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Date: 10th November 2021

This meeting will be recorded and made available to view via the Council's website, except for discussions involving confidential or exempt items. Therefore the images/audio of those individuals speaking will be publicly available to all via the recording on the Council website at www.caerphilly.gov.uk

You are welcome to use Welsh at the meeting, a minimum notice period of 3 working days is required should you wish to do so.

Dear Sir/Madam,

A digital meeting of **Council** will be held via Microsoft Teams on **Tuesday, 16th November, 2021 at 5.00 pm** to consider the matters contained in the following agenda.

Yours faithfully,

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

Christina Harrhy
CHIEF EXECUTIVE

AGENDA

Pages

- 1 To receive apologies for absence.
- 2 Mayor's Announcements.
- 3 To receive petitions under Rule of Procedure 28(3).
- 4 Presentation of Awards.

A greener place Man gwyrddach



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 5th October 2021. 1 - 16
- 7 Special Council held on 14th October 2021. 17 - 20
- 8 To receive and to answer questions received under Rule of Procedure 10(2).
Question to the Leader of Council from Councillor G. Simmonds

To ask the Leader of Council, what sanctions are available to the Leader, the Cabinet and Council, where public servants in the employ of Caerphilly County Borough Council are shown to have acted outside the approved policy or strategy of the Authority.

Below you will find section from the Code of Conduct for Public Servants, and their responsibilities to Council and all Councillors.

CODE OF CONDUCT FOR EMPLOYEEES

Version: Version 1 – February 2006 (revised November 2014) Policy Ratified by: Human Resources Date: July 2004 Revised February 2006 Revised June 2012 Revised November 2014 Area. Applicable: All Caerphilly employees

2. Member/Officer Relations

2.2 Members and Officers share a responsibility to work together to achieve decisions in the interests of the Council and the area it serves. Officers serve the Council as a whole and they act in a politically neutral way in giving professional advice and general support to all Members.

2.3 Irrespective of size, all political groups are entitled to equal treatment by Officers. All political groups and Members not in political groups are entitled to have access to information from Officers through the Council's established channels to the same extent and are entitled to call on the support of Officers to assist them. These channels are set out later in the protocol. Caerphilly County Borough Council Constitution Amended on : August 2020 Part 5 - Codes and Protocols Page 66

3. STANDARDS

3.1 The public is entitled to expect the highest standards of conduct from all qualifying employees of relevant authorities. **The role of such employees is to serve their employing authority in providing advice, implementing its policies, and delivering services to the local community.** In performing their duties, they must act with integrity, honesty, impartiality and objectivity. Qualifying employees of relevant authorities work for their employing authority and serve the whole of that authority. They are accountable to, and owe a duty to that authority. They must act in accordance with the principles set out in this Code, recognising the duty of all public sector employees to discharge public functions reasonably and according to the law. **(This is a Statutory Code requirement)**

4. DISCLOSURE OF INFORMATION

4.1 Openness in the dissemination of information and decision making should be the norm in relevant authorities. However, certain information may be confidential or sensitive and therefore not appropriate for a wide audience. Where confidentiality is necessary to protect the privacy or other rights of individuals or bodies. (This is a Statutory Code requirement)

4.2 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. However due regard has to be made to the following legislative requirements and advice.

5. POLITICAL NEUTRALITY

5.1 Qualifying employees of relevant authorities, whether or not politically restricted, must follow every lawfully expressed policy of the authority and must not allow their own personal or political opinions to interfere with their work. Where qualifying employees are politically restricted (by reason of the post they hold, the nature of the work they do, or the salary they are paid), they must comply with any statutory restrictions on their political activities. (This is a Statutory Code requirement)

5.2 Employees are employed to serve the Council as a whole. It follows that they must serve all Elected Members and not just those of the controlling group. They must ensure that the individual rights of all Councillors are respected. Regard must be had to Councillors' rights set out in the Council's Constitution; the Monitoring Officer can give advice on these.

5.4 All employees, (whether or not the posts they hold are designated as being politically restricted), must follow every lawful expressed policy of the Council and must not allow their own personal or political opinions or preferences to interfere with their work.

9 To receive and to answer questions received under Rule of Procedure 10(4).

Question to the Deputy Leader and Cabinet Member for Infrastructure and Property from Councillor C. Bezzina.

Can the Deputy Leader and Cabinet Member for Infrastructure and Property tell us what steps this Council is going to take to promote public transport?

Question to the Deputy Leader and Cabinet Member for Infrastructure and Property from Councillor K. Etheridge.

To ask the Cabinet Member to explain and define the exploratory talks he and Caerphilly Member of the Senedd have had with the Aneurin Bevan University Health Board including the content in regard to a potential transport route from all areas within the Caerphilly County Borough Locations to the Grange Hospital as correspondence I have received refers to Caerphilly only?

To receive and consider the following reports: -

10	Notice of Motion - Review of Council Constitution and Member Protocol.	21 - 26
11	Notice of Motion - Nine Mile Point Planning Decision.	27 - 32
12	Notice of Motion - Day Centres.	33 - 40
13	Notice of Motion - Local Energy Business Campaign.	41 - 46

- 14 Public Services Ombudsman for Wales Annual Letter 2020/21. 47 - 60
- 15 Membership and Chairing Arrangements of the Governance and Audit Committee to take effect from May 2022. 61 - 66

To note the following report which was considered as urgent and exempt item by Cabinet: -

- 16 Purchase of Land at Groveside Road, Oakdale, Blackwood for Alternative Allotment Provision. 67 - 92

Circulation:

All Members And Appropriate Officers

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Agenda Item 6



COUNCIL

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON TUESDAY, 5TH OCTOBER 2021 AT 5.00PM

PRESENT:

Councillor C. Andrews - Mayor
Councillor J. Gale - Deputy Mayor

Councillors:

M. Adams, E.M. Aldworth, A. Angel, P.J. Bevan, C. Bezzina, C. Bishop, A. Collis, S. Cook, D. Cushing, C. Cuss, W. David, D.T. Davies, M. Davies, K. Dawson, N. Dix, K. Etheridge, M. Evans, A. Farina-Childs, C. Forehead, J.E. Fussell, A. Gair, N. George, C. Gordon, R. Gough, L. Harding, D. Havard, A. Higgs, A. Hussey, M. James, L. Jeremiah, G. Johnston, B. Jones, S. Kent, G. Kirby, A. Leonard, P. Leonard, C. Mann, P. Marsden, B. Miles, S. Morgan, B. Owen, T. Parry, L. Phipps, D.W.R. Preece, J. Pritchard, J. Ridgewell, J. Roberts, R. Saralis, M.E. Sargent, G. Simmonds, S. Skivens, E. Stenner, J. Taylor, A. Whitcombe, R. Whiting, L. Whittle, T.J. Williams, W. Williams, B. Zaplatynski

Together with:-

R. Tranter (Head of Legal Services and Monitoring Officer), D. Street (Corporate Director Social Services and Housing), R. Edmunds (Corporate Director Education and Corporate Services), M.S. Williams (Corporate Director Economy and Environment), S. Harris (Head of Financial Services and S151 Officer), G. Jenkins (Assistant Director - Head of Children's Services), J. Williams (Assistant Director Adult Services), L. Donovan (Head of People Services), R. Kyte (Head of Regeneration and Planning), R. Thomas (Planning Services Manager), S. Richards (Head of Education Planning and Strategy / Head of Transformation), S. Pugh (Communications Manager), L. Lane (Head of Democratic Services and Deputy Monitoring Officer), E. Sullivan (Senior Committee Services Officer), R. Barrett (Committee Services Officer)

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Corporate Director for Social Services and Housing reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here to View](#). He advised that decisions would be made by Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J. Bevan, C. Elsbury, E. Forehead, D. Hardacre, D. Harse, V. James, G. Oliver, Mrs D. Price, J. Scriven, J. Simmonds and C. Thomas, together with Mrs C. Harry (Chief Executive)

2. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that she has undertaken since the last meeting. It was with great pleasure that the Mayor attended the Olympic Celebration at the Centre of Sporting Excellence to honour local athletes Lauren Price and Lauren Williams following their success at the Tokyo Olympic Games 2020.

The Mayor recently opened the very first Dementia Peer Support Group, which is run by people with dementia for people with dementia, and is situated in the White Rose Centre in New Tredegar. The Group is supported by Caerphilly Cares and the Greater Bargoed Dementia Friendly Community.

In addition, the Mayor also attended afternoon tea with the residents and staff at Abbeyfield Care Home in St Martins Road Caerphilly and she expressed her thanks for the invitation and an enjoyable afternoon.

3. TO RECEIVE PETITIONS UNDER RULE OF PROCEDURE 28(3)

Councillor Kevin Etheridge presented the following petitions:-

- (1) A petition requesting the abolition of car parking charges within the whole of the county borough town centres;
- (2) A petition from local residents calling for the Bedwellty Show to return to Blackwood Showfield;
- (3) A petition to open Caerphilly day centres and undertake engagement on this matter.

The Mayor accepted the petitions which would be actioned in accordance with the Council's Constitution.

Following presentation of the petitions, the Corporate Director for Economy and Environment advised Council that in relation to the Bedwellty Show petition, the decision to relocate the show to Llancaiach Fawr a number of years ago had been made by the organising committee of the Bedwellty Show, and that the Authority had played no part in this decision.

4. PRESENTATION OF AWARDS

Catering Team – APSE Awards

Members were advised that the Council's Catering Team have gained national recognition as the 'Best Service Team' in the Catering category at the recent APSE Awards evening held earlier this month. They have also been highly commended at the Municipal Journal Awards and have also been shortlisted for the Local Authority Education Awards which take place next week.

For the APSE Award, the judges heard that since the start of lockdown, the Catering team, together with services from across the Council, have delivered more than 1.5 million meals, at a staggering rate of 30,000 meals per week. This sophisticated and bespoke home delivery model was built in-house by the Catering team, to cater for the thousands of pupils who are in receipt of free school meals, and impressively they managed to gain the highest ever uptake from eligible families during the height of the pandemic. This model truly embodies the Team Caerphilly ethos where, when faced with an impossible task during a

crisis, the Team led the charge, joining forces with services across the Authority and local suppliers to ensure that local children were fed during the pandemic.

Council were extremely pleased to recognise the success of the Catering Team at these recent national award ceremonies and congratulated Marcia Lewis and her team who were in attendance at the meeting, together with all of the departments that have played a vital role in delivering the much-needed service to families throughout the Covid-19 pandemic. Council also wished Catering the very best of luck for next week's Local Authority Education Awards.

5. DECLARATIONS OF INTEREST

Mr David Street (Corporate Director Social Services and Housing) declared an interest in Agenda Item No. 11 – Temporary Appointments to Corporate Management Team as he is directly affected by the report and left the meeting during consideration of this item.

6. MINUTES - COUNCIL HELD ON 13TH JULY 2021

Subject to the inclusion of Councillor M. Davies being recorded as present for the meeting it was

RESOLVED that the minutes of the Council meeting held on 13th July 2021 (minute nos. 1-14) be approved as a correct record and signed by the Mayor.

7. MINUTES - SPECIAL COUNCIL HELD ON 27TH JULY 2021

RESOLVED that the minutes of the Special Council meeting held on 27th July 2021 (minute nos. 1-3) be approved as a correct record and signed by the Mayor.

8. STATEMENT FROM THE LEADER OF COUNCIL

Councillor P. Marsden, Leader of Council, delivered a statement in relation to the Nine Mile Point waste recycling plant in Cwmfelinfach.

Members were advised that as Leader of Caerphilly Council and local ward member for Ynysddu, Councillor Marsden wanted to assure the whole community that she recognises and fully understands the real concerns about the new waste recycling plant at Nine Mile Point Industrial Estate. Indeed, the Leader shares many of these concerns, as none of us want to see any harmful impacts on the lives of residents or on the local environment.

Council were advised that a local resident recently attempted to undertake a judicial review of the planning decision but, having considered the legal arguments put forward by both sides, the challenge was refused by the High Court.

The Leader stated that whilst she understands the frustration that the challenge was refused, it does mean that the original planning permission granted in 2015 cannot be challenged any further, and that the developer Hywel NMP have the right to build the facility and to seek the necessary permit from Natural Resources Wales (NRW).

Council were also reminded that the Leader was not an elected member of this Council when the decision was taken, and that both Councillor Ridgewell and Councillor Marsden have been involved in the Lower Sirhowy Valley Residents' Group for many years, focusing

their attention on external bodies to ensure that modelling and evidence was accurate and reflected the particular topography within the valley, given the occurrence of temperature inversion, and that they as locals see year in year out, season to season. Both Members campaigned to ensure that monitoring of the site was appropriate and offered the right level of assurance on health grounds. The Members were also instrumental in having air quality monitors strategically located to provide a base level understanding of the impact of air quality should the plant go ahead.

The Leader emphasised that her statement was to put in context the commitment to the place we live in, not only for us, our families, the current residents, but for future generations too.

