



## COUNCIL

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON 21ST APRIL 2015 AT 5.00PM

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#### 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, 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, K. Dawson, N. Dix, C. Elsbury, Mrs J. Gale, N. George, C.J. Gordon, D.M. Gray, Mrs P. Griffiths, D.T. Hardacre, D. Havard, C. Hawker, A.G. Higgs, G.J. Hughes, K. James, G. Johnston, Mrs B.A. Jones, G. Jones, Ms J.G. Jones, S. Kent, G. Kirby, A. Lewis, K. Lloyd, C.P. Mann, Mrs G. Oliver, Mrs R. Passmore, D.V. Poole, D.W.R. Preece, M.J. Prew, Mrs D. Price, J. Pritchard, J.A. Pritchard, D. Rees, K.V. Reynolds, J.E. Roberts, R. Saralis, Mrs M.E. Sargent, S. Skivens, Mrs E. Stenner, J. Taylor, L.G. Whittle, T.J. Williams, R. Woodyatt

#### Together with:-

C. Burns (Interim Chief Executive), N. Scammell (Acting Director of Corporate Services and Section 151 Officer), D. Street (Corporate Director of Social Services), S. Couzens (Chief Housing Officer), A. Price (Interim Deputy Monitoring Officer), K. Williams (Private Sector Housing Manager), J. Jones (Democratic Services Manager) and R. Barrett (Committee Services Officer)

#### Also present:-

Ben Gibbs and John Moore (Argoed Residents for a Safer Community)

#### 1. **WEB-CASTING FILMING AND VOTING ARRANGEMENTS**

The Mayor reminded those present that the meeting was being filmed and would be made publically available in live and archive form via the Council's website. He advised that decisions would be made by show of hands.

#### 2. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs G. Bevan, D. Bolter, R.T. Davies, C. Durham, Mrs C. Forehead, Miss E. Forehead, J.E. Fussell, R.W. Gough, M.P. James, Ms P. Leonard, S. Morgan, A. Rees and Mrs J. Summers.

### **3. CHIEF EDUCATION OFFICER DESIGNATION**

At the meeting of Council on 25th February 2015, Members agreed that as part of the procedure for replacing Sandra Aspinall as Corporate Director, the statutory responsibility for being the Council's Chief Education Officer would rest with one of the officers at Head of Service level rather than with the Director.

The Mayor advised that this role has been designated to Keri Cole, who has been responsible for Learning, Education and Inclusion Services, and congratulations were extended to Keri on this designation.

### **4. JONATHAN JONES - DEMOCRATIC SERVICES MANAGER**

The Mayor advised that Jonathan Jones, Democratic Services Manager, would shortly be leaving the Authority to take up his new role within the Welsh Ambulance Service. The Chief Executive and Members referred to the high esteem in which Mr Jones was held by Members and Officers alike and paid tribute to his numerous and varied accomplishments over the last twelve years. Specific reference was made to Mr Jones' role in implementing the new webcasting system, together with his involvement with the scrutiny process and Member Development, which had resulted in Caerphilly Council becoming the first Authority in Wales to achieve the Wales Charter for Member Support and Development. Members added that Mr Jones would be greatly missed and wished him well in his future endeavours.

### **5. MAYOR'S ANNOUNCEMENTS**

The Mayor referred to the many events and visits that he and the Deputy Mayor have undertaken since the last meeting, and advised Members that the Mayor's Charity total for this year currently stood at approximately £8750. Specific reference was made to the achievements of Sophie Jones, the Chair of the Caerphilly Youth Forum, who has been elected as the Welsh representative on the national Youth Select Committee. Members congratulated Sophie on being elected to this important role, and paid tribute to her predecessor, Joel Price, also a member of the Caerphilly Youth Forum.

The Mayor congratulated Penallta and Bargoed Rugby Clubs, who have won their leagues with a number of games remaining. Members were also informed that Bedwas Primary School and St Helens Primary School had reached the final of the Enterprise Troopers National Primary School Competition, with Bedwas Junior School winning the Best Presentation Award. Members extended their congratulations to both schools on their achievements.

### **6. PRESENTATION OF AWARDS**

#### **National GO Awards**

Members were informed of the achievements of the Council's Procurement Team at two recent award ceremonies. Both awards recognise that the Council's procurement strategies are assisting in value for money as well as the social and economic regeneration of the County Borough.

The first Procurement award was achieved at the National GO Awards where Procurement Services were presented with a Highly Commended Award for Small Business and Third Sector Initiative Category. The award was made in recognition of the five 'core' contracts for the Welsh Housing Quality Standard (WHQS) works programme and, in particular, the dedicated Supplier Engagement Strategy that was applied to develop the local supply chain. As a result, the contracts had the added benefits of delivering social and economic regeneration and a reduced carbon footprint.

