



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 31ST JANUARY 2018 AT 2.00 P.M.

PRESENT

Councillor D. Poole – Chair

Councillors:

C. Cuss (Social Care and Wellbeing), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. Harray (Interim Chief Executive) and M.S. Williams (Interim Corporate Director – Communities).

Also in Attendance:

A. Cullinane (Senior Policy Officer), K. Peters (Corporate Policy Manager), R. Hartshorn (Head of Public Protection), M. Williams (Interim Head of Property), T. Broadhurst (Estates Manager), S. Harris (Interim Head of Corporate Finance), D. Whetter (Interim Head of Regeneration) and C. Evans (Committee Services Officer).

Speakers:

Councillor N. Dix (Blackwood Ward Representative) and Councillor K. Etheridge (Blackwood Ward Representative)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from D. Street (Corporate Director – Social Services) and N. Scammell (Acting Director of Corporate Services & S151).

2. DECLARATIONS OF INTEREST

Councillors Mrs B. Jones and N. George declared an interest in the item relating to Housing Revenue Account Charges – 2018/2019. Details are minuted with the respective item.

3. CABINET – 13TH DECEMBER 2017

RESOLVED that the minutes of the meeting held on 13th December 2017 (minute nos. 1 - 8) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. ANNUAL EQUALITIES REPORT

The report provided Cabinet with an update on the progress made during the financial year 2016-2017 against targets in the Council's current Strategic Equality Plan, and for Cabinet to approve for submission to the Equalities and Human Rights Commission and publication online.

Members noted that the Council has a statutory duty to produce an annual monitoring report on Equalities issues under current legislation. The requirements are very detailed as to what relevant information must be included in the annual monitoring and improvement report.

The amount of information presented is therefore in order to ensure that the regulatory body involved (the Equalities and Human Rights Commission) are provided with full evidence of the Council's compliance and commitment to those statutory duties.

In summary, Cabinet were asked to note that, for the financial year in question; 370 lessons were delivered to over 9,000 students to schools in the county borough under the All Wales School Liaison Core Programme (AWSLCP); £108,000 of funding was used to upgrade properties across the county borough, which included -

- 1 Caerphilly CBC corporate buildings
- 2 countryside locations
- 3 Social Services sites
- 2 Community Education Centres
- 4 Leisure centres
- 18 Schools
- 1 Tourism site

In addition, Alun Davies, AM launched the Welsh Language Strategy in June at Ffiliffest, a LGBTQ+ Youth Group was created which was identified as one of the Youth Forum's priorities and is currently attended by 36 young people. Finally Members noted that the Winding House Museum became the first museum in Wales to be recognised as Dementia Friendly along with Blackwood Miners Institute.

Cabinet thanked the Officer for the detailed report and discussion took place around the Stonewall Benchmarking, links to Community Cohesion and recognition for the work done around Dementia Friendly Communities. Officers explained that, whilst the achievements have been documented they would be present in the next report, for 2017/18 financial year.

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 the annual report be noted and submitted to the Equality and Human Rights Commission and published on the Council's website.

5. CHILDREN'S BURIAL FEES

The report sought the views of Cabinet on the formal adoption of a Memorandum of Understanding (MoU) between Welsh Government across Wales as attached at Appendix 1 to the report. The MoU sets out a consistent approach in relation to children's burial fees.

Members were asked to note the recent campaign led by Carolyn Harris (MP for Swansea East) to abolish charges imposed by local Authorities for the burial and cremation of children.

As a result, on the 1st February 2017, Cabinet resolved to remove the interment fee for children up to and including the age of 16 years. However, there would still be costs associated with the purchase of Exclusive Rights of Burial (ERoB) if chosen by the bereaved family.

On the 18 October 2017, Cabinet resolved that the Authority commit to working closely with Welsh Government on the formation of the MoU in which burial authorities provide a commitment not to charge any fees in relation to the standard burial or cremation of a child which is defined as a person under the age of 18 years. This report now sets out the details in this respect.

Cabinet noted that the MoU sets out a consistent approach in that a child is defined as a person under the age of 18. It gives a commitment that all standard fees that a burial or cremation Authority may charge in relation to this are waived, as outlined below:

- (i) The cremation of a person under the age of 18;
- (ii) The interment of a person under the age of 18 years;
- (iii) The Exclusive Rights of Burial (ERoB) where required;
- (iv) Any other fees directly relating to the burial or cremation of a person under the age of 18 years such as fees to erect a memorial for example.

