



COUNCIL

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 7TH OCTOBER 2014 AT 5.00PM

PRESENT:

Councillor D.G. Carter - Mayor
Councillor L. Gardiner - Deputy Mayor

Councillors:

Miss L. Ackerman, M. Adams, Mrs E.M. Aldworth, H.A. Andrews, A.P. Angel, Mrs K.R. Baker, Mrs G. Bevan, J. Bevan, P.J. Bevan, L. Binding, Mrs A. Blackman, Mrs P. Cook, C.J. Cuss, H.W. David, W. David, H.R. Davies, D.T. Davies, R.T. Davies, C. Durham, C. Elsbury, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, Mrs J. Gale, N. George, C.J. Gordon, R.W. Gough, Mrs P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, M.P. James, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, S. Morgan, Mrs R. Passmore, D.V. Poole, M.J. Prew, Mrs D. Price, J. Pritchard, J.A. Pritchard, A. Rees, D. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, S. Skivens, Mrs E. Stenner, Mrs J. Summers, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

Together with:-

C. Burns (Interim Chief Executive), S. Aspinall (Acting Deputy Chief Executive), D. Street (Director of Social Services), G. Williams (Interim Head of Legal Services and Monitoring Officer), A. Price (Interim Deputy Monitoring Officer), G. Hardacre (Head of Human Resources and Organisational Development), J. Jones (Democratic Service Manager), R. Kyte (Team Leader Strategic and Development Planning), R. Roberts (Performance Manager) and R. Barrett (Committee Services Officer).

1. APOLOGIES

Apologies for absence were received from Councillors D. Bolter, K. Dawson, N. Dix, D.M. Gray, G.J. Hughes, K. James, Ms P. Leonard, Mrs G. Oliver and D.W.R. Preece.

2. MAYOR'S ANNOUNCEMENTS

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting. Reference was made to the Gwent Best Kept Village Competition, the judging criteria of which includes evidence of pupils' enjoyment, understanding of and participation in their environment. The Mayor was pleased to inform Members that Markham Primary School were the winners of the 2014 competition within the Schools Category, with Pengam Primary School and Fleur de Lys Primary School gaining 2nd and 3rd place respectively.

Members extended their congratulations to all three schools on their achievement and hard work.

3. WELSH HERITAGE SCHOOLS INITIATIVE AWARD

Members were advised that Tyn y Wern Primary School have won the Welsh Heritage Schools Initiative award, with a prize of £1000. This initiative aims to encourage young people to take a greater interest in their local history and the contributions made by their families and friends. Pupils in Years 5 and 6, led by History Co-ordinator Caroline ap Hywel, set up the 'Trench Detectives' research project to commemorate the centenary of the outbreak of the First World War. The project was so successful that it is now on public display at the Winding House Museum in New Tredegar, as part of a wider exhibition depicting World War One. Members were informed that this is the fifth consecutive year that Tyn y Wern Primary have won an award for extra-curricular work.

The Headteacher, Mr. S. Noel, Mrs ap Hywel and the winning team of pupils came forward to receive their award from the Mayor, and in recognition of their accomplishment, Members wished to place on record their appreciation to all those involved in achieving the award.

4. DECLARATIONS OF INTEREST

Mr Burns, Interim Chief Executive, advised that with regards to Agenda Item 9 (Workforce Flexibilities), the proposals affect all staff employed within the Authority, including those Officers present at the meeting. As the decision was in relation to the proposed implementation of policies there would be no requirement for individual Officers present to leave the meeting during the discussion of the item – however, the personal interests of Officers should be duly noted in the minutes.

The Interim Chief Executive also made reference to Agenda Item 14 – (Standing Orders) (Wales) (Amendment) Regulations 2014 – Changes to the Council's Constitution. Mr Burns advised that although the Head of Paid Service, Monitoring Officer and Chief Finance Officer are covered by these Regulations, these amendments related to the new legal requirement to also extend statutory legal protections to the Head of Democratic Services and subsequently there was no requirement for these Officers to declare an interest or leave the meeting during consideration of this item.

During the course of the meeting, a declaration of interest was also received from Councillor L. Binding and is detailed with the respective item.

5. LEADER'S ANNOUNCEMENT

The Leader of Council, Councillor K.V. Reynolds, referred to the ongoing legal proceedings involving the Chief Executive, Deputy Chief Executive and Head of Legal Services, who appeared at Bristol Crown Court on Friday 3rd October 2014 for a plea hearing.

