



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 27TH MARCH 2019 AT 10.30 A.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. Harryh (Interim Chief Executive), E. Edmunds (Corporate Director – Education and Corporate Services), and M. S. Williams (Interim Corporate Director - Communities).

Also in Attendance:

L. Donovan (Head of People Services), V. Doyle (Policy Officer (Statistics & Funding)), C. Edwards (Environmental Health Manager), M. Godfrey (Team Leader – Environment Health), R. Hartshorn (Head of Public Protection, Community & Leisure Services), K. Peters (Corporate Policy Manager), R. Tranter (Head of Legal Services/Monitoring Officer) and C. Evans (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from D. Street (Corporate Director – Social Services and Housing).

2. DECLARATIONS OF INTEREST

Councillor N. George declared a personal and prejudicial interest in Item 6 (Proposed Community Resource Centre in Ty Sign, Risca) and left the meeting during its consideration.

Councillor S. Morgan declared a personal and prejudicial interest in Item 7 (Food Hygiene Rating (Wales) Act 2013 – Proposed Increase in Re-Rating Fee) and left the meeting during its consideration. Details of which are recorded with the respective item.

3. CABINET – 13TH MARCH 2019

RESOLVED that the minutes of the meeting held on 13th March 2019 were approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. WELSH CHURCH ACTS FUND

The report recommended to Cabinet a number of changes to the operation of the Welsh Church Acts Fund (WCAF). The WCAF was established on 1st April 1996 from the former Gwent Fund and part of the former Mid Glamorgan Fund. The Fund covers the administrative areas of Blaenau Gwent, Caerphilly, Newport, Torfaen and Monmouthshire, with Monmouthshire being designated as the Lead Authority.

The report proposed three key changes to how the WCAF is currently operated; which included increasing the upper limit on the grant available to organisations, the introduction of formal criteria in relation to the grant scheme to ensure that applicants are fully aware of how the scheme is operated within Caerphilly County Borough Council and the introduction of limited support for 'exceptional' individuals in relation to the advancement of education.

Cabinet considered the report and sought further information around the advertising of the Grant Scheme. Officers explained that all Grants commissioned by the Authority are available on the Council's website, and there will also be a 'Good News' story in Newsline, which will provide details of the grant with particular reference to the progress made.

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 revised upper limit of £5,000 for applications to the WCAF grant scheme from community organisations and community based projects be approved, with effect from 1st April 2019;
- (ii) the introduction of a new category of grants be approved of up to £1,500 for 'exceptional' individuals in relation to the 'advancement of education' and offer such grants for up to three years to the same individual;
- (iii) all applications from individuals be reported to the Grants to the Voluntary Sector Panel for consideration, with recommendations to award to be referred to the Head of Corporate Finance for consideration under delegated powers;
- (iv) the introduction of Caerphilly County Borough Council criteria for the operation of the WCAF grant scheme be approved, with effect from 1 April 2019.

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

The report sought approval from Cabinet 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.

It was noted 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.

The Council's gender pay gap data is required to be published on the Council's website and a government website by 30th March each year. The data must include the hourly pay, as both a mean figure, (identifying the difference between 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. Cabinet will be aware that the Council does not offer piecework or bonus incentive schemes.

Cabinet considered the report and expressed the importance of making it clear for publication purposes that the report does not refer to equal pay, and refers to gender pay gap only. It was also noted that the Council employs a high number of female staff, a proportion of which are employed on a part-time basis, in order to manage their own work/life balance. This will have an impact on the data within the report. Cabinet were assured that each role within the Council is subject to Job Evaluation, and each employee is paid based on the role, not gender.

Finally, the Officer asked Cabinet to note that there is a typing error within the Appendix of the report, in the proportion of male and female employees in each quartile, under the second quartile, which should state "(£8.75 - £10.43)" and sought Members approval to amend prior to publication on the respective websites.

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 Officer's Report and in noting the amendment to Appendix 1, the written statement (as appended to the report) detailing gender pay gap data be agreed for publication on the Council's website and the Government website on line using the gender pay gap reporting service.

6. PROPOSED COMMUNITY RESOURCE CENTRE IN TY SIGN, RISCA

Councillor N. George declared a personal and prejudicial interest in respect of this item as a member on a number of Committees involved in this area and as a result left the meeting during its consideration.

The report provided Cabinet with a proposal presented by a newly created Charitable Incorporated Organisation (CIO), the Ty Sign Community Hall and Resource Centre, to develop a new Community Centre in Ty Sign.

The report sought Cabinet approval in principle to support the delivery of a purpose built community centre on land at Holly Road, Ty Sign (shown edged black at Appendix 1 of the report) and to authorise officers to enter into further discussions and to undertake the necessary consultations.

