalu costau cyflogau'r Uwch Swyddog am y cyfnod rhwng 1af Gorffennaf 2018 a 31ain Rhagfyr 2018. Ar hyn o bryd, rhagwelir y bydd y ddarpariaeth o £60k a gymeradwywyd yn flaenorol ar gyfer y Person Annibynnol Dynodedig yn ddigon. Fodd bynnag, yn seiliedig ar wariant gwirioneddol dros y misoedd diwethaf a'r balans sy'n weddill ar ddarpariaethau blaenorol, rhagwelir y bydd angen darpariaeth ychwanegol o £99 mil o ran costau cyfreithiol. Felly, ceisiwyd cymeradwyaeth ar gyfer darpariaeth ariannol ychwanegol o £193 mil i'w gyllido o Gronfa Tanwariant Wrth Gefn y Gwasanaethau Corfforaethol a Chronfa Wrth Gefn Cwnsleriaid fel y nodir yn yr adroddiad.

Mynegodd Aelodau eu rhwystredigaeth barhaus o ran hyd y broses a'r gost gynyddol i'r Awdurdod a'r trigolion lleol. Mewn ymateb i ymholiad yn ymwneud â chynnig darpariaethau ychwanegol posibl, esboniodd Swyddogion fod yr amcangyfrifon yn seiliedig ar y wybodaeth sydd ar gael ar hyn o bryd ac, yn unol â'r broses hyd yn hyn, caiff adroddiadau ychwanegol eu hystyried os bydd yr angen yn codi. Cadarnhawyd hefyd bod y costau cyfreithiol ar gyfer cyngor Cwnsler i'r Awdurdod. Gofynnwyd am eglurhad ar gyfrifiad y costau amcangyfrifedig sy'n gysylltiedig â'r Person Annibynnol Dynodedig ac esboniodd Swyddogion, er bod y swm diwygiedig wedi'i sefydlu ym mis Hydref 2017, mai dim ond yn ddiweddar roedd y Person Annibynnol Dynodedig wedi dechrau ei ymchwiliad ac felly dylai'r ddarpariaeth o £60 mil fod yn ddigon tan fis Rhagfyr 2018.

Ar ôl ystyried a thrafod, cafodd ei gynnig a'i eilio y caiff yr argymhelliad yn yr adroddiad ei gymeradwyo. Drwy godi dwylo (a nodi bod 14 yn erbyn gydag 1 yn ymatal) cytunwyd ar hyn gan y mwyafrif.

PENDERFYNWYD am y rhesymau a nodwyd yn yr adroddiad, ac i sicrhau y caiff

digon o gyllid ei neilltuo i dalu costau posibl y broses ymchwilio sy'n mynd rhagddi, os na chaiff materion eu datrys erbyn 31ain Rhagfyr 2018, caiff darpariaeth ariannol ychwanegol o £193 mil ei ariannu o Gronfa Tanwariant Wrth Gefn y Gwasanaethau Corfforaethol (94 mil) a Chronfa Wrth Gefn Cwnseleriaid (99 mil) i dalu'r costau hyn.

## **16. CWESTIYNAU A DDERBYNNIR O DAN REOL GWEITHDREFN 10(2)**

Ystyriwyd y Cwestiynau canlynol o dan Reol Gweithdrefn 10(2). Yn unol â'r diwygiadau i'r cyfansoddiad, darperir yr ymateb hefyd.

### **(i) ADOLYGIAD O'R STRATEGAETH HAMDDEN**

At Aelod y Cabinet dros Wasanaethau Cymdogaeth, y Cynghorydd Nigel George oddi wrth y Cynghorydd Kevin Etherbridge.

Gofyn i Aelod y Cabinet dros Wasanaethau Cymdogaeth ar ôl darllen Blaenraglen Waith y Cabinet ar gyfer y cyfarfod a gynhelir ar 11eg Gorffennaf 2018 sy'n rhestru dyfodol Canolfan Hamdden Pontllanfraith yng nghyd-destun yr Arolwg Hamdden, a fyddai cystal â diffinio pa feini prawf, systemau sgorio, dulliau ymgynghori a ddefnyddir wrth werthuso pob safle mewn perthynas â'r Arolwg Hamdden sydd ar ddod ac i gadarnhau y caiff pob lleoliad statws cyfartal.

Hefyd, a fyddai cystal â chadarnhau'r amserlen a ragwelir yn hyn o beth a phryd y caiff y mater ei ddwyn gerbron Cyngor Llawn i'w drafod er budd bod yn agored a thryloyw.

### **YMATEB GAN Y CYNGHORYDD NIGEL GEORGE, AELOD CABINET DROS WASANAETHAU CYMDOGAETH**

Bydd Aelodau'n ymwybodol, yn ystod eu cyfarfod ar 28ain Mawrth, gwnaeth y Cabinet benderfynu ystyried dyfodol Canolfan Hamdden Pontllanfraith yn ddiweddarach yn 2018, ar ôl i Strategaeth Chwaraeon a Hamdden 10 mlynedd yr Awdurdod gael ei fabwysiadu.

Gallaf gadarnhau y byddwn yn gofyn i'r Cabinet gytuno i gynnal ymgynghoriad cyhoeddus llawn ar y Strategaeth Chwaraeon a Hamdden ddrafft. Cynigir y bydd proses ymgynghori â'r cyhoedd am 10 wythnos o hyd a fydd yn cynnwys amrywiaeth o ddulliau gan gynnwys ymgynghoriad uniongyrchol ag amrywiaeth o randdeiliaid, defnyddio ein gwefan, cyfryngau cymdeithasol a 'Newslin'.  
'

Bydd digon o gyfle i ymatebwyr roi sylwadau ar y blaenoriaethau, y canlyniadau a'r camau gweithredu arfaethedig sydd wedi'u cynnwys yn y Strategaeth ddrafft.

Bydd pob Aelod yn cymryd rhan yn y broses, gan ddechrau gydag adroddiad i'r Pwyllgor Craffu Adfywio a'r Amgylchedd ym mis Mehefin, a Seminar i Aelodau yn dilyn hynny, gyda phenderfyniad ar y Strategaeth derfynol yn cael ei gyflwyno gerbron y Cabinet yn ddiweddarach eleni, yn dilyn yr ymarfer ymgynghori.

### **(ii) CYMERADWYAETH AR GYFER PROSIECTAU LEDLED BWRDEISTREF SIROL CAERFFILI – DATGANIAD I'R WASG, DYDD GWENER 30AIN MAWRTH 2018**

<http://www.caerphilly.gov.uk/News/News-Bulletin/February-2018/Environmental-projects-given-green-light>

At Aelod y Cabinet dros Gartrefi a Lleoedd y Cynghorydd Lisa Phipps oddi wrth y Cynghorydd Graham Simmonds.

1. O ystyried y datganiad i'r wasg uchod, sy'n honni bod prosiectau ledled CBS Caerffili wedi'u cymeradwyo, a all yr Aelod Cabinet ei gwneud hi'n glir pa gamau sydd wedi'u cymryd i esbonio i'r wasg nad yw CBS Caerffili ond yn cynnwys Cwm Rhymni, ond mae hefyd yn cynnwys hen ardal gyngor Etholaeth Islwyn?
2. A all yr Aelod Cabinet ei gwneud hi'n glir y prosiectau sydd wedi'u heitemeiddio yn Ardal Islwyn wedi'u nodi o dan raglen gwella'r amgylchedd SATC?
3. A gaiff y prosiectau y nodwyd y byddant yn elwa o'r deng miliwn o bunnoedd eu dyrannu'n gyfartal ar sail canran poblogaeth?
4. O ystyried y ffaith ddiamedod bod safon yr amgylchedd yn elfen allweddol o SATC a bod y cyngor yn ymrwymedig i helpu i greu cymunedau y mae tenantiaid yn falch ohonynt ac yn awyddus i fyw ynddynt, a bod ymgysylltu â chymunedau ac asiantaethau partner yn hollbwysig o ran sicrhau bod prosiectau yn gynaliadwy ac yn diwallu anghenion pobl leol, a all trigolion Islwyn fod yn sicr y bydd prosiectau a gaiff eu hymrwymo i Islwyn yn unol â rhaglen gwella'r amgylchedd SATC, er budd cymunedau Islwyn?

#### **YMATEB GAN Y CYNGHORYDD LISA PHIPPS AELOD CABINET DROS GARTREFI A LLEOEDD**

**C1** Mewn ymateb i'r cwestiwn a ofynnwyd gan y Cynghorydd Simmonds, yn gyntaf, hoffwn gadarnhau bod rhaglen amgylcheddol SATC yn elfen bwysig o raglen gyffredinol SATC sydd â'r nod o wella cyflwr ein cyflenwad o dai cyngor ledled y fwrdeistref sirol gyfan. O ganlyniad i hynny, nid yw'r swyddogion a'r aelodau sy'n ymwneud â'r rhaglen yn canolbwyntio ar hen gymoedd Islwyn a Rhymni. Fodd bynnag, maent yn canolbwyntio ar ddull cynhwysfawr, strategol a holistaidd o weithredu'r rhaglen sy'n mynd i'r afael â'r fwrdeistref sirol gyfan ac elfennau cysylltiedig Dwyrain Caerffili a Gorllewin Caerffili.

Mewn perthynas â'r datganiad i'r wasg y cyfeiriwyd ato, hoffem nodi bod y Cyngor wedi cyhoeddi datganiad i'r wasg, fel un o nifer o ddatganiadau sydd wedi'u cyhoeddi mewn perthynas â rhaglen SATC. Er y derbynnir bod y datganiad y cyfeiriwyd ato yn canolbwyntio ar orllewin y fwrdeistref sirol, mae hyn am fod y prosiectau a oedd wedi'u cynnwys ond wedi'u cymeradwyo'n ddiweddar ac roedd hynny'n ffordd o roi adborth i'r gymuned. Mae datganiadau tebyg wedi'u gwneud sy'n cynnwys ardaloedd eraill o'r fwrdeistref sirol, gan y sefydlwyd y rhaglen amgylcheddol, o'r cychwyn cyntaf, fel dull bwrdeistref sirol cyfan o wella pob cymuned y mae tenantiaid y cyngor yn byw ynddynt. Rhoddwyd gwybod i bob Cynghorydd a darparwyd copi o'r rhaglen fis Hydref 2016, ac atodir copi er gwybodaeth. Cafodd y gyllideb ei dyrannu ar y sail hon, ac mae tri Swyddog yr Amgylchedd wedi'u cyflogi i ymgysylltu â chymunedau ledled y fwrdeistref sirol, ac felly, caiff pob cymuned gyfle i nodi prosiectau i'w hystyried.

**C2** Mae'r prosiectau canlynol wedi'u cyflwyno yng ngham cyntaf y rhaglen amgylcheddol a oedd yn ceisio canolbwyntio ar nodi mân waith o ganlyniad i'r ymgymghoriad yn y cymunedau canlynol:

**Treowen**

Arwydd anheddiad a 2 fainc – wedi'u cwblhau

**Cefn-y-pant**

Parcio ar Coedlan Ganolog, canol ac isaf – wedi'i gymeradwyo, ailosod meinciau a phaentio rheiliau uchder pen-glin wrth ymyl y siopau – wedi cwblhau tirlunio ardal Parc y Coetiroedd – bron wedi'i gwblhau

**Pentwyn-mawr**

Gosod tarmac ar ardaloedd buarth a gosod cwrp isel yn The Ranks - wedi'i gymeradwyo

**Crosskeys**

Parcio yn fflatiau Heol Rhisga – gyda EPG ar hyn o bryd i ystyried dichonoldeb a dyluniad

**Tŷ Sign**

Storfa biniau Clos y Clychau Aur – wedi'i gwblhau  
Parc Sglefyrddio Tŷ Sign – ar fin cychwyn  
Bocsys ffenestri Heol y Celyn – wedi'i gymeradwyo

**Ynys-ddu**

Parcio yng Nglos Islwyn – gyda EPG i ystyried dichonoldeb

**Coed Duon**

Parcio yng Nghoedlan Lewis Lewis – gyda EPG i ystyried dichonoldeb

**Pontllan-fraith**

Parcio yn Nhŷ Mynyddislwyn – gyda EPG i ystyried dichonoldeb

**Croespenmaen**

Parcio yng Nghlos Shelley – wedi'i gwblhau  
Meinciau Tŷ Melin a chynwysyddion planhigion – wedi'i gymeradwyo

**Trinant**

Parcio yng Nghilgant y Dywysoges – wedi'i gymeradwyo  
Arwyneb newydd i Lys Horeb – wedi'i gwblhau  
Meinciau a chynwysyddion planhigion yn Llys Horeb – wedi'i gymeradwyo  
Gosod ffensys cyswllt cadwyn newydd ger Llys Horeb – wedi'i gymeradwyo

**Maes-y-ffynnon**

Parcio yn Heol y Ddôl – wedi'i gymeradwyo

**Cefn Fforest**

Heol Waunborfa – Rheiliau, gosod bolardiau concrit newydd a 6 bin graean – yn mynd rhagddo  
Gerddi'r Twyn - rheiliau wedi'u paentio a'r tir wedi'u braenaru mewn rhai ardaloedd, ystyried y posibilrwydd o osod concrit er mwyn eu cadw a'u cynnal yn y dyfodol - yn mynd rhagddo  
Cynllun Tai Lloches Tŷ Bedwellte – parcio (gyda EPG ar hyn o bryd i ystyried dichonoldeb a dyluniad), Cynwysyddion Planhigion ac ati – yn mynd rhagddo  
Stryd Bryngoleu, Cefn Fforest – rheiliau wedi'u paentio a'r gordyfiant wedi'i dorri – yn mynd rhagddo

**Fairview**

Grisiau Clos Aneurin – wedi'u hailadeiladu – wedi'i gwblhau

### **Markham**

Rheiliau a Bolardiau Monmouth Walk wedi'u paentio ac wedi cael gwared ar yr ardal o ordyfiant - Wedi'i gwblhau

Gordyfiant Commin Close – wedi'i gwblhau

Trem y Mynydd – paentio'r holl folardiau a gosod concrit mewn rhai o'r ardaloedd glaswellt

### **Trelyn**

Cwrt Gwent – gydag Ardal Dai i'w hystyried

### **Trelyn Uchaf**

Pob Cwrt yn Nhrecelyn Uchaf - Marciau llinell ar gyfer y meysydd parcio, a thorri gordyfiant yn ôl.

