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Date: 16th January 2019

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Dear Sir/Madam,

A meeting of Council will be held in the Council Chamber - Penallta House, Tredomen, Ystrad Mynach on Tuesday, 22nd January, 2019 at 5.30 pm to consider the matters contained in the following agenda.

Yours faithfully,

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

Christina Harrhy
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.

A greener place Man gwyrddach



3 To receive petitions under Rule of Procedure 28(3).

4 Presentation of Awards.

5 Declarations of Interest.

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

To approve and sign the following minutes: -

6 Council held on the 13th December 2018.

1 - 8

7 To receive and to answer questions received under Rule of Procedure 10(2).

To receive and consider the following reports: -

8 WLGA - Brexit Implications Presentation.

9 Brexit - Report.

9 - 42

10 Civil Parking Enforcement - Progress Report.

43 - 50

11 Council Tax Reduction Scheme 2019/20.

51 - 54

12 Caerphilly County Borough Council Response to the Reform of Fire and Rescue Authorities White Paper.

55 - 66

Circulation:

All Members And Appropriate Officers

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Agenda Item 6



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON THURSDAY, 13TH DECEMBER 2018 AT 5.00PM

PRESENT:

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

Councillors:

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

Together with:-

C. Harray (Interim Chief Executive), R. Edmunds (Corporate Director Education and Corporate Services), M.S. Williams (Interim Corporate Director of Communities), L. Morgan (Licensing Manager), J. Morgan (Trading Standards, Licensing and Registrars Manager) N. Scammell (Head of Corporate Finance and Section 151 Officer), R. Tranter (Head of Legal Services and Monitoring Officer), E. Sullivan (Senior Committee Services Officer).

WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. She advised that decisions would be made via the electronic voting system.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A. Angel, J. Bevan, K. Dawson, M. Evans, M. James, L. Jeremiah, S. Kent, D. Price, M. Sargent, S. Skivens, J. Taylor and B. Zaplantynski.

2. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting and made specific reference to the Best Kept Village/School awards, the Summer Reading Scheme and the various Remembrance Day events held throughout the county borough. He also made reference to an event with the Cefn Hengoed Ladies Choir in aid of the Mayor's Charity and formally thanked all those involved in this year's Operation Santa Appeal for their hard work and generosity. Finally the Mayor acknowledged the Diamond Wedding Anniversary celebrated by Councillor D.T. Davies and his wife and thanked them for their hospitality.

3. PRESENTATION OF AWARDS

There were no awards to be presented.

4. DECLARATIONS OF INTEREST

The Monitoring Officer provided advice to Members of the Investigating and Disciplinary Committee (IDC) in relation to Agenda Item No. 14 and confirmed that as the report related to financial provisions only and not the investigation itself there was no requirement for them to declare an interest and leave the Chamber however this was a matter for the individual member to consider.

Having considered the advice of the Monitoring Officer Councillors C. Gordon, D.T. Davies and N. George confirmed that they would be declaring a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and would leave the Chamber when the item was discussed. Councillors M. Adams and J. Simmonds confirmed that having considered the advice of the Monitoring Officer they would not be declaring an interest and would remain.

The Interim Corporate Director Communities and Interim Chief Executive also sought advice in this regard as both posts were linked to the interim management arrangements currently in place as a result of the ongoing process. The Monitoring Officer confirmed that the report under consideration related only to additional financial provision and not the investigation itself and as such there was no requirement for either Officer to declare an interest. This advice mirrored the advice given to the members of the IDC.

5. SPECIAL COUNCIL – 31ST JULY 2018

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

Special Council held on 31st July 2018 (minute nos. 1-5)

6. COUNCIL – 9TH OCTOBER 2018

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

Council held on 9th October 2018 (minute nos. 1-15)

7. TO RECEIVE PETITIONS

The Mayor received the following petitions presented by Members on behalf of local residents and indicated they would be referred to the appropriate directorate for attention:

- (i) Remove Traffic Calming in Pentwynmawr Village – Councillor G. Johnston;
- (ii) No extra £242,000 for Chief Executive pay scandal investigation at Caerphilly Council – Councillor N. Dix.

8. NOTICE OF MOTION – 20'S PLENTY CAMPAIGN

Consideration was given to the report, which detailed the following Notice of Motion received from Councillor S. Morgan and supported by Councillors D.V. Poole, B. Jones, C. Cuss, C. Gordon, L. Phipps, N. George, P. Marsden and E. Stenner. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

Councillor Morgan requested in his Notice of Motion that: -

- (i) the Council supports the 20's Plenty Campaign and calls on Welsh Government to lead with a 20mph default for built up areas. This can be done on most streets without the need for any physical calming and we accept that on some streets it may be appropriate to have the higher 30mph limit, but any limit above 20mph should be a considered decision based on local circumstances.
- (ii) to support this call also asked Welsh Government to explore all the evidence for and against this initiative, especially, but not limited to...

Reducing costs to the health service through reductions in, and severity of, accidents.

The large increase in local support for 20mph after implementation.

That 20mph limits are popular and effective at reducing road danger and fear, therefore increasing and support active travel initiatives which is a cost-effective way to raise public health and exercise levels.

This initiative is supported by National Institute for Clinical Excellence, World Health Organisation, Public Health Wales and The Institute of Welsh Affairs and also recognises that Scotland has a bill going through its parliament to set a national 20mph default limit.

Clarification was sought in relation to the mechanism for notices of motion being reported to Council without the need for them to be considered first at Scrutiny. The Monitoring Officer confirmed that it was within the discretion of the Mayor to make that decision and the Mayor confirmed his reasons for the decision in accordance with procedure.

Members debated the fact that traffic orders were already within the power of Authority to implement and the proposer of the motion acknowledged this, however that would mean implementation on a piecemeal basis rather than a blanket, Wales wide approach which would ensure consistency and be more cost effective.

Following consideration of the notice of motion it was moved and seconded that it be supported and by show of hands this was unanimously agreed.

RESOLVED that the notice of motion as detailed in 4.1 of the report be supported.

9. NOTICE OF MOTION – CAERPHILLY POLICE STATION

Consideration was given to the report, which detailed the following Notice of Motion received from Councillor J. Pritchard and supported by Councillors D.V. Poole, B. Jones, S. Morgan, C. Mann and P. Bevan. In accordance with Rule 11 (3) of the Constitution, the Mayor had agreed to allow the motion to be dealt with at Council, without first being discussed at an overview and scrutiny committee.

Councillor Pritchard requested in his Notice of Motion that Council: -

- i) notes Gwent Police' Gwent wide review of Police front desk services and how frequently the public use them. The decisions to retain or remove front desk services in Gwent rests with the Chief Constable for Gwent.
- (ii) further notes that face to face contact between members of the public and the Police in a safe and secure environment is important to ensure effective reporting of crime is undertaken.
- (iii) is concerned with continued real - terms funding reductions for Gwent Police and the 21,000 Police officer cuts since 2010. Council calls on the UK Conservative Government to reverse cuts to police budgets.
- (iv) Council opposes the removal front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk provision in Caerphilly Library to increase face to face contact with members of the public.

Members considered the notice of motion and it was moved and seconded that it be supported. During the course of the debate the proposer of the motion was asked to consider a change to the wording of the motion and this was declined. An amendment was then moved and seconded to accept points (i) – (iii) but to revise the wording of point (iv) of the motion in order to better safeguard provision from the Caerphilly Police Station location. The amendment to read: -

- (iv) Council opposes the removal of front desk services at Caerphilly Police Station and invites Gwent Police to collaborate with Caerphilly County Borough to maximise desk provision to increase face to face contact with members of the public by using the Neighbourhood Policing Team and Enforcement Officers.

By show of hands and in noting there were 46 against the amendment was declared lost.

By show of hands and in noting there were 2 abstentions the motion was upheld.

RESOLVED that the notice of motion as detailed in 4.1 of the report be supported.

10. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2017/18

Consideration was given to the report which presented the Public Services Ombudsman for Wales Annual Letter for 2017/18.

The Monitoring Officer confirmed that the letter sets out a clear and concise breakdown of all complaints received and investigated by the Public Services Ombudsman for Wales during 2017/18. Members were referred to sections 4.3.1, 4.3.2 and 4.3.4 of the report which highlighted the findings of the Ombudsman. In relation to code of conduct complaints it was noted that 4 complaints had been received within this timeframe all of which were closed after initial consideration.

Following consideration of the report and its content it was moved and seconded that the recommendation contained therein be approved and by show of hands this was unanimously agreed.

RESOLVED that the Annual Letter of the Public Services Ombudsman for Wales 2017/18 be noted.

11. PROPOSED CHANGES TO THE CONSTITUTION

Consideration was given to the report which proposed changes to the Constitution at Part 4 – Rules of Procedure in terms of Questions by Members along with changes to the report template, also contained within Part 4.

The Monitoring Officer referred to section 5.1 of the Officers report which detailed the changes to Questions by Members and confirmed that if approved questions would be asked and answered verbally at the council meeting rather than having the written responses tabled. With Council meetings being webcast, viewers from home would be better informed by seeing and hearing the questions being asked and answered.

With regard to the report template it was noted that the 'Recommendation' section of the report would now appear on the first page at section 3 with guidance changes in section 7 and section 9, 'Wellbeing of Future Generations' and 'Equalities Implications' respectively.

Members welcomed the changes to the procedures for answering questions and clarification was sought in relation to the total number of questions and this was confirmed as 3 questions to Cabinet as a whole and 3 questions to the Leader. Further clarification was sought as to whether written submissions would count towards the 3 questions allowed and the Monitoring Officer confirmed that should a Member wish to submit a written question they could do so but it would count as 1 of the 3. It was noted that if approved the procedure would commence at the next meeting.

During the course of debate it was moved and seconded that a further amendment be made to the report template to incorporate a section heading for 'Key Assumptions', this would allow Officers to document the key forecasting work and strategy judgements based on trends made in the development of the data being presented for consideration and by show of hands this was unanimously agreed.

It was then moved and seconded that the recommendations contained within the Officer's report subject to the inclusion of the aforementioned additional amendment to the report template be approved. By way of the electronic voting system and in noting there was 1 against this was agreed by the majority present.

RESOLVED that: -

- (i) the changes to Questions by Members as set out in Appendix 1 to the Officer's report be endorsed and the Head of Legal Services and Monitoring Officer be authorised to made the necessary changes to the Constitution;
- (ii) the Report Template as set out in Appendix 1 to the Officer's report with the addition of a Key Assumptions section be endorsed and the Head of Legal Services and Monitoring Officer be authorised to make the necessary changes to the Constitution.

12. REVIEW OF POLITICAL BALANCE

Consideration was given to the report which provided a review of the political balance across the authority due to a change of membership within the Labour political group.

The Monitoring Officer advised that there had been no change to the general allocation of seats to the committees in accordance with the revised political balance as outlined in Appendix 1 of the report.

Having fully considered its content it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that the political balance as outlined in Appendix 1 of the Officer's report be noted.

13. GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY

Consideration was given to the report which had been previously presented to the Licensing and Gambling Committee on the 29th November 2018.

In accordance with the Gambling Act 2005 the Statement of Licensing Policy had been prepared and consulted upon in order to comply with the requirement to publish a revised policy by the 1st January 2019. The responses received from the consultation process were confirmed and the comments and recommendation of the Licensing and Gambling Committee was outlined.

Having fully considered its content it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of the electronic voting system this was unanimously agreed.

RESOLVED that the revised Statement of Licensing Policy be approved.

14. INVESTIGATION OF SENIOR OFFICER – ADDITIONAL FINANCIAL PROVISION

The Interim Chief Executive reminded Members that there should be no discussion regarding the ongoing investigation by the Investigating and Disciplinary Committee (IDC) as the report for consideration sought approval for additional financial provision only and did not address the investigation itself. The earlier advice from the Monitoring Officer was emphasised in that there was no requirement for Members of the Investigating and Disciplinary Committee to declare a prejudicial interest and leave the meeting on that basis, however it was a matter for the individual Member as to whether they wish to declare such an interest and was mindful that it has been customary for Members of the IDC to leave the meeting when the matter had been considered previously.

Councillors D.T. Davies, C. Gordon and N. George declared a personal and prejudicial interest as Members of the Investigating and Disciplinary Committee and left the Chamber when the item was discussed.

Consideration was given to the report which sought Council approval for additional financial provision in relation to the ongoing internal investigation of a Senior Officer. Members were advised that the original timeframe for the formal investigation by the Designated Independent Person (DIP) was unlikely to be met and indications from the DIP were that it was likely to take until the end of March 2019 at the earliest to conclude the process. As a result of this it was necessary to establish a further financial provision of £108k to meet the salary costs of the Senior Officer for the period to 31st July 2019 with anticipated additional provision in respect of legal fees of £134k for the same period.

Members were referred to section 4.9 of the report which detailed the total costs to date and the tables at 7.1 and Appendix 1 which provide additional financial information. The Section 151 Officer confirmed that the additional provision would be funded from the projected under spend for 2018/19 in respect of Treasury Management.

Members expressed their frustration; disappointment and regret that further funds had to be made available in order to bring the process to conclusion, particularly during a time of unprecedented financial pressures and with reluctance it was moved and seconded that the recommendation contained within the Officer's report be approved.

Although Members accepted that the Authority was legally bound to follow the legislation governing disciplinary proceedings for statutory officers the failure to meet deadlines and timeframes was considered unacceptable and clarification was sought as to whether the DIP could attend the next meeting of Council in order to address the concerns being raised. The Monitoring Officer advised that as an Independent Person designated by Welsh Government they would have no formal contact with this Council until the conclusion of the investigation and while fully accepting and appreciating Members frustrations reiterated that this was a statutory process that must be followed.

During the course of debate a further motion was moved and seconded that there be no further financial provision and the investigation ceased as at the 31st of December and whatever the findings at this stage, they be reported to Council.

In relation to the motion procedural advice was sought, as it was felt that by voting against the recommendation contained within the Officer's report Members would be doing just that, as the approval granted by Council on the 17th April 2018 would cease on the 31st December 2018. The Monitoring Officer confirmed this understanding as correct and as such the motion was withdrawn.

Clarification was then sought in relation to DIP costs and the Interim Chief Executive confirmed that as she did not have the information to hand, the previous report to Council which detailed said expenditure would be circulated to all Members following the meeting. However it was noted that DIP costs did not form part of the additional funds requested, these had been previously agreed and had not changed.

Members expressed their continuing frustration and disappointment in the process, its escalating costs and the legislation that enforced the statutory proceedings, particularly in light of proposed budget cuts and the impact that they would have on public services.

Having considered the report, the recommendation contained therein and having been moved and seconded by way of the electronic voting system and in noting there were 16 against and 1 abstention this was approved by the majority present.

Directly following the vote and in accordance with Rule of Procedure 15.5, Councillors L. Binding, K. Etheridge and G. Simmonds wished it recorded that they had voted against the motion.

RESOLVED that the establishment of a further financial provision of £242k to be funded from the projected Treasury Management underspend for 2018/19 be approved.

15. MINUTES OF THE STANDARDS COMMITTEE – 2ND NOVEMBER 2018

The minutes of the meeting of the Standards Committee held on the 2nd November 2018 were noted.

