



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 29TH JUNE 2016 AT 2.00 P.M.

PRESENT:

Councillor K. V. Reynolds – Chair

Councillors:

C. Forehead (Human Resources and Governance/Business Manager), N. George (Community and Leisure Services), D.T. Hardacre (Performance and Asset Management), D. Havard (Education and Lifelong Learning), K. James (Regeneration, Planning and Sustainable Development), B. Jones (Corporate Services), D. Poole (Housing), T.J. Williams (Highways, Transportation and Engineering) and R. Woodyatt (Social Services).

Together with:

C. Burns (Interim Chief Executive), C. Harray (Corporate Director Communities) and N. Scammell (Acting Director of Corporate Services and Section 151).

Also in Attendance:

R. Hartshorn (Head of Public Protection), D.A. Thomas (Senior Policy Officer – Equalities and Welsh Language), K. Cole (Chief Education Officer), C. Forbes-Thompson (Interim Head of Democratic Services) and C. Evans (Committee Services Officer)

ANNOUNCEMENTS

Members were advised that this would be the last meeting of Cabinet that David Thomas (Senior Policy Officer (Equalities & Welsh Language) would be attending. Members thanked the Officer all his hard work, contributions and support over the years and wished him all the best for the future.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from D. Street (Corporate Director – Social Services)

2. DECLARATIONS OF INTEREST

Councillors D. Hardacre and D. Havard declared an interest in the item relating to Governance Arrangements South East Wales Education Achievement Service (EAS). Details are minuted with the respective item.

3. CABINET – 1ST JUNE 2016

RESOLVED that the minutes of the meeting held on 1st June 2016 (minute nos. 1 - 8) be approved and signed as a correct record.

4. WELSH LANGUAGE STANDARDS ANNUAL REPORT 2015-2016

The report informed Members of the progress made during the financial year 2015-2016 against four specific areas of Welsh Language work, as required under the regulatory framework for implementing the Welsh Language Standards and the former Welsh Language Scheme.

Members noted that the report will then be published online by the deadline date of 30th June 2016, as required by Welsh Standard 158.

The Council has a statutory duty to produce an annual monitoring report on implementing Welsh Language issues under current legislation.

Officers explained that the information required for 2015-2016 was less than usual due to it being a transition year between the former and current legislation, covering four key areas, together with a summary of how Caerphilly County Borough Council prepared for the new statutory duties.

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 (and subject to the call-in period), the Welsh Language Standards Annual Report 2015-16 be published by the 30th June 2016, as a record of progress towards, and in compliance with, the relevant Welsh Language Standards.

5. CLOSURE OF THE KEY STAGE 2 SPECIALIST RESOURCE BASE FOR CHILDREN WITH HEARING IMPAIRMENT AT HENDRE JUNIOR SCHOOL, AND RE-DESIGNATION OF THE SOCIAL INCLUSION CLASS AT CEFN FFOREST PRIMARY SCHOOL: OUTCOME OF THE FORMAL CONSULTATION PROCESS

The report provided Cabinet with an update on the formal consultation process and sought a decision on the proposals.

Cabinet, at its meeting on 9th December 2015, agreed to proceed to a formal consultation process in relation to the above proposal. Members noted that the process (accompanied by consultation documents) took place between 4th January 2016 and 14th February 2016.

On 16th March 2016 Cabinet agreed to proceed to Statutory Notice. Statutory Notices relating to both proposals were issued on 11th April 2016 as detailed within Appendix 1 of the report. It was noted that, as indicated in the School Organisation Code, all consultees were notified and were given an opportunity to object to the proposals, as outlined within Appendix 2 of the report.

Officers explained that the 'objection period' finished on 9th May 2016 and no objections to the proposals were received by the Local Authority.

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 proposals to close the Key Stage 2 Specialist Resource Base (SRB) for children with hearing impairment (HI) at Hendre Junior School and to re-designate the key stage 2 Social Inclusion class at Cefn Fforest Primary School be endorsed.