### **Pengam**

Gosod Bolardiau yng Nghlos Islwyn – wedi'i gwblhau

Atgyweirio'r wal o gerrig sychion ar Goedlan Salway – wedi'i gwblhau

Cilgant Hodges - tynnu'r bolardiau a gwneud gwaith atgyweirio cynnal a chadw ar ben uchaf Cilgant Hodges - hanner wedi'i gwblhau

Atgyweiriadau i'r ffensys ar Lôn yr Angel - yn mynd rhagddo

### **Argod**

Cynhelir ymgynghoriad ar gyfer Heol Penylan, Argoed

Mae gwaith ychwanegol yn cynnwys gosod meinciau newydd yn Oakdale, gosod rhwystrau a marciau llinellau yn Nhŷ Sign, Coed Duon, Rhisga, Penllwyn, Cefn-y-pant, Trecelyn, Trinant a Maes-y-ffynnon hefyd yn mynd rhagddo.

Cynhelir ymgynghoriadau fel ail gam o'r rhaglen a fydd yn ystyried prosiectau ar raddfa fwy yn High Meadow, Waunfawr yn Crosskeys, Oakdale, Cefn-y-pant, Trinant, Maes-y-ffynnon a'r Coed Duon, Cefn Fforest, Fairview, Trelyn Uchaf, Trelyn, Pengam a Thŷ Sign yn ystod y flwyddyn ariannol hon. Ymgysylltir â chymunedau ym Markham ac Argod yn ystod Gwanwyn 2019.

- Q3** Mae dyraniad dangosol o £1,000 fesul cartref Cyngor a gaiff ei ddyranu i bob cymuned. Fodd bynnag, mae Bwrdd Prosiect SACT wedi penderfynu, er y caiff cyllid y Cyfrif Refeniw Tai ei dargedu at sicrhau budd i denantiaid y Cyngor, caiff y cyllid ei ddyrannu yn ôl angen ac asesiadau dichonoldeb. Ymgysylltir â phob cymuned a bydd cyfle ganddynt i dynnu sylw at unrhyw bryderon neu welliannau. Mae Swyddogion Amgylcheddol yn cysylltu ag aelodau wardiau cyn ymgymryd ag unrhyw ymgynghoriadau ac hefyd yn eu gwahodd i unrhyw ddigwyddiadau yn y gymuned.
- C4** Gallant, mae'r Cyngor yn ymrwymedig i ddarparu pob agwedd ar raglen SATC mewn ymgynghoriad ag aelodau'r ward, tenantiaid a grwpiau cymunedol ac, fel y gellir dangos drwy'r rhestr o brosiectau uchod, bydd y rhaglen o fudd i denantiaid y Cyngor a thrigolion mewn cymunedau ledled y fwrdeistref sirol gyfan (gweler y rhaglen atodedig).

Daeth y cyfarfod i ben am 7.57p.m.

Cymeradwywyd fel cofnod cywir, ac yn amodol ar unrhyw ddiwygiadau neu gywiriadau y cytunwyd arnynt a'u nodi yng nghofnodion y cyfarfod a gynhelir ar 5ed Mehefin 2018, cawsant eu llofnodi gan y Maer.



Gadewir y dudalen hon yn wag yn fwriadol





## COUNCIL - 5TH JUNE 2018

**SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING**

**REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING**

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- 1.1 The attached report, which detailed a Notice of Motion received from Councillors E. Stenner, S. Morgan, L. Phipps and C. Cuss in relation to a ban on third party puppy farming, was presented to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018.
- 1.2 Members considered the following Notice of Motion:-

*“That Caerphilly County Borough Council adds its support to the Lucy’s Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter”.*
- 1.3 Officers summarised the background information in relation to Lucy’s Law, which was launched in December 2017 and promotes an immediate ban on all commercial third party sale of dogs. It was explained that “third party sellers” are dealers who did not breed the dogs and who operate as “middlemen” between the breeders and the buying public. The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.
- 1.4 New legislation has been proposed in England which places enhanced requirements on licensed pet sellers who are not pet breeders. As the legislation is currently slightly different in Wales, the Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.
- 1.5 During the course of the ensuing debate, Members discussed the remit of such a ban and whether it could also apply to other types of animals, the effectiveness of a ban, and the enforcement processes and penalties that could be applied to illegal dealers.
- 1.6 Following consideration of its contents, the Health, Social Care and Wellbeing Scrutiny Committee unanimously endorsed the Notice of Motion and recommended its acceptance by Council.
- 1.7 Council is now asked to consider the attached Notice of Motion.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendices:

Appendix Report to the Health, Social Care and Wellbeing Scrutiny Committee on 1st May 2018  
- Agenda Item 9



## HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 1ST MAY 2018

**SUBJECT: NOTICE OF MOTION – TO SUPPORT THE LUCY’S LAW NATIONAL CAMPAIGN TO BAN AND OUTLAW THIRD PARTY PUPPY FARMING**

**REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES**

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### 1. PURPOSE OF REPORT

- 1.1 The Scrutiny Committee is asked to consider the Notice of Motion as set out in paragraph 4.1 to this report and make a recommendation to Council.

### 2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor Eluned Stenner and is supported by Cllrs Sean Morgan, Lisa Phipps and Carl Cuss.
- 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 for consideration.

### 3. LINKS TO STRATEGY

- 3.1 The Notice of Motion meets the criteria set out in the Council's Constitution.
- 3.2 Supporting the ban on third party sellers of puppies contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
  - A healthier Wales
  - A globally responsible Wales

In terms of the five ways of working set out in the sustainable development principle, as defined in the Act. The motion to support Lucy's Law is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders.

### 4. THE REPORT

- 4.1 Councillor E. Stenner requests in her Notice of Motion that:-

*Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter.*

## 4.2 Background Information

Lucy's Law was launched in December 2017 and supported by APDAWG, All-Party Parliamentary Dog Advisory Welfare Group chaired by MP Dr Lisa Cameron MP. Lucy's Law promotes an immediate ban on all commercial third party sales of dogs. "Commercial" means sales as part of a business, for profit. Third party sellers are dealers; people who did not breed the dogs and who operate as "middlemen" between the breeders and the buying public.

4.3 Currently the law (Pet Animals Act 1951) requires commercial third party sellers to be licensed as a "pet shop", irrespective of the type of trading premises.

4.4 On the 8th of February 2018 the Government published new rules with the aim of modernising and enhancing welfare requirements applying to dog breeding, pet sales and other pet related activities licensed by local authorities in England. These reforms place enhanced requirements on licensed pet sellers who are not pet breeders, i.e. third party sellers but do not go as far as an outright ban. The Government however wish to explore a ban on third party sales further and have therefore issued a call for evidence on the effect of introducing a ban. The proposal under the revised Regulations, with the ban incorporated would be that puppies can only be sold from licensed breeders, in the presence of their mothers, after the age of eight weeks, or alternatively, from verified charity and rescue centres.

4.5 The sale of puppies through third party dealers can seriously harm animal welfare, trauma of transportation, increased risk of exposure to disease, behavioural problems resulting from premature separation from the mother and lack of appropriate socialisation. The puppy market is very lucrative with even small breeds selling for over a thousand pounds.

4.6 Puppies imported into the UK for commercial re-sale can only legally be sold if the seller holds a pet shop licence. Banning the sale of puppies by third party sellers would remove the legal market for imported puppies.

4.7 A ban on commercial third party sales would amount to a legal requirement that only licensed dog breeders would be able to sell puppies in the course of a business. It would not impact on non-commercial activities including rehoming puppies through dog charities and sanctuaries as they are not done for profit.

4.8 A ban on third party selling will probably not entirely eradicate puppy farming but it is an effective strategy to dramatically reduce the scale of the problem and compel breeders to raise standards.

4.9 Caerphilly Council Animal Health and Licensing officers have dealt with a number of cases of unlicensed pet sellers and breeders which has resulted in enforcement action. Officers have also dealt with cases where traders have purchased dogs imported from European countries and claimed that they had bred the puppies themselves.

4.10 Legislation is currently slightly different in Wales. Pet shops are governed by the Pet Animals Act 1951 but there is separate devolved legislation covering Dog Breeders, namely the Animal Welfare (Breeders of Dogs) (Wales) Regulations 2014. Welsh Government is keeping a watching brief on developments in England and has expressed its general support for a ban on third party sellers.

## 5. WELLBEING OF FUTURE GENERATIONS (WALES) ACT 2015

5.1 Public Protection activity is integrated across the Well-being Goals within the Well-being of Future Generations (Wales) Act 2015. The banning of third party sales of dogs would contribute towards the health protection of citizens in helping to reduce the spread of disease in animals that could impact on humans. It would also enhance public protection and protect animals, consumers and enable legitimate trade to operate in fair and open market place.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan 2016-2020.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications arising directly from this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **10. RECOMMENDATIONS**

- 10.1 The Notice of Motion be duly considered by the Scrutiny Committee and make a recommendation to Council.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To be in accordance with the Council's Constitution. To demonstrate the commitment the Authority has to animal welfare and controls on the commercial sale of dogs.

## **12. STATUTORY POWER**

- 12.1 Local Government Act 1972.

Author: Jacqui Morgan Trading Standards, Licensing & Registrars Manager  
Consultees: Cllr Lyndon Binding (Chair) Health Social Care and Well Being Scrutiny Committee  
Cllr J Gale (Vice Chair) Health Social Care and Well Being Scrutiny Committee  
Mark S. Williams, Interim Corporate Director Communities  
Rob Hartshorn, Head of Policy and Public Protection  
Lisa Lane, Corporate Solicitor,  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Mike Eedy, Finance Manager  
Shaun Watkins, HR Manager

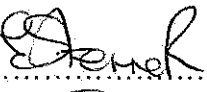
Background Papers:  
Call for Evidence, A ban on commercial third party sales of puppies and Kittens in England.

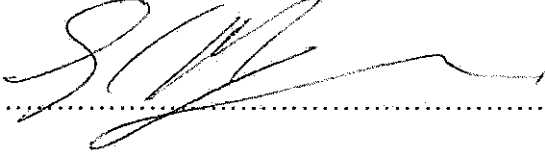
Appendix 1: Signed copy of Notice of Motion

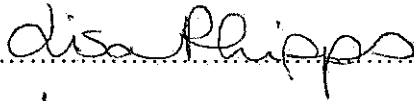
## Notice of Motion


To consider the under-mentioned Notice of Motion standing in the name of County Borough Councillor Eluned Stenner supported by Cllr Sean Morgan, Cllr Lisa Phipps and Cllr Carl Cuss

We the undersigned elected members request that "Caerphilly County Borough Council adds its support to the Lucy's Law National Campaign to ban and outlaw third party puppy farming. That Caerphilly County Borough Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County Borough. This Council requests that the Leader of the Council Cllr David Poole writes to UK Government, supporting the call for urgent action on this matter".

Councillor Eluned Stenner ..... 

Councillor Sean Morgan ..... 

