

Public Document Pack



Neuadd y Sir
Y Rhadyr
Brynbuga
NP15 1GA

County Hall
Rhadyr
Usk
NP15 1GA

Wednesday, 21 June 2017

Notice of meeting / Hysbysiad o gyfarfod:

County Council

Thursday, 29th June, 2017 at 2.00 pm,
Council Chamber - Council Chamber

AGENDA

Prayers will be said prior to the Council meeting at 1.55pm. All members are welcome to join the Chairman for prayers should they wish to do.

Item No	Item	Pages
1.	Apologies for absence	
2.	Public Open Forum	
3.	Chairman's Announcement and receipt of petitions	1 - 2
4.	Declarations of interest	
5.	To receive the minutes of the meeting held on 16th May 2017	3 - 6
6.	To receive the minutes of the meeting held on 18th May 2017	7 - 16
7.	To receive the Action List of the meeting held on 18th May 2017	17 - 18
8.	Notices of Motion	
8.1.	Motion From County Councillor A. Easson Following representation by parents in my Ward, and adjoining Wards, who have expressed concern that Cabinet in December last year agreed to divert section 106 monies from refurbishing Castroggi Park in Caldicot to the Leisure Centre ATP pitch. They say that the refurbishment is long overdue and believe that they have been ignored; that the park would be better used if the equipment was up to standard. Cabinet, when challenged, and following officer advice, stated that section 106 money from the White Hart site when developed, would be earmarked for the work needed to be carried out at Castroggi Park. I therefore bring a motion to Council, seeking support to vire monies from reserves, to bring the park back up to a high standard with the	

knowledge and confidence that it will be reclaimed from section 106 monies, in full, in due course.

8.2. Motion from County Councillor D. Batrouni

Pension changes introduced by the UK government to equalise women's pensionable age with men's will mean many women in Monmouthshire could lose around £38,000 - £48,000 compared to women who retired at 60. This Council notes this will have a negative impact on the lives of the women affected, making it harder for them to volunteer in their local communities and to commit time to their families. This could increase pressures on council services, e.g. social care, and the recruitment of volunteers to help the Council deliver some of its services. Therefore, the Council will write a letter to the UK government outlining its concerns and expressing support for the 63 is the new 60 proposal. This proposal is a compromise, which will allow all women born on or after 6th April 1953 up to 5th April 1960 to retire on their 63rd birthday. Anyone born after that date will follow the timetable of the 2011 Act.

9. Reports of the Head of Finance

9.1. Audit Committee Annual Report 2016-2017

19 - 26

9.2. Monmouthshire County Council Zero Hour Contracts

27 - 34

10. Members Questions:

10.1. From County Councillor A. Watts to County Councillor P. Murphy

How many of our public buildings, within our property portfolio, are compliant with Welsh Assembly legislation standards regarding the fitting of sprinkler systems?

10.2. From County Councillor G. Howard to County Councillor B. Jones

Following on from the car park review of last year and the proposal to introduce a public electric car charging point in Chepstow, would the Cabinet Member outline his commitment, any proposals and a timescale to extend this to the whole of the County area?

I ask on behalf of a constituent who has recently purchased an electric Nissan car and who feels that not only it would be convenient for residents to introduce a network of charging points but that it might encourage greater ownership of such vehicles. Furthermore, any tourists travelling to the area might be encouraged to spend a few hours in our towns and villages, whilst their cars are recharged.

As Cllr Jones will be aware, this Authority does not have to directly provide charging outlets since they are often installed by other companies who will receive a revenue stream; however his confirmation that MCC will engage and enable such provision would be welcomed.

10.3. From County Councillor D. Batrouni to County Councillor R. John

What is the Cabinet Member's top three priorities for education in

<p>10.4.</p>	<p>Monmouthshire?</p> <p>How many teaching assistants in Monmouthshire schools have been made compulsory redundant in the academic years (i) 2012/13 (ii) 2013/14 (iii) 2014/15 (iv) 2015/16?</p> <p>How many teaching assistants in Monmouthshire schools have taken voluntary redundancy in the academic years (i) 2012/13 (ii) 2013/14 (iii) 2014/15 (iv) 2015/16?</p> <p>How many schools are planning compulsory redundancies this academic year?</p> <p>From County Councillor D. Batrouni to County Councillor P. Jones</p> <p>What is the new administration's view of pooled budgets for social care based on health board boundaries?</p>	
<p>10.5.</p>	<p>From County Councillor D. Batrouni to County Councillor S. Jones</p> <p>When can the Council expect to see the administration's plan to tackle deprivation in the county?</p>	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Batrouni
D. Blakebrough
M. Powell
V. Smith
P. Clarke
D. Dovey
A. Easson
R. Edwards
D. Evans
P.A. Fox
R.J.W. Greenland
L. Guppy
R. Harris
J. Higginson
G. Howard
S. Howarth
D. Jones
P. Jones
S. Jones
S.B. Jones
P. Jordan
P. Murphy
B. Strong
F. Taylor
A. Watts
A. Webb
K. Williams
J.Becker
L.Brown
A.Davies
L.Dymock
M.Feakins
M.Groucutt
R.John
L.Jones
M.Lane
P.Pavia
J.Pratt
R.Roden
T.Thomas
J.Treharne
J.Watkins
S. Woodhouse

Public Information

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Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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Chairman's Report 28th May – 18th June

DATE	ENGAGEMENT/ VENUE
Sunday 28 th May	Steam Rally Bailey Park, Abergavenny
Friday 2 nd June	The Monmouthshire Games, Girls Can Abergavenny Leisure Centre
Friday 2 nd June 7 p.m.	Bishop of Monmouth's Supper Party At Bishopstow, Newport
Monday 12 th June 7.30 p.m.	Installation Meeting of Abergavenny Town Council Borough Theatre, Abergavenny
Thursday 15 th June 1 p.m.	The Young Enterprise Wales Company & Team of the Year Final 2017 Sherman Theatre, Cardiff
Friday 16 th June 7.30 p.m.	Abergavenny Chronicled Borough Theatre, Abergavenny
Sunday 18 th June 10.30 a.m.	City of Newport Civic Sunday Newport Cathedral
Sunday 18 th June 3 p.m.	Usk Town Council Civic Service The Priory Church of St Mary, Usk

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Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of County Council held
at Council Chamber - Council Chamber on Tuesday, 16th May, 2017 at 5.00 pm**

PRESENT: County Councillor J. Higginson (Chairman)
County Councillor P. Jordan (Vice Chairman)

County Councillors: D. Batrouni, D. Blakebrough, L. Brown, A. Davies, M. Powell, V. Smith, P. Clarke, D. Dovey, L. Dymock, A. Easson, R. Edwards, M. Feakins, P.A. Fox, R.J.W. Greenland, M. Groucutt, L. Guppy, R. Harris, G. Howard, S. Howarth, R. John, L. Jones, D. Jones, P. Jones, S. Jones, S.B. Jones, M. Lane, p. Pavia, J. Pratt, P. Murphy, R. Roden, B. Strong, F. Taylor, T. Thomas, J. Treharne, A. Watts, J. Watkins, A. Webb, S. Woodhouse and K. Williams