Unfortunately the proceedings were adjourned once again, with concerns expressed as to whether the 4-week trial period that was planned to commence on 5th January 2015 would provide sufficient time for the case to be heard. It was felt that a trial period of 5-6 weeks would be more appropriate and therefore the trial would be rescheduled for a later date. The next plea hearing has been scheduled for w/c 5th January 2015.

Councillor Reynolds informed Members that he intended to write to the Crown Prosecution Service to express his serious concerns about the financial impact to the Council caused by the deferral of the trial.

The Leader also made reference to the Council's voluntary referral of concerns to external auditors regarding the buy out of essential car and annual leave allowances. Avon and Somerset Police have confirmed that criminal charges will not be brought in respect of this matter.

6. COUNCIL - 22ND JULY 2014

RESOLVED that the following minutes be approved as a correct record and signed by the Mayor:-

Council held on 22nd July 2014 (minute nos. 1 - 16).

REPORTS REFERRED FROM CABINET

Consideration was given to the following reports referred from Cabinet.

7. ANNUAL PERFORMANCE REPORT 2013/14

Cabinet considered this report on 17th September 2014 and in endorsing its content recommended its acceptance by Council.

The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance framework, with the Council required to assess its own performance and provide the public with a balanced picture of that performance. The report must show how the Council performed against the Improvement Objectives it set itself for 2013/2014.

Members were advised that 5 of the 6 Council Improvement Objectives had been delivered successfully and only one Improvement Objective (IO5 - Investment in Council Homes to transform lives and communities) had not delivered the whole of the planned outcome but that there was a reason for this in that it is a much longer-term objective than the others. The main setback had been the deferment of the environment projects until the latter end of the WHQS programme, which impacted on a number of the original planned actions. Whilst pages 20 and 21 of the draft report stated that approximately 65 of the homes had been assessed as fully compliant with WHQS, it had been explained to Cabinet that this figure had now increased to 108, which meant that the target had been exceeded. Arrangements would be made for this data to be updated prior to the final version of the Annual Performance Report 2013/14 being published.

During the course of the ensuing debate. Members made reference to the summary of performance against the National Strategic Indicators and Public Accountability Measures detailed in the report. Of the 44 indicators used to create the national picture, 30 improved upon the 2012/13 results, 3 maintained the maximum performance level of 100% and 11 declined. Sixteen of the indicators are in the "Upper Quarter" in Wales including 7 which are the best (1st) in Wales.

A query was raised in respect of the rate of delayed transfers of care for social care reasons (SCA001) and the Director of Social Services advised that staff were aware of a number of issues that were impacting on this indicator and that Officers are continuing to work with the relevant bodies on the discharge process.

Reference was made to the indicators listed in the "Lower Quarter" and Members sought reassurances in respect of the current financial climate relating to the Authority's Medium Term Financial Plan. The Director of Social Services advised that the final budget settlement for the Authority for 2015-16 would be announced shortly and thus he was unable to comment on the matter at the present time.

Queries were also received in respect of indicators relating to GCSE results performance (EDU017) and external qualifications for 16 year old looked after children (SCC037). The Acting Deputy Chief Executive advised that continual improvement had been demonstrated in these performance areas over the last 6/7 years, and explained that a number of examination papers had recently undergone successful re-marking, which should see a 5% increase in the L2 threshold. Members made reference to performance tables published in the media, and it was explained that such results were derived from a variety of factors, whereas the Authority use validated data to demonstrate performance in these areas.

A query was received in relation to the percentage of municipal waste sent to landfill (WMT004b) and the checks utilised by the Authority in relation to recycling targets. The Cabinet Member for Community and Leisure Services explained that areas of the county borough with lower recycling rates were currently being targeted in order to encourage improvement. A query was raised regarding the labeling of food packaging for recycling purposes and it was advised that this issue was being addressed at a national level.

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet as outlined in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED that subject to the amendment to pages 20 and 21 of the document, for the reasons contained in the report the Annual Performance Report 2013/14 be accepted.

8. CAERPHILLY COUNTY BOROUGH LOCAL DEVELOPMENT PLAN (FIRST REVIEW) UP TO 2031 - POPULATION AND HOUSEHOLD GROWTH OPTIONS

During the course of the debate on this item, Councillor L. Binding declared an interest. In that it was personal (he lives adjacent to a housing development) and not prejudicial, he remained in the meeting and took part in the debate.

The report, which was presented to the Regeneration and Environment Scrutiny Committee on 16th September 2014 and Cabinet on 1st October 2014, detailed key assumptions that determine the future level of population and housing growth to be accommodated in the county borough through the first review of the Caerphilly County Borough Local Development Plan (LDP) up to 2031, in particular the level of births, deaths and net migration.

