



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 28TH FEBRUARY 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), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability) and E. Stenner (Environment and Public Protection).

Together with:

C. Harrhy (Interim Chief Executive), J. Williams (Assistant Director – Adult Services), R. Hartshorn (Head of Policy and Public Protection), M. Lloyd (Acting Head of Engineering Services), P. Lewis (Acting Head of IT and SIRO), S. Couzens (Chief Housing Officer), B. Griffiths (Service Manager – Social Services), D. Whetter (Interim Head of Regeneration), C. Jones (Youth Forum Co-ordinator) and A. Dredge (Committee Services Officer).

Also in Attendance:

Youth Forum Representatives: Curtis Gingell and Dylan Thomas.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors B.A. Jones (Finance, Performance and Governance) and L. Phipps (Homes and Places), Mrs N. Scammell (Acting Director Corporate Services and Section 151 Officer), D. Street (Corporate Director - Social Services), and M. S. Williams (Interim Corporate Director - Communities).

2. DECLARATIONS OF INTEREST

Councillor S. Morgan declared an interest at the commencement of the meeting in relation to agenda item 10 - ERDF 4.4 Funding Opportunities - The Lawn Industrial Estate, Rhymney and Ty Du, Nelson. Details of which are recorded with the respective item.

3. CABINET MINUTES - 14TH FEBRUARY 2018

Subject to an amendment to minute no. 10 - *Amendments to Authorisation Of Officers Within The Public Protection Division*, in that it should read Budget Proposals 2018/19 and Medium Term Financial Strategy 2018/2023, and also the recommendations referred to therein, namely:

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.*

Should read:

RESOLVED that for the reasons contained in the Officers report it be recommended to Council that: -

- (i) the proposal that the grants be transferred/passported into the Financial Statement and the funding for new responsibilities be passed directly to those services that they relate to (paragraph 4.2.2 and 4.2.4);
- (ii) the proposed savings for 2018/19 totalling £6.736m, as set out in paragraph 4.3.3 and Appendix 3 of the report be endorsed;
- (iii) the proposal to utilise £830k of Local Management of Schools (LMS) balances to support continued investment with schools in school buildings in the short to medium-term (paragraph 4.3.6) be supported;
- (iv) it be noted that alternative savings totalling £107k will need to be identified during the 2018/19 financial year in the event that the proposed closure of Pontllanfraith Leisure Centre does not proceed (paragraph 4.3.9);
- (v) the proposal to transfer (vire) £547k from Capital Financing budgets to the delegated schools budget to assist schools with anticipated additional costs from the teachers' pay award in 2018/19 (paragraph 4.4.5) be supported;
- (vi) the Revenue Budget proposals for 2018/19 of £332.043m as set out in the report and summarised in appendix 1 be endorsed;
- (vii) the proposed use of general fund balances as detailed in Appendix 5 to the report be endorsed;
- (viii) the proposed Capital Programme for the period 2018/19 to 2020/21 as set out in Appendix 6 of the report be endorsed;
- (ix) the updated MTFP as detailed in Appendix 7 of the report and the indicative savings requirement of £40.822m for the five-year period 2018/19 to 2022/23 be noted.

The minutes of the Cabinet meeting held on 14th February 2018 were approved.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. JUNIOR AND YOUTH FORUM PRIORITIES

Cabinet welcomed representatives from the Youth Forum who informed Members of issues raised by Children and Young People via the Youth Service's Junior and Youth Fora.

An overview was provided of the Youth Forum Conference in October 2017 and the Junior Forum meeting in November 2017, where Children and Young People have identified issues important to them and have voted on Priority Issues for 2018. The previous agreed process that follows the identification of issues was set out in the report. The structure of the Junior and Youth Fora was discussed and it was explained that they are organised around the five themes of the Single Integrated Plan. The Junior Forum Representatives are aged 7-11 years and the Youth Forum Representatives are aged 11-25 years.

Cabinet were advised that at the Annual Youth Forum Conference Young People are provided with the opportunity to explore issues previously raised via borough wide consultation. From exploring all themes within the context of young people's lives, young people identify and agree on a priority issue for each theme, details of which are set out in paragraph 4.1.2 and 4.1.3 in the report. The Youth Forum Overall Priority Issue is Bullying and to increase peoples' understanding of what is classed as bullying and to help people understand how to deal with bullying. The Junior Forum Overall Priority Issue is Homelessness where it is considered more support is needed for homeless people.

