

# Public Document Pack



Neuadd y Sir  
Y Rhadyr  
Brynbuga  
NP15 1GA

Dydd Mercher, 12 Hydref 2016

## Hysbysiad o gyfarfod:

### Cyngor Sir

**Dydd Iau, 20fed Hydref, 2016 at 2.00 pm,  
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA**

### AGENDA

*Prayers will be said prior to the Council meeting at 4.55pm. All members are welcome to join the Chairman for prayers should they wish to do.*

<b>Eitem No</b>	<b>Eitem</b>	<b>Tudalennau</b>
1.	Ymddiheuriadau am absenoldeb	
2.	Adroddiad y Cadeirydd ac unrhyw ddeisebau sydd wedi eu derbyn	1 - 2
3.	Datganiadau o Fuddiant	
4.	Fforwm Agored i'r Cyhoedd	
5.	Cadarnhau cofnodion y cyfarfod a gynhaliwyd ar 22 Medi 2016	3 - 14
6.	Nodi rhestr camau gweithredu'r cyfarfod diwethaf	15 - 16
7.	Derbyn cofnodion y Pwyllgor Archwilio ar 15 Medi 2016	17 - 22
8.	Rhestr o Gynigion	
8.1.	<b>Cynnig gan y Cynghorydd Sir A. Easson</b>  Ni fydd y Cyngor hwn yn cyflogi unrhyw un ar delerau ac amodau "gontract hyblyg". Ar ben hynny, ni fydd y Cyngor hwn yn cefnogi busnesau sy'n cyflenwi gwasanaethau ar gontract i Sir Fynwy sy'n defnyddio amodau o'r fath, ac mewn gwirionedd, bydd yn mynnu na fod y busnesau'n defnyddio'r amodau hyn	
9.	<b>Adroddiad Pennaeth Gwasanaethau Pobl a Llywodraethu Gwybodaeth</b>	
9.1.	<b>Contractau Dim Oriau</b>	23 - 38

<b>10.</b>	<b>Adroddiad Pennaeth y Gwasanaethau Cyfreithiol a'r Swyddog Monitro</b>	
<b>10.1.</b>	<b>Adroddiad Panel y Pwyllgor Dethol ar Safonau</b>	39 - 40
<b>11.</b>	<b>Adroddiad y Prif Weithredwr</b>	
<b>11.1.</b>	<b>Rhaglen Ysgolion y Dyfodol</b>	41 - 58

**Paul Matthews**

**Prif Weithredwr**

## CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

D. Batrouni  
J. Prosser  
D. Blakebrough  
M. Powell  
V. Smith  
G. Burrows  
R. Chapman  
P. Clarke  
J. Crook  
D. Dovey  
G. Down  
A. Easson  
D. Edwards  
R. Edwards  
D. Evans  
P. Farley  
P.A. Fox  
J. George  
R.J.W. Greenland  
L. Guppy  
E. Hackett Pain  
R. Harris  
B. Hayward  
M. Hickman  
J. Higginson  
P.A.D. Hobson  
G. Howard  
S. Howarth  
D. Jones  
P. Jones  
S. Jones  
S.B. Jones  
P. Jordan  
J. Marshall  
P. Murphy  
B. Strong  
F. Taylor  
A. Watts  
P. Watts  
A. Webb  
S. White  
K. Williams  
A. Wintle

**Gwybodaeth Gyhoeddus**

### **Mynediad i gopïau papur o agendâu ac adroddiadau**

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democrataidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

### **Edrych ar y cyfarfod ar-lein**

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk) neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

### **Y Gymraeg**

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

# 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 15<sup>th</sup> September – 9<sup>th</sup> October

Thursday 15 <sup>th</sup> September 7 p.m.	School's AWARD EVENING Monmouth Comprehensive School
Saturday 17 <sup>th</sup> September 6.30 – 7.30 p.m.	The 2016 Abergavenny Food Festival Drinks Reception The Terrace, The Angel Hotel, Abergavenny
<b>Sunday 25<sup>th</sup> September</b> <b>3 – 5 p.m.</b>	<b><i>Chairman's Charity Afternoon Tea</i></b> <b><i>Caldicot Castle</i></b>
Thursday 29 <sup>th</sup> September 5 – 7 p.m.	Rio 2016 Olympic and Paralympic Games – Welcome Home Celebration The Senedd in Cardiff
Sunday 2 <sup>nd</sup> October 2.30 p.m.	Divine Service Zion Chapel, Brynmawr
Thursday 6 <sup>th</sup> October 11 a.m.	Citizenship Ceremony Registrar's Office, Usk
<b>Thursday 6<sup>th</sup> October</b> <b>7 for 7.30 p.m.</b>	<b><i>Chairman's Dinner – Officials/Head of Services</i></b> <b><i>Shire Hall, Monmouth</i></b>
Friday 7 <sup>th</sup> October 6 p.m.	Gwent Best Kept Village Award Chepstow Garden Centre
Saturday 8 <sup>th</sup> October 11 a.m.	Re-affirmation of the Freedom of the County Borough of Rhondda Cynon Taf upon The Royal Welsh Ynysangharad War Memorial Park, Pontypridd
Saturday 8 <sup>th</sup> October	Monmouthshire Food Festival Caldicot Castle
Sunday 9 <sup>th</sup> October 3 p.m.	Lord Mayor's Civic Service St Joseph's Cathedral, Swansea

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# Public Document Pack Agenda Item 5

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Thursday, 22nd September, 2016 at 2.00  
pm

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

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

### **OFFICERS IN ATTENDANCE:**

Paul Matthews	Chief Executive
Kellie Beirne	Chief Officer, Enterprise
Peter Davies	Chief Officer, Resources
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
Matthew Gatehouse	Policy and Performance Manager
Claire Marchant	Chief Officer Social Care, Health & Housing

### **APOLOGIES:**

Councillors R. Chapman, R. Edwards, J. George and J. Marshall

### **2. Public Open Forum**

There were no items for the public open forum.

### **3. Chairman's Report and receipt of petitions**

Upon opening the meeting the Chair requested that Council were upstanding and held a minute silence in memory of former Chairman, Jane Faulser, who had recently passed away.

The Chairman expressed the best wishes of the Council to the Olympic and Paralympic athletes, particularly those from Monmouthshire.

Council received the Chairman's report.

There were no petitions received.

The Leader wished to recognise the hard work of the chairman throughout the Eisteddfod week, which had been a success, and expressed thanks and congratulations to all involved. We

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heard that the managing director and officials, of the Eisteddfod, had commended all those involved.

#### **4. Declarations of interest**

County Councillors P. Clarke, S.B. Jones and B. Strong declared personal, prejudicial interests under the Member's Code of Conduct in relation to Item 6 on the agenda, an update on the Velothon 2017-2020.

Any further declarations would be made under the relevant item.

#### **5. To confirm and sign the minutes of that last meeting**

Prior to discussion County Councillors Clarke, Strong and B. Jones left the Council Chamber having declared interests at item 4.

The minutes of the meeting held on 28<sup>th</sup> July 2016 at 5.00pm were confirmed as a correct record and signed by the Chairman, with the following amendment:

Item 9.1 Velothon

County Councillor R.J. Greenland confirmed the amended recommendation as:

*That Council **PROVISIONALLY** agrees to support the 2017 Velothon subject to an annual post event review. This review will include pro-active and direct engagement with Town and Community Councils, and with the business community, particularly those businesses who have been adversely affected over the last two years.*

A request was made that a progress update be added to the Action List.

#### **6. To note the Action List of the previous meeting**

We noted the action list of the meeting held on 28<sup>th</sup> July 2016.

County Councillor R.J.W. Greenland addressed the Council in order to provide an update on the new Morrisons site in Abergavenny. He thanked officers for pursuing the matter to this final position, especially noting the hard work of the Head of Community Led Delivery, D. Hill-Howells.

We noted the following press release:

“On Thursday 22<sup>nd</sup> September Monmouthshire County Council and supermarket chain Morrisons signed a lease to finalise plans for a supermarket to be built on the cattle market site in Abergavenny. The long awaited agreement will now allow the process to begin. The structure of the agreement is in line with that previously agreed. However, the financial payments have been varied to reflect the change in market conditions since the contract was originally entered into in 2010. A premium of £13,750,000 has been paid and rental payments of £160,000 per annum will be payable from February 2018 for a period of 25 years. Both MCC and Morrisons are keen to move development of the site forward and a planning application for an amended supermarket scheme has been received by our planning authority. The planning

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team are awaiting information to support the application and public consultation will commence as soon as these are received. Our planning officers expect to receive the information and plans in a fortnight from today and aim to report the application to Decembers Planning Committee meeting.”

The Cabinet Member also expressed thanks to the senior executives of Morrisons who had helped push the matter forward.

Members were satisfied with the news and looked forward to the increase in footfall and prosperity and the overall confidence of Abergavenny.

Members acknowledged the work of the Cabinet Member in the process

It was emphasized that we could not foresee the outcome of the planning application, and any members requiring further detail could contact the Head of Community Led Delivery directly.

