



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 22ND NOVEMBER 2016 AT 5.00 PM

PRESENT:

Councillor J. Bevan - Deputy Mayor (Presiding)

Councillors:

Mrs E.M. Aldworth, A.P. Angel, L. Binding, 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, Miss E. Forehead, J.E. Fussell, Ms J. Gale, L. Gardiner, N. George, C.J. Gordon, R.W. Gough, D.T. Hardacre, L. Harding, D. Havard, C. Hawker, A.G. Higgs, K. James, Mrs B.A. Jones, Ms J.G. Jones, Miss L. Jones, S. Kent, G. Kirby, Ms P. Leonard, A. Lewis, C.P. Mann, P.A. Marsden, S. Morgan, A. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, K.V. Reynolds, J.E. Roberts, J. Simmonds, J. Taylor, L.G. Whittle, T.J. Williams

Together with:

C. Burns (Interim Chief Executive), C. HARRY (Corporate Director – Communities), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), D. Street (Corporate Director - Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), C. Jones (Head of Performance and Property Services), T. Shaw (Head of Engineering Services), T. Stephens (Interim Head of Planning), K. Peters (Corporate Policy Manager) and R. Barrett (Committee Services Officer)

Also present:

Non Jenkins (Wales Audit Office)

1. WEB-CASTING FILMING AND VOTING ARRANGEMENTS

The Interim Chief Executive 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. He advised that decisions would be made by a show of hands.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors L. Ackerman, Mrs K.R. Baker, P.J. Bevan, Mrs A. Blackman, Mrs P. Griffiths, G.J. Hughes, M.P. James, G. Johnston, K. Lloyd, Mrs G. Oliver, Mrs D. Price, R. Saralis, Mrs M.E. Sargent, S. Skivens and Mrs J. Summers.

3. COUNCILLOR LEON GARDINER

Councillor Leon Gardiner referred to his recent fall and expressed his gratitude for all the kind wishes and messages he had received during his recovery.

4. DEPUTY MAYOR'S ANNOUNCEMENTS

The Deputy Mayor referred to the 33 events and visits that he and the Mayor have undertaken since the last meeting, and spoke of the many commemorative events for Armistice Day that had been held across the county borough. Members were also encouraged to visit the Caerphilly Armed Forces Forum exhibition that is currently on display in the reception area of Penallta House.

5. PRESENTATION OF AWARDS

There were no awards to be presented.

6. DECLARATIONS OF INTEREST

During the course of the meeting, Councillor W. David and Councillor H.W. David declared an interest in Agenda Item No. 9 (Standards Committee – Appointment of Independent Member). Details are minuted with the respective item.

7. COUNCIL – 11TH OCTOBER 2016

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

Council held on 11th October 2016 (minute nos. 1-16).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

8. CORPORATE ASSET MANAGEMENT STRATEGY

Consideration was given to the report, which was presented to the Policy and Resources Scrutiny Committee on 4th October 2016 and endorsed by Cabinet on 19th October 2016.

Members were advised that following a review of the Council's Asset Management (Land and Property) Strategy in 2013, Wales Audit Office (WAO) made 5 proposals for improvement, which included "developing a robust Asset Management Strategy for its property and associated infrastructure" and "developing and implementing arrangements to monitor the delivery of the strategy". Following discussion between the WAO and Officers at Audit Committee in December 2015, it was resolved that a Corporate Asset Management Strategy (CAMS) should be progressed.

It was explained that the Corporate Asset Management Strategy (appended to the Scrutiny Committee report in draft form) is an overarching document which aligns with the corporate aims of the Council, and identifies where the Council has appropriate individual service asset

plans/strategies in place and where supporting strategies are needed. The CAMS establishes a set of Principles, which are aligned to the Well-Being of Future Generations (Wales) Act 2015 and has developed a number of Outcomes, namely: Compliance, Condition, Suitability, Sufficiency, Accessibility and Sustainability. The expectation is that all individual council asset plans/strategies will reflect these Principles and Outcomes to ensure the effective implementation of the CAMS, and existing individual service asset plans/strategies will be reviewed and revised to align with these Principles and Outcomes.

A Member queried the progress of the Council's Land and Buildings Asset Rationalisation programme and Officers explained that the recent State of the Estate report highlighted the positive achievements made to date in respect of the rationalisation of office buildings. Reference was also made to the high occupancy levels and demand for business premises across the county borough. Officers explained that Cabinet are due to consider a report to explore the possibility of European Regional Development Funding as part of a collaborative regional project to promote business development and growth in Wales. Members were also advised that the shortage of business premises across South-East Wales has been recognised and will be addressed as part of the Authority's proposals for the Cardiff Capital Region City Deal.

Clarification was sought as to whether a strategy exists for three asset categories set out at page 21 of the CAMS (Fleet, Leisure Services and Open Spaces). Officers explained that this information had been incomplete at the time of the report, but that a strategy is currently being prepared by Leisure Services and that Members would be updated following the meeting in regards to Fleet and Open Spaces.