16. STATEMENT OF THE LEADER OF COUNCIL

Councillor D. V. Poole addressed Council and expressed his thanks and admiration to the hard working staff of Caerphilly County Borough Council who day in and day out delivered exceptional services to the resident of the borough. In a year of cuts with further financial challenges ahead they should not be taken for granted and should be congratulated.

The Leader acknowledged the increasing demands on Councillors and praised them for their respect for each other irrespective of their political differences and thanked them for both their challenge and support.

With the uncertainty of Brexit and in light of the austerity measures still to come the Leader assured Members that Caerphilly County Borough would continue to strengthen Welsh Government and Local Government links with the new First Minister and build on that relationship. He would continue to emphasise the importance of the Local Government role as the preventative health service.

In conclusion Councillor Poole wished all those present a Merry Christmas and a Happy New Year.

17. TO RECEIVE AND TO ANSWER QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10 (2)

Consideration was given to the following Questions under Rule of Procedure 10(2). In accordance with the revisions to the constitution, the answers are also provided.

The meeting closed at 18.55pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 22nd January 2019 they were signed by the Mayor.

MAYOR



COUNCIL – 22ND JANUARY 2019

SUBJECT: BREXIT

REPORT BY: INTERIM CHIEF EXECUTIVE

1. The attached report is due to be considered by Cabinet on the 16th January 2019.
2. Council will receive a verbal update on the Cabinet discussions and is asked to consider the following recommendations: -
 - 2.1 that £1m be set-aside in an earmarked reserve as a contingency to meet any short to medium-term financial implications arising from the Brexit process (funded from the £20.08m unallocated reserves identified in the 'Update on Reserves' report due to be presented to the Policy and Resources Scrutiny Committee on the 15th January 2019); and
 - 2.2 that delegated powers be granted to the Leader and Interim Chief Executive to jointly approve expenditure from the earmarked reserve as and when required.

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Appendices:
Appendix 1 Report to Cabinet on 16th January 2019 – Agenda Item 7



CABINET – 16TH JANUARY 2019

SUBJECT: BREXIT

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To provide Cabinet with an update on Brexit and the potential implications for Caerphilly CBC prior to consideration by Council at its meeting on the 22nd January 2019.

2. SUMMARY

- 2.1 The report provides details of the following: -

- The background of the Brexit process.
- An update on the current position including the significant levels of uncertainty in relation to Brexit.
- An overview of the potential impact for Local Authorities.
- Preparations within Caerphilly CBC to identify key actions and mitigation.

- 2.2 The report also seeks Cabinet endorsement of a recommendation to Council to set aside £1m in an earmarked reserve as a contingency to meet any short to medium-term financial implications arising from the Brexit process

3. LINKS TO STRATEGY

- 3.1 Brexit has the potential to impact on a number of key strategies within the Council. This will be kept under review and considered further once there is greater clarity around the withdrawal process.

4. THE REPORT

4.1 Background

- 4.1.1 On the 23rd June 2016 the UK public voted to leave the EU. Following this the UK Government invoked Article 50 on the 29th of March 2017, resulting in an “exit day” of the 29th March 2019 at 11.00 pm.
- 4.1.2 Over the past two years the UK Government has sought to secure a deal (the Withdrawal Agreement), with the 27 European Countries that will remain in the EU, covering matters such as: -
- The kind of relationship and level of participation the UK will have with the EU’s Single Market i.e. the free movement of people, goods and services; and
 - The Customs Union – the bloc’s trade and tax agreement.

- 4.1.3 On the 25th November 2018, the Prime Minister agreed a draft Withdrawal Agreement with the other 27 EU Leaders. All parties also signed off a Future Relationship Declaration which is a draft political declaration on the future relationship between the EU and the UK after Brexit. The Declaration considers subjects such as trade and economic co-operation, law enforcement and criminal justice, foreign policy, security and defence and wider areas of co-operation. The Declaration is not a legally binding document and formal negotiations start after the UK has left the EU on the 29th March 2019.
- 4.1.4 If over the next few weeks, the Prime Minister is able to secure the support of Parliament to approve the Withdrawal Agreement, there will be a transition period of approximately two years before the eventual permanent arrangements for UK-EU relations (which have yet to be agreed) take effect.
- 4.1.5 The Prime Minister has said the transition period, which the UK tends to refer to as an "implementation phase", will allow businesses and EU citizens resident in the UK, and UK citizens resident in the EU, time to prepare for the new arrangements and avoid disrupting essential shared arrangements such as international security measures. It is proposed by the EU that the transition should not extend beyond 31 December 2020, 21 months after Brexit day. The EU wants the UK to continue to: -
- follow its rules during this time but not be involved in making decisions;
 - allow the free movement of people, goods and money to continue; and
 - be subject to European Court of Justice Rulings.
- 4.1.6 The UK also wants to be able to strike trade deals with other countries which it cannot do as an EU member. These deals cannot come into force until the transition period ends.
- 4.1.7 The transition period is conditional on the UK and EU agreeing a deal (the Withdrawal Agreement).
- 4.1.8 If over the next few weeks Parliament votes yes, an EU Withdrawal Bill will be introduced to enshrine the deal in law and it will be implemented. The European Parliament then takes a vote, where it needs a simple majority. A vote follows in the European Council, where 20 of the 27 countries must approve the deal. The UK would then leave the EU on the 29th March 2019 with a deal.
- 4.1.9 If the UK Parliament votes no in early 2019 and the EU Withdrawal Bill is rejected, the UK Government must reconsider its options, which are: -
- Leave with no-deal.
 - Re-negotiate.
 - General Election.
 - Referendum.
- 4.1.10 If the UK Parliament does not agree a Withdrawal Agreement and a framework that sets out the future relationship between the UK and the EU, the UK will become the equivalent of a third party country to the EU and the free movement of people, goods and money will stop at 11pm on the 29th March 2019.
- 4.1.11 The EU has suggested they would apply *“regulation and tariffs at borders with the United Kingdom as a third country, including checks and controls for customs, sanitary and phytosanitary standards and verification of compliance with EU norms”*.
- 4.1.12 This position is called the “No Deal Brexit.”

4.2 Is the UK Government planning for a potential “No Deal Brexit”?

- 4.2.1 Yes. The European Union (Withdrawal) Act 2018 received Royal Assent in June 2019, and became law. It will keep most existing EU laws as UK domestic laws after Brexit in order to ensure the continuity and completeness of the UK's legal system. It will also confer wide powers on the Government to amend that retained EU law in order to remedy or mitigate any deficiencies arising from the UK's withdrawal from the EU.
- 4.2.2 Over recent months the UK Government has also published a series of Technical Notices which provide information to allow businesses and citizens to understand what they would need to do in a no deal scenario, so they can make informed plans and preparations. A summary of the Notices that are relevant to Local Authorities is provided in Appendix 1.
- 4.2.3 It has always been the case that as March 2019 approaches, preparations for a no deal scenario would have to be accelerated. Whilst, on 25th November 2018 the UK and the EU leaders approved the “Deal” there are still considerable political differences of opinion in Parliament, and within the political parties, and the risk of a no deal exit remains significant.
- 4.2.4 If the current or a revised Withdrawal Agreement is not approved in the next couple of months, there is insufficient time to make changes to existing day to day dealings with the EU and the UK Government if we leave the EU with no deal. The UK Government has tried to ensure the briefing papers offer some form of stability for citizens, consumers and business, to ensure the continued operation of business, infrastructure and public services and to minimise any disruption to the economy. The Government has also committed to act unilaterally to provide continuity for a temporary period in a no deal scenario to protect and minimise disruption for UK citizens and businesses, irrespective of whether the EU reciprocates.
- 4.2.5 The extent of such continuity will vary by area as detailed in specific Technical Notices with change happening in different areas over time. Crucially, however, such changes will be applied where and when it is best for the UK.

4.3 How will a no deal Brexit affect Local Government?

- 4.3.1 Over the past 40 years, as a Member of the European Community, the UK's day to day operations have become truly integrated with the other 27 nations of the European Union, in particular the EU rules and regulations in respect of the freedom of movement of citizens, goods and services integral to our daily lives. Quantifying the impact of a no deal Brexit on Local Government is very difficult as there are so many other inter-dependencies and uncertainties.
- 4.3.2 Set out below is a list of the key areas for consideration in understanding the potential impact of a no deal Brexit on the Council: -
- **Laws regulating Local Government Services** - Many local government services are affected by EU rules and regulations, including waste management, environmental standards, trading standards and procurement. The Withdrawal Act 2018 ensures that there is legal certainty and no cliff edge for councils as those EU laws that underpin key services (such as waste management and trading standards) on exit day would continue to apply through UK law, even under no deal. However, further clarity is required and additional Government advice is promised. For example, it is acknowledged that we cannot use OJEC for procurement after a no deal exit and further engagement is promised on how to deal with ongoing procurement procedures as we switch from EU to a UK system.

- **A new constitutional settlement** - Under a no deal scenario, all EU legislative, enforcement and judicial powers would immediately return to the UK, with no implementation period. Consequently, under the current UK constitutional settlement, powers would return immediately to Whitehall, Stormont, Cardiff Bay and Holyrood. The English LGA and the Local Government Associations of Wales, Scotland and Northern Ireland have been clear that Brexit must create the opportunity for the devolution of powers beyond central government to local communities and cannot result in a centralisation of powers. Therefore, under a no deal scenario there must be the consideration of a new central-local agreement across the UK which results in the devolution of powers to local communities through local government, as well as giving local government a more formal role in law-making.
- **Regeneration and other funding sourced from the EU** - Under a no deal scenario the UK would lose access to European Funding. However, through a Parliamentary Statement in July 2018, the Treasury announced that in the event of no deal the Government would underwrite European funding until the end of 2020. The Government has committed to a UK replacement for EU funds.
- **Workforce** – There are many non-UK EU workers that provide vital public services and non-UK EU construction and agricultural workers that are vital for many local economies and projects. The current draft Withdrawal Treaty sets out a reciprocal agreement between the EU and the UK. It provides for ‘settled-status’ for those (non-UK) EU citizens living in the UK and gives such rights to UK citizens living elsewhere in the EU. This provides assurance about residency and employment rights and for the delivery of vital public services. In the event of no deal, there will of course be no Withdrawal Treaty. As such the provision for a reciprocal agreement on ‘settled-status’ contained in the draft Treaty will fall.
- **Public health and protection and local regulation** – Our Public Protection service supports local businesses to trade internationally through the process of issuing export health certificates for certain food products being exported to third countries. A no deal scenario could significantly increase the number of certificates required by traders who do not currently require them to export to the EU, with resource implications for the Council and others involved in providing them. Similarly, any move to relieve pressure at ports by requiring import checks to be carried out inland could also place additional demands on local authorities. Additionally, much of the intelligence and risk assessment activity in relation to food safety is undertaken at an EU level and access to this currently informs food inspection programmes. There are concerns that public protection should not be undermined following Brexit. It is understood the Government and other agencies are considering the implications of and mitigation in the event of a no deal scenario, but presently there remains a great deal of uncertainty.
- **Goods and services** - Under a no deal scenario any imported goods used by the Council could be subject to new tariffs and thus services would be subject to new costs. We would have to assume the absence of any Free Trade Agreement (FTA) with the EU and the UK reverting to World Trade Organisation (WTO) rules. There would be many choices available to the UK such as a policy of tariff free trade with every nation or the UK may choose to try and roll over the current EU tariffs. What is clear is that under WTO rules, the UK would have to treat the EU the same as other trading nations. Thus if the UK continued to apply tariffs to countries outside the EU (such as the US), there would have to be the same tariffs to pay on imported goods supplied to the Council from the EU. The Council, or more likely its suppliers, currently buy such EU goods tariff free. Whilst a no deal Brexit would in theory leave the UK free to set its own tariffs on imported goods (within WTO limits), Government is nevertheless likely to adopt tariffs replicating the EU’s. Goods imported from the EU into the UK could therefore be subject to the same tariffs as those goods imported from elsewhere.

As it is the importer, rather than the exporter, who has to pay the tariff, the Council would have to pay these new tariffs when it imports goods directly from a supplier in the EU. This will be very rare however. Much more commonly it will be the UK supplier (not the Council itself) who would have to pay new tariffs, if it were importing goods from the rest of the EU. Whether these costs can then be passed on to the Council depends on the nature of the contract the UK supplier has with the Council.

The contract may be fixed price, in which case the supplier will have to absorb the tariff costs; or the contract may allow for some variability in the price, in which case the supplier can pass on some or all of the tariff costs onto the local authority. If there is no provision for the supplier to pass on price increases mid-contract, we would need to be assured that the supplier was able to absorb such costs. In some cases, the supplier may seek to pass on price increases to the Council when the contract is renewed. This may have a significant impact on the Council's budget.

In a no deal scenario, there will also be a range of non-tariff barriers, which would constitute the bulk of the costs for the national economy of doing business without FTAs, including: border checks, custom controls and compliance with different product standards and regulations.

4.3.3 As a Council it is difficult to plan for a no deal, as there is so much outside our control that it is impossible to mitigate many of the risks without greater clarity on the actions to be taken by the UK and Welsh Governments.

4.3.4 Council officers will continue to liaise with Welsh Government, the Welsh Local Government Association, partners and third party suppliers and contractors to ensure we better understand the risks of a No-Deal Brexit and the impact on the Council's services and local communities.

4.4 What are we doing in Caerphilly CBC to prepare for Brexit?

4.4.1 CCBC has recently established an internal Brexit Working Group consisting of the following: -

- Leader of the Council
- Interim Head of Business Improvement Services
- Head of Customer and Digital Services
- Corporate Communications Manager
- Head of People Services
- Service Manager, Older People Services
- Head of Regeneration and Planning
- Head of Public Protection, Community & Leisure Services
- Senior Policy Officer
- Head of Education Planning & Strategy

4.4.2 This Working Group will meet on a monthly basis until further notice to monitor the potential impacts of Brexit and to agree specific mitigation and actions.

4.4.3 The Corporate Policy Unit has also set up a dedicated Brexit section on the Council's Intranet. This provides important information for all staff and will be regularly updated as matters progress.

4.4.4 CCBC has also been working with the WLGA through its Brexit Transition Support Programme for Welsh Local Authorities which is funded by the Welsh Government's £50m EU Transition Fund. The WLGA has commissioned Grant Thornton to produce a Brexit Preparedness Toolkit and this is attached as Appendix 2 for information.

4.4.5 The Toolkit will be a key reference point in CCBC's Brexit assessment and planning during the coming months. A workshop has been arranged for the Brexit Working Group on the 11th January 2019 to work through the recommended priority actions and to identify key tasks, risks and mitigation that will need to be addressed.