Councillor Lisa Phipps ..... 

Councillor Carl Cuss ..... 

Gadewir y dudalen hon yn wag yn fwriadol



## COUNCIL - 5TH JUNE 2018

**SUBJECT: NOTICE OF MOTION – RELOCATION OF THE CAERPHILLY DWP OFFICES**

**REPORT BY: CORPORATE DIRECTOR FOR SOCIAL SERVICES AND HOUSING**

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### 1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in Paragraph 4.1 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. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor D.V. Poole and is supported by Councillors J. Pritchard, Mrs B. Jones, S. Morgan, C. Gordon, C. Cuss, Mrs E. Stenner, Mrs L. Phipps, N. George and Mrs P. Marsden.
- 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 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision making roles and responsibilities which will impact on future generations.

### 4. REPORT

- 4.1 Councillor D.V. Poole requests in his Notice of Motion:-

That Caerphilly County Borough Council requests the UK Government to reconsider the relocation of the Caerphilly DWP Offices and enter into meaningful discussions with PCS Trade Union. We further request that the Welsh Government supports the PCS's position.

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

#### Reasons for the Motion

- 4.3 The Department of Work and Pensions (DWP) have announced that five of its offices across South Wales will close, with a total of 1,700 staff centralised at a new site on Treforest Industrial Estate. In addition to the Caerphilly Benefits Centre (225), office closures include Merthyr Benefit Centre (262 staff), Cwmbran Pension Centre (171 staff), Newport Benefit Centre (365 staff), Gabalfa Cardiff (714 staff). Although the Member appreciates that the DWP like local government are seeking to make changes to their operations in response to

ever increasing pressures placed on them from austerity measures imposed by Central Government is disappointed with the decision to relocate jobs out of Caerphilly Town and the implications the move will have on the sustainability of the town centre.

- 4.4 Due to the negative impact on the town centre the Member asks that this Council writes to UK Government to reconsider the relocation of the Caerphilly DWP Officers and enter into meaningful discussion with PCS Trade Unions and further to this, a request also be sent to Welsh Government to add their support to the PCS's position.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 The Notice of Motion is consistent with the five ways of working as defined within the act as it complies with the rules and regulations of the Council's Constitution which sets out a clear framework for how the Council operates in particular decision making responsibilities which will consider the positive and negative impacts on future generations, long term resilience, economic, environmental and social capital.

## **6. EQUALITIES IMPLICATIONS**

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

## **7. FINANCIAL IMPLICATIONS**

- 7.1 There are no financial implications associated with this report.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications associated with this report.

## **9. CONSULTATIONS**

- 9.1 There has been no consultation undertaken.

## **10. RECOMMENDATIONS**

- 10.1 Council is asked to consider the Notice of Motion outlined in paragraph 4.1 above and make an appropriate recommendation.

## **11. REASONS FOR THE RECOMMENDATION**

- 11.1 In accordance with the Council's Constitution.

Author: Emma Sullivan, Senior Committee Services Officer.

Appendices:

Appendix 1 Signed copy of Notice of Motion



### Notice of Motion

To consider the under-mentioned Notice of Motion standing in the name of County Borough Councillor David Vincent Poole support by Councillor James Pritchard, Councillor Barbara Jones, Councillor Sean Morgan, Councillor Colin Gordon, Councillor Carl Cuss, Councillor Eluned Stenner, Councillor Lisa Phipps, Councillor Nigel George and Councillor Philippa Marsden.

We the undersigned request that Caerphilly County Borough Council requests the UK Government to reconsider the relocation of the Caerphilly DWP Offices and enter into meaningful discussions with the PCS Trade Union. We further request that the Welsh Government supports the PCS's position.

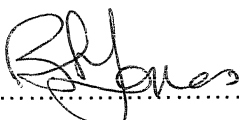
Councillor David Poole .....



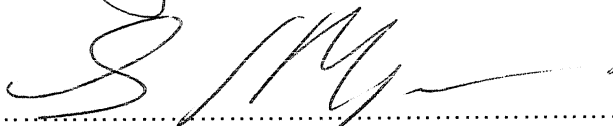
Councillor James Pritchard .....



Councillor Barbara Jones .....



Councillor Sean Morgan .....



Councillor Colin Gordon .....



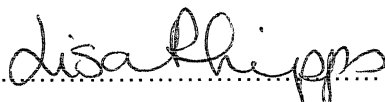
Councillor Carl Cuss .....



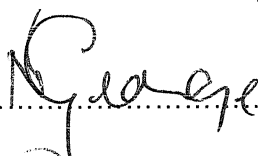
Councillor Eluned Stenner .....



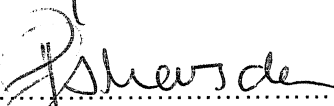
Councillor Lisa Phipps .....



Councillor Nigel George .....



Councillor Philippa Marsden .....



Gadewir y dudalen hon yn wag yn fwriadol



## COUNCIL - 5TH JUNE 2018

**SUBJECT: LICENSING AND GAMBLING / REGISTRATION / PERMIT FEES – 2018/19**

**REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING**

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- 1.1 The attached report is due to be considered by the Licensing and Gambling Committee on 31st May 2018. The recommendations of the Committee will be reported verbally to Council on 5th June 2018.
- 1.2 Members will be asked to consider the recommendations of the Licensing and Gambling Committee.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendix Report to the Licensing and Gambling Committee on 31st May 2018

Gadewir y dudalen hon yn wag yn fwriadol



## LICENSING AND GAMBLING COMMITTEE – 31ST MAY 2018

**SUBJECT: LICENSING AND GAMBLING / REGISTRATION / PERMIT FEES – 2018/19**

**REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES**

### 1. PURPOSE OF REPORT

- 1.1 To recommend Licensing/Registration/Permit Fees under the Gambling Act 2005 for the next financial year and inform the committee of fees set centrally under the Licensing Act 2003. To seek the views of Members and to make recommendations to Council on them.
- 1.2 To ask council to note that in accordance with the existing powers contained in the terms of reference for the licencing and gambling committee in future years the decisions in respect of fees which are set locally will be made by the licensing and gambling committee without further reference to council.

### 2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service. This report recommends amendments to Gambling fees where appropriate and advises Members of the fee structure established by the Government under the Licensing Act 2003.
- 2.2 The report also recommends that the Constitution is amended so that the power to set relevant fees for future years is included within the terms of reference of the Licensing and Gambling Committee.

### 3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
  - A prosperous Wales
  - A resilient Wales
  - A more equal Wales

### 4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government e.g. alcohol licences, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service e.g. the majority of Gambling fees.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set fees for 2018/19.
- The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:
- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
  - Other charges –
    - (i) Total charges for time based on functions associated with the service provision.
    - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
    - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.
- 4.4 Gambling Act 2005 – Whilst the Government sets maximum fee levels relating to premises licences such as bingo halls, betting shops, etc., the Authority has the discretion to set fees at a level considered appropriate to cover costs. There has been little change in respect of licence numbers / types throughout 2017/2018 and licensing processes have been further streamlined. There has been an absence of complaint led issues in this area and a review of Gambling Fees indicates that the current fees do not require amending for 2018/2019. However, there will be a significant amount of policy related work ahead in respect of preparing for the formulation of the Authority's revised Gambling Policy in January 2019 which is likely to impact upon 2019/2020 fee levels.
- 4.5 The Proposed fees for premises licences are attached as Appendix 1 and remain at the level set in 2017/18 due to the reasons given above. Fees for Permits and other charges are attached as Appendix 2. The majority of these are set centrally by Government. The only exception is the fee for Temporary Use Notices (TUNs). The report recommends that this fee remains at the existing level.
- 4.6 Licensing Act 2003 fees are set by the Government and have remained static since 2005. The Government has indicated that potentially centrally-set fees may be moved to locally-set fees and is currently working with the LGA to assess an appropriate fee structure. Until such changes are implemented, applications and annual fees must continue to be charged at the current fee level. The fees charged in connection with the Licensing Act 2003 are attached for information only as Appendix 3.
- 4.7 The majority of locally set Licensing fees are local choice functions and historically have been determined by Full Council after consideration and recommendation by the relevant Licensing Committee. Current exceptions are the setting of Dog Breeding and Scrap Metal licence fees which are an Executive function.

- 4.8 The existing terms of reference for the Licensing and General Committee are wide enough to allow the Committee to make decisions in respect of those fees which are set locally and as such it is the intention that in future years the Licensing and Gambling Committee exercise its power to set relevant fees without further reference to full Council. This will result in a more streamlined and responsive process and mirrors similar processes operated in other local authorities. Members of the relevant Licensing Committee have more detailed knowledge of the large number of types of licences administered by the service and the time and resources associated with the licensing process.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.
- 7.2 As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service. Following review of all locally set fees, the predicted income for the period 2018 to 2019 will be dependent on the aggregation of fees for different licence types. Alcohol fees are set by Government and as it is proposed that Gambling fees remain static, income levels are likely to remain the same, dependent upon the number of applications.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications.

## **9. CONSULTATIONS**

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## 10. RECOMMENDATIONS

10.1 That the Committee:-

- (a) consider and offer any comment on the level of fees proposed under the Gambling Act 2005 for 2018/19 as outlined in Appendix 1 and for Temporary Use Notices in Appendix 2.
- (b) note the level of fees charged in connection with the Licensing Act 2003 as set out in Appendix 3 and for the majority of Gambling Permits and associated charges in Appendix 2.
- (c) To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Licencing and Gambling Committee, for future years the decisions in respect of fees which are set locally will be made by the Licensing and Gambling Committee without further reference to full Council.

10.2 To refer the above recommendations to Council on 5th June 2018.

## 11. REASONS FOR THE RECOMMENDATIONS

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service. To implement a more streamlined and responsive process for fee setting that mirrors similar processes operated in other local authorities.

## 12. STATUTORY POWER

12.1 Local Government Act 1972; Licensing Act 2003 and the Gambling Act 2005 etc and Regulations made under these Acts.

Author: Lee Morgan , Licensing Manager  
Consultees: Cllr, Denver Preece Chair, Licensing Committee  
Cllr J Simmonds, Vice Chair, Licensing Committee  
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection  
Mark S. Williams, Interim Corporate Director Communities  
Robert Hartshorn, Head of Policy and Public Protection  
Jacqui Morgan , Trading Standards, Licensing and Registrars Manager  
James Williams, Senior Solicitor, Legal Services  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager  
Mike Eedy, Finance Manager  
Lisa Lane, Interim Monitoring Officer.

Background Papers:

Open for business LGA guidance on Licensing fees Nov 2015 -  
<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Appendices:

Appendix 1 – Gambling Act 2005 – Proposed premises licence fees for 2018/19  
Appendix 2 – Gambling Act 2005 – Permits and associated charges  
Appendix 3 – Licensing Act 2003 – Main fees



## GAMBLING ACT 2005 – PREMISES LICENCE FEES 2018/19 (unchanged)

Premises Type	New Application £	Annual Fee £	Application to Vary £	Application to Transfer £	Application for Re-Instatement £	Application for Provisional Statement £	Licence Application (Provisional Statement Holders) £	Copy Licence Statutory Maximum £	Notification of Change Statutory Maximum £
Bingo Club	£680	£405.00	£680	£680	£680	£680	£405.00	25*	50*
Betting Premises (excluding Tracks)	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Tracks	£900	£564	£900	£564	£564	£900	£564	25	50
Family Entertainment Centres	£680	£405.00	£680	£680	£680	£680	£405.00	25	50
Adult Gaming Centre	£680	£405.00	£680	£680	£680	£680	£405.00	25	50

Permit Fees

	New Application	Renewal Fee	Change of Name £	Copy of Permit £	Variation £	Transfer £	Annual Fee £
<b>Temporary Use Notice (set locally)</b> Unchanged	398	N/A	N/A	25	N/A	N/A	N/A
<b>Centrally Set Fees</b>							
FEC Gaming Machine Permits*	300	300	25	15	N/A	N/A	N/A
Prize Gaming Permits*	300	300	25	15	N/A	N/A	N/A
(Alcohol) Licensed Premises Gaming Machine Permit*	150#	N/A	25	15	100	25	50
(Alcohol) Licensed Premises Notification Fee – (maximum 2 machines)*	50	N/A	N/A	N/A	N/A	N/A	N/A
Club Gaming Permit*	200##	200##	N/A	15	100	N/A	50
Club Machine Permit*	200##	200##	N/A	15	100	N/A	50

\* Statutory Fee set centrally

# Where applicant is an existing operator fee is £100.00

## Where applicant is an existing Part 2 or Part 3 operator under the Gaming Act 1968 or the holder of a club premises certificate issued under the Licensing Act 2003, the fee is £100.00.