The Leader referred to correspondence received by Members, from the resident who made the challenge, following the refusal of the judicial review by the High Court. The correspondence asks a series of further questions of the Council, in relation to the exchange that took place at the hearing and the decision-making process itself, as well as making a number of allegations. The Chief Executive has also received separate correspondence from two other residents asking very specific questions about the decision-making process.

As this is such a sensitive issue for all residents of the Lower Sirhowy Valley, it is important that the Authority are open, honest and transparent about the decision-making process undertaken to date. Therefore, the Leader has instructed senior officers, who are independent of this matter, to carry out an investigation in line with the Council's official complaints procedure. Members were advised that this is a formal prescribed process which will allow all the concerns raised by the community to be fully explored. If the outcome of this investigation is not satisfactory then the matter can be ultimately referred to the Public Ombudsman for Wales.

The Leader hoped that this gives reassurance to the community that there will be a full and thorough investigation of the facts. The Leader will ensure that the outcome of this process is shared with all Elected Members, as well as the Lower Sirhowy Valley Residents' Group, as soon as it is concluded. The Leader emphasised that as a resident of the area herself, not only does she want to establish the facts, but is also extremely keen to ensure that the development at Nine Mile Point is subject to the necessary environmental control measures. It is also important that all activity at the site remains closely regulated and monitored by NRW.

Members were advised that the Leader met with senior officers from Natural Resources Wales on the 27th September 2021 to set out those requirements and to seek reassurance directly from the regulator about the plans for the facility. The meeting was positive and the information that was shared by NRW about plans for the site was encouraging. The Leader has also asked senior officers to meet representatives from Hywel NMP, the owners of the site. The meeting took place yesterday afternoon and the Leader was informed that the meeting was positive.

Council were advised that the company themselves recognise the sensitive nature of the development and are extremely keen to begin meeting with residents to develop a partnership that is based on mutual trust. It may take some time for the Authority to establish trust, particularly from the current position, so officers have asked that they begin to work directly with the community and for an initial meeting to be held within the coming weeks.

The Leader advised that she will update Members again as further information emerges.

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

1. Question to the Leader of Council from Councillor K. Etheridge.

To ask the Leader of Council to make a statement on the former Hazrem Site in Cwmfelinfach which should include correct planning procedures followed, environmental assessments, proceedings, consultation with stakeholders, and cost of legal advice to the ratepayers of the county borough following the conclusion of judicial proceedings which has now ended.

Response from the Leader to Councillor K. Etheridge.

Turning to the specific points raised in Cllr Etheridge's question, the decision to grant planning permission was made by the Local Planning Authority in December 2015 following a deferral from the original November date. The associated documentation is available on the Council's website and the minutes of the relevant meetings are also publicly available.

A screening opinion that was undertaken at the time determined that an Environment Impact Assessment was not required. The Local Planning Authority in determining the application deemed that the development fell within Schedule 2 of the EIA Regulations. The original planning application did, however, include an Odour and Air Quality Assessment along with a Transport Statement, a Noise Impact Statement and a range of other supporting documents, all of which are publicly available on the Council's website.

Following advertisement to neighbouring properties, advertisement in the press and a site notice being posted, 28 objections were initially received, with that rising to 57 objections prior to the December determination. A petition including the signatures of 1456 people was also submitted along with three letters of support.

The initial planning report concluded that having given due regard to relevant planning policy and the comments from consultees and objectors, which are all set out within the November report, that the application was considered acceptable and the Officer's recommendation was that permission should be granted.

Turning to the costs associated with the recent Judicial Review, the decision to bring and defend Court proceedings is a matter delegated to officers. The Judicial Review as members will know was unsuccessful. The Council's total costs (barrister's fees) for defending the JR were £5,212.50 plus VAT. The resident was ordered to pay costs of £2,192.50. The net costs to the Council are therefore £3,020.00, excluding VAT.

In conclusion, I'm sure I don't need to remind Members of the sensitive nature of this development. Some specific concerns have been raised by residents which have given rise to this question being put before Council. The Council's complaints process, which is a formal, prescribed process, will allow those concerns to be fully explored. If the outcome of that investigation is not satisfactory, the matter can then be referred to the Public Service Ombudsman for Wales who can provide a further independent view to be further explored.

Supplementary question to the Leader of Council from Councillor Etheridge.

A number of weeks ago, about a month ago, I did table a Notice of Motion, which is going to Scrutiny in November regarding this matter, asking for a public inquiry. I noticed to date that not one Labour Councillor has signed the Notice of Motion, so I would like the Leader to confirm, as she has now announced there will be an inquiry into this, that her and her political party will be signing the Notice of Motion to support the Independents and Plaid Cymru?

Response from the Leader to Councillor Kevin Etheridge.

I think I've set out my position quite clearly here in terms of taking this matter forward and taking the concerns of the community very seriously, so the fact that we've already put this into chain in terms of making this inquiry through the complaints procedure which is a formal process that we all know is open and transparent, Councillor Etheridge. So I think that brings that matter to a conclusion and I think until that complaint procedure and process has concluded, I think we should only then determine from there where we go from that outcome.

2. Question to the Leader of Council from Councillor B. Miles

Can the Leader update Councillors on how the Local Authority has re-shaped the delivery of Free School Meals through the COVID-19 Pandemic?

Response from the Leader to Councillor B. Miles

I'm sure every Councillor on this call this evening will agree that our Free School Meal response during the pandemic has been one of the stand-out achievements of Team Caerphilly. The support we provided to some of the most vulnerable families in our communities was second to none and our approach has been held up as an example of excellence across the UK, which we've just heard this evening. Indeed, our amazing Catering team have enjoyed recent award success in recognition of the invaluable service they provide to the community day in day out.

Around 1.5 million free school meals have been delivered to date, a massive achievement I'm sure you will all agree. This was made possible thanks to the mobilisation of an army of drivers from all parts of the Authority, including staff diverted from services affected by Covid and many Elected Members. These deliveries continue during school holidays and for those FSM children required to self-isolate.

Another positive outcome of this hugely impressive effort is that the team also succeeded in increasing customer satisfaction and meal uptake from 70% to over 95%. Our scheme is still operational 18 months on and is as successful today as it was when it started back in March 2020. I have asked Officers to prepare a detailed overview of our Free School Meals activity in response to the question from Councillor Miles, and this will be circulated to Members so you can all appreciate the size and scale of the amazing achievements.

Supplementary question to the Leader of Council from Cllr B Miles

The free school meals that were distributed for the summer holidays, at the time they were sent around, I remember seeing some social media comments around some of these meals ending up in food banks, which itself is not a bad thing because the food obviously didn't go to waste. But I wondered were parents given the option to opt out of receiving free school meals if they didn't feel that it was appropriate to their needs?

Response from the Leader to Councillor B. Miles

Absolutely, we worked really hard with the recipients of the free school meals, and they were given the options to delay or not have them in particular weeks, but maybe Sue Richards wants to comment on that?

Sue Richards (Head of Education Planning and Strategy / Head of Transformation): Just to add to what the Leader has already explained, in addition to the option to delay or cancel

deliveries, there was also the ability for parents to pick up their meals if the delivery times didn't suit, so it was a wide range of options open to our communities.

Leader: If I could come back Mayor and just add further to that, Councillor Miles, I think it was at Penyrheol, I was out delivering to a number of residents and had an in-depth conversation with the lady on the doorstep after I carried all the boxes from my car, and she actually said "You know, if my children don't like them, I do give them out to people that may want them or are in need of them". So I think it's important to understand that people don't want to see waste in this area and it's really important that people get what they need in their time of need and make sure that we're delivering the best quality food that we can to them and to their doorsteps. Just to add that people were very appreciative of what they received through that time.

10. TO RECEIVE AND TO ANSWER QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(4)

1. Question to the Cabinet Member for Waste, Public Protection and Street Scene from Councillor G. Simmonds.

Will the Cabinet Member make available to Councillors, copies of any laboratory investigations into the leachate presently emanating from Ty-Llwyd Quarry? Together with a circulation list of recipients and the date any sampling took place.

Further to asking his question, Councillor Simmonds stated that he had received the answer but had not received any details on the content of the leachate.

Response from the Cabinet Member for Waste, Public Protection and Street Scene

The results of any laboratory investigation into the leachate have been made available to Ward Members in the past. Presently there is nothing coming off the tip and it has not been for a while. Over the years there have been a number of investigations carried out if there was an outbreak, and we would make that information available to anyone who requests it.

2. Question to the Cabinet Member for Housing from Councillor G. Kirby.

Will the Cabinet Member for Housing provide an update to Members on the Housing New Build Programme?

Response from the Cabinet Member for Housing

The Cabinet Member displayed a Powerpoint presentation to accompany her response.

Thank you Councillor Kirby for your question. I am delighted to be able to provide you with an update on the Council's New Housing Build Programme. As you can see on the screen, this is one of our first sites in Trecenydd and I am pleased to advise that work on this site and our other site in Trethomas, which has been funded in the main via the Welsh Government's Innovative Housing Programme and Caerphilly Homes, is progressing well. In Trecenydd, where six units are being delivered, the steel frame provided by Caradan Ltd who are based on Penallta Industrial Estate, has been erected and is almost complete. The roof trusses for the innovative roof should be installed this week, and next week the roof sheets will be fitted. Internal works will hopefully begin the week commencing 25th October 2021, and here is an artist's impression of what the finished product should hopefully look like.

Moving onto Trethomas, where twelve units are being delivered, the slabs for Blocks A and B were poured last week, and the scaffolding has now been erected. The Caradan frame for Block A will be installed week commencing 11th October 2021, and for Block B week commencing 22nd November 2021. These homes are highly efficient, climate resilient and manufactured locally, thereby ensuring that the majority of our investment is kept within the county borough. They are being built to Passive House-certified standards and are therefore in-keeping with the Council's ambition of delivering a zero-carbon borough by 2030.

On the former Oakdale School site, we are hoping to deliver between 85 and 95 new homes. The Council have signed a pre-construction service agreement with Wilmott Dixon to undertake the necessary detailed site investigations and testing on the site in order to assess its suitability for residential development. This site is incredibly complex with various levels and plateaus but equally it provides a very exciting opportunity to create a flagship Caerphilly Homes development. Outline planning permission will be submitted by the end of the financial year in order for Caerphilly Homes to access social housing grant funding for the acquisition of the site.

At Ty Darran in Risca, numerous ecological, transport, flood, and other site investigations have taken place during the last 12 months. The constraints on the sites are such that only 60% of the site is developable. This has impacted significantly on the number of homes that can be accommodated, and also the type and nature of the development that can be delivered. Current studies indicate that between 40 and 44 apartments for older people could be accommodated within this site. It is Caerphilly Homes' intention to submit an application for outline planning permission this calendar year in order to apply for social housing grant funding to acquire the site.

As well as the above sites, there are also plans to build at Crosskeys and Bargoed, and Caerphilly Homes have recently appointed consultants to take forward land appraisals on all HRA land and potential general fund development sites identified as part of the LDP Candidate Site process. One of the next sites to be explored in more detail will be the Brooklands site in Risca. The land appraisal work will underpin the formulation of an ambitious development strategy which will set out over a five-year time frame where Caerphilly Homes will build, how, and when.

As well as making progress with building our own Council properties, I am pleased that Caerphilly Homes has recently purchased its first homes via a Section 106 agreement. In total, eight homes were purchased at the Llanmoor Homes Bedwellty Field development. This includes six apartments for social rent and two houses that will be marketed as low-cost home ownership opportunities. A further seven homes will be purchased as a result of the Section 106 agreement on Phase 2 of that development.

I hope that the information I have provided demonstrates that the Caerphilly Homes Team is entirely focused on delivering the Council's target of 400 new homes by 2025.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. TEMPORARY APPOINTMENTS TO CORPORATE MANAGEMENT TEAM

Mr D. Street (Corporate Director Social Services and Housing) declared an interest as he is directly affected by the report and left the meeting during consideration of this item.

Consideration was given to the report which sought Council's approval to appoint David Street, Corporate Director Social Services and Housing, in to the post of Acting Chief Executive during the absence of the substantive postholder. Council was also asked to agree an acting appointment to cover Mr Street's substantive post of Corporate Director Social Services and Housing.

The Council is required by law to have in place a Head of Paid Service. Within the Council, this responsibility is designated to the Chief Executive. The Chief Executive, Christina Harray, reported absent due to sickness on Monday, 20th September 2021, and has a fit note that certifies her absence from work until the end of the calendar year.

Section 5a of the Council's constitution confirms for *the 'Determination of any urgent matter in the purview of the Council, the Cabinet or any committee of these where it is impractical to convene a meeting of that body to consider the matter' power is delegated to the 'Chief Executive or in his/her absence any Director.'*

David Street, Corporate Director, Social Services and Housing, has undertaken this responsibility in the Chief Executive's absence. It is not practically possible for Mr Street to undertake the post of Acting Chief Executive in addition to his substantive post of Corporate Director. Members were therefore referred to the report recommendations which sought approval to appoint Mr Street to the post of Acting Chief Executive, for the period of time that the substantive postholder is absent due to sickness, and that a Head of Service be appointed to the post of Acting Director, Social Services and Housing whilst Mr Street is undertaking the Acting Chief Executive role.