- 4.4.6 A representative from the WLGA is scheduled to attend the Council meeting on the 22nd January to give a presentation on the key issues surrounding Brexit and the potential implications.
- 4.4.7 In response to a request from the Welsh Government, CCBC has been working with the Gwent Local Resilience Forum (LRF) to help build a common picture on the national and local risks that Brexit presents to Wales. The Wales Risk Group has collated information from this process across the four LRF areas and this will shortly be submitted to the Welsh Government.
- 4.4.8 A key immediate implication of a no deal scenario for CCBC would be the potential disruption to the supply chain. The Council's Procurement Team is currently undertaking a review to identify the main risk areas and to establish what mitigating actions may be required. Deloitte's have also been commissioned by the Welsh Government EU Exit Team to step up preparations to ensure continuity of supply of goods and services in the event of a no deal exit from the EU. CCBC has provided information requested from Deloitte's to support their work in this area. CCBC will actively engage with suppliers once the key risk areas have been confirmed.
- 4.4.9 Communication is challenging as there is still no clarity around what the key messages are meaning that it is difficult to give a firm view. However, CCBC will take steps to ensure that staff and Elected Members are being kept up to date. CCBC also has a "Community Leader" role and will need to provide advice and guidance to members of the public and signpost as appropriate.
- 4.4.10 There is the potential for a negative impact on the local economy in the short to medium-term along with a possible lack of inward investment in the longer-term. The potential for increases in prices for goods and services will also provide a significant challenge for some smaller businesses. CCBC will have an important role to play in working with local businesses to deal with these challenges.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This will be kept under review and considered further once there is greater clarity around the withdrawal process.

6. EQUALITIES IMPLICATIONS

- 6.1 The European Union (Withdrawal) Act 2018 has sought to mitigate the equality and diversity implications of Brexit.

7. FINANCIAL IMPLICATIONS

- 7.1 There is an "opportunity cost" of senior staff having to consider the potential impacts of Brexit and prepare mitigating actions as appropriate.
- 7.2 No specific financial resource has been allocated in respect of Brexit to date. However, due to the high levels of uncertainty surrounding the process and the potential risks, Cabinet is asked to support a recommendation to Council that £1m be set-aside in an earmarked reserve as a contingency to meet any short to medium-term financial implications arising from the Brexit process. It is further recommended that this earmarked reserve should be funded from the £20.8m unallocated reserves identified in the 'Update on Reserves' report due to be presented to the Policy and Resources Scrutiny Committee on the 15th January 2019 and subsequently to Cabinet.

7.3 To ensure that funds in the proposed earmarked reserve can be accessed promptly Cabinet is also asked to support a recommendation to Council that delegated powers be granted to the Leader and Interim Chief Executive to jointly approve expenditure from the earmarked reserve as and when required.

8. PERSONNEL IMPLICATIONS

8.1 There are no direct personnel implications arising from this report albeit that the position will be kept under review.

9. CONSULTATIONS

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

10. RECOMMENDATIONS

10.1 It is recommended that Cabinet: -

10.1.1 notes the content of the report;

10.1.2 endorses a recommendation to Council that £1m be set-aside in an earmarked reserve as a contingency to meet any short to medium-term financial implications arising from the Brexit process (funded from the £20.8m unallocated reserves identified in the 'Update on Reserves' report due to be presented to the Policy and Resources Scrutiny Committee on the 15th January 2019); and

10.1.3 endorses a recommendation to Council that delegated powers be granted to the Leader and Interim Chief Executive to jointly approve expenditure from the earmarked reserve as and when required.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To ensure that Cabinet Members are fully briefed on the current position regarding Brexit and the steps being taken to mitigate emerging risks.

11.2 To ensure that funding is set aside to meet any short to medium-term financial implications arising from Brexit.

12. STATUTORY POWER

12.1 European Union (Withdrawal) Act 2018.

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Consultees: Cllr David Poole, Leader
Cllr Barbara Jones, Deputy Leader and Cabinet Member for Finance, Performance and Governance
Christina Harrhy, Interim Chief Executive
Richard Edmunds, Corporate Director for Education and Corporate Services
Nicole Scammell, Head of Corporate Finance and S151 Officer
Robert Tranter, Head of Legal Services and Monitoring Officer
Paul Cooke, Senior Policy Officer

Appendices:

Appendix 1 – No Deal Brexit – Summary of UK Government Technical Notices

Appendix 2 – Brexit Preparedness Toolkit

No Deal Brexit – Summary of UK Government Technical Notices

The full list of Technical Notices can be found at: -

<https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal#driving>

Background and information on using the Notices is provided in an overview document, with a further 19 areas covered by Notices: -

- Overview
- Applying for EU-funded programmes
- Driving and transport
- Farming
- Handling civil legal cases
- Importing and exporting
- Labelling products and making them safe
- Meeting business regulations
- Money and tax
- Personal data and consumer rights
- Protecting the environment
- Regulating energy
- Regulating medicines and medical equipment
- Regulating veterinary medicines
- Satellites and space
- Seafaring
- State aid
- Studying in the UK or the EU
- Travelling between the UK and the EU
- Workplace rights

Each of these sections contains additional, more detailed guidance in the event of there being no Brexit deal. The following is a summary of the Notices that are likely to be more relevant to Local Government: -

1. Overview

This Notice states that at the heart of Government's approach to preparing for a no deal scenario is a commitment to prioritise stability for citizens, consumers and business, to ensure the smooth operations of business, infrastructure and public services and to minimise any disruption to the economy. It also states that the UK Government is committing to taking unilateral steps to minimise disruption and prioritise stability in a no deal scenario.

2. Applying for EU-funded programmes

Before 29 March 2019

Until our departure from the EU, we remain a Member State, with all the rights and obligations that entails. This means that the UK will continue to participate in all EU programmes while we remain a member of the EU.

As agreed as part of the Financial Settlement, the UK will continue to take part in all EU programmes post 29 March 2019 for the rest of the 2014-2020 Multi-annual Financial Framework. This Financial Settlement has been signed off by both UK and Commission negotiators in the draft Withdrawal Agreement and welcomed by the other 27 EU countries.

After March 2019 if there is no deal

In the event of a no deal, the UK will leave the EU Budget in March 2019 meaning UK organisations would no longer receive future funding for projects under EU programmes, such as the European Regional Development Fund and Horizon 2020, without further action. However, the UK Chancellor announced in August and October 2016 that the Government will guarantee EU projects agreed before we leave the EU, to provide more certainty for UK organisations over the course of EU Exit.

In July 2018, the Chief Secretary laid a Written Ministerial Statement (HCWS926) extending this guarantee to provide further stability for UK organisations in a no deal scenario. The guarantee now covers the following: -

- The full 2014-20 Multi-annual Financial Framework allocation for structural and investment funds.
- The payment of awards where UK organisations successfully bid directly to the European Commission on a competitive basis while we remain in the EU.
- The payment of awards under successful bids where UK organisations are able to participate as a third country in competitive grant programmes from Exit day until the end of 2020.
- The current level of agricultural funding under CAP Pillar 1 until 2020.

The notice states that this guarantee ensures that UK organisations, such as charities, businesses and universities, will continue to receive funding over a project's lifetime if they successfully bid into EU-funded programmes before the end of 2020.

Preparations for replacing EU funding for Wales

In September 2018 the National Assembly for Wales Finance Committee published a report - Preparations for replacing EU funding for Wales – this set out 11 recommendations including that the Welsh Government: -

- Negotiates with the UK Government to ensure the Welsh Government is responsible for the administration and management of the UK Shared Prosperity Fund in Wales.
- In prioritising negotiations with the UK Government to secure the best possible funding deal, to ensure that Wales is “not a penny worse off” post-Brexit
- Initially secures at least the same amount of funding to Wales through the UK Shared Prosperity Fund as it currently receives through Structural Funds, plus inflation.
- Installs a central unit equipped with the necessary expertise and capacity to deliver a coherent programme of funding post-Brexit.

3. Farming

Rural Development Fund

The UK government has guaranteed that any projects where funding has been agreed before the end of 2020 will be funded for their full lifetime. This means, in the event the UK leaves the EU with no deal, the UK government would fund any remaining payments to farmers, land managers and rural businesses due after March 2019. This would ensure continued funding for these projects until they finish. The guarantee also means that Defra and the devolved administrations can continue to sign new projects after the UK leaves the EU during 2019 and 2020, up to the value of programme allocations.

Farm Payments

As the UK will have the freedom to design its own agricultural policy once we have left the EU, the nature of support for the agricultural sector will change. The Agriculture Bill will

legislate for those changes in England. The future of agricultural policy has been the subject of a public consultation in each country of the UK.

The devolved administrations and UK government are working together to determine where UK frameworks need to be established

If the UK leaves the EU in March 2019 with no agreement in place, eligible beneficiaries will continue to receive payments under the terms of the UK government's funding guarantee.

Defra and the devolved administrations are preparing domestic legislation (under the Withdrawal Act) to ensure we have the ability in law to continue operation of payments in a no deal scenario. This legislation preserves the EU law as it currently stands, and 'fixes' the legislation so that it is operable once we've left the EU.

The domestic legislation will require beneficiaries to conform to the same standards as they do currently, in order to receive payments. This will include on-site inspections to UK farms receiving payments, which will continue as normal.

All of these rules and processes will remain the same until Defra and the devolved administrations introduce new agriculture policies, either through the Agriculture Bill due to be introduced in the UK Parliament, or an Agriculture Bill in one or more of the devolved parliaments.

The Government has pledged to continue to commit the same cash total in funds for farm support until the end of this Parliament, expected in 2022. This includes all funding provided for farm support under both Pillar 1 and Pillar 2 of the current CAP. This commitment applies to the whole UK.

4. Importing and exporting

If the UK leaves the EU on 29 March 2019 without a deal there will be immediate changes to the procedures that apply to businesses trading with the EU. It would mean that the free circulation of goods between the UK and EU would cease.

Businesses should consider how a no deal scenario could affect them, and may want to begin taking steps to mitigate against such a risk.

The Notice suggests actions businesses can take now to prepare including the following: -

- Establish the volume of their trade with the EU and any potential supply chain impacts such as engaging with the other businesses in the supply chain to ensure that the necessary planning is taking place at all levels.
- In the event that the UK and the EU does not have a Free Trade Agreement (FTA) in place in a no deal scenario, trade with the EU will be on non-preferential, World Trade Organisation terms. This means that Most Favoured Nation (MFN) tariffs and non-preferential rules of origin would apply to consignments between the UK and EU.

5. Labelling products and making them safe

The UK Government will maintain our current set of standards on food safety, food labelling and food quality, ensuring high food standards at home and promoting high standards internationally.

Initially, the EU based provisions would all be rolled over, as part of the Withdrawal Act, and fixed where necessary by Statutory Instrument so the rules apply as before. However, some changes would be required to reflect the fact that the UK will no longer be a member of the EU.

Where the UK has its own compositional standards that do not stem from the EU, such as specific national rules on products containing meat and the composition of bread and flour, these would remain unchanged.

Labelling the origin of food

Use of the term 'EU' in origin labelling would no longer be correct for food or ingredients from the UK. In addition, from April 2020, the country of origin or place of provenance of the primary ingredient of a food (where different to that given for the food overall) will be required on labels as part of EU rules on food labelling. The Government may seek views on whether similar national rules would be appropriate in the UK when EU rules no longer apply.

6. Meeting business regulations

Accessing Public Sector Contracts

If the UK leaves the EU in March 2019 with no deal in place regarding future arrangements on access to OJEU/TED, the government has committed to providing a replacement UK-specific e-notification service. Changes to the procurement rules will be made via amendments to existing legislation, to ensure continued operability.

All contract opportunities that would currently be published on OJEU/TED would be published on the new UK e-notification service. This would be in line with the current requirements to send notices to the EU Publications Office for publication on OJEU/TED. Publication would take place electronically and the service will be free for all users.

The UK is also aiming to accede to the WTO Agreement on Government Procurement (GPA). The UK currently participates in the GPA by virtue of its EU membership.

Contracting authorities and entities

Contracting authorities would need to ensure their contract notices are published on the UK e-notification service rather than OJEU/TED.

The requirement to advertise in Contracts Finder, MOD Defence Contracts Online, Public Contracts Scotland, Sell2Wales and eTendersNI would remain. Those contracting authorities who are currently working with a third party such as an 'E-Sender' or 'E-Publisher' to publish to OJEU/TED should be able to continue to work with their provider to publish on the UK e-notification service.

Contracting authorities that place their contract opportunities directly on to OJEU/TED will be contacted to ensure that they are familiar with the new UK e-notification service.

7. Money and tax

Implications for individuals and business customers

How customers of financial services firms will be affected will depend on where they are based, where their firm is based and under what regulatory authorisations they operate, and the services that they access. If action by customers is needed, then firms should communicate this to their customers at an appropriate time.

8. Personal data and consumer rights

If the UK leaves the EU in March 2019 with no agreement in place regarding future arrangements for data protection, there would be no immediate change in the UK's own data

protection standards. This is because the Data Protection Act 2018 would remain in place and the EU Withdrawal Act would incorporate the GDPR into UK law to sit alongside it.

9. Protecting the environment

This Notice states that UK Government is committed to maintaining environmental standards after we leave the EU, and will continue to uphold international obligations through multi-lateral environmental agreements. The EU Withdrawal Act 2018 will ensure all existing EU environmental law continues to operate in UK law, providing businesses and stakeholders with certainty as we leave the EU.

The UK government and devolved administrations will amend current legislation to correct references to EU legislation, transfer powers from EU institutions to domestic institutions and ensure we meet international agreement obligations.

The UK's legal framework for enforcing domestic environmental legislation by UK regulatory bodies or court systems is unaffected by leaving the EU and continues to apply.

Environmental targets currently covered by EU legislation are already covered in domestic legislation. Permits and licences issued by UK regulatory bodies will continue to apply as now.

10. State aid

This Notice states that the Government will create a UK-wide subsidy control framework to ensure the continuing control of anti-competitive subsidies. The EU state aid rules will be transposed into UK domestic legislation under the European Union (Withdrawal) Act. This will apply to all sectors; and will mirror existing block exemptions as allowed under the current rules, including the Agricultural Block Exemption Regulation, and the Fisheries Block Exemption Regulation. The Competition and Markets Authority will take on the role of enforcement and supervision for the whole of the UK.

The UK Government will continue to work with the devolved administrations to ensure the new state aid regime works for the whole of the UK.

11. Workplace rights

The EU (Withdrawal) Act 2018 brings across the powers from EU Directives. This means that workers in the UK will continue to be entitled to the rights they have under UK law, covering those aspects which come from EU law.

The Government will make small amendments to the language of workplace legislation to ensure the existing regulations reflect the UK is no longer an EU country. These amendments will not change existing policy. This will provide legal certainty, allowing for a smooth transition from the day of EU exit, and will ensure that employment rights remain unchanged, including the employment rights of those working in the UK on a temporary basis.

Brexit preparedness toolkit

Part of the Brexit Transition Support Programme
for Welsh local authorities

Version 1 - November 2018



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WLGA Brexit Transition Support Programme	14

Document log

Version	Update	Date
Version 1	First iteration of the WLGA Brexit preparedness toolkit published.	23 November 2018

The impact of Brexit will be far-reaching – no matter the outcome of negotiations. With discussions entering the final stages, the preparations made by local authorities during the following months may well affect how local communities and economies within Wales are impacted in the longer term.

Purpose of this document

Welsh local authorities have always navigated uncertainty and faced challenges on behalf of communities. While the outcome of Brexit negotiations remains uncertain, it is essential for councils to set a path to ensure the continued delivery of vital services and the best possible outcomes for their local communities and economies.