**LICENSING ACT 2003 - set centrally by Government.****MAIN FEES –  
PREMISES LICENCE AND CLUB PREMISES CERTIFICATE**

<b>BAND</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
NON DOMESTIC RATEABLE VALUE	None-£4,300	£4,301-£33,000	£33,001-£87,000	£87,001-£125,000	£125,001+
<b>Premises Licence*</b>					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£900)	X3 (£1905)
ANNUAL CHARGE*	£70	£180	£295	£320	£350
ANNUAL CHARGE MULTIPLIER APPLIED TO PREMISES USED EXCLUSIVELY OR PRIMARILY FOR THE SUPPLY OF ALCOHOL FOR CONSUMPTION ON THE PREMISES (BANDS D & E ONLY)	N/A	N/A	N/A	X2 (£640)	X3 (£1050)
<b>Club Premises Certificate</b>					
NEW APPLICATION AND VARIATION	£100	£190	£315	£450	£635
ANNUAL CHARGE	£70	£180	£295	£320	£350

To locate the non-domestic rateable value of your premises, log into the Valuation Office's website, [www.voa.gov.uk](http://www.voa.gov.uk) where there is a facility to enter the post code.

\*There are additional fees for premises licence applications and annual fee, for exceptionally large-scale events (5,000 people+), unless certain conditions apply. Please read regulation 4(4) & 4(5) of The Licensing Act 2003 (Fees) Regulations 2005

Exemptions exist for certain premises such as church halls, community halls, schools and colleges and where the application relates to the provision of regulated entertainment only.

**Additional Fees Applied to Premises Licence Application and the Annual Fee for Exceptionally Large Scale Events**

<b>Number in attendance at any one time</b>	<b>Additional fee payable</b>	<b>Annual fee payable if applicable</b>
5,000 - 9,999	£1,000	£500
10,000 - 14,999	£2,000	£1,000
15,000 - 19,999	£4,000	£2,000
20,000 - 29,999	£8,000	£4,000
30,000 - 39,999	£16,000	£8,000
40,000 - 49,999	£24,000	£12,000
50,000 - 59,999	£32,000	£16,000
60,000 - 69,999	£40,000	£20,000
70,000 - 79,999	£48,000	£24,000
80,000 - 89,999	£56,000	£28,000
90,000 and over	£64,000	£32,000

**Personal Licence, Temporary Event Notice and Other Fees**

Application for a grant or renewal of personal licence	£37.00
Temporary event notice	£21.00
Theft loss, etc. of premises licence or summary	£10.50
Application for a provisional statement where premises being built, etc.	£315.00
Notification of change of name or address	£10.50
Application to vary licence to specify individual as premises supervisor	£23.00
Application for transfer of premises licence	£23.00
Interim authority notice following death, etc. of licence holder	£23.00
Theft, loss, etc. of certificate or summary	£10.50
Notification of change of name or alteration of rules club	£10.50
Change of relevant registered address of club	£10.50
Theft, loss etc. of temporary event notice	£10.50
Theft, loss etc. of personal licence	£10.50
Duty to notify change of name or address	£10.50
Right of freeholder etc. to be notified of licensing matters	£21.00
Application for a minor variation	£89.00
Application for the mandatory condition requiring a DPS to be dis-applied	£23.00



## COUNCIL - 5TH JUNE 2018

**SUBJECT: TAXI AND GENERAL LICENSING / REGISTRATION / PERMIT FEES  
– 2018/19**

**REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING**

- 
- 1.1 The attached report is due to be considered by the Taxi and General Committee on 31st May 2018. The recommendations of the Committee will be reported verbally to Council on 5th June 2018.
  - 1.2 Members will be asked to consider the recommendations of the Taxi and General Committee.

Author: R. Barrett, Committee Services Officer, Ext. 4245

Appendix Report to the Taxi and General Committee on 31st May 2018

Gadewir y dudalen hon yn wag yn fwriadol



## TAXI AND GENERAL COMMITTEE – 31ST MAY 2018

**SUBJECT: TAXI AND GENERAL LICENSING / REGISTRATION / PERMIT FEES – 2018/19**

**REPORT BY: INTERIM CORPORATE DIRECTOR OF COMMUNITIES**

### 1. PURPOSE OF REPORT

- 1.1 To recommend general Licensing/Registration/Permit Fees for the next financial year. To seek the views of Members and to make recommendations to Council on them.
- 1.2 Subject to paragraph 1.1 the proposed fees for hackney carriage/private hire vehicle licences for 2018/19 be advertised and the Taxi and General Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.
- 1.3 To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Taxi and General Committee in future years the decisions in respect of fees which are set out in this report will be made by the Taxi and General Committee without further reference to full Council.

### 2. SUMMARY

- 2.1 All locally set Licensing fees are reviewed annually to recover reasonable costs of providing the service and this report recommends changes in fees where appropriate for a number of general fees such as Animal Premises and Hackney Carriage and Private Hire Drivers licences.
- 2.2 The report also recommends that for future years the fees are set by the Taxi and General Committee in accordance with existing powers contained within the terms of reference of the Taxi and General Licensing Committee.

### 3. LINKS TO STRATEGY

- 3.1 The annual review of Licensing fees contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
  - A prosperous Wales
  - A resilient Wales
  - A more equal Wales

### 4. THE REPORT

- 4.1 The authority has a statutory duty to administer certain licences, registrations and permits. The review of fees charged, involves consideration of the cost to the Authority in providing the service. Some fees are set centrally by government, some permits such as street collections for charities etc are free of charge and the remaining we can determine locally in order to recover the cost of providing that particular service.

- 4.2 There have been a number of important cases before the High Court regarding the setting of licensing fees and the Local Government Association (LGA) have issued guidance to local authorities, the latest in November 2015. The underlying principle in setting fees is that Councils must not use fees to make a profit or act as an economic deterrent to deter certain business types from operating in an area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime.
- 4.3 The all Wales Licensing Expert Panel devised a fee calculator toolkit that has been approved by the Directors of Public Protection in Wales. In principle the toolkit calculates two elements, which cover the costs to the authority for the provision of the service and the cost of processing and producing a licence. The cost of provision of the service increases proportionally dependant on the period of the licence, whereas the licence processing cost is not affected by the period of the licence. A separate toolkit has been developed for the majority of licences issued and these have been used to review and set the fees for 2018/19.
- 4.4 The fee review process for 18/19 indicated that some current fee levels are not meeting the cost of providing the service, for example Pet Shop licences, Riding Establishments, Boarding Establishments, Hackney Carriage and Private Hire Vehicle licences and Taxi driver licences. These have been increased accordingly in an effort to cover costs. In other areas, improved cost information, streamlining of processes etc has resulted in costs remaining static or reducing.

The toolkit spreadsheet comprises a number of worksheets covering several factors relevant to the calculation of fees as follows:

- Cost summary – calculates the hourly rate chargeable for each officer based on the Council's agreed annual productive hours.
- Other charges –
  - (i) Total charges for time based on functions associated with the service provision.
  - (ii) Total specific costs including surplus or deficits in provision of service, costs of changes/amendments to licences.
  - (iii) Relevant applications, based on the number of renewal and new licences issued at the time of calculation.

- 4.5 Appendix 1 to this report sets out the existing general fees and those proposed for 18/19. For the ease of calculation and collection, all these fees have been rounded to the nearest pound.
- 4.6 Whilst the Authority acknowledges the difficulties faced by local businesses in the current economic climate, it has a duty to recover fees that are proportionate to the level of cost incurred in administering the licensing service.

#### 4.7 **Taxi Driver / Vehicle Licences**

- 4.7.1 The Council is entitled to set fees that cover the reasonable costs of providing these services. It is noted that current fee levels are not meeting the cost of providing the service in respect of Vehicle and Driver Licences. Full deficit recovery would require increases of £41 for a 3 year driver licence and £32 for an annual vehicle licence. It is believed that such a large increase in fees would have considerable impact on the trade in the current economic climate. The reasons for the above can be attributed to the large reduction in the number of driver and vehicle licences over the last 2 years following the implementation of the council's 'Intended Use' policy which requires drivers to predominantly work in this administrative area. The effects of the Deregulation Act 2015 in increasing the duration of driver licences from 2 years to 3 years have also had an impact. Members will note that there was no increase in Driver and Vehicle fees in 2017/2018.



4.7.2 The proposed increases are detailed in Appendix 1 and recommend an increase of £16 for a 3 year driver's licence and a £7 increase for a one year vehicle licence. The proposed fees fall short of full recovery but are believed to be a realistic increase in the current climate. The Vehicle and Operator Fees are subject to statutory consultation under the Local Government Miscellaneous Provisions Act 1976. Any objections received must be considered and historically the Taxi and General Licensing Committee has been given delegated authority to do this and to determine the date on which any fee variance should come into force, with or without modification.

#### 4.8 **Street Trading**

4.8.1 The fees for Street Trading were reviewed by this Committee in 2017/18 and set by Full Council on the 2<sup>nd</sup> March 2017. The latter approved a staged approach to increasing renewal fees over a three year period to bring them into line with the new application fee. The process for both are now standardised and so the cost to the authority in providing the service is the same. The fees have therefore already been set by Council as £617 in 2018/19 and £674 in 2019/20 but are included in Appendix 1 for information and completeness.

#### 4.9 **Tattooing/Piercing**

4.9.1 A large number of registrations for Personal Licences received each year relate to students training at local colleges in the Borough. The fees in respect of Personal Licences have been revised following a review of time monitoring, stream lining of processes and economies of scale due to the increase in number of such applications. This has resulted in a decrease for costs for this one off registration. The fees for Premises Licences have undergone a similar review and are proposed to be maintained at their existing level.

#### 4.10 **Civil Marriages**

4.10.1 The application fee for a new premises is currently £1089 and a renewal £769. Members on the 20<sup>th</sup> April 2018 determined that new and renewal application processes were to be standardised following amendments to the application procedure. The fee for new and renewal premises will therefore also be standardised. The reduction in fee income will be offset by savings in officer and Member time.

4.11 The majority of locally set Licensing fees are local choice functions and historically have been determined by Full Council after consideration and recommendation by the relevant Licensing Committee. Current exceptions are the setting of Dog Breeding and Scrap Metal licence fees which are an Executive function. Fees for Hackney Carriage and Private Hire Vehicle and Operator licences are subject to statutory advertising and consultation requirements. Under the current system where objections to such fees are received the Taxi and General Licensing Committee are given delegated powers by Council to consider the objections and set the fees. In practice this would mean two Taxi and General Committee meetings and consideration at full Council.

4.12 However under the existing Terms of Reference, the Taxi and General Committee has the power to set the fees the subject of this report. As such Council is asked to note that in future years the decisions in respect of such fees will be made by the Taxi and General Committee without further reference to full Council.

4.13 This will result in a more streamlined and responsive process and mirrors similar processes operated in other local authorities. Members of the Licensing Committee have more detailed knowledge of the large number of types of licences administered by the service and the time and resources associated with the licensing process.

## **5. WELL-BEING OF FUTURE GENERATIONS**

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act. There is an emphasis on prevention as the licensing process ensures that a number of checks and safeguards are in place before a licence is granted. There is also involvement particularly through the consultation process for applications allowing other agencies and the community to input into the decision making process.

## **6. EQUALITIES IMPLICATIONS**

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 The authority must balance the cost of providing the service with the impact any increases may have on businesses and the local economy. The Authority has a duty to rate payers to recover true costs and to manage its services efficiently. Any delay in implementing increases in the short term would increase the current gap between the cost of providing the service and income generated from Licensing Fees and result in even larger increases in future years.

As set out at 4.2 above recent rulings on fees and Local Government Association guidance clearly sets out that income from one licence type cannot support or fund other licence types, Councils cannot over-recover and fees must reflect the true cost of administration and the provision of the service.

Following review of all locally set fees, the predicted income for the period 2018 to 2019 will be dependent on the aggregation of fees for different licence types. It is difficult to accurately predict income arising from licensing applications as numbers of applications is subject to variation. The main impact in respect of this report will arise from the level of fees adopted in respect of Taxi driver / vehicle licences, Pet Shops and Riding Establishments. Adopting the fee levels recommended in this report will generate an increased income of £3247.00.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 There are no personnel implications.

## **9. CONSULTATIONS**

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **10. RECOMMENDATIONS**

- 10.1 That the Committee
- a) Consider and offer any comment on the level of fees proposed for 2018/19 as outlined in Appendix 1.

- b) The proposed fees for hackney carriage/private hire vehicle licences for 2018/19 be advertised and the Taxi and General Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.
- c) To ask Council to note that in accordance with the existing powers contained in the terms of reference for the Taxi and General Committee in future years the decisions in respect of fees set out in this report will be made by the Taxi and General Committee without further reference to Council.

