



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY 29TH JULY 2015 AT 2.00 P.M.

PRESENT:

Councillor K.V. Reynolds - Chair

Councillors:

Mrs C. Forehead (HR and Governance/Business Manager), N. George (Community and Leisure Services), D.T. Hardacre (Performance and Asset Management), K. James (Regeneration, Planning and Sustainable Development), Mrs B. Jones (Deputy Leader and Cabinet Member for Corporate Services), R. Passmore (Education and Lifelong Learning), D.V. Poole (Deputy Leader and Cabinet Member for Housing), T.J. Williams (Highways, Transportation and Engineering) and R. Woodyatt (Cabinet Member for Social Services)

Together with:

C. Burns (Interim Chief Executive), D. Street (Corporate Director Social Services), C. Harrhy (Corporate Director Education and Community Services)

Also in Attendance:

R. Ballantine (Personnel Manager), S. Harris (Interim Head of Corporate Finance), R. Hartshorn (Head of Public Protection), B. Hopkins (Assistant Director - Education), and C. Evans (Committee Services Officer)

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from N. Scammell (Acting Director of Corporate Services and Section 151 Officer).

2. DECLARATIONS OF INTEREST

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

3. CABINET – 15TH JULY 2015

RESOLVED that the minutes of the meeting held on 15th July 2015 (minute nos. 1 - 5) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. PROVISIONAL OUTTURN FOR 2014/15

In advance of the Statement of Accounts being audited and presented to Council on the 29th September 2015, the report provided Cabinet with details of the provisional outturn for the 2014/15 financial year and sought the approval of Cabinet for the use of service reserves for specific purposes.

Appendix A of the report provided a summary of the provisional revenue outturn position which is a net underspend of £18.059m. This includes an underspend of £6.814m on the Housing Revenue Account and an underspend of £312k for Schools.

During the year Officers have been mindful of the anticipated significant cuts in funding for future years and expenditure has been curtailed in a number of areas to support the Medium-Term Financial Plan. This prudent approach has resulted in a number of savings being achieved in advance and underspends being higher than would normally be the case. Details of the more significant variations against budget were provided in the report for each Directorate.

Appendix B of the report provided details of movements on General Fund balances and in light of the significant financial challenges that lie ahead officer advice is that it would be prudent to retain the General Fund balance at the projected level of £13.126m. This will provide some headroom to support the delivery of the Medium-Term Financial Plan in future years in respect of pump-priming and Invest to Save schemes. Once the provisional financial settlement and indicative allocations have been announced by the Welsh Government, this situation could be revisited but at the present time there is uncertainty in respect of the Revenue Support Grant (RSG) and other grant funding for 2016/17 and future years.

In terms of capital expenditure total spend on the WHQS Capital Programme for 2014/15 was £15.3m, which consisted primarily of internal works and resulted in some 700 properties being completed. The Programme underspent against its budget by some £13.5m and the 2015/16 Programme has been revised to reflect this slippage coming forward.

Cabinet noted that the General Fund Capital Programme for 2014/15 resulted in targeted spend available of £55.4m after including all in-year grant allocations and Section 106 monies. An amount of £27.6m remained unspent at financial year-end, the majority of which represented slippage that will be carried forward into the 2015/16 financial year. The most significant areas of slippage related to Education and the 21st Century Schools Programme (£13.4m), Urban Renewal (£4m), the Engineering Division (£3.6m), Property Services (£2.4m) and Community and Leisure Services related to schemes (£2.1m).

Members thanked the Officer for the report and commended Officers within their respective portfolio areas on their exceptional efforts and prudence with their budgets, which contribute to the savings achieved in 2014/15.

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

RESOLVED that for the reasons contained in the officer's report: -

- i. the provisional 2014/15 outturn position be noted;
- ii. the recommendation to utilise £750k of Education and Lifelong Learning Service reserves to match-fund the cost of the permanent extension at Islwyn High School (paragraph 4.16 of the report) be approved;

- iii. the recommendation to utilise up to £543k of Education and Lifelong Learning Service reserves to match-fund the ESF funding for Bridges into Work and Working Skills for Adults projects (paragraphs 4.17 and 4.18 of the report) be approved;
- iv. the use £474k of funding from Social Services accumulated reserves to mitigate the 2015/16 financial impact of the cut in Supporting People Grant while a sustainable solution is developed for the longer-term (paragraph 4.26 of the report) be approved;
- v. the transfer of £400k from accumulated service reserves to an earmarked reserve to fund Caerphilly CBC's liability in respect of future Welsh Government Invest to Save loan repayments for the Gwent Frailty Programme (paragraph 4.27 of the report) be agreed;
- vi. the establishment of a ring-fenced Winter Maintenance reserve with a cumulative maximum value of £500k and the transfer of £52k into this reserve in respect of the 2014/15 financial year (paragraphs 4.31 and 4.32 of the report) be approved;
- vii. the £50k appropriation for future repairs and maintenance at Ty Croeso (paragraph 4.43 of the report) be noted and endorsed;
- viii. the transfer of Ty Croeso from a Housing Revenue Account (HRA) asset to a General Fund asset (paragraph 4.43 of the report) be approved.