#### **Emergency Motion**

The Chair welcomed County Councillor R. Greenland who presented the following emergency motion:

*Monmouthshire County Council agrees to support the 2017 Velothon coming through the County, providing the roads closed for the amateur race are re-opened as soon as practical after the amateur cyclists have passed through. We would also welcome the professional race but only on a rolling road closure basis thus limiting the inconvenience to residents.*

In moving the motion, Councillor Greenland highlighted the following points:

- It was agreed the issue of toilets had previously been a problem and organisers would double the toilet provision.
- Green zones would be placed around Monmouthshire and competitors would be urged to dispose of litter in these areas.
- It had been agreed that there could be road closures between the amateur and professional races however another proposal was made that the road closure should stop following the amateur riders passing through. This could be dealt with by a rolling road closure. Police would close side roads, which would then be kept closed by volunteers. The roads would immediately re-open when the race has gone through, moving along with the race. This would overcome the vast majority of complaints regarding road closures.

During debate we noted the following points:

- The motion demonstrates we are listening to constituents. However, there is a need for effective communication to ensure people can make appropriate arrangements.
- The motion did not reflect the previous request for consideration of the start and finish being in Newport, which would be of more benefit to Monmouthshire. It was noted that the Chief Executive had made the comments in relation to the 2018 Velothon, which would continue to be discussed.
- A Member stressed that as well as doubling the number of toilets, consideration needed to be given to where they would be situated.
- We noted that the Velothon would not clash with the Abergavenny Cycle Race.

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- A Member drew contrast between the Velothon with the Severn Bridge Half Marathon event which had been partly in Monmouthshire. This had been a well-organised event with no problems, and a complete litter pick had been completed within 24 hours.

Councillor Greenland clarified that if the Velothon organisers were not prepared to use rolling road closures across the county, we were not prepared, as a Council, to allow the Velothon to come through the county in 2017.

The motion was duly seconded, and upon being put to the vote, the motion was carried.

#### **7. Notices of Motion**

##### **7.1. Motion from County Councillor F. Taylor**

*That at its next meeting this Council receive a full evaluation of Monmouthshire County Council's use of Zero Hour Contracts. The evaluation should detail the scale and scope of the practice within this Authority and its impact on service provision and staff wellbeing and morale.*

In moving the motion Councillor Taylor highlighted the following points:

- The motion had been tabled in light of anecdotal evidence received and suggested in the spirit of gaining an understanding of our current position, rather than a suggestion that the contracts were being used inappropriately.
- We heard that around 6% to 8% of the workforce were on casual contracts and assurance was sought that these members of staff were on the appropriate contract for the frequency of work.

During debate we noted the following:

- The Cabinet Member explained that the information had been supplied to Councillor Taylor, and would be happy to circulate the information regarding the non-defined hours contracts.
- Presently there were 318 employees with no contracted hours. 67 people were employed as exam invigilators and 35 were supply teachers.
- It was clarified that the figures referred to people who made themselves available on an as and when basis.
- Members would be able to view the breakdown prior to the discussion at next Council.
- Members expressed that we should ensure that contractors used by the authority should also not use zero hour contracts, to ensure employees not directly employed should also be protected.
- 

Councillor K. Williams proposed an amendment to the motion, to add the line '*where the contracts are deemed to be exploitative Monmouthshire County Council will remove the use of them*'

The amendment was duly seconded and debate ensued:

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- The Leader recognised the sentiments of the amended motion but felt it inappropriate to pre-empt the information to be circulated, which would allow a considered response at the next meeting.
- The Chairman agreed that there would be opportunity to make amendments to the motion at the next meeting.

Upon being put to the vote the substantive motion was defeated.

The original motion was put to the vote, and was carried.

#### **7.2. Motion from County Councillor F. Taylor**

*That members of this Council offer full and active support to the Democratic Services Committee in their endeavours to encourage and increase democratic engagement in advance of and beyond the 2017 Local Government Elections*

In moving the motion Councillor Taylor explained that as we move towards the 2017 elections, we have a duty to promote democratic engagement at all times, and a duty to support people to exercise their democratic rights.

Members were in agreement and were keen to pledge their support.

A Member noted an issue with attendance at Select Committees, and highlighted the responsibility of Members to attend scrutiny meetings.

A Member expressed that, as councillors, it was a key part of the democratic process to produce an annual report, but it was noted that only six councillors had submitted annual reports for the previous year.

The motion was duly seconded, and upon being put to the vote, the motion was carried.

#### **8. Wales Audit Office - Annual Improvement Report 2015/16**

We welcomed Mr. D. Wilson and Mr. T. Lewis from the Wales Audit Office who presented the Annual Improvement Report 2015/16.

The report provided key messages from the work carried out by WAO, Estyn, CSSIW and the Welsh Language Commissioner during 2015/16 and included the Auditor General's assessment of whether the council is likely to comply with the Local Government Measure in 2016/17.

The overall conclusion in the report recognised the progress made by MCC, and based on the work carried out by WAO and relevant regulators, the Auditor General believes that the Council will comply on the measures during 2016/17, provided that it continues to maintain the current pace of improvements.

The report stated that the Council does recognise that there was still work to be done in certain areas. It was recognised that Estyn no longer considers the Authority in need of special measures and has removed it from further follow up activity. CSSIW reported good progress with a transformation in practice.

Members were invited to comment:

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- A Member referred to the Gwent Frailty Project, covered in the report, and wished to use it as an example of the range of activities inspected and reviewed.
- The Leader thanked WAO officers for the report, and recognised the proposals for improvement. He welcomed the challenges, which would in turn provide better outcomes.
- A Member requested clarification on page 34 of the report, point 14 - *'although the Council had taken action to improve the accuracy and quality of its performance data, those actions have not yet been fully effective.'* In response WAO explained that as part of the work carried out, six Performance Indicators had been tested and found three had been inaccurate. Reasons being some information had been submitted late for the PI, and wrongly reported. It was found that sickness absence was under reported, and an error in the recording of leisure centre visits. Further detail was requested regarding the incorrect recording of sickness data.
- A Member referred to page 23 of the report – *'The Council had generally effective financial governance, but its financial planning and control arrangements were not fully embedded or delivering effectively, in the face of some significant financial challenges. The Council made progress in improving its governance arrangements, although, more work was needed to strengthen the transparency of decision making and recording.'* It was questioned if this was due to officers not keeping members fully briefed, or members not challenging officers in the correct way. In response WAO advised that improvements to the process were needed, but must be balanced against the scope of the work done by the Council. Members were able to request further information, where they felt they had received inadequate detail to make a decision.
- In response to the WAO recommendation for Cabinet decisions, the Leader noted that the procedures used were legal and not remiss.

Council resolved to accept the report.

#### **9. Reports of the Head of Finance/S151**

##### **9.1. Statement of Accounts 2015/2016**

The Cabinet Member presented the Statement of Accounts 2015/16 in order to for Council to consider the final annual accounts for the Authority for 2015/2016

Members were asked to note that, at the time of writing this covering report, the external auditors were still undertaking some work, which may still introduce late changes to the Statement of Accounts.

The Wales Audit Office highlighted some pertinent issues identified through the course of the audit. There were no adjustments to be made, but some changes to coding were to be made for future reporting.

The Head of Finance confirmed that with regards to a Members' concern surrounding CMC<sup>2</sup>, the correction had been made in the Statement of Accounts that was before Council today. The Chief Officer, Resources clarified that the £122,000 adjustment referred to a loss that had previously been written off. A report had been to Cabinet in July 2015 to write of losses of £140,000, which included the £122,000 under discussion. We noted that CMC<sup>2</sup> was currently carrying debtors of £90,000 which would be managed going forward.

Council resolved to agree the recommendation within the report:

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- That the final Monmouthshire County Council Statement of Accounts for 2015/16, as reviewed by audit, be approved.

### 9.2. Monmouthshire County Council ISA 260 Report

The Cabinet Member presented the Audit of Financial Statements Report.

The Wales Audit Office highlighted that there were no errors, and the audit had been completed with an unqualified opinion. The good working relationship with MCC officers was commended and had resulted in the smooth audit process.

We noted there were no specific concerns going forward to the next years' audit.

Council resolved to accept the report.

## 10. Reports of the Head of Democracy, Engagement and Improvement

### 10.1. Abergavenny Hub Proposals

The Cabinet Member presented the report in order for Members to consider the allocation of up to £50,000 of capital funding to the development of designs for an Abergavenny community hub, pending a detailed business case to be presented in due course.

County Councillors J. Prosser, P. Jordan, M. Hickman, D. Edwards, R. Harris and M. Powell declared personal, non-prejudicial interests pursuant to the Members' Code of Conduct in respect of their roles as Abergavenny Town Councillors.