10.2 To refer the above recommendations to Council on 5<sup>th</sup> June 2018.

## **11. REASONS FOR THE RECOMMENDATIONS**

11.1 To recover a reasonable level of costs incurred by the Council in administering the licensing service. To implement a more streamlined and responsive process for fee setting that mirrors similar processes operated in other local authorities.

## **12. STATUTORY POWER**

12.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; This is a Council function.

Author: Lee Morgan, Licensing Manager  
Consultees: Cllr, Denver Preece Chair, Licensing Committee  
Cllr J Simmonds, Vice Chair, Licensing Committee  
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection  
Mark S. Williams, Interim Corporate Director Communities  
Robert Hartshorn, Head of Policy and Public Protection  
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager  
Mike Eedy, Finance Manager  
Lisa Lane, Interim Monitoring Officer  
James Williams, Senior Solicitor  
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)  
Shaun Watkins, HR Manager  
Della Mahony, Superintendent Registrar

### Background Papers:

Open for business LGA guidance on Licensing fees Nov 2015 -

<https://www.local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Minutes of Full Council 2<sup>nd</sup> March 2017

Minutes of Taxi and General Licensing Committee 20<sup>th</sup> April 2018

### Appendices:

Appendix 1 Existing and proposed fees for 2018/19

## GENERAL LICENSING/REGISTRATION/PERMIT FEES – 2018/19

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
<b><u>Miscellaneous</u></b>	£	£
Zoo	1172.00*	1172.00
Commercial Animal Boarding Establishments	219.00*	223.00
Home Animal Boarding Establishments	130.00*	135.00
Pet Shops	198.00*	212.00
Riding Establishments	330.00*	338.00
Dangerous Wild Animals	332.00*	332.00
Performing Animals	166.00*	174.00
	* Fees for vet to be added, where appropriate	
<b>Acupuncture, Tattooing, Special procedures, Ear Piercing and Electrolysis -</b>		
Premises	178.00	178.00
Person	140.00	87.00
Variation	40.00	40.00
<b>Explosives, Fireworks and Petroleum</b> (Petroleum licences can be charged at a pro rata rate of 50 % for yr 2 & 33% for yr 3)	Fixed rates linked to statutory & advisory documents	Fixed rates linked to statutory & advisory documents
<b>Pleasure Boats</b>	200.00	200.00
Pro rata per month	17.00	17.00
<b>Boatmen</b>	84.00	84.00
Pro rata per month	7.00	7.00
<b><u>Sex Establishments</u></b>		
<b>Shop/ Cinema</b>		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00
<b>Sexual Entertainment Venue</b>		
Grant	1161.00	1161.00
Renewal (annual licence)	600.00	600.00
Transfer	600.00	600.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
	£	£
<b>Street Trading</b>		
Permanent static consent and mobile traders (new applications)	674.00	674.00
Permanent static consent and mobile traders (renewal applications)	<b>560.00</b>	617.00
Variation	-----	
Change of detail	10.50	10.50
Temporary consent –		
One off day rate	30.00	30.00
Up to 7 days	58.00	58.00
8 – 28 days	115.00	115.00
Quarterly / Seasonal		
Up to 3 months	168.00	169.00
Up to 6 months	337.00	338.00
Up to 9 months	505.00	507.00
<b><u>Marriage Act ( 5 Year Premises Approval)</u></b>		
New applications	1080.00	769.00
Renewal	769.00	769.00
<b><u>Hackney Carriage: Private Hire Vehicles, Operators and Drivers</u></b>		
Hackney Carriage/Private Hire Vehicles**	<b>190.00</b> plus compliance check fee	197.00
Hackney Carriage/Private Hire Vehicle Driver		
3yr	231.00	247.00
2yr	191.00	207.00
1yr	151.00	167.00
Private Hire Vehicle Operator		
5yr	763.50	757.00
4yr	632.50	627.00
3yr	501.00	497.00
2yr	369.50	367.00
1yr	238.00	237.00
<b>Replacement Fees</b>		
Rear plate	11.00	11.00
Rear plate and bracket	17.00	17.00
Driver Badge	6.00	6.00
Internal front disc	6.00	6.00
Internal back disc	6.00	6.00
Replacement external plate bracket.	6.00	6.00
Replacement pouches	1.00each	1.00 each
DVLA mandate Fee (3 yearly)	5.00	5.00

LICENCE TYPE	EXISTING FEE	PROPOSED FEE
Missed appointment fee	15.00	15.00
<b>Compliance Check Fees**</b> Fees payable from 1 April 2016 directly to the Fleet Service Garage and set by them. The fee is subject to review so cannot be quoted at time of writing report.		

\* Excludes Vet Fees which are payable separately



## COUNCIL - 5TH JUNE 2018

**SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE STRENGTHENING LOCAL GOVERNMENT GREEN PAPER**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

- 1.1 To seek Council approval for the proposed Caerphilly County Borough Council response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'.

### 2. SUMMARY

- 2.1 This report sets out a proposed Caerphilly County Borough Council response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'. The proposals in the Green Paper seek views on the reorganisation of local authorities in Wales by way of three options:

- Option 1 - Voluntary Merger by 2022
- Option 2 - A phased approach with early adopters merging by 2022 and all other authorities by 2026
- Option 3 - A single comprehensive merger programme by 2022

The Green Paper proposes the merger of Caerphilly County Borough Council with Newport City Council.

### 3. LINKS TO STRATEGY

- 3.1 The Green Paper sets out the Cabinet Secretary for Local Government and Public Services vision for the future of local government, reference is made to the Well-being of Future Generations Act (Wales) 2015 within the consultation.

### 4. THE REPORT

- 4.1 Welsh Government published the White Paper: 'Strengthening Local Government: Delivering for People' on the 20<sup>th</sup> of March 2018. The Green Paper builds upon previous proposals for local government reform contained within:

- The Report of the Commission on Public Service Governance and Delivery (January 2014) - The Williams Commission.
- White Paper- Reforming Local Government (July 2014).
- White Paper - Reforming Local Government: Power to Local People (February 2015).
- Devolution, Democracy and Delivery- Draft Local Government (Wales) Bill (November 2015).
- White Paper – Reforming Local Government: Resilient and Renewed (January 2017).

- 4.2 The current Green Paper (hyperlink at Background Papers) sets out Welsh Governments vision to strengthen and empower communities and councils across Wales. It seeks views on strengthening local democracy, strengthening local government and finding agreement on a future footprint.
- 4.3 The Paper proposes that Caerphilly County Borough Council merges with Newport City Council, its specified footprint, and seeks view on one of three timelines:
- Option 1 - Voluntary Merger by 2022
  - Option 2 - A phased approach with early adopters merging by 2022 and all other authorities by 2026
  - Option 3 - A single comprehensive merger programme by 2022
- 4.4 The Green Paper is set out in a number of themes: the Case for Change; Options for Strengthening Local Authorities; Finding Agreement of a Future Footprint; a Democratically Led Process; Strengthening Local Government Through the Process; and the role of Community and Town Councils. The tone of the paper is summarised below.
- 4.5 Welsh Government set out their **Case for Change** as Wales needing strong democratically accountable councils, working at the right scale to protect local services. The future sustainability of local government is cited as the reason for the proposals. Issues such as the resilience of services, particularly in smaller councils, are described as lack of expertise and leadership, capability, capacity and greater administrative overheads (Williams, 2014). The Paper reflects upon the previous discussions around mandated regional working (Resilient and Renewed 2017) and the views of local government in Wales that there was no appetite for mandated regional services. The view of Welsh Government is that continually increasing expenditure is not a solution and that the status quo is not an option.
- 4.6 The Paper recognises the City Deal and regional working through Education Consortia and Health and Social Care but considers that this is not enough to address financial and service challenges. Changing the size and number of local authorities is described as providing a platform for radical transformation and long term sustainability.
- 4.7 The Paper suggests that larger, stronger local authorities are needed to ensure the sustainability of services and provide a platform for transformation in delivery and outcomes for people. The **Options for Strengthening Local Government** set out the future footprint: the change process - including elections to the proposed new authorities; the support and assistance Welsh Government intends to give; and an emergency power for merger with failing authorities. The timelines for merger are as set out at paragraph 4.3 above. The specified footprint for merger of Caerphilly County Borough Council is confined to merger with Newport City Council. In considering the costs for change the Paper reflects back to the regulatory impact assessment of the 2015 Draft Local Government Bill but notes that an updated impact assessment would be needed.
- 4.8 The Paper states in **Finding Agreement for a Future Footprint for Local Government** that it is important to have a clear template for the future footprint. It reports that an earlier consultation (Reforming Local Government, 2014) proposing a West Gwent authority comprising Caerphilly, Blaenau Gwent and Torfaen County Borough Councils expressed reservations about this option. And that the responses to a regional authority comprising Caerphilly, Blaenau Gwent, Torfaen, Newport and Monmouthshire Councils (Draft Local Government Bill, 2015) considered that the area would be too large to be democratically accountable. The Paper says that the proposed groupings for South East Wales are to be tested through consultation.
- 4.9 The Paper sets out a number of challenges in finding an agreement:
- Staffing issues
  - Systems and process alignment
  - Service reconfiguration and transformation
  - Workforce issues



It considers the status of other regional delivery including health boards, police forces, education consortia, fire and rescue services and city and growth deals. The Annexes to the paper consider some of the comparison data for population, population density, age, number of households, revenue and capital budgets, council tax raising ability, council tax at Band D, number of FTE staff, number of social services staff, proportion of Welsh speakers, and Councillor to elector ratios.

- 4.10 In considering **A Clear and Democratically Led Process** the proposed transition process is set out including the timing of elections to Shadow Authorities and that Transition Committees should be set up. For all options it is intended that Shadow Authorities would operate for 12 months prior to vesting day. The Local Democracy and Boundary Commission for Wales would be directed to undertake electoral reviews of the proposed new authority areas and make recommendations by August 2020. Transition Committees and Shadow Authorities would be tasked with setting the budgets and medium term financial plans of the proposed new authorities.
- 4.11 In the section **Strengthening Local Government and Support Through the Process of Change** the Paper states that the future of local government is dependent on local Councillors having a meaningful role. In it Welsh Government recognise the pressures on local elected members and that the role is unattractive to many people, that Councillors should reflect the diversity of populations and that the commitment given should be remunerated appropriately.
- 4.12 The Paper asks what additional powers and flexibilities local authorities would wish to see. In respect of transforming services the Paper suggested that larger authorities would have the critical mass of expertise, skills and capacity needed to develop innovative and flexible services, this is considered to be particularly so for smaller authorities. The Paper sets out the offer of support that Welsh Government intend to give in terms of early practical support on issues such as workforce development, service integration and digital developments. For workforce issues the Paper proposes using the existing social partnership arrangements in the Workforce Partnership Council and the Local Government Joint Council. Shared services are considered and whether new common systems could be adopted rather than adopting existing legacy systems. The shared use of public sector assets is also considered.
- 4.13 The role of **Community and Town Councils** is referenced, in particular the current cross-party review of their potential role. The review is due to report in October 2018.
- 4.14 Political leaders have been involved in drafting the proposed response at Appendix 1. Political Groups and individual Councillors are able to respond separately to the consultation, which closes on the 12<sup>th</sup> of June 2018.

## 5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Green Paper identifies the Well-being of Future Generations (Wales) Act 2015 as providing the basis for driving a different kind of public service in Wales, and using the five ways of working to guide how public services should work to deliver for people. The Paper references the Welsh Government and Future Generations Commissioners 'Framework for Service Design'.

## 6. EQUALITIES IMPLICATIONS

- 6.1 Consultation questions include the views of Caerphilly County Borough Council on the effect of the proposals on the Welsh language, a children's rights impact assessment and the possible effects on those with protected characteristics. Responses to these questions have been drafted as in Appendix 1.
- 6.2 The Green Paper is accompanied by Welsh Government's Equality Impact Assessment, a Welsh Language Impact Assessment and a Children's Rights Impact Assessment.

## **7. FINANCIAL IMPLICATIONS**

- 7.1 If the Green Paper is implemented through a new Local Government Bill there will be significant financial implications.

## **8. PERSONNEL IMPLICATIONS**

- 8.1 If the Green Paper is implemented through a new Local Government Bill there will be significant personnel implications.

## **9. CONSULTATIONS**

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

## **10. RECOMMENDATIONS**

- 10.1 That Council endorse the proposed response to the consultation on the Welsh Government Green Paper: 'Strengthening Local Government: Delivering for People'.

## **11. REASONS FOR THE RECOMMENDATIONS**

- 11.1 To enable officers to submit a response to the Welsh Government's consultation by the 12<sup>th</sup> June 2018.