The recommendations were made to ensure that the Council is complying with its statutory duty to have in place a Head of Paid Service and to ensure that the Council has effective leadership to provide ongoing continuity for the organisation to deliver services to the residents of the County Borough.

Council discussed the report and a Member, in referring to employee health and wellbeing, highlighted that the new Head of Housing would not be commencing the post until November 2021, and sought assurances that there would be adequate staffing in place to assist Mr Street in his role. Assurances were given that the Council is doing everything possible to make sure everyone's health and wellbeing is being taken care of. A query was received regarding potential appointments to the Acting Director of Social Services, and it was confirmed that Members will be advised once the decision on the appointment is made.

A Member suggested a need for the Council to have a Deputy Chief Executive in post to cover such situations. It was confirmed that discussions have taken place on this matter and a review of the Corporate Management Team structure will be carried out in the near future.

Following consideration and discussion it was moved and seconded that the recommendations contained within the Officer's report be approved and by way of Microsoft Forms (and in noting there were 57 for, 0 against and 0 abstentions,) this was unanimously agreed.

RESOLVED that:-

- (i) The appointment of David Street in to the post of Acting Chief Executive, for the period of time that the substantive postholder is absent due to sickness, be approved;

- (ii) A Head of Service be appointed to the post of Acting Director, Social Services and Housing whilst Mr Street is undertaking the Acting Chief Executive role.

12. NOTICE OF MOTION - ABOLISH CAR PARKING CHARGES IN TOWN CENTRE CAR PARKS

Consideration was given to the Notice of Motion which had been received from Councillor K. Etheridge and was supported by Councillors A. Farina-Childs, R. Gough, N. Dix, B. Owen and G. Simmonds. It was noted that the Notice of Motion had been considered by the Environment and Sustainability Scrutiny Committee at its meeting on 14th September 2021, where Members voted by majority not to support the motion.

Councillor Etheridge outlined his Notice of Motion, which called on the Council to abolish charges within the Town Centre Car Parks in order to help traders and businesses within our Towns when a review is conducted in September. He explained that this Notice of Motion had been tabled prior to the announcement by Cabinet that free parking would be extended to September 2022. A 440-signature petition had also been presented to Council in relation to the matter.

Council were provided with details of the discussions at the Scrutiny Committee meeting, and the reasons for its Members not supporting the motion were confirmed to Council.

Members discussed the Notice of Motion and noted that Cabinet has extended free parking arrangements across Council car parks until 30th September 2022 to assist in the Covid recovery programme. A new cross-party Car Parks Task and Finish Group is also in the process of being set up which, as part of its work, will look at the issues and scenarios already raised by Members, and examine all the options available. All Members were encouraged to join in and contribute to the work of this Task and Finish Group and it was noted that several expressions of interest have already been received.

During the course of the debate, Members referred to the impact on local economy and trade already arising from a lack of parking spaces in town centre car parks, particularly in some locations where the majority of spaces are utilised by local employees and are therefore lost to shoppers. Discussion took place regarding the need to encourage the use of public transport, with it feared that bus usage and demand for services would reduce if free parking was permanently extended. A Member also expressed the need for Council to consider the environmental impact that could potentially result from increased car usage if free parking became permanently available.

Following debate on the Notice of Motion, and with it having been moved and seconded that the Notice of Motion be supported, voting took place by way of Microsoft Forms. In noting there were 11 for, 37 against and 10 abstentions, the Motion was declared lost.

RESOLVED that the Notice of Motion not be supported.

13. NOTICE OF MOTION - REAL NAPPIES

Consideration was given to the Notice of Motion which had been received from Councillor A. Farina-Childs and was supported by Councillors A. Angel, N. Dix, K. Etheridge, J.E. Fussell, G. Simmonds, C. Mann, J. Roberts, C. Bishop and B. Owen. It was noted that the Notice of Motion had been considered by the Environment and Sustainability Scrutiny Committee at its meeting on 14th September 2021, where Members voted by majority to support the motion.

Councillor Farina-Childs outlined his Notice of Motion, which asked that Caerphilly County Borough Council implement a voucher system to encourage families to switch from disposable nappies to reusable nappies.

Council were provided with details of the discussions at the Scrutiny Committee meeting, and the reasons for its Members supporting the motion were confirmed to Council.

Members discussed the Notice of Motion and expressed their support for the scheme and the environmental benefits that could be achieved. Council were advised that if the motion was supported, the Communications Unit could promote the message around the re-usable aspects of the nappy scheme.

Following debate on the Notice of Motion, and with it having been moved and seconded that the Notice of Motion be supported, voting took place by way of Microsoft Forms. In noting there were 50 for, 3 against and 2 abstentions, this was agreed by the majority present.

RESOLVED that the Notice of Motion be supported.

14. ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES AND HOUSING

Consideration was given to the reports which had been presented to the Social Services Scrutiny Committee at its meeting on 13th September 2021. The reports provided Council with the key messages that have been identified in the preparation of the Annual Report of the Director of Social Services and Housing for both 2019/20 and 2020/21.

It is a requirement of the Social Services & Wellbeing (Wales) Act 2014 for Directors of Social Services in Wales to publish an annual report about the exercise of the local authority's social services functions. Two Annual Reports had been prepared this year (for 2019/20 and 2020/21) as local authorities had been given permission by Care Inspectorate Wales to defer their 2019/20 reports by 12 months due to the ongoing pandemic.

The Annual Report for 2020/21 centres very much around the Directorate's response to the pandemic to ensure that critical front-line delivery was able to be maintained to support the Authority's most vulnerable children and adults. Reference has also been made to the progress achieved on some of the Council's other key priorities and it is a great credit to staff that these priorities have been progressed at the same time as responding to the challenges of the pandemic.

Key points of note include work with the local health board to identify and vaccinate all frontline care staff to enable them to continue providing services to vulnerable people, the issuing of over 10million items of PPE across the sector, and work with local health boards to develop a discharge passport to allow people to be safely discharged from hospital and admitted to a care home. The report also highlighted the impact of Covid-19 on services such as day centres, with these having to be closed down during the initial lockdown and staff redeployed elsewhere. However the Council has moved to provide sessional support in the community and only recently were able to reopen two day centres and are hoping to reopen another two in the coming weeks. Covid-19 remains a real threat and so unfortunately day centres cannot be reopened in the same way as before the pandemic. The Council will provide updated information on day centres and answers to frequently asked questions on its website.

The Covid-19 pandemic continues to pose unprecedented challenges for Social Services, and it is to the great credit to all Council staff and partners, independent and third sectors that they have been able to respond as effectively as they have. The next few months will

be very challenging as the Council balances its response to the pandemic with a focus on recovery.

During the course of the debate, a Member sought assurances that all requests in users care plans will be met, together with clarification on the current day centre position in Powys and Merthyr Tydfil. He also enquired about the implications for staff, visitors and day care users if all day centres were to reopen, and the risk factors involved if these were to reopen, given the current levels of staff sickness and those self-isolating.

Mr Street explained that in relation to the day centre position across other local authorities, Officers from Social Services are currently collating this information across all authorities in Wales in readiness for a report to Social Services Scrutiny Committee on 1st November 2021. Powys have not recommenced day centre provision and Merthyr Tydfil are not operating as normal either. The vast majority of local authorities are operating in a very similar manner to Caerphilly and operating a hybrid model of day care provision.

Council were advised that it is not possible for the Authority to reopen all day care centres at this time, as despite Wales operating at Covid-19 Alert Level 0, there are specific Covid regulations that remain in health and social care settings and the Council continues to adhere very strongly to the guidelines set out by WG, as it has throughout the pandemic. Social Services are looking to see if they can re-open another two day centres in some form, but Members were reminded that the situation remains precarious due to ongoing Covid outbreaks. It was emphasised to Council that despite society operating in a relatively normal way elsewhere, this is simply not the case for health and social care facilities. Staffing levels continue to be impacted by Covid-19 and a significant number of staff are ill, self-isolating or trying to manage their childcare arrangements as a result of schools impacted by pandemic. It was reiterated that the impact on carers have been significant and that Social Services are operating under extremely trying circumstances whilst operating in a way which is safe for staff and service users.

A Member asked if Mr Street was satisfied with communication around Social Services provision during the pandemic. The Member explained that he had received feedback suggesting that communication had been poor, and he suggested the need for communication to be a partnership arrangement between the local authority, service user, social worker, the carer and the family. In response, Mr Street reminded Council of the difficulties faced by Social Services, particularly in the early stages of the pandemic, and whilst some things could have been done differently with the benefit of hindsight, he did not accept that communication was poor. He acknowledged the Member's comment in terms of partnership communication and confirmed that the Council are continuing to do this.

Mr Street explained that a consultation will be re-run in terms of day service proposals and arrangements moving forward. A Member asked if in hindsight the Council would have delayed the consultation carried out during the pandemic and Mr Street explained that this was a genuine decision taken at that time and the Council firmly believed that they were doing the right thing at the right time in the circumstances that they faced.

Council thanked Mr Street for his reports and placed on record their gratitude to all staff for their hard work and commitment during this exceptionally challenging time and all the support they had provided in delivering Social Services. Members also expressed their thanks to all staff involved in the vaccination programme.

Following consideration and discussion, it was moved and seconded that the recommendation contained in the Officer's report be approved and by way of Microsoft Forms (and in noting there were 52 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the Annual Reports of the Director of Social Services and Housing for 2019/20 and 2020/21 be endorsed and adopted, prior to their submission to Welsh Government, Care Inspectorate Wales and publication on the Authority's website.

15. AUDIT WALES ENQUIRIES RETURN 2020-21

Consideration was given to the report, which presented Council with responses to Audit Wales in relation to enquiries around the Authority's management processes relating to the prevention and detection of fraud, and compliance with laws and regulations in respect of disclosures in the 2020/21 Financial Statements.

Each year the external auditor contacts the Section 151 Officer requesting assurance on issues that may affect the Financial Statements for the year being audited. The questions asked by Audit Wales are standard for bodies being audited and are not specific to Caerphilly Council. Members were asked to note no queries have been raised by Audit Wales in relation to the responses provided. At the request of Audit Wales, the responses have already been endorsed by the Leader and were presented to Council for noting prior to the audited 2020/21 Financial Statements being considered by the Governance and Audit Committee on 12th October 2021 and then Full Council on 14th October 2021.

During the course of the debate, clarification was sought on a HMRC penalty referenced at page 85 of the report. Officers explained that this is for a total of £11,743.74 which has been disclosed in the response to Audit Wales for completeness and transparency. The cost has been recharged to the school involved in the IR35 issue who will meet the cost.

Following consideration and discussion, it was moved and seconded that the recommendation contained in the Officer's report be approved and by way of Microsoft Forms (and in noting there were 53 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that the response to Audit Wales as appended to the report be noted.

16. CAERPHILLY COUNTY BOROUGH COMMUNITY INFRASTRUCTURE LEVY (CIL).

Consideration was given to the report, which sought Council approval to delegate power to the Regeneration Project Board to determine the priorities for the charging authority's Community Infrastructure Levy (CIL) spend in line with the Council's Strategic Priorities and to present them to Cabinet for decision. The report also sought Council approval to delegate power to the Regeneration Project Board to determine the priorities for CIL expenditure in non-Community Council areas in line with the Council's Strategic Priorities.

During the course of the debate, a Member sought clarification on the assistance given to community/town councils in determining project types and spends, given the often substantial amounts of CIL funding involved, and asked whether Officers could provide a list of potential ideas and works for these community areas. Officers explained that when the CIL was introduced, the Council set up an agreement with the community/town councils in question to advise and guide them in terms of spend. Under the regulations, the community/town councils can spend this CIL money as they see fit, but the Council have worked with community/town councils to ensure that in the spirit of the CIL regulations, the spend is on infrastructure that is required within these areas. Council were advised that Table 5 of the Annual Monitoring Report for the Local Development Plan (which was next on the agenda) outlined the spend for the past financial year and that previous spends are contained in previous AMRs. However the Officer confirmed that they could also circulate a

list to Members following the meeting containing the total CIL expenditure spend to date by Community and Town Councils

The Member expressed reservations over whether some community/town councils are able to spend the funding and suggested that it would be helpful for Council to provide a steer in this regard. He also asked if the CIL funding is returned to the developers or the Council if it is not spent in full. Officers confirmed that support is available to community/town councils in terms of where they want to spend and assist them in implementing schemes. They explained that if the CIL funding is not fully utilised within the given period, it has to be returned, but unlike Section 106 monies, the funding is not lost and will be returned to the Council pot for use elsewhere.

A Member sought clarification on the total amount of spend by the Regeneration Project Board and the amount of funding it has been able to leverage. Officers explained that the total amount set out in the previous Regeneration Project Board report is in the region of £97m, and since that time the Board have been able to secure more funding. Officers confirmed that they would arrange to circulate an up-to-date leverage figure to Members.