During discussion we noted the following points:

- A Member stated that in his role as Deputy Mayor of Abergavenny Town Council and the Member for Priory Ward, the Town Council were in full agreement with the proposals.
- The modern facility would be fully accessible, retaining the Mayor's parlour and a modified council chamber, and will ensure the hub remains a focal point in the town for the coming years.
- Clarity was requested regarding the floor space, and the size of the new library in comparison to the current library. In response we were assured new library model would be a shared space, which currently worked well in other areas. Further information regarding the floor space would be provided outside the meeting.
- In terms of the Borough Theatre, we were advised that we would soon be at the end of the three year funding agreement and the expectation was, that as far as possible, the Borough Theatre would be a self-sustaining, self-funding organisation. We were awaiting sight of the business plan.
- In terms of planning advice had been taken from a conservation officer.
- It was confirmed that the library storage space would be doubled
- Members would appreciate an opportunity to view and comment on the plans. We were informed that members of the public, and interested groups, had been given the opportunity to offer views on the plans. The plans could be put on display at County Hall to allow all Members chance to view them.
- It was clarified that the Library staff would be transferred to the new setting, transferring the skill base across.
- With reference to the Carnegie building, the details of the trust are contained within the business case.

Upon being put to the vote, Council resolved to accept the recommendations in the report:

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- That a sum of up to £50,000 is released to fund the costs of finalising the detailed designs and business case to be funded by prudential borrowing
- That Council agree that the preferred location for the development of the community hub is within the Town Hall, Abergavenny
- That a further report is presented to Council following the completion of the detailed designs and business case to seek approval for the scheme to be undertaken.

#### **10.2. Stage 2 Improvement Plan 2015/2016**

The Leader presented a report to seek council approval of the Stage 2 Improvement Plan for 2015/16, and to ensure that members have access to comparative performance information for 2015/16.

During debate we noted:

- The Chief Officer for Social Care and Health responded to concerns by explaining that in terms of the number of people supported in the community we held a challenging demographic, and it was hard to provide an answer on what good looked like.
- With regards to the delayed transfers of care, the Chief Officer for Social Care and Health explained that there were at least 12 people who were indicated as a Monmouthshire resident, when in fact they were not. DETOCs were back to the levels they had historically been, which was very low.
- The Cabinet Member added that the low level number of people in community care could be seen as a positive reflection.
- The percentage of homeless households had been removed as a measure from the national framework by Welsh Government as it was considered not comparable across the 22 authorities.
- Concerns were raised regarding the increased sickness levels. The Chief Officer, Resources explained that headline messages were that figures were driven by long term sickness cases, and furthermore we were seeing an increase in sickness relating to stress and psychological reasons. A number of measures have been put in place to address the issue. Further training for managers, to identify early signs of stress, had been implemented, as well as an increase in well-being courses for staff.
- We heard that we have an Occupational Health Service, providing support where appropriate
- A Member suggested that we register for the Welsh Government sponsored Corporate Health Standard.
- We noted how misleading percentages could be, and recognised the need for cohorts to provide detailed explanation.
- It was suggested that it would in the interest of Council to receive detail of the outcomes of scrutiny of the plan at Select Committees.
- Members requested a copy of the staff engagement survey. The Chief Officer apologised for the oversight and would forward the survey to all Members. We heard a pilot was currently running which may provide a real time tool to gauge staff views and opinions.
- Issues regarding the recording of sickness referred to in the audit had been due to how the figures were calculated through the year. These issues had now been addressed and resolved.

Council resolved to agree the recommendation in the report:



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- That the Stage 2 Improvement Plan 2015/16 be approved.

#### 11. Reports of the Chief Officer, Enterprise

##### 11.1. **Re-appointment of Monmouthshire Local Access Forum**

Council received a report in order to secure the appointment of members to the Monmouthshire Local Access Forum (LAF) for its next 3 year period and consider measures to increase the forum's effectiveness.

During debate we noted:

- The leader of the opposition nominated County Councillor P. Farley.
- A Member proposed that Councillor A. Webb continue on the forum as the Council representative.
- The Leader endorsed the proposal that Councillor Webb remain in the role, and expressed that in terms of recommendation (f), the LAF Chair reporting to the Council would be beneficial and provide an opportunity to appreciate the work of the forum.
- It was agreed Councillor P. Hobson be notified of nominations.

Council resolved to agree the recommendations:

- a) That the following retiring members of the Monmouthshire Local Access Forum be reappointed:- Mr John Askew, Mrs Pat Benson; Mrs Irene Brooke and Ms Anne Underwood;
- b) That the following individuals be shortlisted for appointment as members of the Monmouthshire Local Access Forum: - Mrs Anthea Fairey, Mrs Sheila Hampshire; Ms Elizabeth Hepburn; Ms Gwyneth Jones; Mr Richard Micklethwait; Mr Philip Mundell; Mr David Smith; Mr David Steere and Mr Mark Storey;
- c) That a selection panel of three appropriate Members be established and delegated authority to select and appoint members from the shortlist and to appoint further members should the Forum after its first meeting ask the County Council to seek additional members to reflect any specific interests felt not to be appropriately represented;
- d) That the County Council nominate its representative to serve on the Local Access Forum;
- e) That the retiring members of the Forum, including the past Chairman, be thanked for their valuable contribution.
- f) Consideration be given to the LAF Chair reporting annually to the appropriate Select Committee and/or Cabinet.

##### 11.2. **Cardiff Capital Region City Deal - Interim Governance Arrangements and Financial Support**

Council received a report to set out interim governance arrangements to take forward the provisions of the Cardiff Capital Region (CCR) City Deal Agreement, signed by Leaders of the 10 Local Authorities in March 2016. To approve the use of Invest to Redesign reserve (16/17) totalling £30,835 as Monmouthshire's contribution to the central resource fund to enable the continuation of work on the programme, leading up to final agreement of the City Deal.

During debate we noted the following:

- In response to a question relating to EU funding, the Leader explained that the 10 Leaders had met with the First Minister to get reassurance, and Wales Government were confident that, whatever happens with EU, the funding was safe.

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- A question was raised asking what the deal would specifically mean for Monmouthshire. In response, the Leader explained it was difficult to quantify at the moment, but it was hoped that the nature of the areas being looked at would bring in further investment and opportunities. Creating opportunities across the area would provide hope for the futures of our young people.
- A Member questioned if it must be the Leader to represent Monmouthshire at the CCR City Deal. It was explained that it was the responsibility of the Leader to represent the Council, and on occasions when not possible, Deputy Leaders would stand in. The Deputy Leader added that the Leader was well respected by all the other leaders in the region, and carries the brief for Innovation, Digital and Business, one of the most important areas of the City Deal.
- The Leader of the Opposition referred to 2.1, b, point 5 of the report, Independent Growth and Competitiveness Commission and questioned how the commission was populated, who was appointed, what was the process. In response the Leader explained the Commission was a task and finish group, headed by Professor Greg Clarke task who undertook an in depth look to help things going forward. The Lead on forming the group was Cardiff Council Leader, Phil Bale.
- It was questioned if the roles of the Shadow Joint Cabinet were remunerated, and if so was it charged from money collectively put together? It was also questioned if expenses were claimed from MCC. The Leader answered that there was no payment for the role, but was Leaders coming together for the good of the region and expressed disappointment in the question. He confirmed that travelling expenses were paid by the individual authorities.
- A Member asked that, in terms of enhanced transport in South East, and North of Monmouthshire, every effort be made that Monmouthshire was well represented in terms of Metro. In response the Leader highlighted that Welsh Government had set up Transport for Wales
- Clarification was sought regarding the means by which the Leader will report back on the important undertakings. It was suggested that a regular reporting mechanism be agreed.

Council resolved to agree the recommendations:

- For delegated authority to be given to the Leader of the Council to make and take such decisions as are necessary in respect of the following:-
  - a) To continue the interim governance arrangements subject to the Project Board (current membership being 10 LA Leaders) being renamed the "Cardiff Capital Region City Deal Shadow Joint Cabinet".
  - b) The establishment of the following new bodies:-
    - (i) Non Statutory Regional Transport Authority,
    - (ii) Cardiff Capital Region Skills and Employment Board,
    - (iii) Cardiff Capital Region Business Organisation,
    - (iv) Cardiff Capital Region Economic Growth Partnership,
    - (v) Independent Growth and Competitiveness Commission.
  - c) To appoint a Programme Director.
  - d) To agree shadow joint cabinet members portfolios.
  - e) To seek agreement to procure and appoint specialist legal advisors to draft all appropriate documents for the Cardiff Capital Region City Deal including but not limited to the "Joint Agreement" from the Crown Commercial Services Framework Agreement rather than the National Procurement Services Framework.
- To approve use of Invest to Redesign reserve (16/17) totalling £30,835 as Monmouthshire's contribution to the central resource fund to enable the continuation of work on the programme, leading up to final agreement of the City Deal.

# MONMOUTHSHIRE COUNTY COUNCIL

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pm

## 12. Report of the Chief Officer, Resources

### 12.1. Future Schools Programme

Item deferred.

