



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 6TH SEPTEMBER 2017 AT 2.00 P.M.

PRESENT

Councillor D.V. Poole – Chair

Councillors:

C.J. Cuss (Social Care and Well Being), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), L. Phipps (Homes and Places) and Mrs E. Stenner (Environment and Public Protection).

Together with:

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

Also in Attendance:

R. Hartshorn (Head of Public Protection), M. Williams (Interim Head of Property Services), J. Carpenter (Council Tax and NNDR Manager) and C. Evans (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs B.A. Jones, P.A. Marsden (Education and Achievement) and S. Morgan and D. Street (Corporate Director – Social Services).

2. DECLARATIONS OF INTEREST

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

3. CABINET – 19TH JULY 2017

RESOLVED that the minutes of the meeting held on 19th July 2017 (minute nos. 1 - 8) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. CAERPHILLY COUNTY BOROUGH COUNCIL (DOG CONTROL) PUBLIC SPACES PROTECTION ORDER 2017

The report advised Cabinet of the outcome of the Council's statutory consultation on proposals included in a draft Public Spaces Protection Order to tackle irresponsible dog ownership and dog fouling and sought Cabinet approval to bring into being the draft Public Spaces Protection Order, under the Anti-Social Behaviour, Crime and Policing Act 2014 providing additional legal powers for dog control.

Public Spaces Protection Orders (PSPOs) were introduced by the Anti-social Behaviour, Crime and Policing Act 2014 and can be used to regulate activities in particular public places to ensure that the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour. As such, they provide an opportunity to enhance the Council's enforcement ability to respond to public opinion regarding dog fouling. This opinion manifested itself through complaints to officers and Members, the Council's Household Survey, and concerns raised through the Your Voice process.

At its meeting on 18th January 2017 Cabinet endorsed proposals to undertake statutory consultation on various provisions which may be included in a Public Spaces Protection Order relating to Dog Control, some of which replace existing powers whilst others are new.

The overview of the consultation responses were appended to the report. The statutory public consultation provided support for action against irresponsible dog owners even though the majority of responses received were from dog owners themselves. There was a strong agreement with all of the proposals.

Cabinet thanked the Officer for the detailed report and discussed the proposals therein. Cabinet were happy to support the proposals, but emphasised the need to review the decision to omit the proposal to exclude dogs from all Council owned marked sports/playing pitches on a seasonal basis.

In addition, a Member requested that that Multi-use Games Area (MUGA) in Trelyn Park, be included in the detailed proposals.

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 outcome of the statutory consultation relating to the provisions contained in the draft Public Spaces Protection Order be noted;
- (ii) that the proposed Public Spaces Protection Order, as set out in Appendix 4 to the report be approved and adopted.

5. WORKS TO FACILITATE THE DISPOSAL OF PONTLLANFRAITH HOUSE SITE

The report sought approval to procure both the demolition of Ty Pontllanfraith House and the necessary site, and other investigations to inform the disposal process and to ensure the necessary funds are made available to fund these costs.

The site was marketed and three parties were invited for a formal interview. After further analysis of the bids a preferred purchaser was selected; discussions to refine the design are continuing.

The Commercial element of the offer of purchase continues to be caveated and it is now clear that a net firm offer will not be established until a detailed ground investigation is completed. The buildings continue to incur cost and it is proposed that the Council directly procures both the demolition of the buildings, and the necessary site and other investigations to inform the disposal process.

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, and in utilising funding from the capital earmarked reserve, the demolition of the buildings and the necessary site and other investigations be approved and all works be procured in line with the Authority's Standing Orders for contracts.

6. WRITE-OFF OF DEBTS OVER £20,000 – NNDR ARREARS FOR LTD COMPANIES

On the 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000. Approval is sought to write-off two national non-domestic rate (NNDR), also known as business rate, debts where, in each case, the individual debt is greater than £20,000.

It was noted that due to debtors absconding, declaring themselves insolvent through bankruptcy/liquidation or other proceedings, ceasing to trade, dying with no estate, and because of limited means there are inevitably circumstances when debts cannot be collected. After all legal means have been exhausted a decision is made to write-off debts. Policy and Resources Scrutiny Committee receive a report every 6 months summarising the value of debts written off by the Authority. It should be noted that business rate is an unsecured debt in the event of bankruptcy/ liquidation.

The report detailed two cases, the first case had unpaid rates of £26,944.26 in respect of an occupied rate liability covering the period 14th June 2012 to 31st December 2014 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt, a voluntary payment plan was agreed and payments of £5,212.00 were collected. Subsequently, an enforcement agent was instructed to recover the debt but before any further sums could be recovered, the company was dissolved. The total liability (including £112.33 court costs) was £32,765.30, of which £5,933.37 has been collected, leaving an unpaid balance of £26,944.26. The company was dissolved on 21st July 2015 via voluntary 'strike off' according to Companies House records. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.

The second had unpaid rates of £20,209.87 in respect of an occupied rate liability covering the period 1st September 2013 until 31st March 2016 inclusive. The Authority issued rate demands and obtained liability orders in respect of the debt. No payments were received and subsequently an enforcement agent was instructed to recover the debt. The total liability (including £171.10 court costs) was £34,898.29, of which £14,859.52 has been collected, leaving an unpaid balance of £20,209.87. The company went into liquidation on 1st April 2016 and the Authority submitted a claim for the outstanding debt to insolvency practitioners. In the unlikely event that any future payment is received in respect of these arrears, an equivalent amount of the debt will be reinstated.

In these cases the Authority has no further legal powers to recover the unpaid debts.

Members thanked the Officer for the report and sought assurance that all possible measures were taken to recover the debt. Officers outlined that, whilst the monies are collected on behalf of Welsh Government, and there is no significant impact to the Council's balances, all reasonable measures are taken to recover the debt.

Following consideration and discussion, it was moved and seconded that the recommendation 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 debts detailed in paragraphs 4.3 and 4.4 of the report be written-off on the grounds that they are irrecoverable.

EXEMPT ITEM

Members considered the public interest test 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 paragraphs 14 of Schedule 12A of the Local Government Act 1972.

7. WRITE OFF OF DEBTS OVER £20,000 – NNDR ARREARS

On 15th September 2009, Cabinet approved a revised write-off procedure for debts that are material, where the individual debt is greater than £20,000.

The report sought the approval of Cabinet to write-off a national non-domestic rate (NNDR), also known as business rate, debt where the individual debt is greater than £20,000.

Following consideration and discussion, it was moved and seconded that the recommendation 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 recommendation contained in paragraph 10.1 of the report be approved.

The meeting closed at 2.36 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 20th September 2017.

CHAIR