OFFICERS IN ATTENDANCE:

Paul Matthews	Chief Executive
Peter Davies	Chief Officer, Resources
Roger Hoggins	Head of Operations
Will McLean	Chief Officer for Children and Young People
Joy Robson	Head of Finance/Section 151 Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Nicola Perry	Senior Democracy Officer
Claire Marchant	Chief Officer Social Care, Health & Housing

APOLOGIES:

Councillors D. Evans, J. Becker

2. Declarations of Interest

None

3. To elect a Chairman of the County Council for the Civic Year 2017/18

The Chairman, County Councillor J. Higginson, addressed Council and thanked all who had supported him during his year of office. The past year had been an honour for both the Chairman, and his consort, who offered their sincere thanks to colleagues for the opportunity.

The Chairman noted the success of the Eisteddfod and noted the congratulations received by the organisers of the event. He added that as an authority we should be justly proud of the achievement, indicating officer's' diligent work in the weeks and months ahead of the event. He added particular thanks to the Welsh Language staff who had provided help in Welsh tutoring in preparation for the opening speech. The Chairman also highlighted other outstanding moments including the Queen's Garden Party at Buckingham Palace, Gwent Music concert at the Royal Albert Hall, Commemoration of the Great London Fire and royal visits across the county. We also heard of fundraising events for the Chairman's charities, Ty Hafan and St. David's Foundation.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held at Council Chamber - Council Chamber on Tuesday, 16th May, 2017 at 5.00 pm

The Chairman expressed thanks to the courteous staff across the Authority, appreciating the invaluable help of Mrs. Linda Greer and Mrs. Julia Boyd. Thanks were given to Steve Barker, the Chairman's chauffeur.

The Chairman offered his congratulations and best wishes to the incoming chair.

County Councillor P. Fox addressed Council and thanked County Councillor Higginson for his year in office, along with his consort, Pauline Collier for their work for the Council. In reflecting on the Chairman's year of office he expressed it had been a pleasure to work alongside such an outstanding Chairman, who always conducted a fair, well-balanced and productive meeting. He commended Councillor Higginson on being a tremendous ambassador at the Eisteddfod, and noted the many events over the year particularly the Aberfan Service Rememberance. We heard the Chairman's charities had so far raised over £5000.

The leaders of the political groups, County Councillor D. Batrouni, S. Howarth and L. Guppy echoed the sentiments of Councillor Fox.

It was moved by County Councillor P. Fox, and duly seconded by Councillor P. Murphy, that County Councillor M. Powell be elected as Chairman of Monmouthshire County Council for the Civic Year 2017/18.

County Councillor M. Powell made and signed the Declaration of Acceptance of Office, was invested with her Chain of Office by the outgoing Chairman, and took the Chair.

The newly elected Chairman thanked Members for their support and announced that Mr. J. Powell would be her consort; Canon Mark Soady as Chaplain; and her charities would be the Alzheimer's Society and Wales Air Ambulance. Unfortunately, Mr. Powell was not able to attend and the Chairman thanked Mrs. E. Hacket Pain who was acting as Deputy Consort.

The Chairman then presented the outgoing Chairman with the Past Chairman's Badge of Office.

4. To appoint a Vice-Chairman of the County Council for the Civic Year 2017/18

It was moved by County Councillor R.J.W. Greenland, and seconded by County Councillor S.L. Jones that County Councillor P. Clarke be appointed as Vice Chairman of the County Council for the Civic Year 2017/18.

It was moved, as an amendment by County Councillor D. Batrouni, and seconded by County Councillor R. Harris that County Councillor K. Williams be appointed as Vice Chairman of the County Council for the Civic Year 2017/18.

Upon being put to the vote the following votes were cast:

For County Councillor Clarke:	26
For County Councillor Williams:	10

We resolved that County Councillor P. Clarke be appointed as Vice Chairman of the County Council for the Civic Year 2017/18.

County Councillor Clarke made and signed the Declaration of Acceptance of Office, was invested with his Chain of Office by the Chairman, and took his position as Vice Chairman.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held at Council Chamber - Council Chamber on Tuesday, 16th May, 2017 at 5.00 pm

The Vice Chairman thanked Members for their support and offered his support to the newly elected Chairman. The Vice Chairman's Consort would be Mrs. Jan Clarke.

The meeting concluded with the presentation of the Chain of Office to the incoming Chairman's Deputy Consort, a pendant to the outgoing Chairman's Consort, and the Chain of Office to the incoming Vice Chairman's Consort.

5. The following items will be deferred to the meeting of the County Council to be held on 18th May 2017:

We resolved that the remaining items of business be deferred to the meeting of the County Council to be held on 18th May 2017.

The meeting ended at 5:45pm

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Public Document Pack Agenda Item 6

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held
on Thursday, 18th May, 2017 at 2.00 pm

PRESENT: County Councillor M. Powell (Chairman)
County Councillor P. Clarke (Vice Chairman)

County Councillors: D. Batrouni, D. Blakebrough, V. Smith, D. Dovey, A. Easson, R. Edwards, D. Evans, P.A. Fox, R.J.W. Greenland, L. Guppy, R. Harris, J. Higginson, G. Howard, S. Howarth, D. Jones, P. Jones, S. Jones, S.B. Jones, P. Jordan, P. Murphy, B. Strong, F. Taylor, A. Webb, K. Williams, J. Becker, L. Brown, A. Davies, L. Dymock, M. Feakins, M. Groucutt, R. John, L. Jones, M. Lane, P. Pavia, J. Pratt, R. Roden, T. Thomas, J. Treharne and J. Watkins

OFFICERS IN ATTENDANCE:

Kellie Beirne	Chief Officer, Enterprise
Roger Hoggins	Head of Operations
Will McLean	Chief Officer for Children and Young People
Joy Robson	Head of Finance/Section 151 Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Nicola Perry	Senior Democracy Officer
Claire Marchant	Chief Officer Social Care, Health & Housing

APOLOGIES:

Councillor A. Watts

2. Chairman's announcements and receipt of petitions

In opening the meeting, the Chairman led a minute silence as a mark of respect for the passing of Rhodri Morgan. Group Leaders expressed the condolences of Council.

There were no petitions presented.

3. Declarations of interest

Members' declarations of interests are recorded against the agenda item in the minutes.

4. Public Open Forum

4.1. Question from Mr. M Smith to County Councillor P. Fox

We welcomed Mr. Smith., who was in attendance in order to present a question to County Councillor P. Fox.

