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MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of County Council held
at Council Chamber - Council Chamber on Monday, 20th March, 2017 at 2.00 pm**

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

County Councillors: J. Prosser, D. Blakebrough, M. Powell, V. Smith, G. Burrows, P. Clarke, J. Crook, D. Dovey, G. Down, A. Easson, D. Edwards, R. Edwards, P. Farley, P.A. Fox, R.J.W. Greenland, L. Guppy, E. Hacket Pain, R. Harris, B. Hayward, P.A.D. Hobson, S. Howarth, D. Jones, P. Jones, S. Jones, S.B. Jones, P. Murphy, B. Strong, F. Taylor, A. Webb, S. White, K. Williams and A. Wintle

OFFICERS IN ATTENDANCE:

Paul Matthews	Chief Executive
Peter Davies	Chief Officer, Resources
Tracey Harry	Head of People and Information Governance
Roger Hoggins	Head of Operations
Will McLean	Head of Democracy, Engagement and Improvement
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
Sally Thomas	Interim HR Manager

APOLOGIES:

Councillors D. Batrouni, R. Chapman, D. Evans, J. George, M. Hickman, G. Howard, J. Marshall, A. Watts and P. Watts

1. APPOINTMENT OF CHIEF OFFICER, CHILDREN AND YOUNG PEOPLE

The Chairman opened the meeting, and explained that the purpose of the first item on the agenda would be to appoint a Chief Officer for Children and Young People.

The Chief Executive advised that following the application process, 2 candidates had attended an intense assessment day. Council were provided with feedback from the assessment, and were advised that one candidate, Mr. W. McLean, had exceeded the benchmark and had been invited to give a 10 minute presentation to Council.

Members were advised that the options following the interview process would be:

- I. To make an offer of appointment;
- II. To determine that an offer of appointment should not be made.

Following discussion we welcomed Mr. McLean who gave a presentation and was interviewed by the Council. The candidate was then asked to leave the chamber in order for Members to take a decision. Upon being put to the vote Members agreed unanimously with the recommendation that Mr. McLean be appointed.

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Mr. McLean returned to the meeting, accepted the appointment, and was congratulated by Members.

3. Chairman's report and receipt of petitions

Council received the Chairman's report.

County Councillor S.B. Jones presented a petition on behalf of residents of Little Mill demanding urgent action be taken on the speeding of vehicles through the village, where 99.1% of vehicles have been found to be speeding.

County Councillor S. Howarth presented a petition relating to public rights of way at Clydach Gorge, Gilwern and Llanelli Hill. Right of way 118 has been disputed for 22 years and urgent closure was requested.

County Councillor V. Smith presented a petition relating to speed and the increasing volume of traffic on the A472 Woodside to Little Mill. As an indication of the concern of residents Councillor Smith explained that she had attempted to consult with every resident along that route, and only one individual was more concerned with broadband than road safety.

County Councillor P. Fox advised that a petition had been received from residents of Pwllmeyric regarding speeding on the A48, requesting that Council consider speed reduction in due course.

4. Declarations of interest

County Councillor F. Taylor declared a personal, non-prejudicial interest pursuant to the Members Code of Contact, in relation to items 9d and 9e as a board member of ABUHB.

County Councillor S. Howarth declared a personal, non-prejudicial interest pursuant to the Members Code of Conduct, in relation to item 9b, as a member of the leisure centre services in Abergavenny.

5. Public Open Forum

None.

6. Notices of motion

None.

7. Report of Cabinet Member, County Councillor G. Burrows

7.1. Position Statement - Social Care, Safeguarding and Health - March 2017

Cabinet Member, County Councillor G. Burrows provided a position statement for Social Care, Safeguarding and Health.

In doing so he thanked the Leader of the Council for the opportunity over the last six years, adding that it had been a privilege.

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Councillor P. Farley, on behalf of the Labour Group, and as Chair of Adults Select Committee expressed thanks to Councillor Burrows. He added that 'end of term' reports from all Cabinet Members would be welcome.

The Leader also took the opportunity to commend Councillor Burrows, recognising his work across Gwent, namely chairing the Gwent Frailty Committee. The disappointment of the WAO report was recognised, but we noted the good projects going forward, such as the Raglan Project.

