



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY 20TH JANUARY 2016 AT 2.00 P.M.

PRESENT:

Councillor K. V. Reynolds – Chair
Councillor D.V. Poole – Vice Chair

Councillors:

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), B. Jones (Corporate Services), R. Passmore (Education and Lifelong Learning), T.J. Williams (Highways, Transportation and Engineering) and R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), C. Harry (Corporate Director - Communities), N. Scammell (Acting Director of Corporate Services and S151 Officer) and D. Street (Corporate Director - Social Services).

Also in Attendance:

G. Williams (Interim Head of Legal Services and Monitoring Officer), P. Elliott (Head of Regeneration and Planning), R. Kyte (Team Leader Strategic and Development Planning), A. Wilcox (Senior Planning Officer), J. Morgan (Trading Standards and Licensing Manager), T. Shaw (Head of Engineering Services), M.S. Williams (Head of Community and Leisure Services), A. Price (Interim Head of Democratic Services and Deputy Monitoring Officer), C. Jones (Head of Property and Performance), L. Lucas (Head of Procurement) and C. Evans (Committee Services Officer).

ANNOUNCEMENTS

Members were advised that this would be the last meeting of Cabinet that Angharad Price (Interim Head of Democratic Services and Deputy Monitoring Officer) would be attending, as she would shortly be leaving to take up a post with Cardiff City Council. Members thanked the Officer for her support and wished her well for the future.

1. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

2. DECLARATIONS OF INTEREST

Councillors N. George and D. Hardacre declared an interest in the item relating to Community Centres Task and Finish Groups.

Councillor R. Woodyatt declared an interest in the item relating to Disposal of Duffryn House (Ty Dyffryn). Details are minuted with the respective items.

3. CABINET – 9TH DECEMBER 2015

RESOLVED that the minutes of the meeting held on 9th December 2015 (minute nos. 1 - 9) be approved and signed as a correct record.

4. CABINET – 16TH DECEMBER 2015

RESOLVED that the minutes of the meeting held on 16th December 2015 (minute nos. 1 - 5) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

5. REVIEW OF A) THE CORPORATE COMPLAINTS POLICY AND B) THE POLICY AND PROCEDURE FOR DEALING WITH UNACCEPTABLE PERSISTENT AND UNREASONABLE ACTIONS BY COMPLAINANTS

The report, which was considered by Audit Committee on 9th December, proposed changes to the Corporate Complaints Policy (as set out in Appendix 1 of the report) and the current Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants (as set out in Appendix 2).

Members noted that, in December 2012 the Audit Committee considered the implementation of the Council's new Corporate Complaints Policy which was subsequently endorsed by Cabinet and implemented on 1st April 2013. The policy was developed with a view to ensuring that complaints were dealt with in a consistent manner across Wales with the significant change being the number of stages in the process being reduced from three to two. This provision remains prescriptive and cannot under any circumstances be varied. The Audit Committee receives six monthly update reports on the complaints received under the Corporate Complaints Policy and has recently received an Annual report reviewing the complaints policy for the period 1st April 2014 to 31st March 2015. Members were advised that the policy is working well and there are no proposals to significantly amend the Policy other than to include those referred to in Appendix 1 of the report.

The introduction of the Policy and Procedure for Dealing with Unacceptable Persistent and Unreasonable Action by Complainants was considered by Audit Committee on 6th November 2013 and adopted by Cabinet in November 2013. The Policy is subject to a two yearly review, this was due in November 2015. Members were informed that it remains the case that the majority of complainants pursue their complaints with the Authority in an appropriate manner. However, a small number of complainants pursue their cases in a way that can impede investigation of their complaint or have significant resource implications in dealing with the case, for example the sheer number or nature of their enquiries may lead them to be considered as persistent. Members were advised that although there have been no formal referrals under this Policy since its introduction in November 2013, Officers have had regard to its provisions when considering the actions of any complainant whose behaviour was becoming unacceptable or persistent in nature. As such it remains a useful tool to Officers when dealing with complainants under the Corporate Complaints Policy.

