



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 2ND OCTOBER 2019 AT 10.30 A.M.

PRESENT:

Councillor B. Jones - Chair

Councillors:

C. Cuss (Social Services and Well Being), N. George (Neighbourhood Services), C.J. Gordon (Corporate Services), 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. Harry (Interim Chief Executive), D. Street (Corporate Director – Social Services and Housing), M. S. Williams (Interim Corporate Director - Communities), S. Harris (Interim Head of Business Improvement Services and Interim S. 151 Officer).

Also in Attendance:

A. Dallimore (Regeneration Services Manager), C. Edwards (Environmental Health Manager), R. Harris (Internal Audit Manager), R. Kyte (Head of Regeneration and Planning), D. Lucas (Team Leader, Strategic Planning), R. Tranter (head of Legal Services and Monitoring Officer) and C. Evans (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from R. Edmunds (Corporate Director for Education and Corporate Services).

2. DECLARATIONS OF INTEREST

Councillor S. Morgan declared a personal interest at the commencement of the meeting in relation to Agenda item 6 – ERDF Funding Opportunities – The Lawns Industrial Estate, Rhymney and Ty Du, Nelson. Details of which are recorded with the respective item.

3. CABINET – 18TH SEPTEMBER 2019

RESOLVED that the minutes of the meeting held on 18th September 2019 were approved as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

4. UPDATED CODE OF CORPORATE GOVERNANCE AND TERMS OF REFERENCE FOR THE CORPORATE GOVERNANCE REVIEW PANEL

The report, which was considered by Audit Committee on the 11th June 2019 sought approval of the updated Code of Governance and the Terms of Reference for the Review Panel that oversees the annual review of governance arrangements and drafts the Annual Governance Statement (AGS).

Cabinet noted that the major changes between the two CIPFA/SOLACE publications is that originally there were six fundamental principles of good governance and these have now become seven, and also there is recognition of the impact that the Well-being of Future Generations (Wales) Act 2015 has on future governance structures and processes.

It was noted that one of the key components of governance structure as identified within the local Code is the Corporate Governance Review Panel. The Panel plays a pivotal role in the annual governance assessment leading to the production of the Annual Governance Statement (AGS). Reference was made to Section 5 within Appendix 1 that explains that the Council has adopted a system of Directorate Assurance Statements which are compiled on an annual basis to coincide with the production of the AGS. These require Directors to review the operation of a wide range of governance systems and procedures within their service areas and indicate whether there are any significant non-compliance issues. The completed Directorate Assurance Statements are analysed to ascertain whether there are any common areas of concern, and if so, whether these constitute significant governance issues. Any significant non-compliance issues emerging will be included in the Annual Governance Statement itself.

The updated Terms of Reference have not changed fundamentally from the previous version, with only some updating of post titles and wording improvements being made.

In addition, following Audit Committee, Expressions of Interest were sought from the Committee for a representative to sit on the Corporate Governance Review Panel, from which a nomination was received for the Chair of the Audit Committee.

Cabinet thanked the Officers for the report and discussion ensued.

The Chief Executive wished it noted that the review is timely in that there have been a number of changes within the organisation since the last review, and as a result, Wales Audit Office have sought assurances that there are robust governance practises in place. Therefore the review would provide these assurances where required.

A Cabinet Member noted the Principles (Appendix 1 of the report) which run through the document and reiterated the importance that the principles are upheld.

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 subject to an additional recommendation (ii):

- i) the updated documents; the Code of Corporate Governance and the Terms for Reference for the Corporate Governance Review Panel be approved;
- ii) *the nomination of the Chair of Audit Committee to sit on the Panel be approved.*

5. AUTHORISATION OF OFFICERS IN PUBLIC PROTECTION – EU EXIT

The report informed Cabinet of changes to the legislation required as a result of the UK's exit from the European Union, to ensure a seamless transition of Public Protection functions after this event and obtain additional authorisation for Officers under the European Union (Withdrawal) Act. It was noted that the Monitoring Officer will amend the constitution to reflect this change.