## 13. Members' Questions

### 13.1. From County Councillor R.J.C. Hayward to County Councillor E.J. Hackett Pain

*“Will the cabinet member please update Council on the progress on the rebuild for Caldicot and Monmouth schools? In particular, can she advise councillors on the latest cost estimates in relation to the original (not updated) budgets for completion?”*

In response the Cabinet Member thanked County Councillor Hayward for his question and welcomed the opportunity to provide an update on the significant investment in the future of our children, young people and communities. The four secondary school strategy within Band A is to develop two brand new comprehensive schools, one in the north of the county, and one in the south. They are designed to be efficient schools that will inspire young people and children to learn and develop, and become confident members of our community.

The current position of Band A is:

- Raglan School – completed last year, delivered on programme and budget.
- Welsh Medium – in discussions with Dyffryn High School.
- Caldicot Secondary School – started work in March 2016, due for completion September 2017.
- Monmouthshire Comprehensive School – enabling works completed and main works due to start.

MCC are co-funders of the schools with Welsh Government, and working closely with contractors. Since being awarded the funding, the June vote had created uncertainty in the construction sector. This has caused some concerns and challenges, and led to extensive discussions between partners. The Cabinet Member expressed confidence in the delivery, but due to the commercial nature was unable to disclose further detail. It was confirmed that a full report would be brought to Council on 20<sup>th</sup> October 2016.

Councillors were asked if they wished to visit Caldicot School, and to use the time to hold a question and answer session.

As a supplementary question:

*Will the Cabinet Member please confirm that the promises made to residents of Monmouth would be kept, in particular that the swimming pool would be built to the same specifications and timescale as promised?*

In response the Cabinet Member assured Council that the swimming pool would be built as promised, and would be better than the current pool.

### 13.2. From County Councillor R.J.C. Hayward to County Councillor S.B. Jones

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*“There has been recent bad publicity about the frequency of closure of Troy recycling facility due to the lack of space available when lorries are removing skips from the site. Traffic frequently backs up onto the main road causing a severe safety hazard. Will the cabinet member please advise if there are any plans to enlarge and improve the site in order that the public are not inconvenienced to the same degree?”*

The Cabinet Member gave the following response:

“The Monmouth Household Waste Recycling facility is well used by the people of Monmouth and surrounding areas. At peak times, particularly during the summer months citizens can be affected if the site has to close for containers to be moved and replaced.

The ability to expand the sites is restricted on a number of fronts. The first one is topography of the existing site. The sites layout isn't ideal. We have looked at trying to make extra room on site within the confines of the existing boundary but there are no solutions to be offered. Extending into the hill is also difficult and costly.

We have also undertaken assessments of the cost of a new site on the bottom field behind the depot but unfortunately the Council does not have £2 million pounds plus to build a new site. We have looked at whether the increase in recycling would be enough to reduce costs and put that surplus into prudential borrowing, but again the maths didn't stack up. Therefore we have to work with what we have.

Logistically the site has to be shut when the containers are moved. Our contractors do their very best to reduce the impact on citizens and turn-around times are kept to a minimum. But I do appreciate that when it is busy that queues can form. We also can't be rigid about closing times as the containers are only moved when they are full as there is no point moving a half empty container. All we can do is encourage residents to make use of the kerbside service as much as possible, to reduce their waste overall, think of reusing and donating unwanted items so they reduce their visits to the site. We will raise this once more with the contractor, but be assured they are working within the rules and doing ultimately what is best for the resident”

As a supplementary question:

Does the Cabinet Member think we have a moral duty to provide the facilities necessary for the people of Monmouth?

In response the Cabinet Member expressed it was difficult to hold moral responsibility without the wherewithal to provide. However, a piece of work would be undertaken to identify possible improvements without too heavy a cost.

**The meeting ended at 5.50 pm**

**ACTION LIST**  
**MEETING OF MONMOUTHSHIRE COUNTY COUNCIL**  
**22<sup>nd</sup> September 2016**

MINUTE NUMBER AND SUBJECT	ACTION TO BE TAKEN	TO BE ACTIONED BY	PROGRESS
<b>Item 6</b> <b>Motion – Velothon 2017</b>	To confirm that the Velothon would not coincide with the Abergavenny Cycle Festival, or any such event.  K. Beirne agreed to check and confirm.	K. Beirne	
<b>Item 7</b> <b>Motion – Zero Hours Contract</b>	To forward breakdown of the non-defined hours contracts within the organisation with covering email – prior to the discussion at October Council.	Cllr P. Murphy	Sally Thomas agreed with Cllr Taylor to bring report to December Full Council
<b>Item 8</b> <b>Annual Improvement Report</b>	To provide further information regarding the incorrect recording of sickness data	Mr. D. Wilson – WAO	In the Council’s Assessment of Performance report “How we performed 2014/15 – Improvement Plan Stage 2”, the Council reported that “Average sickness days per employee (FTE) reduced to 9.8 days with improved accuracy of data collection contributing to this.” The Council calculated the average days lost due to sickness of 9.8 by dividing the total days lost in 2014/15 of 25,930 by the total number of Council employees - 2,607.23. Though based on these figures, the average days lost would have been 9.9 not 9.8. As part of our data quality testing, we asked the Council to re-run the data

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<p>Page</p>			<p>extraction report and this produced a figure of 26,967 lost days which was 1,037 lost days more than the figure of 25,930 used by the Council to produce its Assessment of Performance report 2014/15.</p> <p>When dividing 26,967 lost days by the number of employees, this results in a higher average number of sickness days per employee of 10.3 days not 9.8 as reported in the Council's Assessment of Performance 2014/15.</p> <p>We discussed this inaccuracy with the staff who provided the performance data, who indicated that the most likely reason for this was the late recording of sickness data by managers after the end of the financial year 2014-15.</p>
<p><b>Item 10a</b> <b>Community Hub Proposals</b></p>	<p>To provide for further information regarding floor space, and publicly accessible areas.</p>	<p>W. McLean</p>	<p>Detailed information emailed to Cllr G. Howard.</p>
<p><b>Item 10b</b> <b>Stage 2 Improvement Plan</b></p>	<p>Members of Strong Communities Select requested a copy of the staff survey, as requested in July 2016. Request copy be sent to all members.</p>	<p>P. Davies</p>	

# Public Document Pack Agenda Item 7

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Audit Committee held at County Hall, The Rhadyr, Usk, NP15  
1GA on Thursday, 15th September, 2016 at 2.00 pm

**PRESENT:** County Councillor (Chairman)  
County Councillor J. Higginson (Vice Chairman)

County Councillors: D. Batrouni, P. Clarke, G. Down, A. Easson,  
D. Edwards, P. Murphy, B. Hayward, J. Prosser and B. Strong

### **ALSO PRESENT:**

County Councillor V. Smith  
Terry Lewis – Wales Audit Office  
Non Jenkins – Wales Audit Office  
Alan Morris – Wales Audit Office

### **OFFICERS IN ATTENDANCE:**

Matthew Gatehouse - Policy and Performance Manager  
Mark Howcroft - Assistant Head of Finance  
Joy Robson – Head of Finance  
Nicola Perry – Senior Democracy Officer  
Wendy Barnard – Democratic Services Officer  
Andrew Wathan – Chief Internal Auditor  
Peter Davies – Chief Officer for Resources

### **APOLOGIES:**

Mr. P White and County Councillor P. Jordan

#### **1. People Services Annual Report & workforce plan**

The Chairman agreed to discuss this item at the beginning of the meeting. The Officer explained that an addendum to the report to provide information on redundancy costs was unavailable for consideration due to pressures within the Payroll Team. It was agreed that the item would be deferred until the next meeting. A Member queried if the proposed addendum would include a full breakdown of both voluntary and compulsory redundancies. The Officer explained that no distinction is drawn between voluntary and compulsory redundancy within the Council processes and offered to provide the Member with further information outside of the meeting.

#### **2. Declarations of Interest**

There were no declarations of interest made by Members.

#### **3. Public Open Forum**

There were no members of the public present.

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#### **4. To confirm minutes of the previous meeting**

The minutes of the meeting held on 30<sup>th</sup> June 2016 were confirmed and signed by the Chairman.

#### **5. To note the Action List from 30th June 2016**

We received the Action List from the meeting held on 26th May 2016. In doing so, the following points were noted:

- Further information is awaited to answer the issue raised by a member of the public regarding Chepstow School.
- It was confirmed that the summary of the Annual Governance Statement was distributed as requested.
- Internal Audit Section Contract Procedure Rules (Exemptions). It was noted that an update will be provided at the November meeting. Exemptions will be reported to next meeting and will be reported on a six monthly basis according to the Committee's schedule.
- It was queried if there was an action point that an investigation was to be arranged regarding the sale of Raglan Toilets. It was acknowledged that the query about the sale was raised outside of the Audit Committee and that there was no expectation to report that matter through Audit Committee.
- It was confirmed that a response was circulated to address a question raised relating to £10,000 expenditure to engage a Welsh-speaking chef to facilitate workshops at the National Eisteddfod. The response explained that the amount was co-ordinate the many workshops held and engage more than one chef.
- It was noted that the requested analysis of non-domestic rates figures included in the accounts had not been received. It was confirmed that the information was ready and would be furnished at the earliest opportunity.