This toolkit has been designed to provide a comprehensive and consistent approach to support Welsh Local Authorities in identifying and addressing the local implications of Brexit.

Produced in partnership with the Welsh Local Government Association as part of the Brexit Transition Support Programme for Welsh local authorities, the toolkit is intended to support local political and executive decision-makers in understanding the potential risks and opportunities that Brexit poses, ensuring that they are asking the right questions locally and putting in place robust plans on behalf of their communities and businesses.

Key messages

- The outcome of Brexit is uncertain, but there are specific, practical preparations that Welsh local authorities should make by focusing on their organisations, their services and suppliers and the places they serve.
- All parts of government must work together to manage the process of withdrawal from the EU successfully, however, preparations at a local level are an essential part of the duties of Welsh Local Authorities as leaders and representatives on behalf of their communities.
- The Welsh Government and Welsh Local Government Association are fully committed to assisting local authorities in carrying out this crucial role.
- Priority Actions' have been outlined in each section of this report - these are tasks that councils should plan to undertake immediately, if they have not begun to do so already, with the aim of completing preparations before March 2019.

Context

The *White Paper – Securing Wales’ Future* (published in January 2017) and the subsequent suite of policy documents on future funding arrangements, trade, regional investment, the movement of people and devolution, set out the key priorities of the [Welsh Government](#) as the UK attempts to moves towards a deal with the EU.

The aims of the wider Brexit Transition Support Programme for Welsh Local Authorities, funded by the [Welsh Government’s EU Transition Support Fund](#), are to ensure Welsh local authorities are not duplicating work in preparing for Brexit; ensure all local authorities in Wales are equally prepared for Brexit in key sectors; and to establish a more formalised, two-way programme of communication between local authorities and those planning for Brexit in the Welsh and UK Governments. Activities under the support programme include a range of stakeholder events, the production of this toolkit and other resources, and the commissioning of research in areas where Brexit will have a significant impact for local government.

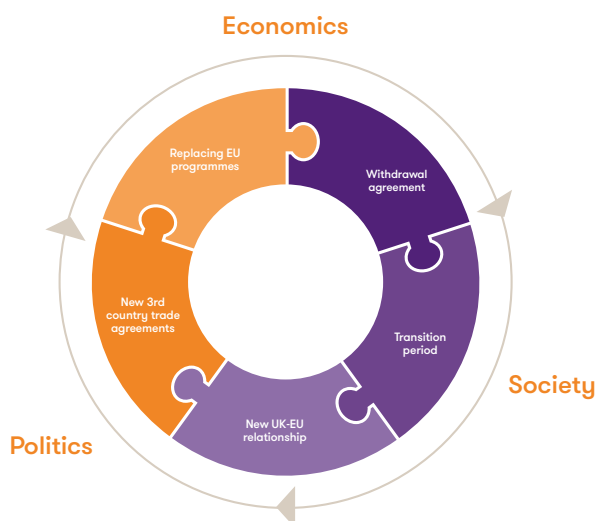


Scenarios, timelines and implications

What is Brexit?

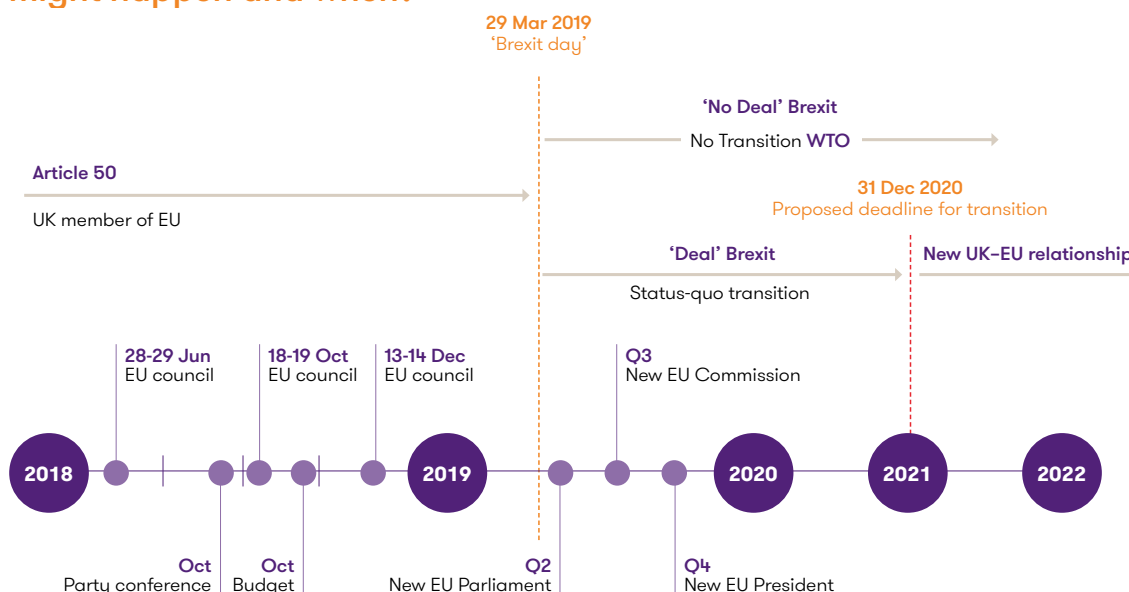
Brexit consists of five interconnected elements:

- **The withdrawal agreement:** covering issues such as citizens' rights and financial settlement. A draft withdrawal agreement was proposed by the Prime Minister on 14 Nov 2018 which must now be agreed by parliament and EU member states.
- **A transition period:** a proposed 21 months during which the UK remains in the Single Market and Customs Union.
- **A new UK-EU trading relationship:** what will replace our current membership of the European Union.
- **New 3rd country Free Trade Agreements:** to establish new trading relationships with countries around the world and replace EU originated FTAs that we may lose access to.
- **Replacement of EU funding programmes:** redesigning current EU funding streams.



It is important to remember that negotiations and decisions on these elements are not taking place in a vacuum. They are impacted from the outside by societal change, economic pressures and political volatility – meaning things can change quickly.

What might happen and when?



On the 14 November 2018, the UK Government published a draft Withdrawal Agreement which sets out the terms for the UK's departure from the European Union. It reflects an agreement in principle between the UK and EU. However, this agreement is not legally binding until it has been ratified in Westminster and Brussels.

There remain two options for what will happen at 11 pm on 29 March, the UK will leave the EU, either with a Deal or with No Deal.

Two options in March 2019

A Deal – UK leaves EU and enters transition period:

If the Deal is ratified in the UK and EU, much of the UK relationship with the EU will remain unchanged for a 21-month transition period, up to 31 December 2020.

The transition period will be used to negotiate our future relationship with the EU – there is still much debate about what this outcome may be, though the ‘backstop’ will mean that if a new agreement is not reached the UK will remain in a customs union with the UK, with deep regulatory alignment between Northern Ireland and the EU.

No Deal – UK leaves EU with no transition to trade on WTO terms:

If the Withdrawal Agreement does not manage to pass through UK parliament or EU member states, and no alternative is found, then the UK will leave the EU with No Deal.

If there is No Deal, there is no transition period. Trading on WTO terms imports and exports between the UK and EU become subject to tariffs (which vary from 0% to over 80%) and customs declarations. This would mean new processes for business as well as additional costs. The free movement of people would end and the recruitment of EU nationals arriving in the UK for the first time after March 2019 could be subject to similar immigration rules as those currently applying from the rest of the world. Access to EU programmes and funding will also end, although the government has guaranteed the EU projects agreed before March 2019.

We believe there are three key perspectives local authorities should consider

The toolkit focuses on three key areas where Brexit is likely to have the most significant impact. Across each of these areas, the toolkit provides a range of perspectives that will help councils to tease out the fundamental questions they should be asking about the specific risks and opportunities that may arise under each Brexit scenario and present several priority recommendations for councils to act upon.

Your organisation

The first step any local authority must take is to understand the impact of Brexit on their organisation.

Whatever the deal, there are likely to be short- and long-term implications for the people working for your council, the funding streams relied upon to provide valuable local services and changes to the legal and regulatory frameworks within which you operate.

Your services and suppliers

Councils provide essential public services and play an integral role in local marketplaces.

They must understand the potential impacts of Brexit on core services and the risks within their supply chain.

Once the risks and opportunities have been identified, local authorities can develop contingency plans, identify critical decisions and manage risks.

Your place

Finally, local authorities need to be alive to the impact Brexit may have on local economies, the continued uncertainty around funding streams previously available through the EU and new opportunities potentially available for further devolution.

These factors will shape communities for years to come, and it will fall to local authorities to foster the social cohesion and leadership necessary for communities live, work and thrive as the UK redefines itself outside the EU.

Your organisation

Welsh local authorities must ensure that they understand the potential impacts on their organisations to maintain their crucial role as stewards and community leaders for the places they serve.

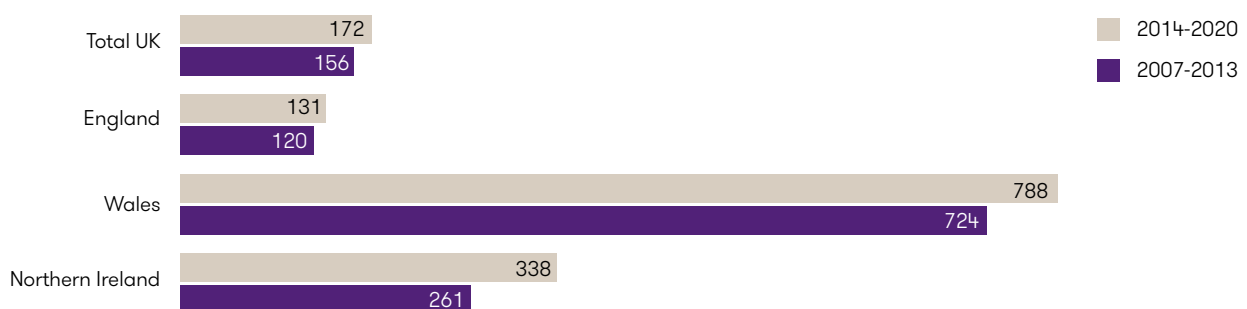
From HGV drivers collecting waste to those carers working with social care clients, councils will already employ many EEA nationals for the provision of high-quality local services. Given the importance of the local workforce, local authorities should consider how Brexit will impact the retention of its staff. In Wales, EU migrants have a higher employment rate (79%) than the overall working-age population (71%). Most EU migrants – like UK-born people or non-EU migrants – work in occupations such as administration, caring and leisure or skilled trades for example in the construction industry. In the social care sector, while specific data is not available for Wales, figures for England show that people with an EU nationality hold around 3% of local authority and independent sector jobs, and a further 5% are held by people with a non-EU nationality.

Although commitments have been made to protect existing EU residents, [ONS data](#) is showing that EU citizens have already begun to leave because of exchange rate changes or a sense of not being valued. Reduced access to EU labour in the

future, coupled with a fall in the pound impacting international workers, means that organisations will need to work hard to retain and attract the skills they require. Moving forward, councils will need to think about how they will continue to recruit the skillsets they need after March 2019; how Brexit and other related policies could increase or decrease labour costs and what additional skills and resources will be necessary to deliver a robust Brexit plan successfully.

Regarding potential financial implications, Wales currently takes more funding from the EU than its taxpayers contribute. As a net financial beneficiary of EU membership, Wales receives approximately £680million in EU funding each year. After any agreed transition period, UK organisations will be unable to access EU funding streams such as the European Regional Development Fund and Horizon 2020 or the Common Agricultural Policy (CAP); in the event of No Deal, the UK Treasury has provided a full lifetime [expenditure guarantee](#) for projects approved before the end of December 2020.

Per capita combined European Regional Development Fund (ERDF) and European Social Fund allocations (€m)



We can also expect to see increased volatility in financial markets as they react to updates in negotiations in different ways. If the UK leaves the EU without a deal, we can expect the Pound to fall and interest rates to fluctuate depending on the perceived impact.

The EU Withdrawal Act converts EU into UK law, which will ensure short-term certainty across many of the legal and

regulatory frameworks used by local government. However, in the longer term, it is much more unclear how Brexit will impact the areas particularly relevant to councils, such as data protection and procurement. All the above means that local authorities will need to be agile in their approach to setting organisational priorities and responding to an environment that is increasingly dynamic.

Recommendations:



Priorities

Priority Action: Mobilise key decision-makers and partnerships – Ensure that local leaders and decision-makers understand the potential economic, political and regulatory changes and are actively considering the impacts. Ensure that working groups, involving partners where necessary, are up and running.

Priority Action: Create a plan and be ready to act – Know what you need to do and when for specific Brexit scenarios. Improve your organisational responsiveness through analysis of what aspects of your organisation will be impacted by Brexit and what areas are not impacted.

Also consider: What policy decisions might you need to influence in the longer term – Identify what policy changes you might need to call for and whether there are any opportunities to make specific asks of the Welsh and UK Government in the face of Brexit pressures.



People

Priority Action: Conduct a workforce audit to identify EEA nationals – Understand who in your workforce is likely to be affected, particularly those working in critical areas such as social care.

Priority Action: Encourage retention – Start your communication with your EEA employees and ensure they understand their residency rights and are aware of [UK government resources](#). Identify opportunities to streamline your council's recruitment and retention procedures, positioning yourself as an employer of choice. This will require you to make sure that your employee value proposition is as attractive as it can be by developing and reviewing remuneration packages, benefits and incentive.

Also consider: How Brexit may impact the cost of labour – In all scenarios, there is a risk of increased staffing costs if wages are inflated because of skills shortages or other policy changes such as tax rises, enlargements to the minimum wage. Keep the cost of your workforce under review and ensure that your offer is competitive.



Finance and Funding

Priority Action: Map your current income – Although the UK government has extended a guarantee that covers all projects which would have been funded by the EU under the 2014-2020 programme, councils need to identify which projects and programmes are dependent on this funding and begin to assess alternative funding streams and create a gap analysis for future requirements.

Priority Action: Understand your financial exposure – Modelling the financial impact using a range of outcomes, identify the real terms impact of reduced funding sources by forecasting (NDR, Council Tax and other sources) and ensure that your medium-term financial strategies are based on robust and prudent assumptions.

Also consider: Revisit the business cases for major projects – Conduct viability analysis of individual projects reliant on EU funding and create a list of strategic options for delivery post-2020.

Your services and suppliers

Welsh local authorities play a central role in the lives of all residents by delivering over 700 statutory and discretionary services drawing on a wide range of suppliers and partners.

Changes in the model of economic co-operation between the UK and EU and any subsequent amendments to specific legal and regulatory frameworks will impact council services in many ways. For example, if there is No Deal, mutual recognition will end for imports from EU into the UK. This includes certain foodstuffs, furniture, bicycles, ladders and precious metals. Manufacturers and sellers of such products will need to meet UK standards to sell in the UK, which in turn would need to be enforced by trading standards. Any alterations to the rules and requirements around the manufacturing and marketing of fertilisers would equally affect trading standards. For state aid,

if there is no deal, UK public authorities would need to notify state aid to the Competition and Markets Authority instead of the European Commission.