5. NATIONAL NON-DOMESTIC RATE RELIEF GRANT FUNDING – WG 'WALES RETAIL RELIEF SCHEME' 2015/16

The report and accompanying appendix provided details of the national non-domestic rate (NDR) 'Wales Retail Relief Scheme' 2015/16, offered by Welsh Government (WG), and seeks the approval of Cabinet for the adoption of the new scheme, in accordance with the guidance, in order to obtain the WG grant funding.

The scheme aims to provide assistance for eligible occupied retail non-domestic properties with a rateable value of £50,000 or less, by offering relief of up to £1,500 on the business rate bill for the financial year 2015/16, subject to State Aid limits. This is the second consecutive year for the scheme and Members noted that the Maximum claim amount has increased from £1,000 to £1,500 for 2015/16. The estimated funding for the Scheme in respect of this Authority is £724k but the grant terms allow the Authority to submit evidence no later than 31st October 2015 to WG to increase this, if the estimate proves inadequate.

As a condition of accepting the grant offer, the Authority must make the business community aware of the Scheme through its usual channels, such as its website, Town Centre Newsletter and the 'Newline' publication. In addition, the Authority must write to ratepayers that it considers eligible for relief under the Scheme, to inform them about the availability of relief and to provide information on the application process. The Authority's Business Rate Team will therefore write to all eligible businesses enclosing the appropriate application form to try and maximise take up of the Scheme.

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

RESOLVED that for the reasons contained in the officer's report it is recommended that Cabinet adopts, with immediate effect, the Wales Retail Relief Scheme 2015-2016, in accordance with the guidance set out at Appendix 1 and the provisions of section 47(1)(a) and section 47(3) of the Local Government Finance Act 1988.

6. PROPOSED PUBLIC SPACES PROTECTION ORDERS AT BARGOED, BLACKWOOD, NELSON AND CAERPHILLY BUS STATIONS (INCLUDING CAERPHILLY TRAIN STATION AREA) AND VARIOUS BUS SHELTERS

The report sought the approval of Cabinet, to adopt the new Public Spaces Protection Orders (PSPOs), under the Anti-Social Behaviour, Crime and Policing Act 2014, to alleviate anti-social behaviour at local authority bus stations namely Bargoed, Blackwood, Nelson and Caerphilly (including Caerphilly Train Station area) and various bus shelters.

The Anti-Social Behaviour, Crime and Policing Act 2014 brought in a new power for local authorities to deal with anti-social behaviour problems in a geographical area by imposing conditions on the use of the area. The aim is to ensure that the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

PSPOs replace a number of existing legal provisions including Designated Public Place Orders (DPPOs), Gating Orders and Dog Control Orders. Existing Orders made under previous legislation subsist for a period of 3 years from October 2014; at this point they will be treated as PSPOs.

PSPOs can prohibit a wider range of behaviours than previous legislation. PSPO's are subject to a consultation and notification process and may be appealed in the High Court within 6 weeks of an order being made. An appeal may be made by an 'Interested Person' i.e. a person who lives, works in, or regularly visits the 'Restricted Area'.

Discussions took place around the current legislation in place and it was noted that the implementation of PSPOs would afford Officers a wider remit and broader scope for public protection. Members considered DPPOs and suggested that Officers should be afforded the power to change a DPPO to a PSPO, if it was deemed necessary. Having consideration for this, the Officer agreed to bring back a further report recommending delegating powers to relevant Officers.

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

RESOLVED that for the reasons contained in the Officer's report, and subject to an amendment to recommendation ii and the addition of a further recommendation: -

- i. the evidence in support of the proposed Public Space Protection Order be noted;
- ii. it be agreed to make the proposed Public Spaces Protection Orders for bus stations and bus shelters and Caerphilly Train Station, as set out in the draft Orders at Appendix 2, 3 and 4 of the report;
- iii. Officers to seek appropriate advice, and bring back a report on the delegation of powers to officers to change current Designated Public Place Orders (DPPO) to Public Space Protection Orders (PSPO) if required.

