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Date: 24th January 2018

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 31st January, 2018** at **2.00 pm** to consider the matters contained in the following agenda. You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so. A simultaneous translation will be provided if requested.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest.	

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

To approve and sign the following minutes: -

A greener place Man gwyrddach



3	Cabinet held on 13th December 2017.	1 - 6
To receive and consider the following reports on which executive decisions are required: -		
4	Annual Equalities Report 2016-2017.	7 - 40
5	Children's Burial Fees.	41 - 48
6	Amendments to Authorisation of Officers within the Public Protection Division.	49 - 52
7	Land at Plasturtwyn Terrace, Llanbradach.	53 - 62
8	Land at Coronation Road East UI Blackwood.	63 - 70
9	Update on Reserves.	71 - 84
10	Housing Revenue Account Charges - 2018/2019.	85 - 92
11	To receive and consider the following report, which in the opinion of the Proper Officer may be discussed when the meeting is not open to the public and first to consider whether the Public Interest Tests requires that the meeting should be closed to the public for consideration of these items.	93 - 94
12	Disposal of Land at Bargoed Development Plateau to Martsons PLC.	95 - 106

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner,

And Appropriate Officers.



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 13TH DECEMBER 2017 AT 2.00 P.M.

PRESENT

Councillor D. Poole – Chair

Councillors:

N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. Burns (Interim Chief Executive), C. Harry (Corporate Director – Communities) and D. Street (Corporate Director – Social Services).

Also in Attendance:

R. Hartshorn (Head of Public Protection), M. Godfrey (Team Leader – Environmental Health), J. Reynolds (Sports & Leisure Facilities Manager), S. Harris (Interim Head of Corporate Finance) and C. Evans (Committee Services)

1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor C.J. Cuss (Social Care and Well Being) and N. Scammell (Acting Director of Corporate Services & S151).

2. **DECLARATIONS OF INTEREST**

Councillor C. Gordon declared an interest in the item relating to The Future of Pontllanfraith Leisure Centre. Details are minuted with the respective item.

3. **CABINET – 15TH NOVEMBER 2017**

RESOLVED that the minutes of the meeting held on 15th November 2017 (minute nos. 1 - 7) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. HAFOD-YR-YNYS AIR QUALITY ACTION PLAN

The report provided Cabinet with an update on the development of the Hafod-Yr-Ynys Air Quality Action Plan (AQAP) and the final draft AQAP.

Cabinet noted that the national nitrogen dioxide air quality objectives are being exceeded at receptor locations on Hafod-Yr-Ynys Road. The local authority is required to designate any area failing the national air quality objectives as an Air Quality Management Area (AQMA) and produce an AQAP which details measures to bring the pollutant back within limits.

The draft AQAP for Hafod-Yr-Ynys has been through a public consultation process. The 21 responses that were received were detailed in Appendix 2 of the report. Following the consultation process and in light of the responses, the final draft AQAP has been updated and appended to the report. Whilst the consultation responses received have not altered the overall content of the plan, minor amendments have been made.

The Hafod-Yr-Ynys Air Quality Management Area (AQMA) was declared in November 2013 following a Detailed Assessment which confirmed that monitoring results were continuing to fail the air quality objective for nitrogen dioxide. A Further Assessment Report was undertaken and submitted to Welsh Government in April 2015. Further air quality monitoring, modelling, and assessment has been undertaken following completion of the £1.3million Crumlin Junction improvements.

An air quality steering group meeting was held with residents of Hafod-yr-ynys and key stakeholders on 9 March 2017 where officers of the authority discussed the contents of the draft action plan. The draft air quality action plan consultation process commenced in June 2017 and concluded on 31 August 2017. The Council received 21 responses to the consultation which was summarised in Appendix 2 of the report. There were no recommendations to remove any proposed options. However, the merits of the suggestion from Public Health Wales that the introduction of a low emission zone be considered are still being assessed.

Welsh Government have recommended that the authority undertake further traffic and air quality monitoring within the area to better refine the air quality model. It was accepted that more detailed air quality and traffic data will bring a better understanding of the current exceedance situation, not only in terms of overall source apportionment, but in terms of the emission profile linked to specific vehicle classes. Consequently, additional nitrogen dioxide diffusion tubes have been placed in the locality and options for an additional continuous air quality monitoring station are also being explored. An emissions monitoring survey has recently been undertaken with a view to providing an analysis of the vehicle types/numbers giving rise to greater concentrations. Proposals for a more detailed survey including detailed speed, queue lengths and fleet composition are also being developed together with a wide scale origin and destination survey to understand the vehicle users of the route and how behaviour could change as a result of potential measures.

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

RESOLVED that for the reasons contained in the Officers report: -

- (i) the draft Hafod-Yr-Ynys Air Quality Action Plan, as appended to the report be noted;
- (ii) that financial support be sought from Welsh Government in order to fund a long-term solution;

- (iii) a further report be presented to Cabinet on the delivery of the Action Plan.

5. THE FUTURE OF PONTLLANFRAITH LEISURE CENTRE

Councillor C. Gordon declared an interest (as he is a Service User at Pontllanfraith Leisure Centre) and left the meeting during consideration of this item.

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 12th December 2017 provided Cabinet with an update on the outcome of the consultation undertaken with respect to the potential closure of Pontllanfraith Leisure Centre and to secure a decision on the future of the centre. Cabinet noted that the report was discussed at length at Scrutiny and the Committee felt that there was insufficient consultation undertaken with Ward Members around the proposed closure. The Committee also recommended that should the bid for 21st Century Schools Funding to provide a 3G pitch at Blackwood Comprehensive School be unsuccessful, alternative sources of funding be explored.

Cabinet considered a report on the 20th September 2017 in which it was resolved to commence a consultation exercise on the closure of Pontllanfraith Leisure Centre and to consider a further report once the consultation was completed.

It was noted that the consultation process commenced on 9 October 2017 for a period of 4 weeks, which was later extended by a further 2 weeks, following a recommendation from the Regeneration and Environment Scrutiny Committee. The consultation process included notices in the Leisure Centre, paper comment forms, notification of the consultation on the Caerphilly County Borough Council website, on-line questionnaire, 2 public meetings were held, meetings were offered with local Ward Members, notification sent to the Town and Community Councils in the area seeking their views, consultation with the Regeneration and Environment Scrutiny Committee and discussions with staff and Trade Unions.

The report detailed 3 consultation questions, including the impact of the closure of Pontllanfraith Leisure Centre on users, whether alternative provision is available and how the impact of the closure could be further reduced. Cabinet noted that some of the key themes that came as a result of the consultation were that people would have further to travel for alternative services, the loss of the 3G pitch at the site and impact on the teams that use the site for competitive senior matches, impact of housing growth in the area on alternative service provision, impact on elderly users of the facility and impact on fitness classes currently provided.

Officers assured Cabinet that significant work has been undertaken, following the consultation in order to meet and address the concerns raised, such as alternative classes and leisure facilities identified within the local area, as well as ongoing discussions with Newbridge Leisure Centre and Newbridge Comprehensive School in order to accommodate day-time classes. The development of a 3G pitch at Blackwood Comprehensive has been submitted to Welsh Government as part of the 21st Century Schools bid, there is scope to keep the 3G pitch in use until 31st March 2018 and the inclusion of retro-fitted barriers at Islwyn High 3G Pitch in order to host competitive senior matches.

In addition, Cabinet were asked to consider a request from Councillor K. Etheridge to hold a local referendum in the Pontllanfraith and Blackwood area on the closure of the Leisure Centre, due to the strong feeling and public representation for the proposal. Members noted that the proposal was also considered at Scrutiny and was not supported. Following Cabinet consideration, it was unanimously agreed that a referendum would not be appropriate following the extensive consultation process undertaken.

Cabinet thanked the Officers for the extensive report and sought assurances that a detailed consultation was undertaken, and all possible alternative provisions have been explored, with particular reference to daytime classes, including Yoga, currently being delivered at the

Leisure Centre. Members were assured that the Yoga class can be accommodated at Newbridge Leisure Centre and further discussions are underway with Newbridge Comprehensive, Islwyn High School and Blackwood Miners Institute in order to accommodate provision. Cabinet were assured that consultation has been undertaken with the users and local community, and, where possible, provisions have been put in place to mitigate impact to service users.

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

RESOLVED that for the reasons contained in the Officers report, the recommendations made at Scrutiny and as outlined at the meeting: -

- (i) the closure of Pontllanfraith Leisure Centre be agreed;
- (ii) the 3G pitch remain in use until 31st March 2017 and that the site demolition programme be managed to accommodate this;
- (iii) it be agreed that barriers be retro-fitted to the Islwyn High 3G pitch to allow senior competitive matches to be played and that the Communities Directorate Reserve is used to fund this;
- (iv) the transition of the Sports Hall bookings to Islwyn High School with effect from January 2018 be endorsed, subject to final agreement of the Governing Body of the school;
- (v) the development of Cwmcarn Forest Drive be agreed to allow the relocation of the Caerphilly Adventure Service;
- (vi) the works to the Cwmcarn Site (£75k - £85k) be funded from the Communities Directorate Reserve;
- (vii) that, should the bid for 21st Century Schools Funding to provide a 3G pitch at Blackwood Comprehensive School be unsuccessful, alternative sources of funding be explored.

6. COUNCIL TAX BASE 2018-2019

The report sought the agreement of Cabinet for the calculation of the Council Tax Base for 2018/19.

The Council Tax base is the amount required by the Local Government Finance Act 1992 to be used in the calculation of the Council Tax. The base for discounted chargeable dwellings expressed as Band D equivalents has been calculated at 61,797.95 for 2018/19, which is an increase of 0.43% on 2017/18.

For 2017/18 a collection rate of 97% was assumed and it is recommended that the same rate be assumed for 2018/19. This will result in an adjusted base figure of 59,944.01. Cabinet noted that the Authority proactively pursues Council Tax arrears and that over a period of 2 to 3 years the actual Council Tax collected typically exceeds 99%.

The Council Tax base is one of the factors that will determine the 2018/19 Final Local Government Settlement, the details of which will be announced on the 20th December 2017.

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

RESOLVED that for the reasons contained in the Officers report: -

- (i) the Council Tax collection rate of 97% remains unchanged for 2018/19;
- (ii) the Council Tax Base for the year 2018/19 be 59,994.01, with the Council Tax Base for each community council area as outlined in paragraph 4.4.

7. WHOLE AUTHORITY MID-YEAR REVENUE BUDGET MONITORING REPORT 2017/18

The report provided Cabinet with details of projected whole-authority revenue budget expenditure for the 2017/18 financial year.

Cabinet noted from the table in paragraph 4.2 of the report that a net underspend of £1.243m is projected for the current financial year. However, it was stressed that the majority of this underspend arises from vacant posts being held to support future years MTFP savings requirements in the Corporate Services Directorate, and from a large underspend of £1.311m in Miscellaneous Finance mainly due to borrowing requirements being deferred and improved returns on investments.

Cabinet also noted that overspends are projected in Education and Lifelong Learning and Social Services, which demonstrates that the financial position is now becoming much more challenging. The report provided significant detail on the projected overspends and underspends across service areas and the Interim Head of Corporate Finance highlighted those areas where the most significant overspends are anticipated.

The approved budgets for 2016/17 and 2017/18 included total growth of £6m for Social Services. However, an overall overspend of £1.520m is currently projected for the Directorate. The most significant area of overspend relates to children's placements where expenditure is currently projected to exceed budgets by £2.754m. This forecast assumes all current placements will remain in place throughout the financial year but every effort will continue to be made to identify more cost effective arrangements wherever possible.

Education and Lifelong Learning is currently projecting an overall net overspend of £34k. The most significant pressure is in the Education Other Than At School (EOTAS) budget where an overspend of £781k is projected. This provision continues to receive an increasing number of referrals for children with challenging behaviour. An internal review of demand and costs is ongoing but it was stressed that whilst this is a substantial overspend, the cost would be much greater if pupils were placed in Out of County placements.

Overall the Communities Directorate is projecting an underspend of £233k. The main cost pressure in this area is Waste Management and Cleansing Services where a net overspend of £382k is reported.

There is an anticipated overspend in dry recycling treatment of £326k, albeit this has reduced significantly on previous years due to the commencement of the new dry recycling contract in July 2017.

There is also a projected overspend of £126k in relation to Civic Amenity Sites, primarily due to increased tonnage of waste and running costs. Vehicle running costs for all the collection rounds are showing a £265k overspend in relation to repairs, cover vehicles and fuel. These overspends will be partly offset by an anticipated reduction in vehicle acquisitions this financial year and a net staffing underspend of £362k primarily due to vacant posts in street cleansing.

There is a one-off corporate contingency reserve of £800k to provide temporary support for cost pressures in waste management. This funding is not currently being released as the Communities Directorate is projecting an overall small surplus on its revenue budget for 2017/18.

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

RESOLVED that for the reasons contained in the Officers report, cabinet note the information contained therein.

EXEMPT ITEM

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

RESOLVED that in accordance with the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as defined in paragraphs 14 of Schedule 12A of the Local Government Act 1972.

8. WRITE OFF OF DEBTS OVER £20,000 – NNDR ARREARS

On 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000.

The report sought the approval of Cabinet to write-off an outstanding debt exceeding £20,000.

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

RESOLVED that for the reasons contained in the Officers report, the recommendation contained in 10.1 of the report be approved.

The meeting closed at 3.05 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 31st January 2018.

CHAIR



CABINET – 31ST JANUARY 2018

SUBJECT: ANNUAL EQUALITIES REPORT 2016-2017

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of the progress made during the financial year 2016-2017 against targets in the Council's current Strategic Equality Plan, and for Cabinet to approve for submission to the Equalities and Human Rights Commission and publication online.

2. SUMMARY

- 2.1 The Council has a statutory duty to produce an annual monitoring report on Equalities issues under current legislation. The requirements are very detailed as to what relevant information must be included in the annual monitoring and improvement report (attached in full as an appendix).
- 2.2 The amount of information presented is therefore in order to ensure that the regulatory body involved (the Equalities and Human Rights Commission) are provided with full evidence of the Council's compliance and commitment to those statutory duties.

3. LINKS TO STRATEGY

- 3.1 Equalities issues are crosscutting themes of the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 and impact on every council policy, function and procedure, covering those aimed at the public and internal policies covering the Council's staff members. The report contributes to the following Well-being Goals:
- A more equal Wales
 - A Wales of cohesive communities
 - A Wales of vibrant culture and thriving Welsh language
- 3.2 There are also a number of national Welsh Government strategies or regulations that the Council's Equalities work links to; "**Getting On Together**" (the All Wales Community Cohesion Strategy); "Tackling Hate Crimes and Incidents: a Framework for Action"; "**Travelling to a Better Future**" - the Welsh Government's Gypsy and Traveller Framework for Action and Delivery Plan; "Cymraeg 2050: Welsh Language Strategy"; and various aspects of Planning, Licensing and Building regulations.

4. THE REPORT

4.1 Under the Public Sector Equality Duty in Wales, an annual report on the Strategic Equality Plan must be published anytime during the 12 months after the end of the financial year that is covered by that report.

4.2 Appended to this report is the Annual Equalities Report for 2016-2017.

4.3 In summary however, the following performance information should be noted covering the financial year in question:

- **370** lessons delivered to over 9,000 students in 2016-2017 to schools in the county borough under the All Wales School Liaison Core Programme (AWSLCP).
- **£200,000** of funding was used to upgrade properties across the county borough, which included -
 - 2 Caerphilly CBC corporate buildings
 - 2 countryside locations
 - 3 community centres
 - 1 community education centres
 - 8 libraries
 - 3 leisure centres
 - 12 schools
 - 1 tourism site
- Launch of the Welsh Language Strategy by Alun Davies AM in June at Ffiliffest.
- Creation of an LGBTQ+ Youth Group identified as one of the Youth Forum's priorities. This group is currently attended by 36 young people.
- Winding House Museum became the first museum in Wales to be recognised as Dementia Friendly along with Blackwood Miners Institute.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This report contributes to the Well-being Goals as set out in the Links to Strategy above in particular the responsibility placed on public bodies to contribute to a more equal Wales, a Wales of cohesive communities and a Wales of vibrant culture and thriving Welsh language. The report reflects that the authority has involved people with an interest in the well-being of the area, including groups representing residents with protected characteristics. We have collaborated through the Disability Access Group with the aim to ensure that we recognise the issues facing certain groups and to prevent them being unable to access our services in an equal way. Through our annual business planning processes and self-evaluation, service areas have considered equalities implications and the ability of our residents to have their needs met.

6. EQUALITIES IMPLICATIONS

6.1 A full Equalities assessment and consultation was undertaken on the Strategic Equality Plan when being developed, therefore no full assessment has been made on this annual report. The report itself is an assessment of achievements made by the Council under the plan.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no direct financial implications to this report as the annual report covers work already undertaken in the previous financial year.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications to this report, although this continues to be reviewed as the work specified in the Strategic Equality Plan progresses.

9. CONSULTATIONS

- 9.1 The report is based on data gathered across the service areas on implementing the Strategic Equality Plan during 2016/2017. A number of the officers shown at the end of this report were consultees, therefore contributed specific reporting information for different sections in the full annual report.
- 9.2 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 It is recommended that Cabinet note the content of this annual report and endorse the submission of this information to the Equality and Human Rights Commission and for publication on the Council's website.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 By gathering all the required information together into this report from the Council's service areas and from partnership working, and then publishing them, the Council is ensuring that it complies with its statutory duties under current Equalities legislation.
- 11.2 More importantly, the report also evidences the amount of positive work and good practice the Council is achieving to benefit those individuals and groups who fall under one or more of the protected characteristics and wider Equalities issues.

12. STATUTORY POWER

- 12.1 Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011
Welsh Language (Wales) Measure 2011
Well-being of Future Generations Act (Wales) 2015
Human Rights Act 1998
Local Government (Wales) Measure 2011

Author: Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Ext.: 4404 cullima@caerphilly.gov.uk

Consultees: Cllr Barbara Jones (Deputy Leader and Cabinet Member for Corporate Services)
Cllr James Pritchard (Members Equalities Champion)
David Street (Corporate Director Social Services)
Robert Hartshorn (Head of Public Protection)
Richard M Harries (Interim Deputy Monitoring Officer)
Kathryn Peters (Corporate Policy Manager)

Ros Roberts (Performance Manager)
Lynne Donovan (Acting Head of Human Resources and Organisational Development)
Keri Cole (Chief Education Officer)
Mark Williams (Interim Head of Property Services)
Paul Taylor (Sports Development Officer – Disability Sport & Positive Futures)
Christopher Hunt (Community Cohesion Coordinator – West Gwent)

Background Papers:

Strategic Equality Plan 2016-2020

Equalities and Welsh Language Objectives and Action Plan 2016-2020

Various Guidance Documents

(These are available electronically for information on the relevant pages at
www.caerphilly.gov.uk/equalities)

Appendices:

Appendix 1 Strategic Equality Plan – Annual Monitoring and Improvement Report 2016-2017

Caerphilly County Borough Council Strategic Equality Plan

Annual Monitoring and Improvement Report 2016 - 2017

This Council recognises that people have different needs, requirements and goals and we will work actively against all forms of discrimination by promoting good relations and mutual respect within and between our communities, residents, elected members, job applicants and workforce.