Cabinet were asked to note that Officers within the Public Protection Division require additional authorisation under Acts of Parliament in order to enforce the legislation and carry out their duties.

Cabinet thanked the Officers for the report and discussion ensued.

Members discussed the report at length and sought further information on the activities of Officers in readiness for the EU exit. Officers explained that currently the Public Protection Division operate under EU legislation and standards, however post EU exit, legislation and assurances need to be in place in order for businesses to continue to trade and export outside of the UK. As a result, Health Certificates on food products such as bread and meat products would need to be issued in order to ensure compliance and it is anticipated that there would be an increase in demand on the service. Welsh Government have looked to provide additional funding for Welsh Local Authorities to assist with the increased demand, in particular in the fish industry, however, discussions have taken place and it is anticipated that the grant will be centralised to allow all Local Authorities to bid for funding.

Members were assured however that whilst there will be additional pressures on the Food Standards and Trading Standards teams, they are both willing and able to rise to the challenge and meet the demand.

Cabinet sought further information around the Health Certificates and whether they would provide the relevant guarantees for EU Standards and EU Markets. Officers explained that current premises are inspected under the EU Standards to enable exportation of food products; however, it is unclear whether this could change from premises certification to certification that food products are safe for human consumption.

A Member queried whether there are any anticipated financial implications to the changes. Officers explained that the Authority does not currently charge for the service, however consideration may be given to this, should demand increase. Members were assured however that there are sufficient staff to deal with the demand.

Cabinet thanked the Officer for the detailed report and excellent preparatory work of staff.

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) Officers within the Public Protection Division be authorised under the European Union (Withdrawal) Act 2018 in order to enforce the legislation and carry out their duties ensuring a seamless transition following EU exit, whenever the UK withdraws from the EU;
- ii) the Council's Constitution and terms of reference be amended by adding the European Union (Withdrawal) Act 2018 and removing the European Communities Act 1972. The Council's Monitoring Officer will make the

necessary amendments to the Council's Constitution following the UK's exit from the EU, whenever that may be.

6. ERDF 4.4 FUNDING OPPORTUNITIES – THE LAWNS INDUSTRIAL ESTATE, RHYMNEY AND TY DU, NELSON

Councillor S. Morgan declared an interest at the commencement of the meeting in relation to this item as he lives 100 metres from the site at Ty Du, Nelson. As the interest was personal only he was not required to leave the meeting when the report was presented and could take part in the debate and vote.

The report sought Cabinet agreement that further external funding be sought via the European Structural Funds Investment Programme, Priority 4 – Strategic Objective 4 and to identify and agree the requirement levels of match funding to allow the full implementation of the Phase 1 projects at both sites.

The report provided Cabinet with an update on opportunities that exist to bid for additional European funding to the Welsh European Funding Office (WEFO) 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.

It was noted that external grant funding under the European Regional Development Fund (ERDF) Priority 4, Strategic Objective 4 has previously 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 has previously confirmed, via Cabinet approval on the 28th February 2018, match funding of up to £1.07m towards both schemes.

Officers explained that an opportunity has recently arisen (August 2019) to attract further ERDF funding towards both schemes to help fully realise the employment aspirations within the upper and mid regions of the County Borough. Cabinet is therefore requested to confirm additional match funding of up to £402,234 to attract up to £1.386m of additional ERDF and circa £212k of WG Department of Economy and Infrastructure funding. The additional funds would further provide significant added value to both the Lawns and Ty Du operations, offering increased employment infrastructure and opportunities.

In addition, Cabinet were asked to note that that both developments would generate an income to the Council from future lettings. By increasing the developed floor space with this additional funding, the level of potential rental income will also increase.

Cabinet thanked the Officers for the report and discussed ensued.

Discussions took place around the scheme at Lawns Industrial Estate and concerns were raised that the current site experiences incidents anti-social behaviour. As a result, the Cabinet Member queried whether Gwent Police and the Community Safety Team have been consulted on the development and whether additional security could be made available. Officers explained that as part of the consultation process, Gwent Police have been consulted and in addition, CCTV has been introduced to the design, provided funds allow.