It was noted that the Council has been approached by a newly created CIO, the Ty Sign Community Hall and Resource Centre, to work in partnership with them to explore the feasibility of developing a new purpose built Community Centre in Holly Road, Ty Sign, Risca on land also held by the Housing Revenue Account (HRA). The Ty Sign Community Hall and Resource Centre are seeking a lease period of at least 21 years (necessary to meet the requirements of the Big Lottery), and at a low, non-commercial, rent.

The proposal represents an opportunity for the development of a new community resource centre funded by external grant and which would replace existing facilities that are no longer fit for purpose and represent a liability for the Authority.

Officers provided Cabinet with details of the response received from a Member referring to strong objections on the grounds of a loss of green spaces. Cabinet were also asked to consider the response from residents and a Councillor representing that ward that were in support of the development, who felt it would benefit the area, and only a small portion of the land would be taken up by the centre.

Members sought further information on the process for releasing the land. It was noted that Cabinet are currently being asked to commit in principle to the development, as applications for grants for the scheme are dependent on the Council's commitment and provision of land. Planning Permission has been sought and approved on this project.

Whilst Cabinet were mindful of the concerns raised by one local member and some residents, they were keen to support the principle as it was felt that it would provide a great benefit to the community, and the current facilities are no longer fit for purpose.

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 outlined in the Officers Report the delivery of a purpose built community resource centre on land known as "Spar Fields" at Holly Road, Ty Sign be agreed in principle and officers be authorised to enter into further discussions and undertake the necessary consultations with a further report being brought to Cabinet for final determination.

7. FOOD HYGIENE RATING (WALES) ACT 2013 – PROPOSED INCREASE IN RE-RATING FEES

Councillor S. Morgan declared a personal and prejudicial interest in respect of this item as a business owner of two food establishments, and as a result left the meeting during its consideration.

The report informed Cabinet of the review of the mandatory fee for businesses submitting re-rating applications under the Food Hygiene Rating (Wales) Act 2013 and associated Regulations and sought approval for a revised re-rating fee.

The Food Hygiene Rating (Wales) Act 2013 and Regulations introduced a mandatory Food Hygiene Rating Scheme which came into force at the end of November 2013. Section 12 of the Act introduced a charge for businesses that require a re-rating of their food business establishment. It was proposed that the current fee for re-rating visits be increased from £160 to £180 and once the re-rating process has commenced the whole fee will be retained.

Cabinet were asked to note that the increase will provide consistency across Wales, and is in line with the increases proposed within other Local Authorities.

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 increase of the food hygiene re-rating visit fee to £180 be approved, with effect from 1st April 2019.

8. HAFOD-YR-YNYS AIR QUALITY FEASIBILITY STUDY – FINAL PLAN

The report informed Cabinet of the findings of the Final Plan (Appendix 1 of the report) for achieving compliance with the Ambient Air Quality Directive at Hafod-Yr-Ynys in accordance with the Air Quality Direction issued to the Authority by Welsh Government.

In addition, the report sought Cabinet agreement for a preferred option that secures compliance with the Air Quality Directive and to undertake a 10 week public consultation on the Final Plan and the preferred option.

It was noted that the national nitrogen dioxide air quality objectives are being exceeded at receptor locations on Hafod-Yr-Ynys Road. The continuous nitrogen dioxide monitor at Hafod-Yr-Ynys forms part of DEFRA's national Automatic Urban and Rural Network (AURN). The AURN is a network of continuous monitors throughout the UK that inform a national Pollution Climate Model, which is used for air quality reporting purposes to Europe to demonstrate compliance with the Ambient Air Quality Directive. Caerphilly County Borough Council and Cardiff City Council are two local authorities in Wales that are highlighted in the National Nitrogen Dioxide Plan as having locations that fail to comply with the Ambient Air Quality Directive.

In February 2018 Welsh Government issued an Air Quality Direction to Caerphilly CBC to undertake a feasibility study for the area and to determine a preferred option or basket of options which will achieve compliance with the Ambient Air Quality Directive air quality objectives in the 'shortest possible time'. In the Final Plan, 8 measures were modelled with 4 being discounted from further detailed analysis as modelling indicated that they would contribute negligible improvement to local air quality. Measures involving the introduction of a Clean Air Zone (also combined with traffic management/ signal changes) and demolition of the properties on the south side of the A472 were considered in more detail.

As a result of the study findings it is anticipated that demolition of the properties would achieve compliance by 2023 and any measures including a Clean Air Zone would achieve compliance by 2026. Therefore demolition of the properties is assessed as achieving compliance in the shortest possible time. However, under the Do Minimum option modelling predicts delivery of air quality compliance by 2025. As demolition of the properties is likely to be preceded by a compulsory purchase process involving only market value payments to owners the potential for hardship to residents is a very real concern.

It was noted that the completed Final Plan and preferred option must be submitted to Welsh Government by the 30th June 2019 at the latest.

Officers provided details of an email received prior to the Cabinet meeting from Welsh Government, highlighting that whilst the report outlined two options for Cabinet consideration, one involving "Do Minimum" was not a viable option and therefore not acceptable to Ministers, the Council were reminded to focus on the shortest possible time.