Councillor Fox responded:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

'Following debate and approval at Council in May 2016 the Council wrote to Welsh Government to confirm support for the new M4 route. A subsequent letter went from officers, which discussed in more detail various aspects of the proposed route. This highlighted concern about the impact upon the Llanfihangel conservation area. The letter from Council is available in the Council minutes on the website but I am also arranging that the officer letter be placed on the website for information.

LDP planning policy HE1 reflects the statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The same principles for making decisions on planning applications apply to the M4 proposal, namely that the benefits of the proposal must be weighed up against the harm caused.

The Council's response to the M4 proposal explicitly notes that the M4 would cause significant and permanent harm to the Llanfihangel Rogiet Conservation Area. The Council's response properly takes into account LDP policy HE1 and the statutory duty. Amendments and mitigation were sought to minimise this harm to the Conservation Area, including changes to the slip road and landscaping, and it is understood that the proposals have incorporated these changes.

The matter of the M4 proposal is currently at an advanced stage of a public inquiry, at the end of which an independent Inspector will make a recommendation to the Welsh Cabinet Secretaries, who will make the final decision."

As a supplementary Mr Smith stated that he disagreed with the Council's position and suggested an alternative route, the Green Route. He questioned the connection with a letter from County Councillor B. Jones dated 3rd May 2016. Councillor Fox reiterated his response, and added that the inquiry process should come to a considered answer, which should satisfy the residents of Monmouthshire.

5. To confirm the following minutes:

5.1. County Council - 9th March 2017

The minutes of the meeting of County Council held on 9th March 2017, were confirmed as a correct record and signed by the Chairman.

5.2. County Council - 20th March 2017

The minutes of the meeting of County Council held on 20th March, were confirmed as a correct record, and signed by the Chairman.

In doing so Councillor Howarth referred to a petition relating to public rights of way at 118, Clydach Gorge, Gilwern and Llanelli Hill. He expressed disappointment that to date no response had been received. The Deputy Chief Executive agreed to look into the matter following the meeting.

Councillor S. Jones noted that it had been agreed to review meeting times, and requested that this be added as an agenda item for next Council.

6. To elect the Leader of the Council and to receive notification of Leader delegations (appointments to Cabinet)

County Councillor R.J.W. Greenland moved that County Councillor P.A. Fox be elected as Leader of the Council. This was duly seconded by County Councillor P. Jones.

County Councillor R.J.W. Greenland moved that County Councillor P. Fox be elected as Leader of the Council. This was duly seconded by County Councillor P. Murphy.

Following a recorded vote where 33 voted for the proposal, and 9 against, the proposal was carried.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

County Councillor P. Fox expressed thanks to the Council for his re-election stating that it was a privilege to lead Monmouthshire County Council, in what would be his 10th year as Leader. He took the opportunity to welcome new Members. He thanked Councillor Greenland for his work as Deputy Leader, at a national level as well as a Monmouthshire level. He paid tribute to past Members, particularly to Cabinet Members P. Hobson, E. Hackett Pain and G. Burrows.

The Leader announced that Cabinet portfolios and personnel would be:

County Councillor P. Fox (Leader)	Whole Authority, Strategy and Direction
County Councillor R. J. Greenland (Deputy Leader)	Enterprise
County Councillor P. Murphy	Resources
County Councillor S.B. Jones	County Operations
County Councillor S. L. Jones	Social Justice and Community Development
County Councillor P. Jones	Social Care, Safeguarding and Health
County Councillor R. John	Children and Young People
County Councillor R.P. Jordan	Governance

In response to a question regarding collaborative working, and the benefits to residents of Monmouthshire, Councillor Fox

The Leader of the Opposition congratulated the Conservatives adding that the opposition would present challenge to ensure effectiveness and hold Conservatives to account where appropriate, adding there would be no apology for scrutiny. He added that he was pleased with the welcome appointment of a Cabinet Member for Social Justice.

7. Representation of Political Groups-Review

Council were presented with a report to review the representation of different political groups on the bodies to which the Council makes appointments. We noted that Audit Committee is now subject to the political balance rules and therefore there is now 96 seats across committees.

Councillor Howarth referred to previous discussions surrounding select committees and asked that they be reviewed in 12 months, with regards to attendance. The Leader recognised the importance of continuity, and added that Democratic Services Committee may wish to consider adding a review as part of their work programme

In response to a request for clarity regarding substitutions at meetings, we heard that Group Leaders could advise of a substitution up to one hour prior to the meeting. It was noted that this would not be the case with Planning Committee due to the requirement for statutory training. In terms of long-term absence it was expected that the member would be replaced.

Upon being put to the vote Council resolved to agree the recommendation:

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

- To accept the report (and appendices) as a review under Section 15 of the Local Government and Housing Act 1989 and to appoint the ordinary committees with the numbers and adjustments as indicated below:

Committee	Cons	Lab	Lib Dem	Ind
Select (x 5) (9)	26	10	3	6
Licensing & Regulatory (12)	7	3	1	1
Planning (16)	9	4	1	2
Democratic Services (12)	7	3	1	1
Audit (11 excluding 1 lay)	7	2	1	1
Aggregate Entitlement (85)	56	22	7	11

8. Appointments to Committees

Council received a report to appoint committees together with their membership and terms of reference in accordance with the Council's Constitution.

In accepting the recommendations we noted the following:

2.1 Area Committees

That Area Committees be appointed, with the terms of reference in appendix A.

Bryn Y Cwm, Ward Members for:

Castle
Llanelly Hill
Grofield
Priory
Lansdown
Croesonen
Llanover
Goetre Fawr
Llanwenarth Ultra
Mardy
Llanfoist Fawr
Crucorney
Cantref

Central Monmouthshire, Ward Members for:

Mitchel Troy
Llangybi Fawr
Raglan
Llantillio Crossenny
Dixton with Osbaston
Wyesham
Usk
Llanbadoc
Trellech United

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

Overmonnow

Drybridge

Lower Wye, Ward Members for:

St Christopher's

St Kingsmark

Shirenewton

Devauden

St Mary's

Thornwell

St Arvans

Larkfield

Caerwent

Severnside, Ward Members for:

Dewstow

West End

Portskewett

Rogiet

The Elms

Severn

Mill

Green Lane

Caldicot Castle

2.2 AUDIT COMMITTEE

That the Audit Committee be appointed, with the terms of reference in appendix B.

That the membership of the Committee comprises 11 members of the Council, to be appointed in accordance with political balance, plus one lay member.

That the current lay member be appointed by Council for a further term.

That it be noted that the Chair of the Audit Committee will be appointed by the Committee.

It was noted that Mr. P. White has expressed a wish to continue as Lay Member for the Committee, and the guidance of the 2011 Measure states that the lay member can be appointed for one further term, being a decision for Council.

2.3 DEMOCRATIC SERVICES COMMITTEE

That a Democratic Services Committee be appointed, with the terms of reference in appendix C.