Sue Jenkins (Procurement Systems Support Officer) came forward to receive the award from the Mayor.

### **Welsh National Procurement Awards**

The second Procurement award was achieved at the recent Welsh National Awards, where Procurement Services won the prestigious 'Outstanding Contribution Award'. The award acknowledged the work done to transform a traditional-based function into a lean, focus driven, technology-based, strategic service with a focus on social and economic regeneration.

Derek Morris (Principal Procurement Officer) came forward to receive the award from the Mayor.

### **Commonwealth Games and Invictus Games Athletes**

Members were informed of the achievements of three committed and celebrated athletes from the county borough who have represented Wales at the recent Commonwealth Games and Invictus Games.

Katrin Budd is a member of the Welsh Women's hockey team who competed against England, Australia, Scotland, Malaysia and Trinidad and Tobago at the Commonwealth Games. Katrin chalked up her 50th international cap during the Games.

Elena Allen also participated in the Commonwealth Games, competing in the Olympic Skeet, and winning a silver medal.

In the Invictus Games, Lewis Edwards enjoyed unprecedented success, winning four gold swimming medals. Lewis has now decided to take on a new discipline and is in training as a member of the GB para-triathlon squad for the 2016 Paralympics.

Katrin, Elena and Lewis came forward to receive Council pennants from the Mayor in recognition of their achievements.

## **7. PETITION – UPGRADE PENYRHEOL PARK**

The Mayor received a petition presented by Councillor H. Davies on behalf of the Penyrheol Community Association, which called for Penyrheol Park to be upgraded and made accessible to the local community. The Mayor indicated that it would be referred to the appropriate directorate for attention.

## **8. DEPUTATION FROM ARGOED RESIDENTS FOR A SAFER COMMUNITY**

The Mayor advised that he had agreed to a request for Argoed Residents for a Safer Community to address Council. He explained that under the terms of the Council's Constitution, such a deputation was permitted, although there would be no provision for debate following presentation of the matter.

Mr Ben Gibbs and Mr John Moore from Argoed Residents for a Safer Community were welcomed by the Mayor and invited to make their representations on behalf of the organisation.

Mr Gibbs explained to Members that Argoed Residents for a Safer Community was established on behalf of local residents and the surrounding communities, following concerns about the levels of anti-social behaviour in Argoed. Local residents believe this anti-social behaviour to be connected to the use of local bed and breakfast (B&B) establishments by Caerphilly Council as temporary accommodation for homeless people, which have on occasion included ex-offenders.

Mr Gibbs explained that the local community has lived in fear for a number of years as a result of anti-social behaviour in the area, and referred to a tragic incident at a local bed and breakfast establishment in November 2014 which saw the loss of two young lives. Argoed Residents for a Safer Community believe that B&Bs are unsuitable for vulnerable people in that they should instead be housed in supported accommodation with access to specialised staff. Mr Gibbs also highlighted the lack of transport and amenities within Argoed and voiced concerns as to whether the village is a suitable location for the temporary housing of vulnerable people.

In closing, Mr Gibbs explained that it had been brought to his attention that the Council would be ceasing the use of one B&B premises in Argoed as temporary accommodation. He expressed his thanks for the opportunity to address Members.

Mr Moore then addressed Members and made reference to a number of reports, including that of Shelter Cymru, which raised concerns over the suitability of B&Bs in being used for the housing of vulnerable people. He also referred to a 2012 WLGA report which noted that only a small percentage of ex-offenders received positive outcomes when placed in B&B accommodation. Mr Moore cited a number of local authorities where B&Bs are no longer used as temporary accommodation and highlighted the high economic cost of B&B placements. He also made reference to the impact that homelessness and living in temporary accommodation could have on the health of vulnerable people.

In closing, Mr Moore called on Caerphilly Council to support Argoed Residents for a Safer Community in bringing about changes to legislation by ceasing the use of B&B accommodation for the housing of vulnerable people in the county borough.

In responding to the deputation, Chris Burns, Interim Chief Executive, advised that the Council's use of B&Bs as temporary accommodation would be examined at a future meeting of the Policy and Resources Scrutiny Committee. Mr Burns reiterated that the use of B&B accommodation was avoided wherever possible but that the Council had a statutory responsibility to accommodate homeless people and these were often the only temporary housing option that could be utilised at short notice. Members were also advised that the Council's use of B&Bs as temporary accommodation was currently at an extremely low level and that the Council were not currently using the one premises in Argoed that was referenced earlier in the deputation.