## **12. STATUTORY POWER**

- 12.1 No relevant statutory power. Previous responses to local government reorganisation consultations have been agreed by Council.

Author: Kathryn Peters, Corporate Policy Manager, [peterk@caerphilly.gov.uk](mailto:peterk@caerphilly.gov.uk)  
Consultees: Christina HARRY, Interim Chief Executive  
Cllr David Poole, Leader  
Cllr Colin Mann  
Cllr Kevin Etheridge  
Mark Williams, Interim Corporate Director, Communities  
Dave Street, Corporate Director, Social Services  
Rob Hartshorn, Head of Policy and Public Protection  
Lisa Lane, Interim Monitoring Officer  
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)

Background Papers: Report to Full Council on the 26th January 2016 'Caerphilly County Borough Council Response to the Draft Local Government (Wales) Bill'

Report to Full Council 7<sup>th</sup> March 2017 'Caerphilly County Borough Council Response to the Reforming Local Government: Resilient and Renewed White Paper'

Green Paper- Strengthening Local Government: Delivering for People  
<https://beta.gov.wales/strengthening-local-government-delivering-people>

Appendices:  
Appendix 1 Proposed Caerphilly County Borough Council Consultation Response

## Appendix 1

### Annex C: Consultation Questions

Your Name	Christina Harray, Chief Executive (Interim)
Organisation (if applicable)	Caerphilly County Borough Council
E-mail / Telephone	<a href="mailto:HARRHC@CAERPHILLY.GOV.UK">HARRHC@CAERPHILLY.GOV.UK</a>
Your Address	Ty Penallta, Tredomen Park, Tredomen, Ystrad Mynach, CF82 7PG

You can find out how we will use the information you provide by reading the privacy notice in the [consultation document](#).

### Chapter 3

#### Consultation Question 1

In Chapter 2, we restated our commitment to regional working in key areas but recognised the need for this to be supported by further change. In chapter 3, we set out the broad options for moving toward fewer, larger local authorities and summarise features of the process which would be common to each option.

- a) What practical steps could the Welsh Government take to make current regional working easier and more effective, for example in relation to education consortia, social services and the City Regions and City and Growth Deals?

This Authority is only in favour of regional working when it is supported by sound business cases, that make sense in terms of service improvement/efficiency and, importantly, where there are demonstrable benefits to the residents of Caerphilly.

Regional working for Caerphilly County Borough has an established history on what is ostensibly known as the 'Gwent' or 'Greater Gwent' footprint. More latterly, and to support the Cardiff Capital Region City Deal, the footprint for partnership working has extended over the 10 authorities in south east Wales. Regional working has often been mandated by Welsh Government policy, legislation and funding with a requirement that local delivery of Welsh Government policy must be on a footprint most often coterminous with the local health board and police force. For Gwent this is a neat package as both main partner bodies are also coterminous. Hence we have established close working relationships with the five constituent local authorities in the area and our wider partners. We recognise the arguments of the Williams Commission that smaller local authorities were more likely to be challenged in delivering resilient and sustainable services. Since when, the impact of austerity has worsened, and we would assume that a similar examination now may paint a bleaker picture. However, Caerphilly County Borough Council is the largest local authority in the Gwent footprint and, while decreasing budgets have been, and continue to be, a significant challenge, it has not suffered to the extent of smaller neighbours and other authorities in Wales. In a time of scarce financial resources, even for stronger authorities, we cannot see that a wholesale local government reorganisation is something that should be considered, the financial benefits are debatable at best.

Reforming Local Government: Resilient and Renewed proposed mandated regional working. We contend that was yet another imposition from Welsh Government that had the potential to add another layer of complexity to local governance and accountability. The recent history of regional working has been predicated on a need to follow policy direction in some cases, regional funding in others, or legal requirements in others. None of this has offered any level of consistency in the decisions that have effectively mandated regional working through these blunt tools. Different Cabinet Secretaries, and notably Divisions, within Welsh Government have had different approaches resulting in a plethora of governance arrangements and we would argue very much less accountability. The result is a complex latticework of regional working, governance boards and officer groups not all of which are required to have

democratic oversight, or if they do this is repeated five times over in each local authority in Gwent.

However, health and social care and educational achievement are examples where scale has the potential to bring benefits to service delivery. For health and social care our key health board partner should benefit from lack of repetition across five authorities and while it is difficult to navigate issues such as pooled budgets there should be some perceptible benefits for service users in a fully integrated health and social care system. We anticipate that the outcome of the recent Parliamentary Review will move us further along this path.

Likewise for educational achievement and some specialist services where resilience can only be achieved by bringing expertise together to support service delivery there should be some tangible benefits on the front line.

However, there have been examples where there have been no identifiable benefits to service users where regional working has been predicated on following hypothecated funding streams and the requirement to produce Gwent level business plans that we would argue has had no benefit on the front line not least because the delivery agents, the services and community organisations that we co-deliver with, are local. This has often resulted in service managers having to jump through hoops to satisfy Welsh Government, diverting time, effort and energy from what is important to us; effective, responsive local services.

Economies of scale should be a significant driver in regional working. Local government reorganisation in 1996 broke up large spending services like highways, education and social services and while the financial landscape was relatively healthy these smaller geographies have been more responsive to local need, more democratically accountable and delivered more effectively. The financial challenges since 2008 have meant that larger local authority services have, necessarily in the case of social care and education, had to be protected at the expense of others resulting in resilience challenges as budgets and capacity have been lost. However, mandating regional delivery for services that are facing resilience challenges comes with its own level of complexity. Not least the financial issue of pooled budgets and the governance issue of service level agreements that place more risk and less certainty on front line provision when the only driver is saving costs. Long term commitment to partnership is problematical when the member authorities of such arrangements have different political landscapes and different financial resilience. Arm's length services face a 'race to the bottom' to find the minimum acceptable level of service that suits all members. There is a 'governance gap' in such arrangements with less local democratic oversight and scrutiny, unless robust regional scrutiny is in place. Large collaborations and their governance arrangements such as the City Deal Joint Cabinet have clear value as the benefits brought to the area have the potential to change generational outcomes for the better. Collaborations on a smaller scale should be based on sound business cases with demonstrable benefits, or they risk being less likely to be worth this democratic input and less responsive to local need.

Collaboration and regional working should not be mandated by Welsh Government. Local authority leadership has the maturity and expertise to determine the most appropriate delivery model, collaboration is one of them, which would work best for local citizens at the front line, and which will not bring improved delivery outcomes and greater sustainability for services. We have some notable examples of successful regional working including the City Deal, Valleys Task Force, Blaenau Gwent and Caerphilly Youth Offending Service, Gwent Frailty Programme, Gwent Missing Children Project, Blaenau Gwent and Caerphilly Social Care Workforce Development, South East Wales Emergency Duty Team, Prosiect Gwyrdd etc.

To assist the effectiveness of existing collaborative approaches and enhance further collaborations, Welsh Government must actively support further "double devolution" – i.e.

devolution of powers to the local level. This area has not progressed at the pace required to support the collaborations, in areas such as the Cardiff Capital City Region, City Deal.

b) What are your views on the common elements to the process of mergers we outline in this section?

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities, although our extensive collaborative working across the region, and notably, our participation in the Cardiff Capital Region City Deal is highly valued by the Council.

Outside those regional collaborations mentioned above, or those which we would seek to strengthen with our neighbours for service resilience purposes, we remain unconvinced that the financial arguments for local government mergers are made robustly. The last detailed proposals were drafted in 2015. Since then there is significantly less money in the system that might be available to cover the hidden and transparent costs of wholesale restructure. The cost benefit equation does not seem to be borne out any longer, even with a ten year horizon to recoup the savings benefits this seems overly ambitious and unachievable. We note the intention to revisit the calculations and will respond if further information becomes available.

We have managed to support front line services thus far, even facing the ongoing challenges, and so the argument that services suffer from unsustainable costs and overheads has not materialised in this authority. Our Medium Term Financial Planning has been robust and prioritised the front line. We have revisited our financial planning principles for the period 2018-2023 and will continue to emphasise front line services and services to vulnerable people.

We have regarded Option 1 Voluntary Mergers as largely the status quo and so will confine this consultation response to Option 2 Phased Approach, and Option 3 Comprehensive Mergers.

c) What are your views on the options for creating fewer, larger authorities which we have set out?

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities. We are even more perplexed that the line has been drawn around ourselves and Newport City Council than we were with the map drawn by Williams for a merger of the three West Gwent authorities, and the 2015 statement by Leighton Andrews for a merger of the 5 Gwent authorities. At the time we stated that this authority is large enough and robust enough to stand alone. We maintain that stance. Please see further in this response as to why we believe that Welsh Government have made a fundamental error in this latest footprint for reorganisation.

This paper has gone as far as to consider the process for reorganisation as opposed to concentrating on the reasons why the footprint has been chosen. We suggest that a step back should be taken and a greater examination of the key data and financial information is required before considering process, particularly for the footprint proposed affecting this authority.

We are extremely concerned at the mention of an emergency power to merge a seriously failing authority with a stronger neighbour, or neighbours. We suggest that existing powers

for commissioner run authorities under the Local Government (Wales) Measure 2009 should be sufficient to support authorities in difficulty.

As explained we do not intend to dwell on Option 1 although we note that previous voluntary merger proposals were rejected wholesale by the then Cabinet Secretary. We regard this option as one which is available to us albeit we fundamentally disagree with the proposed footprint within which we would be restricted i.e. should we chose to take this path we can only merge with Newport City Council. Option 2- We would not be seeking a voluntary merger within our 'permitted' footprint by 2022. For authorities that would be seeking such mergers, and for Option 3, we think that the timescale is too challenging. A new Local Government Bill is unlikely to emerge in sufficient time to allow this to happen. We note that the Assembly considered that it was unlikely to have the mandate to support the last draft Local Government (Wales) Bill when it began this term. We wonder, therefore, what has changed that now makes the progression of a new Act more likely.

Mandated merger by 2026 offers a more realistic timescale however we respectfully request that you do not consider this statement as our support of a merger programme, as set out in the green paper, for Caerphilly County Borough Council. We agree that allowing some authorities to merge, if they were minded to, and others to wait until a statutory deadline would present a confused delivery landscape across Wales.

Option 3- This really is an impossible timescale. We fail to see how the political backing for a Bill could be achieved in time to allow full and comprehensive merger by the 1<sup>st</sup> April 2022 across the whole of Wales. Not least, we do not see that we have the leadership capacity to drive through change of this scale and pace in addition to existing challenges. There are significant risks in pursuing this option that will undoubtedly pervade through confusion, haste, ill-considered decisions, poor accountability, and reduced quality of front line service.

d) Are there other options for creating fewer, larger authorities we should consider?

The proposed merger of authorities as proposed will have a detrimental impact upon the £1.2bn economic investment programme of the Cardiff Capital City Region City Deal. The terms of reference and other supporting documentation forming the governance of the City Deal is predicated upon the 10 sovereign local authorities. If the proposed mergers were to take place, this would require the total reconsideration of the make up on the City Deal and the associated governance framework – essentially starting again “from scratch”. This distraction would likely affect the achievement of the agreed “gateway targets” focussed upon economic growth. These would not be met and the funding would be lost and more importantly a unique opportunity for the south east Wales region would be lost.

Furthermore, another associate consequence to the City Deal if mergers were to take place is one of capacity. The Joint Cabinet consisting of 10 Leaders and Chief Executives is leading the direction and pace of the City Deal investment programme. If mergers were to take place, the Chief Executive capacity currently within the City Deal Joint Cabinet , would be lost, as inevitably, the Chief Executive’s focus would be on developing the required organisational and workforce changes associated with the creation of new Councils.

e) Do you have evidence on costs, benefits and savings of each option which can inform decision-making? If so, please provide details.

The last calculations undertaken by Welsh Government on this issue were to support the last draft Bill in the 2014/15 financial year. These envisaged a 10 year return on cost. Four years

on we believe that that any savings on offer may have significantly diminished as authorities are continually reducing overheads and back-office costs. A recalculation must be undertaken to evidence decision making. While authorities face continuing austerity it is impossible to predict how funding and increasing service pressures will balance out. However, we have a strong track record of managing these constraints on service delivery and would argue that the uncertain financial landscape is not the time to be considering wholesale reorganisation. At best this will be a distraction from continuing to deliver high quality services responsive to local need. At worst it will undermine the effective practice that has supported us through this difficult period up until now by creating a drain on strategic managerial capability that we simply do not have in these challenging times.