That the membership of the Committee comprises 11 members of the Council, politically balanced.

That the Chair of the Democratic Services Committee be appointed by the Council.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

We understood that the role of Chair is reserved for a member of the opposition.

Upon being put to the vote, it was agreed that County Councillor D. Evans be appointed as Chairman of Democratic Services Committee.

2.4 REGULATORY AND OTHER COMMITTEES

That the following Committees, together with their terms of reference in appendix D, be appointed, subject to any changes to be notified by the political groups.

(a) Planning (16 Members)

(b) Licensing and Regulatory (12 Members)

(c) Sub-Committees under the Licensing Act 2003

- Three sub-committees of three members to be established to meet on Monday, Wednesday and Friday.

- The Chairman, Vice Chairman and Opposition spokesman of the Licensing and Regulatory Committee to be appointed as Chairman of each sub-committee

- The nine remaining members be called to attend sub-committee meetings on a rota basis in discussion with the Chairman of the relevant sub-committee.

(d) Appeals Committee (3 members) 3 members to be nominated on an ad hoc basis.

(e) Appointment of Local Authority Governors Committee (7 Members)

(f) Standing Advisory Council on Religious Education (SACRE) (6 Members)

Persons representing such Christian denominations and other religions and denominations in such religions as in the opinion of the County Council will approximately reflect the principal religious traditions in the area. Persons to represent such associations representing teachers as in the opinion of the County Council ought to be represented, having regard to the circumstances of the area.

i. Monmouthshire County Council 6 members

ii. Christian denominations and other religions and denominations as set out below:
12 members

The Church in Wales 1 member

The Roman Catholic Church 1 member

Free Churches 4 members

Baha'i Faith 1 member

Buddhist Faith 1 member

Hindu Faith 1 member

Muslim Faith 1 member

Jewish Faith 1 member

Sikh Faith 1 member

Teachers' Associations 7 members

Co - opted 2 members

(g) Collaboration Agreement with Community and Town Councils (3 members)
Membership to be confirmed.

(h) Appointment Committee (5 members) Note: under the Council's Constitution, this Committee must include at least one member of the Executive but must not comprise a majority of members of the Executive.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

- (i) Coordinating Board: Chairman of each Select Committee; the Leader and Deputy Leader; the Chairman of each Area Committee; the Scrutiny Champion; the Chief Executive. The Chairman of the County Council will also be invited to attend.
- (j) Remuneration Committee (Chief Executive) (5 members)
- (k) Investigation Committee (3 members)
- (l) Disciplinary Committee (3 members)

2.5 SELECT COMMITTEES

That the following Select Committees be appointed, together with their terms of reference, appendix E:

- Economy and Development (9 Members)
- Strong Communities (9 Members)
- Children and Young People (9 Members)
- Adults (9 Members)
- Public Service Board (9 Members)

That the following members be co-opted to the Children and Young People Select Committee:

Voting on Education Issues only

Revd. Dr. Daly (Church in Wales)

Mr. M. Fowler (Parent Governor Representative)

Vacancy (Parent Governor Representative)

Vacancy (Catholic Church)

Non-Voting

Vacancy (ASCL)

Vacancy (NAHT)

Vacancy (NASUWT)

Vacancy (NUT)

Vacancy (Free Church Federal Council)

Mr. K. Plow (Association of School Governors)

That each Select Committee shall be entitled to recommend to Council the appointment of a maximum of five people as non-voting co-optees.

2.6 STANDARDS COMMITTEE

That the Standards Committee be appointed with the terms of reference, appendix F.

That the membership of the Committee comprise 3 members of the authority other than the Leader, 5 voting co-optees and one community member.

We were advised that the last item on the agenda related to the appointment of the Community Member.

9. Appointment to Outside Bodies

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

Council received a report in order to appoint representatives to serve on outside bodies.

The report recommended that the Council make appointments to the outside bodies set out in the schedule, with the exception of joint committees listed in Category B, which are Cabinet appointments.

County Councillor Easson declared a personal, non-prejudicial interest as a family member is employed by Y Prentis.

County Councillor Woodhouse declared a personal, non-prejudicial interest as her husband, C. Woodhouse is also appointed to King Henry VIII Foundation Governors.

Upon being put to the vote, the appointments were agreed as attached:

[Representation on outside bodies May 2017.doc](#)

10. Members' salaries and payments

Council received a report to set out the determinations of the Independent Remuneration Panel for the civic year 2017/2018 and to give Council the opportunity to determine which roles should receive a senior salary.

The Monitoring Officer advised that all Members would be recorded as declaring a personal, non-prejudicial interest under paragraphs 10(2)(c)(i) and 12(2)(b)(iv).

Upon being put to a vote, Council resolved to agree the recommendations:

2.1 That members note the determinations of the Panel that:

- i. An annual basic salary of £13,400 is paid to all members with effect from 9 May 2017.
- ii. The County Council may pay senior salaries to up to 17 members. In addition, the Chair and Vice Chair may also receive a civic salary each making a total of 19 senior salaries.
- iii. The level of senior and civic salaries that may be paid for relevant duties, some of which may now be paid at different levels at the discretion of the Council. A summary of the options is detailed below:
 - a. Level 1 (£26,100) or Level 2 (£23,500) payments for members of the executive
 - b. Level 1 (£22,100) or Level 2 (£20,100) payments made to Chairs of committees dependent on the level of responsibility attached to that role as determined by the Council.
- iv. Care allowance for care of dependent children and adults shall be payable for actual and receipted costs up to a maximum of £403 per month.
- v. Daily fees of £256 (pro rata for ½ days) be paid to co-opted Chairs of Standards and Audit Committees
- vi. Daily fees of £198 (pro rata for ½ days) be paid to ordinary co-opted members of Standards, Education Scrutiny, Crime and Disorder Scrutiny and Audit committees
- vii. Travel and subsistence allowances are set out in report at Appendix 2

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held on Thursday, 18th May, 2017 at 2.00 pm

2.2 That members determine:

- i. Which roles should attract a senior or civic salary, up to a maximum of 19 including the civic and deputy civic head.
- ii. The level of senior or civic salary to be paid where appropriate.

11. Appointment of a Community Committee Member to the Standards Committee

Council received a report to consider the reappointment of Community Councillor Irene Cameron for a further term to the council's Standards Committee as the community committee member.

Upon being put to the vote Council resolved to agree the recommendation:

- That Community Councillor Irene Cameron is appointed for a further term to the Council's Standards Committee as the community committee member.