The Mayor thanked Mr Gibbs and Mr Moore for their representations and the manner in which these had been presented, and the gentlemen, together with a number of other local residents who were sat in the public gallery, left the meeting at this point.

## **9. DECLARATIONS OF INTEREST**

Councillor Mrs A. Blackman declared an interest in Agenda Item No. 8 (Independent Remuneration Panel for Wales Annual Report 2015/16) and Agenda Item No. 9 (Welsh Government White Paper, Reforming Local Government: Power to Local People). Details are minuted with the respective items.

Angharad Price, Interim Deputy Monitoring Officer, confirmed that in relation to Agenda Item No. 8 (Independent Remuneration Panel for Wales Annual Report 2015/16) there was a specific exemption within the Members' Code of Conduct which related to payments (by virtue of Section 12 paragraph (b)(iv)) and therefore there was no requirement for Members to declare an interest on that basis.

## **10. COUNCIL – 10TH MARCH 2015**

RESOLVED that the following minutes be approved as correct records and signed by the Mayor.

Council held on 10th March 2014 (minute nos. 1 - 15).

## **REPORTS REFERRED FROM CABINET**

Consideration was given to the following report referred from Cabinet.

### **11. AMENDMENTS TO STANDING ORDERS FOR CONTRACTS AND IMPLEMENTATION INTO UK LAW OF THE NEW EUROPEAN UNION PUBLIC CONTRACTS DIRECTIVE 2014**

The report was presented to Cabinet on 15th April 2015 and the recommendations therein were endorsed at that meeting, subject to further clarification of the involvement of the relevant Cabinet Member and the use of consultants and in-house provider in the process.

The report sought Member's approval of the proposed amendments to the Council's Standing Orders for Contracts (SOFC) following the implementation into UK Law of the New European Union (EU) Public Contracts Directives 2014.

Since 2011 the European Commission, Member States and the European Parliament have negotiated a new set of rules covering public contracts and the procurement discipline. Following extensive consultation throughout the EU, including Wales, the new rules were agreed by the European Commission and came into force on 17th April 2014. On 26th February 2015 the UK formally implemented the New EU Public Contracts Directives 2014 into national law via the UK Public Contract Regulations 2015. Due to the implementation of the new Regulations, there has been a need for Officers within Legal, Audit and Procurement to review and update the Council's SOFC to ensure legal compliance with the new Regulations.

Officers reported that implementation of the new regulations will support the UK and Welsh Government priorities for procurement and will help to deliver the Council's aims and objectives for modern-day procurement. The changes will provide a much more modern, flexible and commercial approach with many new features added to streamline and modernise public sector procurement. The proposed amendments to the Council's SOFC were summarised in the appendix to the report, together with SOFC as amended.

At the Cabinet meeting, clarification was sought on the involvement of the relevant Cabinet Member and the use of consultants and in-house provider in the process. It was agreed that the Cabinet Members for Corporate Services and Community and Leisure Services would meet with the Officers concerned to further discuss the matter and this was included in the recommendation to Council.

During the course of the ensuing discussion, reference was made to the Council's proven track record in local procurement and clarification was sought on whether this process would be restricted by the new regulations. Officers confirmed that the new regulations would facilitate a more flexible approach to local procurement processes.

A query was raised regarding the interpretation of Standing Orders and Officers confirmed that the final decision would rest with the Interim Head of Legal Services (who is also the Monitoring Officer). Reassurance was sought that stringent controls were in place in relation to the Waiver of Standing Orders. Officers confirmed that robust procedures were already in place in relation to the awarding of contracts and that further consultation would take place to determine how to further strengthen these procedures.

Subject to the amendment of recommendation 9.1.1 in that there be further clarification of the involvement of the relevant Cabinet Member and the use of consultants and in-house provider in the process, it was moved and seconded that the recommendations in the report to Cabinet be approved. By a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the report:-

- (i) subject to further clarification of the involvement of the relevant Cabinet Member and the use of consultants and in-house provider in the process, the proposed amendments to the Council's Standing Orders for Contracts in line with proposals set out within Appendix A of the report be approved and that the Council's Monitoring Officer be authorised to make the necessary amendments to the Council's Constitution to reflect the approved amendments;
- (ii) the implementation of the New EU Public Contracts Directives 2014 via the UK Public Contract Regulations 2015 and how the new rules support the Council's aims and objectives for modern day procurement be noted;
- (iii) an extensive consultation exercise across the Council on the practical operation (day-to-day) of Standing Order for Contracts be undertaken in the next few months, and any amendments proposed as a result of the consultation exercise be presented to Members for ratification.

