



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 8TH MARCH 2016 AT 5.00 PM

PRESENT:

Councillor L. Gardiner - Mayor

Councillors:

M. Adams, Mrs E.M. Aldworth, A.P. Angel, Mrs K.R. Baker, J. Bevan, P.J. Bevan, L. Binding, Mrs A. Blackman, D.G. Carter, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, D.T. Davies, H.R. Davies, K. Dawson, N. Dix, C. Elsbury, M. Evans, Mrs C. Forehead, J.E. Fussell, Ms J. Gale, N. George, C.J. Gordon, Mrs P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, K. James, M.P. James, G. Johnston, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs G. Oliver, Mrs R. Passmore, D.W.R. Preece, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, J. Simmonds, S. Skivens, Mrs J. Summers, J. Taylor, T.J. Williams, R. Woodyatt

Together with:

C. HARRY (Corporate Director – Communities), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Donovan (Acting Head of Human Resources and Organisational Development), C. Jones (Head of Performance and Policy), C. Forbes-Thompson (Scrutiny Manager), L. Lane (Solicitor), J. Morgan (Trading Standards, Licensing and Registrars Manager), M. McSherry (Licensing Manager), D.A. Thomas (Senior Policy Officer – Equalities and Welsh Language) and R. Barrett (Committee Services Officer)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Head of Legal Services and Monitoring Officer reminded those present that the meeting was being filmed and would be made publicly available in live and archive form via the Council's website. She advised that decisions would be made by a show of hands.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L. Ackerman, H.A. Andrews, D. Bolter, Miss E. Forehead, R.W. Gough, G.J. Hughes, D.V. Poole, M.J. Prew, Mrs D. Price, Mrs E. Stenner and L.G. Whittle, together with C. Burns (Interim Chief Executive) and D. Street (Corporate Director of Social Services).

3. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting, and advised Members that the Mayor's Charity total for this year currently stood at approximately £13,700. He referenced a large donation received earlier that day and expressed his gratitude for the kindness and generosity shown to his charity appeal over the past year.

Members were also advised that the Cefn Hengoed Ladies Choir will be performing at Blackwood Miners Institute on 17th March 2016, with all proceeds going to the Mayor's Charity.

4. PRESENTATION OF AWARDS

Wales Online Health Hero Award

Members were informed that Michelle Johnson from Engineering Services has recently received a Health Hero award from Wales Online for her outstanding work with heart patients.

In 2013, Michelle suffered terrible injuries in a serious car crash and spent months recovering in hospital and at home with the assistance of doctors, nurses and community resource teams. Following her recovery, she approached the cardiac rehabilitation team at the University of Wales Hospital to see if she could help with patients who had suffered heart attacks or had heart surgery. Michelle now volunteers two evenings a week in the hospital's cardiac rehabilitation programme, on top of her full time job at Caerphilly Council and looking after her children.

To prove her dedication to the role, Michelle spent over £600 of her own money to take an intensive seven-day course in Level 4 cardiac rehabilitation at the University of Gloucestershire. She is now organising her own specialist fitness classes at the Ararat Baptist Church in Whitchurch every Thursday evening.

Staff at the University Hospital of Wales nominated Michelle to become a Health Hero, and have praised her "never-ending sense of humour" and caring personality which gives patients a huge psychological boost.

In addition, Michelle also recently attended the annual NHS Employee Recognition Awards ceremony, where she won the prestigious Volunteer of The Year Award.

Michelle Johnson came forward to receive the award from the Mayor and Members congratulated her on her achievement.

5. DECLARATIONS OF INTEREST

The Interim Head of Legal Services and Monitoring Officer advised Members that in relation to Agenda Item No. 11 (Independent Remuneration Panel for Wales Annual Report 2016/17) there is a specific exemption within the Members' Code of Conduct which relates to payments (by virtue of Section 12 paragraph (b)(iv)) and therefore there was no requirement for Members to declare a prejudicial interest on that basis.