The report recommended the consideration of a number of Population and Household Growth Scenarios and that Scenario M be used as the preferred option and as a basis for the preparation of the Preferred Strategy, which will be considered by Council in early 2015.

Detailed discussion of the report ensued and Members raised a number of concerns in relation to land allocations, the location of housing developments within the county borough, and the impact of the LDP on planning applications. The Team Leader for Strategic and Development Planning confirmed that individual planning applications worked in partnership with LDP criteria and that there would be occasions where minor deviations from the Plan were anticipated. It was explained that the forthcoming Preferred Strategy would address these issues in greater detail.

Members referred to the land use implications detailed in Scenario M and the Officer confirmed that the examples of developments within the report had been provided in order to visualise the size of the 231 hectares of land required. Queries were raised as to how requirements involving transport and local infrastructure surrounding future housing developments would be met, particularly those anticipated for the long-term future. It was explained that this was a key consideration of the Preferred Strategy, entailing collaborative working with a number of agencies to ensure that such requirements would be fully serviced.

Concerns were also raised regarding the potential need to release greenfield sites detailed in the LDP and the protection of such areas within the county borough. It was advised that contrary to popular belief, greenfield sites did not always have more of an environmental impact than brown field sites and all existing land allocations would be revisited to ensure they were still appropriate to the Caerphilly County Borough Local Development Plan.

A query was raised in regards to the number of planning applications that had departed from the Local Development Plan since 2010. The Officer advised that there was no requirement to monitor such departures but that she would check the figures contained within the LDP Annual Monitoring Report and would advise the Member accordingly.

Members considered the report in detail and it was moved and seconded that the recommendations from Cabinet as outlined in the report be endorsed. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons set out in the Report :-

- (i) Population and Household Growth Scenarios A, B, E, H and M be subject to further consideration by stakeholders as part of the pre-deposit public consultation stage of the review process;
- (ii) Population and Household Growth Scenario M be used as the Preferred Growth Option and as a basis to underpin the Preferred Strategy for the Caerphilly County Borough Local Development Plan (First Review) up to 2031.

9. LOCAL DEVELOPMENT PLAN - ANNUAL MONITORING REPORT 2014

The report, which outlined the contents of the Caerphilly County Borough Local Development Plan 2014 Annual Monitoring Report (AMR) was considered by the Regeneration and Environment Scrutiny Committee on 16th September 2014 and Cabinet on 1st October 2014. The Annual Monitoring Report detailed a number of conclusions and established 3 key recommendations in relation to the Local Development Plan.

Following consideration and discussion, it was moved and seconded that the recommendation from Cabinet be approved. By a show of hands, this was agreed by the majority present.

RESOLVED that for the reasons set out in the report, the 2014 Annual Monitoring Report be submitted to the Welsh Government before the deadline of 31st October 2014.

10. WORKFORCE FLEXIBILITIES DISCRETIONS UNDER THE LOCAL GOVERNMENT PENSION SCHEME 2013 (AS AMENDED)

As part of the Authority's Medium Term Financial Plan, a range of schemes to allow workforce flexibility were recently presented to Members. Proposals for the introduction of an Early Retirement Scheme were considered by the Policy and Resources Scrutiny Committee on 3rd June 2014, with proposals for the introduction of a Flexible Retirement Scheme, Voluntary Severance Scheme and Redundancy Scheme considered on 5th August 2014.

The Policy and Resources Scrutiny Committee endorsed these workforce flexibilities and they were presented to Cabinet for consideration on 1st October 2014. These workforce flexibilities were subsequently approved, subject to a recommendation to Council in respect of pension discretions relating to the Early Retirement Scheme and Flexible Retirement Scheme.

The report requested that Council review their decisions in relation to the pension discretions under the Local Government Pension Scheme 2013 as amended (LGPS), so that the Early and Flexible Retirement schemes could be enacted.

With regards to Flexible Retirement, in June 2014 the Council were asked to make a decision on the 6 pensions discretions that the Council has the freedom to agree under the Local Government Pension Regulations 2013 (as amended). One of these discretions related to whether the Council would allow employees to take advantage of flexible retirement. At the time, the decision on introducing such a scheme has not been finalised, so the Council did not agree to flexible retirement. It was noted at the time that if the Council decided to subsequently adopt the scheme, the discretion would need to be revisited at a later date.