The meeting ended at 4.00 pm

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ACTION LIST
MEETING OF MONMOUTHSHIRE COUNTY COUNCIL
18th May 2017

MINUTE NUMBER AND SUBJECT	ACTION TO BE TAKEN	TO BE ACTIONED BY	PROGRESS
<p>Item 5 - Minutes</p> <p style="text-align: center;">Page 17</p>	<p>To provide a response with regards to the petition presented by Cllr Howarth regarding Right of Way 118.</p>	<p>Kellie Beirne</p>	<p>The matter has been passed to the National Park Authority who have recently met with Canal & River Trust and their tenant and secured agreement to remove the obstruction on the current line of the path. The National Park Authority will make a further Definitive Map Modification Order. However it is expected that a similar objection will be made to this as already made to the previous related Definitive Map Modification Order. This will lead to both orders being decided by the Planning Inspectorate through written representations or a public inquiry. Councillor Howarth has been provided with updates on progress.</p>
	<p>To add 'Review of Meeting Times' to next Council Agenda</p>	<p>Nicola Perry / John Pearson</p>	<p>Item to be discussed at next meeting of Democratic Services Committee with a view to the committee putting forward recommended options for Council to debate.</p>

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**SUBJECT: AUDIT COMMITTEE
 ANNUAL REPORT 2016/17**

**DIRECTORATE: Chief Executive
MEETING: Council
DATE: 29th June 2017
DIVISION/WARDS AFFECTED: All**

1. PURPOSE

To present the Chair of the Council's Audit Committee's Annual Report for 2016/17.

2. RECOMMENDATION(S)

On behalf of the Audit Committee I submit this annual report for 2016/2017 for consideration by the Council. I believe that it shows that, over this period, the Committee has fulfilled its role as defined in terms of reference.

The report shows that the workings of the Committee have been both valuable and productive and that it provides assurance to the Council regarding the Committee's activities in the effective governance of financial affairs and other matters by the Authority.

3. KEY ISSUES

4. REASONS

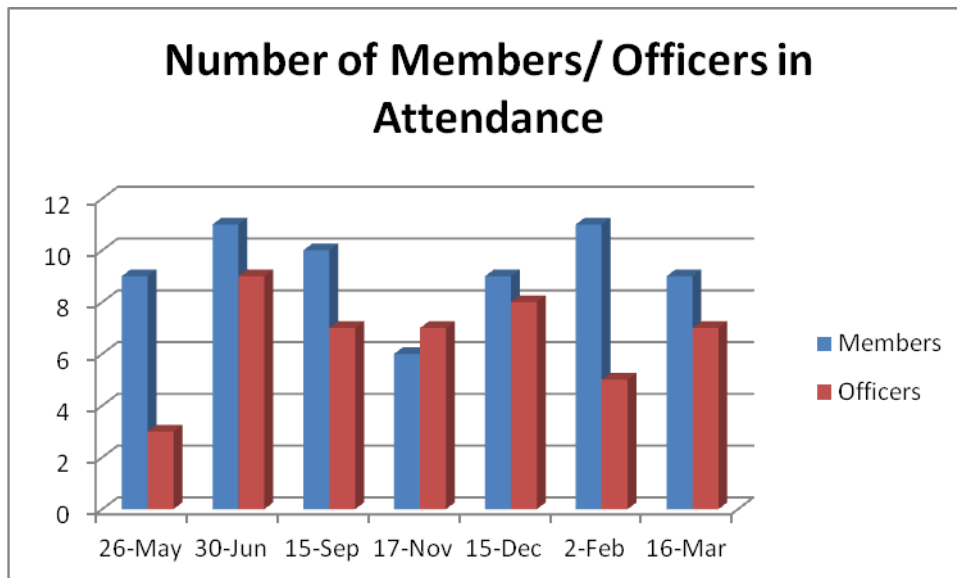
- 4.1 The Council's Audit Committee has responsibility for ensuring that there are procedures in place to guarantee the adequacy and effectiveness of financial control and corporate governance arrangements.

The terms of reference are:

- To review and scrutinize the authority's financial affairs
- To make reports and recommendations in relation to the authority's financial affairs
- To review and assess the risk management, internal control and corporate governance arrangements of the authority
- To make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements
- To oversee the authority's internal and external audit arrangements

- To review the financial statements prepared by the authority
- 4.2 The Committee consists of 11 councillors and includes one lay member (co-opted) who is not a councillor. During 2016/17, the lay member was the Chair of the Audit Committee as in previous years. The Committee's main responsibilities include:
- Approving the internal audit strategy, plan & performance
 - Review internal audit reports and seek assurances of change where required
 - Consider the reports of external audit and inspection agencies
 - Consider the effectiveness of the authority's risk management arrangements
 - Maintain an overview of the Council's Constitution in respect of contract procedure rules and financial regulations
 - Make recommendations, as appropriate, to Cabinet and Council on any matters reported through the Audit Committee.
- 4.3 The terms and conditions of the Audit Committee are set out in the Council's Constitution amended and agreed by Council in September 2014 which are in accordance with the Local Government (Wales) Measure (2011).
- 4.4 The Audit Committee is supported by Democratic Services with the Head of Finance and Chief Internal Auditor in attendance at all meetings. External Audit (The Welsh Audit Office) are invited to all meetings. During 2016/17 the Council's Audit Committee formally met 7 times, with all meetings being quorate. The Welsh Audit Office was represented at 5 meetings.

Audit Committee meetings 2016/17
26 th May 2016
30 th June 2016
15 th September 2016
17 th November 2016
15 th December 2016
2 nd February 2017
16 th March 2017



- 4.5 Regular reports were received and endorsed by the Audit Committee throughout the year. All Members contributed to the challenge process where officers were held to account for improving identified systems weakness. Members contributed positively to the process and took the responsibility of being on the Audit Committee seriously.
- 4.6 A standard agenda item for the Audit Committee is an Action List, where named officers are responsible for updating the Committee on previous matters discussed or questions raised. This ensures appropriate responses are received and accepted by the Committee on issues they felt were important enough to challenge and holds officers to account.

To oversee the Authority's internal and external audit arrangements

- 4.7 Reports were received and considered from the Wales Audit Office (WAO). MCC officers were asked to provide responses where appropriate, and Members of the Committee sought assurances on the process of External Audit. Papers presented included:
- Financial Resilience Assessment
 - Governance Corporate Assessment Follow On Review
 - Certificate of Compliance and Feedback on Council's Assessment of Performance 2014/15
 - Corporate Assessment 2015 Action Plan Progress Report
 - MCC Audited Accounts 2015/16 (Formal Approval)
 - ISA 260 Report – MCC Accounts
 - Annual Improvement Report
 - Performance Management Corporate Assessment
 - MCC Response to the Performance Management Report
 - Corporate Assessment Follow On Reviews – Information Technology and Human Resources
 - WAO Proposals for Improvement Progress Report
 - Audited Accounts for the Welsh Church Act Fund 2015/16 (and ISA 260 Report)