We will also work to create equal access for everyone to our services, regardless of ethnic origin, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-belief, use of Welsh, BSL or other language, nationality, responsibility for any dependents or any other reason which cannot be shown to be justified.

Published XX January 2018

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This report is available in Welsh, and in other languages or formats on request.
Mae'r adroddiad hwn ar gael yn Gymraeg, ac mewn ieithoedd neu fformatau eraill ar gais.

Introduction

The council is required under the Equality Act 2010 (Statutory Duties)(Wales) Regulations 2011 to produce an annual monitoring report on the steps it has taken to meet the public sector equality duty and its own Equality Objectives. Welsh Government was the first government to impose specific duties on public services over and above those required by the Act. The Act places a duty on public bodies to consider how to positively contribute to a fairer society through the delivery of service provision and having due regard to eliminate discrimination. The specific duties cover;

- annual reporting
- equality impact assessments
- pay differences
- publishing of Strategic Equality Plans
- workforce information
- engagement
- equality information
- procurement
- staff training

Equalities work has continued to be mainstreamed during 2016-2017, and each section of this report looks at the council's progress during the last year. A number of case studies are included to demonstrate the work that service areas have undertaken to ensure compliance and improving on service delivery year on year.

The Council continues to work in partnership with organisations some of which are members of the Caerphilly Public Services Board which brings public bodies together to work to improve the economic, social, environmental and cultural well-being of Caerphilly County Borough. They are responsible, under the Well-being of Future Generations (Wales) Act, for overseeing the development of the new Local Well-being Plan, from the public, health, voluntary and private sectors and continue to be creative and innovative in delivering against its statutory duties.

A great deal of the Council's Equalities related information is already published in greater detail on the Equalities pages of the Council's website, where you can also download a pdf version of this report:- www.caerphilly.gov.uk/equalities.

The Council remains committed to ensuring that everyone within the county borough of Caerphilly is treated with equal respect and that their individual circumstances are not a barrier to them receiving the services they need from the Council or its partners.

In order for this Equalities Annual Report to be properly considered, it was taken through an internal endorsement process via Cabinet on the 31st January 2018. The annual report will then be submitted to the Equality and Human Rights Commission's Office by 31st March 2018.

Cllr David Poole
Council Leader
Caerphilly County Borough Council

Christina Harrhy
Interim Chief Executive
Caerphilly County Borough Council

1. Equality Impact Assessments

Overview of the effectiveness of the EIA process within the Council during 2016-2017

Equality Impact Assessments (EIAs) covering Equalities and Welsh Language issues are undertaken on corporate policies and this process began full implementation in February 2012, from when all council reports were required to contain an Equalities Implications heading.

As EIAs are a requirement of the **Strategic Equality Plan 2016-2020** and the **Welsh Language Standards (88, 89 and 90)**, the Council has an integrated assessment form to ensure a consistent approach.

General guidance for staff is available on the Equalities and Welsh Language intranet Portal, in the following document:



Impact assessments are part of a sequence of events that have to happen in order to fully embed Equalities and Welsh Language issues and so the Equalities Consultation and Monitoring Guidance document was also updated in order to reinforce the practice that proper and full consultation with groups and individuals representing the various protected characteristics helps make the EIA process that much more robust and straightforward.

The Strategic Equality Plan and Action Plan are available on the Council's website and are available to staff via the Corporate Policy Unit Portal with the Equalities Implications in Committee Reports Guidance as a supporting document.

2. Discriminatory Bullying in Schools

The Reporting and Monitoring of Discriminatory Bullying in Schools 2016-2017

In our Strategic Equality Plan 2016-2020 we have a specific Equality Objective which covers 'Tackling Identity-based Violence and Abuse'. The objective is to reduce the levels of real or perceived instances of identity-based abuse, bullying, harassment and violence, hate crime and hate incidents in the county borough.

To measure this objective in accordance with the Strategic Equality Plan 2016-2020 we need to ensure that improved monitoring and reporting measures are in place. This will lead to better monitoring and a possible increase in the number of incidents. However an increase in the number of incidents should not be considered negatively or an indication that the situation is getting worse. An increase in the number of incidents could also be linked to better understanding and identification of incidents of discriminatory bullying and when is appropriate to record them.

An example of improved discriminatory bullying monitoring is that since 2012, Caerphilly county borough council has worked with schools to develop better monitoring and better support for pupils and teachers in dealing with homophobic bullying. The discriminatory bullying monitoring form that our schools now use covers 10 areas of pupil identity including homophobic bullying, which means that the Council now has recorded data on homophobic incidents in schools.

For any data collected and reports published, anonymised totals are always used, with only examples of good practice by individual schools, or those that have had bespoke training being specifically named at any time.

Data is collected and reported in various ways to help identify trends, to target support and show that the Council and schools are complying with legal duties around these issues.

Discriminatory bullying is a matter of concern for every local authority, however this report helps demonstrate that Caerphilly county borough council and its partners are actively monitoring the situation and tackling the issues by working with partners to make positive progress each year.

There are 88 education establishments that provide monitoring data to the Directorate of Education and the summary of the reported homophobic data across the 16 school terms is shown in the following table;

Academic Year	No. of Incidents Recorded per Term		
	Autumn Term	Spring Term	Summer Term
2011-2012			(pilot) 7
2012-2013	2	1	2
2013-2014	3	5	1
2014-2015	7	12	8
2015-2016	12	5	10
2016-2017	54	57	33

During the financial year 2016-2017, the following training was delivered in schools in the county borough. 8 students from Ysgol Gyfun Cwm Rhymini received Cultural Awareness training and 8 staff from Ysgol Gymraeg Penalltau received Equalities Awareness training.

This academic year also saw Gwent Police, through the All Wales School Liaison Core Programme (AWSLCP) deliver a large number of lessons in respect, bullying and diversity issues across primary and secondary schools in the county borough.

The AWSLCP is an example of Partnership Working between the Welsh Government and the four Welsh Police Forces and consists of a series of Crime Prevention inputs / lesson deliveries and Supportive School Policing initiatives that aim to:

- educate children and young people about the harm substance misuse can cause to their health, their families and the wider community
- promote the principles of positive citizenship through the medium of education
- achieve a reduction in the levels of crime and disorder within our young communities.

From September 2016 the Programme consists of The Critical Core, Targeted Delivery and Support Menu as indicated below. All sessions will continue to be delivered by pre-booked appointment with a School Community Police Officer (SCPO).

As indicated above, SCPOs will also provide a variety of Supportive School Policing (SSP) and safeguarding activities. These will include resolving incidents using the School Crime Beat Policy and where applicable, Restorative Approaches. SCPOs are also able to deliver a variety of age appropriate school assemblies.

It is anticipated that an enhanced safeguarding role will further develop links between the local and school communities as well as partner agencies e.g. Youth Offending Service, Safeguarding Services etc.

The AWSLCP is fully supported by a dedicated website – www.schoolbeat.org which contains further information and guidance for teachers, pupils and parents.

A total of 370 lessons were delivered during 2016-2017 to 9,092 students from schools across the county borough.

3. Physical Access

The Disability Access Work Programme

The Council's Corporate Property Services Division continues to deliver improvements to make public buildings accessible for all via the Disability Access Work Programme. Each year a programme of work is arranged to update and improve the physical access capacity of a range of Council-owned buildings.

During 2016-2017 £108,000 of funding was available to support disability access improvement works.

These included:

- 1 Caerphilly CBC corporate buildings
- 2 Countryside locations
- 3 Social services sites
- 2 Community education centres
- 4 Leisure centres
- 18 Schools
- 1 Tourism site

Our leisure centres saw £20,000 worth of specific disability access related equipment installed, such as automatic doors and specialist hoisting equipment. Social services day centres saw a similar figure improving the accessibility to support service users. Our primary schools were allocated £45,000 for the financial year to make a variety of enhancements such as automatic doors, ramps and reception improvements.

4. Tailoring the Services

The following examples show how Council service areas have tailored their day-to-day work to suit the requirements and needs of individual service users - all are excellent examples of putting Equalities related principles to practical use for the benefit of people in the county borough.

a) Disability Sport – Leisure Services

The Disability Sport Programme in Caerphilly is a joint initiative between Disability Sport Wales and the Local Authority. The scheme is aimed at developing quality community based sporting and recreational opportunities for disabled people throughout Caerphilly county borough. It is promoted and delivered through a network of Sport Development Officers and Community Coaches located across the county borough.

Disability Sport runs weekly clubs for children and adults of all abilities. The sports include football, swimming and many more. Disability Sport also delivers a holiday activity sports programme during school holidays.

Here is a case study of Callum Sapey one of the volunteers;

Callum is an exceptional young coach who has shown considerable dedication to disability sport within Caerphilly. His passion for working with children and young adults in Caerphilly is something that many other coaches should aspire to.

At a very young age Callum began attending the disability sport holiday programme to support his brothers who both have additional needs. He came as their key worker, so they both could experience a physical activity. Callum did not come from a sporting background himself but developed a love for sport and continued to support his brothers whilst on activity days. He would even attend on days when his brothers didn't attend to support others.

After being unsuccessful at last year's volunteers awards evening, Callum's attitude and dedication for sport didn't change and continued to work extremely hard in developing his own skills.

Since being a part of the Disability Sport Team, Callum has taken over the running of 'Pont Dragons - Disability Football Club'. The sessions run on Friday evenings which isn't the most appealing slot to give up your free time to volunteer with a challenging group of children and young adults with additional needs.

Over the past year Callum has grown the club to now having 16 players with various disabilities attending on a regular basis. On a number of occasions

Callum would walk over a mile to the session because he does not drive. Callum also offers his time at large scale events and cluster leagues. This is all down to Callum's hard work and commitment to developing Disability Sport in the county borough of Caerphilly.



Another element of the work is the annual Sport Caerphilly Sport Awards, which recognise the hard work and dedication of sports volunteers, coaches and clubs throughout Caerphilly county borough.

Some of the award categories include: -

- **Young Volunteer of the Year (under 18's)** - Recognises the outstanding contribution of a young volunteer getting more people starting, staying and/or succeeding in sport/physical activity through high quality delivery
- **Inclusive Coach of the Year Award** - For an individual who has shown a great level of commitment & passion whilst working with specific target groups such as (Women & Girls, BME, Disability and Deprivation).
- **Club of the Year** - Recognition of the work that clubs within the community are doing to provide opportunity and provision of sport to all.

b) Welsh Language Standards

The Welsh Language (Wales) Measure 2011 replaced the Welsh Language Act 1993 and as part of the new legislation, in Wales the Welsh language has equal legal status with English and must not be treated less favourably. Public bodies no longer need to develop and implement Welsh Language Schemes but instead now must comply with a set of national Welsh Language Standards.

The Welsh Language Commissioner has issued a Compliance Notice which sets out which of the 176 standards in the legislation apply to the local authority, along with any exemptions and their implementation dates.

Our progress is recorded each year in the annual monitoring and improvement report, which together with the covering Cabinet report is published on our website at [Welsh Language Standards](#) for 2016-2017.

The Council was required by 30 March 2016 to publish a document noting how it intends to comply at a corporate level with the Standards and what its internal processes are for oversight and monitoring implementation. This document is also available on our website [Welsh Language Standards](#).

Another requirement of the Welsh Language Standards was to put together and publish a 5 Year Welsh Language Strategy 2017-2022. The Strategy was launched by the Minister Alun Davies at the Ffiliffest Welsh language festival in June 2017.

This strategy sets out how the local authority, in collaboration with its partners proposes, to promote the Welsh language and to facilitate the use of the Welsh language more widely in the county borough. More information on the strategy can also be found on our website [Welsh Language Strategy 2017-2022](#)



c) **Pride Cymru 2016 – Proud Councils**

Another year where Councils from across South East and West Wales came together to consult with Pride goers, asking them for feedback to help improve council services now and in the future. Visitors were asked to describe the main barriers they face, what LGBT focused activities and services they'd like to see in their communities, and how councils could encourage more involvement from the LGBT community to help shape local services.



Generally the survey results showed that there was a lack of understanding of what the needs of the LGBT community are and that this was the biggest barrier faced by people accessing public services. There was a clear message from those who responded that there was a need to have more community support groups, events to help raise public awareness and more awareness raising in schools.

Proud Councils are committed to promote equalities in public services and remove the barriers faced by LGBT people.

d) **LGBTQ+ Youth Group**

Caerphilly Youth Services, Basement team run Caerphilly Borough's only specific LGBTQ+ group for young people, providing a safe and confidential environment where young people are able to express their true selves, whilst meeting other young people that share the same experiences and issues. The group is for any young people aged 11-25 that identify as being LGBTQ+ (Lesbian, Gay, Bisexual, Transgender and Queer or Questioning their sexuality or sexual identity).

The group has been running for just over a year and is held on the last Saturday of the month from 12.00 - 15.00, operating as a drop-in provision and is currently made up of 36 young people. The group is led by the young people, so what happens in each session is inclusive to the people that are attending.

The group carry out a variety of activities including games consoles, jewellery making, art and craft, cooking and issue based workshops that provide information and transferable skills that the young people will be able use later in life.

The group has successfully supported one young person in putting together an LGBTQ+ group within her school and we have also sent emails out to all Caerphilly Borough schools to ask if we can visit the schools to raise awareness of the group.

All Basement staff members have been trained in specific issues that could affect LGBTQ+ young people and all value equality and embrace the diversity of all young people bring to the group.

The LGBTQ+ group is a fantastic community initiative raising awareness and equality of the LGBTQ+ community. Not only has it welcomed young people from Caerphilly Borough, but also from Newport and Blaenau Gwent. Due to being the only young persons' LGBTQ+ group within the Caerphilly Borough, it has greatly supported the young people as they now have that space they can safely explore feelings, thoughts and identities. By running an LGBTQ+ group within a community and promoting awareness and equality for all, it is hoped that this will remove any stigma attached to the LGBTQ+ community in the future.

e) Supporting the Armed Forces Covenant

The Armed Forces community across five areas of South East Wales now benefit from the employment of a Regional Armed Forces Covenant Officer, after funding for the brand new post was secured through the Covenant Fund.

Hosted by Caerphilly County Borough Council, the Regional Armed Forces Covenant Officer facilitates a more consistent delivery and awareness of the Armed Forces Community Covenant across Caerphilly, Blaenau Gwent, Torfaen, Monmouthshire and Newport. The role will ensure best practice across the region ensuring a cohesive approach.

Two years running Caerphilly Borough Council has hosted South Wales Armed Forces day. Attended by over 12,000 people the day started with a military parade through the town centre, and included representatives from all the Armed Forces plus Standard Bearers, Veterans and youth organisations. This prestigious event provided a fitting opportunity for residents and visitors alike to give thanks for those courageous individuals who serve or have served our country.



f) **Supporting Age-friendly Communities**

50+ Positive Action

The last year has seen the 50+ Positive Action 'Living Longer Living Well' actions concentrating on developing Dementia Friendly communities, sharing information and advice through social media and building further on our successful 'Simon Says' information and advice campaign. We have also continued to empower and support the Caerphilly County Borough Forum.

Here's a snapshot of the work undertaken;

Social Media

- The [@50plus AgeWell](#) twitter account continues to build its follower base and averages between 5,000 and 10,000 reach each month with that rising significantly depending on the information and advice in the tweet.
- 50+ Positive Action works in partnership with the '[Caerphilly Over 50](#)' Facebook page to get information about services and support out to local residents. The numbers following this page are steadily growing and like the twitter account where there is a message of particular interest, such as bogus callers in the area, the reach increases significantly.

Simon Says

- We have now released 5 bilingual 'Simon Says' cartoons which are designed to give information and advice in a colourful and accessible format. The cartoons cover, claiming Attendance Allowance and Pension Credit, Falls Prevention, Bogus Callers and our free Swim for Life. These have been widely circulated via Social Media locally and across Wales, they are also on the side of council refuse trucks and we have had Z cards made up to give out to the 50+ at events and engagement events.



Dementia Friendly Communities

- Caerphilly County Borough Council worked towards being a dementia friendly Council during 2016/2017
- Town centres, by their very nature, have the potential to be very challenging environments for those living with dementia. In light of this the Town Centre Management officers have sought to alleviate the challenges faced within our principal town centres. All businesses across the five managed town centres have been offered the chance of free training to make their staff Dementia Friends. *NatWest* in particular is extremely supportive of the Dementia Friendly initiative and is training staff across the UK. The manager of the Caerphilly branch is a very proactive champion of the scheme; so-much-so that the national *NatWest* internal video was filmed in the Caerphilly branch featuring Caerphilly customers. The video can be viewed online via <https://rbsgroup.kuluvalley.com/view/mcmu85IGyp7>
- The Winding House Museum was the first museum in Wales to be Dementia Friendly. Blackwood Miners Institute has also achieved its Dementia Friendly status.



Caerphilly County Borough 50+ Forum

- The forum is building in confidence with a reenergised steering group and new members they are forging forward with a new business plan.
- We have facilitated links with the CCBC Caerphilly Carers and this is proving productive for both forums
- They have proactively responded to a number of key consultations both National and local, ensuring the voices of older people are heard. Their responses are [available via their website](#) We also support them to share these responses with other 50+ forums across Wales.
- We proactively support them with their 'Natter that Matters' newsletter which is growing in popularity with 5000 copies being distributed across the borough and online versions accessed via the [CaerphillyOver 50](#) website.

g) Holocaust Memorial Day

In recognition of Holocaust Memorial Day in January 2017, we raised staff awareness of the day by having an information stand and displaying a presentation during the lunch break in the staff restaurant.

Further activities were held at Blackwood Miners' Institute, where they hosted an exhibition of poetry specially created by pupils of local schools to commemorate Holocaust Memorial Day.

Students from Ysgol Gyfun Cwm Rhymni and Lewis School Pengam worked with local author Patrick Jones to produce some poignant work for the exhibition set around the theme 'How Can Life Go On'. The work was exhibited for a week from the 26th of January.

Members of the public were also invited to attend a commemorative event taking place at 10:30am on Friday 27th of January to mark the international day of remembrance for victims of the Holocaust. The day honoured the survivors and remembered those who have lost their lives. It also provided an opportunity to reflect on the way we live our lives today.

Cllr. Keith Reynolds, Leader of Caerphilly County Borough Council at the time said, "This is the third year we have hosted a community event to commemorate this important national day of remembrance. The pupils have been hard at work creating some moving pieces for the exhibition; I would urge people to join us for the special event on Friday to remember those who lost their lives."

h) Community Cohesion

The Community Cohesion Coordinator reports back to Welsh Government on a quarterly basis the progress that has been made against specific outcomes stated in Welsh Government's Community Cohesion Strategy 2014-2018.