6. GOVERNANCE ARRANGEMENTS SOUTH EAST WALES EDUCATION ACHIEVEMENT SERVICE (EAS)

Councillors D. Hardacre and D. Havard declared an interest in this time due to their involvement on the South East Wales Education Achievement Service (EAS) Board and Education Achievement Service Audit and Risk Assurance Committee and were advised by the Interim Chief Executive that it did not appear to be a pecuniary or prejudicial interest. They remained in the meeting but did not take part in the voting.

The report sought Cabinet approval to formally agree the Supplemental Agreement to the Collaboration and Members Agreement (CAMA) for the Education Achievement Service (EAS) April 2016.

Members were asked to note that a series of proposed changes to the original agreement have been outlined in the updated agreement, which include:

- Governance arrangements that ensure the LA's and the EAS are complying with requirements of the National Model for Regional Working.
- The way in which grants can be dealt with by the EAS – the first change being that all grants will now be channelled through the Directors Group in the first instance. There is a detailed process that explains how this will work in practice. The EAS will report on this regularly to both the Directors/Heads of Education and the Executive Members for Education in each of the LA's.
- The EAS' ability to provide services to customers other than the South East Wales Consortium (SEWC) LA's for a fee and subject to scrutiny and approval from the Joint Executive Group (JEG). The EAS may proceed with such a commission without prior JEG consent when:
 - The contract is valued at up to £50k but carries no risk/will have no impact on agreed delivery outcomes
 - The contract is valued up to £15k and may/will have an impact on agreed delivery outcomes
 - The EAS has taken appropriate advice on any VAT liabilities that entering into such a contract may rise to and these are factored into the detail of the contract
 - The EAS has taken appropriate legal advice in drawing up the contract
 - The EAS will inform the next JEG meeting of all new contracts that exceed £10,000 over a financial year.
- In the event the EAS core service costs more than predicted, in line with prior JEG approval, each LA will pay its proportional share on this overspend. However, the EAS in negotiation with the Las will repay this "loan" over an agreed period through reducing the core service charge each LA pays for an agreed period.

Members discussed the proposals and sought clarification on whether VAT was included in the contract valuations, as outlined within the report. Officers stated that clarification will be sought from the EAS and Members advised accordingly.

Following consideration and discussion, it was moved and seconded that, subject to clarification of the foregoing, 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 and the adoption of the Supplementary Agreement to the Collaboration and Members Agreement (CAMA) for the Education Achievement Service (EAS) April 2016, subject to clarification of the inclusion/exclusion of VAT in the contract valuations, be endorsed,.

7. CABINET FORWARD WORK PROGRAMME

The report sought Cabinet endorsement of the Forward Work Programme for the period July 2016 to September 2016.

Members noted that the Forward Work Programme is updated on a monthly basis to reflect any amendments that are made to it since it was first agreed on 22nd January 2014 and in addition, includes a detailed summary of the reports, which has been provided as a result of a recommendation following the Scrutiny Review.

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 Cabinet Forward Work Programme be endorsed.

RECOMMENDATIONS TO COUNCIL

8. AMENDMENTS TO AUTHORISATION OF OFFICERS WITHIN THE PUBLIC PROTECTION DIVISION

The report informed Cabinet of changes to the legislation applicable Officers of the Public Protection Division prior to presentation of the report to Council to amend the Council's Constitution to include Psychoactive Substances 2016 and the Children and Families Act 2014, and also to obtain additional authorisation for Officers under the above Acts.

Officers within the Public Protection Division require additional authorisation under Acts of Parliament in order to enforce the legislation and carry out their duties.

Members discussed the implications of the change in legislation and noted that the legislation now includes New Psychoactive Substances or anything producing a "legal high" (excluding alcohol, tobacco, nicotine, caffeine), "proxy purchasing" of tobacco products and cigarette papers, as well as nicotine products such as e-cigarettes and liquids. The report provides for local authority Enforcement Officers to have the flexibility to issue fixed penalty notices if they believe an offence has been committed. In addition, Members were asked to note that, should they have any specific concerns they should notify Officers and surveillance and/or "Test Purchases" could be implemented where required.