It was noted that with regards to Agenda Item No. 10 (Designation of Interim Head of Democratic Services), an Officer would be required to declare an interest and leave the meeting. Details are minuted with the respective item.

6. COUNCIL – 26TH JANUARY 2016

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

Council held on 26th January 2016 (minute nos. 1-13).

7. SPECIAL COUNCIL – 3RD FEBRUARY 2016

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

Special Council held on 3rd February 2016 (minute nos. 1-4).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

8. ANIMAL WELFARE (BREEDING OF DOGS) (WALES) REGULATIONS 2014

The report was presented to Cabinet on 17th February 2016 and outlined new statutory legislation to licence Dog Breeding Establishments in Wales. At that meeting, Cabinet unanimously agreed that the recommendations in the report, which contained proposals for determining the licence applications received by the Authority and for the setting of a licence fee under the new legislation, be approved.

Cabinet also recommended to Council that the Monitoring Officer be authorised to make the necessary changes to the Constitution to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

In response to a Member's query, Officers confirmed that there is only one licensed commercial breeder currently registered in the county borough, but explained that they regularly check online selling pages/adverts/social media to monitor the situation and to minimise occasions of breeders operating without a licence. Members were informed that these regulations will assist Licensing staff in addressing the issue of unlicensed dog breeding across the county borough.

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

RESOLVED that for the reasons set out in the report, the Council's Monitoring Officer be authorised to make the necessary amendments to the Constitution to reflect the implementation of the Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

9. STRATEGIC EQUALITY PLAN AND OBJECTIVES 2016 - 2020

The report, which was presented to the Policy and Resources Scrutiny Committee on 1st March 2016 and thereafter Cabinet on 2nd March 2016, sought Council approval on the adoption of an updated Strategic Equality Plan and Objectives for 2016-2020.

Since April 2012, the Council has had in place a four-year Strategic Equality Plan alongside a Welsh Language Scheme in order to comply with statutory duties, and which have been supported by the Equalities and Welsh Language Strategic Objectives and Action Plan. This

operational document was created as the requirements of both statutory duties have converged over the years, and so this unified action plan has reduced duplication and streamlined their implementation.

All local authority Welsh Language Schemes come to a formal end in March 2016 due to the introduction of new legislation and so the Council's Welsh Language Scheme document will be removed from the policy framework, so that actions within the Strategic Equality Plan related to the new Welsh Language Standards can replace it.

The Strategic Equality Plan has undergone minor updates in order to reflect changes or to provide additional information. The Objectives and Action Plan have been developed to take achievements and progress into account and to bring the document in line with the Welsh Language Standards. This has also ensured that the Council has a good foundation in place to meet three of the Well-being goals of the Well Being of Future Generations (Wales) Act 2015. Both documents were the focus of consultation and engagement exercises, and the comments and additional information received were reflected in the amended draft policy wherever possible.

It was noted that the draft revised Strategic Equality Plan and the Objectives and Action Plan had since been updated following comments received at the Policy and Resources Scrutiny Committee and thereafter Cabinet, and therefore Members were asked to approve the final version of this updated policy and unified action plan.

During the course of the ensuing debate, Members placed on record their thanks to Officers for the extensive work undertaken in the development of the updated policy and unified action plan, and welcomed the Council's commitment to Equalities and Welsh Language work.

Following consideration of the report, and subject to the aforementioned amendments, it was moved and seconded that the recommendations from the Policy and Resources Scrutiny Committee and Cabinet as outlined in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the report, the updated Strategic Equality Plan and the Objectives and Action Plan as set out in the Appendices to the report (and including the amendments proposed by the Policy and Resources Scrutiny Committee and thereafter Cabinet) be approved.

10. PROPOSED SUPPLEMENTARY PLANNING GUIDANCE – PONTLLANFRAITH HOUSE

The report, which was presented to Cabinet on 2nd March 2016, recommended to Council the formal adoption of the Site Development Brief for the Pontllanfraith House Site as Supplementary Planning Guidance to both the Caerphilly County Borough Local Development Plan (LDP) and the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031.