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

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

- (i) the changes proposed to the Corporate Complaints Policy as set out in Appendix 1 of the report be endorsed;
- (ii) the current Policy and Procedure for Dealing with Unacceptable, Persistent and Unreasonable Actions by Complainants, as set out in Appendix 2 of the report, be endorsed.

6. VISIT WALES ERDF PROJECTS – THE MON AND BREC CANAL ADVENTURE TRIANGLE

The report provided Members with details of the new EU programmes, which were launched in Wales in November 2014. For some time before then, a range of proposals from Welsh Government and other bidders were under development and several have been approved now, with others at an advanced business planning stage.

The report focused on the ERDF capital infrastructure operations – specifically those being developed as regional destination management priorities and led by Visit Wales. Three individual projects have been developed for the South East Wales region via the Destination Management Group (formerly the Tourism Sub-group of the South East Wales Directors of Environment and Regeneration (SEWDER)) and these include one for the Mon and Brec Canal.

One of the identified priority destinations (via a scoring mechanism designed by the Destination Management Group) is the Mon & Brec Canal and during the past year, Officers from Caerphilly and Torfaen have collaborated to develop a suitable proposal. These efforts have progressed to the point where it is approaching consideration for approval and the financial package now needs to be considered and endorsed by Caerphilly County Borough Council.

It was noted that, since its consideration and endorsement by Corporate Management Team on 26th November, Visit Wales has announced that the amount of ERDF funding available for the Mon & Brec Canal project has been reduced from £3.5m to £2.0m (a reduction from £1.75m to £1.0m for the Caerphilly elements). Therefore, this report has updated the financial package and the activities accordingly.

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

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

- (i) the request to commit £229,000 of the Engineering budget already allocated for 2015-16 canal improvement works, as match funding for this proposal be agreed, on the basis that it is used to carry out canal restoration work that complement the wider Visit Wales submission. In addition, it be agreed that £212,000 of the Engineering indicative budget allocation for essential improvement works for 2016-17 be used to conduct the works and act as CCBC match to the wider programme;
- (ii) the income forecast to be received from Natural Resources Wales over the next four years, totalling £60,000 be used to contribute to the project;

- (iii) the level of staffing contributions, as set out in the revenue section of Appendix 2 be noted and acknowledged that this optimum level of income may not be achievable.

7. APPOINTMENT OF PUBLIC AND AGRICULTURAL ANALYSTS

The report proposed amendments to the appointment of public and agricultural analysts.

Caerphilly County Borough Council has a statutory duty to enforce the Food Safety Act 1990, which requires the authority to appoint a Public Analyst to analyse food for foreign bodies and compositional and labelling purposes. There are similar provisions in the Agriculture Act 1970 relating to the need to appoint an Agricultural Analyst.

Members, in recognising the importance of the service, considered the current appointments, as highlighted within the Officers report and noted that the amendments are required as a result of personnel changes within the various analyst services and due to the closure of Cardiff Scientific Services laboratory.

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 Officers report, the current list of authorised analysts be amended and the Public and Agricultural analysts, as listed in paragraph 4.4 of the report be appointed.

8. ACTIVE TRAVEL CONSULTATION ON EXISTING ROUTES MAP

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 8th December 2015, sought Members' views on the draft Active Travel Existing Routes Maps and reported the responses from statutory and public consultation on the matter, prior to its presentation to Cabinet for approval.

Members noted that the Active Travel (Wales) Act 2013 places new duties on local authorities in Wales to produce and publish Active Travel Maps. The first stage of the Act requires local authorities to produce an 'Existing Routes Map' that has to be submitted to the Welsh Government for approval by 22nd January 2016.

The Existing Routes Maps prepared and consulted upon (included in Appendix 1 of the report) includes Active Travel routes in the County Borough that satisfy 4 points which summarise the definition of an existing active travel route (as detailed within the report). Of the 35 responses received during the consultation process (summarised in Appendix 2 of the report), 80% agreed with the routes as proposed.

Members noted that one minor change is required to the proposed map to Link 13 (St. Cenydd Comprehensive school to Caerphilly town centre), which amends the origin of the Active Travel route to remove the road bridge from the route. If the bridge becomes compliant with the Disability Discrimination Act (DDA) then the map can be reviewed in the future.