- Audited Accounts for the Monmouthshire Farm School Trust Fund 2015/16 (and WAO Independent Examination of the Financial Statements)
 - Joint Progress Report
 - 2017 Audit Plan
- 4.8 The Internal Audit Outturn reports and the annual plans for 2016/17 and 2017/18 were presented to and endorsed by the Committee. Members challenged the performance of the Internal Audit Team and robustness of the planned work in order to satisfy themselves that they were being provided with adequate assurances on the adequacy of the Council's internal control environment and that public money was being used effectively, efficiently and economically. Members challenged the information provided to ensure continual improvement.
- 4.9 Reports presented for consideration included:
- Internal Audit (IA) 2016/17 and 2017/18 Plans
 - IA Report on 2015/16
 - Special Investigations
 - Contract Procedure Rules – Exemptions
 - IA Charter
 - Presentation on Public Sector Internal Audit Standards
 - Unsatisfactory Audit Opinions
 - Review of Anti Fraud and Corruption Policy

To review and assess the risk management, internal control and corporate governance arrangements of the Authority

- 4.10 The Committee continues to have an opportunity to comment on and shape the Annual Governance Statement before it is presented with the Annual Statement of Accounts.
- 4.11 A report on the Whole Authority Complaints, Comments and Compliments 2015/16 was considered and accepted in November 2016.
- 4.12 For the December 2016 meeting of the Committee, the Policy and Performance Manager provided three reports for the Committee's consideration. These were:
- An overview of the Council's Performance Management arrangements
 - A progress report on WAO Proposals for Improvement made after the Corporate Assessment completed by Wales Audit Office in March 2015
 - A report on Strategic Risk Assessment 2016
- 4.13 The Chief Internal Auditor presents six monthly progress reports on previously issued unsatisfactory audit opinions (designated 'limited' from 2016/17). The intention of these reports is to provide assurance to the Committee that previously identified system weaknesses had been appropriately addressed and improvements made by the operational

manager. Where unsatisfactory or very little progress had been made by the operational manager then the Committee, via the Chairman, will invite the operational manager and relevant Head of Service to attend the Audit Committee where Members will hold them to account for future improvements. Although used on a number of occasions in 2014/15 and 2015/16, there were no formal invitations to operational managers in 2016/17. Where IA notified the committee of 'unsatisfactory' (up until 2015/16) or 'limited' opinions (from 2016/17) the Committee was satisfied that IA would be providing follow up reports at a future time which would indicate whether improvements were being made, following on from the internal audit.

- 4.14 In 2015/16, following an unfavourable audit opinion, the Head teacher and Chair of Governors of Chepstow School were invited to attend Audit Committee. Issues following on from these events continued to come before the Committee in 2016/17, in June and November. A member of the public had raised some issues about staffing issues at the school and the management of human resources policy. A response letter was sent from the chair of the Committee to the member of the public covering the issues raised. The Committee was informed in June by County Councillor Murphy that he and County Councillor Hackett-Pain, as Cabinet Members, had called in the new Business Manager, the Chair of Governors, the Temporary Business Manager and some other representatives from Chepstow School and would be meeting them with a view to obtaining further information in respect of a number of issues relating to the school and how the school's budget was likely to be brought under control.
- 4.15 County Councillor Murphy stated that he would be willing to put further points raised by a committee member to the representatives of Chepstow School at this meeting and report back. Councillor Murphy provided his report back to the Committee in November
- 4.16 The Audit Committee also received a six monthly update from the Chief Internal Auditor on any exemptions from the Council's Contract Procedure Rules. The Contract Procedure Rules exist to ensure that the Authority operates a fair, consistent and effective procurement policy to procure works, goods and services on behalf of the Council and to minimise allegations of fraud and corruption against managers. Although exemptions are permissible, Members were given the opportunity to challenge officers where they felt the reasons given were not justifiable.
- 4.17 The Head of People Services and Information Governance presented the People Services Annual Report 2016 to the Committee in November. This was felt to be appropriate as committee members have made a number of queries about personnel issues, such as redundancies, vacancies and sickness rates, often arising from the annual accounts or from assessments of data quality for performance management. A demonstration of the People Services Dashboard, providing information to managers on personnel statistics was given in March 2017. During the year, specific information was requested, and received, on early departures and redundancy costs.

- 4.18 In June Committee members had queried a reported expenditure of £10,000 for a Welsh Speaking Chef at the Eisteddfod. Officers were able to satisfy the Committee that the expenditure was justified and covered a programme of workshops and demonstrations, not just one individual. Funding was provided by the Welsh Government's Rural Communities - Rural Development Programme 2014-2020.
- 4.19 In December, at the request of the Full Council, the Committee considered the terms on which casual or short term workers are employed, with specific reference to the use of 'zero hours' contracts. The Committee was satisfied that the Authority does not make use of 'zero hours' arrangements, as defined as a contract in which an employer does not guarantee set hours of work for an employee and where the employee is contracted to that employer and cannot work for another employer. Officers explained to the committee the terms offered to casual workers and the policy which MCC follows in regard to offering casual, temporary or permanent fixed hours contracts. A written report has been provided to the Full Council.

To review the financial statements prepared by the Authority

- 4.20 The Committee is asked to consider the Council's Statement of Accounts prior to and following the external audit of them; the draft accounts were presented in June with the final audited accounts in September. In addition the Committee received the annual accounts of Monmouthshire County Council Welsh Church Act Fund and the Monmouthshire Farm School Endowment Trust Fund.
- 4.21 The Treasury Outturn Report 2015/16 was presented and noted by the Committee in June with a mid year Treasury Report for 2016/17 presented in November.
- 4.22 In June proposals for changes to levels of earmarked reserves were reviewed by the Committee. Subsequently the Committee has received quarterly reports on the monitoring of reserves.
- 4.23 In September the Committee received the revised and updated Internal Audit Charter for Monmouthshire County Council for approval in line with the expectations of Public Sector Internal Audit Standards.
- 4.24 In November a report was presented to the Committee concerning the Council's Minimum Revenue Provision in relation to supported borrowing (where the credit arrangements attract central government support). Committee members challenged officers on the justification for adopting different approaches for supported and unsupported borrowing.

5 RESOURCE IMPLICATIONS

- 5.1 None.

6 **CONSULTEES**

6.1 Chief Internal Auditor.

7 **Results of Consultation:**

7.1 Report agreed.

8 **BACKGROUND PAPERS**

8.1 Audit Committee Minutes 2016/17

9 **AUTHORS AND CONTACT DETAILS**

Philip White, Chairman, on behalf of the Audit Committee

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SUBJECT: MONMOUTHSHIRE CC ZERO HOURS CONTRACTS

SOURCE: Audit Committee

MEETING: Council

DATE: 29th June 2017

DIVISION/WARDS AFFECTED: All

1. PURPOSE

To provide a report, as requested, to the Council, from the Audit Committee, on the use of non guaranteed hours/casual contracts used by the Council with specific regard to the use of 'Zero Hours Contracts'.