Discussion took place regarding the communication around the activities of the Regeneration Project Board. Council were reminded that the Board comprises cross-party membership of councillors and that regular attendance by Members is vital in order to participate in the proper running and functioning of the Board and to relay the outcome of these meetings to their respective groups. Officers also emphasised that the Regeneration Project Board does not have decision-making powers and only has the ability to recommend, and so every decision not delegated to the Board is reported to and taken through Cabinet, which includes decisions for large amounts of spend. The report suggested delegation to the Board for schemes under £20k and the Board has delegated powers for tri-grant approval for WG schemes under £50k. However all other schemes come before Cabinet for decision and so they are transparent and available for everyone to see and are reported regularly. It was also noted that those proposals that are sensitive and confidential in nature would still be reported to Cabinet but may not be publicly available to view.

Reference was also made to discussions that had taken place within the Board around dissemination of information, with a view to placing this on the agenda for a recent meeting. It was confirmed that the matter had been delayed but that the Corporate Directors for Economy and Enterprise and Education and Corporate Services are currently preparing a report in this regard, which will focus on the governance arrangements of the Regeneration Project Board and how it links in with the Team Caerphilly Transformation Board.

Following consideration and discussion, it was moved and seconded that the recommendations contained in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 51 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) Council delegates power to the Regeneration Project Board to determine the priorities for the Charging Authority's CIL spend in line with the Council's Strategic Priorities and CIL regulation 123 List for subsequent consideration by Cabinet;
- (ii) Council delegates power to the Regeneration Project Board to determine the priorities for CIL expenditure in non-Community Council areas in early consultation with the ward member as outlined in paragraph 5.21 and in line with the Council's Strategic Priorities;

- (iii) Council delegates power to the Regeneration Project Board for approval of schemes in non-Community Council areas of under £20,000.

17. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN UP TO 2021 - ANNUAL MONITORING REPORT 2021 (INCLUDING THE ANNUAL COMMUNITY INFRASTRUCTURE LEVY REPORT)

Consideration was given to the report, which asked Council to consider the recommendations of the Caerphilly County Borough Local Development Plan 2021 Annual Monitoring Report, to approve the 2021 Annual Monitoring Report, and to recommend that the 2021 AMR Report be submitted to the Welsh Government by 31st October 2021 in order to satisfy the Council's statutory requirements.

During the course of the ensuing debate, a Member referred to Section 5.39 of the report and asked what could be done to encourage developers to develop brownfield schemes and to develop land in the north of the borough. The Member also asked if the Council could incentivise smaller local house builders or self-build groups to develop the land. Officers explained that they are working closely with Welsh Government and Cardiff Capital Region on a host of funding mechanisms as it is recognised that the viability of house builds are struggling in this particular area. Three schemes have been put forward for the Housing Investment Fund, one of which is in the Heads of the Valley and is on the reserve list, another is in the mid-Valleys corridor and the third is in the Aber Valley. Two of these sites are brownfield sites for which the Council is looking to unlock the potential.

In terms of small-scale development, there are other initiatives and funding available and the Council is carrying out work in terms of lobbying and incentivising development as this is a key issue for the Authority. It has been noted that many single-house self builds have been developed in the Heads of the Valley by builders and by people who want to build their own home in that area and the Council will continue to lobby WG and CCR to incentivise low-viability development, particularly across the Heads of the Valley and brownfield sites.

The Member also asked if consideration had been given to working with other governments to attract builders to the northern part of the county borough. Officers explained that they are working very closely with councils from across the UK and through the Council's partnership with the Industrial Alliance and this is a standing agenda item on the meetings that the Council attends, as this issue is also being felt in other northern regions right across the UK with similar issues of deprivation and industrial legacy. The Council are also actively lobbying the UK government to look at this issue under the Shared Prosperity Fund.

Following consideration and discussion, it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of Microsoft Forms (and in noting there were 47 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that:-

- (i) the findings of the 2021 Annual Monitoring Report be considered and noted and the 2021 Annual Monitoring Report be approved;
- (ii) The 2021 Annual Monitoring Report (including the Annual Community Infrastructure Levy Report) be submitted to the Welsh Government before the deadline of 31 October 2021.

18. FREEDOM OF BOROUGH - OLYMPIC MEDALLISTS

Consideration was given to the report, which had been considered by Cabinet on 15th September 2021 and who unanimously supported a recommendation to Council to award the Freedom of the Borough to the Caerphilly Olympic Medallists. Therefore, Council were asked to admit as Honorary Freeman of the Borough, Lauren Price and Lauren Williams, who were successful in achieving medals at the Tokyo Olympics 2020.

Members congratulated Lauren Price and Lauren Williams on their impressive achievements at the Tokyo Olympic Games.

During the course of the debate, Members referred to several athletes who were former residents of the county borough and had achieved major success at past and present Paralympic Games. It was asked if the Freedom of the Borough could also be conferred upon these athletes. Members were advised that they could submit a future proposal for consideration of these athletes if they so wished, but that the purpose of this particular report was for Council to consider awarding the Freedom of the Borough to the two named recipients.

Following consideration and discussion, it was moved and seconded that the recommendation contained within the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 48 for, 0 against and 0 abstentions) this was unanimously agreed.

RESOLVED that in pursuance of Section 249 (as amended) of the Local Government Act 1972 the Council confers upon the following athletes, the Freedom of the County Borough of Caerphilly:

Lauren Price Gold Medallist - Boxing Women's Middleweight (75kg)
Lauren Williams Silver Medallist - Taekwondo Women's - 67kg

19. MONTCLAIRE AVENUE STREAM WORKS FUNDING BID

Consideration was given to the report which had been considered as an urgent item by Cabinet on 29th September 2021.

The Constitution requires that any decision taken as a matter of urgency must be reported to the next available meeting of Council, giving the reason for its urgency. Therefore, the report was presented to Council for Members' information.

Members noted the reasons for the urgency and the decision taken by Cabinet.

RESOLVED that the report be noted.

The meeting closed at 7.39 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 16th November 2021 they were signed by the Mayor.

MAYOR

Agenda Item 7



SPECIAL COUNCIL

MINUTES OF THE MEETING HELD VIA MICROSOFT TEAMS ON THURSDAY, 14TH OCTOBER 2021 AT 5.00PM

PRESENT:

Councillor C. Andrews - Mayor

Councillors:

M. Adams, E.M. Aldworth, A. Angel, C. Bezzina, C. Bishop, A. Collis, S. Cook, C. Cuss, D.T. Davies, N. Dix, C. Elsbury, K. Etheridge, M. Evans, C. Forehead, E. Forehead, J.E. Fussell, A. Gair, N. George, C. Gordon, L. Harding, A. Higgs, A. Hussey, G. Kirby, P. Leonard, C. Mann, P. Marsden, B. Miles, G. Oliver, B. Owen, D.W.R. Preece, J. Pritchard, J. Roberts, R. Saralis, M.E. Sargent, G. Simmonds, E. Stenner, C. Thomas, A. Whitcombe, R. Whiting, L. Whittle, T.J. Williams, W. Williams, B. Zaplatynski

Together with:-

D. Street (Acting Chief Executive), R. Tranter (Head of Legal Services and Monitoring Officer), R. Edmunds (Corporate Director Education and Corporate Services), M.S. Williams (Corporate Director Economy and Environment), G. Jenkins (Acting Corporate Director Social Services), S. Harris (Head of Financial Services & S151 Officer), A. Southcombe (Finance Manager - Corporate Finance), N. Roberts (Principal Group Accountant), E. Sullivan (Senior Committee Services Officer), R. Barrett (Committee Services Officer), M. Harris (Committee Services Support Officer)

Also present:-

A. Veale (Audit Wales)

MAYOR'S ANNOUNCEMENT

The Mayor welcomed Members to the meeting and advised Council that there had been a change to the running order in that Agenda Item No. 4 (Update of Welsh Government Regulations to Establish Corporate Joint Committees and Resultant Changes to the Cardiff Capital Region Joint Committee) stood deferred to a future meeting of Council and would not be considered this evening.

RECORDING, FILMING AND VOTING ARRANGEMENTS

The Acting Chief Executive reminded those present that the meeting was being filmed but would not be live streamed, however a recording would be available following the meeting via the Council's website – [Click Here to View](#). He advised that decisions would be made by Microsoft Forms.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from J. Bevan, P.J. Bevan, D. Cushing, W. David, M. Davies, K. Dawson, A. Farina-Childs, J. Gale (Deputy Mayor), R. Gough, D. Hardacre, D. Harse, D. Havard, M. James, V. James, L. Jeremiah, G. Johnston, B. Jones, S. Kent, A. Leonard, S. Morgan, T. Parry, L. Phipps, Mrs D. Price, J. Ridgewell, J. Scriven, J. Simmonds, S. Skivens and J. Taylor, together with Mrs C. Harrhy (Chief Executive).

2. DECLARATIONS OF INTEREST

There were no declarations received at the commencement or during the course of the meeting.

3. FINANCIAL STATEMENTS FOR 2020/21

Consideration was given to the report, which presented the Audit Wales 'Audit of Accounts Report' for the 2020/21 financial year and had been considered by the Governance and Audit Committee at its meeting on 12 October 2021. The report sought Council's approval of the 2020/21 Audited Financial Accounts, to ensure they can be submitted to the Auditor General in accordance with the Welsh Government deadline of 30th November 2021.

The Cabinet Member for Performance, Economy and Enterprise introduced the report and explained that the Financial Accounts are very complex, with the format and disclosure requirements being determined by various accounting standards, codes of practice and legislative requirements. Members were asked to note that the Council cannot realistically change anything in the Audited Financial Accounts as any changes would require the approval of Audit Wales. The statutory deadline for the preparation of the 2020-21 draft accounts was 31st May 2021, with the statutory deadline for their audit certification by the Auditor General being 31st July 2021. However due to the ongoing impact of the Covid-19 pandemic, Welsh Government wrote to all Councils advising them that they could submit their draft accounts by 31st August 2021 and have them audited and certified by 30th November 2021.

Members were asked to note that the production of the Financial Accounts and the subsequent audit have again been challenging for finance staff and for the audit team from Audit Wales due to staff working remotely. However it is pleasing to note the Auditor General's intention to issue an unqualified audit opinion on the 2020-21 Financial Accounts. The Cabinet Member placed on record her thanks to the Council's Finance Team and to the audit team from Audit Wales for their hard work and professionalism throughout the audit process.

The Audit Wales Audit of Accounts report and audited Financial Accounts were presented to the Governance and Audit Committee at its meeting on 12th October 2021, where following due consideration and including a number of questions raised by Members, the Committee unanimously endorsed the recommendation to Council that the 2020-21 Audited Financial Accounts should be approved.

Appendix 3 of the Auditor's report provides details of misstatements identified during the audit process, which have been subsequently corrected by management and incorporated into the Audited Financial Accounts. It is important to stress that these adjustments have no impact on the 2020/21 Provisional Revenue Outturn position reported to Council on 13th July 2021, or on cash or usable reserve balances held at 31st March 2021.

There were two uncorrected misstatements highlighted in the Auditor's report that are not material individually or collectively. The first of these related to a debtor balance of £1.5m that requires further work to be undertaken to confirm the nature of the balance and the appropriate accounting treatment. The Governance and Audit Committee noted that this was also raised as part of the 2019/20 audit of accounts and asked why the matter is still outstanding. Officers reminded Members that the 2019/20 Audit of Accounts report contained 20 recommendations that were accepted by management and that the majority of these have now been addressed. Furthermore, finance staff had a number of other priorities to deal with during the 2020/21 financial year, including the processing of Covid-19 business grants in excess of £55m and dealing with a significant increase in other specific grant funding related to the pandemic. However, Officers confirmed that the work to address the uncorrected misstatement of £1.5m will be completed during the coming months and that an update would be provided at the Governance and Audit Committee meeting on 25th January 2022.

The other uncorrected misstatement highlighted in the Auditor's report related to the financial differences between the valuation reports and accounting records for Tredomen Innovation Park and Tredomen Business Park. This was identified late in the audit process and will therefore also be adjusted in the 2021/22 financial year.

Council were asked to note that following certification of the accounts by the Auditor General, Audit Wales will issue an 'Audit of Accounts Addendum Report' which will set out the main findings of the audit along with recommendations and management responses. This addendum report will also be presented to the Governance and Audit committee at its meeting in January 2022.

Council placed on record their thanks and appreciation to Mr Steve Harris and all staff involved in the preparation of the Financial Accounts for 2020/21 and it was recognised that due to the hard work of all staff involved, the Financial Accounts would be approved six weeks in advance of the Welsh Government deadline.

Mr Anthony Veale from Audit Wales was welcomed to the meeting, who was in attendance to answer Members' questions relating to the Auditor's Report.

Council discussed the report and a Member asked if Audit Wales were comfortable with the misstatements outlined in the Auditor's Report. Mr Veale confirmed that Audit Wales are comfortable with the two unadjusted misstatements, as individually and collectively they fall below the materiality level that is set for the audit of Caerphilly Council's accounts which is set at £6.6m. Therefore this is a threshold that Audit Wales can tolerate, and the requisite adjustments will be made in next year's Financial Statements.