Council has agreed the closure of Pontllanfraith House as a corporate office as part of its Medium Term Financial Plan. The offices have been vacated and the services previously provided from that office relocated to other corporate offices. The site has therefore become surplus to requirements and it is proposed to offer the site for sale for residential development.

The report also outlined the progress made to date in structuring a Development Brief, including public consultation, and proposes to submit the Brief for adoption as Supplementary Planning Guidance. The Guidance will be issued to potential developers who have interest in purchasing the site so that they may be advised of the Council's ambitions for the site in planning terms. It was noted that there will be a minimum level of affordable housing provided as required in the Council's approved LDP.

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

RESOLVED that for the reasons set out in the report, the Development Brief for Pontllanfraith House Site Council be formally adopted as Supplementary Planning Guidance to both the Caerphilly County Borough Local Development Plan up to 2021 and the Deposit Replacement Caerphilly County Borough Local Development Plan up to 2031.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. DESIGNATION OF INTERIM HEAD OF DEMOCRATIC SERVICES

Cath Forbes-Thompson declared a personal and prejudicial interest and left the meeting during consideration of this item.

The report, which was previously considered by the Democratic Services Committee on 2nd March 2016, sought Council approval for the designation of the Scrutiny Manager as the statutory Head of Democratic Services on an interim basis.

The Local Government (Wales) Measure 2011 requires each local authority to designate an Officer to the statutory post of Head of Democratic Services. The Council's Deputy Monitoring Officer carries the statutory designation as Head of Democratic Services. However, the substantive postholder has been appointed to the role of Interim Head of Legal Services and Monitoring Officer. As a result of these arrangements, the Democratic Services Committee, at its meeting held on 28th May 2014, confirmed the designation of the Interim Deputy Monitoring Officer as Head of Democratic Services.

The Interim Officer has recently left the Authority and therefore it has been necessary to make a new designation. The Head of Democratic Services must not be the Council's Head of Paid Service, Monitoring Officer, or Chief Finance Officer, as these posts already carry a statutory officer designation. It was therefore proposed that the Council's Scrutiny Manager be designated as the Council's Interim Head of Democratic Services initially until 31st August 2016, when the interim arrangements for the Head of Legal Services and Monitoring Officer are due to be reviewed.

Following consideration of the report, it was moved and seconded that the recommendations from the Democratic Services Committee as outlined in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the report:-

- (i) the Scrutiny Manager be designated as Interim Head of Democratic Services on an interim basis until 31st August 2016;
- (ii) the Interim Head of Legal Services and Monitoring Officer be given delegated authority to make the appropriate amendments in the Council's constitution.

12. INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2016/17

The report detailed the Independent Remuneration Panel for Wales' final determinations relating to councillors and co-opted members for 2016/17, and sought decisions from Council on certain aspects of the Members remuneration scheme for 2016/17. The draft determinations of the Panel were previously presented to the Democratic Services Committee

on 18th November 2015 and the views expressed were included in the consultation response to the Panel.

As with previous years, the Panel determinations do not include any increases in the majority of payments made to Councillors and Co-opted Members for 2016/17, aside from minor changes to subsistence allowances.

Senior Salaries are payable to Members that hold certain prescribed roles and are limited to a maximum of 18 posts within Caerphilly Council. The Panel's determinations include a number of changes from their determinations in 2015/16, in they have introduced 2 salary levels for these posts and stated that it will be a matter for individual authorities to decide on which level of Executive salary to apply to such posts. The Panel have also introduced 2 salary levels for Committee Chairs and in 2014 introduced three levels of salary for Civic salaries. Again it is a matter for Council to determine which levels will be applied to these posts.

It was noted that the Panel's draft report included a limit on the number of Executive Members who were able to receive the higher level of salary, but has now been removed. In addition there was originally a determination to reduce the remuneration for the Leader of the largest opposition group and for Deputy Leaders but these have also been removed.

A copy of the Panel's Annual Report for 2016/17 was appended to the Officer's report. The Panel's determinations will take effect from the date of the Council's Annual General Meeting in May 2016. Members or Co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Interim Chief Executive.