The following are a snapshot of what has been done in the West Gwent area which includes Caerphilly;

- Regional Hate Crime Training was arranged for elected members from the 3 authorities in the West Gwent area (Blaenau Gwent, Caerphilly and Torfaen).
- Hard copies of the Hate Crime reporting forms have been redistributed throughout public facing council buildings
- Hate Crime dataset has been submitted for consideration for the local needs assessment in line with the Well-being of Future Generations legislation. Discussions have also been held with lead policy officers to ensure that other cohesion themes are better reflected within the future planning of Public Services Board.
- In response to anecdotal community concerns, Caerphilly secured a Hate Crime stand at the Big Cheese festival. The stand was facilitated in partnership with Gwent Police and Victim Support.
- A number of discussions have been held between Gwent Cohesion Coordinators and lead third sector groups and partner agencies to examine the implications of Brexit and the increasing concern of minority communities in the wake of Brexit and to support the monitoring of community tensions going forward. On an operational level this included the development of a partnership approach to reassure minority communities, in particular minority communities that identify as economic migrants or from a minority faith and/or cultural background such as the development of the Gwent Multi Faith Group. Also established as part of this work is the Gwent Community Tensions Group where all the Prevent and Community Safety lead officers across Gwent share information on emerging community tensions, this includes far right tensions/Prevent concerns and hate crime trends, which is ongoing.
- Written a Cohesive Communities chapter for Caerphilly Council's Well-being Needs Assessment reflecting all current and emerging cohesion themes including hate crime, particularly relevant post Brexit. Part of these efforts has also involved supporting the Future Scenarios event hosted by Caerphilly Council.

- Support has been provided to Gwent Police in relation to Hate Crime Awareness Week activities – this has included liaison with families resettled under the Syrian Resettlement Programme (sharing stories)
- Ongoing engagement with third sector organisations SEWREC, BAWSO, People’s First, Victim Support/ Race Equality First/ Umbrella Cymru – ensuring partners are engaging and signposting victims towards their services.
- Community Cohesion narrative has now been provided to all three West Gwent Well-being of Future Generations needs assessments which recognise Hate Crime as a consideration for the Public Services Board.
- Consultation with the above service providers has also been conducted in relation to the needs assessment of the Well-being of Future Generations, minority communities within West Gwent have also been engaged with - ensuring the findings of the needs assessments are appropriate to the area. This consultation has included facilitating a table discussion/workshop at the Caerphilly Future Generations 2 Event which was held in Jan 2017.
- A campaign was launched in November 2016 to coincide with White Ribbon Day on 25th November. The campaign #caerphillystandingtogether aimed at raising awareness of domestic violence and the support services available, and to ultimately empower anyone who is experiencing domestic violence to seek support.

5. The Training Programme

Overview of the academic year 2016-2017

Providing Equalities and Welsh Language courses are statutory duties under relevant legislation. Unlike previous years we faced a cut in the training budget and therefore the training delivered was limited.

In total, **360** people attended equalities and Welsh language related courses.

238 attended equalities specific training with **8** of these being students from Ysgol Gyfun Cwm Rhymni who received Cultural Awareness training.

122 learners attended Welsh Language courses from Welsh taster courses to 30 week Welsh courses for staff to learn the language to use in the workplace.

A number of the Welsh taster courses have been tailored in line with requirements of the Welsh Language Standards. For example, by 30 September 2018, certain libraries and leisure centres in the 6 main towns of the county borough have to be able to provide a bilingual reception service to ensure that we do not breach the Welsh Language Standards.

Standard 64	<p>Any reception service you make available in English must also be available in Welsh, and any person who requires a Welsh language reception service must not be treated less favourably than a person who requires an English language reception service.</p> <p>You must comply with standard 64 in relation to the following by 30 September 2017:</p> <ul style="list-style-type: none">• The body's main reception service. <p>You must comply with standard 64 in relation to the following by 30 September 2018:</p> <ul style="list-style-type: none">• Bargoed, Risca, Rhymney, Blackwood, Caerphilly and Ystrad Mynach libraries;• Caerphilly Visitor Centre;• Llancaiach Fawr Manor House;• Registration Services at Penallta House;• Caerphilly, Heolddu, Newbridge and Risca leisure centres.
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Many of the courses which ran were requested by specific service areas to address an issue that they had identified which required staff training.

The training figures are illustrated in the following table;

Course Title	No. of Staff	No. of Students
British Sign Language	5	0
Cultural Awareness	0	8
Equalities Awareness	16	0
LGBT Awareness	17	0
Prevent	179	0
Transgender Awareness	13	0
Welsh Language Courses (30 Wks)	48	0
Welsh Language Taster Course (2 days)	37	0
Welsh Language Taster Course	37	0
Totals	352	8

6. Diversity in the Workplace

Improvements to the CCBC Workforce Data

As shown in greater detail in [Appendix A](#), further efforts were made to increase the numbers of those recorded on the *iTrent* HR system and this has again delivered improved results for 2016-2017.

Below are examples in two categories where clear improvements in the data recorded have been made over the last three years.

i) Religion and Belief

Religion or Belief (Corporate Totals)	31/03/15	31/03/16	31/03/17
Buddhist	2	2	1
Christian (All Denominations)	736	881	1,002
Hindu	3	1	4
Jewish	2	2	1
Muslim	2	1	0
Humanist	1	2	3
Sikh	1	1	0
No Religion	742	933	1,126
Undisclosed / Not Specified	7,705	7,010	6,520
Unwilling to Declare	96	85	83
Other	15	21	27
Authority Total	9,305	8,939	8,767

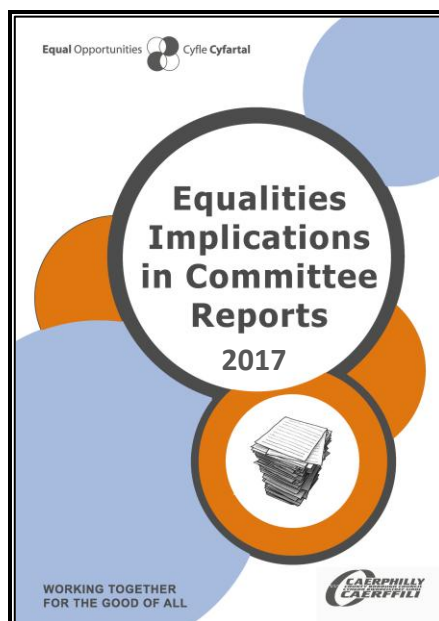
ii) Sexual Orientation

Sexual Orientation (Corporate Totals)	31/03/15	31/03/16	31/03/17
Bisexual	8	8	9
Gay	19	26	33
Heterosexual	1,523	1,829	2,144
Lesbian	10	14	14
Other	12	19	18
Undisclosed	7,587	6,909	6,421
Unwilling to Declare	146	134	128
Authority Total	9,305	8,939	8,767

7. Staff Guidance

Creating and updating CCBC Guidance Documents in line with legislation

a) Equalities Implications in Committee Reports



This guidance for staff was updated In September 2016 following an agreement by the Corporate Management Team to update the Council’s report template to include the new Well-being of Future Generations Act.

Section 5 of the council’s report template is now dedicated to the Well-being of Future Generations and the Equalities Implications section is now section 6, and placed before the Financial Implications and the Personnel Implications sections.

This was introduced gradually with full implementation from 1st January 2017. If any reports are now submitted to Democratic Services without these sections (or other mandatory ones) included, the report will be returned to the author.

b) Corporate Policy Unit Portal

This financial year has been particularly busy for the Corporate Policy Unit which is made up of 4 teams, pulled together into one. The unit includes, Community Safety, Equalities and Welsh Language, Policy Development and Performance Management.

In order to promote the work of the unit, we updated the existing Equalities and Welsh Language Portal to be a Corporate Policy Unit Portal.

This Portal has a wealth of information, guidance, relevant and useful documents and forms as well as contact details for the 4 teams.

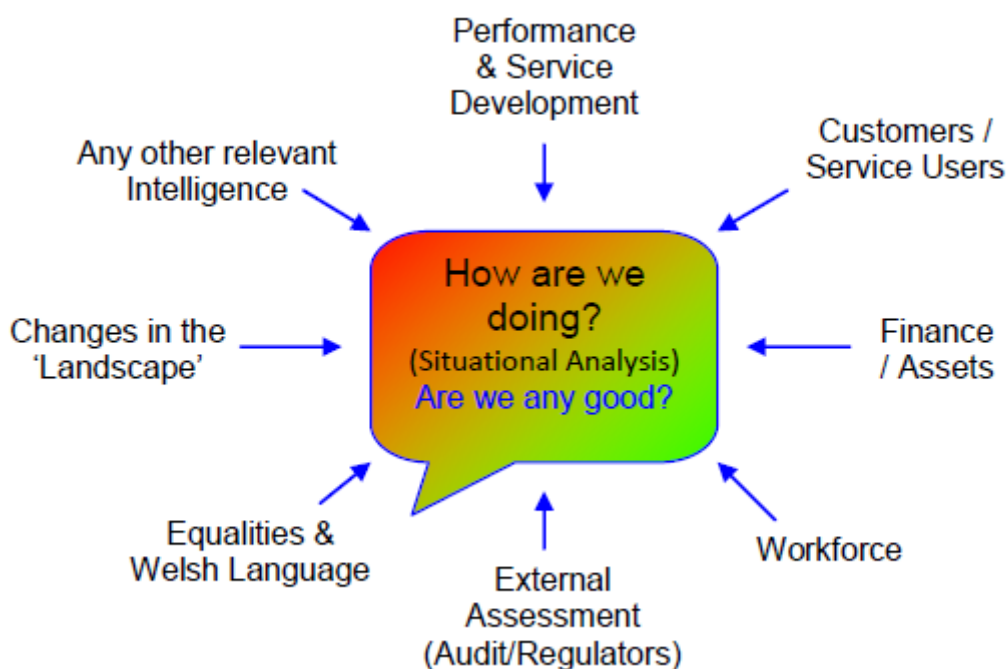
This is a great resource for staff as all the information and guidance they require is readily available in one place. More so, the guidance information on Equalities and Welsh language is accessible and includes Equalities Impact Assessment Forms and the supporting guidance to assist staff through the process. There are separate header tabs across the top which breaks the information available into sections, this makes it easier for staff to find the information they require.

All our annual reports are available on the portal and because staff know where to access the information, any updates that are done are quick and easy and available almost instantaneously.

8. Service Area Self-Evaluation

An update on changes in how the Council's service areas look at their own performance in terms of Equalities and Welsh Language

Since 2014, the Service Planning processes within the Council have been continuously reviewed to enhance its focus, emphasis and importance of periodically assessing levels of service delivery, response times and quality of service (Service Self-Evaluation), to include a range of data and intelligence to evaluate a service area's work and to draw a conclusion as to how effective that service is. For example, our current self-evaluation model includes, as a minimum, the following categories:



All services irrespective of when and how the evaluation is carried out must use these principles to evaluate their service delivery. The categories must include an assessment of the extent to which each service is meeting its equalities and Welsh language obligations.

9. Complaints Data

An analysis of the complaints received during 2016 - 2017

Section 4 of the **Strategic Equality Plan 2016-2020** defines what is considered a complaint in terms of Equalities and Welsh language issues.

This is in order to maintain consistency of approach when dealing with any complaint of this nature as the Council operates an integrated Equalities and Welsh Language service.

v) Complaints

- 4.9 A complaint can be defined as a situation where a member of the public, or a group, is not satisfied with the standard of a service, or the action or lack of action by the Council or a member of staff.
- 4.10 All complaints will be dealt with in accordance with the corporate Complaints policy, but with the added need for translation of all incoming and outgoing correspondence on the matter, in line with the **Welsh Language Translation Guidance 2016** and any other relevant translation, design or format issue.
- 4.11 Complaints will be fully monitored by Equalities category and in which language or format they were initially made.
- 4.12 Complaints can be made in writing, by telephone or via email to the Council's dedicated email address complaints@caerphilly.gov.uk.
- 4.13 Further guidance can be found in the **Equalities and Welsh Language Complaints Guidance** document.

Equalities and Welsh language complaints data forms part of the quarterly reporting to the Audit Committee as part of the Corporate Complaints process where appropriate, and the Senior Policy Officer (Equalities and Welsh Language) is also now part of the corporate Learning From Complaints Group that meets quarterly to discuss specific and cross-cutting complaints.

Corporate complaints are those that are due to failure of process or failure to operate Council policy correctly. These are complaints that could ultimately be forwarded to the Public Services Ombudsman or Welsh Language Commissioner for example. Code of conduct issues around staff behaviour or attitude are dealt with via internal HR processes.

Equalities and Welsh Language complaints are however something of a hybrid, in that a failure of process may be as a result of the attitudes or opinions of a staff member towards a particular group for example.

During 2016-2017, there were **11** instances recorded with **2** of these being classed corporately as service requests. A further **4** were Welsh Language Investigations undertaken by the Welsh Language Commissioner and the remaining **5** were categorised as complaints. All **5** were Welsh Language related complaints where the service provided did not comply with the Compliance Notice in place.

In responding to these complaints the relevant departments have been able to make positive improvements within their service areas and thus ensuring that the service provided is fully compliant in the future.

The following table provides a summary of the service requests and the complaints received, though the full detail of each has been removed for this report to maintain the anonymity of those making the complaint.

**Table 9.1 - Complaints by Equalities Strand
(following the categories listed in the CCBC Strategic Equality Plan)**

STRAND	NUMBER OF COMPLAINTS	NUMBER OF SERVICE REQUESTS	NUMBER OF WELSH LANGUAGE INVESTIGATIONS
General / Unspecified	0	0	0
Age	0	0	0
Disability	0	0	0
Gypsy and Traveller	0	0	0
Human Rights	0	0	0
Linguistic Skills	0	0	0
Marital Status	0	0	0
Nationality	0	0	0
Pregnancy & Maternity	0	0	0
Race	0	0	0
Religion or Belief	0	0	0
Sex (Gender)	0	0	0
Sexual Orientation	0	0	0
Gender Reassignment / Transgender	0	0	0
Welsh Language	5	2	4
TOTALS	5	2	4

APPENDIX A - CCBC Workforce Data Summary

The following information is high-level data of what the *iTrent* HR system holds as at 31st March 2017 regarding the Caerphilly CBC workforce profile, in terms of protected characteristics and language ability of staff.

The Strategic Equality Plan requires recording of this information. By comparing those figures available at 31st March 2015 and 2016 with those at 31st March 2017 (bearing in mind that relatively little external recruitment is being done) we have been able to demonstrate an increase in the numbers recorded. This is regarded as being due to the improved data-recording and data cleansing of existing staff records.

The **Unwilling to Declare** option was added to the payroll data across each category as an option during this financial year, as it had not been an option for every protected characteristic previously.

- Gender, Ethnicity and Disability data is shown by Directorate.
- Religion or Belief and Sexual Orientation data is currently shown by Corporate totals only. Data has again improved during the last financial year.
- Nationality has been included for the first time, by Corporate totals.
- Language Ability is available by Service Area but the data is provided here as Corporate totals for information.
- The numbers in all categories now also show Undisclosed and Unwilling to Declare, reducing the number of empty fields in the system and providing a more accurate staff overview.
- Other information categories within *iTrent* (i.e. certain ethnicities, languages, religions etc.) have not been presented as they are currently showing zero records.

Gender by Directorate	Male	Female	Undisclosed
Communities	1,230	1,054	0
Corporate Services	211	320	0
Education & Leisure	774	3,591	0
Social Services	247	1,929	0
Authority Total	2,393	6,374	0

Disability by Directorate	Disability Recorded	Undisclosed	Unwilling to declare
Communities	59	118	2
Corporate Services	18	7	4
Education & Leisure	65	394	3
Social Services	58	120	1
Authority Total	187	591	10

Ethnicity by Directorate	White	BME	Undisclosed	Unwilling to declare
Communities	2,156	17	110	1
Corporate Services	516	8	6	1
Education & Leisure	3,961	26	376	2
Social Services	2,077	32	67	0
Authority Total	8,161	75	527	4

Religion or Belief (Corporate Totals)	Numbers
Buddhist	1
Christian (All Denominations)	1,002
Hindu	4
Jewish	1
Muslim	0
Humanist	3
Sikh	0
No Religion	1,126
Undisclosed	6,520
Unwilling to Declare	83
Other	27
Authority Total	8,767

Sexual Orientation (Corporate Totals)	Numbers
Bisexual	9
Gay	33
Heterosexual	2,144
Lesbian	14
Other	18
Undisclosed	6,421
Unwilling to Declare	128
Authority Total	8,767

Nationality (Corporate Totals)	Numbers
British (Not Channel Islands or IOM)	751
English	62
Northern Irish	3
Irish	3
Welsh	1,722
Scottish	6
Cornish	2
Other	27
Undisclosed	6,186
Unwilling to Declare	5
Total	8,767

Language Ability (Other than English) (Corporate Totals)	Numbers
Arabic	1
Braille	12
Breton	1
BSL (British Sign Language)	62
Croatian	1
Dutch	1
French	55
German	25
Greek	1
Hebrew	1
Hindi	2
Hungarian	1
Italian	8
Kurdish	1
Makaton Sign Language	2
Malayalam	2
Nepali	1
Romanian	3
Russian	1
Serbian	1
Spanish	16
Tamil	1
Turkish	2
Welsh	436
(No staff total is recorded as some staff speak more than two languages)	

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CABINET – 31ST JANUARY 2018

SUBJECT: CHILDREN'S BURIAL FEES

REPORT BY: CORPORATE DIRECTOR - COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To seek the views of Cabinet on the formal adoption of a Memorandum of Understanding (MoU) between Welsh Government and Local Government across Wales as attached at Appendix 1 to this report. The MoU sets out a consistent approach in relation to children's burial fees.

2. SUMMARY

- 2.1 Members will be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by local Authorities for the burial and cremation of children.
- 2.2 On the 1st February 2017, Cabinet resolved to remove the interment fee for children up to and including the age of 16 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial (ERoB) if chosen by the bereaved family.
- 2.3 On the 18th October 2017, Cabinet resolved that the Authority commits to working closely with Welsh Government on the formation of the MoU in which burial authorities provide a commitment not to charge any fees in relation to the standard burial or cremation of a child which is defined as a person under the age of 18 years. This report now sets out the details in this respect.

3. LINKS TO STRATEGY

- 3.1 The Authority currently has "bronze status" in the "Charter for the Bereaved", which is promoted by the Institute of Cemetery & Crematorium Management (ICCM). The Charter sets out a number of "Rights", which should be available to the bereaved at all times. In addition, it sets out a number of targets to which the Authority should aspire.
- 3.2 The division's aim in relation to bereavement services is to "provide a customer focused, sensitively delivered bereavement service and to achieve excellent standards in cemetery management and maintenance". In July 2017, the Authority was awarded Green Flag status, which is promoted by Keep Wales Tidy for the standard of maintenance and facilities at Brithdir Cemetery.
- 3.3 The Wellbeing of Future Generations (Wales) Act 2015 is about improving the social, economic, environmental and cultural wellbeing of Wales. It requires public bodies to think more about the long term, working with people and communities, looking to prevent problems and take a more joined up approach. This will create a Wales that we all want to live in, now and in the future. The Act puts in place seven wellbeing goals and the content of this report links into three i.e. "a more equal Wales, a prosperous Wales and a healthier Wales".