The Member sought affirmation of Audit Wales' position in view of the debtor balance of £1.5m. Mr Veale confirmed that Audit Wales are comfortable with this figure and explained that these particular items are judgmental items given the circumstances around them. Ultimately Audit Wales are reassured in the knowledge that the Council is undertaking a continued review of those balances and therefore this matter will be picked up as part of the Audit Wales recommendations and the follow-up work that will be coming back to the Governance and Audit Committee in the new year. Therefore Mr Veale confirmed that Audit Wales are comfortable in signing off the Council's Financial Statements for 2020/21 as attached to the report.

Following consideration and discussion, it was moved and seconded that the recommendations contained in the Officer's report be approved. By way of Microsoft Forms and verbal confirmation (and in noting there were 42 for, 0 against and 2 abstentions) this was agreed by the majority present.

RESOLVED that:-

- (i) Council receive and comment upon the Audit Wales 'Audit of Accounts Report';
- (ii) the 2020/21 Audited Financial Accounts be approved;
- (iii) It be noted that an 'Audit of Accounts Addendum Report' will be presented to the Governance and Audit Committee at its meeting on 25 January 2022, setting out details of Audit Wales' recommendations arising from the audit of the Council's 2020/21 Financial Accounts and the associated management responses.

4. UPDATE OF WELSH GOVERNMENT REGULATIONS TO ESTABLISH CORPORATE JOINT COMMITTEES AND RESULTANT CHANGES TO THE CARDIFF CAPITAL REGION JOINT COMMITTEE

Members were advised that this item had been deferred to a future meeting of Council.

The meeting closed at 5.16 p.m.

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 16th November 2021 they were signed by the Mayor.

MAYOR



COUNCIL – 16TH NOVEMBER 2021

**SUBJECT: NOTICE OF MOTION – REVIEW OF COUNCIL
CONSTITUTION AND MEMBER PROTOCOL**

**REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE
SERVICES**

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation, in accordance with Rule 11(3) of the Constitution the motion was first considered by Policy and Resources Scrutiny Committee at its meeting on the 28th September 2021 and was not supported.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor K. Etheridge and is supported by Councillors D. Cushing, N. Dix, A. Farina-Childs, C. Mann, B. Owen, G. Simmonds, T. Parry, J. Taylor and L. Whittle.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedure was first considered by the Environment and Sustainability Scrutiny Committee, Members debated the motion and by a majority voted not to support the motion.

3. RECOMMENDATION

- 3.1 Council are asked to consider the notice of motion the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

- 5.1 **Notice of Motion**

Councillor Etheridge in his notice of motion calls on the Council to review the Councils Constitution and Members Protocol with an emphasis on the procedure of delegated powers within the Authority on major decisions made, which may have implications for all elected members during their term of office, with the remit looking at engagement and consultation with respective ward members prior to implementation.

We therefore call for the establishment of an all-party working group to be set up and report recommendations with implementation taking place prior to the May 2022 elections on changes which are required.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

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

9. PERSONNEL IMPLICATIONS

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

10. CONSULTATIONS

- 10.1 The Notice of Motion was considered by the Policy and Resources Scrutiny Committee at its meeting on the 28th September 2021.
- 10.2 Councillor K. Etheridge presented the Notice of Motion, to ask Caerphilly County Borough Council to review the Councils Constitution and Members Protocol with an emphasis on the procedure of delegated powers within the authority on major decisions made, which may have implications for all elected members during their term of office, with the remit looking at engagement and consultation with respective ward members prior to implementation.

He called for the establishment of an all-party working group to be set up and report recommendations with implementation taking place prior to the May 2022 elections on changes which are required.

- 10.3 Concerns were raised regarding the establishment of an all-party working group. It was considered that further scrutiny offers no further democracy to residents, it would slow down the decision-making process and add a further layer of bureaucracy. However, it was argued that as the all-party working group would be making suggestions to Council, it would not be adding any further layers of bureaucracy.
- 10.4 A Member highlighted that the Constitution has been in place since 2002 and has worked in everybody's interest. It was felt that the proposals put forward by Councillor K. Etheridge will not improve the way the Council operates. In response, it was pointed out that the Constitution is an evolving document which does get amended periodically. It was argued that from time to time is necessary to review the Constitution, in light of circumstances as they evolve, to see if there are better ways of working.
- 10.5 A Member sought advice from the Monitoring Officer as to whether a working group is an appropriate way to amend the Constitution. The Member referred to Article 14 which covers the review and revision of the Constitution, which places the key role in recommending amendments in the hands of the Monitoring Officer. The Monitoring Officer addressed the Scrutiny Committee and provided his views on the Notice of Motion. Members were advised that the Monitoring Officers of Wales are currently in the process of putting together a draft Constitution to be adopted by the 22 Councils in Wales and Members were further advised that it would be brought to their attention when it is available. It was noted that it is a role of the Monitoring Officer to keep the constitution under review, however it is ultimately a matter for Council. The Monitoring Officer addressed a number of issues raised by Councillor K. Etheridge. In conclusion, Members were reminded that a series of Corporate reviews are being undertaken, one of which is on Decision Making, and some of the points that are raised within the Notice of Motion are covered in the Corporate Review. In response to the comments made by the Monitoring Officer a concern was raised in that there was no timescale provided for the draft Constitution and it was suggested that an all-party working group would add value and improve it.
- 10.6 Reference was made to the establishment of an all-party working group, to be set up and report recommendations with implementation taking place prior to the May 2022 elections, and concerns were raised regarding timescale.

The Notice of Motion was moved and seconded, by way of Microsoft Forms voting (and in noting that there were 4 votes For, 8 votes Against and 0 Abstentions) the motion was not supported.

- 10.7 Therefore the Policy and Resources Scrutiny Committee RECOMMEND to Council that the motion not be supported.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.

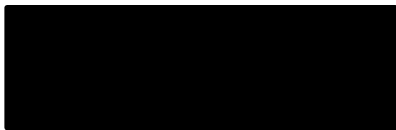
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**NOTICE OF MOTION – REVIEW OF COUNCIL CONSTITUTION AND MEMBER
PROTOCOL**

To consider the undersigned Notice of Motion standing in the name of County Borough
Councillor K. Etheridge and supported by the Members listed.

‘To ask Caerphilly County Borough Council to review the Councils Constitution and
Members Protocol with an emphasis on the procedure of delegated powers within the
Authority on major decisions made, which may have implications for all elected members
during their term of office, with the remit looking at engagement and consultation with
respective ward members prior to implementation.

We therefore call for the establishment of an all-party working group to be set up and report
recommendations with implementation taking place prior to the May 2022 elections on
changes which are required.’



Signed: Councillors K. Etheridge

Supported by: Councillors D. Cushing, N. Dix, A. Farina-Childs, C. Mann, B. Owen, G.
Simmonds, T. Parry, J. Taylor and L. Whittle

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COUNCIL – 16TH NOVEMBER 2021

SUBJECT: NOTICE OF MOTION – NINE MILE POINT PLANNING DECISION

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor K. Etheridge and supported by Councillors M. Davies, N. Dix, A. Farina-Childs, R. Gough, C. Mann, B. Owen, T. Parry, G. Simmonds.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedures is now referred to the Environment and Sustainability Scrutiny Committee for consideration, prior to its consideration by Council.

3. RECOMMENDATION

- 3.1 Council is asked to consider the notice of motion the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

- 5.1 **Notice of Motion**

We the undersigned elected members of the authority request that a full investigation into the Hazrem planning decision takes place.

This investigation should include within its remit any advice given by Planning Officers and advice given on the procedures and policy prior to and during the Planning Committee meeting when the application was originally considered, and any subsequent advice given to Hywel and Hazrem on conditions. Any relevant information provided to Planning Committee Members prior to the decision (including views of objectors and agents).

We request that the investigation also consider any discussions or information provided prior and after the submission of the Judicial Review and during if information requested by residents

This investigation should also detail any potential costs incurred as a result of the legal proceedings and provide a full account of the case law and finding of the advice given by the Monitoring Officer and outside counsel in regard to all matters especially the decision that no Environment Impact Assessment was required and to the oral hearings of Judicial Review. This will include information given to the Leader / Cabinet and the Corporate Management Team, and why members and residents were refused discussion and communication to achieve a compromise prior to a judicial review submitted by a Dr Platt.

- 5.2 The subject of this Notice of Motion was also referenced in a Question to Council and in a Statement from the Leader of Council at the meeting on the 5th October 2021. At that meeting it was confirmed that the complaints from the community would be investigated under the council's complaints process.
- 5.3 The Corporate Director of Education and Corporate Services has now concluded the Stage 2 Investigation and has not upheld Dr Platts complaints. Dr Platt has subsequently chosen to take his complaint to the Ombudsman for review.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.
- 7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

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

9. PERSONNEL IMPLICATIONS

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

10. CONSULTATIONS

- 10.1 The notice of motion was considered by the Environment and Sustainability Scrutiny Committee at its meeting on the 26th October 2021 and was not supported.
- 10.2 Councillor Etheridge introduced his notice of motion and made reference to a letter sent to Chris Evans MP in relation to the matter under consideration which contained information he felt to be relevant to the Scrutiny Committee's deliberations on the motion, he asked Members to accept the motion, the call for a full public enquiry and appointment of an independent person to take the matter forward.
- 10.3 Dr Platt with the permission of the Chair addressed the Scrutiny Committee and detailed the actions he had undertaken in terms of the Judicial Review process, the outcome of the Judicial Review process and why he had taken his matter forward on behalf of the community. Dr Platt believed the conversion of 1000 tonnes of waste into fuel on this site would cause environmental issues to the detriment of the residents in the area. He advised Members that an Environmental Impact Assessment had not been undertaken when the planning application had been submitted and furthermore the application had erroneously referred to the proposal as an industrial estate rather than a waste disposal plant. He advised that Legal Services had confirmed this as a waste disposal installation in April 2021. He also referenced the letter to Chris Evans MP outlined by Councillor Etheridge and the acknowledgement of this as a waste disposal plant. Dr Platt felt that the lack of an Environment Impact Assessment was a blunder by Caerphilly County Borough Council, and he could not understand why the site was not correctly identified at the time. He also did not understand why Caerphilly County Borough Council had refused to acknowledge this error for so long and believed that this mistake would have serious consequences for the residents who had to live in the area. Furthermore, as a rate payer he expected more from his local authority.
- 10.4 It was confirmed that Dr Platt would be allowed to answer questions from the Scrutiny Committee. A Member of the Scrutiny Committee who had also been a Member of the Planning Committee at the time of the application advised that he had attend a site visit prior to the Planning Committee meeting when this application was first considered. The Member queried the opinion of waste recovery or waste disposal and the difference between both and how they can be applied, which he believed could be interpreted either way and which he found confusing. He also sought clarification if the new application to extend five-year limit had become obsolete as work had commenced on site within that 5 years, so did this even come into play in 2020. He also asked Dr Platt if he was aware of the 6-week period before the Judge used it for his determination that there was no case to answer.

Dr Platt confirmed that there was some room from interpretation here however Legal Services had confirmed this in a letter that the argument put forward that it was a waste disposal plant was correct and would therefore be subject to an EIA. The Member was correct that the development was able to start works and the application to extend was withdrawn. But also, in 2020, 3 pre-commencement conditions were complied with and so works could commence, he advised that the legal challenge was based on these aspects as he believed that these should all

have been subject to an EIA. He confirmed that he was aware of the deadline, but this matter was did fall subject to Judge's discretion however in this case the Judge determined that due to the economic detriment that this would place on the Operator, an extension would not be allowed in this instance. He confirmed that at the moment it the site was as agreed waste disposal plant but he claimed that as the plant also does drying then it should also be considered to be undertaking chemical treatment and therefore be subject to an EIA and in this aspect of the case CCBC disagrees.

- 10.5 The Corporate Director Economy and Environment confirmed that the Operator has submitted a non-material amendment to their planning permission on the basis that they will not be undertaking any drying on the site.
- 10.6 A Member urged the Scrutiny Committee to consider the impact on residents and support the motions' call for an independent external investigation into the matter in the form of a public enquiry.
- 10.7 The Scrutiny Committee were reminded of the internal investigation process led by Mr Richard Edmunds as an independent Corporate Director and the next stage in the process should the complainant not be happy with the outcome of the internal investigation would be to refer the matter to the Ombudsman. Should Dr Platt be minded to do so, he can take advantage of this mechanism and take the matter forward to the Ombudsman for his consideration.
- 10.8 The Environment and Sustainability Committee having considered the motion and the evidence present by majority RECOMMENDED that Council not support the notice of motion.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices:
Appendix 1 Signed copy of Notice of Motion.

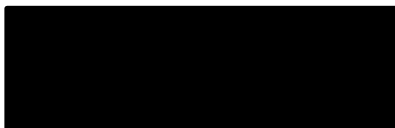
NOTICE OF MOTION – NINE MILE POINT PLANNING DECISION

To consider the undersigned Notice of Motion standing in the name of County Borough Councillor K. Etheridge and supported by the Members listed.