It was noted that the MoU is not open ended in terms of its duration and that a two year review period has been built in. This will allow Welsh Government to observe the practical effect if the implementation of the MoU and to record any feedback, successful or otherwise of the process.

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 Memorandum of Understanding, as appended to the report be formally adopted.

6. LAND AT PLASTURTWYN TERRACE, LLANBRADACH

The report sought member's instructions in relation to the disposal of land at Plasturtwyn Terrace, Llanbradach.

It was noted that, in 1997, the land at Plasturtwyn Terrace, Llanbradach was declared surplus to requirement, it became apparent with the advent of Technical Advice Note (TAN) 15: Development and Flood Risk (2004) that the site would be difficult to develop and the proposal was "shelved".

Over time, the site has been actively reconsidered and the impediments resolved and, the need for affordable housing being identified, a proposal is being worked up with United Welsh Housing Association (UWHA) (our zoned housing association partner).

In addition, it was noted that Local residents have submitted a petition registering an interest in purchasing part of the land for the purpose of garages and parking.

Cabinet were asked to consider the following options for the site:

1. To negotiate a disposal directly with UWHA in which case affordable housing could be up to 100%. In this scenario, because UWHA has been working up a proposal, it has been established that the wish of residents to purchase part of the land for the purpose of garages and parking cannot be accommodated since the reduction in site area renders the current scheme unviable.
2. To put the site on the market with a view to achieving a capital receipt; in this option, affordable housing will be limited to a maximum of 40% (as referenced in Supplementary Planning Guidance LDP1 – Affordable Housing Obligations July 2017). However, the wish of residents to purchase part of the land for the purpose of garages and parking could be accommodated since the site offered for sale will exclude that part (with a consequential reduction in the purchase price).

Members thanked the Officers for the report and queried the number of parking spaces that would be allotted to residents. Officers explained that this would be a matter to be considered as part of the Planning Application.

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: -

- (i) the land (as shown edged black on the plan as appended to the report, save for an area representing a ransom strip to be identified by the Interim Head of Property) be transferred, on terms to be agreed, to UWHA for the development of affordable housing, on terms to be negotiated;
- (ii) that officers ensure that parking provision for the residents of Plasturtwyn Terrace is provided within the development site;
- (iii) that approval of the detailed terms of the transfer be delegated to the Interim Head of Property Services in conjunction with the Cabinet Member for Homes and Places.

7. LAND AT CORONATION ROAD EAST UI BLACKWOOD

The Chair welcomed Councillor N. Dix and Councillor K. Etheridge, Ward Representatives for Blackwood, who requested to speak on the item.

The report sought Cabinet approval to the principle of disposing of land between Coronation Road and Lilian Road, Blackwood to the Pobl Group.

It was noted that in February 2013, the land at the rear of Lillian Road, Blackwood was declared surplus to requirement. In noting that Officers have identified a need for affordable housing, a proposal for the site is being worked up with Pobl (our Housing Association Partner).

Councillor N. Dix was invited to address Cabinet.

Cabinet noted that, whilst Councillor Dix is in support of land being sold for Social Housing use, the particular piece of land is not suitable for housing. Members were asked to note that site access is via a narrow lane and the site itself is wet and boggy and home to newts. In addition, Cabinet were asked to consider the views of local residents and that the land remaining for the use of the Community.

The Chair thanked Councillor Dix and invited Councillor Etheridge to address Cabinet.

It was noted that there have been 16 objections received in relation to the proposed development, along with a petition signed by 39 residents in the local area.

Councillor Etheridge asked Cabinet to consider deferring the report, and to have consideration for the discussions and negotiations being undertaken with Pobl, prior to approval by Cabinet. In addition, Cabinet were asked to note that a Planning Application has been submitted by Pobl for development on the site.

The Chair thanked the speakers for their representations and discussion ensued.

Cabinet sought clarification on the discussions being undertaken with Pobl. Officers assured Members that preliminary discussions have been undertaken in relation to the site, which is considered normal practice. In addition, Members were asked to note that the Planning Application submitted, has been done so at the Housing Associations own risk. In reference to the concerns raised about wildlife on the site, Members were asked to note that an ecologist has revisited the site and the reptile populated has moved, therefore this would have no bearing on the application.