2. RECOMMENDATION

2.1 The County Council should note that the Audit Committee is satisfied that MCC does not use Zero Hours Contracts for anyone it employs according to the definition: 'A flexible contract where an employer does not guarantee set hours of work for an employee. The employee is contracted to that employer and cannot work for another employer'.

2.2 MCC does employ casual workers who are not obliged to do any work for the Authority if they choose not to. It is accepted that this is helpful both to the Authority, when organising work patterns and suits many of the casual workers who have other commitments or do not wish to be committed to fixed hours.

2.3 It is recommended the use of casual employment should continue to be monitored. Managers and Service Areas should take ownership of this for their own areas. The Human Resources Business partnering approach will help, making use of annual information on the use of casual employment.

2.4 Where appropriate, MCC should continue to offer casual employees fixed term contracts, if the work has become a regular commitment, for example.

3. KEY ISSUES

3.1 Council, at its meeting of 20th October 2016, received a report from the Head of People Services and Information Governance outlining the use of zero hours/non-guaranteed hours/casual contracts across the organisation.

3.2 Following debate a motion was put and agreed that “Audit Committee look at the zero hour contracts within Monmouthshire County Council and a report be presented to Council at the earliest time possible”.

3.3 This paper is intended to provide the Council with an account of the enquiries which the Audit Committee carried out into the matter, to provide an account of the conclusions arrived at, and to highlight any issues of concern.

4. CONSIDERATIONS

4.1 Members of the Council were concerned that the Council may be employing individuals in such a way that could be to the detriment of the employee. Council asked for information regarding the number of employees who were employed on zero hours/casual hour contracts within the council.

4.2 Information on the number of those employed with no contracted hours was provided by the Head of People Services and Information Governance to the Council at the meeting on 20 October. There were 318 persons employed with no contracted hours (9% of the workforce). These statistics included 67 Exam Invigilators and 35 Supply Teachers. If these were removed the figures would be 216 or 6%

4.3 Members of the Audit Committee asked for trend information for previous years. The Audit Committee were told that historic trend information was not available, but that People Services could monitor the position annually using the information provided as a baseline.

4.4 The Head of People Services told the Audit Committee that a Zero Hours Contract is a flexible contract where an employer does not guarantee set hours of work for an employee. The employee is contracted to that employer and cannot work for another employer. The Committee was told that Zero Hours Contracts of this type are not used in Monmouthshire County Council. The Audit Committee found no reason to dispute this.

4.5. The Committee was informed that the Council uses specific contracts that are either temporary or permanent for a set number of part time or full time hours. If an employee is not employed on that basis they are issued with a casual letter and the employee has no obligation to work. When offered work, the individual can choose whether or not to take up the offer. This arrangement allows the Council flexibility to employ people on a casual basis, where appropriate, e.g. play scheme workers who are typically students looking for summertime employment. The Audit Committee did not dispute that there would be casual workers for whom it is mutually beneficial to the individual and the organisation to operate in this way.

4.6 The Head of People Services had informed the Council, at the 20th October meeting, of the principles for the employment of persons on non guaranteed hours arrangements as provided by The Public Services Commission for devolved public services in Wales.

4.7 The principles in the guidance, which the Audit Committee have been informed are adhered to by MCC, are:

1. Where organisations need to introduce new non-guaranteed hours arrangements or consider changes to their current arrangements they will engage at the earliest opportunity with their recognised trade unions.
2. Organisations will make clear which non-guaranteed hours arrangements they use and for what purposes
3. Staff engaged through non-guaranteed hours arrangements will have access to appropriate induction, training and development support to enable them to undertake their roles effectively.
4. Organisations will ensure that they comply with employment law and collective bargaining agreements and provide their staff with the required rights, terms and benefits.
5. Staff engaged through non-guaranteed hours arrangements will have terms and conditions of service broadly similar to those of their permanent staff

4.8 These principles include a regular review of the appropriateness of arrangements for organisations and staff, to involve both the individuals involved and the Trade Unions. When the review leads to a change in the contractual relationship a revised contract setting out the new arrangements will need to be issued. This will set out in a clear accessible language the revised relationship between the organisation and the individual. It was understood by the committee that where an individual is employed on a basis without guaranteed hours, but where the nature of the arrangements suggests that a fixed hours contract would be appropriate, then a fixed hours contract should be arranged. In all cases, subject to the particular hours worked and pattern of work, arrangements for holiday pay, sickness pay, pension and other employment terms should be comparable to employees with fixed hours contracts.

4.9 Information had, however, been supplied to the Council and to the Audit Committee in the People Services document 'Employing People & Contracts of Employment Protocol Guidance for Managers' which contains the following reference to casual employment:

Casual / Relief Employees

Casual/ Relief employees should be recruited as a way of dealing with a variable need for work - which can often not be predicted or planned for by the business or service area. Employees recruited on this basis should only be used on an ad hoc basis and will not work regularly and consistently. No contractual or implicit hours should be stipulated as part of relief or casual work.

Casual/Relief employees will not be entitled to annual leave, sick pay or bank holiday entitlements. Casual/Relief employees do not benefit from the range

of entitlements to which other employees of the Local Authority are entitled, due to the fact that they do not work a regular pattern of hours.

Managers should regularly monitor the hours that are worked by any casual/relief employees employed in their business/service area and termination paperwork completed routinely when the employee is no longer required, to ensure there is an accurate record of all current employees. If casual/relief employees start to work a regular and consistent pattern of hours then a manager needs to review the requirement for the work being undertaken, and if necessary, a temporary contract of employment be issued. If casual/relief employees build up regular and consistent hours then this will mean that they will be entitled to annual leave, sickness pay and a redundancy liability may be incurred for the business area.

4.10 The second paragraph from this extract implies that casual employees do not benefit from many of the entitlements which a contracted employee would expect, although the third paragraph does suggest that the Public Services Commission guidelines (fifth principle, see 4.7, above) could be met by issuing a temporary contract of employment. Indeed the paragraph implies that failure to do this might result in a liability being incurred should, for example, an employment tribunal rule that a worker without contracted hours would be entitled to holiday pay, redundancy rights or other rights under employment law.

4.11 The Guidance for Management document also contains the following reference to agency workers:

The Local Authority has a contract to source all agency workers. All requests for agency workers must be approved by the relevant DMT. All administration relating to annual leave and sick pay will be administered by the contractor directly. It should be understood that Agency Workers are not employees of the Local Authority.

The Chair of the Audit Committee offered his opinion that the employment practices of employment agencies could cause a risk to the reputation of MCC if the agency were found to be using certain employment practices. It is understood that MCC does use agency workers in some roles, such as supply teachers.

4.12 The Audit Committee has noted that People Services HR has introduced a business partnering approach with managers (using a specific template for meetings held between HR and Managers/Head-teachers) which will provide challenge on a range of people management issues, and which will provide a 'governance' framework which will enable regular review of the type and use of contracts of employment.