#### **6. MCC Audited Accounts 2015/16 (formal approval)**

Monmouthshire County Council Audited Accounts for 2015/2016 were considered. The Officer explained that the document was the culmination of audit processes. The draft was presented to Committee in June, further study was undertaken and some amendments made before formal presentation at the meeting today. The report was noted and the Accounts for 2015/16 were approved.

#### **7. ISA 260 report - MCC Accounts**

The Wales Audit Office (WAO) ISA 260 Report on Monmouthshire County Council's Accounts 2015/16 report was considered. It was confirmed that the Auditor General will be issuing an unqualified audit report with no material issues arising.

The WAO Officer summarised the significant and other significant issues identified as:

- Significant issues: Classification of Creditors in Note 13.6; and misstatements corrected by management (detailed in Appendix 3 of the accompanying report)



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- Other significant issues: considering quantitative and qualitative matters, it was clarified that there were no qualitative issues other than some work to earlier meet new deadlines. It was noted that preliminary discussions had commenced to make appropriate arrangements.
- A final accounts memorandum will be issued for discussion with the Head of Finance and her team, which will include recommendations for improvement in the accounts production process.

Following presentation of the report, Members' questions and comments were invited.

- In response to a query, the Officer provided reassurance that the necessary actions will be taken as in previous years and that there had been no misstatement of the accounts but that some narratives are outstanding. It was concluded that there may be changes to the coding structure to reduce the opportunity for omission.
- A Member requested an explanation about Notes 13.5 and 13.6 regarding the reduction of £1.7m (from both Creditors and Debtors accounts) attributed to the Cattle Market? Clarification was also sought regarding CMC<sup>2</sup> noting that a potential £90K liability had been indicated but that profit and loss accounts, and dividends, indicate zero. It was queried if the outcomes forecasted had been achieved.

The Officer explained that the nature of adjustments for CMC<sup>2</sup> and referred to the 2014/15 accounts in which provisions for a shortfall for trading activities was included. It was explained that it had been recorded in error that it was still in existence and should have been written out which explained the required amendment. It was added that it is still appropriate to record as a potential liability as the Council wholly owns CMC<sup>2</sup>. The Council is not responsible for CMC<sup>2</sup>'s trading losses but is a guarantor for its overdraft facilities. It was added that its trading activities presume receipts for work done and that the sundry debtors system may credit income before cash is received so there is the debt management aspect to consider to receive the income and consequently, the Council may have to consider bankrolling CMC<sup>2</sup>'s overdraft in future. For this reason, it is being treated as a contingent liability rather than a provision. The difference was explained that a provision affects the Council's accounts whereas a contingent liability requires only a memorandum note in the accounts that it may occur in future.

The WAO Officer clarified that the timing of receipt of money was a presentational issue and had no effect on bottom line of accounts but still a significant point to note.

The recommendations were agreed.

The Officers were thanked for their contribution to the meeting.

#### **8. To confirm the date and time of the next meeting as 2.00pm on Thursday 13th October 2016**

The date and time of the next meeting were confirmed as 2.00pm on Thursday 13<sup>th</sup> October 2016.

#### **9. Internal Audit Charter**

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 (PSIAS).

The Officer introduced and summarised the Charter emphasising standards for compliance, responsibilities of officers and teams, expectations of managers and the role of the Audit

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Committee. It was advised that the Charter demonstrates an independent audit service and provides assurance to Members of compliance with the Council's Code of Ethics, Public Service Internal Audit Standards and the Seven Principles of Public Life.

The Charter also defines how and what internal audit work is conducted. Members were invited to approve the Charter with a suggestion that it is reviewed and returned to the Committee in two years to ensure it is fit for purpose.

The Chair clarified that section 3.3 the covering report should read "The new standards will be reported to the Audit Committee separately".

A Member suggested that the Charter should specify two years to formalise the review period.

#### **10. Internal Audit Progress report 2016/17 quarter 1**

A progress report was received to consider the adequacy of the internal control environment within the Council based on the outcomes of audit reviews and subsequent opinions issued to the 30th June 2016. The report also considered the performance of the Internal Audit Section over the first 3 months of the current financial year.

The Officer explained that this was a regular progress report that referred to Quarter 1 ending 30<sup>th</sup> June 2016. Assurances were provided that there was good progress within the Operational Audit Plan for 2016/17. It was advised that finalisation work from 2015/16 continues. Members' attention was drawn to the summary of fieldwork and reports in Appendix 1 and the Internal Audit Opinions contained in appendix 2. The Officer referred to the validation of performance indicators in Appendix 3.

The following recommendations were agreed:

- The Committee noted the audit opinions issued.
- The Committee noted the progress made by the Section towards meeting the 2016/17 Operational Audit Plan and the Section's performance indicators at the three months stage of the financial year.

#### **11. Wales Audit Office Reports**

The following three items from Wales Audit Office were received and considered.

#### **12. Annual Improvement Report 2015-16 - Wales Audit Office**

The Annual Improvement Report for 2015/16 was presented to the committee. It was explained that the report was a summary of work undertaken during the year and included report findings from the Care and Social Services Inspectorate Wales (CSSIW); Her Majesty's Inspectorate for Education and Training in Wales (Estyn); and the Welsh Language Commissioner.

Based on work undertaken during the year, it was concluded that the Council will comply with the requirements of the Local Government (Wales) Measure 2009 provided the current pace of improvement continues. The report recognises the progress in implementing proposals to improve in general and also the proposals for improvement made in the Corporate Assessment and Annual Improvement Report last year particularly the work undertaken to date and reported to the Committee referring to performance management, financial resilience, improvement planning and assessment work as part of WAO's duty and the progress made in terms of governance, but that the Council recognises the work still to do.

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It was commented that Estyn considers that the LA is not still in special measures and no further follow up activity is required. This status is the same for CSSIW with recognition that good progress was made last year.

A Member referred to the comment in the report that the Council needs to strengthen the transparency of corporate decisions and queried which areas appeared to be failing. It was clarified that the Council was not necessarily failing but highlighting the key element of the need to make sure records kept are uploaded accurately and in a timely manner. It was added that the transparency of decisions suggesting that Cabinet keep minutes and list of actions and so that members are aware of the context surrounding decisions.

The WAO Officer was thanked for her contribution to the meeting.

#### **13. Performance Management Corporate Assessment Follow-On**

The Performance Management Corporate Assessment Report was presented to Members noting that this was part of follow up report on the 2015 Corporate Assessment progress made against the final conclusions in relation to performance management. Members were reminded that the 2015 Corporate Assessment report concluded that whilst Council systems, procedures and guidance were in place, it was not consistently managing performance, improvement and risks. Proposals for improvements were made including the areas of strategic planning, further developing and embedding performance arrangements, to assist the Council in holding its partners to account and in relation to work with the Public Service Board. The work to improve performance management arrangements including tangible improvements to target setting, outcomes achievement and data quality.

It was explained that the overall conclusions were that the Council continues to improve performance management and recognises there is more to do to consistently apply its corporate arrangements and to address the requirements of the Wellbeing and Future Generations Act 2015.

It was explained that the follow on report included seven further proposals for improvement.

#### **14. Monmouthshire CC Response to the Performance Management Report**

The Council response to the seven proposals contained in the Corporate Assessment Follow-on Review was presented.

The Wales Audit Office Team and the Head of Policy and Performance were thanked for their contribution.

Questions were invited from Members.

A Member sought clarification regarding the Council's response to Proposal 4 (Implement improvements to the budget setting and service planning processes to address weaknesses identified through Heads of Service challenge sessions), the comment that the proposal was not accepted by the Council, and that no further action was agreed by WAO. It was explained that challenge sessions are an opportunity for each Senior Manager to engage in depth with the Leader of the Council and Chief Executive. The purpose of the session is not financial scrutiny but to consider the elements of leadership, management and direction. Whilst the Head of Service challenge sessions were thought not to be the right place to address the

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recommendations, it was agreed that improvements were needed to the financial modelling of savings and to the way that data is fed into the Medium Term Financial Plan, and those changes have been made.

A Member recalled that previously the WAO had stated that the relationship between senior officers and the Cabinet was too informal and that there should be more formal processes for challenge and suggested that the challenge sessions should include budget and financial management of the service.

In response, it was clarified that the level of this recommendation was more detailed about financial arrangements and in the scope of a Head of Service challenge session, there would not be the opportunity to consider such detail and that if financial management and probity of a department was raised as a concern, it would be dealt with as part of other processes. It was emphasised that the purpose of the sessions was the effectiveness of the head of service and to focus on financial arrangements in detail would require the attendance of other department managers or accountants to provide the depth of information.

The WAO Officer provided further clarification that there is a need to implement improvements to budget setting and service planning drawing from the weaknesses already identified in the Head of Service challenge sessions.

In response to a further query from a Member, it was confirmed that there were no concerns because the changes have been made.

A Member added that the budget-setting process and engagement with the public are being completely re-examined this year with a view to making improvements.