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

RESOLVED that for the reasons contained in the report, the Draft Corporate Asset Management Strategy as appended to the Officer's report be approved.

9. HIGHWAY ASSET MANAGEMENT PLAN ENDORSEMENT

Consideration was given to the report, which was presented to the Regeneration and Environment Scrutiny Committee on 1st November 2016 and endorsed by Cabinet on 16th November 2016.

Members were advised that the Council has a statutory duty to maintain a safe highway network as set out under the Highways Act 1980. The CCBC Highway Asset Management Plan (HAMP) is one of three plans that make up the Highway Operations Group Framework and is a strategic approach that identifies all the highway assets that are the responsibility of the highway authority (the Council). It assesses highway status and condition, and determines and implements the most appropriate maintenance regime within the most efficient cost parameters.

Members placed on record their thanks to Council staff for their efforts in maintaining the highway network during the recent inclement weather. Members were also encouraged to report any concerns or issues in relation to highway assets (such as drains and gullies) to relevant Officers.

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

RESOLVED that for the reasons contained in the report:-

- (i) the content and annual review process for the Highway Asset Management Plan and the key aspects contained therein (namely the placement of the HAMP within the Highway Operations Group Framework, coverage of all aspects of highway asset management by the HAMP, and the identification of appropriate communication channels in respect of highway assets) be endorsed;
- (ii) the Highway Asset Management Plan as appended to the Officer's report be endorsed.

REPORTS OF OFFICERS

Consideration was given to the following reports.

10. ANNUAL IMPROVEMENT REPORT BY WALES AUDIT OFFICE

The report informed Members of the content of the Annual Improvement Report, which is a summary by the Wales Audit Office (WAO) of the Council's performance for 2015/2016 against their statutory duty under the Local Government Measure (Wales) 2009. The report outlined how the Council monitors and tracks proposals that are made for improvement by WAO so that Members can have assurance that a robust process is in place for following up on the suggested improvements.

Ms Non Jenkins (Wales Audit Office) was welcomed to the meeting and gave an overview of the content of the Annual Improvement Report (AIR), which is a public document summarising other reports made throughout the year. Any recommendations for improvement made previously are already known and have already been reported to the Council's Corporate Management Team, Cabinet and Audit Committee.

Members were advised that based on the work of the Wales Audit Office and relevant regulators, the findings of the Auditor General are that the Council is likely to comply with the requirements of the Local Government Measure during 2016-17. Ms Jenkins outlined the areas where the Council have met key requirements and demonstrated progress in respect of performance, use of resources and governance. Particular reference was made to the Council's work arising from the WAO review of the development of a Sport and Leisure Strategy, progress against the Medium Term Financial Plan, achievements in respect of waste and recycling targets, and improvements to self-evaluation and Scrutiny arrangements. The full findings were detailed within the Annual Improvement Report, a copy of which was appended to the Officer's report.

It was reported that the Auditor General had made no formal recommendations or suggestions for improvement within the AIR on behalf of the WAO. For accuracy, the report repeated 3 areas for improvement that were made earlier in the year by the Care and Social Services Inspectorate Wales (CSSIW) as part of their own annual review. These areas for improvement are mainly to continue working on the areas that were put on the register earlier in the year. In closing, Ms Jenkins referred to the good working relationship between the Council and the Wales Audit Office and thanked all those involved for their continued and valued co-operation.

It was noted that in addition to the Council's Corporate Management Team, Cabinet and Audit Committee, recommendations and proposals for improvement are also reported to the

appropriate Scrutiny Committees. Members placed on record their appreciation for the work of these committees in challenging and monitoring the progress made against improvements.

A Member referred to a number of areas highlighted in the AIR as in need of strengthening or evidencing (including monitoring progress of savings, Internal Audit and Gwent Frailty Programme outcomes) and sought further information on the actions being undertaken in respect of these areas. Officers explained that the Whole Authority Mid-Year Revenue Budget Monitoring Report 2016/17 recently presented to Cabinet included information on the progress of MTFP savings for 2016/17. This information was also presented at a recent Member's Seminar, where it was explained that a number of these savings had not been fully achieved.

Members were advised that the Annual Outturn Report 2015/2016 for Internal Audit Services was presented to Audit Committee in September 2016 which highlighted the action planning process in place to drive through the necessary improvements where issues have been identified. In respect of the WAO observation that the Gwent Frailty Programme needs to evidence tangible outcomes, Members were advised that establishing the future direction of this programme has been challenging. However, a Members' Seminar was recently held to explore the issues raised in the AIR and the Council has now undertaken a firm commitment to the Gwent Frailty Joint Committee.

Members were pleased to note the overall positive findings of the report and the progress made and thanked all staff involved for their efforts.

Arising from the course of the debate, an amendment to the report recommendation was moved and seconded, in that the arrangements for monitoring improvements be extended to include Cabinet. As such, it was moved and seconded that the amended recommendation be approved, and by a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the report, the contents of the Annual Improvement Report be noted and the arrangements for monitoring improvements via the Audit Committee and Cabinet be endorsed.

11. STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBER

Councillors W. David and H.W. David declared a personal and prejudicial interest (in that the recommended reserve candidate and his family are known to them) and left the meeting during consideration of the item.

The report outlined the need to appoint an independent member to the Standards Committee, and to consider a recommendation for the appointment of a reserve.

On 13th September 2016, Mr Vincent Brickley resigned as an Independent Member of the Standards Committee. A Panel was established to consider all the applications for the subsequent vacancy and to make a recommendation to Council. Arising from the application process, three candidates were interviewed on 4th November 2016. Following interview, the Panel considered that two of the candidates could be considered for appointment, and after discussion agreed that Mr Thenna Daniel Abbas be recommended for appointment as an independent member of the Standards Committee and that Mr Peter James Brunt be invited to remain on a reserve list for a period of one year.

During consideration of the report by Council, Members placed on record their appreciation to Mr Brickley for his invaluable contribution to the work of the Standards Committee.

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 set out in the report:-

- (i) Mr Thenna Daniel Abbas be appointed for a period of four years from 23rd November 2016 as an independent member of the Standards Committee;
- (ii) a reserve list of independent members be established and Mr Peter James Brunt be invited to remain on that list for a period of one year from 23rd November 2016.

12. PLANNING COMMITTEE SITE VISITS

Consideration was given to the report which reviewed the changes to the Planning Committee site visit procedure as agreed by Council in November 2015. These changes were subject to a six-month review following the date of implementation (March 2016) and an all-Member consultation on the new procedures took place in July 2016. During the consultation period, Members highlighted occasions where it may be impractical to visit all sites in one day and suggested there should be some flexibility in this procedure. At the Planning Committee meeting of 9th November 2016, Members noted the comments arising from the consultation process and endorsed the recommendations contained within the report.

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 set out in the report:-

- (i) the relevant changes to the Council's Constitution relating to Planning Site Visits be made permanent;
- (ii) the Council's Monitoring Officer be authorised to make the following amendment:
 - 1. Where it is impractical to undertake all approved site visits on the Monday before the Planning Committee, the visit/s may take place on any day subject to the visit/s taking place before the Planning Committee to which the application/s is/are being reported.

13. INTERNAL INVESTIGATION OF SENIOR OFFICERS – ADDITIONAL FINANCIAL PROVISION FOR LEGAL COSTS

A Member sought clarification on whether he would be required to leave the meeting owing to a personal and prejudicial interest in respect of the investigation. Officers explained that as the report was seeking approval of an additional financial provision for legal costs (and did not address the investigation itself) there was no requirement for Members or Officers to declare a prejudicial interest and leave the meeting on that basis.

The report sought Council approval of an additional financial provision in respect of legal costs relating to the ongoing internal investigation of three Senior Officers.

Members were reminded of the current interim arrangements in place within the Authority arising from the ongoing internal investigation. There are revenue budgets established for the

posts of Chief Executive, Director of Corporate Services and Head of Legal Services/Monitoring Officer and the post holders currently fulfilling these duties on an interim basis are funded from these revenue budgets. Additional costs associated with the three Senior Officers have been funded from General Fund reserves as approved by Council. On 19th July 2016, Council approved a further provision of £282k to cover the anticipated salary costs of the three Senior Officers to 31st March 2017.

The Authority is now progressing internal investigations in accordance with the Council's approved procedures and statutory requirements. At Council on 19th July 2016, Council also agreed a financial provision of £220k to meet the estimated 2016/17 legal costs of the ongoing investigation. However, based on actual legal costs incurred between 1st April 2016 to 31st October 2016, it is estimated that a further financial provision of £150k is required for legal costs in the current financial year, and it was therefore recommended that a further provision of £150k be set aside from General Fund balances.

Members were advised that this estimate is based on a monthly average of actual costs incurred and that actual costs for the remainder of the financial year may be higher or lower than this current average. In the event of costs exceeding the additional £150k, a further report will be prepared for Council.

During the course of the ensuing debate, clarification was sought on the total staffing and legal costs arising from the investigation to date, and whether a further financial provision would be required in the near future. The Interim Chief Executive confirmed that he would arrange for information relating to costs to be collated for Members following the meeting. Members were also advised that this further provision of £150k has been allocated for the period to 31st March 2017, and that if matters are not fully concluded by that time, a further report will be brought to Council.

A Member queried whether a future change in membership of the Investigating and Disciplinary Committee could impact on the investigation process to date. The Interim Chief Executive confirmed that this would not have a significant bearing on proceedings, as membership of this committee can change over time.

It was moved and seconded that the recommendation in the report be approved. By a show of hands (and in noting there were 8 against and 3 abstentions) this was agreed by the majority present.

RESOLVED that for the reasons contained in the report, a further financial provision of £150k be funded from General Fund balances to cover the estimated legal costs of the ongoing investigation to 31st March 2017.

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

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 5.53 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 24th January 2017, they were signed by the Mayor.

MAYOR