Members were referred to recommendations 9.3 to 9.6 of the report, which sought a decision from Council in respect of the 2016/17 salary level for the Authority's Deputy Leaders, Cabinet Members, Committee Chairs and Civic Salaries. A number of options were listed against each of these posts for Members' consideration. The remaining recommendations within the report sought the approval of Council on other aspects of the Members remuneration scheme.

Following consideration and discussion of the report, it was moved and seconded that Option 2 (Level 2 salary) for the named posts contained within recommendations 9.3 to 9.6 of the report be selected as the approved option. Each of these recommendations were taken as individual motions and put to the vote. By a show of hands (and in noting there were 10 abstentions) on each vote taken, it was agreed by the majority present that Option 2 (Level 2 salary) for the named posts contained within recommendations 9.3 to 9.6 of the report be approved.

RESOLVED that for the reasons contained in the report:-

- (i) Option 2 (Level 2 salary), as detailed in section 4.10 of the report, be set as the appropriate level of Deputy Leaders salary for 2016/17;
- (ii) Option 2 (Level 2 salary), as detailed in section 4.11 of the report, be set as the appropriate level of Cabinet Members salary for 2016/17;
- (iii) Option 2 (Level 2 salary), as detailed in section 4.14 of the report, be set as the appropriate level of Committee Chairs salary for 2016/17;
- (iv) Option 2 (Level 2 salary), as detailed in section 4.16 of the report, be set as the appropriate level of Civic Salaries for 2016/17.

Councillor K.V. Reynolds, Leader of Council, advised Members that as a contribution towards the financial savings required across the Authority, he would be reducing his remuneration entitlement by 5%, and would inform the Interim Chief Executive of his intention to do so accordingly.

It was then moved and seconded that the remaining recommendations within the report be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the report:-

- (i) the determinations of the Panel, including the appropriate level of Senior Salaries, travel and subsistence allowances and fee payments to Co-opted Members be implemented;
- (ii) the maximum number of days payable to co-opted Members of the Education for Life Scrutiny Committee and to co-opted (lay) Members of the Standards Committee remain at 10 days per year, as stated in paragraph 4.26 of the report;
- (iii) the Officers listed at paragraph 4.28 of the report continue to act as the 'appropriate officer' for Co-opted Members as indicated;
- (iv) no allowance payment be made for travel claims for journeys made within Members' wards, as stated in paragraph 4.33 of the report.

13. PUBLICATION OF PAY POLICY STATEMENT – LOCALISM ACT 2011

Consideration was given to the report which sought approval for the publication of the Authority's Pay Policy. Members were advised that the Localism Act 2011 requires local authorities to develop and make public their Pay Policy. This includes all aspects of Chief Officer Remuneration (including on ceasing to hold office), and also in relation to the "lowest paid" in the Council, explaining their Policy on the relationship between remuneration for Chief Officers and other groups.

The Pay Policy Statement appended to the report contains the full details of the remuneration position for the Council that it is required to publish under the legislation. Members were reminded of the legislative requirement for the Pay Policy to be published on an annual basis, and therefore by 31st March 2016 for this financial year.

During the course of the debate, queries were raised as to the content of the Pay Policy Statement, including variations of the Living Wage rate listed within the document, the accuracy of the number of employees listed within the Authority (circa 9,600) and the accuracy of the combined revenue and capital budget for 2015/2016 (listed as over £600 million). Officers explained that the £600m figure quoted reflects all revenue spend from the general fund, the Housing Revenue Account fund and capital expenditure and therefore equates to a substantial amount. It was confirmed that the new Living Wage should be listed as £8.25 per hour and that this would be amended prior to the final version of the Pay Policy being published. Officers also explained that the number of employees listed is not a full-time equivalent, includes schools and takes into account variances in staffing levels, and therefore the numbers will fluctuate across a period of time.

It was moved and seconded that subject to the foregoing amendment, the recommendation in the report be approved. By a show of hands (and in noting there were 16 against) this was agreed by the majority present.