CIPFA recommended in 2015 that any boundary drawing should be independently completed and should be agreed based on public service provision and the ability of proposed authorities to meet local need. Further they suggested that the regulatory impact assessment did not assess the full costs for councils. The regulatory impact assessment suggested reorganisation costs of over £200 million to local government for issues such as staff and estates costs, redundancy and rebranding, etc. CIPFA's estimates were between £160 and £268 million. We suggest that the proposed savings are no longer there to make this viable.

Since 2008 we have achieved cumulative savings of over £88,900,000. Since 2014-15, when the last regulatory impact assessment for reorganisation was done, we have taken over £52,400,000 out of our budgets. The percentage annual savings requirement increased significantly from 2014-2015. Any revised assessment of cost and benefit must recognise the very different financial landscape, even four years on.

We cannot see any clear efficiencies set out in the paper other than a statement that they will be the answer to allowing us to deliver more for less. Neither have we experienced difficulties in recruiting and retaining staff, taking the whole authority into consideration. Any new regulatory impact assessment must take account of the new landscape and should set out very clearly what the proposed efficiency savings are and what assumptions have been used in making the new calculation.

We would be particularly interested to see some quantification of the anticipated social benefits in a new regulatory impact assessment.

## **Chapter 4**

### Consultation Question 2

Chapter 4 has explained the need for clarity on the future footprint for local government and the range of factors which should be taken into account to determine a new configuration. It sets out a suggested future footprint for local government, which could be reached via each of the options set out in the previous chapter.

a) Do you agree that providing clarity on the future footprint of local government is important?

We agree that the alignment of regional boundaries with that of our key delivery partners has advantages and, as we have stated, for the area we all call Gwent, this is neatly the police, and local health board. Similarly we agree with previous Welsh Government policy not to disaggregate the existing authorities. Responsive local democracy and robust scrutiny should be maintained but we are not convinced that the economic and social benefits are set out. We also maintain that Welsh Government should not legislate against local government collaboration on an alternative footprint where there are clear, demonstrable benefits of doing so.

Our response to the Draft Local Government (Wales) Bill 2015 expressed our concern that a 'Gwent' authority would be too large and not in touch with the needs of local communities. We maintain this view.

Our response to Reforming Local Government in 2014 stated that this authority, as the 4<sup>th</sup> largest by population and population density, the 5<sup>th</sup> largest by number of households, and with the 5<sup>th</sup> largest revenue budget and staffing, is big enough and resilient enough to stand alone. However, it is accepted that this position is not replicated in the smaller authorities.

The proposed merger footprint, placing this authority with Newport, makes less sense than the 2014 proposed West Gwent merger. The differences between Caerphilly County Borough and Newport City Council are marked. We cannot comprehend the decision making that has arrived at this proposal other than a broad equality of population for the 10 proposed local authority areas. Caerphilly County Borough is a semi-rural authority with 80% green space, and several principal towns and villages dispersed along the valley bottoms, often aligned to former mining communities. The existing border between this authority and Newport City Council is short in comparison to the total border and land area, effectively creating a pinched elongated proposed authority that will come with associated costs and difficulties in managing services over a geographically dispersed area. There are only three transport routes connecting the two authorities, the B4591 through the residential area between Rogerstone and Risca, the A467 Risca bypass, and the A468 connecting through sparsely populated rural Lower Machen. The costs in managing whole authority services across this divide should be factored into any consideration of mandated merger. We suggest that the area would have to continue to function as two, even if merged, with the associated costs and repetitions of service bases/ depots etc. Practically there is only one real connecting thoroughfare that could be used to move service provision around the combined authority, the A467.

Capital asset rationalisation would not be achieved beyond that which the authority is currently exploring with its Public Services Board partners. We suggest that Welsh Government look again at the flow between the two areas and consider what economies of scale and resilience are practically achievable.

The settlements in Caerphilly County Borough range from smaller towns and more isolated villages in upland areas to larger conurbations in the Caerphilly Basin and Mid Valleys East area. There are five principal centres (Caerphilly, Blackwood, Risca, Bargoed and Ystrad Mynach) supported by four local areas (Newbridge, Rhymney, Nelson and Bedwas). The county borough is a mixture of urban and rural communities. Overall the county borough comprises 50 distinct towns and villages. Three quarters of the borough is used for agriculture and forestry. However, the health of the area is comparatively poor with 8.6% of males and 7.8% of females, aged 16-74, long term sick or disabled. The percentage of workless household is higher than the Welsh average as are the numbers of ESA and Incapacity Benefit claimants. Employment patterns are higher than the Welsh average for manufacturing and skilled trades.

In comparison to Caerphilly county borough, Newport is a small coastal city with a much more ethnically diverse population concentrated around the city centre, with a relatively few more affluent outlying areas. Housing density is higher with more residents living in flat/maisonette/apartments. Employment is more likely to be in retail and service industries.

Caerphilly County Borough Council has retained its Housing stock and delivers its Sport and Leisure Service in house. Newport City Council no longer retains these services.

In general, we believe that the data presented by Welsh Government in Annex B is selective



and has not provided a sound basis for the decision that has proposed this merger. A better assessment would consider the possible future demands on public services and should particularly consider topographical constraints.

Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities.

The Independent Group on Caerphilly County Borough Council believe there are currently too many local authorities within Wales and numbers should be reduced through consultation. Not a forced merger with Newport City Council which is flawed, with this the only option from the Minister.

b) Do you agree with the factors we have identified to inform our thinking? Would you change or add any?

We note the factors have included ensuring democratic accountability is maintained and that authorities are of sufficient scale. Our response to the scale argument is set out above. We do not believe that the factor described for how authorities relate to and take account of their communities has featured very strongly in the decision to draw a line around Caerphilly County Borough and Newport City Council. The areas are vastly different. The recently released Thriving Places Index for Wales show that the economic, social, environmental and cultural positions of the two authorities differ markedly in several respects. The demography and landscape, relative deprivation, health challenges and post-industrial factors are significant. Whereas Caerphilly scores highly for sustainability and income inequality it has more significant health challenges. Newport conversely has poorer community safety and cohesion indicators but less deprivation. This data is not surprising given the difference in rurality, industrial legacy, community diversity etc. The public sector response to the well-being of both areas is different and cannot be managed in the same way across both.

The data tables in Annex B of the consultation are quite selective. The differences in staffing, particularly social services staffing are notable. We are aware that there is more outsourcing of social services provision in Newport City Council. We have not outsourced services to the same extent. We are concerned that rationalisation of provision could affect our population. An issue which is of concern for us given our aging population and escalating demand.

We would suggest that the issues that impact on public sector demand should be more clearly examined in any comparison data. There is little beyond basic age related demographics and population density presented. Without an assessment of how available resources can meet demand any paper exercise is badly informed. The environmental differences between each authority are quite distinct, support for rural industries and protection of our outstanding natural environment are issues we fear could suffer in a combined authority. Likewise we are concerned that our more deprived northern valleys communities may not fare well in any resource allocation when compared to the social problems facing a diverse city area.

c) What are your views on the new areas suggested in this section?

Please see above.

d) Do you have alternative suggestions and, if so, what is the evidence to support these as an alternative?

No alternative suggestions, Caerphilly County Borough Council retains its position that a

stand-alone Authority is the best outcome for our communities, but the Council is willing to enter focussed discussions regarding the sustainability challenges facing other Authorities.

e) In the context of these proposals, are there other ways we should simplify and streamline joint working arrangements at regional level and among public bodies within the new authority areas? If so, what are they?

Splitting the current Gwent area into two does not facilitate joint working with our Police and Health Board partners as they would be working with two local authority areas. All relevant Welsh Government policy and legislation thus far has driven Gwent wide working. Is the assumption that the structures that have grown up around this footprint would be dissolved? If that is the case it is yet another directional turn that Welsh Government would require of local authorities. Presumably the desire to create larger authorities would suggest that regional working would become less necessary? Where collaboration across Gwent had made sense for us in a business delivery perspective it has worked well. We maintain that we have the maturity and expertise to determine what produces the best outcomes for our populations and where regional working assists us and, importantly, where it does not. We have good working relationships with our partners in Gwent and do not see that creating larger local authorities would add any benefits to regional cross-sector working.

Regional economic development is working across a much wider footprint than Gwent and has proved that boundaries on a map are no barrier to shared commitment and understanding. The City Deal footprint too, is also offering tangible benefits now and for the future.

The Public Services Boards (PSBs) across Gwent collaborate, although the local assessments of well-being are very different, and hence Boards need to be responsive to their local populations. The Gwent PSBs are working to ensure consistency of delivery across the area with a coordinating officers group agreeing matters of consistency and alignment with the Regional Area Plan for social care. Delivery for the Area Plan and Well-being Plan will rely on local delivery partners in each area, particularly for communities and the third sector.

## **Chapter 5**

### Consultation Question 3

Chapter 5 sets out the proposed approach to transition and implications for establishing Transition Committees and elections to Shadow Authorities under each option.

a) Do you agree with the proposed process of transition: namely establishing Transition Committees and ensuring elections to Shadow Authorities can be held ahead of vesting day for the new authorities?

We would point out that the Leader and Cabinet are currently focussed upon the Cardiff Capital Region City Deal and rightly so, as this brings a more tangible prospect for improving the long term well-being of our communities. Any reorganisation will be extremely time consuming and, given the impossible timescales in Option 3, is neither realistic nor achievable. Similarly the senior officer support that would be required from Corporate Services is unlikely to have the necessary capacity in these challenging times. The authority has set itself an ambitious transformational change programme to meet the challenges it faces and improve services to the public, in the context of reducing budgets. Derailing the important work by requiring preparatory work to combine with another authority is an unwanted and unwarranted distraction that we cannot offer any positive response to.

The creation of a Shadow Authority would be costly and will require the support of officers who would also be managing day to day business. Given the fact that savings in services has meant less staffing we cannot see where this support will come from. An inadequately resourced process introduces risks and instabilities to the existing authority, and the proposed new authority.

Assembly Elections in May 2021 followed by Principal Elections to Shadow Authorities and Community Elections in June 2021 pose a real issue. These elections (which are already complex) may well be more so with new voting methods and franchises (16 year olds) and new initiatives like mobile voting all being introduced. From a voters point of view there is likely to be widespread confusion and voter 'fatigue'. The 'snap' General Election last year, after Local Elections, showed that we struggle with such a strain on resources.

b) Do you agree that, if option 1 were pursued, we should set a date by which voluntary merger proposals should come forward in each electoral cycle?

We have no view on this question as we do not envisage a voluntary merger either within our 'permitted' footprint or outside of it at this time. Caerphilly County Borough Council retains its position that a stand-alone Authority is the best outcome for our communities.

We recognise the challenges facing the smaller authorities in terms of resilience and sustainability. Should Welsh Government take a view that it wished to bolster smaller authorities we would be prepared to enter into discussions. However, this may be subject to additional consideration around police and health board boundaries in a similar vein to proposals for Bridgend County Borough Council.

c) Do you have any other thoughts on the proposed process?

The proposed process is yet another policy direction from yet another local government Cabinet Secretary. The anticipated benefits of reorganisation cannot be justified against the resource costs involved.

#### Consultation Question 4

The consultation suggests holding any local government elections in June 2021.

Are there any reasons why June 2021 would not be a suitable date? If so, please suggest an alternative date with the reasons why that would be more suitable.

Please see answer to Question 3 a) above.

#### Consultation Question 5

The Welsh Government recognises that there are some plans or assessments, for example the preparation of assessments of wellbeing by Public Service Boards, which are linked to electoral cycles. We will make provision to make sure these tie into any new electoral cycles going forward. Are there any other plans or matters which might be tied into the electoral cycle which we need to consider?

As far as we are aware the following Welsh Government legislation also has timelines tied to electoral cycles:

- Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015- also aligns to ordinary elections- Section 6
- Social Services and Well-being (Wales) Act 2014- population needs assessment to be completed per electoral cycle, and Area Plan to be produced within one year of the needs assessment- Section 14A

It would be extremely useful if all this legislation were captured in the same way with a clear understanding of alignment to electoral cycles. It would be even more useful if the requirement for strategic assessment and planning could be streamlined and further aligned. In some cases the direction of these strategic plans is necessarily influenced by political view. In other cases this may be less so. Requiring several sets of high level assessment and planning on the same timeline is a pressure on partnership resources.

#### Consultation Question 6

What are your views on the approach which should be taken to determining the parameters of electoral reviews?

The Local Democracy and Boundary Commission for Wales is reviewing this authority in 2019 as part of their regular programmed work. Whether they have the resources to undertake the electoral reviews of the proposed new authorities would be a matter for them, although we wonder what capacity would be needed to review all authorities in Wales at the same time.

### **Chapter 6**

#### Consultation Question 7

a) How can councils make more effective use of their elected members knowledge of, and connections in, their communities?