8. Reports of the Chief Officer, Social Care, Health and Housing:

8.1. Wales Audit Office Report on Safeguarding within the Kerbcraft Scheme in Monmouthshire County Council

The Chairman welcomed Anne Marie Harkin and Ron Price from the Wales Audit Office, who were present to provide the Council with the Wales Audit Office Report into Safeguarding Arrangements within the Kerbcraft Scheme in Monmouthshire County Council.

The Cabinet Member expressed disappointment with the findings relating to the Kerbcraft scheme. He wished to assure that this authority does its utmost to ensure a safe an environment as possible in all that it does. He reassured Members that in terms of safeguarding, a tremendous amount of work has been done to date and we must redouble our efforts. It was added that whilst we rightly scrutinise the report, we do not completely lose the context.

Following presentation of the report the Chief Officer, Social Care and Health addressed Council and stated that it is a sobering experience to be in receipt of a report advising that we are providing a service that is putting children at risk because of continuing weaknesses in safeguarding arrangements. She added that we now need to act decisively; thoughtfully and transparently to address shortcomings. It was important to hold on to the fact that Kerbcraft is an important service and she concluded that it is critical we learn the wider lessons from this report.

During debate the following points were noted:

The Leader thanked officers for their attendance, noting the importance of the sobering messages, and recognised the shortcomings identified. He added that should he be fortunate to return as Leader after May 2017 there is further work we can do to strengthen our safeguarding function.

A Member added that the Labour Group would ensure this issue would be on the agenda, and stressed that Council should be alerted of such vital issues.

The Chair of Children and Young People Select Committee questioned why this report had not been through the scrutiny process. It was noted that Scrutiny Officer was among the list of consultees, but there was no further explanation. The Chief Executive Officer advised that the nature of the report requires Full Council consideration, and the timeline meant this would be the only opportunity for scrutiny.

Councillor Howarth requested clarification surrounding the grant for Kerbcraft from Welsh Government, and asked why this had not been itemised.

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Councillor Hayward expressed that the safety of children should not be retrospective, and given that this Council is considering embracing shared space in some Monmouthshire towns, he asked the Cabinet Member what assurances he could provide regarding the shared space schemes. In response Councillor Burrows thanked the Member for the question and referred to the Head of Operations. We heard that shared space schemes referred to how we manage traffic within our public highways, risk assessments are inherent within the designs and these matters are taken into account.

Several Members expressed concern and sought assurances that there are no other areas of our provision where concerns are reported. It was of particular concern that WAO had stated that they had been provided with partial and misleading information, and further information was requested regarding action taken with the staff involved.

It was noted that the Kerbcraft scheme provides an important service, and through a lack of process and governance, we had potentially put at risk the people providing the service, as well as our children. Also noted, there had been no formal review or reporting.

It was suggested that as Kerbcraft is funded by Wales Government and similar programmes run in other Councils, this report should be shared, and highlight the problems within our procedures, to allow other authorities to learn from our mistakes.

In response to Members concerns the Chief Officer for Social Care and Health addressed Council. She stated that in reflecting on the seriousness of the report, it was important to note this is not a child abuse situation, but children being placed at 'potential' risk due to inadequate safeguarding around the recruitment of volunteers. With regards to the personnel issues an internal preliminary investigation has been instigated. Actions will be taken forward, ensuring proper scrutiny of the actions.

In summing up the Cabinet Member shared the concern of learning about the report so late in the day, or even the existence of this particular activity, and agreed with everything said in the chamber today.

Ms. Harkin of WAO was grateful for the reassurances that improvements will be made and welcomed the responses to the recommendations.

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

- That the Council receive the Wales Audit Office Report on the Kerbcraft Scheme.
- That the Council accept the statutory recommendations in the report, consider the current position against the recommendations and agree the actions to address them.

8.2. Safeguarding Progress Report

Council were provided with a report to provide Members with a review of safeguarding progress.

During discussion we noted:

There was concern surrounding the statement on the reduction of training provided by South East Wales Safeguarding Children Board (SEWSCB), therefore adding pressure to provide training on the Council. Assurance was sought that this is a commitment rather than a pressure. The Chief Officer explained that SEWSCB has reviewed the way it delivers training, and its training policy. It was felt that this had put a pressure back on the authority to deliver more training within the Council. We must ensure everyone who needs to be trained is trained, and we are getting the right input from regional training as well as the training we deliver ourselves as a Council.