We the undersigned elected members of the authority request that a full investigation into the Hazrem planning decision takes place. This investigation should include within its remit any advice given by Planning Officers and advice given on the procedures and policy prior to and during the Planning Committee meeting when the application was originally considered, and any subsequent advice given to Hywel and Hazrem on conditions. Any relevant information provided to Planning Committee Members prior to the decision (including views of objectors and agents).

We request that the investigation also consider any discussions or information provided prior and after the submission of the Judicial Review and during if information requested by residents

This investigation should also detail any potential costs incurred as a result of the legal proceedings and provide a full account of the case law and finding of the advice given by the Monitoring Officer and outside counsel in regard to all matters especially the decision that no Environment Impact Assessment was required and to the oral hearings of Judicial Review. This will include information given to the Leader / Cabinet and the Corporate Management Team, and why members and residents were refused discussion and communication to achieve a compromise prior to a judicial review submitted by a Dr Platt



Signed: Councillors K. Etheridge

Supported by: Councillors M. Davies, N. Dix, A. Farina-Childs, R. Gough, C. Mann, B. Owen, T. Parry, G. Simmonds.

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COUNCIL – 16TH NOVEMBER 2021

SUBJECT: NOTICE OF MOTION – DAY CENTRES

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution, the Notice of Motion was first considered by the Social Services Scrutiny Committee at its meeting on the 1st November 2021.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor Colin Mann and is supported by Councillors A. Angel, P. Bevan, C. Bishop, D. Cushing, M. Davies, J.E. Fussell, R.W. Gough, S. Kent, M. James, T. Parry, J. Roberts, M.E. Sargent, S. Skivens, J. Taylor, L. Whittle.
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and is in accordance with the Council's Rules of Procedure now referred to Scrutiny for consideration.

3. RECOMMENDATION

- 3.1 Council are asked to consider the Notice of Motion outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

5.1 Notice of Motion

The motion asks that: -

In view of significant public concern about suggested changes to the council's day care services, the Plaid Cymru group calls on the council to return to providing a full service of hours at day centres, pending an extensive review. We also call on CCBC not to withdraw previous transport arrangements for service users.

The proposals, as they stand, have caused immense distress and anxiety for carers and some of the most vulnerable members of our society which is having a detrimental effect on their Mental Health and Wellbeing.

We are concerned that the existing consultation exercise has not gone out to all Carers and those vulnerable individuals they care for. The consultation seems to be merely window dressing with social services officers determined to drive through changes, whatever the short and long-term impact on carers and their family members. A better system of communication with service users and families is badly needed so that they are a proper part of the decision-making process

In the meantime, there should be a moratorium on any changes taking place for at least 12 months with a final decision on any changes being considered by the full council.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.

8. FINANCIAL IMPLICATIONS

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

9. PERSONNEL IMPLICATIONS

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

10. CONSULTATIONS

- 10.1 The Notice of Motion was considered by the Social Services Scrutiny Committee at its meeting on the 1st November 2021.
- 10.2 Councillor Mann outlined his notice of motion and the reasons for bringing it

forwarding for consideration. Councillor Mann acknowledged that some of the provisions within the motion had been superseded since its submission, however he still felt that it should progress as submitted. The Scrutiny Committee were asked to note the views expressed to Councillor Mann from Carers that they had lost a vital lifeline and were unable to cope with the reduced day services provision, placing stress and anxiety on families.

- 10.3 The Acting Chief Executive addressed the committee in relation to the second sentence in paragraph 3 of the motion and although he would not usually pass comment on the content of a motion, he felt that he should do so in this instance as he fundamentally disagreed with the view expressed. The reference projected an entirely unfair appraisal of Officers who had worked with the best of intentions in relation to the consultation process and having seen the work they had done throughout the pandemic to safeguard service users he felt no other option but to challenge the comments made. He accepted that the reduced provision had consequences for families, but the high infection rates levels, the risks associated for very vulnerable services users and the need to safeguard the public health could not be underestimated.
- 10.4 A Member expressed his disappointment that the motion had progressed as submitted despite his attempt to work with fellow Councillors on this issue as he would have preferred a collaborative approach, and endorsed the comments from the Acting Chief Executive in relation to Social Services staff. To this end Councillor Kevin Etheridge proposed an amendment to the motion to read: -
- “ In view of those recent concerns raised by users and carers at a public meeting and a petition of over 1000 names and the worry, distress, anxiety upset and stress caused for many in our communities we are pleased that the authorities have recognised that the original consultation exercise was withdrawn, and a more effective robust exercise will be undertaken by an Independent person with all stakeholders; users, carers and families.
- We therefore call for all parties to work together, and in order to work in partnership a working group is set up with specific terms of reference to monitor and evaluate progress to ensure fairness and consistency. The Group would therefore be Chaired by the Cabinet Member, Cllrs from this Scrutiny limited numbers 2/3, Carer and Users, Officers from Social Services and Union representative. A report will be produced with recommendations for evaluation and consideration with options going forward ensuring regular engagement with all parties.”
- 10.5 The Chair sought clarification as to whether Councillor Etheridge could propose such an amendment as his was not a signatory of the original motion and it was confirmed that this would need to be accepted by the proposer or one of the signatories and the Chair would need to consider how significant the change to be. The Chair confirmed that as this was on a similar theme she did not consider this to be a significant change and sought confirmation from Councillor Mann as to whether he was prepared to accept this as the motion to progress on to Council.
- 10.6 Councillor Mann confirmed that he would be prepared to remove the previously referred to sentence from his motion and take this forward. This amendment was then moved and seconded by the Committee.
- 10.7 Members then debated the current risks around service provision and infection rates and concerns were expressed that a return to full service would go against Welsh Government Guidance, Risk Assessments and place vulnerable people at an

increased risk of infection. A Co-opted Member updated the Committee on the robust nature of the risk assessment they had in place and how increased infection rates made it impossible for them to run their services at original levels in order to safeguard service users and felt that everyone must be mindful of doing the upmost to reduce infection rates. Another Cop-opted Member advised Members that the way in which day services had adapted their provision in light of the pandemic were popular with service users, getting them out and about.

10.8 A Member expressed concern regarding the negative impact on physical and mental wellbeing caused by the reduction of service but felt that consideration must be given to the wider range of implications and service provision.

10.9 Councillor Mann was then asked to reconsider the wording of his motion in line with the amendment proposed by Councillor Etheridge and Councillor Mann agreed to a combined motion which was moved and seconded to read: -

“In view of significant public concern about suggested changes to the council’s day care services, the Plaid Cymru group calls on the council to return to providing a full service of hours at day centres, pending an extensive review. We also call on CCBC not to withdraw previous transport arrangements for service users.

The proposals, as they stand, have caused immense distress and anxiety for carers and some of the most vulnerable members of our society which is having a detrimental effect on their Mental Health and Wellbeing.

We are concerned that the existing consultation exercise has not gone out to all Carers and those vulnerable individuals they care for. A better system of communication with service users and families is badly needed so that they are a proper part of the decision-making process

In the meantime, there should be a moratorium on any changes taking place for at least 12 months with a final decision on any changes being considered by the full council.

In view of those recent concerns raised by users and carers at a public meeting and a petition of over 1000 names and the worry, distress, anxiety upset and stress caused for many in our communities we are pleased that the authorities have recognised that the original consultation exercise was withdrawn, and a more effective robust exercise will be undertaken by an Independent person with all stakeholders; users, carers and families.

We therefore call for all parties to work together, and in order to work in partnership a working group is set up with specific terms of reference to monitor and evaluate progress to ensure fairness and consistency. The Group would therefore be Chaired by the Cabinet Member, Cllrs from this Scrutiny limited numbers 2/3, Carer and Users, Officers from Social Services and Union representative. A report will be produced with recommendations for evaluation and consideration with options going forward ensuring regular engagement with all parties.

10.10 Councillor Etheridge expressed his reservations in relation to the proposed combined motion and emphasised the need for elected members, officers, and partners to work together.

The matter then progressed to vote by rollcall, verbal confirmation.

- 10.11 Amendment 2 – The Combined Motion from Councillor Mann and Councillor Etheridge having been moved and seconded proceeded to the vote and by way of verbal confirmation was declared lost by the majority present.
- 10.12 Amendment 1 – The Amended Motion from Councillor Mann with the removal of sentence 2 of paragraph 3 having been moved and seconded proceeded to the vote and by way of verbal confirmation was declared lost by the majority present.
- 10.13 Substantive Motion – The Original Motion from Councillor Mann was not moved or second and was therefore declared lost.
- 10.14 The Social Services Scrutiny Committee therefore RECOMMENDED to Council that the Notice of Motion not be supported.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.

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NOTICE OF MOTION – DAY CENTRES

Notice of Motion Standing in the Name of County Borough Councillor Colin Mann and supported by the undersigned Councillors: -

In view of significant public concern about suggested changes to the council's day care services, the Plaid Cymru group calls on the council to return to providing a full service of hours at day centres, pending an extensive review. We also call on CCBC not to withdraw previous transport arrangements for service users.

The proposals, as they stand, have caused immense distress and anxiety for carers and some of the most vulnerable members of our society which is having a detrimental effect on their Mental Health and Wellbeing.

We are concerned that the existing consultation exercise has not gone out to all Carers and those vulnerable individuals they care for. The consultation seems to be merely window dressing with social services officers determined to drive through changes, whatever the short and long-term impact on carers and their family members. A better system of communication with service users and families is badly needed so that they are a proper part of the decision-making process

In the meantime, there should be a moratorium on any changes taking place for at least 12 months with a final decision on any changes being considered by the full council.



Councillor C. Mann

Supported By:

Councillors A. Angel, P. Bevan, C. Bishop, D. Cushing, M. Davies, J.E. Fussell, M. James, S. Kent, R.W. Gough, T. Parry, J. Roberts, S. Skivens, M.E. Sargent, J. Taylor, L. Whittle.

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COUNCIL – 16TH NOVEMBER 2021

SUBJECT: NOTICE OF MOTION – LOCAL ENERGY BUSINESS CAMPAIGN

REPORT BY: CORPORATE DIRECTOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 Council is asked to consider the Notice of Motion as set out in paragraph 5.1 of the report and make an appropriate recommendation. In accordance with Rule 11(3) of the Constitution, the Mayor has agreed to allow the motion to be dealt with at Council, without being first discussed at an overview and scrutiny committee in order to expedite business.

2. SUMMARY

- 2.1 A Notice of Motion has been received from Councillor Colin Mann, Philippa Marsden and Kevin Etheridge and was supported by Councillors P. Bevan, S. Cook, C. Gordon, N. George, L. Phipps, E. Stenner, R. Whiting, A. Whitcombe, J. Roberts, M. Adams, C. Andrews, D.T. Davies, J. Taylor, W. Williams, C. Elsbury, G. Johnston. P. Leonard, E. Forehead, R. Gough, T. Parry, C. Thomas and G. Kirby..
- 2.2 The Notice of Motion meets the criteria set out in the Council's Constitution and in accordance with the Council's Rules of Procedures is now referred to Council for consideration.

3. RECOMMENDATION

- 3.1 Council is asked to consider the notice of motion the Notice of Motion as outlined in paragraph 5.1 and make an appropriate recommendation.

4. REASONS FOR THE RECOMMENDATION

- 4.1 In accordance with the Council's Constitution.

5. THE REPORT

- 5.1 **Notice of Motion**

We the undersigned Elected Members request that Caerphilly County Borough Council: -

- i) Acknowledges the efforts that this Council has made to reduce greenhouse gas emissions and promote renewable energy.
- (ii) Further recognises
 - that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
 - that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for local companies, community groups and councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, if they wished, and
 - that revenues received by such local companies, community groups or councils that chose to become local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions.
- (iii) Notes that the Parliamentary Environmental Audit Committee, as a result of its 2021 Technological Innovations and Climate Change inquiry, recommended that a Right to Local Supply for local energy suppliers be established to address this.
- (iv) Accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 264 MPs and which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company; and
- (v) Further resolves to
 - inform the local media of this decision.
 - write to local MPs, asking them to support the Bill, and
 - write to the organisers of the campaign for the Bill, Power for People, (at Camden Collective, 5-7 Buck Street, London NW1 8NJ or info@powerforpeople.org.uk) expressing its support.

6. ASSUMPTIONS

- 6.1 As a notice of motion is a procedural matter and must be dealt with in accordance with Council's Constitution, no assumptions have been made.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

- 7.1 This report does not require an Integrated Impact Assessment as it relates to a procedural matter under the Councils Constitution.
- 7.2 The procedural rules regarding a Notice of Motion are contained within Council's Constitution as adopted in May 2002. The Council's Constitution sets out the framework for the decision-making roles and responsibilities.

7.3 However the outcome of the Notice of Motion and any subsequent reports arising from it may require an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications associated with this report.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications associated with this report.

10. CONSULTATIONS

10.1 There has been no consultation undertaken.

11. STATUTORY POWER

11.1 Local Government Act 2000

Author: Emma Sullivan (Senior Committee Services Officer)

Appendices: Appendix 1 Signed copy of Notice of Motion.