## REPORTS OF OFFICERS

Consideration was given to the following reports.

### 12. INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2015/16

Councillor Mrs A. Blackman declared a personal interest, in that she receives support in line with some additional needs, and remained in the meeting during consideration of the item.

The report detailed the Independent Remuneration Panel for Wales' final determinations relating to councillors and co-opted members for 2015/16. The draft determinations of the Panel were previously presented to the Democratic Services Committee on 15th December 2014 and their views were included within the report.

The Interim Deputy Monitoring Officer outlined the various remuneration payments detailed within the annual report. The Panel has determined there should be no increase to remuneration payments in respect of basic, senior or civic salaries for 2015/16. The Council is not currently paying any additional salaries for joint overview and scrutiny committees and therefore the determinations of the Panel in this respect were included for information only. The Panel have reaffirmed the entitlement of Elected Members to join the Local Government Pension Scheme, and also the entitlement of Members to periods of family absence. The report also detailed the determinations of the Panel in respect of other payments, such as co-opted payments, care expenses and travel and subsistence allowance, and gave details of the support available to Members in terms of IT training and other additional needs.

In relation to the foregoing of payments, it was noted that individual Members or co-opted Members may forego any part of their remuneration entitlement by giving notice in writing to the Chief Executive.

Members considered the report and the determinations of the Panel, and with regards to recommendation 22.5 of the report relating to travel claims, it was moved and seconded that the current arrangements continue, in that no allowance payment be made for travel claims for journeys made within Members' wards.

Subject to the amendment of recommendation 22.5 in that no allowance payment be made for travel claims for journeys made within Members' wards, 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 report:-

- (i) the determinations of the Panel, including the appropriate level of Senior Salaries, travel and subsistence allowances and fee payments to Co-opted Members be implemented;
- (ii) Level 2, as detailed in section 7.1 of the report, be set as the appropriate level of Civic Salary for 2015/16;
- (iii) the maximum number of days payable to co-opted Members of the Education for Life Scrutiny Committee and to co-opted (lay) Members of the Standards Committee remain at 10 days per year, as stated in paragraph 11.3 of the report;
- (iv) no allowance payment be made for travel claims for journeys made within Members' wards, as stated in paragraph 14.2 of the report;
- (v) the Monitoring Officer act as the 'appropriate officer' for co-opted Members serving on the Standards Committee and the Head of Democratic Services act as the 'appropriate officer' for Members serving on the Education for Life Scrutiny Committee.

**13. WELSH GOVERNMENT WHITE PAPER, REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE**

Councillor Mrs A. Blackman declared a personal and prejudicial interest, in that she is making her own representations to Welsh Government on an issue that relates to the Standards Committee, and left the meeting during consideration of the item.

The report advised Members of the content of the recent White Paper on Local Government and the draft response prepared by the Welsh Local Government Association (WLGA). Members' views were sought on the draft response which was appended to the report.

The White Paper sets out Welsh Government's vision for local government and outlines proposals for reform in a number of areas, including local democracy, the roles and remuneration of elected members and senior officers, community governance and community councils, community rights, corporate improvement, service performance, scrutiny, audit, inspection and regulation, and local government finance.

The WLGA have prepared a draft response to this White Paper, which deals with most of the significant questions posed by Welsh Government in their consultation document, and which has been circulated to all local authorities in Wales for comment.

During the course of the ensuing discussion, Members highlighted the positive elements of the White Paper, and also voiced concerns regarding a number of more contentious proposals. Particular reference was made to the importance of preserving local democracy, and concerns were also raised as to the effect the proposals could have on the future structure of community/town councils and the subsequent impact on local residents. Members voiced their support for the WLGA draft response, which has been unanimously endorsed across all local authorities in Wales, and were in agreement that the observations contained within the response were sufficient.

It was moved and seconded that the WLGA draft response and the observations therein be endorsed as a sufficient response in respect of the White Paper, and, by a show of hands, this was unanimously agreed.

RESOLVED that for the reasons contained in the report:-

- (i) The Welsh Local Government Association draft response to the White Paper be endorsed;
- (ii) No other observations or responses be made in respect of the White Paper.

**14. MAYOR'S ANNOUNCEMENT**

In that this was the last meeting of Council that he would be chairing prior to the Annual General Meeting, Councillor D.G. Carter thanked Members for the respect that had been shown to him at Council meetings throughout his term as Mayor.

**15. QUESTIONS UNDER RULE OF PROCEDURE 10(2)**

There were no questions submitted under Rule of Procedure 10(2).

The meeting closed at 6.08 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 9th June 2015, they were signed by the Mayor.

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MAYOR