No Deal would also mean that the UK becomes a 'third country'. Simply put, this would impose new checks and processes for goods passing between the UK and the EU and increases the likelihood for confusion and delays at our borders as new rules are implemented and therefore increasing the risk to council service providers and their suppliers

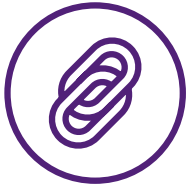
Things to think about:



Local authorities need to be able to map the impact of Brexit across all services and key supply chains, making sure their organisations can familiarise themselves and adapt to new

approaches and challenges - this means looking beyond immediate service areas, contracted suppliers, partnership working network and Joint Venture and PFI Arrangements.

Recommendations:



Services, suppliers and supply chain

Priority Action: Identify your most significant and most critical services and suppliers – Engage with your supply chain to understand their level of exposure and the preparations they have put in place. Once you understand the potential level of impact and your contractual position, develop contingency plans and possible alternative procurement options.

Also consider: Future regulatory changes impacting service delivery – In the event of No Deal there will be various changes to everyday processes and procedures. Councils will need to familiarise themselves with any new approaches that would be taken in areas such as:

- Procurement;
- Data protection;
- Regulating chemicals (REACH);
- Exporting animals and animal products;
- Labelling tobacco products and e-cigarettes;
- End of mutual recognition of EU national standards;
- Producing and labelling food; and,
- Handling civil legal cases that involve EU countries.

Guidance on how to prepare for Brexit if there's no deal can be found [here](#).



Core operations

Priority Action: Identify key decisions – Work through the actions your council will need to undertake now to safeguard services, regardless of the Brexit outcome.

Priority Action: Understand how your core services may be affected and develop contingency plans – Once the risks have been identified, examine the business impact on your core services.

Also consider: Creating an opportunities matrix – Brexit could create new opportunities to reshape existing service delivery models and way of working. Consider areas such as:

- Devolution and the ability to lobby the government for greater local freedoms;
- The opportunity to develop the local indigenous workforce;
- Collaborating with partners to address common challenges; and,
- The possibility to adopt different delivery models.



Legal, data and regulatory

Priority Action: Understand the risk to your contracted suppliers and your legal position if Brexit renders them unable to deliver their services – your council will need to have alternative arrangements for delivery of services, especially statutory services such as social care.

Also consider: The transfer of data – Brexit could result in changes to the laws and regulations governing information and data and if access to this data is disrupted, then it could impact upon the ability of public service organisations to work collaboratively. Understanding how current data sharing arrangements could be impacted by Brexit is key to beginning a risk assessment. Based on this risk assessment, required changes to data sharing arrangements can be identified.

Your place

Welsh Local government will continue to ensure the wellbeing of communities, grow local economies and maintain healthy and representative local democracies. Helping residents and businesses prepare for departure from the EU is a key part of this role in the short term.

Brexit creates a strategic opportunity for local authorities to push for greater freedoms and flexibilities as leaders of the places they serve. This means pushing the principle of devolution and subsidiarity; making a case for enhanced powers and seeking greater fiscal autonomy. In theory, Brexit will mean that decisions will be made closer to the communities they impact, however, as has already been witnessed during the negotiations, the UK Government may seek to retain new powers in Whitehall. The responsibility will fall to local government and its representatives to ensure that appropriate responsibilities come as close to communities as possible.

The long-term economic consequences of Brexit are still heavily disputed, though the majority predict a negative long-term impact. Ultimately, lower growth of Gross Domestic Product (GDP) would be mirrored by lower wages and incomes – impacting the day to day lives of residents. Over the medium term the economy in Wales has tracked UK economic performance quite closely, but in the short-term Wales is

potentially more vulnerable to economic shocks than many other parts of the UK. For example, Welsh international exports are dominated by a small number of large businesses, the loss of which would have a very significant impact on their localities.

Forecasts for Wales suggest:

The sectors most affected by No Deal or by leaving the customs union after a transition include food and farming, manufacturing with complex supply chains (including automotive and aerospace) and life sciences. Retail and construction, in particular, will be affected by any drop-in consumer confidence or economic shock if there is No Deal. Many sectors including tourism and leisure, logistics and manufacturing will also be affected by skills shortages and food and farming could also see very significant long-term change resulting from the end of CAP subsidies and the possible opening of UK food markets to cheaper imports from the US, Brazil and Asia-pacific.

Share of Export Goods (2015) to EU: Major categories of goods exports from Wales, and from the UK as a comparator



There are also wider implications on the well-being of the people of Wales. By its very nature, the referendum has brought to the surface longstanding tensions within communities by highlighting the fundamental differences in peoples view of what the country should like, both socially and economically, and then pitching these two opposing futures against each other.

It will fall to local councils to rebuild the social cohesion necessary for communities to live and work together and local authorities will need to be confident about civil contingency plans in the event of No Deal. It will be important to work with local partnerships to assess how the first days and months could play out in your local community and understand exactly what contingencies your council may need to be prepared for.

Recommendations:



Local community

Priority Action: Councils need to understand their communities – Map the impact of Brexit by charting the make-up of communities. This will help local authorities to understand local demography and how any changes may impact demand for local services (such housing and school places, for example).

Priority Action: Head off community unrest – Starting the dialogue with residents early will help local authorities to understand community concerns and map local resilience. Encourage meaningful community engagement by enabling residents to be part of shaping your response to Brexit and any resulting strategies.

Priority Action: Continue business continuity and emergency planning duties – This is a significant role of local authorities and the possible impact of No Deal could be felt in many ways, for example:

- The imposition of additional/new checks on goods arriving from or going to the EU could cause traffic backlogs at UK port towns.
- In the longer term, there could be scenarios where large numbers of elderly UK citizens return from other parts of the EU.
- The economic consequences of “no deal” arising from trade and currency fluctuations could impact household and business stability. This, in turn, may lead indirectly to increased pressure on local public services and more challenging prospects for local growth.



Future growth

Priority Action: Understand points of vulnerability within your economy – Create a clear view of your local economy; including scale, strengths, weaknesses, sectors and productivity. This will assist you to understand the local exposure to Brexit by sector and intervene or offer support where necessary.

Priority Action: Identify any major growth catalysts that are at-risk – SRegeneration and major infrastructure projects could be delayed or stalled due to uncertainty on funding and/or demand assumptions – start working now to understand which projects may be at risk and consider how these risks can be managed.

Also consider: Using scenario planning to model the risk – Use scenarios to plan how your organisations would respond to different economic outcomes such as:

- The UK enters another recession
- Property market falls impacting development projects
- Foreign-owned businesses relocate outside the UK
- Reductions in FDI due to uncertainty around Single Market access

Also consider: The impact of Brexit on transport networks – Brexit will have an impact on areas of transport policy, including the haulage industry and those driving in and flying to and from Europe or travelling by train. Map your key transport networks and work with relevant partners to plan for severe delays.

WLGA Brexit Transition Support Programme

The Brexit Transition Support Programme is being managed by the Regeneration and Sustainable Development Team of the WLGA. Overall responsibility and main contact for the programme - [Lucy Sweet](mailto:Lucy.Sweet@wlga.gov.uk), WLGA Senior EU Policy and Communications Officer. Input on the activities needed under the programme have come from the WLGA's Internal Brexit Group, which brings together policy leads from each of the WLGA's teams on the issues of Brexit. These individuals are the lead contacts in WLGA for Brexit in their policy areas.

Membership as follows:

- Tim Peppin, Director of Regeneration and Sustainable Development (Tim.peppin@wlga.gov.uk)
- Lowri Gwilym, Team Manager- Europe and Regeneration (Lowri.gwilym@wlga.gov.uk)
- Lucy Sweet, Senior EU Policy and Communications Officer (Lucy.sweet@wlga.gov.uk)
- Carwyn Jones-Evans, Policy Officer - Economic Development and Regeneration (Carwyn.jonesevans@wlga.gov.uk)
- Neville Rookes, Environment Policy Officer (Neville.rookes@wlga.gov.uk)
- Chris Llewelyn, Director of Lifelong Learning, Leisure and Information (and Chief Executive Designate) (Chris.llewelyn@wlga.gov.uk)
- Jon Rae, Director of Resources (Jon.rae@wlga.gov.uk)
- Jonathan Lloyd, Head of Employment (Jonathan.lloyd@wlga.gov.uk)
- Simon Wilkinson, Regulatory Services Policy Officer (Simon.wilkinson@wlga.gov.uk)
- Anne Hubbard, Manager, Wales Strategic Migration Partnership (Anne.hubbard@wlga.gov.uk)
- Jim McKirdle, Housing Policy Officer (Jim.mckirdle@wlga.gov.uk)
- Stewart Blythe, Policy Officer- Social Services and Health (Stewart.blyth@wlga.gov.uk)
- Richard Dooner, Procurement Programme Manager (Richard.dooner@wlga.gov.uk)
- Dilwyn Jones, Communications Officer (Dilwyn.jones@wlga.gov.uk)

All the WLGA's Brexit work is overseen by the WLGA Elected Members' Brexit Group. Membership as follows:

- **Chair: Councillor Rob Stewart**, WLGA Deputy Leader and Economic Development, Europe and Energy Spokesperson
- **Labour Group: Councillor Anthony Hunt**, WLGA Finance and Resources Spokesperson
- **Plaid Cymru Group: Councillor Ellen ap Gwynn**, WLGA Welsh Language Spokesperson
- **Independent Group: Councillor Hugh Evans**, WLGA Independent Group Leader and Improvement Spokesperson
- **Conservative Group: Councillor Peter Fox**, WLGA Conservative Group Leader and Digital and Innovation Spokesperson

Local authority Brexit leads

WLGA asked all LAs to identify Brexit Leads (on the Elected Member and officer side), who have overall responsibility for Brexit in the LA. The Brexit Leads are who we target with Brexit information, for them to disseminate appropriately within their LA, and those responsible for feeding in to the WLGA on local Brexit impacts. A list of the Brexit Leads is as follows:

Local authority	Brexit member lead(s)	Brexit officer lead(s)
Blaenau Gwent	Cllr Nigel Daniels, Leader Nigel.daniels@blaenau-gwent.gov.uk	Bernadette Elias, Head of Policy and Performance Bernadette.elias@blaenau-gwent.gov.uk
Bridgend	Cllr Charles Smith, Cabinet Member for Education and Regeneration Cllr.Charles.Smith@bridgend.gov.uk Cllr Richard Young – Cabinet Member for Communities Cllr.Richard.Young@bridgend.gov.uk	Mark Shephard, Corporate Director of Communities Mark.Shephard@bridgend.gov.uk Lisa Jones – Team Leader Regeneration Funding and Regional Engagement Lisa.Jones@bridgend.gov.uk
Caerphilly	Cllr Barbara Jones, Deputy Leader Barbarajones@caerphilly.gov.uk Cllr David Poole, Leader pooled@caerphilly.gov.uk	Steve Harris, Interim Head of Finance harrisr@caerphilly.gov.uk Paul Cooke, Senior Policy Officer cookepa@caerphilly.gov.uk
Cardiff	Cllr Huw Thomas, Leader Huw.Thomas@cardiff.gov.uk	Jon Day, Economic Policy Manager Jday@cardiff.gov.uk Gareth Newell, Policy, Partnerships and Research Manager Gnewell@cardiff.gov.uk
Carmarthenshire	Cllr Emlyn Dole, Leader EDole@carmarthenshire.gov.uk Cllr David Jenkins, Cabinet Member Resources DMJenkins@carmarthenshire.gov.uk	Mark James, Chief Executive mjames@carmarthenshire.gov.uk mwbennett@carmarthenshire.gov.uk NiJWilliams@carmarthenshire.gov.uk Wendy Walters, Director of Regeneration and Policy wswalters@carmarthenshire.gov.uk Helen Morgan, Development Manager HLMorgan@Carmarthenshire.gov.uk
Ceredigion	Cllr Ellen ap Gwynn, Leader of the Council Ellen.ApGwynn@ceredigion.gov.uk Cllr Rhodri Evans, Cabinet Member: Economy & Regeneration Rhodri.Evans2@ceredigion.gov.uk	Russell Hughes-Pickering, Head of Performance and Economy Russell.Hughes-Pickering@ceredigion.gov.uk Eifion Evans, Chief Executive eifione@ceredigion.gov.uk Mike Shaw, Group Manager Community Regeneration and European, Economic and Community Development Services Mike.shaw@ceredigion.gov.uk
Conwy	Cllr Louise Emery, Portfolio Holder Economic Development Cllr.louise.emery@conwy.gov.uk	Barbara Burchell, Principal European Officer Barbara.Burchell@conwy.gov.uk
Denbighshire	Cllr Hugh Evans, Leader leader@denbighshire.gov.uk	Graham H Boase, Corporate Director: Economy and Public Realm Graham.boase@denbighshire.gov.uk

Local authority	Brexit member lead(s)	Brexit officer lead(s)
Flintshire	CCllr Aaron Shotton, Leader Aaron.shotton@flintshire.gov.uk	Niall Waller, Enterprise and Regeneration Manager Niall.waller@flintshire.gov.uk Colin Everett, Chief Executive Chief.executive@flintshire.gov.uk
Gwynedd	Cllr Dyfrig Siencyn, Council Leader Cynghorydd.dyfrigsienecyn@gwynedd.llyw.cymru Cllr Ioan Thomas, Cabinet Member for Economic Development Cynghorydd.ioanthomas@gwynedd.llyw.cymru	Sioned Williams, Head of Economy and Community sionedewilliams@gwynedd.llyw.cymru Geraint Owen, Head of Corporate Support Geraintowen@gwynedd.llyw.cymru
Isle of Anglesey	Cllr Carwyn Jones, Major Projects and Economic Development Portfolio Holder carwyneliasjones@ynysmon.gov.uk	Dylan Williams, Head of Regulation and Economic Development DylanJWilliams@ynysmon.gov.uk
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Monmouthshire	Peter Fox, Leader Peterfox@monmouthshire.gov.uk	Cath Fallon, Head of Enterprise and Community Development cathfallon@monmouthshire.gov.uk Frances Williams – Chief Officer for Enterprise franceswilliams@monmouthshire.gov.uk
Newport	Cllr Debbie Wilcox, Leader Leaders.office@newport.gov.uk Debbie.wilcox@newport.gov.uk	Will Godfrey, Chief Executive Will.godfrey@newport.gov.uk Bev Owen, Strategic Director (Place) Beverley.owen@newport.gov.uk
Neath Port Talbot	Cllr Anthony Taylor, Deputy Leader/Cabinet Member for Transformation/WLGA Deputy Spokesperson for Europe Cllr.a.j.taylor@npt.gov.uk	Gareth Nutt, Director of Environment g.nutt@neath-porttalbot.gov.uk
Pembrokeshire	Cllr Paul Miller, Cabinet Member for Economy, Tourism, Leisure and Culture Cllr.paul.miller@pembrokeshire.gov.uk	Gwyn Evans, European Manager Gwyn.evans@pembrokeshire.gov.uk