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NOTICE OF MOTION – LOCAL ENERGY BUSINESS CAMPAIGN

To consider the undersigned Notice of Motion standing in the name of County Borough Councillors Colin Mann, Philippa Marsden, and Kevin Etheridge and supported by the Members listed below.

We the undersigned Elected Members request that Caerphilly County Borough Council: -

- i) Acknowledges the efforts that this Council has made to reduce greenhouse gas emissions and promote renewable energy.
- (ii) Further recognises
 - that very large financial setup and running costs involved in selling locally generated renewable electricity to local customers result in it being impossible for local renewable electricity generators to do so,
 - that making these financial costs proportionate to the scale of a renewable electricity supplier's operation would create significant opportunities for local companies, community groups and councils to be providers of locally generated renewable electricity directly to local people, businesses and organisations, if they wished, and
 - that revenues received by such local companies, community groups or councils that chose to become local renewable electricity providers could be used to help improve the local economy, local services and facilities and to reduce local greenhouse gas emissions.
- (iii) Notes that the Parliamentary Environmental Audit Committee, as a result of its 2021 Technological Innovations and Climate Change inquiry, recommended that a Right to Local Supply for local energy suppliers be established to address this.
- (iv) Accordingly resolves to support the Local Electricity Bill, currently supported by a cross-party group of 264 MPs and which, if made law, would establish a Right to Local Supply which would promote local renewable electricity supply by making the setup and running costs of selling renewable electricity to local customers proportionate to the size of the supply company; and
- (v) Further resolves to
 - inform the local media of this decision.
 - write to local MPs, asking them to support the Bill, and
 - write to the organisers of the campaign for the Bill, Power for People, (at Camden Collective, 5-7 Buck Street, London NW1 8NJ or info@powerforpeople.org.uk) expressing its support.

Signed:



Cllr Colin Mann



Cllr Philippa Marsden



Cllr Kevin Etheridge

Supported by Councillors: P. Bevan, S. Cook, C. Gordon, N. George, L. Phipps, E. Stenner, R. Whiting, A. Whitcombe, J. Roberts, M. Adams, C. Andrews, D.T. Davies, J. Taylor, W. Williams, C. Elsbury, G. Johnston. P. Leonard, E. Forehead, R. Gough, T. Parry, C. Thomas, G. Kriby.

Confirmed by email



COUNCIL – 16TH NOVEMBER 2021

**SUBJECT: PUBLIC SERVICES OMBUDSMAN FOR WALES – ANNUAL LETTER
2020/21**

**REPORT BY: HEAD OF DEMOCRATIC SERVICES AND DEPUTY MONITORING
OFFICER**

1. PURPOSE OF REPORT

- 1.1 To inform Council of the publication of the Annual Letter for 2020/2021 in respect of Caerphilly Council by the Public Services Ombudsman for Wales.

2. SUMMARY

- 2.1 To advise Council of the publication of the Public Services Ombudsman for Wales Annual Letter for 2020/2021.

3. RECOMMENDATIONS

- 3.1 It is recommended that Council considers and notes the content of the Annual Letter.

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To satisfy the Council's statutory duties under the Public Services Ombudsman (Wales) Act 2019.

5. THE REPORT

- 5.1 The Public Services Ombudsman for Wales (PSOW) issues an Annual Letter to each Local Authority in Wales which sets out a summary of all complaints received and investigated by his office during 2020/2021 relating to that Authority. The Annual Letter issued in respect of Caerphilly is attached at Appendix 1 to this report.
- 5.2 Members will note that this letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. However, information received during this remarkable year will, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

- 5.3 In general during the past financial year, the Ombudsman has intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20. The overall number of new complaints regarding local authorities decreased by 12.5% compared with last year which reflects the reduction in complaints being reported during the Covid-19 pandemic. The Ombudsman's office intervened in a similar proportion of the cases closed as in the previous year (13%).
- 5.4 However, a higher proportion of Code of Conduct complaints were referred to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.
- 5.5 Members will note the Letter refers to Own Initiative Investigations which were progressed with the first relating to Local Authority Homelessness Assessments launched in September 2020. This has since been reported on the Ombudsman's Website <https://www.ombudsman.wales/own-initiative-reports>.
- 5.6 In addition the Ombudsman issued two new publications - 'Our Findings' and the first Equality Report. 'Our Findings' will be accessed via the PSOW website and replaces the quarterly casebooks. The first Equality Report highlights the work done to improve equality and diversity, and to ensure that the service is available to people from all parts of society.
- 5.7 All Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21. The data submitted for 2020/2021 shows: • Nearly 12,000 complaints were recorded by Local Authorities • This equates to 3.77 for every 1000 residents. • Nearly half (44%) of those complaints were upheld. • About 75% were investigated within 20 working days. • About 9% of all complaints closed were referred to PSOW. The CSA has since published the data for the first quarter of 2021/22 on the PSOW website. <https://www.ombudsman.wales/published-statistics/>
- 5.8 In relation to Caerphilly's data, a summary of the complaints of maladministration service failure is included in the Annual Letter. The data is self-explanatory and therefore no further comment is offered other than to ask Council to note the following.
- 5.8.1 The Ombudsman received 46 complaints relating to Caerphilly compared to 49 last year broken down as follows with the previous years' figures in brackets.

Adult Social Services	3	(0)
Benefits Administration	0	
Children's Social Services	9	(8)
Community Facilities, Recreation and Leisure	0	(0)
Complaints Handling	5	(5)
Covid19	0	
Education	1	(2)
Environment and Environmental Health	4	(5)
Finance and Taxation	0	(0)

Housing	13	(19)
Licensing	0	
Planning and Building Control	10	(5)
Roads and Transport	0	(4)
Various Other	1	(1)
Total	46	(49)

5.9 The Complaint Outcomes are set out in section C with 3 referrals requiring early resolution/voluntary settlement. The comparison figures with other authorities in Wales is set out in section D.

5.10 The Letter also includes a summary of the Code of Conduct complaints relating to members of the Council and Town and Community Councils. In relation to Code of Conduct complaints for Caerphilly council, two were discontinued, there was no evidence of a breach in respect of one matter and one was referred to the Adjudication Panel for Wales.

There was one referral in relation to Bedwas, Trethomas and Machen Community Council where there was no evidence of a breach.

5.11 **Conclusion**

5.12 Members will note that the Ombudsman has asked Councils to take the following actions

- Present the Annual Letter to the Cabinet to assist members in their scrutiny of the Council's complaints performance and any actions to be taken as a result.
- Engage with the Ombudsman's Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform the Ombudsman of the outcome of the Council's considerations and proposed actions on the above matters by 15 November.

5.13 Whilst the Ombudsman has asked that the Annual Letter be reported to Cabinet this Council's reporting process is to the Standards Committee and full Council which provides all members with the ability to review the referrals to the Public Services Ombudsman for Wales. The Annual Letter was reported to Standards Committee on 28th October 2021.

5.14 In relation to the work with the Complaints Standards Authority, complaints officers within Caerphilly undertook training last year which has also been rolled out to staff across all service areas and four training sessions are being held in October with approximately 80 officers attending.

5.15 The Ombudsman will be advised of the presentation of this report to the Standards committee and Council together with the outcomes.

6. **ASSUMPTIONS**

6.1 No assumptions are necessary within this report.

7. SUMMARY OF INTEGRATED IMPACT ASSESSMENT

7.1 This report is for information and so there is no requirement to undertake an Integrated Impact Assessment.

8. FINANCIAL IMPLICATIONS

8.1 There are no financial implications arising from this report.

9. PERSONNEL IMPLICATIONS

9.1 There are no personnel implications arising from this report.

10. CONSULTATIONS

10.1 This Report reflects the contents of the Annual Letter and therefore there has been no formal consultation on the content of the Report. A copy of the Report has been provided to the Consultees below.

11. STATUTORY POWER


11.1 Public Services Ombudsman (Wales) Act 2019

Author: Lisa Lane Head of Democratic Services and Deputy Monitoring Officer

Consultees: Dave Street Acting Chief Executive
Richard (Ed) Edmunds Corporate Director Education and Corporate Services
Mark S Williams Corporate Director for Economy and Environment
Robert Tranter Head of Legal Services and Monitoring Officer
Stephen Harris Head of Corporate Finance/Section 151 Officer
Councillor Philippa Marsden Leader
Councillor Colin Mann Leader of Plaid Cymru
Councillor Kevin Etheridge Leader of the Independent Group
Councillor Colin Gordon Cabinet Member for Corporate Services

Appendix 1 Annual Letter 2020/2021

Ask for: Communications

 01656 641150

Date: September 2021

 communications@ombudsman.wales

Cllr. Philippa Marsden
Caerphilly County Borough Council

By Email only: phillipamarsden@caerphilly.gov.uk

Annual Letter 2020/21

Dear Councillor Marsden

I am pleased to provide you with the Annual letter (2020/21) for Caerphilly County Borough Council.

This letter discusses information from a year unlike any other in recent memory, and as such may not be useful for establishing trends or patterns. Information received during this remarkable year will, however, bring insights on how public services reacted in the face of unprecedented demand and the most difficult of circumstances.

During the past financial year, we have intervened in (upheld, settled or resolved at an early stage) the same proportion of complaints about public bodies, 20%, compared with 2019/20.

Regarding new complaints received relating to Local Authorities, the overall number decreased by 12.5% compared with last year. This reflects the reduction in complaints being reported by Local Authorities during the Covid-19 pandemic. My office intervened in a similar proportion of the cases closed as in the previous year (13%).

However, we referred a higher proportion of Code of Conduct complaints to a Standards Committee or the Adjudication Panel for Wales: 3.4% compared to 2% in the previous year. This higher referral rate was also accompanied by a sharp increase in the number of Code of Conduct complaints received.

During 2020/21, despite challenges caused by the pandemic, my office made great strides in progressing work related to Complaints Standards and Own Initiative Investigations. The theme and consultation period of the first wider Own

Page 1 of 9

Initiative Investigation – into Local Authority Homelessness Assessments - was launched in September 2020 and the report is due in the coming months. We also commenced 4 extended Own Initiative Investigations, where we extended the scope of our work on a complaint already under investigation.

Last year, my office also pushed ahead with two new publications – ‘Our Findings’ and our first Equality Report.

‘Our Findings’ will be accessed via the PSOW website and replaces the quarterly casebooks. Our Findings will be updated more frequently and will be a more useful tool in sharing the outcomes of investigations. Our first Equality Report highlights the work done to improve equality and diversity, and to ensure that our service is available to people from all parts of society.

Local Authorities in Wales continued to submit data about the complaints they handled to the Complaints Standards Authority (CSA) during 2020/21, as well as receiving a model complaints procedure and accessing 76 virtual training sessions.

The data submitted for 2020/2021 shows:

- Nearly 12,000 complaints were recorded by Local Authorities
- This equates to 3.77 for every 1000 residents.
- Nearly half (44%) of those complaints were upheld.
- About 75% were investigated within 20 working days.
- About 9% of all complaints closed were referred to PSOW.

The CSA will publish data to the PSOW website for the first time in the coming year, marking a key achievement in the progress of this work. Training sessions have been delivered to almost all Local Authorities in Wales, and our offer of training remains open ended and will be delivered free of charge.

A summary of the complaints of maladministration/service failure received relating to your Council is attached.

Also attached is a summary of the Code of Conduct complaints relating to members of the Council and to the Town & Community Councils in your area.

I ask that the Council takes the following actions:

- Present my Annual Letter to the Cabinet to assist members in their scrutiny of the Council’s complaints performance and any actions to be taken as a result.
- Engage with my Complaints Standards work, accessing training for your staff and providing complaints data.
- Inform me of the outcome of the Council’s considerations and proposed actions on the above matters by 15 November.

This correspondence is copied to the Chief Executive of your Council and to your Contact Officer. Finally, a copy of all Annual Letters will be published on my website.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Bennett', written in a cursive style.