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

- That Council note the progress and challenge the self-assessment of the Whole Authority Safeguarding Co-ordinating Group (WASCG).
- That Council support the intention to focus the safeguarding programme approved by the Council in July 2016 against five key priority areas.

9. Reports of the Chief Officer, Enterprise:

9.1. Diary of Meetings 2017/18

Council were presented with a report to approve the diary of meetings for 2017/18.

The Leader advised that the new Council may wish to review certain dates, and times of Council meetings, and this should be added as an agenda item for the first formal meeting.

Reference was made to the inclusion of group meetings, and it was considered that these should not be included.

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

- That the diary of meetings for 2017/18 be approved.

9.2. Future Monmouthshire: Proposed new delivery model for Tourism, Leisure, Culture and Youth Services

County Councillor Greenland took the opportunity to provide an update on business rates. He advised that he had written to the Cabinet Secretary, and Members would be aware that the First Minister had announced that there would be a £10m relief scheme introduced for Wales. The details of the scheme arrived last week and given that bills are to be distributed for business rates next week this was not sufficient time to reflect this scheme. Therefore, businesses in Monmouthshire will receive bills reflecting the full increase, and it is hoped refunds due under the scheme would be made in June. It was noted that many businesses would be under extreme risk and the Cabinet Member had again written to the Cabinet Secretary asking that businesses can pay the current amount and no more while they go through an appeal process. He also added in his letter that he had not seen evidence to support the case that between 2008-2015 business rates in Monmouthshire have increased by 7%, whereas in Cardiff they have decreased by 3%.

The Cabinet Member added that conservative colleagues have agreed that, if following the election there is a Conservative majority administration, they will bring forward plans to help businesses through the exceptional hardship support fund which could be available.

County Councillors J. Higginson and R. Harris declared personal, non-prejudicial interests pursuant to the Members Code of Conduct as Council appointed members of the East Wales Valuation Tribunal.

County Councillor S. Jones declared a personal, non-prejudicial interest pursuant to the Members Code of Conduct as a member of the Rate Payers Forum, and Director of the Welsh Retail Consortium.

We were advised that with regards to the Morrisons store in Abergavenny, it has been indicated that they hope to be on site in April 2017, with an opening date of November.

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Council were presented with a report to provide Members with an Outline Business Case (OBC) and associated papers that consider the range of alternative delivery models for the Tourism, Leisure, Culture and Youth Services (TLCY) following an independent options appraisal by Anthony Collins Solicitors and seek agreement on the next phase.

During debate the following points were noted:

Assurance was sought regarding the future of the outdoor centres under the alternative delivery model. The Head of Tourism, Leisure and Culture explained the complex partnership with other Councils. Whilst some Councils are retreating from the partnership we need to maintain a partnership with remaining partners. There is a clear indication of where the service is heading, but discussions with partners are planned over the upcoming months. As from April, Blaenau Gwent will be the only full partner, in terms of financial contributions but are looking at their own outdoor educational offer. Torfaen have removed £60k over the last 2 years and will remove another £60k next year. Newport still own Talybont, Monmouthshire own Gilwern and Hilston Park.

Members heard that there was no threat to The Zone in Caldicot. Councillor Hackett Pain added that there was no reason to consider that the link between education and the youth service would be severed.

Councillor A. Webb thanked the officer for the report and sought assurance the Old Station, Tintern would not be affected. We heard that the intention is to further develop the Old Station and improve the offer, including the parking and other restricting aspects.

Concern was raised regarding the TUPE of staff, in that this would increase the cost of administration. The Head of Tourism, Leisure and Culture explained this would be part of the full business plan to be presented in September 2017.

In response to a question regarding consultancy fees we heard the fees have been identified in the outline business case as an investment.

Members were assured that staff would be kept up to date and, so far, consultation events had been well attended.

Councillor J Prosser highlighted that the report had been through scrutiny, joint scrutiny, and seminar events and congratulated officers for innovation and forward thinking for maintaining services.

Cabinet Member for Enterprise responded to a concern regarding Monmouth Pool, explaining that the pool would be 25 metres in length, 5 lanes, and within regulations. The sports hall will be moving to the school, but when not being used by the school would be available to the general public. There are proposals to re-vamp the leisure centre in Monmouth, to provide more up to date facilities, bringing further use and income.