Local authority	Brexit member lead(s)	Brexit officer lead(s)
Powys	<p>Cllr Rosemarie Harris, Leader Cllr.rosemarie.harris@powys.gov.uk</p> <p>Cllr Martin Weale, Portfolio Holder for Regeneration Cllr.martin.weale1@powys.gov.uk</p>	<p>David Powell, Acting Chief Executive David.powell@powys.gov.uk Ria.claridge@powys.gov.uk</p> <p>Lisa Griffiths, Economic and Regeneration Manager Lisa.griffiths@powys.gov.uk</p> <p>Nigel Brinn, CSP – Regeneration and Corporate Property Nigel.brinn@powys.gov.uk</p>
Rhondda Cynon Taf	<p>Cllr Rhys Lewis, Cabinet Member for Prosperity and Wellbeing Rhys.lewis@rctcbc.gov.uk</p>	<p>Derek James, Head of Regeneration and Prosperity Derek.james2@rctcbc.gov.uk</p> <p>Chris Bradshaw, Chief Executive Christopher.d.bradshaw@rhondda-cynon-taf.gov.uk</p>
Swansea	<p>Cllr Rob Stewart, Leader and WLGA Spokesperson for EU Affairs Cllr.Rob.Stewart@swansea.gov.uk</p>	<p>Ben Smith, CFO Ben.smith@swansea.gov.uk</p> <p>Paul Relf, European Funding Officer Paul.Relf@swansea.gov.uk</p>
Torfaen	<p>Cllr Anthony Hunt, Leader Anthony.Hunt@torfaen.gov.uk</p> <p>Cllr Richard Clark, Exec Member for Health, Adult Service and Wellbeing Richard.clark@torfaen.gov.uk</p>	<p>Rob Wellington, Head of European Policy and External Funding Rob.wellington@torfaen.gov.uk</p> <p>Neil Jones, Head of Communication, Engagement and Civil Contingencies 1205895@torfaen.gov.uk</p>
Vale of Glamorgan	<p>Cllr Jonathan Bird, Cabinet Member for Regeneration and Planning jbird@valeofglamorgan.gov.uk</p> <p>Cllr John Thomas, Leader JWThomas@valeofglamorgan.gov.uk</p>	<p>Huw Isaac, Head of Performance and Development Hisaac@valeofglamorgan.gov.uk</p> <p>Phil Chappell, Team Leader Economic Development prchappell@valeofglamorgan.gov.uk</p>
Wrexham	<p>Cllr Mark Pritchard, Leader leader@wrexham.gov.uk</p>	<p>Ian Bancroft, Chief Executive ian.bancroft@wrexham.gov.uk</p>

WLGA is linked in to the Welsh Government Brexit planning in several ways, which provide opportunities to feed in the outcomes of the Brexit Transition Support Programme. We are members of:

- The First Minister's EU Advisory Group (WLGA contact: Tim Peppin)
- The Welsh Government's Environment and Rural Affairs (ERA) Roundtable and its sub-groups (WLGA contacts: Tim Peppin and Neville Rookes)
- Ken Skates' EU Exit Working Group (WLGA contact: Tim Peppin)
- Welsh Government's Welsh Ports and Airports Border Planning Steering Group (WLGA contacts: Tim Peppin and Simon Wilkinson)
- Welsh Government Health and Social Care EU transition leadership group (WLGA contact: Naomi Alleyne and Tim Peppin)

Further resources, links and networks

The draft Withdrawal Agreement

[Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](#)

WLGA Brexit Events

- [Brexit event for LA Brexit Leads and Communications Managers / Senior Communications Officers](#)
- [Planning for Brexit: Economic Development Local Authority Workshop](#)
- [Brexit and Public Protection](#)
- [Brexit and the Environment](#)

<https://www.wlga.wales/resources-wlga-brexit-events>

UK Government - How to prepare if the UK leaves the EU with no deal

[Guidance on how to prepare for Brexit if there's no deal](#)

Examples of local authority preparedness

- [Cornwall](#)
- [Buckinghamshire](#)

Commons Library Briefing - Brexit timeline: events leading to the UK's exit from the European Union

- [7 November 2018](#)

Business Wales

- [Brexit Portal](#)

Data sources:

- [The University of Sheffield: UK regions and European structural and investment funds](#)
- [ONS: Estimating the value of service exports abroad from different parts of the UK](#)



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COUNCIL – 22ND JANUARY 2019

SUBJECT: CIVIL PARKING ENFORCEMENT – PROGRESS REPORT

REPORT BY: INTERIM CORPORATE DIRECTOR – COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To update Council on the progress with pursuing Civil Parking Enforcement Powers, and to seek Council's endorsement of the Cabinet Member nominations to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London.

2. SUMMARY

- 2.1 Cabinet resolved on 28 February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another, or other, local authorities for the back office notice processing and administration. Cabinet further resolved on 25 July 2018 to submit the formal application for CPE powers to Welsh Government (WG) and progress the actions necessary for implementation. The planned 'Go live' date for CPE remains the 8th April 2019 and actions are in hand to meet this target date. These are outlined in detail in section 4.2 below.
- 2.2 As part of this process a statutory and public Traffic Regulation Order consultation was undertaken on the proposal to amend the existing residents' permit parking schemes across the county borough to bring them in line with the current adopted policy. On 28 November 2018 Cabinet resolved to make the Order as advertised but with an amendment to reduce the charge from £30 to £15 per permit per annum. This Order will be made prior to taking forward the consolidation Order for CPE.

3. LINKS TO STRATEGY

- 3.1 Road safety delivery which includes CPE contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities
 - A globally responsible Wales
- a. Infrastructure Division Objective: To work towards a safer environment through positive measures to reduce road accidents and particularly by protecting and providing for vulnerable road users.
- b. CPE will contribute to the Authority's Well Being Objective 4: Promote a modern, integrated and sustainable transport system that increases opportunity, promotes prosperity and minimises the adverse impacts on the environment.

4. THE REPORT

4.1 CPE Implementation Timescale

- 4.1.1 Cabinet resolved on 28 February 2018 to adopt an implementation model for Civil Parking Enforcement (CPE) where on street enforcement is undertaken in house and to collaborate with another, or other, local authorities for the back office notice processing and administration. Cabinet further resolved on 25 July 2018 to submit the formal application for CPE powers to Welsh Government (WG) and progress the actions necessary for implementation.
- 4.1.2 The planned 'Go live' date for CPE remains the 8th April 2019 and actions are in hand to meet this target date.
- 4.1.3 The situation is common to all five local authorities in the Gwent Police service area all of whom have now decided to pursue CPE powers. However, the implementation dates vary with Monmouthshire County Council going live on the 8th April 2019, Blaenau Gwent the 30th June 2019 and Newport and Torfaen Councils on the 1st July 2019.
- 4.1.4 Gwent Police have recently confirmed that they will continue to enforce civil parking until each local authority takes over. In Caerphilly CBC's case, this is until 7th April 2019.

4.2 Key Actions for CPE Implementation

4.2.1 The following key actions were previously identified for implementation by the go live date:

- Undertake the TRO review and identify what remedial actions are necessary for CPE implementation (May – October 2018).
- Prepare and submit CPE application to WG including statutory consultation - as per the Stage 1 report section 4.6 (May 2018 – December 2018).
- Undertake remedial works to TRO lining and signing (September – December 2018).
- Prepare and process TRO consolidation order (September – December 2018).
- Negotiate back office and set up in house service (April 2018 – January 2019).
- 'Go live' (April 2019).

4.2.2 Progress with the above is as follows:

- TRO review completed.
- CPE application submitted to WG and the outcome is awaited.
- TRO remedial works are progressing well despite the high volume identified. Works are expected to be completed by March 2019.
- Preparations for the TRO consolidation order have begun and are planned to be advertised in January 2019.
- Negotiations for the back office with Rhondda Cynon Taff County Borough Council (RCTCBC) have been concluded and a Service Level Agreement agreed/signed. Set up for the in house service are in hand and on target. This service provided by RCTCBC is known as the South Wales Parking Group (SWPG).
- 'Go live' on target for the 8th April 2019.

4.3 Issues to be aware of:

- 4.3.1 Parking Enforcement Operational Policy: CCBC's enforcement protocol is being revised so that it aligns with national operational guidance for CPE, in order to maintain a consistent approach and compliance with this national framework, and also to ensure that the lowest number of Parking Contravention Notices (PCNs) are raised and cancelled. This will not only affect the way in which PCNs are issued, but also the way in which appeals are considered and determined. Examples of how this *will* affect the current service are provided below:

- At present no period of grace is allowed for vehicles parked in a free limited waiting car park. CCBC has 3 no. of these car parks that are subject to a 2-hour limited waiting, no return within 4 hours restriction. However under CPE national guidance it is recommended that a 10 minute period of grace is given.
- At present all ECNs (Excess Charge Notices) issued for failure to display a ticket or blue badge in the Council's Highway owned off street car parks are waived/cancelled if a valid ticket / blue badge is subsequently produced. This would need to change such that, for example, PCNs are only cancelled for first time offenders.

4.3.2 CPE will grant CCBC the powers to enforce on road parking including parking on double yellow lines, double parking, and parking over dropped footways (driveways), however careful consideration needs to be given to how these powers will be enacted because of the range of localised sensitivities that exist e.g. a neighbouring authority has taken the decision to enforce dropped kerbs in town centres but not driveways in residential areas as they have found that this is too contentious/difficult to resolve in a consistent manner. As such, obstructions of this nature are referred to the police for them to deal with using their existing powers of enforcement. It should also be noted that CPE will not grant CCBC the powers to deal with obstructive parking on footways and this responsibility would remain with Gwent Police. Furthermore the enforcement of all moving traffic offences e.g. prohibition of driving except for access orders, prohibition of left/right/'U' turns, one-way traffic systems, weight limits and speed limits will reside with Gwent Police.

4.3.3 Resident Permit Parking Policy: Consideration has been given to the existing residents' only permit parking schemes in Abercarn, Bargoed, Blackwood, Caerphilly, Risca, Newbridge, Rhymney and Ystrad Mynach. Since their inception, the existing schemes have operated under differing criteria. In order to ensure consistency and equality across the County, and to ensure effective enforcement can be carried out, it was considered necessary to bring all existing schemes in line with the Council's approved resident permit parking policy. A statutory and public Traffic Regulation Order consultation was undertaken on the proposal to amend the existing residents' permit parking schemes across the county borough through the implementation of the following changes:

- a) A charge of £30 per permit per annum.
- b) A maximum of two permits per qualifying property can be issued, of which one permit can be designated as a visitor permit.
- c) To allow the issue of business permits where considered appropriate and supported by ward members (at a charge of £75 per permit per annum).

4.3.4 On 28 November 2018 Cabinet resolved to make the Order as advertised but with an amendment to reduce the charge to £15 per permit per annum.

4.3.5 Civil Enforcement Officer (CEO) dual role: Members expressed a clear wish that the CEOs have a dual role in that they enforce other aspects of street scene management such as litter dropping and dog fouling. In order to fulfil this role a change to the scheme of delegation under the Council's constitution is required, as set out in section 8.1 below.

4.3.6 Publicity: a communications strategy has been developed and implemented to ensure a clear and concise message is conveyed to the public on the approach that will be implemented and the timeframes involved. The proposals to change the parking enforcement regime and introduce CPE powers have been widely publicised via a variety of media channels, including articles in the September and December issues of Newsline around the new 'ParkSmart' logo. Further information will be issued in advance of the 'Go live' date to give road users plenty of forewarning before enforcement begins.

4.3.7 Collaboration: all five Gwent local authorities have reached an agreement with RCT CBC for them to provide the notice processing and administration back office. RCT have been providing this service for approximately 6 years and have the relevant experienced staff and

systems established. Officers of the Council are also in discussions with Officers of Blaenau Gwent CBC with a view to managing their CEOs and service provision. In addition, discussions will continue to be held between all the "Gwent" Authorities for a collaborative approach to CPE when local pressures arise (e.g. at events).

- 4.3.8 PCN payments: a PCN can be paid on-line (debit & credit card), by telephone (debit & credit card), or by post (cheque or postal order) using the envelope provided with the PCN.
- 4.3.9 There are well known areas where enforcement needs to be targeted such as busy town centres, outside schools during start and finish times, etc. There will be the opportunity for members to provide the Traffic Management team with local intelligence to assist in enforcing local hot spot areas that are of concern.
- 4.3.10 The Authority is currently in the process of recruiting an additional 5.5 full time equivalent staff to its new CPE team. These staff will be designated as Civil Enforcement Officers and are additional to the complement of 2.5 staff that currently carry out parking enforcement activities in the Authority's car parks. The full team of 8 staff will then carry out the full range of civil parking enforcement duties (car parks and on street) as outlined in 4.3.2 above.
- 4.3.11 The Authority is currently experiencing a significant level of on-street parking contraventions in its town centres and once the 'go live' date of 8th April 2018 is reached then priority will be given to enforcement in town centres. In addition, local members will be invited to share their ward intelligence so that targeted enforcement across council wards can also be progressed.
- 4.3.12 As outlined in 4.3.5 above, the CEO's will also be authorised to deal with littering and dog fouling via the issuing of fixed penalty notices although it should be noted that their main focus will be targeting parking contraventions and that the other street scene enforcement authorisations will be in place to complement activities carried out by the enforcement staff within the public protection service.

4.4 Formal Resolutions

- 4.4.1 As a requirement of taking on CPE powers, on 25 July 2018 Cabinet endorsed and nominated to Council that the Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations and as substitute the Cabinet Member for the Environment and Public Protection be the Representatives appointed to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This proposal contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:
- 5.2 Long term resourcing of operation and management solutions of this specialised service provision allows for more effective and predictable resource/ financial commitments going forward.
- 5.3 Taking direct control of CPE enables CCBC to increase prevention of parking disruption and congestion in conurbations contributing to the well-being of its communities.
- 5.4 It forms part of an overall strategy integrating the traffic management of local roads to regional transport systems on which public transport, private users, cyclists and walking networks can operate.

5.5 Collaboration with other organisations and local authorities enables a more effective and efficient service delivery.

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 There are no financial implications arising from this report.

7.2 As set out in the Stage 1 report, the estimated cost for implementing the model approved under the Cabinet resolution (Model B2) is £487,000. This includes the TRO review (£115,000 – updated tender figure), signs and lines remedial works of £300,000 and set up costs of £72,000. There is also an additional £24,000 for the purchase of the specialist Parkmap mapping software for managing TROs and the notice processing. This brings the overall estimated total for implementation to £511,000.

7.3 Funding of £371,000 has previously been approved from the Sirhowy Enterprise Way (SEW) reserve to allow the implementation process to be undertaken with the remaining balance of £140k being funded from the Communities Directorate reserve.

7.4 The feasibility study (Stage 1 report) identified that the estimated income from PCNs would result in an operational deficit of approximately £17,000 for the first year and an annual operational surplus from year two that would cover all operational costs for CPE. After five years the cumulative operational surplus generated would be approximately £58,000. This assessment calculates the annual operational costs over the first five years of operation to vary between £215-245k with the number of PCNs issued annually varying between 10,000 and 11,250. Any surpluses are to be ring fenced to reinvest in CPE activities and other provisions in accordance with the requirements detailed within Section 55 (as amended) of the Road Traffic Regulation Act 1984.