Members discussed the funding proposed and sought further information on responses on the bid and priorities should funding not be available. Officers explained that a formal response has not yet been received, however it was noted that should the entire external ERDF funding not be realised, prioritisation of projects would take place, in which case The Lawns will be prioritised as it is further ahead in its development programme than Ty Du. Furthermore it's costings are more robust/accurate as they are based on the successful build contractors quotations rather than being based on pre-tender cost plans as is the case with Ty Du..

Discussions took place around the returns on investment for the Authority. Officers explained that Lawns, at full capacity should see a return on investment within 30 years and Ty Du, whilst it is a shared venture with Welsh Government would see a return on investment in 14-20 years, however both Officers and Members were keen to note that a significant benefit to the projects was the significant stimulation of the economy.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers Report:

- i) the approach taken to pursue further ERDF funding towards both the Lawns and Ty Du Schemes for the development of further employment use and associated infrastructure at both sites be approved;
- ii) should further additional ERDF grant become available, it be agreed that the Authority progresses the schemes as set out in the report;
- iii) the Capital earmarked reserve for the £402,234 match funding be utilised to enable approximately £1.386m of additional ERDF to be secured for the development of new employment opportunities at both sites.

7. WELSH GOVERNMENT CONSULTATION ON THE DRAFT NATIONAL DEVELOPMENT FRAMEWORK

The report provided information for Members to consider the Council's response to the Welsh Government consultation on the Draft National Development Framework.

It was noted that on 7th August 2019, Welsh Government published the Draft National Development Framework (NDF) for Wales for consultation. The NDF is a new and highest tier of development plan in Wales. The NDF addresses issues and challenges at the national scale and provides the national policy framework for SDP's and LDP's which are prepared to provide the more local strategies.

Officers have identified a number of concerns, including: the strategy is conflicting and does not provide the necessary overarching policy framework; the omission of nationally important matters such as the M4; the contribution of offshore wind and tidal lagoon energy generation; the spatial strategy seeks to focus on urban centres that could lead to town cramming and reduction in quality of life; the requirement to designate a Green Belt that could compromise the ability of Cardiff, Newport, Cwmbran and Caerphilly to be the focus of national and regional growth; and the omission of Ystrad Mynach from the Caerphilly/Ystrad Mynach Strategic hub, as defined by The Valleys Task Force.

Officers explained that the report is a consultation document, which would normally be considered with the relevant Cabinet Member, however, due to the important and possible implications to the Borough, it was felt that a Cabinet report would be more appropriate. In addition, Cabinet noted that, if agreed, comments will be forwarded directly to Welsh Government before the deadline for responses of 1st November 2019.

Cabinet thanked the Officers for the report and discussion ensued.

The Chief Executive queried whether colleagues in other Local Authorities have identified similar concerns with the NDF. Officers explained that following discussions with colleagues there are similar themes and concerns emerging, however whilst local issues and interests differ, it is anticipated that similar representations will be made by colleagues in neighbouring Authorities.

Discussions took place around the Spatial Strategy and Officers explained that there have been concerns raised around the terminology. Whilst there are no issues with developments being introduced in settlements, the terminology could prove problematic and thus put pressure on open spaces.

A Cabinet Member thanked the Officer for including concerns around Affordable Housing, which is a significant issue for the Authority, within the document.

Following consideration and discussion, it was moved and seconded that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officers Report:

- i) the comments set out in the 'Response to the Consultation on the Draft National Development Framework' be endorsed;
- ii) comments be forwarded to Welsh Government, as the formal comments of the Council, by the closing date of 1st November 2019.

8. 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 and it was

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(s) 14 and 16 of Part 4 of Schedule 12A of the Local Government Act 1972.

9. PENTREBANE STREET, CAERPHILLY – POSSIBLE USE OF CPO POWES

The report sought Cabinet approval for the possible use of Compulsory Purchase Order Powers to facilitate redevelopment in Pentrebane Street, Caerphilly.

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 3.1 (i), (ii), (iii) and (iv) be endorsed.

The meeting closed at 11.11am.

Approved and signed as a correct record subject to any corrections made at the meeting held on 16th October 2019.

CHAIR