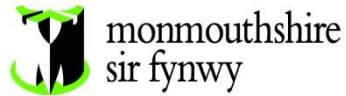
#### **15. Forward Work Programme**

We resolved to receive and note the Audit Committee Work Plan 2016/17 noting that the decision to defer consideration of the People Services Annual Report and Workforce Plan to the next meeting.

It was clarified that consideration of the Audited Llanelly Hill Social Welfare Centre Trust Fund Accounts 2015/16 would be removed from the Forward Work Programme as they fall below the threshold.

It was confirmed that arising from the Internal Audit Charter, a report would be provided on audit public standards.

**The meeting ended at 2.55 pm**



<b>SUBJECT:</b>	<b>ZERO HOUR CONTRACTS</b>
<b>MEETING:</b>	<b>FULL COUNCIL</b>
<b>DATE:</b>	<b>20<sup>th</sup> OCTOBER, 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL</b>

**1. PURPOSE:**

To provide full council with an analysis of the current use of zero hour/ non guaranteed hour(NGH)/ casual contracts across the organisation, requested by full council on 22<sup>nd</sup> September

**2. RECOMMENDATIONS:**

Council consider the information provided

**3. KEY ISSUES:**

In September 2016, The Public Services Commission has provided principles and guidance to public bodies in Wales on the appropriate use of non-guaranteed hours arrangements in devolved public services in Wales. This guidance enables public service organisations and their recognised trade unions to work together to actively review and consider the arrangements they have in place now and those that will need to be developed for the future.

The guidance aims to support greater consistency and cohesion in the way flexible workforce arrangements are developed and considered within public services. The Commission, in accordance with its remit from Welsh Government, has worked with its primary reference point, the Workforce Partnership Council (WPC) and its four sector groups (Local Government, Health, Education and Devolved services) to respond to Welsh Ministers' request to develop this advice and guidance on the use of zero hours contracts.

The guidance outlines five key principles which are outlined in Appendix 1 and our adherence with those principles is also identified. Whilst we already comply with much of the guidance we are looking to address areas where we need further work specifically with regard to Principle 2 and the requirement to develop a Policy statement outlining which areas of the organisation's business will utilise such arrangements and for what purpose.

Services across the organisation look to minimise the use of non guaranteed/casual hour contracts to those areas where individuals are employed

on a casual basis. Individuals who are employed on a casual basis have no obligation to accept hours of work offered and generally this flexibility suits both the employer and the individual.

These posts are set up on the 'just in case' scenario e.g. bank workers, relief workers, midday supervisors - so that service areas and schools then have a 'pool' of people they can call on at short notice with the knowledge that the post and person are already on the system, so saving time for the business area/school with the 'start-up' processes (which can often take some time) and ensuring quick payment for the individual for what maybe a couple of hours work. Individuals who enter these arrangements, do so in the knowledge that the work offered is on this basis.

The council is committed to equality of opportunity and where issues are highlighted the council takes action to identify workable solutions to ensure fair contracts of employment for example work has been undertaken to review contractual arrangements in business areas such as leisure and homecare.

Leisure has the largest number of casual contracts, at 62, however the majority of these are Casual Leisure Assistants, who are often students and only want work, or are only able to provide work on this basis and the Play-schemes workers, which is a task and finish based offer of work.

In SCH In house there are very few non guaranteed hours contracts and these are only where there is a positive choice made by the person. Externally we contract with the care sector but we do not at present stipulate non use around zero contract hours. We are currently carrying out a change programme with the sector which will look at the terms and conditions for the future and we are keen to see improved terms and conditions including guaranteed hours as a standard feature

The list in appendix 2 shows that we currently have 318 employees with no contracted hours.

318 employees equates to 8.94% of the workforce but if you look at the figure this includes 67 Exam Invigilators and 35 Supply Teachers, so if these were removed the figures would be 216 or 6.07%. The list also includes a number of casual workers for whom it is mutually beneficial to the individual and the organisation to operate in this way.

Information provided by Newport City Council reflects a very similar position to our own and reflects the use of casual employees to meet the business needs of the organisation whilst also offering flexibility of employment to individuals.

#### **4. REASONS:**

To respond to council on the issue of zero hours contracts. To reassure council that the picture within the organisation is a hugely different picture to the scenarios we have seen reported on in the media recently. As a council we offer posts on a casual

basis with no mutuality of obligation. This flexibility enables the organisation to meet its business needs now and in the future.

**5. RESOURCE IMPLICATIONS: N/A**

**6. Future Generations and Well –being Assessment.**

Attached as appendix 3

**7. AUTHOR:** Tracey Harry – Head of People Services & Information Governance  
Sally Thomas, - Interim HR Manager

**8. CONTACT DETAILS:**

**Tel: 01633 644602**

**E-mail: [traceyharry@monmouthshire.gov.uk](mailto:traceyharry@monmouthshire.gov.uk)**

### Principle

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.**

In accordance with the 'Welsh Way' of social partnership, organisations will include their recognised trade unions in the planning of and implementation of any changes to the mechanisms for flexing their workforces. Even where no changes are planned, organisations will regularly review the appropriateness of their non-guaranteed hours arrangements with their trade unions, particularly as part of their joint working on workforce planning.

### Guidance

#### **Regular review of the appropriateness of the arrangements for organisations and staff**

Organisations will build in regular reviews, both individually and collectively through the recognised trade unions on the appropriateness of the non-guaranteed hours arrangements in use in the organisation. This will include consideration of the service requirements, the organisation's needs, the needs of staff and the impact on the workforce as whole.

There will be active consideration as to whether the non-guaranteed hours arrangements remain appropriate. For example, when regular hours have been worked over the preceding three months and there is a continuing need and requirement for the hours to be worked on an ongoing basis, consideration will be given to whether it would be appropriate for the organisation to change the arrangements to something more permanent.

Organisations will establish a process where staff engaged on a non-guaranteed hours contractual arrangement can request a review of their working arrangements with a view to changing their contractual arrangement if they have been undertaking regular hours for example, 4 hours per week over a continuous period of 3 months. Details of the arrangements for requesting a contract review will be included in the recruitment arrangements and terms and conditions of engagement.

#### **Changes to contractual arrangements following review**

When the review above 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.

#### **Council Position:-**

The council meets with TUs on a regular basis, at JAG and at our informal meetings, and this is a regular item for discussion.

Review – we monitor use of our NGH contracts and respond to any challenges. We would encourage our employees to do this either themselves or via their TU – and we have examples where this has taken place – with effective outcomes.

Process to enable an employee to request a review – needs to be established.

Contract changes – this requirement is met..

### Principle

2. **Organisations will make clear which non-guaranteed hours arrangements they use and for what purposes.**



Where organisations use non-guaranteed hours arrangements they will explain the purpose for their use and define the scope for when such arrangements will be used. It will not be appropriate for organisations to seek to deliver their core services solely through these types of arrangements. The organisations will have a clear understanding of the services that they are required to deliver and a broadly predictable workforce requirement. Good workforce planning can ensure that the balance between the use of the permanent and the use of the casual workforce is appropriate and reviewed regularly.

## **Guidance**

### **Statement on the use of non-guaranteed hours arrangements**

An organisation will in conjunction with their recognised trade unions develop a policy statement outlining which areas of the organisation's business will utilise such arrangements and for what purpose. The statement will make clear the procedure for reviewing those arrangements periodically.

### **Recruitment of new staff**

Organisations will ensure that appointments to non-guaranteed hours arrangements will be based on merit through fair and open recruitment processes.

### **Arranging and planning work**

It is expected that organisations will provide as much notice as possible when asking staff on non-guaranteed hours arrangements to undertake work. This may however on occasions reasonably be the day when the staff member is needed to attend work for example to cover a sickness absence. Where work is arranged at short notice, organisations will commit to letting people know as soon as practicable that work is on offer.

In other cases, the arrangements for arranging forward work rotas will be clearly defined and shared with all staff. There will be clear criteria on issues such as allocating work fairly and consistently between staff, and these arrangements will be reviewed periodically by senior staff to ensure fairness and equality for all staff engaged through these processes.

Staff will not be under any obligation to accept work offered to them and organisations will give appropriate consideration to their other responsibilities such as studies, child care or other caring responsibilities. Staff who do not accept work for whatever reason will not suffer a detriment as regards being offered work in the future.

### **Council Position**

Core Services - Our core services are not solely delivered on this basis.

Policy Statement – we haven't got this as yet – but will look to do so

We already have a process whereby we advertise our vacancies – for NGH posts

Arranging & planning work – majority of our business areas use rotas and provide notice to staff in their planning arrangements.

## **Principle**

- 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.**

Staff engaged in delivering public services require appropriate training and development to enable them to carry out their work effectively. This applies equally to staff engaged on non-guaranteed hours arrangements. Organisations will consider what induction and training arrangements are required for staff engaged on non-guaranteed hours arrangements.

Appropriate induction and training will be provided as soon as the staff are engaged, and reviewed and updated as and when required. Staff will be paid for undertaking any required induction and training relevant to the role being undertaken.

