



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 28TH MARCH 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), Mrs 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. Harrhy (Interim Chief Executive), D. Street (Corporate Director - Social Services), M.S. Williams (Interim Corporate Director - Communities), R. Hartshorn (Head of Policy and Public Protection), P. Lewis (Acting Head of IT and SIRO), L. Donovan (Acting Head of Human Resources and Organisational Development), S. Harris (Interim Head of Corporate Finance), T. Stephens (Development Control Manager), K. Cole (Chief Education Officer), J. Reynolds (Sports and Leisure Facilities Manager) J. Jones (Corporate Information Governance Manager) and A. Dredge (Committee Services Officer).

Also in Attendance:

D. Harteveld – Managing Director - Education Achievement Service (EAS).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mrs N. Scammell (Acting Director Corporate Services and Section 151 Officer).

2. BEREAVEMENT – HARRY ANDREWS MBE

Members and Officers stood for a minute silence as a mark of respect as the former Leader of Caerphilly County Borough Council, Harry Andrews, sadly passed away on Tuesday 27th March 2018 at the age of 80.

3. DECLARATIONS OF INTEREST

At the commencement of the meeting Councillor C. Gordon declared an interest in relation to agenda item 5 - Pontllanfraith Leisure Centre - Consideration of The Call-in, in the context of the Leisure Review. Councillors L. Phipps and C. J. Cuss declared interests in relation to agenda item 6 - Education Achievement Service (EAS) Business Plan 2018-2021. Councillors C. Gordon and Mrs B.A. Jones declared interests in relation to agenda item 9 – Welsh Church Act Fund. During the course of the meeting Councillors P. Marsden and L. Phipps declared interests in relation to agenda item 11 - Proposed Mineral Working and Restoration of Bedwas Tips. Details of which are recorded with the respective items.

4. CABINET MINUTES - 14TH MARCH 2018

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

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

5. INTEGRATED COMMISSIONING AND SECTION 33 AGREEMENT FOR CARE HOMES FOR OLDER PEOPLE IN GWENT REGION (POOLED FUNDS)

The report provided Cabinet with an update on the development of arrangements to pool funds for care home arrangements. The establishment of a regional pooled budget in relation to the exercise of care home accommodation functions (in this case care homes for older people) between Caerphilly County Council, and other Gwent Local Authorities (Blaenau Gwent County Borough Council, Monmouthshire County Borough Council, Newport City Council, Torfaen County Borough Council) and Aneurin Bevan University Health Board (ABUHB).

Cabinet were advised that the establishment of a partnership agreement, known as a Section 33 Agreement, will enable integrated commissioning and pooled funds in relation to the exercise of care home accommodation functions. This is a Statutory requirement on Local Authorities and Local Health Boards within the Social Services and Wellbeing (Wales) Act (2014) (SSWBA) which takes effect from April 2018. Partnership and collaboration is a significant element within Part 9 of the Act where duties and expectations around partnership working are set out. The Regional Partnership Board (RPB), is established on a statutory basis and comprises ABUHB, 5 Local Authorities, 2 County Voluntary Service Organisations and representatives of the regional Citizen's Panel and Provider Forum.

It was explained that the scope of the agreement and the design principles were aligned to the draft priorities for older people contained in the Population Needs Assessment and draft area plan (recently approved by full Council). The Section 33 Agreement requires the establishment of a 'pooled fund manager' and it was confirmed that consideration is currently ongoing to which of the six partners will assume this role. Cabinet noted that the fund will not share financial risk nor introduce and potential cross-subsidy between the partners. Any changes to this approach will require further approval by all parties to the agreement.

The Chair thanked the Director of Social Services for presenting the report and for the amount of work that he has undertaken with other Authorities in working towards this agreement.

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 pooled budget arrangements for Care Home accommodation functions to be overseen by the Regional Partnership Board (RPB) and, in particular the fund will not share financial risk nor introduce any potential cross-subsidy between the partners, be approved;
- (ii) any changes to this approach will require further approval by all partners and further agreement by Cabinet, be agreed;
- (iii) delegated powers be given to the Cabinet Member for Social Care and Wellbeing, as Caerphilly County Council Member of the Regional Partnership Board, in the exercise of those functions, and consideration of any specific arrangements that need to be put in place to meet statutory duties at a local and regional level, be approved;
- (iv) the required key elements for these arrangements through development of a formal Partnership Agreement i.e. a Section 33 agreement, be confirmed;
- (v) resource implications for the Local Authority in relation to the pooled budget arrangements and oversight of the pooled budget agreements by the Regional Partnership Board, be confirmed;
- (vi) the Council's Principal Solicitor to amend the Councils Constitution to give effect to the delegation in 10.3, be agreed.