It was explained that the Youth Forum have been working very hard with Officer's in particular Sarah Ellis and her Team in relation to developing a bullying prevention strategy to be introduced in all schools. Cabinet noted that there seems to be more face to face bullying than that on social media, however the Youth Forum want to make a 'dent' in cyber bullying as they feel this needs to be reduced.

Cabinet thanked the Youth Forum for attending the meeting and delivering their informative and professional presentation. Members confirmed that Cabinet will do all it can to support the Youth Forum and that the policy should be 'on show' to raise awareness and provide support. It was suggested that perhaps the Youth Forum could link in with organisations such as Stonewall Cymru, that campaigns for the equality of lesbian, gay, bisexual and trans people across Britain, in moving forward.

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 Officer's report: -

- (i) the Youth Forum in addressing their Priority Issue of Bullying be supported;
- (ii) the Junior Forum in addressing their Priority Issue in supporting Homelessness be supported.

5. FIXED PENALTY NOTICES FOR THE UNAUTHORISED DEPOSIT OF WASTE

The report informed Cabinet of the introduction of new fixed penalty notices to deal with fly tipping under the Unauthorised Deposit of Waste (Fixed Penalty) (Wales) Regulations 2017 (referred to in the report as the Regulations). The report sought Cabinet approval to set the level of the fixed penalty to the maximum of £400 with no discount for early payment.

It was explained that fly tipping is an offence under Section 33(1) of the Environmental Protection Act 1990. The Act prohibits, subject to certain exemptions the deposit of controlled waste or extractive waste in or on any land other than in accordance with an environmental permit. A person who commits an offence under section 33(1) is liable on conviction:

- In Magistrates court to imprisonment for 12 months and a fine to maximum of £50,000, or both.
- In Crown court to imprisonment for 5 years and an unlimited fine, or both.

The Regulations amend the Environmental Protection Act 1990 to insert a new section 33ZB. This enables Welsh waste collection authorities to issue a fixed penalty notice for small-scale fly tipping offences. Such fixed penalties may not be less than £150 and not more than £400. If no amount is specified the penalty will be £200. A discount may be applied for early payment. Clarification was sought in relation to the figure of £400 and if this included the cost of removal of the fly tipping, and if not could that fee be added to this figure. Members were referred to paragraph 4.7 in the report and figures provided in relation to recent court cases and the fines and costs awarded. It was explained that the figure of £400 for a fixed penalty notice would be a net benefit to the Council. Cabinet feel that a fixed penalty notice of £400 will send out a strong message to offenders.

Following consideration and discussion, it was moved and seconded that in addition to the recommendation in the report, a further report be brought to Cabinet in relation to recovering the costs of cleaning up fly tipping offences, be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

- (i) a fly tipping fixed penalty be implemented at the maximum level of £400 with no discount for early payment;
- (ii) a further report be brought to Cabinet in relation to recovering the costs of cleaning up fly tipping offences.

6. DECRIMINALISATION OF PARKING - STAGE 1 REPORT

The report sought Cabinet's views of the outcomes from the options appraisal undertaken to date on the implications of taking on Civil Parking Enforcement (CPE) Powers and how these findings should be developed further, in order to propose the most economical, effective and efficient service delivery model for the Council.

Cabinet noted that, on 16th February 2017, Gwent Police confirmed in writing to all 5 Gwent Local Authorities that they intend "to withdraw its officers and staff from activities that involve enforcing parking restrictions" as of 1st April 2018. Gwent is the only area of Wales where the local authorities have not taken on Civil Parking Enforcement powers, and the communication from Gwent Police now forces the local authorities in the area to decide whether or not to take on these powers.

As a result, the five local authorities have subsequently commissioned a study to investigate the feasibility of creating a Civil Enforcement Area and Special Enforcement Area (CEA/SEA) across each administrative area and for the whole of Gwent. The resulting financial viability of these options shows a mixed picture across the five local authorities however, for CCBC it shows that all options can generate an annual surplus but are unlikely to generate enough income to cover the set up costs after 5 years. A meeting between the Gwent Local Authorities (LA's) and Gwent Police has obtained agreement that Gwent Police will continue to undertake enforcement until December 2018. They are prepared to work closely with LA's further if they are not in a place to adopt the CPE powers at this time.