With regards to Early Retirement, the scheme utilises a provision within the LGPS regulations that permits CCBC as the employer to allow a retirement on mutual grounds in the interest of the efficiency of the service. This is a discretion that exists in the Pension regulations, which CCBC has not to date exercised, and requires Council approval.

A query was raised in regards to Added Years benefits and the Head of Workforce and Organisational Development referred to the report recommendations, which explained that there would be no such augmentation of service applied to retirements on the grounds of business efficiency.

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 set out in the Report that :-

- (i) With regards to the Flexible Retirement Scheme, the existing pension discretions adopted by the Council be changed to allow employees to take advantage of flexible retirement in line with the approved scheme;
- (ii) With regards to the Early Retirement Scheme, the discretion to allow mutual retirement on the grounds of business efficiency be endorsed, and there be no augmentation of service applied to such retirements.

REPORTS OF OFFICERS

Consideration was given to the following reports.

11. PROPOSED AMENDMENTS TO THE STANDARD SCRUTINY AGENDA

The report, which outlined proposals to amend scrutiny committee agendas to make them consistent with the new consultation arrangements for scrutiny committee forward work programmes as well as changes to the printing of scrutiny committee information reports, was presented to the Democratic Services Committee on the 17th September 2014.

Discussion of the report ensued and reference was made to recommendation 1.5.1 of the covering report, which proposed the removal of the 'requests for reports' agenda item from the standard scrutiny committee agenda. It was queried whether subsequently there should be a proviso in order to allow urgent items to be brought forward on the forward work programme, and concerns were also raised by Members regarding the proposed removal of this item.

Members also referred to recommendation 1.5.4 of the covering report, which proposed that the provision of only electronic information reports be implemented for a trial period with the transition reviewed at the end of the financial year, and queried whether accessibility to electronic versions could be improved. It was confirmed that the Democratic Services Team would monitor use of the website to ensure efficient accessibility of agenda papers.

Following consideration of the report, it was moved and seconded that the report be referred back to the Democratic Services Committee in order that the above mentioned can be reviewed. By a show of hands (and in noting that there was one abstention) this was agreed by the majority present.

RESOLVED that the report be referred back to the Democratic Services Committee in order for the recommendations in the report to be reviewed.

12. SOCIAL MEDIA PROTOCOL FOR ELECTED MEMBERS

The report, which outlined the Social Media Protocol for Members, was presented to the Democratic Services Committee on the 17th September 2014.

The protocol, which was appended to the report, set out how elected members should interact with social media, both as Councillors and private individuals. The protocol also sought to restrict the use of social media by elected members during meetings as set out in 2.1.5 of the protocol. Social media can involve social networks (such as Facebook), professional networks (such as LinkedIn), content communities sites (such as Flickr and YouTube), blogs sites (such as Wordpress and Blogger) and micro-blogging sites (such as Twitter).

The report explained that whilst it is recognised that social media can play an important part in the operation of a democratic society by offering positive opportunities for engagement between the Council and citizens, the use of social media also presents the Council and elected members with certain risks and challenges and can potentially result in breaches of the Code of Conduct. It is therefore important that elected members recognise the risks associated with social media and ensure it is not used in a way that breaches the Code of Conduct.

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 set out in the Report that the Social Media Protocol as set out in Appendix 1 of the report be adopted.

13. IMPLEMENTATION OF ELECTRONIC VOTING AND WEBCASTING OF FULL COUNCIL MEETINGS

Consideration was given to the report, which sought agreement on the implementation of the electronic voting and webcasting of the Authority's full Council meetings, and which was presented to the Democratic Services Committee on 17th September 2014.

The Wales Audit Office's Report in the Public Interest on 23rd April 2013 recommended that the electronic voting system be used for all council meetings held in the Council Chamber, and that the voting record following full Council be published on the Council's website. The Council's intention to begin webcasting council meetings was welcomed by the WAO, and these recommendations were subsequently approved by full Council. A Welsh Government grant of £40,000 was accepted by the Council in order to facilitate the implementation of webcasting.

Members were advised that unedited audio and visual recordings of Council meetings would be made available via the Council's website to view either live or in an archive format, and these recordings would be available on the website for 18 months. A copy of all recordings would be retained, with those older than 18 months available upon request from the Democratic Services Manager.

The proposed Protocol for the Webcasting of Council Meetings was appended to the report, which outlined guidance for attendees and associated procedures which would be included in the Council's constitution. It was advised that webcasting testing would take place at the next two meetings of full Council, prior to a full launch in early 2015.