4. THE REPORT

- 4.1 Bereavement services is probably one of the most sensitive frontline services provided by the Authority and deals with circa 750 interments per annum.
- 4.2 The Authority is responsible for the management of ten municipal cemeteries across the county borough. The statutory arrangements for the management of municipal cemeteries is contained in the Local Authorities Cemeteries Order 1977 (LACO).
- 4.3 Article 15(1) of LACO permits local Authorities “to charge such fees as they think proper for or in connection with burials in a cemetery”.
- 4.4 Members will be aware of the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish burial fees for children including fees imposed by Local Authorities. In February this year Cabinet resolved to remove the interment fee for children up to and including the age of 16 years. However, there would still be costs associated with the purchase of the Exclusive Rights of Burial (ERoB) if chosen by the bereaved family.
- 4.5 In October, Cabinet endorsed a commitment to work closely with Welsh Government on the formation of a MoU in respect of children’s burials and that once the final MoU was drafted, a further report to Cabinet would be presented. This report sets out the details in this respect.
- 4.6 Attached at Appendix one is a copy of the MoU signed by Welsh Government, Welsh Local Government Association and One Voice Wales.
- 4.7 The MoU sets out a consistent approach in that a child is defined as a person under the age of 18. It gives a commitment that all standard fees that a burial or cremation Authority may charge in relation to this are waived as outlined below:-
- (i) The cremation of a person under the age of 18;
 - (ii) The interment of a person under the age of 18 years;
 - (iii) The Exclusive Rights of Burial (ERoB) where required;
 - (iv) Any other fees directly relating to the burial or cremation of a person under the age of 18 years such as fees to erect a memorial for example.
- 4.8 Members should note that this does not relate to any wider funeral costs such as flowers, the cost of a memorial or funeral directors fees.
- 4.9 Members will note that the MoU is not open-ended in terms of its duration and that a two year review period has been built in. This will allow Welsh Government to observe the practical effect of the implementation of the MoU and to record any feedback, successful or otherwise of the process.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report contributes to the wellbeing goals as set out in the Links to Strategy section above.
- (i) A Healthier Wales - If members are minded to remove charges, this will clearly reduce stress on families at probably one of the most difficult time of their lives.
 - (ii) A Prosperous Wales - The removal of charges for children will clearly assist less affluent families with funeral costs.
 - (iii) A More Equal Wales - The removal of the charges for children will give equal access to services for all residents irrespective of wealth.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications associated with this report for any specific groups or individuals therefore a full Equalities Impact Assessment has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 In recognition of the costs to be incurred, Welsh Government has allocated £600,000, which will be apportioned between Local Authorities in Wales who adopt the MoU.
- 7.2 This funding will be transferred via a specific grant to each Local Authority. Welsh Government are currently finalising the grant and will contact each Local Authority in due course with more detailed information. This grant will be available from April 2018 however if interments of children take place between now and the new financial year, Welsh Government will make the grant available where requested, upon the Local Authority providing an outline of the local arrangements or the interim arrangements for the remainder of the year.

8. PERSONNEL IMPLICATIONS

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

9. CONSULTATIONS

- 9.1 This report reflects the views of the listed consultees.

10. RECOMMENDATIONS

- 10.1 Cabinet agrees that Caerphilly County Borough Council formally adopts the MoU as attached at Appendix 1 to this report.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 That a consistent approach in relation to children's burial and cremation fees is adopted across Wales.

12. STATUTORY POWER

- 12.1 Local Authorities Cemeteries Order 1977.

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Richard M. Harris, Acting Deputy Monitoring Officer (harrirm@caerphilly.gov.uk)
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Philip Griffiths, Green Space Strategy & Cemeteries Manager
(griffpm@caerphilly.gov.uk)

Background Papers:
Report to Cabinet on 18th October 2017 – Children’s Burial Fees

Appendices:
Appendix 1 - Memorandum of Understanding



Llywodraeth Cymru
Welsh Government



Memorandum of Understanding

1. The Parties

- 1.1 This Memorandum of Understanding (MOU) is between the Welsh Ministers, the Welsh Local Government Association (the WLGA) and One Voice Wales (OVW) (together, "the Parties").
- 1.2 In entering into the arrangements which this MOU describes the WLGA and OVW are respectively representing principal councils and community and town councils in Wales.

2. Purpose

- 2.1 The MOU sets out a fair and consistent approach across Wales to the fees charged by local government for the burial and cremation of children.
- 2.2 This MOU has been prepared in partnership between the Welsh Government, which oversees the strategic policy and funding framework in respect of local government in Wales; and local government burial authorities¹, who provide and maintain cemeteries and crematoria in Wales.

3. A shared commitment

- 3.1 Burial authorities in Wales will not charge any fees in relation to the standard burial or cremation of a child, defined for these purposes as a person under the age of 18.
- 3.2 This commitment applies to standard fees that burial authorities charge relating to:

¹ Under the Local Government Act 1972 a 'burial authority' within Wales is a County or Country Borough Council or a Community or Town Council. In this MOU, "burial authorities" refers to county councils, county borough councils and community and town councils in Wales.

- i. The *cremation* of a person under the age of 18 years (including stillborn and foetal remains);
 - ii. The *interment* of a person under the age of 18 years (including stillborn and foetal remains);
 - iii. The *exclusive right of burial*², where required;
 - iv. Any *other fees* directly relating to the burial or cremation of a person, or the cremated remains of a person, under the age of 18 years (for example, the fees charged for permission to erect a memorial).
- 3.3 Burial authorities will waive the fees described in section 3.1 and 3.2 in all circumstances.
- 3.4 The commitment in this section does not relate to wider funeral costs such as (non exhaustively) the cost of a memorial, funeral director fees, flowers or coffins.

4. Funding

- 4.1 In recognition of the financial implications of waiving the fees described in section 3, the Welsh Government will, while this MOU remains in force, annually make available the sum of £600,000 for allocation among principal councils in Wales that have agreed to comply with the commitment in section 3.
- 4.2 Provision by the Welsh Government of that funding to principal councils is subject to satisfactory grant conditions having first been put in place.
- 4.3 Principal councils will distribute appropriate sums to other burial authorities, and other providers of the relevant services, in their area which have agreed to adopt the commitment set out in section 3.
- 4.4 Principal councils may place such conditions on the provision of that funding to other burial authorities and other providers of the relevant services as they consider appropriate.

² Exclusive Right of Burial ('EROB') means exclusive right, granted by deed, of the registered owner to determine who may be interred in or commemorated on the grave in question; such exclusive rights to be for a limited period which has been determined by the Council



Llywodraeth Cymru
Welsh Government



5. Duration / Review

- 5.1 This MOU may be modified by mutual consent of the Parties, acting via authorised officials.
- 5.2 This MOU shall become effective upon signature on behalf of the Parties and will remain in effect until terminated by any one of the Parties.
- 5.3 Any Party may terminate this MOU by giving at least 3 months notice in writing to each other Party.
- 5.4 The operation of the MOU will be reviewed in advance of the financial year 2020/21.

6. Status of this MOU

- 6.1 This MOU is not intended to be legally binding, and no legal obligations or legal rights shall arise between the Parties from this MOU.

Date: 23/11/2017.

(Cabinet Secretary for Local Government and Public Services, on behalf of the Welsh Government)

Date: 23/11/2017.

(WGLA, representing principal councils in Wales)

Date: 23/11/2017.

(OWW, representing community and town councils in Wales)



- 5.1 This MOU may be modified by mutual consent of the Parties, acting via authorised officials.
 - 5.2 The MOU shall become effective upon signature on behalf of the Parties and will remain in effect until terminated by any one of the Parties.
 - 5.3 Any Party may terminate this MOU by giving at least 3 months notice in writing to each other Party.
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- 6.1 This MOU is not intended to be legally binding and no legal obligations or legal rights shall arise between the Parties from this MOU.

[Signature]
 Date: 23/11/2017
 (Cabinet Secretary for Local Government and Public Services, on behalf of the Welsh Government)

[Signature]
 Date: 23/11/2017
 (WOLA representing principal councils in Wales)

[Signature]
 Date: 23/11/2017
 (OAV representing community and town councils in Wales)



CABINET – 31ST JANUARY 2018

SUBJECT: AMENDMENTS TO AUTHORISATION OF OFFICERS WITHIN THE PUBLIC PROTECTION DIVISION

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To inform Cabinet of changes to the legislation applicable to officers of the Public Protection Division prior to presentation of the report to Council to amend the Council's Constitution to include the Public Health (Wales) Act 2017.
- 1.2 To obtain additional authorisation for officers under the above Act.

2. SUMMARY

- 2.1 Officers within the Public Protection Division require additional authorisation under the Public Health (Wales) Act 2017 in order to enforce the legislation and carry out their duties.

3. LINKS TO STRATEGY

- 3.1 Public protection is a statutory duty of the authority and contributes towards the Healthier Caerphilly priority within the Caerphilly single integrated plan, Caerphilly Delivers. The Public Protection Division also contributes to the following Well-being Goals within the Well-being of Future Generations (Wales) Act 2015:
 - A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A globally responsible Wales.

4. THE REPORT

- 4.1 As a result of the introduction of new legislation and following a review of existing authorisations it is considered that the Council's Constitution should be amended to include the Public Health (Wales) Act 2017.
- 4.2 The Act aims to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented. It includes provisions relating to obesity, tobacco and nicotine products, special procedures (acupuncture, body piercing, electrolysis, tattooing), intimate piercing, health impact assessments, pharmaceutical services, and toilets for public use. There are staged

commencement dates for the different Parts of the Act which will be enforced/implemented by a variety of organisations. The Parts of the Act which are the enforcement responsibility of the local authority are summarised below.

4.3 **Part 5 Intimate piercing**

The provision relating to Part 5 of the Act - intimate piercing came into force on 1st January 2018. The Act prohibits the intimate piercing of a person who is under the age of 18 in Wales, in any setting. It will also be an offence to make arrangements to perform such a procedure on a person under 18. This Part of the Act can be enforced by police and local authorities.

4.4 **Part 4 Special procedures**

The Act creates a mandatory licensing scheme for practitioners and businesses carrying out special procedures in Wales. The four special procedures specified in the Act are acupuncture, body piercing, electrolysis, and tattooing. It will be an offence for a practitioner to carry out any of these special procedures without a licence, or to perform any procedure from premises or vehicles that are not approved. There will be provision to add to the list of special procedures (or to remove procedures) via regulations, to take account of new practices and changing trends, and any emerging evidence of public health risk. The commencement date for Part 4 is yet to be confirmed.

4.5 **Part 3 Tobacco and nicotine products**

The Act re-states restrictions on smoking in enclosed and substantially enclosed public and work places. Additionally, it places restrictions on smoking in outdoor care settings for children, school grounds, hospital grounds and public playgrounds. The Act gives Welsh Ministers a regulation-making power to extend the restrictions on smoking to additional premises or vehicles, where it's considered that this is 'likely to contribute towards the promotion of the health of the people of Wales'.

4.5.1 The Act establishes a national register of retailers of tobacco and nicotine products. All retailers who sell either tobacco products or nicotine products in Wales will have to register in order to be permitted to sell these products - it will be an offence to sell tobacco/nicotine products from premises (including mobile units) in Wales if they are not on the national register.

4.5.2 The Act provides Welsh Ministers with a regulation-making power to add to the offences which contribute to a Restricted Premises Order (RPO) in Wales. (An RPO prohibits the sale from a premises of any tobacco products to any person, by the business or any of its staff for a period of up to one year). Such offences must relate to the supply, sale, transport, display, offer for sale, advertising or possession of tobacco and nicotine products. The Act also prohibits the handing over of tobacco and/or nicotine products to a person under the age of 18. This relates to situations where, for example, a delivery driver knowingly hands over tobacco or nicotine products to someone under the 18 who is unaccompanied by an adult.

4.6 In other provisions the Act places a duty on the Welsh Ministers to make regulations which require public bodies to carry out health impact assessments in specified circumstances and requires the Welsh Government to publish a national strategy on preventing and reducing obesity. Under the Act, each local authority in Wales will be required to prepare and publish a local toilets strategy for its area. The Act also contains measures aimed at improving the planning and delivery of pharmaceutical services, and strengthening the role of community pharmacy, in promoting and protecting public health. The Act makes a minor technical amendment to the Food Hygiene Rating (Wales) Act 2013 so that the receipts from fixed penalty notices for non-compliance with the food hygiene rating scheme must be used by food authorities (primarily local authorities) to enforce the scheme.

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

5.1 The proposals contribute to the Well-being Goals as set out in the Links to Strategy above.

Having regard to the five ways of working as defined within the sustainable development principle in the Well-being of Future Generations (Wales) Act the Public Health (Wales) Act has a strong focus on prevention. Authorising officers to enforce the Public Health Act will enable them to prevent intimate piercing of under 18 year olds, reduce the harm caused by smoking, and impose tighter controls on acupuncture, body piercing, electrolysis, and tattooing.

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. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report.

7. FINANCIAL IMPLICATIONS

- 7.1 Enforcement activities are carried out within existing work programmes and the authorisation of officers under the Act has no direct financial implications.
- 7.2 The minor amendment to the Food Hygiene Rating (Wales) Act 2013 means that receipts from fixed penalty notices issued in connection with the food hygiene rating scheme will come to Local Authorities. The Council has issued 15 fixed penalty notices and 104 warning letters since the scheme became mandatory in November 2013. The Food Safety Expert Panel in Wales have advised that as the mandatory display has been in place for some time enforcement should be more robust. As we are now no longer sending out warning letters, but directly moving to a fixed penalty notice for non-display food hygiene rating, the level of receipts may rise. The fixed penalty fine is £200 (reduced to £150 if paid within 14 days) and will result in a small amount of additional income which can only be used for food hygiene activities.

8. PERSONNEL IMPLICATIONS

- 8.1 None.

9. CONSULTATION

- 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 Cabinet note the implementation of this legislation and refer the recommended changes to the Council's Constitution to Council for determination. The Council's Monitoring Officer to make the necessary amendments to the Council's Constitution.
- 10.2 That the Council's Constitution and terms of reference be amended by adding the Public Health (Wales) Act 2017.
- 10.3 That Officers within the Public Protection Division be authorised under the Public Health (Wales) Act 2017 in order to enforce the legislation and carry out their duties.

11. REASONS FOR RECOMMENDATION

- 11.1 In order to comply with statutory requirements and to ensure proper and effective enforcement of the legislation.

12. STATUTORY POWER

- 12.1 Local Government Act 1972, The Public Health (Wales) Act 2017. The discharge of duties under the above legislation is a Cabinet function.

Author: Ceri Edwards – Environmental Health Manager
Consultees: Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Dave Street, Corporate Director, Social Services
Rob Hartshorn, Head of Policy and Public Protection
Richard Harris, Audit Manager, Deputy Monitoring Officer
Lisa Lane, Corporate Solicitor
Sue Ead, Solicitor
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Mike Eedy, Finance Manager



CABINET – 31ST JANUARY 2018

SUBJECT: LAND AT PLASTURTWYN TERRACE, LLANBRADACH

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek members' instructions in relation to the disposal of land at Plasturtwyn Terrace, Llanbradach.

2. SUMMARY

- 2.1 In 1997, the land at Plasturtwyn Terrace, Llanbradach was declared surplus to requirement; it became apparent with the advent of Technical Advice Note (TAN) 15: Development and Flood Risk (2004) that the site would be difficult to develop and the proposal was 'shelved'.
- 2.2 Over time, the site has been actively reconsidered and the impediments resolved.
- 2.3 Officers have identified a need for affordable housing and a proposal is being worked up with United Welsh Housing Association (referred to in the report as UWHA) (our zoned housing association partner).
- 2.4 Local residents have submitted a petition registering an interest in purchasing part of the land for the purpose of garages and parking.
- 2.5 The options for the site are:
- 2.5.1 To negotiate a disposal directly with UWHA in which case affordable housing could be up to 100%. In this scenario, because UWHA has been working up a proposal, it has been established that the wish of residents to purchase part of the land for the purpose of garages and parking cannot be accommodated since the reduction in site area renders the current scheme unviable.
- 2.5.2 To put the site on the market with a view to achieving a capital receipt; in this option, affordable housing will be limited to a maximum of 40% (as referenced in Supplementary Planning Guidance LDP1 – Affordable Housing Obligations July 2017). However, the wish of residents to purchase part of the land for the purpose of garages and parking *could* be accommodated since the site offered for sale will exclude that part (with a consequential reduction in the purchase price).

3. LINKS TO STRATEGY

The contents of this report link to the following key strategic objectives:

3.1 Housing Focus

“Encourage the development and maintenance of high quality, well designed and efficient, sustainable homes and environments which can meet all needs.” (*Community Strategy: Living Environment – Objective 1*)

“Ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population” (*Local Development Plan –Objective 9*)

“Meet housing requirements through the provision of a range of good quality, affordable housing options.” (*Aim 5: Affordable Housing – Local Housing Strategy*)

“Provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.” (*Aim 6: Housing Management - Local Housing Strategy*)

“Promote sustainable and mixed communities that are located in safe and attractive environments.” (*Aim 11: Community Regeneration - Local Housing Strategy*)

There is a need to increase the number of affordable homes for purchase or rent (*Improving Lives and Communities – Homes in Wales – April 2010*)

3.2 Well Being of Future Generations

The proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- ✓ A sustainable Wales
- ✓ A prosperous Wales
- ✓ A more equal Wales
- ✓ A Wales of cohesive communities

4. THE REPORT

4.1 In 1997, the land at Plasturtwyn Terrace, Llanbradach was declared surplus to requirement, the neighbouring private sector owners were approached, and discussions about the possibility of promoting a joint redevelopment began.

It became apparent with the advent of **Technical Advice Note (TAN) 15: Development and Flood Risk (2004)** that the site would be difficult to develop; the site was fettered also by the need to obtain Welsh Government approval to dispose of a former allotment garden and the matter was ‘shelved’.

4.2 Over time, the position regarding the likelihood of flooding has been clarified, Welsh Government approval has been forthcoming, and the site actively reconsidered; Officers have identified a need for affordable housing and a proposal for the site is being worked up with UWHA.

4.3 Policy Context

4.3.1 There is a significant need for affordable housing across the County Borough. Policy CW11 of the Local Development Plan (LDP) sets Affordable Housing Targets throughout Caerphilly County Borough, ranging from 40% in the higher viability area around Caerphilly Basin, to 0% in the Heads of the Valleys Regeneration Area (HOVRA). Economic indicators and housing need have influenced these targets.

- 4.3.2 Members will be aware that Welsh Government has set a target of delivering 20,000 additional affordable homes in Wales by 2020.
- 4.3.3 An operational housing requirement for the provision of affordable housing has been identified; the housing waiting list data for the Llanbradach area demonstrates that there is housing demand in this area. The 2015 Local Housing Market Assessment identifies a shortfall throughout the County Borough of 526 affordable homes per annum. It also identifies a high number of households who are living in unsuitable housing because their accommodation no longer meets their requirements arising from disabilities, medical conditions or old age.
- 4.3.4 Members will recall that the Council's currently zoned housing association partners are UWHA, operating in the western valley and Pobl, operating in the eastern valleys. As this site falls within the area zoned for UWHA, it is the Council's partner for this scheme.
- 4.3.5 UWHA wants to progress a scheme on the council-owned land, which controls the access to the site but is also in discussions with the owners of the private land to the south to either undertake a comprehensive redevelopment, or redevelop as a second phase.
- 4.3.6 UWHA will prepare a scheme in consultation with relevant officers to identify a mix of properties that addresses the needs identified within the Council's Housing register. Other benefits that UWHA can bring are the emphasis on sustainable construction including Code for Sustainable Homes Level 3+ and Targeted Recruitment and Training (TR&T).
- 4.3.7 The Protocol for Disposal of Property states, at paragraph 8.1(iv), that in those cases where it is possible to market a property but the Head of Property is of the opinion that this course of action may not be in the best financial or service interests of the Authority, Cabinet approval will be obtained before direct negotiations are opened with a single party, and the views of ward members will be taken into consideration.