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

- That Council reset the recommendations as agreed in October 2016 to delay the full business case to enable consideration of an Outline Business Case in March 2017.
- That Council agree to progress options 2, transform in house and option 3, new delivery model for reasons identified in the Outline Business Case and not take forward option 1, stay the same and option 4, outsourcing.
- That Council agree OBC is advanced to produce the final Full Business Case for consideration as soon as politically possible.

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9.3. Community Governance in Monmouthshire

Council were presented with a report to seek Council's agreement to pilot a new set of arrangements for Community Governance in Monmouthshire.

Following a wide ranging debate there was agreement across the members of the cross party working group that their preferred option was Option 2 but with the additional invitation to a single representative from each of the Community or Town Councils in that area:

- Option 2) Area Committees are retained as the sole structure with an increase in co-opted community members.

Councillor D. Edwards supported the recommendation that the scheme be piloted in the Bryn Y Cwm area and highlighted aspects of the current area committee work programme.

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

- It is recommended that: (i) the ongoing review of community governance and whole place is finalised as early as possible to allow the new Council to reach agreement as to the shape and structure of community engagement.
- That the community governance structure designed as a part of member working group is piloted in the Bryn Y Cwm area.

9.4. Well-being Assessments for the county and Objective setting for the Council:

Council were presented with the following reports to seek approval for a series of inter-related assessments and plans that have been produced in response to new legislation.

The four documents are:

- i) The Well-being Assessment produced on behalf of the Public Service Board;
- ii) The Population Needs Assessment for the county of Monmouthshire;
- iii) The Council's proposed Well-being Objectives and Well-being Statement; and
- iv) The Biodiversity & Ecosystem Resilience Forward Plan.

During debate the following points were noted:

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Assurance was sought that links with relevant officers from the Strategic Transport Group were in place. The Policy and Performance Manager responded that reference was made to the Magor Rail Group. Transport is an issue highlighted as challenge and opportunity. Officers have started to look at transport and the intention is to pull together officers and people in the communities to establish firm plans.

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

- To endorse the Well-being Assessment ahead of its approval by the Public Service Board on 29th March.
- To approve the Population Needs Assessment.
- To approve the Council's well-being objectives and statement their publication, subject to any amendments requested by Council today, and with an understanding that the objectives will be re-considered by Council following the local government elections in May 2017.
- To approve the Biodiversity & Ecosystem Resilience Forward Plan.

10. Report of the Chief Officer, Resources:

10.1. Pay Policy Statement

Chief Officers and Heads of Service left the Council Chamber for the discussion.

Council were presented with a report to approve the publication of Monmouthshire County Council's Pay Policy, in compliance with the Localism Act.

During discussion the following points were noted:

In response to a question regarding the average band of senior officers, whether it be at top or bottom, the Interim HR Manager advised that this would depend on the scale agreed at appointment, and length of service. Further information could be provided.

It was thought that incremental rise would be included through the normal staffing budgets.

Councillor Hayward remarked that the ratio 4:1 between lowest paid officer and chief officer indicated that the lowest salary would be £22,000, and suggested this was incorrect. The Interim HR Manager would supply further detail around multipliers.

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

- That Council approves the Pay Policy for the year 1st April 2016 to 31st March 2017.
- That Council approves to pay the nationally negotiated and agreed pay award of the Joint National Council (JNC) for Local Authority Chief Executive Officers. Chief Executive Officer terms and conditions of employment and pay are prescribed by the JNC for Local Authority Chief Executive Officers. The Pay Agreement reached in 2016 for Chief Executive Officers was for a 1% pay increase effective from 1 April 2016 and a 1% pay increase, effective 1 April 2017.
- That Council approves to pay the nationally negotiated and agreed pay award for those employees who come under the Joint National Council (JNC) for Chief Officers. Chief Officers' terms and conditions of employment and pay are prescribed by the JNC for Local Authority Chief Officers. The Pay Agreement reached in 2016 for Chief Officers was for a 1% pay increase effective from 1 April 2016 and a 1% increase effective from

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1 April 2017. The Council employs Chief Officers under JNC terms and conditions which are incorporated into their contracts of employment. The JNC for Chief Officers negotiates on national (UK) annual cost of living pay increases for this group, and any award is determined on this basis. Chief Officers employed under JNC terms and conditions are contractually entitled to any national JNC determined pay rises and this Council will therefore pay these as and when determined in accordance with contractual requirements.

The meeting ended at 5.20 pm

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