## **Guidance**

### **Induction and ongoing training and development**

Induction training will be provided to enable individuals to undertake their roles effectively. Where training and development opportunities are available for equivalent roles, organisations will provide similar opportunities to staff engaged on non-guaranteed hours arrangements if these are relevant to the roles being undertaken.

Any induction and training identified as being necessary for undertaking non-guaranteed hours roles will be paid.

Staff on non-guaranteed hours arrangements will be allocated a named “line manager”<sup>1</sup>. There will be the opportunity to meet, discuss and record at least annually the key achievements and challenges experienced by the individual in fulfilling the duties allocated and set out any career aspirations they may have for the future.

### **Council Position**

Our Induction Programme is for all.

CICO – whole purpose is so that no matter how many hours an employee works – they can have a meaningful conversation/discussion about what they do / how they perform and how we can support an individual in the workplace including training.

## **Principle**

### **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.**

Organisations have a duty to comply with legislation and collective bargaining agreements covering their staff. All staff engaged on non-guaranteed hours arrangements will have clear and accessible contracts which set out the terms for their engagement and what the relationship is between the organisation and its staff. Staff with a contract of employment (including non-guaranteed hours contracts) must be explicitly part of the collective bargaining arrangements. All staff will be encouraged to join the appropriate trade union in accordance with Workforce Partnership Council agreement – ‘Partnership and Managing Change’<sup>2</sup>.

## **Guidance**

### **Cancelling work at short notice**

Organisations will agree with their recognised trade unions appropriate arrangements for compensating staff when work is cancelled by the organisation at short notice. This will include covering costs incurred by staff, for example caring costs and travel costs.

### **Pensions**

Organisations are required to auto enrol all eligible staff into a qualifying pension arrangement. Organisations will agree with their recognised trade unions appropriate pension arrangements which will apply to staff on non-guaranteed hours arrangements and set these out clearly and transparently in recruitment information and terms of appointment.

### **Opportunities to seek permanent employment**

Organisations will have clear procedures in place to enable staff engaged on non-guaranteed hours arrangements to be able to transition into permanent roles and/or apply for relevant permanent vacancies where such opportunities exist.

### **Council Position**

Cancelling work at short notice – need to clarify with business areas to clarify this issue and ensure arrangements put in place  
Pension – auto enrolment is in place  
Permanent vacancies – we are an equal opportunities employer – and as such all our vacancies are advertised and open for all to apply.

## **Principle**

### **5. Staff engaged through non-guaranteed hours arrangements will have terms and conditions of service broadly similar to those of their permanent staff.**

Appropriate non-guaranteed hours arrangements will provide broadly similar terms and conditions of service to those afforded to permanent staff. Differences may be appropriate in respect of some issues i.e. a payment to recognise statutory annual leave entitlement where it is not expected that staff engaged on short-term work will be able to take leave during the period of work.

## **Guidance**

### **Pay progression**

Organisations are required by law to ensure their pay arrangements comply with equal pay legislation.

### **Leave and statutory holiday pay**

Organisations will have clear policies enabling staff engaged on these types of arrangements to be able to take annual leave. Where it is not possible to arrange such entitlement to leave during the period of work, a payment will be made to reflect the individuals entitlement to statutory holiday pay at the end of the period of work or at the end of the individual's annual leave period.

### **Council Position**

Terms & Conditions – applies to all employees. Holiday & sickness entitlements are calculated based on service in accordance with Green Book Terms and Conditions of Employment.

Post Description	Count of Employee Number
Administrative Assistant	1
Assistant Sports Coach	2
Bar/Catering Assistant	1
Before School Club Assistant	1
Care Assistant	6
Casual Bar / Catering Staff	1
Casual Cashier/Receptionist/Bar Person	2
Casual Driver	1
Casual event assistant	1
Casual Leisure Assistant	24
Casual Seasonal P/T Assistant Warden	3
Casual Sport & Phys Activity Coordinator	1
Casual Sport & Physical Activity Leader	11
Catering and Visitor Assistant 600 hours	2
Catering Assistant	1
Cleaner - Casual - as and when required	4
Community Lettings Officer	1
Community Meals Provider	1
Cook	1
Cook / Supervisor	1
Curriculum/Resource Support Officer	1
Custodian	3
Design + Technology Art Technician	2
Disability Sports Mentor	1
Domestic	5
Exam Invigilator	67
Facilities Assistant	1
Fitness Instructor	3

HGV Driver (Caldicot)	1
Home Care Assistant	3
Individual Support Service Assistant	6
Kerbcraft Assistant	1
Kerbcraft Supervisor	1
Leisure Assistant	5
Leisure Tutor	1
Maintenance Assistant	1
Midday supervisor	16
Midday supervisor – Casual	1
Mini Bus Driver (Term Time only)	1
Mobile Hygeine Cleaning Operative	1
MY DAY ASSISTANT WORKER	3
My Day My Life Support Worker	3
Night Care Assistant	1
Outreach Tutor	1
P/T Custodian	2
PCV Driver	2
Principal Librarian	1
Registration Officer	3
Relief Catering Assistant - SHIRE HALL	1
Relief Chauffeur	2
Relief Community Meals Provider	1
Relief Custodian	2
Relief School Crossing Patroller (0 Hrs)	1
Relief TIC Receptionist 0 Hrs	1
Residential Services Officer	2
Residential Services Officer- Night Bank	1
Respite Opportunities Support Assistant	2
School Administrator	3
Seasonal Assistant Warden	1

Sessional Worker – YOT	8
Social Care Assessor	1
Supply Library and Information Assistant	2
Supply Library Assistant	1
Teaching Assistant	16
Outdoor Instructor	5
Adult Tutor	17
Swimming Instructor	13
SUPPLY TEACHER	35
<b>Grand Total</b>	<b>318</b>



## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation Sally Thomas</p> <p><b>Phone no:</b> 07900651564 <b>E-mail:</b> sallythomas@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p><b>To Provide Full Council with information on use of casual contracts (non-guaranteed hours)</b></p>
<p><b>Name of Service</b></p> <p>People services HR</p>	<p><b>Date Future Generations Evaluation</b> form completed</p> <p>12 October 2016</p>


**1. Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

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Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	n/a	
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	N/a	
<p><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	n/a	

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected	n/a	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	n/a	
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	n/a	
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	<i>This includes the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership</i>	

**2. How has your proposal embedded and prioritised the sustainable governance principles in its development?**

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	n/a	



Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>n/a</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>n/a</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>n/a</p>	
 <p>Integration</p> <p>Positively impacting on people, economy and environment and trying to benefit all three</p>	<p>n/a</p>	

**3. Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below.

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age			Regular review of those employed on NGH basis
Disability			“ “
Gender reassignment			“ “
Marriage or civil partnership			“ “
Race			“ “
Religion or Belief			“ “
Sex			“ “
Sexual Orientation			“ “
Welsh Language	<i>We will make this policy available in welsh should it be required</i>		“ “

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4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	<b>Describe any positive impacts your proposal has on safeguarding and corporate parenting</b>	<b>Describe any negative impacts your proposal has on safeguarding and corporate parenting</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding	<i>Safeguarding in this context applies to both children (not yet reached 18<sup>th</sup> birthday) and vulnerable adults (over 18 who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or serious exploitation.)</i>	<i>Safeguarding is about ensuring that everything is in place to promote the well-being of children and vulnerable adults, preventing them from being harmed and protecting those who are at risk of abuse and neglect.</i>	
Corporate Parenting	<i>This relates to those children who are 'looked after' by the local authority either through a voluntary arrangement with their parents or through a court order. The council has a corporate duty to consider looked after children especially and promote their welfare (in a way, as though those children were their own).</i>		

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5. What evidence and data has informed the development of your proposal?
6. The reason for development of this policy relates to the SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

As a Council we will be looking to ensure that we comply with the Public Services Staff Commission Principles and Guidance on the use of NGH contracts - published 22 September 2016

**7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

<b>What are you going to do</b>	<b>When are you going to do it?</b>	<b>Who is responsible</b>	<b>Progress</b>
Regular review of the use of NGH contracts. Review and monitor in partnership with Trade unions	Annual cycle	Team managers and DMTs	To be monitored
Policy statement on use of NGH contracts	January 2017	People Services HR	To be monitored
Amending guidance to managers on use of contracts of employment	December 2016	People Services HR	To be monitored

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**8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

Review of the use of NGH contracts. Regular review of guidance provided by People Services to Managers on the use of NGH contracts. Monitor and review in partnership with Trade unions.	
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## MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>STANDARDS COMMITTEE – INDEPENDENT MEMBERS – APPOINTMENT PANEL</b>
<b>MEETING:</b>	<b>COUNTY COUNCIL</b>
<b>DATE:</b>	<b>20<sup>th</sup> OCTOBER 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>COUNTYWIDE</b>

### 1. PURPOSE:

Two new independent members of the Standards Committee are required to be appointed following the completion of the terms of office of two current independent members on 13<sup>th</sup> January 2016. Members are asked to recommend criteria for appointment and to establish a Panel to make recommendations to the Council for appointment.