6. PONTLLANFRAITH LEISURE CENTRE - CONSIDERATION OF THE CALL-IN IN THE CONTEXT OF THE LEISURE REVIEW

Councillor C. Gordon declared a prejudicial interest in relation to this item as he is a ward Members and also a service user. He left the meeting room and did not take part in the debate.

The report updated Cabinet on the outcome of an additional consultation undertaken in relation to the potential closure of Pontllanfraith Leisure Centre and to establish whether Cabinet wished to re-affirm its original decision or change its decision based on additional consultation. On 13th December 2017, Cabinet considered a report on the future of Pontllanfraith Leisure Centre and agreed a number of resolutions including the closure of Pontllanfraith Leisure Centre. The Cabinet decision was the subject of a call-in which was considered by the Regeneration and Environment Scrutiny Committee on 18th January 2018, where it was resolved to refer the matter back to Cabinet for further consideration.

Cabinet were referred to paragraph 4.8 in the report where the elements of the original consultation are set out, the analysis of which are presented in Appendix 1 (attached to the report). Reference was also made to the responses received from the Welsh Commissioner's. The Office of the Children's Commissioner stated that it was unable to respond to consultations in respect of local funding as such interventions could prejudice the Commissioner's Independent Status. The Wellbeing of Future Generations Commissioner stated that they do not have a case-work function to provide support to individual cases, however, advised the Council to apply the 'Sustainable Development Principle'. This includes the five ways of working: taking account of the long-term, helping to prevent problems occurring or getting worse, taking an integrated and collaborated approach, and considering and involving a diverse range of people. No response was received from the Older Persons Commissioner.

An additional consultation was undertaken with the Youth Forum (the second opportunity) to comment on the potential closure of Pontllanfraith Leisure Centre. 28 responses were received where youth workers had attended meetings across the Borough, details of which were set out in appendix 3 (attached to the report).

In addition, Cabinet were advised that on the 29th January 2018, a letter was received from Chris Evans MP accompanied by 84 survey responses. Unfortunately, none of the responses contained addresses or details of the individual's connection with the Leisure Centre. On the 15th February 2018, the Council received formal notification of a Judicial Review being launched in relation to the Cabinet Decision made on the 13th December 2017. The Legal Department are currently considering the grounds of the letter received from the Claimant's Solicitor.

Clarification was sought in relation to the National Non-Domestic Rate (NNDR) liability in respect of the School, as the anticipated annual costs for the Leisure Centre is £17,000. Officers confirmed the NNDR for the remainder of the year for the School is £1. It was explained that should the Leisure Centre close then the Community would not lose services. There are other facilities available and usage would be spread over Blackwood Comprehensive and Islwyn High Schools and other leisure centres within the area. In terms of the long-term sustainability Cabinet were advised that the leisure estate across the whole of the Authority is not sustainable due to the cuts in the revenue available to the Local Authority. Securing the provision of sport and leisure services now and in the future requires that difficult decisions have to be made that balance short term considerations against long-term sustainability. The financial climate means that it is not possible to continue subsidising all sites and so decisions must be taken now to secure a sports and leisure service for future generations. A ten year Sports and Leisure Strategy will be brought back to Cabinet later in 2018 that will involve 'getting more people, more active'.

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 and the recommendations set out below as in para 10.1 (iii) and (iv) and 10.2: -

- (i) the decision to defer (to close Pontllanfraith Leisure Centre) taken on 13th December 2017 and consider the future of Pontllanfraith Leisure Centre later in 2018 once the 10 year Sport and Leisure Strategy for the Authority has been adopted, be supported;
- (ii) Officers to write to Blackwood Town Council in accordance with the recommendation of Scrutiny Committee, be supported;

and

RECOMMENDED to Council that: -

- (i) the deferred savings totalling £136k as detailed in paragraph 7.8 of the report namely, language support in Primary Schools (vacant posts) - £66k and partial reduction in proposed saving on highways maintenance to be reduced from £212k to £142k are reinstated until such time as a final decision on the future of the Centre is made.

7. EDUCATION ACHIEVEMENT SERVICE (EAS) BUSINESS PLAN 2018-2021

Councillors L. Phipps and C. J. Cuss declared personal interests in relation to this item as they are on the Board of Directors for the Education Achievement Service.