The Monitoring Officer was invited to comment on the report. It was noted that Welsh Government and the public health legislation requires compliance as soon as possible in order to alleviate the public health concern. The Plan offers a number of options and a consultation recommendation prior to the preferred option being implemented. The demolition option would provide the earlier compliance date, which has been supported by the Welsh Government, however this may require a Compulsory Purchase Order, which can be a long process, depending on the willingness of residents to leave their homes voluntarily. The Monitoring Officer referred to recent Case Law, which would clearly support the option to demolish the properties, as it would ensure compliance with the Air Quality Directive in the shortest possible timeframe and reduce human exposure to the public health risk.

Cabinet members expressed their concerns regarding the financial wellbeing of residents, with particular concerns that a Compulsory Purchase Order, which would offer residents market value for their properties, could leave a number of residents in financial hardship, if their properties were the subject of a lower valuation. In addition, whilst members were very aware of the health impacts of the Air Quality in the area, concerns were expressed around the mental health and wellbeing of residents due to the stress and worry the situation has caused, with no regard from Welsh Government.

Members explored the Do Minimum option, which estimates that the area would be compliant by 2025, as a result of changes in engine technology and reducing emission levels, however Officers explained that this was just a model assumption and there is still uncertainty around this.

Having considered the report at length and the recommendations, the Leader wished it noted that the recommendations of Cabinet are solely based on the financial wellbeing of the residents of the area, to prevent any financial hardship and resultant stress..

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 and for the reasons outlined at the meeting:

- (i) Cabinet agree the 'Do Minimum Option' as the preferred option for securing compliance with the Air Quality Directive. However, the Council will lobby Welsh Government for additional financial support, in order to prevent those affected residents being forced into financial hardship if the demolition option is to progress;
- (ii) the draft Final Plan be agreed and the preferred option be subject to a 10 week public consultation.

9. PROPOSED CHANGES IN FEES AND CHARGES

The report sought Cabinet approval for officer delegation to apply changes to certain fees and charges within the Communities Directorate and for officer delegation to be agreed for future changes to be applied in the interest of business efficiency.

The Authority's financial regulations require Cabinet approval for any increase in fees and charges over and above those agreed as part of the budget setting process at Council.

As there were no generic increases in fees and charges within the Full Council report on the 2019/20 budget, the report outlined a number of service areas within the Communities Directorate where fees and charges need to be increased as a result of inflationary and/or commercial market conditions and sought Cabinet approval in delegating responsibility for implementing any increases to the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance.

Cabinet invited Councillor K. Etheridge, who had requested to speak on the item to address the meeting.

Councillor Etheridge thanked the Leader and raised concerns, in the interest of openness and transparency that the report had not been presented to Policy and Resources Scrutiny Committee prior to its consideration by Cabinet, nor had it been considered as part of the Budget setting process.

Cabinet were referred to a number of points within the report, including the table at 5.11 of the report, which outlined a list of services where flexibility to apply fee changes need to be agreed for 2019/20 and explained that Policy and Resources Scrutiny Committee should have been consulted on the report, as it had not been part of the Budget setting process, prior to its consideration at Cabinet.

The Corporate Director for Communities was invited to respond to the Councillor representation.

It was noted that the Communities area provide a large number of discretionary services, for which no increase in fees had been agreed this year, and provided examples of service areas or specific activities in which fee changes would need to be applied on a case by case basis taking account of the commercial market in which that service or activity operates in. In addition, Cabinet were asked to note that with the changing nature of the Local Authority, budget restraints and austerity measures, it has been essential for the Council to look at more dynamic ways in which to make savings. As a result, the Council are required to be more commercial and responsive to the environment, with an aim to maintain a number of discretionary services, which could otherwise be threatened as a result of Medium Term Financial Planning savings and meeting a balanced budget. Cabinet were also asked to note that a further report will be presented in due course regarding a Commercial Strategy, which would be available for Scrutiny consideration at the appropriate time.

The Monitoring Officer was asked to comment on the report. It was noted that there were potential grounds for the report to be called in, however the value of which was questioned as the reporting and decision making for fees and charges is clear within the report and publically available on the Council's website.

In addition, it was noted that relevant Cabinet Reports, which have been considered prior to each Scrutiny Committee are detailed on the Scrutiny Committee agenda, and Members have the option to "call forward" the report prior to the Committee, in order for discussion to take place at the relevant Scrutiny Committee.

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:

- (i) The services where fee and charges changes need to be applied be noted and authorisation be given to the relevant Head of Service in consultation with the Director, relevant Cabinet Member and Head of Corporate Finance to implement changes in line with inflationary and/or commercial conditions prevailing for the service(s)
- (ii) The relevant Head of Service records and posts any increases in fees and charges in accordance with the authority's scheme or delegation

The meeting closed at 12:04pm.

Approved and signed as a correct record subject to any corrections made at the meeting held on the 10th April 2019.

CHAIR