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.

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

- (i) the implementation of the legislation and the recommended changes to the Council's Constitution be referred to Council for determination;
- (ii) the Council's Monitoring Officer make the necessary amendments to the Council's Constitution;

- (iii) the Council's Constitution and terms of reference be amended by adding the following: Psychoactive Substances Act 2016, Children and Families Act 2014;
- (iv) Officers within Public Protection Division be authorised under the Psychoactive Substances Act 2016 and the Children and Families Act 2014 in order to enforce the legislation and carry out their duties.

9. NOTICE OF MOTION - REMEDIAL ACTION TO IMPROVE AIR QUALITY ON HAFODYRYNYS ROAD

The report, which was considered by Health Social Care and Wellbeing Scrutiny Committee on 29th June 2016, was presented to Cabinet in response to a Notice of Motion, received from Councillor A. Lewis and requested that CCBC take all remedial action urgently, to improve air quality on Hafodyrynys Road.

Members noted that there have been some recent reports in the media regarding air quality at this location.

The Environment Act 1995 introduced a strategic policy framework for air quality management. The strategy established a set of standards for a number of pollutants having regard to scientific and medical evidence on the effects on health. Local authorities are required to carry out regular reviews of air quality within their area to determine whether they comply with these standards and, where they do not, to designate an Air Quality Management Area (AQMA) and incorporate controls to improve air quality bringing it within the accepted levels.

Air quality monitoring began at Hafodyrynys in 2009. A Detailed Assessment of air quality was undertaken in 2013 based on monitoring data from 2012 and was submitted to Welsh Government. The Detailed Assessment confirmed that monitoring results were continuing to fail the air quality objectives and the area was designated as an AQMA at the same time that the Caerphilly Town Centre AQMA was extended in November 2013.

A Further Assessment report was undertaken in April 2015 and considered contributions from the different traffic types and modelled mitigation scenarios. The recent Crumlin Junction improvements were one of the modelled mitigation scenarios within the report. The recently completed scheme has already resulted in efficiency benefits but post scheme monitoring is ongoing.

Members noted that Air quality action plan, as required by the Act, will concentrate primarily on reducing levels of nitrogen dioxide within the Air Quality Management Area, it is important to note that the pollutant of concern is traffic related. Traffic queuing and congestion is an issue along the junctions that feed the A472 not just within the confines of the Air Quality Management Area. When producing the Action Plan, it will be necessary to consider areas surrounding the junctions that feed the A472 and require an input from many services across the Local Authority as well as from external partners, local residents and businesses.

In addition, Members noted that there is a requirement to consult members of the public during the production of the Action Plan and through an appropriate communication strategy it is intended to engage with residents, community groups and other key players. An Action Plan Steering Group meeting is proposed for September. All proposed actions will be assessed and those that are deliverable will go forward into the Hafodyrynys Air Quality Action Plan. It is envisaged that the draft Action Plan will go out to public consultation in early 2017.

Officers highlighted that, in support of the Notice of Motion, Councillor Lewis has also made reference to a planning application submitted to Torfaen Council which relates to reclamation of former opencast workings, recovery of secondary aggregates and construction of new

access road affecting public rights of way. The application has not yet been determined by Torfaen Council, but the resolution of Planning Committee on 8th July 2015 was: that Torfaen County Borough Council be advised that Caerphilly County Borough Council Planning Committee raises objections to the application on the grounds of the detrimental impact on residential amenity, highway safety and air quality. A letter to that effect was sent to Torfaen Council.

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.

RECOMMENDED that for the reasons discussed at the meeting, contained in the Officers report and in considering the recommendations of the Scrutiny Committee : -

- (i) the Notice of Motion be referred to Council for determination;
- (ii) the Action Plan Steering Group explore the option of building a by-pass in the area, in conjunction with Welsh Government.

The meeting closed at 2.51pm

Approved and signed as a correct record subject to any corrections made at the meeting held on 13th July 2016.

CHAIR