Officers confirmed that the next stage of the Active Travel scheme is contingent on a deadline being established by Welsh Government and that the work developed to date has contributed to a number of areas of Council strategy, including that of the South East Wales Valleys Local Transport Plan objective to develop innovative walking, cycling and Smarter Choices programmes.

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 Officers report, the results of the consultation on the draft Active Travel Existing Routes Maps be noted, and that the Existing Routes Maps (as detailed in the report) be endorsed prior to submission to Welsh Government by 22nd January 2016.

9. FOOD AND ORGANIC WASTE PROCUREMENT

The report updated Cabinet on developments since the Heads of the Valley procurement failure and outlined options that have been considered to treat organic waste over the longer term, as part of our overall waste strategy. In addition, Members were asked to consider recommendations that the Council procures its own food and green waste contract.

Members noted that the need for a new Waste Transfer Station to treat and dispose of waste had been under consideration for some time and Officers have been exploring various sites for waste transfer infrastructure for the last 13 years, but to date no solution has been delivered “on the ground”.

Ty Dyffryn was purchased by the Council in 2005, for use as a waste treatment plant. Since that time there has been a long and mixed history over the use of the site. In January 2013, Cabinet resolved that a planning application be submitted for the proposed change of use of Ty Dyffryn for waste transfer, civic amenity site and depot use and a financial proposal be prepared for consideration by Council subject to planning permission being approved. In June 2015 planning permission was granted for change of use of Ty Dyffryn to a waste transfer facility and depot.

The supporting business case for the site at Ty Dyffryn was based upon the need to create a central facility to store and bulk all waste streams (including food and green waste) as well as a new civic amenity site and a central depot to house all associated Community Services vehicles. Throughout the same period, the Council, was part of a public sector collaboration for the procurement of a long-term food waste treatment contract with two other local authorities (Heads of the Valleys (HoV) Organics Procurement).

After a lengthy procurement process, the HoV Organics Procurement hub failed to move beyond the detailed solutions stage of the procurement as the remaining private sector bidders took decisions to withdraw from the procurement. Consequently, the procurement process ceased and there is now a need to consider how food and green waste will be dealt with.

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

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

- (i) the Council formally withdraws from the HoV Organics collaboration;
- (ii) the Council commences its own AD food waste and green waste treatment procurement and consider all options available from the market, which may include food waste transfer infrastructure.

10. COMMUNITY CENTRES TASK AND FINISH GROUP

Councillors N. George and D. Hardacre declared an interest (due to their personal association with staff at specific Community Centres) and left the meeting during consideration of this item.

The report, which was considered by the Education for Life Scrutiny Committee on 22nd September 2015, informed Members that a Task and Finish Group had been established in order to review the Council's support of community centre provision throughout the County Borough and make any recommendations necessary under the Medium Term Financial Plan.

Members noted that the Scrutiny Committee considered the recommendations from the Community Centres Task and Finish Group. With regards to the recommendation to close Tirphil, Channel View and Rhymney Day Centre (as listed in 9.4 of the report to the Education for Life Scrutiny Committee and to achieve savings of £18k), Members unanimously agreed the REMOVAL of Rhymney Day Centre from this recommendation to allow more time to increase its usage following the withdrawal of Social Services.

Members thanked the Officer for the report and discussion ensued. A Member suggested that, whilst they were happy to move the recommendations, proposed an additional amendment in that Channel View Community Centre also be allowed more time to increase its usage.

Following consideration and discussion, it was moved and seconded that, subject to Channel View Community Centre being allowed more time to increase its usage, the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers report and outlined at the meeting: -

- (i) the Council cuts the budget for payment of water rates for community centres to achieve savings of £27k;
- (ii) the Council reduces its caretaking contribution from 12 hours per week to 11 hours per week for each community centre, and recharges each community centre for one hour per week (to achieve savings of £14k);
- (iii) two centres, Channel View, Risca and Rhymney Day Centre be allowed more time to develop and increase their usage, and Tirphil centre be put forward for closure;
- (iv) that miscellaneous items be cut from the budget to achieve savings of £5k.

CHAIR

At this point in the meeting, Councillor K. Reynolds left and Councillor D. Poole proceeded to Chair the meeting.