7. DRAFT SOCIAL MEDIA POLICY

The report, which was considered by Policy and Resources Scrutiny Committee on 14th July 2015, sought the views and the approval of Cabinet for the Introduction of a Social Media Policy.

The advancement of technology has led to a significant increase in the use of social media applications; the Council's Disciplinary Procedure has been increasingly used to address alleged incidents of online misconduct by employees. Therefore, a Social Media Policy has been developed to provide guidelines to employees on the appropriate and responsible use of social media in both their private and professional lives.

Members noted that since the Policy and Resources Scrutiny Committee, key Officers, including Union Representatives have discussed communicating the new policy and agreed a number of methods of communication, such as; as information on the HR Portal, Posters, All User Email correspondence and flyers accompanying Staff Payslips.

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

RESOLVED that for the reasons contained in the Officer's report: -

- i. the Draft Social Media Policy as appended to the report be adopted;
- ii. consideration be given as to how the Draft Social Media Policy be communicated to all Council employees.

8. DRAFT DISCIPLINARY POLICY AND PROCEDURE

The report, which was considered by Policy and Resources Scrutiny Committee on 14th July 2015, sought the views and the approval of Cabinet on the proposed amendments to the Disciplinary Policy and Procedure for employees of Caerphilly County Borough Council.

Key changes to the Policy (which was last revised in 2010) included the introduction of a verbal warning as a means of dealing with less serious cases of misconduct, the removal of references to attendance issues (as this is now addressed via the Managing Sickness Absence Policy), the time limit to submit an appeal to be set as 10 days for all appeal types, and the introduction of a fast track process to deal with less serious matters of conduct.

Officers advised that the duration of disciplinary sanctions for a verbal, written and final warning would be set at 6, 12 and 18 months respectively. During the consultation process, it had been suggested that the sanction duration could be harmonised in line with those applied to teaching staff (3, 6 and 12 months), a stance supported by the Trade Unions. Officers advised that 12 months was deemed appropriate for a written warning following instances of serious misconduct.

The revised Policy will apply to all Caerphilly employees and will also apply to non-teaching school-based staff where the Scheme is adopted by the School Governing Body. The revised Policy does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.

Members thanked the Officer for the report and discussions ensued. Members suggested some amendments to the language within the Policy, in order to make the Policy more clear and reduce the risk of misinterpretation. The Officer clarified some of the points raised and agreed to make the recommended amendments within the Policy.

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

RESOLVED that for the reasons contained in the Officer's report, and in noting the revisions made at the meeting to the Draft Disciplinary Policy and Procedure, the revised Draft Disciplinary Policy and Procedure as appended to the report, be adopted.

9. ST. JAMES PRIMARY – FINAL ACCOUNT

The report sought Cabinet approval on the funding of the anticipated net shortfall in provision as well as noting developments in the process to concluding the issuing of the final certificate for making good and agreeing the final account sum.

In January 2010, Vinci PLC was appointed to construct St James and Greenhill Primary Schools and both projects were completed in 2011. Following completion of works, a dispute arose between Vinci and CCBC regarding the final accounts. Since this time the Greenhill Scheme has been agreed, however St James has not been finalised.

Cabinet noted that the matter was referred to adjudication on 11th November 2013. A decision letter was sent on 23rd December 2013 awarding Vinci £537,000.63, as well as the adjudicator's fees and required payment within 7 days. Following this the Interim Chief Executive made a delegated decision to pay the adjudication sum and follow a clear process for the final account to try to recover or reduce the over all cost.

Cabinet noted that there were some outstanding contractual issues remaining, which have now been resolved and appropriate BREEAM Certificates have been awarded, however there are still some outstanding site issues remaining which are outside of the scope of the initial contract or matters lost on adjudication and reach a sum of approximately £40,000.

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

RESOLVED that for the reasons contained in the Officer's report: -

- i. the action taken previously by the Interim Chief Executive be noted, and the proposed utilisation of circa £40,000 of residual funding for the project as recommended in section 6 of the report be agreed;
- ii. the agreement to the final account to Vinci in the sum of £5,735,227.93 be noted;
- iii. the revised shortfall of £463,000 (£523,000 - £100,000 + £40,000) be funded, through release of Education reserves to the value of £214,000 and re-direction of Lifelong Learning Schemes capital schemes to the value of £249,000;
- iv. a report be prepared for the 21st Century Schools Board to review the outcomes of this process and determine if there are lessons to be learnt in moving forward with future contracts.

The meeting closed at 2.53pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 2nd September 2015.

CHAIR