Members are key consultees on issues affecting their communities; they can often suggest solutions to problems and also provide links to local groups.

When Members are elected an audit of their skills and knowledge could be undertaken and people with particular areas of expertise identified. This could be used by the local authority when planning engagement and consultation with local communities.

Better use of social media, to allow Councillors to forward any concerns raised from their social media accounts. This would give Councils the opportunity to gather views on issues when there are views where the public may not be willing to engage in formal consultation.

b) How could we better recognise the level of responsibility involved in being a local councillor? What changes to the remuneration and support councillors receive would enable a wider range of people to become involved in local democratic representation?

The workloads of all Councillors are increasing, they are expected to be available 24/7 and the current remuneration does not reflect the time some councillors often allocate their various roles. In order to attract diverse and representative candidates there are a number of areas that could be addressed:

- Family Absence - the Local Government (Wales) Measure 2011 introduced Family Absence which allowed 26 weeks for maternity absence, 2 weeks for Adoption Absence and up to 3 months for Parental Absence. Surely it is unfair to only allow 2 weeks for adoption when families can be adapting to significant changes, and as Corporate Parents surely local authorities should be leading the way in supporting people considering adoption.
- The support as contained within the Annual Reports of the Independent Remuneration Panel are not prescriptive, therefore each Local Authority will interpret them differently. If the intention is to encourage people to consider Public Office from all walks of life, the support provided should be clearly defined so that there is no ambiguity surrounding what they can expect in terms of IT, telephones etc.
- If the plan is to reduce the number of Councillors and increase the ratio of constituents to Councillor, the level of support for members would need to increase, research support and, administrative support to organise their workloads.
- A larger authority with fewer Councillors would decrease democracy as Councillors would become further detached from communities.

#### Consultation Question 8

a) Are there other powers which local government should have? If so, what are they?

We agree that in many cases both tiers of Government in Wales are being expected to do the same job. This is not a sustainable position and we believe that local government is best placed to determine, and respond to, the needs of its communities.

We would wish to reiterate our response to the letter from the Cabinet Secretary dated the 8<sup>th</sup> December 2017 in relation to powers and flexibilities:

- We ask that Welsh Government continues to reduce the number of specific grants by transferring funding to the RSG.
- We would also like to move to three-year financial settlements. The difficulties for Welsh Government due to the lack of clarity in terms of its funding from the UK Government are understood, but this is something that needs to be considered given the scale of the financial challenge faced by the public sector.
- There is currently some flexibility around the use of capital receipts for service transformation projects. It would be helpful to extend this further.
- We agree that Local Authorities in Wales should be given the general power of competence so that they can explore more innovative ways of generating income.
- Change Big Lottery Fund criteria to allow grant funding to support council-run community services, particularly those most at threat such as libraries and leisure centres.
- Remove the Treasury Imposed cap on Housing borrowing allowing Welsh councils to borrow more for house building since the public sector clearly gains a bankable asset and there is no need for this to appear on the books as public borrowing. This would support the Welsh Government priority of building more affordable homes and also provide an opportunity for Local Authorities to lend to RSLs.
- Renewed consideration of "green taxes" to protect the environment including charges on chewing gum, plastic bottles, and polystyrene packaging for takeaway foods, with the revenue being ring-fenced to local authorities to invest in street cleansing.
- Greater freedom for Local Planning Authorities to get on with producing development plans that are delivered locally. Accepting that the role of Government is to set broad strategic priorities it is unnecessary and often unhelpful for LPAs to have to run

development plans past counterparts in Welsh Government. Contrast that with development management where, quite rightly, Welsh Government hardly get involved at all with the determination of planning applications, and leave the decisions to be made by the LPAs.

- In relation to food safety, the current system of food business registration is not fit for purpose. Under existing arrangements, most businesses can start producing food without having to demonstrate that they can do so safely. We know, however, that the public's expectation is that the local authority carries out a check first. The current approach is also not in the best interest of businesses as invariably businesses that do not have contact with local authority officers prior to trading end up with a poor food hygiene rating on first inspection. We need an approach that can better support businesses that wish to start up, grow or diversify. We would therefore like to see the introduction of a "prior approval" or licensing system for food businesses.

b) Are there other freedoms or flexibilities which local government should have? If so, what are they?

Please see above which was a response in respect of both powers and flexibilities.

We note the analysis work undertaken by the WLGA on the plethora of corporate planning, governance and reporting duties in the Well-being of Future Generations (Wales) Act 2015, the Accounts and Audit (Wales) Regulations 2014, the Draft Local Government Bill 2015 and the current Local Government (Wales) Measure 2009. We would welcome an open and honest dialogue around the duplication of these arrangements with a view to developing a single set of robust planning and corporate governance arrangements to remove duplication and confusion.

#### Consultation Question 9

a) Which areas offer the greatest scope for shared transactional services?

We would wish to reiterate our response to 'Reforming Local Government Resilient and Renewed' that the following transactional services may benefit from being organised on a wider geographical footprint. At that time we proposed that, subject to an appropriate business case, 'Greater Gwent' would seem a sensible footprint and would wish to maintain that stance:

- Welsh language
- IT provision
- Legal Services
- Payroll
- HR transactional services
- Procurement
- Information Governance
- Performance
- Internal Audit
- Administration of Housing Benefits and the Council Tax Reduction Scheme
- Contact centre arrangements potentially with public sector partners
- Order processing and Creditor Payments

b) How might such arrangements be best developed?

As we have stated we believe that local government has the maturity and expertise to

determine which collaborative arrangements work best for its needs and those of the communities they serve.

Appreciating that Welsh Government has funded the exploration of regionalised arrangements in the past, that perhaps have not always borne fruition, there may be a case to develop a route map for transactional services and provide appropriate resources to achieve service alignment. Regional Scrutiny Committee structures may be needed to support truly regional services.

#### Consultation Question 10

a) In ensuring we deliver a consistent approach across Wales, where consistency is important, how do you think the advice and support on each of these matters could be best provided?

The Green Paper recognises the difficulties in combining authorities, unfortunately, however, it takes a 'rose-tinted view' of how these difficulties may be overcome with a suggestion that additional support from Welsh Government could help overcome these. We maintain that even with suggested support that it is highly unlikely to be enough to surmount the problems of combining services, staff, assets, systems and processes, finances and budget structures. The last time a reorganisation happened there were significantly more resources both in terms of capacity and finance to support the change. This is very much not the case now. We strongly feel that we do not wish our resources to be distracted from delivering high quality services for our residents onto a track that will take a huge amount of effort for what we see as negligible, or non-existent, potential gain.

The suggestion of using capital receipts to support transformation costs highlights the optimistic thinking at play. How would this be applied consistently across Wales and across the borders of the proposed new authorities? Capital receipts are already earmarked to support services through austerity.

The 2015 assessment of costs to local government was over £200 million. As far as we see it this could have only come from reductions in services that would impact on the public. CIPFA stated then that the costs had been underestimated and we maintain that return on investment is not possible as any available savings are likely to have already been taken in services. We are now facing service reductions on a large scale in order to balance our budget. Redundancy and compensatory payments would offset any savings that could be made in combining staffing, and as we have always strived to maintain front line services, as far as we possibly can, we cannot comprehend a future which would require us to reduce what we provide at the customer interface. You have highlighted that central support services would be necessary to drive the changes which have, as a consequence of decreasing budgets, suffered from reductions in capacity. This is particularly so for Caerphilly County Borough Council where we have sought to take savings in these areas if possible rather than disrupt front line services. To now expect those slimmer structures to support a reorganisation introduces risks that we are wholly opposed to. We want to use our corporate services capacity to drive transformation and improvement from within, not have that capacity diverted. We doubt that Welsh Government could provide the additional support needed to drive forward this agenda in a way that ensures continuation of service delivery and minimal impact to the public.

You rightly point out that the potential levers to bring improved services such as digital transformation, and a truly embedded use of the sustainable development principle in the Well-being of Future Generations Act, including working more closely with communities, offer options for transformation. These are tools that we are already engaged with and are

exploring. Using WCCIS as an example of a transformative programme may not be a good example as we know that colleagues in health are far behind local authorities in embedding the system.

We maintain that we have the ability and expertise to decide how we can collaborate in shared services, to identify where the tangible benefits are, what the inputs may be and to balance the equation in any decision making. We expect that Welsh Government would take a less paternalistic view and agree with us on this point.

In terms of our estate we are already speaking to our PSB partners about the best use of our assets and so we do not feel that there are any unexplored options that will help us develop plans for the sustainable use of our combined assets. We are linking with the National Assets Working Group in this respect.

c) Are there any other challenges or opportunities from structural change or providing additional powers and flexibilities that have not been identified above? If these areas require support, what form should this support take?

We believe that we have answered this question above. Noting the intention of Welsh Government to provide additional support we do not think that, realistically, this can be provided to all 22 authorities at the same time, and to the same level, to enable the degree of consistency that would be required.

d) Which of the issues identified above or in your response should be prioritised for early resolution?

We have no comment to make on this point since we maintain that a reorganisation at this time would detract from what we are trying to achieve for our communities.

However, if this were to progress an agreed phased approach based upon voluntary agreed mergers would be preferable.

#### Consultation Question 11.

We would like to know your views on the effects that the proposals within this consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

a) What effects do you think there would be?

The Welsh speaking population of Caerphilly County Borough Council is higher than that in Newport City Council. We have supported our Welsh learners via the Welsh in Education Strategic Plan 2017-2020; we have around 3000 pupils in Welsh medium primary education and have increased our secondary school provision with a capacity of around 2,348 by 2025 due to a second site being completed in 2013. This compares with between 600 and 700 primary pupils in Newport and a new secondary school.

We have a robust 5-year Welsh Language Strategy for the area built upon our close working relationships with providers in the third sector. We run our translation service through a combination of internal and external provision. We have received relatively few complaints through the Welsh Language Commissioner.

It is our position that the proposal to combine this authority with Newport City Council would



have a detrimental effect on the Welsh language in view of the very different prevalence of usage, educational provision and service provision in Welsh.

b) How could positive effects be increased, or negative effects be mitigated?

We maintain, as we have set out above, that the amalgamation with Newport City Council is not the right 'fit' for us for all of the reasons explained. The Welsh language is just one such illustration of the difference between the two areas.

Consultation Question 12

Please also explain how you believe the proposed policy within this consultation could be formulated or changed (if required) so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Please see above.

Consultation Question 13

The Children's Rights Impact Assessment published alongside the consultation outlines the Welsh Government's view of the effect of the proposals contained in the consultation on children and young people. The Welsh Government seeks views on that assessment.

a) Are there any positive or adverse effects not identified in the assessment?

None identified.

b) Could the proposals be reformulated so as to increase the positive effects or reduce any possible adverse effects?

None identified.

Consultation Question 14

The Equalities Impact Assessment published alongside the consultation outlines the Welsh Government's view of the effect of the proposals contained in the consultation on protected groups under the Equality Act 2010. The Welsh Government seeks views on that assessment.

a) Are there any other positive or adverse effects not identified in the assessment?

The Black and Minority Ethnic population of the Newport City Council area is significantly higher. 2.9% of homes in Newport do not have English or Welsh as a main language, compared to 0.5% in Caerphilly County Borough. The density of Black and Minority Ethnic groups is markedly higher in the Newport City Council area, with the council also being an asylum dispersal area.

Given the differences in the two areas we envisage that the proposed merger footprint may be detrimental to Black and Minority Ethnic communities if the same level of service currently provided to them is diluted.

b) Could the proposals be reformulated so as to increase the positive or reduce any possible adverse effects?

The public sector demands are different across the two areas and it would be difficult to rationalise an equitable level of service across both that met the needs of Black and Minority Ethnic communities and also, for example, met the needs of deprived communities in the northern valleys.

Deprivation is not a protected characteristic but it is recognised as being socially isolating, prejudicial and discriminatory.

Consultation Question 15

Please provide any other comments you wish to make on the content of this consultation.

We fail to understand why, in the midst of austerity, we are being asked to respond to another Welsh Government reorganisation proposal. Since austerity began to affect local government finances we have responded to the challenge. We are still delivering services well, our customer satisfaction levels remain high with 74% of residents satisfied, or very satisfied, with the services provided by the council according to the most recent household survey. A robust plan has been developed that ensures the Council is able to deliver high quality, effective services over the next 5 years. However, we recognise that the resilience and sustainability of the smaller authorities is questioned and, if this is the challenge to be addressed, a more focussed and proportional response is needed and continued dialogue with local government is required in order to provide solutions that are appropriate and responsive to the needs of our citizens. Caerphilly is happy to continue discussions on this basis. We have to question why Welsh Government is leading us down yet another path; we maintain that the status quo is the best option for the communities of Caerphilly County Borough.