11. FORMER BEDWELLY SCHOOL SITE

The report sought the approval of Cabinet to supersede a previous decision in respect of the disposal of land at the former Bedwellty School Site, and to market the site for sale on the open market for housing.

Members noted that at its meeting on 18th March 2008, Cabinet resolved to sell the Bedwellty School Site for housing on the open market by formal tender. As part of the process the bidders were required to demonstrate that they could achieve the Council's sustainability output targets and were also required to construct a new community centre on the site as an integral part of the development.

In the intervening period, Planning Policy Wales and Technical Advice Note 12 Design have been updated to set out the Welsh Government's land use planning policy in respect of promoting sustainability and sustainable buildings through good design. Further, Part L of the Building Regulations (relating to energy efficiency) has come into force and taken together these changes have codified much of the Council's previous aspirations.

Members noted that, in order to meet the aim of the Medium Term Financial Plan (MTFP), which is driving a rationalisation programme in respect of community-focussed buildings and land assets, the site should be sold on the open market, pursuant to the adopted Protocol on Disposal of Property.

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

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

- (i) the earlier Cabinet decision be superseded and the principle of selling the site on the open market for housing, pursuant to the adopted Protocol on Disposal of Property, without the previous conditions relating to achieving sustainability output targets or constructing a new community centre be agreed;
- (ii) the detailed terms of the disposal be delegated to the Head of Performance and Property Services in conjunction with the Cabinet Member for Performance and Asset Management.

RECOMMENDATION TO COUNCIL

12. PLANNING GUIDANCE FOR SMALLER SCALE WIND TURBINE DEVELOPMENT/CAERPHILLY COUNTY BOROUGH LANDSCAPE SENSITIVITY AND CAPACITY STUDY

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 8th December 2015, provided an update on technical work undertaken in respect of supplementary planning guidance for wind turbines and outlined the results of public consultation and representations received in respect of the Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study.

The report sought the comments of Members on the representations received and the minor amendments proposed to the guidance in respect of wind turbine development as a result, prior to its presentation to Council for approval as formal Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan (LDP) up to 2021.

Members were advised that concerns have arisen over the significant number of applications for single and multiple wind turbines being received in the area, and the cumulative impact arising from this. Landscape Officers felt there was insufficient guidance for local authorities or developers to allow consistent assessment of the potential impacts of these smaller scale developments. In response to this, Blaenau Gwent Council (on behalf of the Heads of the Valleys Authorities, including Caerphilly County Borough Council) commissioned a specialist company to undertake a study on this matter.

This work informed the new guidance, which has been prepared in two parts (Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study).

Members thanked the Officer for the report and expressed a need for the guidance to be applied to the development of wind turbines in order to prevent intrusion.

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

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

- (i) the representations received as part of the consultations undertaken and the minor amendments proposed in Appendix 3 of the report with regards to the Supplementary Planning Guidance for Smaller Scale Wind Turbine Development and the Caerphilly County Borough Landscape Sensitivity and Capacity Study be noted;
- (ii) the guidance be approved as formal Supplementary Planning Guidance to the Caerphilly County Borough Local Development Plan up to 2021.

EXEMPT ITEMS

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

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

13 DISPOSAL OF DUFFRYN HOUSE (TY DYFFRYN)

Councillor R. Woodyatt declared an interest in this item, due to a previous declaration and left the meeting during its consideration.

The report recommended the disposal of Dyffryn House to a single purchaser, for the relocation of a national business.

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

RESOLVED that for the reasons contained in the Officers report, the recommendations contained in paragraphs 9.1.1, 9.1.2 and 9.1.3 of the report be approved.

14. BRIDGEND COUNTY COUNCIL – CATALOGUE SUPPLIES SERVICE

The report advised Members of the decision of the Catalogue Supplies Service Joint Committee on the 18th December 2015, and recommended actions following the outcome of the Committee.

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

RESOLVED that for the reasons contained in the Officers report, the recommendations contained in paragraphs 8.1, 8.2, 8.3 and 8.4 of the report be approved.

The meeting closed at 3.10pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 3rd February 2016.

CHAIR