With regards to the implementation of electronic voting, full Council approved a report on 11th March 2008 to amend the Council's Constitution to provide for voting to be undertaken electronically. The previous hardware and software to support electronic voting was unreliable and the Audio and Visual equipment was subsequently replaced, with the system now ready for full implementation.

Attention was drawn to Recommendation 11.1(d) of the report, which sought a decision on whether the style of webcast meetings should continue in their existing format or change to record only procedural matters and decisions made. Members referred to the Democratic Services Committee meeting of 17th September 2014, whereby this recommendation was considered and where it was unanimously agreed that minutes of webcast meetings should continue in their current format.

An amendment to Recommendation 11.1(d) was moved and seconded, in that the minutes of webcast meetings should continue to be recorded in their current format. By a show of hands, the amendment was unanimously agreed.

It was moved and seconded that, subject to the above amendment, the recommendations in the report be approved, and by a show of hands, this was unanimously agreed.

RESOLVED that for the reasons set out in the Report that :-

- (i) Webcasting of full Council meetings be tested over the next two months and implemented thereafter;
- (ii) The draft 'Protocol for Webcasting of Council Meetings' be approved, noting in particular the change to the Council agenda, advisory notices to be displayed inside and outside of the Council Chamber and the change to the Mayor's Announcement;
- (iii) Implementation of electronic voting commences at the same time as webcasting, subject to a successful trial over the next few meetings, and that in this interim trial period, Members continue to make decisions by a show of hands;
- (iv) Following the implementation of webcasting, the minutes of webcast meetings continue to be recorded in their current format;
- (v) Consequential amendments to the Council's constitution arising from the implementation of electronic voting and webcasting be approved and this responsibility be delegated to the Monitoring Officer.

14. ANNUAL LETTER FROM THE PUBLIC SERVICES OMBUDSMAN FOR WALES 2013/14 REPORT

The attached report was presented to the Standards Committee on 23rd September 2014. Members were provided with the Annual Letter (2013-2014) from the Public Services Ombudsman for Wales regarding complaints received and investigated by the Ombudsman. The data attached as an appendix to the Annual Letter included a detailed breakdown of complaints received and investigated and response times to requests for information.

Members noted that there has been an increase in the number of complaints received by the Ombudsman compared with 2012/13 whilst the number of complaints investigated have remained at the same level, with both figures below the local authority average.

Members' attention was directed to the graph on Page 8 of the data, which indicates that all responses were received more than four weeks after the requests. This data relates to two complaints investigated by the Ombudsman. Following clarification, it has been ascertained that the information is incorrect – both complaints were responded to within four weeks but the second response was received one day late, and hence is correctly referred to in the data. In the circumstances, the Council has asked the Ombudsman to issue an amended Letter to reflect the correct response time - to date, this has not been received.

It was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that the report and the content of the Annual Letter be noted.

15. LOCAL AUTHORITIES (STANDING ORDERS) (WALES) (AMENDMENT) REGULATIONS 2014 – CHANGES TO THE COUNCIL'S CONSTITUTION

Consideration was given to the report, which proposed amendments to the Council's Constitution as shown in the track changes extracts to the report, to reflect the additional requirements of the 2014 Regulations and as a result of a review of current procedures.

Council were asked to note the changes endorsed by the Investigating and Disciplinary Committee at its meeting on 15th September 2014 in relation to the disciplinary procedures forming part of its Terms of Reference as a result of changes introduced by The Local Authorities (Standing Orders) (Wales) (Amendment) Regulations 2014 ("the 2014 Regulations"). Approval was sought for the Council's Interim Head of Legal Services and Monitoring Officer to make these required changes to the Constitution

The 2014 Regulations came into force on 1st July 2014 and amended the Local Authorities (Standing Orders) (Wales) Regulations relating to the process for appointing, dismissing and conducting disciplinary investigations of certain officers of authority. They impose new requirements for procedures for determining the level of remuneration to be paid to Chief Officers. In addition the 2014 Regulations introduces an extension to the statutory protection afforded to the Head of Paid Service Monitoring Officer and Chief Finance Officer to the Head of Democratic Services and made provision for certain amendments as a result of changes introduced by the Local Government (Wales) Measure 2011. Members were advised that the Council is legally required to implement the 2014 Regulations

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 set out in the Report:-

- (i) The implementation of the 2014 Regulations be noted and the changes to the Council's Constitution set out in the tracked changed document at Appendix 1 be approved;
- (ii) The Interim Head of Legal Services and the Monitoring Officer be authorised to make the required changes to the Constitution.

The meeting closed at 6.28 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 18th November 2014 they were signed by the Mayor.

MAYOR