The report updated Cabinet on the Education Achievement Service (EAS) Business Plan 2018-2021 and the Caerphilly specific Annex (April 1st 2018 - March 31st 2019). EAS are required to submit their Business Plan to Welsh Government following Cabinet's endorsement. The report outlined the South East Wales EAS Business Plan 2017-2020. The plan sets out the priorities, programmes and outcomes to be achieved by the EAS on behalf of the South East Wales Consortium. The report also focuses upon the expected outcomes in Caerphilly and the specific programmes that will be implemented during 2017-2018, these are contained in the Local Authority (LA) Annex.

Cabinet were advised there is an increase focus within the plan, as this issue was raised 12 months ago. Some minor changes had been agreed by the Cabinet Member for Education and Achievement since the report was written and there were no amendments to the Annex. The delivery model for the Business Plan is on a regional basis, the needs of each school and trends within Caerphilly are met with bespoke work with each school. The EAS offers a wide range of bespoke support that is based upon best practice and is committed to delivering a strong and robust service.

It was explained that concerns were previously raised in terms of Key Stage 2 and 3, and the projections for 2019/20 are currently in Draft form. Cabinet requested that a further report be brought at the end of July 2018, with anticipated projections in this regard.

EAS has committed to offering a 2% efficiency saving on last year's core funding contribution for 2018/19 and an indicative 2% efficiency for the next 2 financial years. These efficiencies have been thought through carefully in what will be a challenging financial climate for EAS and Councils. It is likely that the EAS will need to implement a change management programme to enable a balanced budget to be set for the current 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 subject to an additional recommendation and that the Education Achievement Service (EAS) bring a further report to Cabinet at the end of July 2018 in relation to projections for Key Stage 2 and 3, and for the reasons contained in the Officer's report: -

- (i) the priorities contained within the Business Plan and the Annex and the impact of the plan for Communities within its Local Authority area, be noted;
- (ii) the EAS Business Plan be endorsed prior to its submission to Welsh Government;
- (iii) the Education Achievement Service (EAS) to bring a further report to Cabinet at the end of July 2018 in relation to the future projections at Key Stage 2 and 3, be agreed.

8. PUBLICATION OF GENDER PAY GAP DATA - EQUALITY ACT 2010 (SPECIFIC DUTIES AND PUBLIC AUTHORITIES) REGULATIONS 2017

The report sought Cabinet's approval for the publication of the Authority's Gender Pay Gap written Statement. Under the Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017, all organisations listed at Schedule 2 to the regulations that employ over 250 employees are required to report annually on their Gender Pay Gap from 2017.

Cabinet were advised that the provisions under these Regulations only apply to employees directly appointed and managed by the Council. Employees who are appointed and managed

by school Head Teachers/Governing Bodies are, therefore, not required to be included within the scope of the Council's Gender Pay Gap Data. This reflects the unique employment legislation position whereby all schools employees are employed by the local authority, but decisions about the appointment and management of such employees are mostly discharged by Head Teachers/Governing Bodies, as appropriate. Caerphilly Schools will not be required to publish and report their own specific figures as no School employs more than 250 staff.

It was explained that the Council's Gender Pay Gap data is required to be published on the Council's website and Government website by 30th March on an annual basis. The data must include the hourly pay, as both a mean figure, (identifying the difference between the average of men's and women's pay) and the median figure, (identifying the difference between the midpoints in the ranges of men's and women's pay). Employers are encouraged to produce a written statement explaining the data. The Regulations further require the Council to publish the mean and median gender pay gap relating to bonus pay. The Council does not offer piecework or bonus incentive schemes.

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 written Statement detailing Gender Pay Gap data for publication on the Council's website and Government's website using the Gender Pay Gap reporting service, be agreed.

9. DATA PROTECTION REFORM - UPDATES TO CORE POLICIES

The report sought Cabinet's approval for the adoption of the amended versions of four core information governance/security policies. The updates are required to meet the forthcoming requirements of the new General Data Protection Regulation, reflect industry best practice and underpin the Council's information security provisions.

Cabinet were advised that the General Data Protection Regulation (GDPR) will be directly applicable in the UK from 25th May 2018. A Data Protection Bill is currently progressing through Parliament that not only ensures the UK's compliance with the requirements of GDPR but also a new EU Law Enforcement Directive, aspects of the Digital Economy Act and national security considerations. Cabinet noted in October 2017, there will be a greater requirement for accountability and "Privacy by Design", greater rights for data subjects, including rights to know what the Council will do with their data and mandatory breach reporting within 72 hours. The maximum monetary penalty for breaching the Data Protection Act currently set at £500,000 will increase to the equivalent of €20 million or 4% of global annual turnover under GDPR.