Nick Bennett
Ombudsman

cc.Christina Harrhy, Chief Executive, Caerphilly County Borough Council
By Email only: harrhc@caerphilly.gov.uk

Factsheet

Appendix A - Complaints Received

Local Authority	Complaints Received	Received per 1000 residents
Blaenau Gwent County Borough Council	15	0.21
Bridgend County Borough Council	31	0.21
Caerphilly County Borough Council	46	0.25
Cardiff Council*	96	0.26
Carmarthenshire County Council	27	0.14
Ceredigion County Council	32	0.44
Conwy County Borough Council	32	0.27
Denbighshire County Council	32	0.33
Flintshire County Council	59	0.38
Gwynedd Council	30	0.24
Isle of Anglesey County Council	18	0.26
Merthyr Tydfil County Borough Council	15	0.25
Monmouthshire County Council	20	0.21
Neath Port Talbot Council	19	0.13
Newport City Council	31	0.20
Pembrokeshire County Council	28	0.22
Powys County Council	38	0.29
Rhondda Cynon Taf County Borough Council	40	0.17
Swansea Council	73	0.30
Torfaen County Borough Council	12	0.13
Vale of Glamorgan Council	39	0.29
Wrexham County Borough Council	43	0.32
Total	776	0.25

* inc 2 Rent Smart Wales

Appendix B - Received by Subject

Caerphilly County Borough Council	Complaints Received	% Share
Adult Social Services	3	7%
Benefits Administraion	0	0%
Children's Social Services	9	20%
Community Facilities, Recreation and Leisure	0	0%
Complaints Handling	5	11%
Covid19	0	0%
Education	1	2%
Environment and Environmental Health	4	9%
Finance and Taxation	0	0%
Housing	13	28%
Licensing	0	0%
Planning and Building Control	10	22%
Roads and Transport	0	0%
Various Other	1	2%
Total	46	

Appendix C - Complaint Outcomes
 (* denotes intervention)

County/County Borough Councils	Out of Jurisdiction	Premature	Other cases closed after initial consideration	Early Resolution/voluntary settlement*	Discontinued	Other Reports Not Upheld	Other Reports Upheld*	Public Interest Report*	Total
Caerphilly County Borough Council	8	14	20	3	0	0	0	0	45
% Share	18%	31%	44%	7%	0%	0%	0%	0%	

Appendix D - Cases with PSOW Intervention

	No. of interventions	No. of closures	% of interventions
Blaenau Gwent County Borough Council	1	17	6%
Bridgend County Borough Council	2	30	7%
Caerphilly County Borough Council	3	45	7%
Cardiff Council	26	100	26%
Cardiff Council - Rent Smart Wales	0	2	0%
Carmarthenshire County Council	6	29	21%
Ceredigion County Council	4	31	13%
Conwy County Borough Council	5	31	16%
Denbighshire County Council	2	31	6%
Flintshire County Council	11	62	18%
Gwynedd Council	5	27	19%
Isle of Anglesey County Council	1	17	6%
Merthyr Tydfil County Borough Council	0	14	0%
Monmouthshire County Council	1	19	5%
Neath Port Talbot Council	1	17	6%
Newport City Council	5	29	17%
Pembrokeshire County Council	3	26	12%
Powys County Council	4	47	9%
Rhondda Cynon Taf County Borough Council	2	43	5%
Swansea Council	9	67	13%
Torfaen County Borough Council	0	11	0%
Vale of Glamorgan Council	5	38	13%
Wrexham County Borough Council	6	48	13%
Total	102	781	13%

Appendix E - Code of Conduct Complaints

County/County Borough Councils	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Caerphilly County Borough Council	2	1	0	1	0	0	4

Appendix F - Town/Community Council Code of Complaints

Town/Community Council	Discontinued	No evidence of breach	No action necessary	Refer to Adjudication Panel	Refer to Standards Committee	Withdrawn	Total
Bedwas, Trethomas & Machen Community Council	0	1	0	0	0	0	1

Information Sheet

Appendix A shows the number of complaints received by PSOW for all Local Authorities in 2020/2021. These complaints are contextualised by the number of people each health board reportedly serves.

Appendix B shows the categorisation of each complaint received, and what proportion of received complaints represents for the Local Authority.

Appendix C shows outcomes of the complaints which PSOW closed for the Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix D shows Intervention Rates for all Local Authorities in 2020/2021. An intervention is categorised by either an upheld complaint (either public interest or non-public interest), an early resolution, or a voluntary settlement.

Appendix E shows the outcomes of Code Of Conduct complaints closed by PSOW related to Local Authority in 2020/2021. This table shows both the volume, and the proportion that each outcome represents for the Local Authority.

Appendix F shows the outcomes of Code of Conduct complaints closed by PSOW related to Town and Community Councils in the Local Authority's area. This table shows both the volume, and the proportion that each outcome represents for each Town or Community Council.

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COUNCIL - 16TH NOVEMBER 2021

SUBJECT: MEMBERSHIP AND CHAIRING ARRANGEMENTS OF THE GOVERNANCE AND AUDIT COMMITTEE TO TAKE EFFECT FROM MAY 2022

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to ask Council to determine the size and composition of the Governance and Audit Committee to meet the requirements of the Local Government and Elections (Wales) Act 2021, and thus ensure that the correct number of lay member appointments to the Committee can be made. Council is also asked to note that in accordance with the Act, the Chair of the Committee must be a lay member. Both changes will be implemented following the elections in May 2022 and the Council's Constitution will be updated accordingly at that time.
- 1.2 To ensure expediency, Council is also asked to agree that the recruitment of the lay members will not be undertaken in accordance with current arrangements set out in the Terms of Reference of the Governance and Audit Committee. Instead, it is proposed that the appointments be made directly by a panel consisting of three members of the Governance & Audit Committee, without a requirement to seek subsequent approval at meetings of the Governance & Audit Committee and Council.

2. SUMMARY

- 2.1 The Local Government and Elections (Wales) Act 2021 has introduced requirements in relation to the make-up of the Governance and Audit Committee. From May 2022 the Act requires an increase in the number of lay members to one third of the total membership of the Committee.
- 2.2 As a result of the Act the total numbers of members including lay members will need to be divisible by three.
- 2.3 A recruitment process will be required in the period leading up to May 2022 to appoint suitable individuals to the co-opted lay member positions. However, it will not be possible to conclude the process without a decision of Council on the number of members who will sit on the Committee.

- 2.4 In addition, members are asked to note that the Act also requires changes to the Chairing arrangements for the Committee in that it is now required that the Chair must be a lay member.

3. RECOMMENDATIONS

- 3.1 Council is asked: -
- 3.1.1 To agree that following the elections in May 2022 the revised composition and size of the Governance and Audit Committee will be 12, comprising 8 elected members and 4 co-opted lay members (currently 13 with 1 lay member and 12 elected members).
- 3.1.2 To note that the Governance and Audit Committee chair will be one of the co-opted lay members.
- 3.2 To agree that a Panel of the Governance and Audit Committee comprising of 3 members will undertake the entire recruitment process of the lay members including shortlisting, interviewing and appointment (with support from relevant officers).

4. REASONS FOR THE RECOMMENDATIONS

- 4.1 To ensure that the Council's Constitution complies with Sections 116 – 118 of the Local Government and Elections (Wales) Act 2021 in relation to the composition and chairing of the Governance and Audit Committee from 5th May 2022.
- 4.2 To ensure that the recruitment of the additional co-opted lay members can be concluded as soon as possible.

5. THE REPORT

- 5.1 The Local Government and Elections (Wales) Act 2021 brought in some changes to the Audit Committee which were reported to the Committee at its meeting on the 26th January 2021.
- 5.2 Audit Committees (now renamed Governance and Audit Committees in line with the Act) provide important checks and balances to a principal council's governance arrangements. Councils have a statutory duty to establish an Audit Committee to review and scrutinise its financial affairs, risk management, internal control and corporate governance arrangements.
- 5.3 While Governance and Audit Committees are Committees of a principal council, they must be independent from the executive, and this is achieved by requiring the Committee to have several "lay members". Prior to the new Act at least one lay member was required with a maximum of one third lay members on the Committee. Caerphilly CBC currently has one lay member out of a total Committee of 13 (12 elected members plus the one lay member).
- 5.4 The new Act requires an increase in the number of lay members of the Governance & Audit Committee to one third of the total membership. In addition, the Chair of the Committee will, under the provisions of the legislation, be required to be a lay member.

5.5 These changes affect Caerphilly CBC in the following ways: -

- Size of committee. The total number on the Committee must be divisible by 3. Council will need to agree a preferred size of the Committee and a change will therefore be needed to the Council's constitution, once agreed.
- Chairing arrangements. The Council's constitution will need to reflect the requirement that from May 2022 the Chair of this Committee will be one of the lay members
- Caerphilly CBC will need to undertake a recruitment process to appoint the additional lay members. Officers have been working with the WLGA and this is in hand. The current terms of reference for the Governance and Audit Committee state that: -

"As and when necessary the appointment of a lay member to the Committee shall be undertaken by an appointment panel consisting of three Audit Committee members, to include the Chairperson. The panel will be responsible for considering all applications for the vacancy, short listing and interviewing prospective candidates. The panel will report their recommendations to the Audit Committee for confirmation/ agreement prior to approval by Council".

For expediency, Council is asked to delegate the entire appointment process of the lay members to the panel (with support from relevant officers), without the need to report its recommendations to the Governance and Audit Committee or seek approval from Council. Nominations to the panel will be sought from the Governance and Audit Committee with the proviso that it must include the Chair and demonstrates political balance.

5.6 **Conclusion**

Approval of the changes outlined in this report will ensure that the Council complies with its statutory requirements in relation to the Governance and Audit Committee.

6. **ASSUMPTIONS**

6.1 There are no assumptions in this report.

7. **SUMMARY OF INTEGRATED IMPACT ASSESSMENT**

7.1 An IIA is not required as the recommendations in this report have been made to ensure that the Council fulfils its statutory duties in relation to the Governance and Audit Committee and the Council's Constitution.

8. **FINANCIAL IMPLICATIONS**

8.1 There will be some minor financial implications as an increased number of co-opted lay members will lead to an increase in allowances paid to these individuals, but this is an unavoidable consequence of the legislation.

8.2 All co-opted lay members are entitled to a sessional allowance that is set by the Independent Remuneration Panel. This will include adequate time for reading all reports and attendance at Committee, any officer meetings particularly with the chair, and any meetings with external regulators.

9. PERSONNEL IMPLICATIONS

9.1 There are no direct personnel implications as a result of this report.

10. CONSULTATIONS

10.1 One response has been received from an elected member suggesting that consideration be given to increasing the size of the member appointment panel to 5 from 3.

11. STATUTORY POWER

11.1 Local Government and Elections Act 2021

Author: Deborah Gronow, Acting Internal Audit Manager (01443 863425
gronode@caerphilly.gov.uk)

Consultees: David Street, Acting Chief Executive, (street@caerphilly.gov.uk)
Richard Edmunds, Corporate Director,
Education & Corporate Services(edmunre@caerphilly.gov.uk)
Robert Tranter, Head of Legal Services and Monitoring Officer,
(trantrj@caerphilly.gov.uk)
Steve Harris, Head of Corporate Finance/s.151 officer, (harris
@caerphilly.gov.uk)
Cllr Eluned Stenner , Cabinet Member for Governance
(stenne@caerphilly.gov.uk)
Cllr M Sargent, Chair Governance and Audit Committee
(sargeme@caerphilly.gov.uk)
Cllr Phillipa Marsden, Leader of the Council (marsdp@caerphilly.gov.uk)
Cllr Colin Mann, Leader Plaid Cymru (manncp@caerphilly.gov.uk)
Cllr Kevin Etheridge, Leader Independent Group, (etherk1@caerphilly.gov.uk)

Background Papers: -

Audit Committee (26/01/21) – Local Government and Elections (Wales) Bill
[Local Government and Elections Wales Bill.pdf \(caerphilly.gov.uk\)](#)



COUNCIL – 16TH NOVEMBER 2021

**SUBJECT: PURCHASE OF LAND AT GROVESIDE ROAD, OAKDALE,
BLACKWOOD FOR ALTERNATIVE ALLOTMENT PROVISION**

REPORT BY: CORPORATE DIRECTOR – SOCIAL SERVICES AND HOUSING

-
- 1.1 The attached report was considered as an urgent and exempt item by Cabinet on 27TH October 2021.
 - 1.2 The Constitution requires that any decision taken as a matter of urgency must be reported to the next available meeting of Council, giving the reasons for its urgency. Therefore, the report is presented to Council for Members' information.
 - 1.3 The urgency of the item was required in order to expedite the proposed purchase of the land in question.
 - 1.4 The recommendations of the report were considered and approved by Cabinet.
 - 1.5 Members are asked to note the recommendations of the report and Cabinet decision.

Author: E. Sullivan (Senior Committee Services Offices)

Appendices:

Appendix Public Interest Test

Appendix 1 Report to Cabinet on 29th September 2021 – Exempt Item.

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COUNCIL – 16TH NOVEMBER 2021

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

**SUBJECT: PURCHASE OF LAND AT GROVESIDE ROAD, OAKDALE,
BLACKWOOD FOR ALTERNATIVE ALLOTMENT PROVISION**

REPORT BY: HEAD OF LEGAL SERVICES AND MONITORING OFFICER

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

EXEMPTIONS APPLYING TO THE REPORT:

Information relating to the financial or business affairs of any particular person (including the Authority holding that information) (Paragraph 14).

FACTORS IN FAVOUR OF DISCLOSURE:

There is a public interest in the way in which the Council purchases land.

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED:

The report contains detailed financial information about the bid the council will make to purchase the land.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS:

That paragraph 14 should apply.

I am mindful of the need to ensure the transparency and accountability in the way the council purchases land. However, disclosure of the information contained in the report would result in the council's offer being in the public domain before the auction or negotiations to purchase the land are finalised. On that basis I feel that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

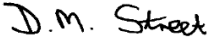
RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

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

Signed:  Dated: 2nd November, 2021

Post: Head of Legal Services and Monitoring Officer

I accept the recommendation made above.

Signed: 

Proper Officer

Date: 2nd November 2021

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