8. PERSONNEL IMPLICATIONS

8.1 In order to undertake the new CEO dual role (as identified in para 4.3.5), the existing scheme of delegations under Part 3 of the Council's constitution 'Responsibility for functions' (amended May 2018) will need to be amended accordingly. Specifically:

P34 & 35 (f) Environment function

- Pollution Control (including noise, litter and illicit tipping, air and water quality, contaminated land)
- Public Health (including infectious diseases, statutory nuisance, sewer/drains, health promotion/education).

Action: add Civil Enforcement Officer under 'Delegation'.

8.2 With CCBC directly managing enforcement, a slightly enlarged parking management structure will be required, including an additional 5.5 full time equivalent (FTE) CEOs providing a total compliment of 8 FTE CEOs. The job descriptions of the CEOs and management staff have been reviewed and the necessary recruitment ongoing. All staff costs have been built in to the operating costs identified in the original business case previously reported.

9. CONSULTATIONS

9.1 All responses from consultations have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 Members are asked to note the contents of this report and consider the following recommendation:
- 10.2 To endorse the Cabinet nominations for the Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations and as substitute the Cabinet Member for the Environment and Public Protection be the Representatives appointed to stand on the Joint Committee of England and Wales for the Civil Enforcement of Parking and Traffic Regulations outside London, which oversees the adjudication service known as the Traffic Penalty Tribunal (TPT).
- 10.3 The Head of Legal Services/Monitoring Officer is authorised to change the scheme of delegations under Part 3 of the Council's constitution as set out in 8.1 above.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To allow Officers to progress the transfer of powers for CPE and to ensure its implementation on 8th April 2019.

12. STATUTORY POWER

- 12.1 The following enabling statutory powers apply to the decision under consideration.
- Traffic Management Act 2004.
 - The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Approved Devices) (Wales) Order 2013.
 - The Civil Enforcement of Road Traffic Contraventions (Guidelines on Levels of Charges) (Wales) Order 2013.

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Consultees: Cllr. Sean Morgan – Deputy Leader and Cabinet Member for Economy, Infrastructure, Sustainability and Well-being of Future Generations
Cllr. Eluned Stenner – Cabinet Member for Environment and Public Protection
Mark S Williams – Interim Corporate Director of Communities
Robert Tranter – Head of Legal Services and Monitoring Officer
Nicole Scammell – Head of Corporate Finance and S151 Officer
Marcus Lloyd – Head of Infrastructure
Robert Hartshorn – Head of Public Protection, Community & Leisure Services
Richard Crane – Principal Solicitor
Mike Eedy – Finance Manager
Shaun Watkins – Principal Personnel Officer
Anwen Cullinane – Senior Policy Officer – Equalities and Welsh Language
Kathryn Peters - Corporate Policy Manager
Dean Smith – Principal Engineer (Traffic Management)
Ceri Edwards – Environmental Health Manager

Background Papers:

Review of the Resident Permit Parking Policy report to Cabinet 31 July 2012

Decriminalisation of Parking – Stage 1 report to Regeneration and Environment Scrutiny committee – 12 December 2017

Decriminalisation of Parking – Stage 2 Report o Regeneration and Environment Scrutiny Committee 26 June 2018

Decriminalisation of Parking – Residents' Parking Amendment Order 2018 – Cabinet 28 November 2018

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COUNCIL – 22ND JANUARY 2019

SUBJECT: COUNCIL TAX REDUCTION SCHEME 2019/20

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

1.1 To seek Council approval of the Council Tax Reduction Scheme for the 2019/20 financial year.

2. SUMMARY

2.1 The report recommends continuing to operate a Council Tax Reduction Scheme for the 2019/20 financial year on the same basis as the scheme used in 2018/19.

3. LINKS TO STRATEGY

3.1 The payment of Council Tax Reduction is a key element of the Council's anti-poverty strategy and a significant source of funding.

3.2 The revenue raised through Council Tax is a key element in setting a balanced budget which in turn supports 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 Members will recall that Council Tax Benefit was abolished in April 2013 and replaced by the Council Tax Reduction Scheme.

4.2 On the 29th January 2013, Council adopted the Council Tax Reduction Scheme for 2013/14 in accordance with the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012. The Welsh Government put a sunset clause in those regulations which meant that they became invalid after the 31st March 2014.

- 4.3 On the 28th January 2014, Council adopted a Council Tax Reduction Scheme for 2014/15 (its local scheme) in accordance with the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2014. These regulations prescribe the main features of the scheme to be adopted by all Councils in Wales and allow for some limited local discretions. The scheme provides for claimants to receive a reduction of up to 100% of their Council Tax bill in certain circumstances. The same arrangements were adopted for 2015/16, 2016/17, 2017/18 and 2018/19.
- 4.4 The Council is required to formally approve a Council Tax Reduction Scheme on an annual basis. The Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2019 have now been agreed and these apply in relation to a Council Tax Reduction Scheme made for a financial year beginning on or after the 1st April 2019. The regulations uprate certain figures used to calculate an applicant's entitlement to a reduction under a Council Tax Reduction Scheme, and the subsequent level of reduction. It also makes consequential amendments as a result of changes to the wider welfare system.
- 4.5 As the 2019 regulations do not contain any significant changes for claimants, it is proposed that the Council continues its local scheme in line with the regulations as recently amended for the financial year 2019/20, effective from the 1st April 2019, and continues to exercise the previously approved local discretions as provided for within Part 5 of the Prescribed Requirements Regulations: -

Discretion	Discretion to be adopted by CCBC
The ability to increase the standard extended reduction period of 4 weeks given to persons who have ceased to receive qualifying benefits after they return to work, where they have previously been receiving a Council Tax reduction that is to end as a result of their return to work.	<p><u>Pensioners</u> The standard period of 4 weeks specified in paragraph (33) Schedule 1 will apply, and</p> <p><u>Non-Pensioners</u> The standard period of 4 weeks specified in paragraphs (35) and (40) Schedule 6 will apply.</p>
The ability to backdate the application of Council Tax reduction for periods longer than the new standard period of 3 months before the claim is made.	<p><u>Pensioners</u> The standard period of 3 months specified in paragraph (3) Schedule 13 will apply, and</p> <p><u>Non-Pensioners</u> The standard period of 3 months specified in paragraph (4) Schedule 13 will apply.</p>
Discretion to disregard more than the statutory weekly amount of £10 of income received in respect of War Disablement Pensions and War Widow's Pensions (disregarded when calculating the income of the applicant).	<p><u>Pensioners</u> The total value of any pension specified in paragraphs 1(a) and 1(b) Schedule 4 will be disregarded, and</p> <p><u>Non-Pensioners</u> The total value of any pension specified in paragraphs 20(a) and 20(b) Schedule 9 will be disregarded.</p>
Discretion to provide more than the minimum information prescribed in the Prescribed Requirements Regulations when issuing notification of decisions of an award of Council Tax Reduction.	To supplement the minimum requirements specified in the Prescribed Requirements Regulations, where appropriate.

- 4.6 The provisional 2019/20 budget for the Council Tax Reduction Scheme totals £13,788,308.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The revenue raised through Council Tax supports effective financial planning which 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 Equalities Impact Assessment has previously been carried out for the Council Tax Reduction Scheme. As the proposed Scheme for 2018/19 has no significant changes from previous years, a further impact assessment will not be required at this time.

7. FINANCIAL IMPLICATIONS

- 7.1 Funding for the Council Tax Reduction Scheme was transferred into the Revenue Support Grant (RSG) in the 2013/14 financial year.
- 7.2 The Welsh Government has confirmed its commitment to a fully funded Council Tax Reduction Scheme to the 31st March 2020. There is currently no firm commitment beyond this date.

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 It is recommended that the current Council Tax Reduction Scheme should continue for the 2018/20 financial year along with the previously agreed local discretions.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 Council is required annually to adopt a Council Tax Reduction Scheme and local discretions.

12. STATUTORY POWER

- 12.1 Local Government Finance Act 1992 and regulations made under the Act.
- 12.2 Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2012 and the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) Regulations 2014 (as amended).

Author: Nicole Scammell, Head of Corporate Finance & Section 151 Officer
Consultees: Amanda Main, Housing & Council Tax Benefits Manager
Rob Tranter, Head of Legal Services and Monitoring Officer
Richard (Ed) Edmunds, Corporate Director for Education & Corporate Services
Cllr. Barbara Jones, County Councillor (St. James) Deputy Leader and Cabinet Member for Finance, Performance and Governance

Background Papers:

- Council Report 29th January 2013 – Adoption of a Council Tax Reduction Scheme
- Council Report 28th January 2014 – Council Tax Reduction Scheme 2014/15
- Special Council Report 25th February 2015 – Council Tax Resolution 2015/16 and Council Tax Reduction Scheme
- Special Council Report 24th February 2016 – Council Tax Resolution 2016/17 and Council Tax Reduction Scheme
- Council Report 24th January 2017 – Council Tax Reduction Scheme 2017/18



COUNCIL – 22ND JANUARY 2019

SUBJECT: CAERPHILLY COUNTY BOROUGH COUNCIL RESPONSE TO THE REFORM OF FIRE AND RESCUE AUTHORITIES WHITE PAPER

REPORT BY: INTERIM CHIEF EXECUTIVE

1. PURPOSE OF REPORT

- 1.1 To seek Council approval for the proposed Caerphilly County Borough Council response to the consultation on the Welsh Government White Paper: 'Reform of Fire and Rescue Authorities in Wales'.

2. SUMMARY

- 2.1 This report sets out a proposed Caerphilly County Borough Council response to the consultation on the Welsh Government White Paper, full title: "Reform of Fire and Rescue Authorities in Wales - Consultation on reform of the Fire and Rescue Authorities in Wales' governance and funding arrangements".
- 2.2 The White Paper seeks the views of the local authority on matters covering accountability and scrutiny, innovation and change, resourcing, membership, performance management, and sustaining front line services.

3. LINKS TO STRATEGY

- 3.1 The White Paper sets out the former Cabinet Secretary for Local Government and Public Services vision for reform to the governance and funding arrangements of Fire and Rescue Authorities. Welsh Government have referenced the Well-being of Future Generations (Wales) Act 2015 within the paper in respect of developing one set of performance reporting, aligned to the service's Well-being Objectives and statutory requirements.

4. THE REPORT

- 4.1 Welsh Government published the White Paper: 'Reform of Fire and Rescue Authorities in Wales' on the 13th of November 2018. The paper seeks view on proposals to amend the structure, performance and funding arrangement for Fire and Rescue Authorities.
- 4.2 The White Paper (hyperlinked at Background Papers) sets out Welsh Governments case for change to modernise Fire and Rescue Authorities based upon the following views:
- Fire and Rescue Authorities (FRAs) are not accountable to any other tier of government, or to the electorate, for their plans or delivery of them.
 - There is no external control, or adequate scrutiny, of FRA budgets.

- The current arrangements will not adequately support FRA's in the future to effectively plan and fund their services in the context of the changing environment in which they will be delivering their services. This includes a widening of their role to include support for other public services, the impact for FRAs on the change in demographics (for instance the risks and challenges of an ageing population living independently) and continued austerity.

The consultation explores a range of options to:

- Change the current membership of FRAs so that members are accountable to their electorate and/or to the Welsh Government
- Improve scrutiny of FRAs' decision making including the setting of their budgets
- Introduce a new funding mechanism for FRAs which could sustain the widening of their role to support other public services

- 4.3 There are a number of points that have been made in the response appended that relate to the themes above. The paper proposes reform to financial and democratic accountability and performance management that the response appended is in support of. However other proposals are not supported. In summary, responses to themes are set out below.
- 4.4 The proposals to **reform the structure and membership** of FRAs by reducing the nominated Councillor representation from three members, with political balance, to a single Cabinet Member is strongly rejected for the reasons set out in the response i.e. the insufficient capacity of a single Cabinet Member, the skills and abilities of backbench elected members should not be devalued, and the increased cost of increasing the size of Cabinet by one member, as proposed in the White Paper. The White Paper also suggests that Welsh Government should elect non-executive members to FRAs to provide challenge, this would equate to 25% of the membership. The proposed response appended rejects this view due to the fact that Welsh Government does not have the link back to local democracy to elect members to FRA's, that technical expertise should come from the officers of the service itself and that FRA's are already able to co-opt external support if required.
- 4.5 The response supports the success of the South Wales Fire and Rescue Service in reducing the number of fires attended, reductions in the number of fatalities, reductions in dwelling fires etc. against the backdrop of increasing threats such as more vehicles on our roads, and issues such as greater urban development. It recognises the **evolving role of the service** in educating communities and businesses in fire safety. In particular it supports the continuing evolution of the service to support the rest of the public sector, notably supporting vulnerable people to live safely at home and support for the NHS and Wales Ambulance Trust in acting as first responders. However the response suggests that Welsh Government should work to remove factors that are delaying this continued evolution of the role of fire officers. Particularly the ability to administer basic life support when first at scene.
- 4.6 The White Paper suggests that **innovation and change** have happened within Fire and Rescue Services in Wales but that innovation has not been properly scrutinised and that there is no accountability back to electorates. It suggests that Fire and Rescue Services should be accountable to Welsh Government, as the Welsh NHS is. The response appended disagrees that there is no **accountability back to local democracy** and that Caerphilly elected members who sit on the FRA are there in a capacity that represents the whole of the authority. However a suggestion is made that the business and performance of the Fire and Rescue Service should be more visible to the local authority. This is supported, the proposed response suggests that there should be reporting to Scrutiny and/or Council on objective setting, planning, performance and accountability. The response supports the view that the size and boundaries of fire services is correct and does not support the transfer of the service to Police and Crime Commissioners.

- 4.7 In respect of the **future funding** of the service the White Paper suggests that there is no accountability for budget setting and that the FRA has sole control over budgets set. The proposed response partially agrees with this and suggests that the annual budget is either agreed with the local authority or that a precept system is introduced such that the annual precept is directly understood by local residents and that the local authority administers the system in the same way as the policing precept. The precept option is favoured by the fire service and by the local authority in the proposed response.
- 4.8 The **performance reporting** of the service currently follows the same framework as the local authority under the Local Government (Wales) Measure 2009. The White Paper suggests that this is a system designed for local authorities and is not proportionate for fire and rescue services. It suggests that the National Framework for Fire and Rescue Services, the statutory duties placed on them and the requirement to set Well-being Objectives should form the framework against which the performance and effectiveness of service are judged. The proposed response appended to this report agrees with this and further supports that it should be the role of the FRA to deliver the service, not the Chief Fire Officer, in the same way that it is Council that is responsible for delivering local authority services.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The White Paper references the Well-being of Future Generations (Wales) Act 2015 and specifically relates the setting of Well-being Objectives by the fire service, in response to the needs of local communities, as an important factor in determining any new performance accountability arrangements.
- 5.2 The South Wales Fire and Rescue Authority sit as members of the Caerphilly Public Services Board.

6. EQUALITIES IMPLICATIONS

- 6.1 The White Paper was not accompanied by the Equalities Impact Assessment undertaken by Welsh Government. No comments are therefore made on issues affecting protected characteristics.

7. FINANCIAL IMPLICATIONS

- 7.1 There are financial implications in respect of the options for future funding for Fire and Rescue Services within the consultation. The views of the authority are set out in the responses to Questions 13 and 14 within Appendix 1.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications in this report.