4.4 **The Planning Perspective**

- 4.4.1 The site in question lies within the settlement boundary of Llanbradach, as defined in the Adopted Caerphilly County Borough Local Development Plan up to 2021(LDP). The settlement boundary defines the area within which development would normally be acceptable subject to all relevant policy considerations and all other development management considerations.
 - 4.4.2 Policy SP6 of the LDP requires development proposals to 'contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment'.
 - 4.4.3 A shortfall in affordable housing is a significant issue facing residents in the county borough. In this context Policy SP15 seeks to deliver at least 964 affordable houses through the planning system up to 2021.
 - 4.4.4 In summary, officers consider that the release of this site for residential development is acceptable in principle, subject to all relevant policy considerations and all other development management considerations that will be dealt with at the Planning Application stage.
- 4.5 During consultation, Ward Members were keen, initially, to achieve an 'In-Out' scheme using two access points along Plasturtwyn Terrace. However, in terms of highway safety the northern access, with one footpath that will also allow for vehicles being parked on the opposite side to the pavement, is considered most suitable to serve the whole site, without a

secondary access; Ward Members have accepted this proposition, although Cllr Mann still has strong reservations about it as he feels the access is sub-standard and not in the best interests of either residents of the immediate area or people travelling through the area. This is a matter to be determined as part of the Planning process, not the sale of the land.

- 4.6 Pursuant to section 123 of the Local Government Act 1972, disposal of public open space requires that an advertisement be placed in a newspaper circulating in the area, for two consecutive weeks; in this instance advertisements were placed in 'The Campaign' on 26th July and 2nd August 2017.
By the deadline for responses (noon on 17th August 2017) no objections had been received.
- 4.7 In the event that Cabinet endorses the recommendation in paragraph 10.1.1 and UWHA is unable to proceed at market value (because its total cost of development, including land acquisition and build cost, is limited by Welsh Government regulations), a further report will be brought forward setting out options for members' consideration.
- 4.8 Paragraphs 4.3 to 4.6 (inclusive) are equally applicable to the second option open to the Council, that of offering the site for sale on the open market. In this scenario, however, it is possible to address the question of the land necessary to fulfil local residents' interest in purchasing part of the land for the purpose of garages and parking since the site boundary can be appropriately modified with a necessary adjustment factor to the capital receipt. In the alternative, if an "open market" sale is endorsed, Officers will attempt to maximise replacement off-street parking although such work may be less collaborative (see 4.14.1).
- 4.9 As noted in paragraph 4.1 above, there is adjoining land held in private title that can only be accessed for development through the land in council ownership. It is referenced in paragraph 4.3.5 above that UWHA is also in discussions with the owners of the private land to the south to either undertake a comprehensive redevelopment, or redevelop as a second phase; although the negotiations undertaken to date have proved abortive, in the event that there is only a deal to sell the council-owned land, steps will be taken (by way of the retention of a ransom strip) to protect the council's future financial interest.
- 4.10 In reply to the consultation, the Clerk to Llanbradach and Pwllypant Community Council has advised that they would prefer the land to go to UWHA Housing Association, with the scheme including an element of shared ownership.
Cllr Mann endorses this preference.
- 4.11 Cllr Gough has also stated a preference for a disposal to UWHA, turning to a market sale if terms cannot be agreed. He also asks that the disposal is conditioned so that, whoever develops the site, both a parking provision for the residents of Plasturtwyn Terrace and the access arrangements referenced in paragraph 4.5 above are enforceable.
- 4.12 From a Housing Strategy point of view, the Chief Housing Officer strongly favours recommendation 10.1.1 for the following reasons:
- i. Officers have been working in partnership with UWHA for several years in relation to this site. Originally the then Environment Agency had concerns relating to development of the site with reference to flooding matters. UWHA and the Council have worked in partnership to address the concerns by undertaking a Flooding Consequence Assessment, which detailed mitigation measures that should, if put in place, be agreeable to development in the future.
 - ii. UWHA has considered layouts for the site in partnership with Housing Officers that consider housing need and go towards meeting the 20,000 affordable homes target set by Welsh Government; those layouts also include replacement of the existing informal off street parking as well as additional spaces for the existing residents in the area, located adjoining the adopted rear access lane.
 - iii. This option will probably result in a higher level of affordable housing provision, than that provided by the alternative option of market sale of the site.

- iv. If Recommendation 10.1.2 is adopted, the developable part of the site for housing will be smaller, to allow for the garages / parking for existing residents; this will probably result in less affordable housing being developed in relation to the 40% requirement under the SPG.
- v. The Chief Housing Officer is also concerned that a purchaser might then “land bank” the asset, before selling it on to a Housing Association at a profit, resulting in Housing Strategy providing additional Social Housing Grant to enable the resultant higher-cost development to be viable.

4.13 Prior to the advertisement referred to in paragraph 4.6 above, a petition had been received, signed by 24 local residents, registering an interest in purchasing part of the land for the purpose of garages and parking.

4.14 This request has been considered; access for the proposed development will be between 27 & 28 Plasturtwyn Terrace, which is currently used for off-street parking.

4.14.1 If Recommendation 10.1.1 is endorsed UWHA will provide replacement parking, as noted above in paragraph 4.12ii, but it is not possible to sell land to the residents without compromising the current scheme.

4.14.2 If Recommendation 10.1.2 is endorsed, the developable part of the site for housing will be smaller, to allow for the garages / parking for existing residents. However, it must be noted that, whilst residents have expressed an interest in purchasing part of the land for the purpose of garages and parking, that interest may not be translated into sales, and the council could be left with maintenance obligations and liabilities for a narrow strip of land on which residents simply park.

In the alternative, Officers can work with the purchaser seeking to maximise replacement off-street parking.

Either will result in a reduced capital receipt, the amount of which cannot be quantified at the moment.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 Option 1 (a direct sale to UWHA) contributes to the Well-being Goals as set out in Links to Strategy above. The scheme is also consistent with the five ways of working set out in the sustainable development principle, as defined in the Act. The scheme is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders within the community. Implementation of the scheme exemplifies collaboration across organisational boundaries; working together for the good of our communities in pursuit of shared objectives.

RSLs, as developers, generally take a longer view, protecting (as far as possible) and improving the local environment and infrastructure for the future. Other benefits that RSLs can bring are an emphasis on sustainable construction including Code for Sustainable Homes Level 3+, and Targeted Recruitment and Training that will enhance employment prospects and skills of local people, particularly the young and those at a disadvantage, and promote equality of opportunity.

5.2 Whilst it is not implied that Option 2 (a market-led sale) will neither contribute to the Well-being Goals as set out in Links to Strategy above, nor be inconsistent with the five ways of working set out in the sustainable development principle, as defined in the Act, it is suggested there may be difficulties in policing such compliance. It must be noted that the driving force for private sector developers is, of course, profit.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 A capital receipt will be received from the sale of this land. The value of that receipt under either option is expected to be broadly comparable although there are, currently, too many variables to assess effectively any likely variations.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications arising out of this report.

9. CONSULTATIONS

- 9.1 Residents submitted a petition registering an interest in purchasing part of the land for the purpose of garages and parking; for the reasons given in the report, this interest could not be pursued if Cabinet endorse recommendation 10.1.1 although Officers, working collaboratively, will seek to maximise replacement off-street parking.
- 9.2 Disposal of public open space requires an advertisement to be placed in a newspaper circulating in the area, for two consecutive weeks (26th July and 2nd August 2017). Ward members were advised of the proposed sale, as was Llanbradach and Pwllypant Community Council. Officers are content that the rules on consultation have been observed.
- 9.3 Llanbradach and Pwllypant Community Council has expressed a preference for the land to go to UWHA, with the scheme including an element of shared ownership. Cllr Mann endorses this preference.
- 9.4 Cllr Gough has also stated a preference for a disposal to UWHA, turning to a market sale if terms cannot be agreed.
- 9.5 Notwithstanding his endorsement of Recommendation 10.1.1, Cllr Mann still has strong reservations about the access as he feels it is sub-standard and not in the best interests of either residents of the immediate area or people travelling through the area; however, this is a matter to be determined as part of the Planning process, not the sale of the land.
- 9.6 The Chief Housing Officer has also expressed a preference for the land to go to UWHA, for a scheme that considers housing need and goes further towards meeting the 20,000 affordable homes target set by Welsh Government than would a market sale.
- 9.7 There are no other views expressed as a result of consultation that conflict with the recommendation.

10. RECOMMENDATIONS

- 10.1 That cabinet consider and choose between the two available options: that either
- 10.1.1 the land shown edged black on the plan attached at Appendix 1 is transferred save for an area representing a ransom strip to be identified by the Interim Head of Property, on terms to be agreed, to UWHA for the development of affordable housing, on terms to be negotiated, or

10.1.2 the land shown edged black on the plan attached at Appendix 1 save for an area representing a ransom strip to be identified by the Interim Head of Property is offered for sale on the open market subject to the provision of affordable housing in line with the requirements of the Adopted Caerphilly County Borough Local Development Plan up to 2021 and the provisions of Supplementary Planning Guidance LDP1 – Affordable Housing Obligations July 2017.

10.2 That, whichever option is approved, officers ensure that parking provision for the residents of Plasturtwyn Terrace is provided within the development site.

10.3 That approval of the detailed terms of either the transfer pursuant to 10.1.1 or the disposal pursuant to 10.1.2 is delegated to the Interim Head of Property Services in conjunction with the Cabinet Member for Homes and Places.

11. REASONS FOR THE RECOMMENDATIONS

11.1 The asset is surplus to the Council's operational requirements.

11.2 There are two options open to cabinet, both of which are expected to generate a capital receipt:

11.1.1 An affordable housing scheme that meets with the needs identified within both the Council's Local Housing Market Assessment and the Housing register.

11.1.2 A market-led sale that will comply with the Adopted Caerphilly County Borough Local Development Plan up to 2021 and the provisions of Supplementary Planning Guidance LDP1 – Affordable Housing Obligations July 2017.

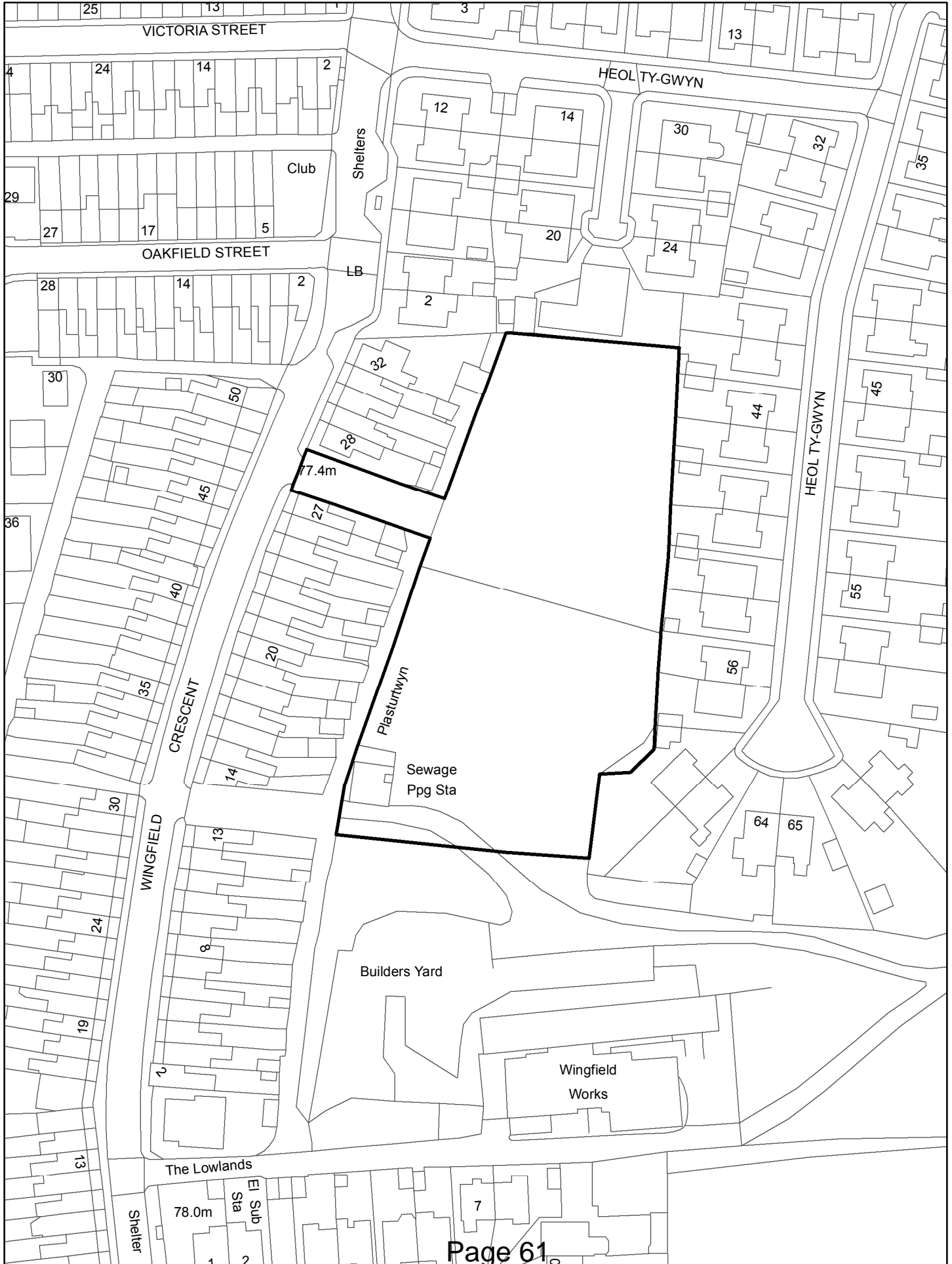
11.3 If cabinet is minded to pursue Option 1, paragraph 8.1(iv) of the Disposal Procedure in Part 4 of the Council's Constitution states that Cabinet approval will be obtained before direct negotiations are opened with a single party where it is possible to market a property but where the Head of Property Services is of the opinion that this course of action may not be in the best financial or service interests of the Authority.

12. STATUTORY POWER

12.1 Local Government Acts 1972 and 2000, and The Local Government Act 1972: General Disposal Consent (Wales) 2003. This is a Cabinet Function.

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Appendices:
Appendix 1 Plan showing the land



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CABINET – 31ST JANUARY 2018

SUBJECT: LAND AT CORONATION ROAD EAST UI BLACKWOOD

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek approval to the principle of disposing of land between Coronation Road and Lilian Road, Blackwood (shown edged black on the attached plan) to the Pobl Group.

2. SUMMARY

- 2.1 In February 2013, the land at the rear of Lilian Road, Blackwood was declared surplus to requirement.
- 2.2 Officers have identified a need for affordable housing and a proposal for the site is being worked up with Pobl (our housing association partner).

3. LINKS TO STRATEGY

The contents of this report link to the following key strategic objectives:

3.1 Housing Focus

“Encourage the development and maintenance of high quality, well designed and efficient, sustainable homes and environments which can meet all needs.” (*Community Strategy: Living Environment – Objective 1*)

“Ensure an adequate and appropriate range of housing sites are available across the County Borough in the most suitable locations to meet the housing requirements of all sections of the population” (*Local Development Plan –Objective 9*)

“Meet housing requirements through the provision of a range of good quality, affordable housing options.” (*Aim 5: Affordable Housing – Local Housing Strategy*)

“Provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.” (*Aim 6: Housing Management - Local Housing Strategy*)

“Promote sustainable and mixed communities that are located in safe and attractive environments.” (*Aim 11: Community Regeneration - Local Housing Strategy*)

There is a need to increase the number of affordable homes for purchase or rent (*Improving Lives and Communities – Homes in Wales – April 2010*)

3.2 Well Being of Future Generations

The proposal contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:

- ✓ A sustainable Wales
- ✓ A prosperous Wales
- ✓ A more equal Wales
- ✓ A Wales of cohesive communities.

4. THE REPORT

4.1 Policy Context

- 4.1.1 There is a significant need for affordable housing across the County Borough. Policy CW11 of the Local Development Plan (LDP) sets Affordable Housing Targets throughout Caerphilly County Borough, ranging from 40% in the higher viability area around Caerphilly Basin, to 0% in the Heads of the Valleys Regeneration Area (HOVRA). Economic indicators and housing need have influenced these targets.
- 4.1.2 An operational housing requirement for the provision of affordable housing has been identified; the housing waiting list data for the Blackwood area demonstrates that there is housing demand in this area. The 2015 Local Housing Market Assessment identifies a shortfall throughout the County Borough of 526 affordable homes per annum. It also identifies a high number of households who are living in unsuitable housing because their accommodation no longer meets their requirements arising from disabilities, medical conditions or old age.
- 4.1.3 Members will recall that the Council's currently zoned housing association partners are United Welsh, operating in the western valley and Pobl, operating in the eastern valleys. As this site falls within the area zoned for Pobl, it is the Council's partner for this scheme.
- 4.1.4 Pobl will prepare a scheme in consultation with relevant officers to identify a mix of properties that addresses the needs identified within the Council's Housing register. Other benefits that Pobl can bring are the emphasis on sustainable construction including Code for Sustainable Homes Level 3+ and Targeted Recruitment and Training (TR&T).
- 4.1.5 The Protocol for Disposal of Property states, at paragraph 8.1(iv), that in those cases where it is possible to market a property but the Head of Property is of the opinion that this course of action may not be in the best financial or service interests of the Authority, Cabinet approval will be obtained before direct negotiations are opened with a single party, and the views of ward members will be taken into consideration.

4.2 The Planning Perspective

- 4.2.1 The site in question lies within the settlement boundary of Blackwood, as defined in the Adopted Local Development Plan (LDP). The settlement boundary defines the area within which development would normally be acceptable subject to all relevant policy considerations and all other development management considerations.
- 4.2.2 Policy SP6 of the LDP requires development proposals to 'contribute to creating sustainable places by having full regard to the context of the local, natural, historic and built environment'.
- 4.2.3 A shortfall in affordable housing is a significant issue facing residents in the county borough. In this context Policy SP15 seeks to deliver at least 964 affordable houses through the planning system up to 2021.
- 4.2.4 In summary, officers consider that the release of this site for residential development is acceptable in principle, subject to all relevant policy considerations and all other development management considerations that will be dealt with at the Planning Application stage.