Officers addressed the concerns highlighted in terms of access to the site and Members were assured that, should, during the Planning stage, access be deemed to be unsuitable, the development would not go ahead.

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: -

- (i) the land (as shown edged in black on the plan as appended to the report) be transferred, on terms to be agreed, to the Pobl Group;
- (ii) that the detailed terms of transfer be delegated to the Interim Head of Property Services in conjunction with the Cabinet Member for Homes and Places;
- (iii) that, if terms cannot be agreed, a further report be brought forward setting out options for Members' consideration.

8. UPDATE ON RESERVES

The Report, which was considered by Policy and Resources Scrutiny Committee on 16th January 2018, provided details of the usable reserves held by the Authority and included proposals for the user of reserves in some areas.

The Appendix to the report shows an opening balance in usable reserves as at the 1st April 2017 of £120,576m, which is in accordance with the audited Financial Statements for the 2016/17 financial year.

Members were advised that the balance on the General Fund is currently projected to be £13,131m as at 31 March 2018. This is above the minimum prudent level of £10m recommended annually by the Section 151 Officer. The projected balance will be reviewed again when 2018/19 budget proposals are presented to Council in February 2018, and recommendations will be made at the time in relation to use of any balance above the recommended minimum level of £10m.

With regards to Housing Revenue Account (HRA) reserves, Members were informed that these are ring-fenced and cannot be transferred into General Fund Balances. The projected

balance on HRA usable reserves was £16,821m as at the 1st April 2017 and much of this funding will be utilised for the Welsh Housing Quality Standard (WHQS) Capital Programme. The balance on the General Fund Capital Reserves as at the 1st April 2017 was £37,709m and this is ring-fenced for the Authority's Capital Programme. The Capital Reserves will be subject to a detailed review over the coming months and the outcome will be reported to the Scrutiny Committee in due course.

The report detailed the balanced held in usable reserves for each Directorate (29,633m for Corporate Services, £3,285m for Communities, £8,284m for Education and Lifelong Learning and £7,011m for Social Services, Public Protection and Corporate Policy). Members were reminded of the policy previously agreed by Cabinet, whereby service areas retain 50% of reported underspends at the financial year-end, which has resulted in full ownership and accountability by budget holders in respect of delivering a balanced budget. In July 2016, Cabinet agreed a Reserves Strategy which included the introduction of a cap on the cumulative amount that can be held by Directorates in service underspend reserves. Details of the 2017/18 budget for each Directorate, the balance on underspend reserves as at 1st April 2017 and whether the cap has been exceeded were contained in the report.

Members noted the excess accumulated underspend reserves for Corporate Services (£0.769m) and Education and Lifelong Learning (£0.381m) and were asked to consider the proposals contained in the report to utilise or retain these amounts. The report also detailed the projected net overspend for Social Services/Public Protection and Corporate Property arising from increased service demand, and outlined proposals to establish specific reserves funded from the Retained Underspend Reserve and to utilise reserves held in Social Services Initiative Reserve to partially offset this overspend.

Cabinet thanked the Officer for the detailed report and sought clarification on comments received that Caerphilly County Borough Council holds the highest reserves in Wales. Officers were not able to clarify this without considering other Authorities reserves but, reassured Members that Caerphilly CBC are not holding any unnecessary reserves. In addition, it was noted that the accounts have been considered by Wales Audit Officer, who have not expressed any concerns over the levels currently held in reserve.

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: -

- (i) that the report be noted;
- (ii) the accumulated underspend reserves above 3% cap for Corporate Services and Education and Lifelong Learning be utilised as detailed in 4.9.2 of the report;
- (iii) specific reserves totally £711k be established for Social Services as detailed in paragraph 4.9.3 of the report;
- (iv) funding totalling £508k be released from Social Services Service Initiative Reserves to partially offset the anticipated revenue budget overspend for 2017/18 (as detailed in paragraph 4.9.4 of the report).

9. HOUSING REVENUE ACCOUNT CHARGES – 2018/19

Councillor Mrs B. Jones declared an interest in this item, as a Council Tenant and Councillor N. George declared an interest as he rents a garage from the Authority. Both Members left the meeting during the items consideration.

The report, which was considered by Policy and Resources Scrutiny Committee on 16 January 2018, which was provided details of the proposed charges which are intended to be effective for the Housing Revenue Account (HRA) for the 2018/19 financial year.