4.13 In the course of obtaining evidence from People Services, a number of issues were discussed, or further information requested. Some of the issues raised were covered in correspondence between the Head of People Services and Councillor Frances Taylor, which was made available to members of the Audit Committee. Other information was provided directly to the Audit Committee. Matters considered included:

Two posts identified as having no contracted hours were nevertheless described as '600 hours' posts. In practice the Audit Committee was told that only one is current. The post is based in Tourism, Leisure and Culture and is casual and there is no obligation for the employee to work. The post title is understood to be a reference to a possible requirement when the post was set up, but is now considered to be an outdated reference. Other job titles may not be up to date.

The rights of some Teaching Assistants were queried, raising the question of term time only employees with no pay in school holidays and re-employed for the next term. The Head of People Services has advised that best practice is for bank holidays and annual leave entitlements to be honoured (on a pro rata basis for part time employees) but that a very limited number of schools will attempt to end temporary contracts at the end of Summer Term, i.e., in July and re-employ in September, resulting in a break in service and a saving to the school budget. HR advisers have advised Head Teachers that there may be implications regarding pension entitlement and redundancy entitlements arising from such 'Break in Service' arrangements, creating an obligation for the schools.

Some schools employ Teaching Assistants on a school term basis due to special needs funding. As the funding doesn't cover the full year, schools can only afford to employ them until the end of the school term. Most employees are believed to understand the position and agree to the employment.

Audit Committee members queried if the casualization of workers was due to budget constraints. Some information was provided on redundancies in schools, where schools found themselves with a deficit. The Committee has been told that none of these staff were re-employed.

4.15 Examples have been provided of the use of casual employees in Leisure Services, which illustrate the position in that department. Information provided by the Manager of Leisure Services is attached at annex 1.

4.16 A Member asked if the Trade Unions were satisfied with the Council's arrangements. It was noted that part of the guidance suggests that negotiation with Trade Unions is undertaken. It was noted that two Members of the committee attend a national joint employer and trade union seminar twice a year and nothing about Zero Hours Contracts has been raised. One trade union has raised the issue of casual contracts of employment at a Joint Advisory Group meeting some time ago. This was in relation to the Alternative Delivery Model and making sure that the Authority knows the position in relation to contract of employment position of all staff affected. A member pointed out that many people on such contracts would not be members and that unions would not necessarily be sighted on the matter.

5 CONCLUSION

5.1 The author offers the following conclusions on behalf of the Audit Committee.

MCC does not use Zero Hours Contracts for anyone it employs according to the definition: 'A flexible contract where an employer does not guarantee set hours of work for an employee. The employee is contracted to that employer and cannot work for another employer'.

MCC does employ casual workers who are not obliged to do any work for the Authority if they choose not to. It is accepted that this is helpful both to the Authority, when organising work patterns and suits many of the casual workers who have other commitments or do not wish to be committed to fixed hours.

It is the policy of MCC to monitor the use of casual employment and, where appropriate, offer fixed term contracts, if the work has become a regular commitment, for example.

It is recommended the use of casual employment should continue to be monitored. Managers and Service Areas should take ownership of this for their own areas. The Human Resources Business partnering approach will help, making use of the annual information described at 4.3.

Few concerns have been raised through Trade Union channels about the use of casual workers at MCC. It has been queried, however, whether casual workers are effectively represented through such channels.

Although the Authority aims to provide equivalent working conditions to casual workers as apply to employees on fixed hours contracts it is acknowledged that casual arrangements can result in there being differences in terms and conditions of employment e.g. annual leave, sick pay or bank holiday entitlements if hours worked/pattern of work do not entitle the worker to same terms and conditions of employment.

A small number of schools may be using temporary contracts to cause a break in service in order to reduce the cost on the school budget. Advice is that this may create financial obligations for the school (e.g., redundancy and pension entitlements payments, if challenged).

6 RESOURCE IMPLICATIONS

None.

7 CONSULTEES

Head of People Services and Information Governance
Audit Committee

8 AUTHOR AND CONTACT DETAILS

Philip White, Chair, Audit Committee 2016/17
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ANNEX 1

Information provided to Head of People Services by H Dymond, leisure Manager.

“Leisure services have casual leisure assistants that work in the 4 leisure centres across the authority, less now in Monmouth as there is no swimming pool in operation.

- These attendants are virtually all education based students either completing A Levels, BTEC's or Degrees at University. The casual position offers them flexibility that they can have a couple of weeks off to complete school work, go on field trips or work placements that they are required to do.
- Some have other part time jobs and are looking for an extra bit of money and some have retired from other careers but do not wish to have the commitment of another post as enjoy the flexibility of their retirement without the constraints of only so many days/weeks holiday per year.
- These staff are not looking for a regular set pattern to enable them to pay rent/take out mortgages or start families but to help pay their ways through education or semi-retirement
- We regular review work patterns on site and ensure that they have regular breaks if they wish to continue as a casual employee and where necessary ensure they have a break in service.
- The posts are beneficial for suiting the business when we require staff but more importantly benefits the staff as they are not obligated to work and can say no (something a contracted shift they wouldn't be able to do). Take the following example last Saturday 8 members of staff went to Winter Wonderland in Cardiff and didn't work and had the opportunity to say no when asked. In September 10 went on a long weekend to West Wales in a Cottage and all had the weekend off they didn't work and turned down shift, they enjoy this freedom so they can do this. If they were contracted only 1 or 2 would have been able to have the shift off on a day in line with all out FT and PT contracted staff.
- This sometimes is a pain for us as it means that we have on occasions had to have a number of FT and PT staff work extra or come in on days off to cover and open a building/facility. Even Nick and Myself have had to cover weekends different roles outside our remit to ensure that service still operates – this Saturday I will be serving in a bar and stripping down after an event as staff are having a Christmas party so aren't available.
- Where possible we have asked the staff if they wish to have some fixed contracts and they have been given that opportunity those that wanted have taken it up, but as for the reasons above there are several that do not wish to commit. One example is a member of staff who is student doctor and doesn't

want anything except casual employment, she will leave if we say she needs to be contracted.

- As a service we invest in our staff, the leisure assistant post requires a specific qualification that is not readily available and attracts a younger member of staff, as managers we spend time inducting them in to the site and taking them through Safeguarding training, Manual Handling and other H&S training, Emergency planning training etc. It's not a question of giving them a mop and bucket with no guidance/mentoring and qualifications and letting them lose in a leisure centre.
- We allow them to be casual to fit in with their lives and also allow us to run a service without them the service would probably cease to exist in the same way as we wouldn't have enough members of staff to open services or we would be required to limit numbers to areas such as swimming in the pool.
- In many ways all shifts being contracted would be easier for Nick and I as less time would be spent on rotas, checking payroll against rotas and uploading casual hours as not contracted."