Cabinet were advised that should Caerphilly adopt Civil Parking Enforcement the relevant capital funding of £390k identified within the report will need to be made available to progress the works required to enable the relevant powers to be transferred to Caerphilly CBC. There are currently two number Engineering Services reserves in relation to the Sirhowy Enterprise Way maintenance contract and the winter maintenance contingency fund that contain approximately £800k that could be considered as funding options. An initial decision is required to progress the TRO review which is estimated at around £70k-£80k and the remaining funding could be considered within the stage 2 report that is to follow.

The report provided Members with details of the advantages and disadvantages of Caerphilly County Borough Council introducing CPE and collaboration with the other Gwent Local Authorities.

Following consideration and discussion, it was moved and seconded that in addition to the recommendation within the report, a further report be brought forward to outline the delivery plan including impacts, which will also include the role of Community Safety Wardens be brought forward and a decision was made to fund a Traffic Regulation Order (TRO) review in order that CPE preparation could progress with funding of approximately £80k be made available from Engineering reserves to fund the review, be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report: -

- (i) the delivery model which would be best placed to serve the needs of the county borough and its citizens be adopted and a collaborative approach with another or other Local Authorities for the back-office arrangements be undertaken, with on-street Enforcement within Caerphilly County Borough Council to be carried out in-house by Officers of the Council;
- (ii) a further report be brought forward that outline the delivery plan including impacts, which will also include the role of Community Safety Wardens;
- (iii) a Traffic Regulation Order (TRO) review be approved in order that CPE preparation could progress and that Engineering reserves be used to fund the aforementioned review (approximately £80k).

7. STATUTORY DATA PROTECTION OFFICER ROLE

The report sought Cabinet's endorsement to create a new statutory role of Data Protection Officer as prescribed by the forthcoming EU General Data Protection Regulation (GDPR).

Cabinet were informed that the GDPR will come into force on 25th May 2018. The GDPR will enhance existing protections for personal data, introducing new requirements and increasing the maximum monetary penalty for data breaches from £500,000 to £20 million or 4% of global annual turnover.

In addition, there is a requirement to introduce a new statutory role of Data Protection Officer (DPO) for the Council. Currently the Data Controller responsible for data protection compliance is the Council as a corporate body and not a specific employee within the Council. However, responsibility for data protection has been delegated to the Corporate Information Governance Unit (CIGU) which is overseen by the Senior Information Risk Owner (SIRO) and the new statutory role will build on this existing sound foundation.

To assure the Council as Data Controller that information is managed consistently and risks are minimised across every Council service, the SIRO and information governance expertise provision are currently a corporate function. As this is the case, it would seem appropriate that the DPO is located within the corporate function also.

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 proposal to add the Data Protection Officer (DPO) role to the responsibilities associated with the Corporate Information Governance Manager, be endorsed.

8. RE-PROFILING OF WHQS PROGRAMME AND HRA CAPITAL PROGRAMME 2018/2019

The report sought Cabinet approval for re-profiling the WHQS programme with the aim of ensuring full compliance by 2020.

The report outlined that there has continued to be good progress with the WHQS delivery programme during 2017/18. However, it has been necessary to review the programme and take account of changing circumstances to ensure full compliance by 2020. Details of the reviewed programme were set out in the Officer's report.

Following the Wales Audit Office Review conducted in April 2017, a commitment has been made to complete 40% of the external works and 75% of the internal works by March 2018. At the end of December 2017, 33% of the external works have been completed and 70% of the internal works have been completed. A further commitment has been made to Welsh Government that 80% of external works and 94% internal works would be completed by March 2019. A separate programme of works was established for the sheltered housing schemes with agreement that both internal and external works would be undertaken by the in-house workforce. This work is on programme for completion by 2020 and is therefore not required to be re-profiled at this time.

The HRA Capital Programme budget has been revised based on accurate recent actual costs projected forward to the end of the programme. This data now replaces the previous Savill's estimates and demonstrates that the housing business plan and the WHQS Programme remains financially viable.