9. CONSULTATIONS

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

10. RECOMMENDATIONS

- 10.1 That Council endorse the proposed response to the consultation on the Welsh Government White Paper: "Reform of Fire and Rescue Authorities in Wales - Consultation on reform of the Fire and Rescue Authorities in Wales' governance and funding arrangements".

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To enable officers to submit a response to the Welsh Government's consultation by the 5th February 2019.

12. STATUTORY POWER

- 12.1 Fire and Rescue Authority Members are appointed by the county borough council, proportionate to the number of registered local authority electors, in accordance with The South Wales Fire Services (Combination Scheme) Order 1995.

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Consultees: Christina HARRY, Interim Chief Executive
Cllr David Poole, Leader
Cllr Colin Mann
Cllr Kevin Etheridge
Richard Edmunds, Corporate Director for Education and Corporate Services
Stephen Harris, Interim Head of Business Improvement Services
Robert Tranter, Head of Legal Services/ Monitoring Officer
Nicole Scammel, Head of Corporate Finance and Section 151 Officer
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)

Background Papers:

White Paper- Reform of Fire and Rescue Authorities in Wales

<https://beta.gov.wales/sites/default/files/consultations/2018-11/181112-reform-of-fire-and-rescue-authorities-in-wales.pdf>

Appendices:

Appendix 1 Proposed Caerphilly County Borough Council Consultation Response

Question 1: Do you agree the objectives for reform are appropriate and important?

We agree that some aspects of the governance and accountability of Fire and Rescue Services in Wales require a degree of reform in respect of financial accountability and the modernisation of performance and accountability requirements. However, we do not agree that the structure of Fire and Rescue Authorities, in terms of their political membership and leadership, should be altered for the reasons set out later in this response.

There are issues facing the service that could have been examined more fully, particularly the inability of fire and rescue services in Wales to secure greater diversification related to current discussions at the National Joint Council. The increasing role in supporting the nation's counter-terrorism response could also have been expressly considered.

Question 2: Are there other objectives that the reform programme should pursue?

We are fully supportive of the changing role of the South Wales Fire and Rescue Service and its preventative agenda. The reduction in fires is a direct consequence of the dedication and expertise of fire service staff in advising business and communities on fire prevention. Likewise we consider the evolving role of fire officers in securing the health and wellbeing of communities by supporting other statutory public services, to be a natural extension of this remit. In particular, the role to support other emergency services by acting as first responders and the invaluable role that fire officers are able to perform in the community by supporting our most vulnerable residents to remain safe and well in their homes. These new and evolving roles have been proven through research to have significant cost benefits. This changing role should be supported and nurtured since it is only through working as one public service that we can hope to achieve the best outcomes for our communities in the wider context of increasingly challenging financial times.

Now is the time to change the support mechanisms needed to enable our fire services to continue to develop this important aspect of their evolving role.

We would like to see more openness and transparency between the Fire and Rescue Authority and the Local Authority. For example, the link between local delivery and democratic accountability could be strengthened. Fire Authority members are nominated by the Council however the service does not currently report back in any formal way. We would like to see fire service reporting progress against their strategic objectives, finance and performance as an item that is examined by Council and/or Scrutiny on a periodic basis.

Question 3: Do you agree that FRAs should remain as separate and distinct entities, with the same boundaries as now?

Yes we agree that it would be a backward step to align fire services to local authorities. The increasingly technical aspects of the service require critical mass to allow the necessary expertise to safeguard our communities. Technological advances can be best employed by larger organisations. Fragmenting or disaggregating the service would risk losing the advantages gained since 1996. A single service in Wales would be too detached from local communities and local democracy.

We agree that the boundaries should remain as they are although we do consider that it can be difficult for fire services to operate over several health board and police force boundaries. For example, servicing 9 Public Services Boards in the South Wales Fire and Rescue Service area must be a challenge. Despite this we have always found engagement at a strategic and operational officer level to be extremely good.

We would caution against any reorganisation on a different footprint without a very clear line of sight between costs vs benefits. The 'footprint' in the Gwent region covers five local authorities and we do not believe that this would offer the scale and resilience needed for a modern fire and rescue service. The current coverage over ten local authorities seems both appropriate and sustainable.

Question 4: Do you agree that transferring control of fire and rescue services to Police and Crime Commissioners or local authorities would not be appropriate?

We agree with this statement and believed that this line of accountability had already been discounted. Police and Crime Commissioners are non-devolved, therefore it would introduce another level of structure in Wales to transfer control in this direction. Police and Crime Commissioners have a difficult job in undertaking the commissioning of effective policing services when crime patterns are changing and finances are increasingly challenging. Police and Crime Commissioners should not be distracted from their remit. Likewise Fire and Rescue Services should be left to determine their own strategic direction. While they are both emergency services, that already work very closely together, we cannot see any benefit in introducing one governance structure.

Please see our response above in respect of local authority control. Disaggregating the service to local authority level would fragment the capacity in staffing, technical capability and risk modelling expertise.

Question 5: Do you agree that there are legitimate but limited national interests in the Service that need to be reflected in its governance arrangements?

Yes we agree that there are limited national interests that could be reflected in reform. The status of the National Framework could be strengthened but we are not aware that any services in Wales are currently failing to follow it.

We believe the Fire and Rescue Services should be able to determine their own strategic direction based upon the risk factors in their communities in terms of demographics, geography and the types of building/facilities/installations that are within their area. They should be able to determine their own plans and budgets, subject to the considerations we explain in further detail below, and they should be able to set their performance and outcome measures in collaboration with the other services in Wales. We believe that the current support and intervention protocol allows Welsh Government the assurance it needs and that our services are operating effectively. Wales does not have the HMICFRS as in England, but the combination of the independent Chief Fire and Rescue Advisor, WAO oversight, the National Framework, self-assessment and Improvement/Well-being Objective setting should be sufficient to ensure the best service possible.

Question 6: Do you agree that local authorities should continue to nominate FRA members?

Yes, we strongly agree with this proposal. Further we do not think that the current system requires reform. This authority nominates three members, with political balance, all of whom have developed knowledge and expertise in their role. As one of the larger local authorities covered by the South Wales Fire and Rescue Service we believe that reducing this number would prejudice our local residents who would be affected inequitably should the option of one member per local authority area be pursued. We entirely disagree with the assertion in the White Paper that 'backbenchers' do not have the required expertise and capacity to carry out their role effectively. Members sit on several Fire Authority committees and have provided a dedicated scrutiny role in carrying out this function on behalf of the local authority. Local authority elected members come from a wide range of backgrounds with a wide range of skills. Members are selected based upon what they may bring to the Fire Authority and how they could enhance the process. We do not subscribe to the view that being a 'backbencher' indicates that someone is less valuable than a Cabinet Member. Indeed skills may be present in elected members that are not required for a Cabinet role but are valuable to Fire Authorities.

We believe that the local authority should continue to nominate three members as it does now. We believe that the level of commitment required to support the business of the Fire and Rescue Authority requires this number of elected members as we fail to see how a single member would have the capacity to undertake the role. Many of our members are also employed and because of this they would not have the ability to take on the role single handed. The benefit of drawing on their expertise in other roles, which may be directly related to their employment, is of benefit to both the local authority and the fire authority. This proposal devalues the essential role that our elected members play in ensuring the democratic accountability of the communities they serve and negates the fact that they are representing the whole authority when they sit on the Fire Authority and not their own constituencies. Views on issues that affect locality service such as station closure are gathered, or should be gathered, through effective public consultation. Our Elected Members do not sit on the Fire and Rescue Authority to represent their own communities. We are very clear that we do not want the current arrangement, i.e. the nomination of the three Elected Members to alter. If concerns exist over the level of consistency provided through the role of Elected Members we suggest that a development programme is introduced across Wales via the Welsh Government. However we would like to point out that Elected Members already receive extensive training on effective scrutiny. We fail to see why Fire Authority members should be required to prove a level of qualification, or experience, that is not a requirement of any other democratically elected role. It is our assumption that Welsh Government places a similar value on its Assembly Members, whether they sit in Cabinet or not.

Question 7: Do you agree that local authorities should nominate one FRA member each, drawn from their cabinets?

We do not think that it requires a Cabinet Member to conduct this role. Cabinet Members have significant portfolios within the Local Authority. Asking a Cabinet Member to also effectively discharge the local authority responsibility to the Fire Authority alongside their responsibility to local authority services is too big an 'ask' for both organisations. Given the importance of the fire authority role a Cabinet Member is likely to be highly distracted from local authority business and hence this brings into question what possible value could elevating the role to a Cabinet Member have other than to answer the White Paper's assertion that backbenchers are incapable? This is an invalid argument in the view of this

local authority and we believe Elected Members who do not sit in Cabinet can be equally as capable with skills in different areas.

It is possible that level of seniority could be increased, if this is the concern, by requiring that the Chair of an appropriate Scrutiny Committee is one of the nominated members. However, we maintain our view that the best person for the job should be the overriding decisive factor.

We believe that Welsh Government should also have some regard to political bias. A single member from each local authority in the South Wales Fire and Rescue Service area would result in a Fire Authority heavily dominated by one political party. A balance of political views is required to effect proper scrutiny. We maintain that the number of Fire Authority members should reflect the populations of the authorities the service covers. An unfair and inequitable structure, as proposed, would result in unequal and unproportioned voting ability.

Question 8: Do you believe any changes are needed to the law on the size and remuneration of council cabinets, to allow their members also to serve on FRAs?

No, we don't not believe that the size of local authority Cabinets should increase to fulfil this role. Neither do we believe that remuneration of Cabinet Members should be increased. There is a cost to our local taxpayers in increasing the size of the Cabinet. This authority has already taken the decision to reduce the size of its Cabinet through the current administration to reduce the financial costs of democracy to local council tax payers. We believe that we have the correct balance for the senior executive and the role they undertake for the local authority. Increasing the number of Cabinet Members would increase the overall costs of Cabinet. Remuneration through special responsibility allowance is more appropriate for Elected Members who take on this role alongside their constituency and local authority scrutiny functions. This system is far more cost effective.

Question 9: Do you agree that FRAs should also have non-executive members?

No, we do not agree. If funding continues to be generated through local authorities, as we explain below, then it is not appropriate that Welsh Government have a role in selecting non-executive members. The link back to local democracy must be maintained.

We are not sure what capacity a non-executive member could add. Given the proposed 25% this would equate to 2.5 members if the one Elected Member per local authority option were progressed. The role of the Fire and Rescue Authority is to hold the Fire and Rescue Service to account not manage or run the service. The necessary expertise be that financial, legal or technical should come from the officers of the service itself not the Fire Authority Members. Fire and Rescue Authorities are able to co-opt in expertise if they feel this is necessary.

Appointing non-executive persons to Fire and Rescue Authorities would increase the cost of scrutiny further.

Question 10: Who should appoint non-executive members of FRAs?

Please see above. This is not an appropriate role for Welsh Government who are removed from the direct relationship with local communities. We do not believe that individuals nominated by Welsh Government will have the expertise required to operate public services.

Question 11: Do you agree that, in the longer term, responsibility for the service should vest in a statutory Chief Fire Officer, with FRAs fulfilling a scrutiny and oversight role? If so, would that require any change to membership arrangements?

We believe that the Fire and Rescue Authority should hold the responsibility for delivering the service in a similar way that the local authority is responsible for delivering services. And that the responsibility of the Fire Authority Members should be to hold the service to account. This should not entail any changes to membership arrangements as we still believe that nominated Elected Members are in the best position to scrutinise the planning and performance of the service.

Vesting statutory responsibilities in a Chief Fire Officer risks separating the responsibility for delivering the service from accountability e.g. that person would be expected to deliver, but budgets would be set by the Fire and Rescue Authority. We cannot think of any arrangement of this type in the public sector.

Question 12: Do you have any other proposals for how to reform FRA governance which meet the criteria in Chapters 1 and 2?

No.

Question 13: Do you agree that FRAs and local authorities should agree the level of FRA funding each year, with a reserve arbitration power for the Welsh Ministers?

Yes, we believe this could be a sensible step forward. As explained above we would like to see the planning and performance of the Fire Service more readily discussed and available at local authority Council and Scrutiny. Should the option for funding by precept not progress we would also like an enhanced ability to agree the levy through assurance that the service is delivering on behalf of our residents, businesses and communities. The democratic link could be strengthened.

Question 14: Do you agree that, in the longer term, FRAs should have powers to set a council tax precept, with the balance of their funding from Welsh Government grants?

We would have some significant concerns if the service were to become wholly or partly reliable on funding direct from Welsh Government. The thrust of the White Paper seems to devalue the service and suggest that it is long overdue for modernisation. We do not subscribe to this view and regard the service as a high performing risk based organisation that has secured impressive safety levels in our communities against increasing threats. Local accountability is better served by a model that continues to involve local communities in assurance that a good level of service is provided for local tax payers.

A precept would seem a sensible move forward. This would ensure that there was direct communication with our local residents who would receive information annually on how the service was performing against the investment in it, in exactly the same way that the policing precept is administered by the local authority now.

Question 15: Do you have any other proposals for how to reform FRA funding which meet the criteria in Chapters 1 and 2?

The changing role of the service should be considered in respect of the funding mechanisms. If the role of fire officers is to continue to evolve, particularly through providing support to overstretched health services, then there must be a mechanism to fund this enhanced role. The Scottish Fire Service has been able to add capacity to community health provision by increasing the salaries paid to fire officers. This is not possible in Wales due to the limits on increases. This is hampering the ability for Fire and Rescue Services to develop this capacity. It is our opinion that Welsh Government should look more closely at this blockage if it wishes to assist services in minimising the burden on the Welsh NHS and Ambulance Trust, possibly through reallocating health funding directly to Fire and Rescue Services.

Question 16: Do you agree that the performance management system for FRAs should be grounded in the National Framework for Fire and Rescue Services?

Yes, we agree that the Local Government Measure is not an appropriate way to measure the performance of Fire and Rescue Services. It is our view that the National Framework, the statutory responsibilities placed on fire and rescue services, combined with the requirement to develop Well-being Objectives, which take account of their local situations, is a better option. We do believe that a data set that allows benchmarking with the other services in Wales and similar services in England should be maintained. However, it is impossible to measure prevention in numbers, other outcome measures must be developed to monitor this important evolution of the service.

Welsh Ministers should continue to report on the National Framework on a two yearly cycle.

Question 17: Do you agree with the need for such a system to give FRAs flexibility on planning and reporting cycles, and on the sources of information about performance that they use?

Yes, we agree with this. It is important to record outcomes for local communities and not what can be measured. Fire Services themselves are best placed to determine their measures and reporting, including frequency of reporting, in collaboration with each other and through the National Framework, subject to the scrutiny of the Fire and Rescue Authority.

Question 18: Do you agree that the Welsh Ministers should retain their duty to report to the Assembly about delivery of the Framework, and their powers of intervention?

Yes, we believe that this will still be required.

Question 19: We would like to know your views on the effects that the policy proposals would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No comment.

Question 20: Please also explain how you believe the policy proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No comment.

Question 21: We have asked a number of specific questions about FRA governance, finance and performance management. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

No comment.

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