RESOLVED that for the reasons contained in the report, and subject to the amendments being made to reflect the new Living Wage rate as being £8.25 per hour, the Pay Policy Statement (Version 5) be approved and published on the Council's website.

14. LICENSING/REGISTRATION/PERMIT FEES – 2016/17

The report, which proposed an increase in the Licensing/Registration/Permit Fees for the next financial year, in order to recover reasonable costs of providing the service, was considered by the Licensing Committee on 18th February 2016. Following discussion on its content, the Licensing Committee noted the level of fees charged in connection with the Licensing Act 2003 and unanimously recommended their acceptance by Council.

The report and its appendices detailed fee increases in a number of areas, and it was noted that in respect of fees for premises licences and club premises certificates (which are centrally set by the UK Government), that the Home Office are currently consulting local authorities on the likely costs of these types of licences, and it is hoped that legislation enabling these to be locally set will finally be implemented.

Members noted that the proposals in respect of taxi vehicle licences would be advertised in the local press for a period of 28 days to allow for any trade objections. Historically the Licensing Committee have been given delegated authority to consider any objections received, determine the fees and the date they come into force. If no objections are received then the fees would automatically apply at the end of the 28 day period. The cost of the MOT/Compliance check has been deducted from the fee for 2016/17 as these will in future be paid directly to the garage at the time of the test. Arising from changes to the duration of licences under the Deregulation Act 2015, reviewed fees for hackney carriage/private hire vehicle drivers and private hire operator licences were considered by the Licensing Committee on 24th September 2015 and approved by Council on 17th November 2015, and hence will not be reviewed again until 2017/18.

Following discussion on the contents of the report, it was moved and seconded that the recommendations contained therein be approved. By a show of hands (and in noting there were 5 against and 1 abstention) this was agreed by the majority present.

RESOLVED that for the reasons contained in the report:-

- (i) where appropriate, the fees proposed for 2016/17, as outlined in Appendices 1 and 3 to the report, be implemented with effect from 1st April 2016;
- (ii) the proposed fees for hackney carriage/private hire vehicle licences be advertised and the Licensing Committee be given delegated powers to consider any objections received and to determine the fees to be charged and the date on which any variations should come into force.

15. QUESTIONS RECEIVED UNDER RULE OF PROCEDURE 10(2)

Consideration was given to the following question received under Rule of Procedure 10(2). In accordance with the revisions to the Council's Constitution, the answers are also provided.

Housing Benefits - to the Cabinet Member for Corporate Services from Councillor Mrs A. Blackman

1. Can the Cabinet Member tell us the number of Housing and Council Tax Benefits claims there are in the financial year 2015/16?
2. How many of them are for Housing Benefit?
3. How many of them are for Council Tax Benefit?
4. For the financial year 15/16 how much will Council receive from the Department of Work and Pensions to cover the cost of these benefits?
5. At present, how many council tax payers are there across Caerphilly County Borough?
6. At present, what percentages of Council Tax payers are receiving Council Tax Benefit?

**RESPONSE FROM THE CABINET MEMBER FOR CORPORATE SERVICES -
COUNCILLOR MRS B. JONES**

1. The current number of live claims are 19,576
2. There are currently 14,203 Housing Benefit live claims (6,574 Private tenants and 7,629 Council tenants)
3. There are currently 19,046 Council Tax Reduction live claims
4. For the financial year 2014/15 the council received £60.5 million in subsidy to cover the cost of Housing Benefit payments. The total cost for 2015/16 will not be known until the final claim is made in April 2016.
With regards to Council Tax Reduction we do not receive subsidy to cover this from the Department of Work and Pensions. Instead, we receive a grant from Welsh Government which is incorporated within the RSG. For 2015/16 Caerphilly received £13.7 million.
5. To date there are 78,646 Council Tax payers in Caerphilly.
6. 24.2% Council Tax payers in Caerphilly receive Council Tax Reduction.

The meeting closed at 5.47 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 19th April 2016, they were signed by the Mayor.

MAYOR