There has been a need to re-profile due to slippage, however, these issues have now been resolved and Cabinet was assured that the works would be completed within the Welsh Government timescale.

However, Cabinet were asked to consider rolling forward the properties that were planned to be undertaken by an external contractor during 2018/19 to 2019/20, whereby the in-house workforce would have capacity to undertake the work. With a marginal number of properties programmed for the final year there can be confidence that the internal works can be completed by March 2020. In addition, Welsh Government has confirmed that the deadline for achievement of WHQS is December 2020 which provides additional flexibility.

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 Officer's report, the WHQS Re-profiling report be amended to state that the properties planned to be undertaken in 2018/19, be rolled back to 2019/20 for the in-house workforce to carry out the work, be approved.

9. SOCIAL SERVICES ASSISTED TRANSPORT POLICY

The report sought Cabinet's endorsement of the Social Services Assisted Transport Policy.

Cabinet were advised that assisted transport is the discretionary provision of transport by Social Services to enable individuals to access the community support service for which individuals have been assessed as eligible to attend (such as day services). The policy has been drafted as a result of legislation which requires Councils to change the way it works with people and to promote a focus on actively supporting people to develop lifestyles that are not reliant on statutory services.

It was explained that the aim of the new Assisted Transport Policy is to provide a clear framework for practitioners to assess and support individuals to identify methods of promoting independence when accessing transport. The policy will help identify what is available within the local community and provide a consistent approach to determining eligibility for funded transport where it has been identified as a requirement to access services commissioned by Social Services. The policy framework will also work in parallel with other Social Services policies for transport across the Gwent region.

Cabinet requested the timeframe of 28 days for assessments to be undertaken be included and the implementation date of the policy to be changed to April 2018, for all new requests for transport made to Adult Social Services. The key elements of the policy were outlined within the report.

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 Officer's report, the Assisted Transport Policy be endorsed.

10. ERDF 4.4 FUNDING OPPORTUNITIES - THE LAWN INDUSTRIAL ESTATE, RHYMNEY AND TY DU, NELSON

Councillor S. Morgan declared an interest in this item as he resides close to one of the sites referred to in the report and he left the room and did not take part in the debate.

The report provided Cabinet with an update on opportunities that exist to bid for European funding for the phased provision of employment units at two sites in the County Borough, namely, the Council owned Lawn Industrial Estate in Rhymney and Welsh Government (WG) owned land at Ty Du in Nelson.

Cabinet were informed that external grant funding under the European Regional Development Fund (ERDF) Priority 4, Strategic Objective 4 has been sought by the Council to deliver the first phase of employment units and associated infrastructure at both sites. In order to draw down this external funding the Council is required to confirm match funding and also establish the joint working arrangements with Welsh Government at Ty Du, Nelson through entering into a formal Joint Working/Development Agreement. Details of both projects were set out in the Officer's report.

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 Officer's report: -

- (i) confirms the Council's Priorities for the European Regional Development Fund (ERDF) Programme measure 4.4 as the Lawn Industrial Estate and Ty Du to create new employment opportunities in the County Borough be confirmed;
- (ii) the initial match funding of £1.07m be established to secure up to £2.58m of ERDF grant and potential £0.35m of WG funding, be approved;
- (iii) funding of £1.07m be committed from the Council's Capital Reserve, be approved;
- (iv) when the Cardiff Capital Region City Deal (CCRCD) establish a Wider Investment Fund and allocate resources to new employment provision, that the relevant Head of Service be authorised to submit a bid for the necessary match-funding for the delivery of the Lawn Industrial Estate and Ty Du projects, be approved;
- (v) the Council's collaborative working arrangement with Welsh Government to realise the full development of the mixed use site at Ty Du, Nelson, be endorsed;
- (vi) to enter into a Joint Venture agreement with WG based on the Heads of Terms presented by WG with the approval of final Heads of Terms being delegated to the Interim Head of Regeneration in consultation with Property Services and Legal Services and the relevant Cabinet Member, and that the Head of Legal Services/Principal Solicitor be authorised to enter into the Agreement on behalf of the Council, be agreed in principle;
- (vii) should additional ERDF grant become available, the relevant Head of Service investigate opportunities to secure match funding to implement the further phases at the Lawn and Ty Du sites, be agreed.

The meeting closed at 3.14 pm.

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

CHAIR