- 4.3 In February 2013, Social Services declared the land at the rear of Lilian Road, Blackwood surplus to requirement and, in accordance with the protocol on the strategic and operational management of the Council's property, responsibility for the site was transferred to the corporate portfolio.
- 4.4 Anecdotally, the site has had a history of anti-social behaviour – fly-tipping, fires etc. – although there are no formal reports of problems at the location.
- 4.5 Since then Property has been working to bring the site forward for disposal; colleagues in Planning and Highways indicated some technical difficulties with any proposal for development and officers have been working collaboratively to overcome the issues.
- 4.6 Notwithstanding the declaration in February 2013, Social Services has continued to make use of part of the site for parking and did make representations that a strip of this land is used as car parking for the resource centre (as staff are unable to park in the street and that it was one of the things the neighbours insisted on when the service was set up here); officers in Social Services suggested that, if this is taken away, it will cause problems for the neighbours and will lead to complaints as Lillian Road is “renowned” for its car parking problems. Furthermore, staff coming into the service, and going home late at night might be at risk if unable to park close to the house.

The Assistant Director – Children's Services reviewed the matter holistically, and recognised

1. the site's history of anti-social behaviour, and
2. that there is alternative parking, both on and off road, in the locality.

Accordingly, he agreed that the Service representations should be withdrawn

- 4.7 There is no operational requirement for the site other than a need for affordable housing (identified by colleagues in Housing) and we are working up a proposal for the site with Pobl (our housing association partner).
- 4.8 Cllr Dix is against the sale of the land, as using the land for housing will result in the loss of habitat for invertebrates. Additionally, any houses on the land would create traffic problems, as the lane is narrow, with its junctions onto the main road being unsuited to deal with the extra traffic.
- 4.9 Both Cllr Etheridge and Cllr Farina-Childs have concerns about additional traffic flow and volumes; whilst Cllr Etheridge appreciates there may be a shortfall in houses, he does not believe this to be an appropriate site for housing.
- 4.10 Pursuant to section 123 of the Local Government Act 1972, disposal of public open space requires that an advertisement be placed in a newspaper circulating in the area, for two consecutive weeks; in this instance advertisements were placed in 'The Campaign' on 26th July and 2nd August 2017.
- 4.10.1 By the deadline for responses (noon on 17th August 2017) 15 (fifteen) objections had been received, all of the opinion that the land is not appropriate to be built on referencing: a lack of privacy, light, and space; increased noise levels; increased traffic; reduced parking spaces; highway safety; drainage and flooding issues; ecological concerns.
- 4.10.2 These are all matters to be determined as part of the Planning process, not the sale of the land. As noted above, ward members have already voiced opposition to the disposal.
- 4.10.3 Although outside the deadline for responses noted above, Cllr Dix has asked that the following observations from an elderly resident, who is severely disabled and unable to walk, be included:

1. If the land is sold and houses built, the only safe access to the town centre will be lost; the resident drives a mobility scooter from home, crosses the road and then drives past the proposed site onto Gordon Rd; there is no other safe access/route to the town (see plan 2 attached on which the current route is shown dashed).
2. The sale will mean that she will not be able to access the town, as the road past the site will see a marked increase in traffic, due to builders etc. The situation will not improve if the houses are built as the road is very narrow and will be busy with increased traffic from the new houses. There is no footpath and no footpath will be constructed, due to the road being so narrow.

The locations of the dropped kerbs are noted also on Plan 2; it can be seen that the assertion there is no other safe access/route to the town is not sustainable although it might be argued that the alternative route via Coronation Road and Gordon Road is somewhat less commodious.

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

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal contributes to the Well-being Goals as set out in Links to Strategy above. The scheme is also consistent with the five ways of working set out in the sustainable development principle, as defined in the Act. The scheme is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders within the community. Implementation of the scheme exemplifies collaboration across organisational boundaries; working together for the good of our communities in pursuit of shared objectives.
- 5.2 RSLs, as developers, generally take a longer view, protecting (as far as possible) and improving the local environment and infrastructure for the future. Other benefits that RSLs can bring are an emphasis on sustainable construction including Code for Sustainable Homes Level 3+, and Targeted Recruitment and Training that will enhance employment prospects and skills of local people, particularly the young and those at a disadvantage, and promote equality of opportunity.

6. EQUALITIES IMPLICATIONS

- 6.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 A capital receipt will be received from the sale of this land.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications of the report.

9. CONSULTATIONS

- 9.1 Initially, Social Services raised an objection to the proposal on operational grounds but, once it was demonstrated that alternative solutions exist, the objection was withdrawn.
- 9.2 Disposal of public open space requires an advertisement to be placed in a newspaper circulating in the area, for two consecutive weeks (26th July and 2nd August 2017). Ward members were advised of the proposed sale, as was Blackwood Town Council. Officers are content that the rules on consultation have been observed.
- 9.3 Cllrs Dix, Etheridge, and Farina-Childs all oppose the sale of the land for the reasons given in the report.
- 9.4 Blackwood Town Council raised no objection to the sale of the land but reserved the right to comment on any plans as and when a planning application is submitted.
- 9.5 An advertisement was placed in 'The Campaign' on 26th July and 2nd August 2017, for two consecutive weeks; 15 (fifteen) objections had been received, all of the opinion that the land is not appropriate to be built on referencing: a lack of privacy, light, and space; increased noise levels; increased traffic; reduced parking spaces; highway safety; drainage and flooding issues; ecological concerns.
- 9.6 These are all matters to be determined as part of the Planning process, not the sale of the land. As noted above, ward members have already voiced opposition to the disposal.
- 9.7 There was a sixteenth objection, received after the deadline, from an elderly resident expressing personal safety concerns relating to the use of a mobility scooter. However, as noted in 4.10.3(2) there is an alternative route via the pavements of Coronation Road and Gordon Road.
- 9.8 There are no other views expressed as a result of consultation that differ from the recommendation.

10. RECOMMENDATIONS

- 10.1 That land shown edged black on the plan attached at Appendix 1 is transferred, on terms to be agreed, to the Pobl Group.
- 10.2 That approval of the detailed terms of that transfer is delegated to the Head of Property Services in conjunction with the Cabinet Member for Homes and Places.
- 10.3 If terms cannot be agreed, a further report will be brought forward setting out options for members' consideration.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 The asset is surplus to the Council's operational requirements.
- 11.2 An affordable housing scheme will be delivered that meets with the needs identified within both the Council's Local Housing Market Assessment and the Housing register.
- 11.3 Paragraph 8.1(iv) of the Disposal Procedure in Part 4 of the Council's Constitution states that Cabinet approval will be obtained before direct negotiations are opened with a single party where it is possible to market a property but where the Head of Property Services is of the opinion that this course of action may not be in the best financial or service interests of the Authority.

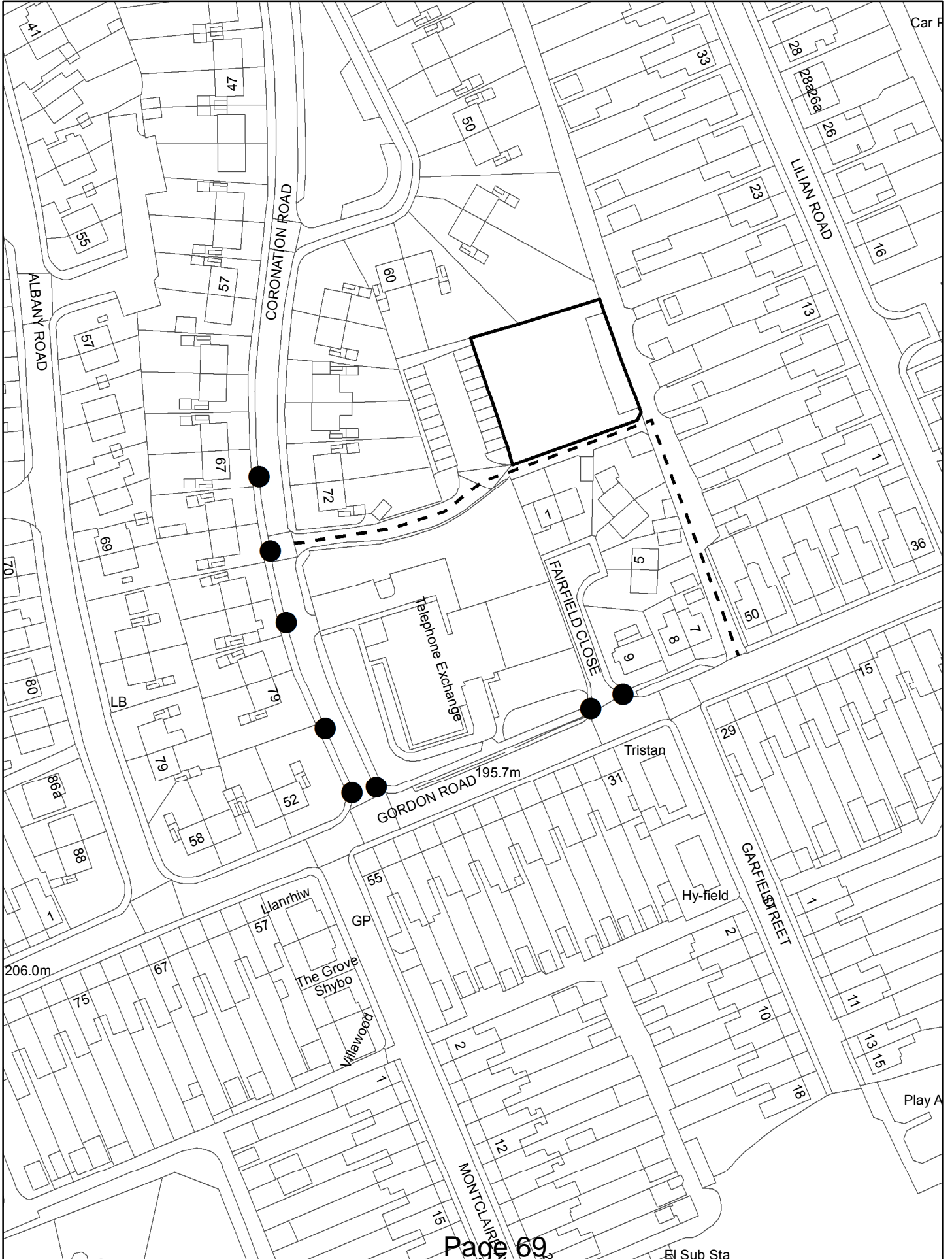
12. STATUTORY POWER

12.1 Local Government Acts 1972 and 2000, and The Local Government Act 1972: General Disposal Consent (Wales) 2003. This is a Cabinet Function.

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Cllr K Etheridge - Ward Member
Cllr A Farina-Childs - Ward Member
John Hold - Clerk to Blackwood Town Council john.hold1@gmail.com

Appendices:

Appendix 1 Plan showing the land
Appendix 2 Plan showing the current route and locations of the dropped kerbs on Coronation Road and Gordon Road







CABINET – 31ST JANUARY 2018

SUBJECT: UPDATE ON RESERVES

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

- 1.1 The attached report, which provided details of the usable reserves held by the Authority and included proposals for the use of reserves in some areas, was considered by the Policy and Resources Scrutiny Committee on the 16th January 2018, prior to its presentation to Cabinet.
- 1.2 The Appendix to the attached report shows an opening balance on usable reserves as at the 1st April 2017 of £120.576m, which is in accordance with the audited Financial Statements for the 2016/17 financial year.
- 1.3 Members were advised that the balance on the General Fund is currently projected to be £13.131m as at the 31st March 2018. This is above the minimum prudent level of £10m recommended annually by the Section 151 Officer. The projected balance will be reviewed again when 2018/19 budget proposals are presented to Council in February 2018, and recommendations will be made at that time in relation to the use of any balance above the recommended minimum level of £10m.
- 1.4 With regards to Housing Revenue Account (HRA) reserves, Members were informed that these are ring-fenced and cannot be transferred into General Fund balances. The projected balance on HRA usable reserves was £16.821m as at the 1st April 2017 and much of this funding will be utilised for the Welsh Housing Quality Standard (WHQS) Capital Programme. The balance on General Fund Capital Reserves as at the 1st April 2017 was £37.709m and this is ring-fenced for the Authority's Capital Programme. The Capital Reserves will be subject to a detailed review over the coming months and the outcome will be reported to the Scrutiny Committee in due course.
- 1.5 The report detailed the balances held in usable reserves for each Directorate (£29.633m for Corporate Services, £3.285m for Communities, £8.284m for Education and Lifelong Learning and £7.011m for Social Services, Public Protection and Corporate Policy). Members were reminded of the policy previously agreed by Cabinet, whereby service areas retain 50% of reported underspends at the financial year-end, which has resulted in full ownership and accountability by budget holders in respect of delivering a balanced budget. In July 2016, Cabinet agreed a Reserves Strategy which included the introduction of a cap on the cumulative amount that can be held by Directorates in service underspend reserves. Details of the 2017/18 budget for each Directorate, the balance on underspend reserves as at 1st April 2017 and whether the cap has been exceeded were contained in the report.
- 1.6 Members noted the excess accumulated underspend reserves for Corporate Services (£0.769m) and Education and Lifelong Learning (£0.381m) and were asked to consider the proposals contained in the report to utilise or retain these amounts. The report also detailed the projected net overspend for Social Services/Public Protection and Corporate Property arising from increased service demand, and outlined proposals to establish specific reserves funded from the Retained Underspend Reserve and to utilise reserves held in the Social Services Initiative Reserves to partially offset this overspend.

- 1.7 Discussion took place regarding retention periods for reserves and it was explained that there is a need to retain some reserves (such as those relating to PFI schools) for a significant period to ensure that future liabilities can be met. Clarification was sought on the regulations surrounding the transfer of reserves to other Directorates and it was explained that this is covered by the Reserves Strategy, with the 3% net revenue budget cap in place to ensure that no excessive reserve levels are held by any one Directorate. A Member queried whether it would be possible to transfer partial reserves to the General Fund and it was explained that this could be a feasible option moving forward in that Cabinet has previously given approval for certain reserves to be released into General Fund balances
- 1.8 Members discussed the potential use of the General Fund balance in excess of the recommended 3% (£10m) minimum level to be proposed in the forthcoming budget report to Council and it was explained that the Council will investigate match-funding options in order to maximise this spend and use it to its full potential. Members queried a number of reserves held against specific service areas and Officers outlined the reason/need for their retention. Arising from discussion on the reserves held against Electoral Services, Officers confirmed that they would circulate further information on election costs to Members following the meeting and also clarify the situation in respect of the reserves held against Operation Jasmine.
- 1.9 Assurances were sought that the Reserves Strategy is being fully utilised and it was queried whether the reserves could be used to offset austerity measures moving forward. Officers reiterated that the majority of reserves are held for a specific purpose within the relevant service area and emphasised that the amounts held in reserve are invested in line with the Treasury Management Strategy which is approved by Council annually. Reference was also made to the recurring cost pressures against the Council's Private Finance Initiative (PFI) contracts for schools, and Members were advised that following the completion of an ongoing PFI review, a detailed report will be brought to the Scrutiny Committee to consider a range of options on the matter.
- 1.10 Following consideration of the report and in noting its contents, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein:-
- (i) the contents of the report be noted;
 - (ii) the accumulated underspend reserves above the 3% cap for Corporate Services and Education & Lifelong Learning be utilised as detailed in 4.9.2 of the report;
 - (iii) specific reserves totalling £711k be established for Social Services as detailed in paragraph 4.9.3 of the report;
 - (iv) funding totalling £508k be released from Social Services Service Initiative Reserves to partially offset the anticipated revenue budget overspend for 2017/18 (as detailed in paragraph 4.9.4 of the report).
- 1.11 Cabinet is asked to consider the recommendations.

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

Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 16th January 2018 - Agenda Item 11



POLICY AND RESOURCES SCRUTINY COMMITTEE – 16TH JANUARY 2018

SUBJECT: UPDATE ON RESERVES

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To present the Scrutiny Committee with details of the usable reserves held by the Authority.
- 1.2 To present details of proposals for the use of reserves prior to consideration by Cabinet.

2. SUMMARY

- 2.1 The report provides details of the usable reserves held by the Authority as at the 1st April 2017 totalling £120.576m.
- 2.2 The report also includes proposals for the use of reserves in some areas. The Scrutiny Committee is asked to consider these proposals prior to them being presented to Cabinet at its meeting on the 31st January 2018.

3. LINKS TO STRATEGY

- 3.1 Ensuring that adequate General Fund balances are maintained to meet any unforeseen expenditure and the establishment of specific reserves to meet known future financial commitments are key elements of prudent financial management.
- 3.2 Prudent financial management contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:-
 - A prosperous Wales.
 - A resilient Wales.
 - A healthier Wales.
 - A more equal Wales.
 - A Wales of cohesive communities.
 - A Wales of vibrant culture and thriving Welsh Language.
 - A globally responsible Wales.

4. THE REPORT

- 4.1 Appendix 1 provides details of the Authority's usable reserves as at the 1st April 2017 totalling £120.576m. The following paragraphs provide a detailed commentary on the balances held.

4.2 General Fund

4.2.1 The opening balance on the General Fund as at the 1st April 2017 was £17.833m. After adjusting for 2017/18 in-year use of General Fund balances the projected position as at the 31st March 2018 is a balance of £13.131m. This is summarised in the table below: -

	£m	£m
General Fund Opening Balance as at 01/04/17		17.833
In-Year Use of General Fund Balance: -		
- 2016/17 Council Tax Surplus to Support 2017/18 Budget (Council 22/02/17)	(1.400)	
- Additional Provision - Senior Officer Investigation (Council 13/06/17)	(0.469)	
- Transfer to Capital Earmarked Reserve (Cabinet 05/07/17)	(2.054)	
- Adjustment for Misstatement in 2016/17 Accounts (Audit Committee 17/10/17)	(0.629)	
- Additional Provision - Senior Officer Investigation (Council 21/11/17)	(0.150)	
		(4.702)
Projected General Fund Balance as at 31/03/18		13.131

4.2.2 In line with the Council's Reserves Strategy the Section 151 Officer provides advice on the appropriate level of the General Fund Reserve annually as part of the budget setting process and this is subject to approval by Cabinet and Full Council. Typically, the Section 151 Officer has recommended in previous budget reports to Council that the minimum balance on the General Fund Reserve should be £10m i.e. circa 3% of the Council's net revenue budget. The 2018/19 budget report will be presented to Council on the 22nd February 2018 and this will include recommendations on the use of the General Fund balance in excess of the recommended 3% minimum.

4.3 Housing Revenue Account (HRA)

4.3.1 HRA funds must be ring-fenced and cannot be transferred into General Fund balances. The balance on the HRA usable reserves as at the 1st April 2017 was £16.821m. Most of this funding will be utilised for the Welsh Housing Quality Standard (WHQS) Capital Programme.

4.4 Capital Reserves

4.4.1 The total capital reserves of £37.709m as at the 1st April 2017 are ring-fenced for the Authority's Capital Programme. These reserves will be subject to a detailed review over the coming months and the outcome of this review will be reported to the Scrutiny Committee in due course.