GDPR comes at a challenging time when services must become leaner, requiring more efficient ways of working and collaborations with other organisations. Effective information governance controls to reduce risk to service users and to the Council are vital to this process. This presents an opportunity to make better use of all of the Council's information assets, not just those containing personal information, to aid service delivery and potentially save costs, as well as addressing increasing demands of requests made under Freedom of Information and associated information rights legislation.

Cabinet thanked the Corporate Information Governance Manager for her hard work and support with the recent training undertaken with staff across the Authority.

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 adoption of the amended versions of four Core Information Governance/Security Policies, be approved.

10. WELSH CHURCH ACT FUND

Councillors C. Gordon and Mrs B.A. Jones declared prejudicial interests in relation to this item as they are Members of the Welsh Church Act Fund. They left the meeting room and did not take part in the debate.

The report sought Cabinet's approval of the recommendations supported by the Grants to the Voluntary Sector Panel (the Panel) on the 17th January 2018.

Cabinet were advised that Caerphilly County Borough Council receives an annual allocation of circa £62k from Monmouthshire County Council and as this allocation has not been fully spent in previous years it is currently anticipated that a balance of £263k will be carried forward into the 2018/19 financial year.

At previous meetings of the Panel it was decided that for Caerphilly CBC the following criteria would apply when considering applications for assistance from the Welsh Church Act Fund: -

- (i) A grant of no more than £2,000 to be given to partly fund projects of £6,000 and over.
- (ii) Smaller projects less than £6,000 be grant aided up to a third of the total cost.
- (iii) All organisations receiving grants produce the necessary financial records to show the expenditure has been incurred.
- (iv) No organisation is allowed to apply in consecutive years.

At its meeting on the 13th July 2009 the Panel agreed that in future, Officers would approve grant applications meeting the Welsh Church Act Fund criteria, using delegated powers. Such decisions would then be reported to the Panel for information, where Members could ask for further information if required.

The Panel has raised concerns for some time regarding the high level of balances being carried forward for the Welsh Church Act Fund. As a result, at its informal meeting on the 17th January 2018 the Panel was presented with 5 options in respect of the level of grants awarded from the Welsh Church Act Fund. Details of which were set out in appendix A (attached to the report). Following consideration of the options the preferred approach of the Panel was Option 4 - Applications of up to £5,000 to be fully grant funded with applications above £5,000 to be subject to a grant rate of 75% on the sum in excess £5,000 e.g. an application requesting £8,000 that meets the criteria would receive £7,250 (£5,000 plus 75% of £3,000). With a maximum grant application payable of £10,000.

Cabinet considered the options presented and requested an additional recommendation that this fund be widely publicised.

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 the recommendations in 1.9.1 to 1.9.4 be agreed with further recommendations to include a maximum grant available of £10,000 and Officers will widely publicise the Welsh Church Act Fund and the benefits available, and for the reasons contained in the Officer's report: -

- (i) the recommendation of the Grants to the Voluntary Sector Panel that Option 4 be implemented with effect from the 1st April 2018, be supported, in that applications of up to £5,000 to be fully grant funded with applications above £5,000 to be subject to a grant rate of 75% on the sum in excess £5,000 e.g. an application requesting £8,000 that meets the criteria would receive £7,250 (£5,000 plus 75% of £3,000). With a maximum grant application payable of £10,000, be agreed;
- (ii) that grants should be restricted to community organisations and community based projects in the first instance and that this position should be reviewed in 12 months' time, be agreed;
- (iii) grant awards that meet the agreed criteria will continue to be approved by the Head of Corporate Finance using delegated powers, be noted;
- (iv) Officers will undertake a review of the application process to expedite payments wherever possible, be noted;
- (v) Officers will widely publicise the Welsh Church Act Fund and the benefits available.

11. EXEMPT MATTER

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information. By show of hands this was unanimously agreed.

RESOLVED that in accordance with Section 100A(4) of 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 identified in paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

12. PROPOSED MINERAL WORKING AND RESTORATION OF BEDWAS TIPS

Councillors P. Marsden and L. Phipps declared prejudicial interests in relation to this item as they are ward Members. They left the meeting and did not take part in the debate.

The report sought Cabinet's approval for proposed mineral working and restoration of Bedwas Tips.

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 recommendations at paragraph 10.1 be approved.

The meeting closed at 3.35pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on 11th April 2018.

CHAIR