Officers summarised the process involved in preparing the HRA budget. Members were reminded that Welsh Government's (WG) Policy for Social Housing Rents sets a target rent band for each Authority whereby Councils have to adjust average rents for their properties in line with this banding. The uplift on the new rent policy is fixed for five years and uses the previous September Consumer Price Index (CPI) inflation figure (as opposed to the RPI inflation figure) and also applies a 1.5% real increase to the average local authority rent. The previous September CPI inflation figure was 3%. WG announced the minimum rent uplift for 2018/19 to be 4.5% which is CPI at 3% plus 1.5%. This increase applied to the current average rent means that Caerphilly Council are within the low end of the target rent.

In order to comply with the rent policy, the minimum increase that can be applied in order to remain within the rent envelope is 3.6%, and due to a transitional protection arrangement in place, the maximum rent increase that can be applied by the Authority is 6.5%. However, a minimum increase of 4.5% has been recommended to minimise the additional financial risks within the Council's business plan from 2019/2020 onwards. Members were therefore asked to recommend to Cabinet the level of increase per property from April 2018 based on the options in the report (3.6%, 4.5% or 6.5%). All relevant charges were highlighted within the report and detailed the amount of additional income would be generated (excluding voids) for each of the proposed levels of increase, together with the percentage of service users receiving housing benefit. The increased income is required to offset other inflationary increases within the service area and support the delivery of all housing-related services, including the delivery of the WHQS programme.

The report also provided an update in respect of garage charges and it was noted that it is not proposed to increase the rent on Council-owned garages this year. This is due to the ongoing garage rationalisation and refurbishment programme, which is having a significant impact on some tenants when taking into account potential increases across other areas (such as council tax). Officers confirmed that those tenants in receipt of housing benefits will have the increase incorporated into their allowance, and that the Council's Housing Team can offer support to those tenants not in receipt of housing benefits who may be experiencing financial difficulties.

Cabinet thanked the Officer for the report and discussion ensued.

A Member expressed concerns for the process undertaken for the refurbishment and demolition of garages. Officers explained that there have been a number of unforeseen delays, and the process could have been more efficient, however, Members were assured that contracts have now been awarded and the bulk of the works will be completed at the end of April.

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 and having consideration for the recommendation from the Policy and Resources Scrutiny Committee, the minimum increase of 3.6% to set rents at the absolute bottom of the rent envelope but not future proofing expected rent levels from 2019/20 onwards, be applied from April 2018.

RECOMMENDATION TO COUNCIL

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

The report informed Cabinet of changes to the legislation applicable to officers of the Public Protection Division prior to presentation of the report to Council to amend the Council's Constitution to include the Public Health (Wales) Act 2017.

Members noted that Officers within the Public Protection Division require additional authorisation under the Public Health (Wales) Act 2017 in order to enforce the legislation and carry out their duties.

The Act aims to address a number of specific public health concerns, and to create social conditions that are conducive to good health and where avoidable harms can be prevented. It includes provisions relating to obesity, tobacco and nicotine products, special procedures (acupuncture, body piercing, electrolysis, tattooing), intimate piercing, health impact assessments, pharmaceutical services, and toilets for public use. There are staged commencement dates for the different Parts of the Act which will be enforced/implemented by a variety of organisations. The Parts of the Act which are the enforcement responsibility of the local authority include Part 5 Intimate Piercing, Part 4 Special Procedures and Part 3 Tobacco and Nicotine products.

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: -

- (i) the implementation of the legislation be noted by Cabinet and refer the changes to Council for determination;
- (ii) that the Council's Constitution and terms of reference be amended by adding the Public Health (Wales) Act 2017;
- (iii) that Officers within the Public Protection Division be authorised under the Public Health (Wales) Act 2017 in order to enforce the legislation and carry out their duties.

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.

11. DISPOSAL OF LAND AT BARGOED DEVELOPMENT PLATEAU TO MARSTONS PLC.

The report sought the approval of Cabinet for the disposal of Council owned land at Bargoed Development Plateau in order to Marstons PLC in order to accommodate a pub/restaurant development.

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 recommendations contained in 10.1 of the report be approved.

The meeting closed at 3.31 p.m.

Approved and signed as a correct record subject to any corrections made at the meeting held on 14th February 2018.

CHAIR