4.5 Corporate Services

4.5.1 The balance on Corporate Services reserves as at the 1st April 2017 totalled £29.633m. The following table provides details of individual balances and the purpose of the reserves:-

Reserve	Amount £m	Description
Trehir Reserve	0.585	Required for potential works on former landfill site.
Invest to Save Reserve	0.272	To provide repayable one-off financial support for service initiatives that deliver cashable savings. £250k of this balance is currently committed to purchase a Velocity Patcher for carriageway resurfacing works (agreed by Cabinet on the 1 st October 2014).
Insurance Earmarked Reserve	5.904	Self-insurance facility. The Authority's insurance excess is £250k. All claims

		below this level are funded through the insurance earmarked reserve.
Risk Management Reserve	0.690	To support risk management initiatives that mitigate insurance claims. Annual contributions to this reserve from Directorate revenue budgets have been reduced from 2016/17 onwards as part of approved savings to support the MTFP.
Corporate Property Service Initiatives Reserve	0.157	To support Corporate building schemes.
Electoral Admin Reserve	0.461	Cumulative balance on funding set aside annually for local elections.
Health & Safety Initiatives	0.262	To meet unavoidable cost pressures in Council establishments.
PC Replacement Reserve	1.081	This reserve funds the ongoing replacement of essential IT hardware and software across the Authority.
Private Finance Initiative (PFI) Equalisation Reserves	11.900	Committed to funding approved PFI Schemes.
Corporate Services Service Initiatives Reserves	6.738	<ul style="list-style-type: none"> • Careline (£226k) – Retained underspends on the Care First budget. • Counsel Fees (£592k) – Retained underspends on the Counsel Fees revenue budget. • Council Tax Reduction Scheme (£2.251m) – Retained underspends on the CTRS budget. The Welsh Government has currently only committed to a fully funded scheme until the end of 2018/19. Options for the use of this reserve may need to be considered in future years in the event of funding reductions. • Apprenticeship Scheme (£852k) – Committed to ongoing apprenticeships and for match-funding the ESF Inspire to Work project. • Member Services (£536k) – Ring-fenced retained underspends on the Member Services budget. • Voluntary Sector Grants (£127k) – Retained underspends on the Grants to the Voluntary Sector budget. This budget is monitored by Members on the Grants to the Voluntary Sector Panel. • Municipal Mutual Insurance (MMI) Levy (£564k) – Funding set aside to meet future liabilities arising from the MMI Scheme of Arrangement. • Senior Officer Investigation (£245k) – Previously approved funding in respect of the ongoing investigation. • Replacement of IDOX Document Management System for Council Tax/Housing Benefits (£150k). • Contingency for one-off cost of MTFP staffing reductions (£381k).

		<ul style="list-style-type: none"> • Schools PV Panels (£14k). • Contingency for cost pressures in Waste Management (£800k).
Salix Finance	0.224	To support energy saving initiatives.
Retained Underspends Reserves	1.359	Accumulated service underspends.
Total: -	29.633	

4.5.2 Members will note from the above that £1.359m is held in 'Retained Underspends Reserves'. Cabinet has previously agreed a policy whereby service areas retain 50% of reported underspends at the financial year-end. Conversely, any service based overspends are carried forward by the service areas responsible for generating the overspends. This approach has worked well as there is full ownership and accountability by budget holders in respect of delivering a balanced budget. At its meeting on the 27th July 2016, Cabinet agreed a Reserves Strategy which included the introduction of a cap on the cumulative amount that can be held by Directorates in service underspend reserves. This will be covered in more detail in section 4.9 of this report.

4.6 Communities

4.6.1 The balance on Communities reserves as at the 1st April 2017 totalled £3.285m. The following table provides details of individual balances and the purpose of the reserves:-

Reserve	Amount £m	Description
DLO Surplus/Deficit	0.301	Retained cash surplus for Network Contracting Services (NCS) work arising from the Sirhowy Enterprise Way PFI contract.
Planning - Community Infrastructure Levy	0.251	Revenue generated from the Community Infrastructure Levy.
Planning - LDP Related Expenditure	0.131	Ring-fenced reserve for the Local Development Plan.
Highways – Service Specific Reserve.	0.500	Ring-fenced winter maintenance reserve.
Community Regeneration Fund	0.136	Approved grants to be drawn down.
Economic Development – Service Initiative Reserve.	0.013	£2k relates to footfall counters and £11k is ring-fenced for capital works to the Hafod Deg building.
Area Forum Reserve	0.070	This is being utilised to support agreed MTFP savings in this area.
Cemeteries Reserve	0.932	Funds set-aside to meet the capital cost of future land acquisition for Cemeteries.
General Fund Housing Service Initiatives Reserve	0.329	<ul style="list-style-type: none"> • Renewal Fund for future building costs at Ty Croeso single persons' accommodation (£128k). • Renewal fund for the replacement of white goods and internal decoration at Ty Fesen family accommodation (£160k). • Shortfall in Shelter contract payments for 2017/18 to 2019/20 (£21k). • Homelessness prevention (£20k).
Retained Underspends Reserves	0.622	Accumulated service underspends.
Total: -	3.285	

4.7 Education & Lifelong Learning

4.7.1 The balance on Education & Lifelong Learning reserves as at the 1st April 2017 totalled £8.284m. The following table provides details of individual balances and the purpose of the reserves:-

Reserve	Amount £m	Description
Service Initiatives Reserve	1.056	<ul style="list-style-type: none"> • ESF Bridges into Work (£374k) – Match-funding contribution (agreed by Cabinet 27/07/15). • ESF Working Skills for Adults (£169k) - Match-funding contribution (agreed by Cabinet 27/07/15). • Voluntary Early Release (VER) costs (£499k) – Required to meet ongoing liabilities in schools. • Fire Safety (£14k) – Earmarked reserve to fund fire alarm upgrades.
Schools PFI Earmarked Reserves	0.870	Contingent sum for unforeseen cost pressures for 2 PFI schools.
School Balances	2.332	Net overall retained underspends ring-fenced to schools.
Local Management of Schools (LMS) Contingency.	2.657	Accumulated underspends on LMS revenue budget. This reserve is maintained to support potential redundancy costs in schools, statutory maintenance costs and other unforeseen unavoidable cost pressures.
Accumulated Service Underspends	1.369	As per agreed policy (see paragraph 4.5.2).
Total: -	8.284	

4.8 Social Services/Public Protection/Corporate Policy

4.8.1 The balance on Social Services, Public Protection and Corporate Policy reserves as at the 1st April 2017 totalled £7.011m. The following table provides details of individual balances and the purpose of the reserves:-

Reserve	Amount £m	Description
Community Activities Reserve	0.066	To support trading activities in Day Centres.
Service Initiatives Reserve	1.906	<ul style="list-style-type: none"> • Therapeutic Fostering Service (£875k). Approved by Cabinet 13/04/16. • Operation Jasmine (£86k). • Finance IT System (£26k) – Required to deal with any unforeseen costs arising from the implementation of the Welsh Community Care Information System (WCCIS). • Gwent Frailty Programme (£268k) – To meet future Invest to Save loan repayments to the Welsh Government. • Immediate Response Team (£343k) – See paragraph 4.8.2 below.

		<ul style="list-style-type: none"> • Gwent Safeguarding Partnership (£143k) – Contribution to partnership to 2018/19. • Temporary Staff in Adult Services (£8k) – See paragraph 4.8.2 below. • Demographic Pressures Contingency (£157k) – Underspends from previous years set aside to meet increasing demand for services. See paragraph 4.8.2 below.
Reserves Held for Partnerships	2.121	Reserves held on behalf of partnerships led by Caerphilly CBC: - <ul style="list-style-type: none"> • North Resource Centre (£38k). • SE Wales Shared Lives Scheme (£145k). • Youth Offending Service (£539k). • SE Wales Safeguarding Children Board (£182k). • SE Wales Emergency Duty Team (£47k Deficit). • I.T. Consortium (£178k). • Gwent Frailty Programme (£1.086m).
Accumulated Service Underspends	2.918	As per agreed policy (see paragraph 4.5.2)
Total: -	7.011	

4.8.2 £343k of the Service Initiatives Reserve was originally set aside to fund a pilot Immediate Response Team within Children's Services to deal with situations where children are at risk of becoming 'looked after' by the Authority. Due to revenue budget underspends across the Social Services Directorate in recent years the Team has been funded from core revenue budget and there has been no requirement to draw on the reserve. Furthermore, the Team is now funded through a new grant. In paragraph 4.9.3 of this report it is proposed to utilise the funding of £343k to partially offset a projected overspend on the wider Social Services budget for 2017/18. To assist with offsetting the projected overspend it is also proposed to utilise the reserves of £8k for temporary staff in Adult Services and the £157k Demographic Pressures Contingency.

4.9 Cap on Retained Underspend Reserves

4.9.1 As mentioned in paragraph 4.5.2, at its meeting on the 27th July 2016 Cabinet agreed a Reserves Strategy which included the introduction of a cap on the cumulative amount that can be held by Directorates in service underspend reserves. This cap is set at 3% of the net revenue budget for each Directorate and where this is exceeded then proposals must be presented to utilise the excess or a justification must be made to hold the reserves above the 3% level. The following table summarises the 2017/18 net budget for each Directorate, the balance on underspend reserves as at the 1st April 2017 and whether the cap has been exceeded:-

Directorate	2017/18 Net Budget £m	Reserve Balance £m	3% Cap £m	Excess Above Cap £m
Corporate Services	19.665	1.359	0.590	0.769
Communities	35.980	0.622	1.079	-
Education & Lifelong Learning	32.933	1.369	0.988	0.381
Social Services etc.	91.172	2.918	2.735	0.183

4.9.2 The following table summarises proposals to utilise or retain the excess accumulated underspend reserves for Corporate Services and Education & Lifelong Learning (Social Services is considered separately in paragraphs 4.93 and 4.94): -

Directorate/Proposal	£m
1) Corporate Services Excess	0.769
Proposals: -	
- Relocation of IT staff from Ty Penallta to Ty Tredomen	(0.050)
- 2 year fixed-term Grade 6 post in HR for sickness absence monitoring	(0.060)
- 1 year fixed-term Grade 7 post in Corporate Property (Electrician)	(0.035)
- 1 year fixed-term Grade 10 post in Corporate Property (Land Sales)	(0.048)
- IT Systems: -	
- Upgrade of General Ledger system	(0.189)
- AP Forensics Software (fraud monitoring)	(0.034)
- Upgrade of Income Management System	(0.101)
- Access Rights Management Solutions (to aid GDPR)	(0.080)
- SQL Server licences	(0.060)
- Welsh Community Care Information System (WCCIS) maintenance	(0.025)
- Balance to be transferred to the General Fund	(0.087)
	0.000
2) Education & Lifelong Learning Excess	0.381
Proposals: -	
- Contribution to fixed-term Grade 9 Fire Officer post (to 31/03/18)	(0.023)
- Traffic calming works at Islwyn High School	(0.111)
- School condition surveys (rolling programme)	(0.074)
- Contribution to budget pressures in Behaviour Support & Mental Health	(0.173)
	0.000

4.9.3 For Social Services/Public Protection and Corporate Property there is currently a projected net overspend of £1.780m for the 2017/18 financial year. To assist with this situation moving forward it is proposed to establish the following specific reserves totalling £711k (to be funded from the Retained Underspend Reserve): -

- £50k to fund Caerphilly CBC's contribution to the cost of a Joint Protection of Vulnerable Adults (POVA) Co-ordinator post to 2021/22.
- £205k to cover Caerphilly CBC's contribution to the Gwent Safeguarding Partnership to 2021/22.
- £206k for additional fixed-term staff to address workload pressures in Children's Services (approved by Cabinet 19/07/17).
- £250k for Invest to Save trials to mitigate cost pressures arising from increasing demand for services.

4.9.4 To ensure that sufficient reserves are available to meet the projected 2017/18 overspend and to provide some headroom for 2018/19 it is proposed that the following reserves currently held in the Social Services Service Initiative Reserves should be used to partially offset the anticipated 2017/18 overspend: -

- £343k for the Immediate Response Team.
- £8k for temporary staff in Adult Services.
- £157k Demographic Pressures Contingency.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The establishment and management of reserves are key elements of effective financial management which assists the achievement of the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified regarding this report; therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 As detailed throughout the report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no direct personnel implications arising from this report.

9. CONSULTATIONS

- 9.1 There are no consultation responses that have not been reflected in this report.

10. RECOMMENDATIONS

- 10.1 Members of the Scrutiny Committee are asked to:-

10.1.1 Note the content of the report.

10.1.2 Support a recommendation to Cabinet that accumulated underspend reserves above the 3% cap for Corporate Services and Education & Lifelong Learning be utilised as detailed in the table in paragraph 4.9.2 of this report.

10.1.3 Support a recommendation to Cabinet that specific reserves totalling £711k are established for Social Services as detailed in paragraph 4.9.3 of this report.

10.1.4 Support a recommendation to Cabinet that funding totalling £508k is released from Social Services Service Initiative Reserves to partially offset the anticipated revenue budget overspend for 2017/18 (as detailed in paragraph 4.9.4 of this report).

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To ensure that the Scrutiny Committee is provided with details of the usable reserves held by the Authority and is able to consider specific proposals to Cabinet.

12. STATUTORY POWER

- 12.1 The Local Government Acts 1998 and 2003.

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Consultees: Andrew Southcombe, Finance Manager, Corporate Finance
Dave Roberts, Principal Group Accountant, Corporate Services
Mike Eedy, Finance Manager, Environment
Jane Southcombe, Finance Manager, Education & Lifelong Learning
Mike Jones, Interim Financial Services Manager, Social Services
Lesley Allen, Principal Accountant, Housing
Richard Harris, Internal Audit Manager & Acting Deputy Monitoring Officer

Background Papers:
Council (22/02/17) – Budget Proposals 2017/18 and Medium-Term Financial Strategy 2017/2022
Cabinet (27/07/16) – Reserves Strategy

Appendices:
Appendix 1 List of Usable Reserves

List of Usable Reserves

APPENDIX 1

Directorate	Service Area	C.C.	Subj	Description	Opening Balance (01/04/17)
1) General Fund					
Corporate Services	CORPORATE BAL SHEET	9931	D781	GENERAL FUND	17,832,917
Total General Fund					17,832,917
2) Housing Revenue Account					
Housing Revenue Account	HRA			VARIOUS	16,821,209
Total HRA					16,821,209
3) Capital Reserves					
All	CAPITAL EARMARKED RESERVES			VARIOUS	16,357,993
All	USEABLE CAPITAL RECEIPTS			VARIOUS	11,538,476
All	CAPITAL GRANTS UNAPPLIED			VARIOUS	9,812,874
Total Capital Reserves					37,709,344
4) Corporate Services					
Corporate Services	CORPORATE BAL SHEET	9931	D861	TREHIR RESERVE	584,549
Corporate Services	B/S CAP - CORPORATE	9985	D857	RESERVE - INVEST TO SAVE	271,829
Corporate Services	INSURANCE FUND	9987	D911	INSURANCE EARMARKED RESERVE	5,903,893
Corporate Services	INSURANCE FUND	9987	D935	RISK MANAGEMENT RESERVE	690,285
Corporate Services	PROPERTY - CORPORATE SERVICES	9924	D899	SERVICE INITIATIVES RESERVE	157,392
Corporate Services	POLICY AND RESOURCES BAL SHEET	9926	D948	ELECTORAL ADMIN RESERVES	460,999
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D952	HEALTH & SAFETY INITIATIVES	262,606
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D953	CORPORATE PC REPLACEMENT RESER	1,080,668
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D828	SEW PFI EQUALISATION RESERVE	2,266,095
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D850	EDUC PFI EQUALISATION RESERVE	9,634,173
Corporate Services	CORPORATE BAL SHEET	9931	D899	SERVICE INITIATIVES RESERVE	1,609,218
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D899	SERVICE INITIATIVES RESERVE	5,128,875
Corporate Services	B/S CAP - PROPERTY	9979	D944	SALEX FINANCE	223,963
Corporate Services	BUILDING CONSULTANCY	9925	D856	RESER - UNDER/ OVER SPEND C/F	54,203
Corporate Services	CORPORATE SERVICES BAL SHEET	9928	D856	RESER - UNDER/ OVER SPEND C/F	1,303,896
Total Corporate Services					29,632,644

Directorate	Service Area	C.C.	Subj	Description	Opening Balance (01/04/17)
<u>5) Communities</u>					
Communities	HIGHWAYS BALANCE SHEET	9908	D882	DLO SURPLUS / DEFICIT C/F	300,750
Communities	PLANNING BAL SHEET	9923	D877	COMMUNITY INFRASTRUCTURE LEVY	251,143
Communities	PLANNING BAL SHEET	9923	D899	LDP RELATED EXPENDITURE	130,527
Communities	HIGHWAYS BAL SHEET	9932	D899	SERVICE SPECIFIC RESERVE	500,000
Communities	ECON DEVT & TOURISM BAL SHEET	9927	D892	RESERVE - COMMUNITY REGEN FUND	135,693
Communities	ECON DEVT & TOURISM BAL SHEET	9927	D899	SERVICE INITIATIVE RESERVE	12,835
Communities	PLANNING BAL SHEET	9923	D891	RESERVE - AREA FORUM	70,499
Communities	COMMUNITY & LEISURE BAL SHEET	9939	D865	RESERVES - CEMETERIES	932,453
Communities	ECON DEVT & TOURISM BAL SHEET	9927	D856	RESER - UNDER/ OVER SPEND C/F	4,152
Communities	HOUSING NON HRA BAL SHEET	9917	D899	SERVICE INITIATIVES RESERVE	329,208
Communities	HOUSING NON HRA BAL SHEET	9917	D856	RESER - UNDER/ OVER SPEND C/F	162,760
Communities	HOUSING PRIVATE BAL SHEET	9918	D856	RESER - UNDER/ OVER SPEND C/F	115,950
Communities	DIRECTORATE OF ENVIRONMENT	9936	D856	RESER - UNDER/ OVER SPEND C/F	339,012
Total Communities					3,284,981
<u>6) Education & Lifelong Learning</u>					
Education	EDUCATION BAL SHEET	9919	D899	SERVICE INITIATIVES RESERVE	1,055,595
Education	EDUCATION BAL SHEET	9919	D949	PFI SCHOOLS EARMARKED RESERVES	869,921
Education	SCHOOLS BAL SHEET	9920	D785	RESERVES - DELEGATED SCHOOLS	2,331,965
Education	EDUCATION BAL SHEET	9919	D868	RESERVES LMS EARMARKED	2,657,113
Education	EDUCATION BAL SHEET	9919	D856	RESER - UNDER/ OVER SPEND C/F	1,369,571
Total Education & Lifelong Learning					8,284,164
<u>7) Social Services/Public Protection/Corporate Policy</u>					
Social Services	SOCIAL SERVICES BAL SHEET	9922	D859	RESER - SOC SERV COMM ACTIVITIES	65,858
Social Services	SOCIAL SERVICES BAL SHEET	9922	D899	SERVICE INITIATIVES RESERVE	1,906,344
Social Services	SOCIAL SERVICES BAL SHEET	9922	D951	RESERVES HELD FOR PARTNERSHIPS	2,121,413
Social Services	SOCIAL SERVICES BAL SHEET	9922	D856	RESER - UNDER/ OVER SPEND C/F	2,872,587
Public Protection	TRADING STANDARDS	9937	D856	RESER - UNDER/ OVER SPEND C/F	31,011
Public Protection	ENVIRON HEALTH BAL SHEET	9938	D856	RESER - UNDER/ OVER SPEND C/F	13,720
Total Social Services/Public Protection/Corporate Policy					7,010,933
GRAND TOTALS: -					120,576,193

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CABINET – 31ST JANUARY 2018

SUBJECT: HOUSING REVENUE ACCOUNT CHARGES – 2018/2019

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

- 1.1 The attached report, which provided details of the proposed increased charges which are intended to be effective for the Housing Revenue Account (HRA) for the 2018/19 financial year, was considered by the Policy and Resources Scrutiny Committee on 16th January 2018. The report sought the views of Members on the proposed increases contained therein, prior to its presentation to Cabinet.
- 1.2 Officers summarised the process involved in preparing the Housing Revenue Account (HRA) budget. Members were reminded that Welsh Government's (WG) Policy for Social Housing Rents sets a target rent band for each Authority whereby councils have to adjust average rents for their properties in line with this banding. The uplift on the new rent policy is fixed for five years and uses the previous September Consumer Price Index (CPI) inflation figure (as opposed to the RPI inflation figure) and also applies a 1.5% real increase to the average local authority rent. The previous September CPI inflation figure was 3%. WG announced the minimum rent uplift for 2018/19 to be 4.5% which is CPI at 3% plus 1.5%. This increase applied to the current average rent means that Caerphilly Council are within the low end of the target rent.
- 1.3 In order to comply with the rent policy, the minimum increase that can be applied in order to remain within the rent envelope is 3.6%, and due to a transitional protection arrangement in place, the maximum rent increase that can be applied by the Authority is 6.5%. However, a minimum increase of 4.5% has been recommended to minimise the additional financial risks within the Council's business plan from 2019/20 onwards. Members were therefore asked to recommend to Cabinet the level of increase per property from April 2018 based on the options in the report (3.6%, 4.5% or 6.5%). All relevant charges were highlighted within the report and detailed the amount of additional income that would be generated (excluding voids) for each of the proposed levels of increase, together with the percentage of service users receiving housing benefit. The increased income is required to offset other inflationary increases within the service area and support the delivery of all housing-related services, including the delivery of the WHQS programme.
- 1.4 The report also provided an update in respect of garage charges and it was noted that it is not proposed to increase the rent on Council-owned garages this year. This is due to the ongoing garage rationalisation and refurbishment programme, which is having a significant impact on void levels as the block of garages must be fully vacated prior to commencement of works on each site.
- 1.5 Discussion took place regarding the proposed levels of rent increase outlined in the report and Members raised concerns that the higher level could have a significant impact on some tenants when taking into account potential increases across other areas (such as council tax). Officers confirmed that those tenants in receipt of housing benefits will have the increase incorporated into their allowance, and that the Council's Housing Team can offer support to those tenants not in receipt of housing benefits who may be experiencing financial difficulties.

- 1.6 Members discussed the potential loss of income arising from the garage rationalisation and refurbishment programme. Officers outlined the specifics of the programme and explained that a new procurement process and demolition programme is currently underway. It was confirmed that former garage tenants and leaseholders will have priority when the tenancies for the newly built and refurbished garages are offered.
- 1.7 Following consideration of the report, the Policy and Resources Scrutiny Committee unanimously recommended to Cabinet that for the reasons contained therein, the minimum increase of 3.6% to set rents at the absolute bottom of the rent envelope but not future proofing expected rent levels from 2019/20 onwards, be applied from April 2018.
- 1.8 Members are asked to consider the recommendation.

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Appendices:

Appendix 1 Report to Policy and Resources Scrutiny Committee on 16th January 2018 - Agenda Item 9



POLICY AND RESOURCES SCRUTINY COMMITTEE – 16TH JANUARY 2018

SUBJECT: HOUSING REVENUE ACCOUNT CHARGES – 2018/2019

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

1. PURPOSE OF REPORT

- 1.1 For Members to consider and take a view on the increased Housing rent charges proposed in this report, prior to consideration by Cabinet on the 31st January 2018. The charges predominantly focus on council house rents and are intended to be effective for the Housing Revenue Account (HRA) for the 2018/19 financial year.

2. SUMMARY

- 2.1 Members will be aware that the preparation of the Housing Revenue Account (HRA) budget is quite separate to the work involved in setting the General Fund Budget and Council Tax. The HRA is funded by rental income received from council tenants rather than the Council Tax Payer. Whilst there is a clear separation of these funds, the majority of council tenants rent is funded from housing benefits which is derived from the tax payers' purse, therefore value for money must always be sought. We charge our council tenants rent over a 48 week basis but The Welsh Government (WG) base their rents on a 52 week basis so this report shows the 52 week equivalent.
- In previous years WG determined the annual guideline rent increases. The standard uplift policy for Local Authorities used to be based on the previous September Retail Price Index (RPI) plus a 2% real increase in support of rent convergence. The Minister for Housing and Regeneration has recently changed this uplift policy as part of the new Policy for Social Housing Rents. The new rent policy came into effect from April 2015 and was accepted by Members in the 2015/16 HRA charges report. The policy sets a target rent band for each Authority and if the average weekly rent is below the target rent, the Authority will have to increase average rents, and if the average weekly rent is above the target rent, average rents will increase at a lower rate, to bring the rent back within the target envelope.
 - The uplift on the new rent policy is fixed for five years and uses the previous September Consumer Price Index (CPI) inflation figure (as opposed to the RPI inflation figure) and also applies a 1.5% real increase to the average local authority rent. The previous September CPI inflation figure was 3%. WG announced the rent uplift for 2018/19 to be 4.5% which is CPI at 3% plus 1.5%. This increase applied to our current average rent means we are within the low end of the target rent
 - 2018/19 will be the final year of the existing five year agreement and no commitment has been made on future rents for 2019/20 onwards, but it is likely that rent increases will see a reduction due to the pressure. The Minister for Housing and Regeneration has when comparing Welsh rents to those in England where rents are required to be reduced by 1% a year for 4 years from their 2015/16 baseline.

- 2.2 The responsibility for setting the rents for individual dwellings remains with the individual landlords, however the current policy sets a target rent band, or envelope, for each landlord who will be required to operate with average weekly rent levels that fall within the scope of those bands. The policy is intended to provide landlords with a continuing measure of discretion over their overall rent levels and there is no proposal to alter Caerphilly CBC's current rent structure for the 2018/19 rent charges, only to apply an increase that is within the current policy and also supports the Housing Business Plan.
- 2.3 The target rent bands provide a low end figure, a mid-point and a high end figure for each landlord. The average weekly rent level for each landlord is compared to the target rent band and the difference dictates what level the rent needs to be adjusted to fall within the target rent band. The minimum increase we can apply in order to remain within the rent envelope is 3.6%.
- 2.4 In order to meet the deadlines for advising tenants of increases in rents and other charges, the increases have to be determined and fully agreed by 21st February 2018. All charges must be formally agreed (including call in period) by this date or it will not allow sufficient time for notice of increase to tenants, which is a legal requirement. Any delay in notifying tenants would result in a rental loss of about £32k per week (based on a 3.6% increase).
- 2.5 All relevant charges are highlighted within this report detailing the amount of additional income that would be generated (excluding voids) if the proposed increases were implemented, along with the percentage of service users receiving housing benefit.
- 2.6 The report also includes proposals for garage rental income.
- 2.7 Service Charges for sheltered schemes no longer form part of this report as they were recently reviewed under the Housing (Wales) Act 2014 requirement and are now charged on an actual basis per scheme.

3. LINKS TO STRATEGY

- 3.1 The recommendations within this report provide the council with additional income that will be used to supplement existing funding arrangements to provide management, repair and improvement of the housing stock. This funding is used to maximize the resources available to assist in meeting and maintaining the WHQS. The rent increase is applied equally to all tenants. The report therefore links to the following strategic objectives:
- Improving Lives and Communities: Homes in Wales (Welsh Government, 2010) which sets out the national context on meeting housing need, homelessness and housing related support services.
 - Caerphilly Delivers (Single Integrated Plan 2013): P2 "improve standards of housing and communities, giving appropriate access to services across the county borough".
 - IO5: Investment in Council homes to transform homes, lives and communities (WHQS) (Corporate plan 2016-2017)
- 3.2 Effective financial planning and financial control contribute to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015: -
- A prosperous Wales.
 - A resilient Wales.
 - A healthier Wales.
 - A more equal Wales.
 - A Wales of cohesive communities.
 - A globally responsible Wales

4. THE REPORT

4.1 Rent Increase

- 4.1.1 For a number of years the WG have effectively determined the level of annual rent increases, and these increases have been linked with the Housing Revenue Account Subsidy (HRAS) calculations, thus restricting an Authority from completely controlling its rental income. Members will be aware of the buyout of the HRAS system which introduced self-financing from April 2015
- 4.1.2 Under the current rent policy a target rent band for each Authority is set by WG so there is still some degree of control retained by WG however, all of the rental income will be retained by the Authority and used to fund expenditure, service debt and create borrowing headroom to support the delivery of WHQS and future investment.
- 4.1.3 As a result of the housing benefit limitation scheme, rent increases above DWP rent limits do not produce extra income from tenants in receipt of housing benefit. At this stage however, as in previous years, details regarding the DWP limit under the current rent policy are yet to be confirmed. Approximately 69% of tenants are in receipt of housing benefit.
- 4.1.4 The WG draft proposal for 2018/2019 of its policy rent band for CCBC is
- Low end £85.57 per week
 - Mid-point £90.08 per week
 - High end £94.58 per week
- 4.1.5 CCBC's current average rent for 2017/18 is £82.61 (52 week basis) which is below the rent envelope. To ensure we are within our rent envelope a minimum increase of 3.6% is necessary which would take our rent at the absolute low end point of £85.57. In previous years we have been above the low end and just under the mid-point level. The Housing Business Plan assumed 3.5% rent increase for 2018/19 but that was on the assumption that CPI would be 2%. As the CPI level is higher this has increased the rent envelope which means the 3.5% is slightly under the minimum required level to meet the rent policy.
- 4.1.6 WG have stated in their policy that "*The rent policy allows you to apply the inflation plus £2 (per week) if you are aiming to move to a higher point within the Target Rent Band to meet your business plan commitments...*"
- 4.1.7 There is a transitional protection arrangement in place which ensures that rents cannot be increased by more than CPI plus 1.5% plus £2 for any individual tenant. This means that the maximum CCBC can increase its rent is 6.5% before the protection arrangement is compromised, which would create an average rent of £87.98 per week (52 week basis), which is still within the low end level of our rent envelope.
- 4.1.8 The current average rent for CCBC is £82.61 based on 52 weeks. The latest business plan submitted to WG in March 2017 included a rent increase of 3.5% for 2018/19 (assuming CPI would be 2%) and this resulted in a £45.5m borrowing requirement in order to meet the WHQS by 2019/20. A rent increase of less than 3.5% will mean less income for the WHQS programme which will obviously result in increased borrowing. As part of the HRAS buy out there is an imposed borrowing cap of approx. £70m (after previous borrowing has been taken into account) so there is limited flexibility to increase borrowing. If the borrowing levels go beyond the cap then the WHQS will be unaffordable. Meeting the WHQS standard by 2020 is a statutory requirement.
- 4.1.9 In order to comply with the rent policy, the minimum increase we can apply is 3.6%. However, members must be made aware of the reduction in future rents not only due to the uplift from CPI + 1.5% changing to CPI + 1%, but also the likely requirement to reduce or restrict future increases to coincide with the English rents restrictions. This could place additional financial risk on our business plan from 2019/20 onwards so an increase of 4.5% for 2018/19 should be considered

- ⊖ An increase of 3.6% would result in a £2.97 weekly increase to £85.58 on a 52 week basis. This is an additional rental stream of £1.7m that would result in a saving on our borrowing requirement of £600k
- An increase of 4.5% would result in a £3.72 weekly increase to £86.33 on a 52 week basis. This is an additional rental stream of £2.1m, and would result in a saving on our borrowing requirement of £1.1m Rent charges within Caerphilly would also still remain within the low end of the target rent band, and this is the increase that has been incorporated within the rent policy as set by WG.
- Members have the discretion within the rent policy to increase rent up to a maximum of 6.5% which is a £5.37 per week increase to £87.98 on a 52 week basis. This is an additional rental stream of £3m which would make a saving on the current borrowing requirement of £5.8m thus freeing up significant flexibility within the borrowing scope.
- All of these increases are within the rent envelope for CCBC and even the highest increase at 6.5% does not reach the mid-point of our rent envelope. However, a minimum increase of 3.6% is needed to meet the minimum rent envelope target, but members should be mindful of the likely impact of this level in the Business Plan going forward. Members should consider an increase of 4.5% to future proof likely reductions in coming years.

4.1.10 The Stock Condition Survey carried out in 2008 reported that high levels of investment are required to maintain the properties and meet the Welsh Housing Quality Standard. Experience has shown that significant variances arise once the properties are surveyed and contract packages are specified and indications of cost escalation have emerged based on trends from tender prices and valuations. The small level of uncommitted borrowing that remains up to the borrowing cap will therefore be crucial in meeting these costs, and would be compromised if additional borrowing is committed to supplement a rent increase less favourable to the business plan. A rent increase less than 3.6% would contravene the rent policy and would inevitably reduce the Council's ability to manage and maintain the housing stock to the necessary standards. Failure to implement these increased charges would increase the shortfall in resources identified in the Housing Business Plan required to meet the WHQS by 2019/20 and maintain it thereafter. An increase above 3.6% would create more flexibility within the Business Plan and have a positive impact on the level of borrowing required to meet the WHQS but the maximum allowable under WG policy for 2018/19 is 6.5%.

4.2 Garage Charges

4.2.1 The garage rationalisation and refurbishment programme, linked to the WHQS programme has led to a reduction in our garage stock and will result in improvements to our remaining stock. This work, which is ongoing, is currently having a significant impact on void levels as the blocks of garages must be fully vacated prior to commencement of works on each site. On completions of works to each block, former garage tenants and former leaseholders of garage plots will be offered new tenancies of the newly built and refurbished garages, prior to new tenants being sought for the remainder from existing waiting lists or through marketing. Therefore it is not proposed to increase the rent on Council owned garages this year.

4.2.2 Tenants in receipt of benefit

Garage rents are not eligible for housing benefit and the majority (72%) of garage tenants are not actually council house tenants.

4.2.3 Financial impact

The Business Plan has included a 2% increase on garage rental income. Not increasing the income will mean a loss of approximately £5k in the Business Plan in 2018/19. This will not have an immediate impact on the borrowing requirement if this is only for one year, and will be completely offset if the rental income is higher than 3.5%.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 Effective financial management is a key element in ensuring that the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015 are met.

6. EQUALITIES IMPLICATIONS

- 6.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance. No potential for unlawful discrimination and/or low level or minor negative impact has been identified; therefore a full EIA has not been carried out.

7. FINANCIAL IMPLICATIONS

- 7.1 This report deals with the financial implications of the proposed rent increases which affects the HRA.
- 7.2 The impact of the Welfare Reform Act is not taken into consideration.

8. PERSONNEL IMPLICATIONS

- 8.1 The proposals contained in this report will not alter the current arrangements for the collection of housing revenue account monies.

9. CONSULTATIONS

- 9.1 All consultation responses have been reflected in this report. The report will be presented to Cabinet on the 31st January 2018.

10. RECOMMENDATIONS

- 10.1 Members are asked to consider and give a view on the following recommendations which will be presented to Cabinet on the 31st January 2018;
- (a) Members recommend to Cabinet the level of increase per property from April 2018 based on the options in the report which is either
 - (i) 3.6% - The minimum increase to set our rents at the absolute bottom of the rent envelope but not future proofing expected rent levels from 2019/20 onwards.
 - (ii) 4.5% - The increase imposed by WG to ensure the final year of compliance with the rent policy criteria of CPI plus 1.5% and to future proof expected rent levels from 2019/20.
 - (iii) 6.5% - The maximum increase before the rent policy is contravened.
 - (b) This report is submitted to Cabinet for consideration.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 Inflationary increases on providing all aspects of the housing service are experienced annually, however as the HRA cannot legitimately set a deficit budget, the loss of additional income will result in reduced resources being available to effectively manage and maintain the stock.

- 11.2 Housing benefit will cover the increased costs for the rent charge in this report for 69% of our tenants up to the Housing Benefit limitation rate (yet to be confirmed).
- 11.3 If charges are not increased annually it has a detrimental effect on subsequent years as higher increases are then needed to recover the shortfalls from previous years.
- 11.4 The Council's Business Plan relies on inflationary increases to remain viable.

12. STATUTORY POWER

- 12.1 Local Government Act 1972. This is a Cabinet function.

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Fiona Wilkins Public Sector Housing Manager
Angela Hiscox, Housing Manager – Older Persons Services
Amanda Main, Acting Benefits Manager
Stephen Harris, Interim Head Of Corporate Finance
Cllr Sean Morgan, Chair Policy & Resources Scrutiny Committee
Cllr Gez Kirby, Vice Chair Policy & Resources Scrutiny Committee
Cllr D Poole, Deputy Leader & Cabinet Member for Housing
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Gail Williams, Interim Head of Legal Services/Monitoring Officer

Background Papers: Available on request
Housing Revenue Account Charges – 2018/19
Welsh Government Rent Policy Guidelines



CABINET – 31ST JANUARY 2018

PUBLIC INTEREST TEST – EXEMPTION FROM DISCLOSURE OF DOCUMENTS PARAGRAPH 14, SCHEDULE 12A LOCAL GOVERNMENT ACT 1972

**SUBJECT: DISPOSAL OF LAND AT BARGOED DEVELOPMENT PLATEAU TO
MARSTONS PLC**

REPORT BY: PRINCIPAL SOLICITOR

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendations to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information) to any terms of proposed or to be proposed by or to the Authority in the course of negotiations for contracts for the acquisition of or disposal of property or the supply of goods or services (paragraph 14).

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council enters into contractual arrangements and manages its financial affairs.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains detailed information about the current consultations and negotiations regarding proposed sale of property and details and information regarding the background to the proposals. It also contains information regarding the business affairs of a third party. Revealing this information at this stage has the potential to prejudice the successful outcome of the project and the Council's longer term proposals, should this particular proposal fail to be concluded.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 14 should apply. I am mindful of the need to ensure the transparency and accountability of public authorities for decisions taken. However disclosure of the information contained in the report at this stage could potentially prejudice the successful outcome of the project and the Council's longer term proposals should this particular proposal fail to be concluded. It also contains information regarding the business affairs of a third party.

The information is not affected by any other statutory provision which requires the information to be publicly registered.

On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

On the basis set out above I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, and that the report should be exempt.

Signed: PKhae Dated: 23/1/18

Post: **Principal Solicitor**

I accept/~~do not~~ the recommendation made above.

Signed:  Dated: 23/1/18
Proper Officer

Agenda Item 12

By virtue of paragraph(s) 14 of Part 1 of Schedule 12A of the Local Government Act 1972.

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