### 2. RECOMMENDATIONS:

- 2.1 To appoint three elected members to a Panel for the purposes of Regulations 15 and 16 of the Standards Committee (Wales) Regulations 2001.
- 2.2 To ask One Voice Wales to appoint a Community Council member to the Panel.
- 2.3 That the Monitoring Officer, in consultation with the political group leaders, appoints a lay member to the Panel.
- 2.4 To adopt and publish criteria for the appointment of the independent members to the Standards Committee that require:

Political independence; the ability to demonstrate knowledge and understanding of legislation and guidance relating to Codes of Conduct in public life; experience in a role with public accountability; ability to challenge the Council in relation to its standards in a fair and consistent way; understanding and respect for confidentiality; demonstration of personal and financial integrity.

### 3. KEY ISSUES:

- 3.1 The Council has established a Standards Committee comprising three elected members, one community member (a Town or Community Councillor) and five independent members.
- 3.2 The current chair of the committee has had to resign from the committee as she has served the statutory maximum of two terms on the committee. There is also a further vacancy on the committee as the current member does not wish to serve a second term.

- 3.3 The Council is required to publish criteria for the appointment of independent members in at least two local newspapers.
- 3.4 The Council is required to appoint a panel of not more than five members to consider and make recommendations on applications for appointment as an independent member. The Panel must include one Community Council member and a “lay Panel member” who is not and has not been a member, co-opted member or officer (or the spouse of a member or an officer) of any Unitary Authority, Fire or National Park Authority or Community Council.

**4. RESOURCE IMPLICATIONS:**

Advertising costs of about £1000. The Chair of the Standards Committee receives a daily allowance of £256 (pro rata for half day), and a member receives £198 (pro rata for half day).

**5. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

There are no significant equality impacts identified.

**6. SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:**

None.

**7. CONSULTEES:**

None

**8. BACKGROUND PAPERS:**

None

**9. AUTHOR:**

Robert Tranter  
Monitoring Officer and Head of Legal Services

**CONTACT DETAILS:**

Tel: 01633 644064  
Email: [roberttranter@monmouthshire.gov.uk](mailto:roberttranter@monmouthshire.gov.uk)

<b>SUBJECT:</b>	<b>FUTURE SCHOOLS PROGRAMME.</b>
<b>MEETING:</b>	<b>Full Council</b>
<b>DATE:</b>	<b>20th October 2016</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>ALL – Countywide.</b>

## 1. PURPOSE:

- 1.1 To update Members on the progress with the Future Schools Programme and to suggest changes to the approved capital programme that will enable full delivery of two new schools to replace Caldicot School and Monmouth Secondary School.

## 2. RECOMMENDATIONS:

- 2.1 The Future Schools Programme Board recommends that Council

- 2.1.1 Approve increases to the following capital budgets:

- Caldicot School from £ 34.9 million to £40.175 million
- Monmouth School from £41.049 million to £47.674 million

- 2.1.2 Approve an additional funding requirement of £11.9 million for the delivery of this programme to be financed by way of:

- A 50% contribution from Wales Government - £5.95 million (confirmation attached at Appendix 1).
- A 50% contribution from the Council - £5.95 million

- 2.1.3 Agree to give delegated authority to the Cabinet Member for Resources, in consultation with the Chief Officer Resources and the Head of Finance to determine the best funding package for the Council contribution of £5.95 million having regard to:

- Opportunity to release additional Council owned assets for disposal;
- Prudential borrowing opportunities with annualised contributions from Caldicot and Monmouth School budgets recognising significant energy efficiency improvements and elimination of any material need for building maintenance for an extended period.
- Inclusion within the Medium Term Financial Plan of a revenue provision (£476k) to finance the full £5.95 million by prudential borrowing over 25 years.

- 2.1.4 Agree that the revenue budget savings required to fund the additional borrowing will be considered as part of the budget and MTFP process

2.1.5 Agree to consider a revised approach to replacement leisure facilities on the Monmouth campus as set out in paragraphs 3.13 and 3.14. A further report will be provided to Council in January 2017.

### **3. KEY ISSUES:**

3.1 Delivery of two new secondary schools to replace Caldicot and Monmouth schools has been a major priority for the Council for several years. Whilst there is reason to be proud of the progress made on renewing the primary school estate over the last decade or so, moving forward with the modernisation of the secondary estate was previously thought to be unattainable. This position changed when Wales Government demonstrated a will to provide up to 50% of the funding requirement for such investment. Subsequently Council agreed, with the support of Wales Government a capital allocation of £75.949 million to move the programme forward

3.2 The tendered returns for the two schools were considerably above expected costs and pre-tender estimates. The increase in tendered costs was associated with the following:

- Inflationary pressures within the tendering market (approx. 6% per annum at time of tendering)
- Increase in construction projects in South Wales leading to an overheated market.
- High level of abnormal costs on both sites and the complexity of site construction / logistics especially on the Monmouth Comprehensive site. Abnormal costs on Monmouth Comprehensive totalled £6.535m and Caldicot School of £4.929m.
- Poor pre-tender cost information from the partnering contractor which undervalued the designs.

3.3 Programme Board recognised this funding gap and asked that a number of options be considered for the delivery of the programme. These were:

#### **OPTION 1**

3.4 To redesign both schools to keep within the original budgets. Implications of this approach were;

- Significant delay in the programme of at least a year in both schools.
- Some existing building stock at each school would need to be utilised. Caldicot School had no current buildings which if retained would provide value for money, Monmouth Comprehensive only had one building which with could provide a suitable teaching and learning environment.
- Educational and curriculum vision would not be met in re-designed schools.
- Projected increasing construction costs would add more pressure on the budgets due to prolongation through re-design.

3.5 Programme Board determined that this option should not be followed.

#### **OPTION 2**



- 3.6 Re-tendering the schools. Both schools could be re-tendered to the wider construction market, re-introduce competition and potential cost savings offered by other contractors.
- Soft market testing suggested that there was little interest in the construction market for our schools – this was due to contractors having full order books and concerns on risks associated with tender cost increases and site specific risks.
  - Increased construction rates on the new SEWSCAP2 Framework for procuring 21<sup>st</sup> C Schools programme (currently MCC Schools are procured under SEWSCAP1) would add approx. 2-3% onto total costs.

3.7 Programme Board determined that this option should not be followed.

### OPTION 3

- 3.8 Value engineering the existing designed school projects to drive costs down with the incumbent contractor. To realistically achieve this, an independent exercise (outside cost consultant used) would be required to review the contractors design, specification and tendered costs to clearly identify realistic opportunities within the current design to secure the appropriate savings. The use of recently constructed schools benchmark cost data from Welsh Government to test contractors tendered values against and identify target costs for elements of the design was incorporated.
- 3.9 Programme Board determined that this approach was the best way forward for the programme. It would establish the value of our schools in the current construction market, provide more robust cost data to challenge the incumbent contractors tendered costs, identify realistic cost savings but also maintain the integrity of the educational vision and maintain the original programmes.
- 3.10 An independent cost review was undertaken to benchmark the designed schools against current market values, similar school projects completed on the 21<sup>st</sup> C Schools Programme and investigate the value of a potential re-tendering of the schools. The outcome of this exercise was the following;
- Construction costs from the market had increased making the schools more expensive than the existing funding had allowed for.
  - The contract commercial decision on risk and inflation was higher than normal.
  - High levels of abnormal costs on both sites, especially Monmouth Comprehensive made up 15-20% of the total construction costs.
  - Current high levels of work in the construction industry would make the market re-tendering process risky with regards to commitment and cost reduction without a fundamental re-think of the schools.
  - Opportunity to value engineer existing designs would provide cost savings but it was unlikely that original budgets could be achieved without a fundamental re-think around the school designs.
  - Re-design of the two schools would add significant time to the programme as well as incur inflationary rises and additional costs.

- 3.11 To control cost, to negate further movement in the market by re-tendering and to keep to programme, the decision from Project Board was to negotiate with the incumbent using the independent cost review and WG cost data to benchmark the process going forward. A rigorous and intense 6 month process of value engineering (VE), re-designing, re-tendering, de-scoping as well as looking at different construction methodologies has driven cost out whilst maintaining the strong educational vision of the two secondary schools. This process now has been complete and revised and robust construction costs for both schools have been agreed.
- 3.12 The key changes to the tendered designs are as follows;
- Caldicot School – Design has remained the same, cost savings were achieved by value engineering material specification, re-tendering key packages (i.e. steel frame) and de-scoping the external works. In reviewing Caldicot Schools existing schools building stock it was determined that there was nothing that could be retained in order to facilitate a reduction of the new build to be achieved. Independent cost review had identified that the revised Value Engineered construction figure for Caldicot was in line with benchmarked cost data and current market value.
  - Monmouth Comprehensive – Design has been reviewed. The Phoenix Building has been incorporated and the inclusion of a sports hall instead of a pool (see paragraphs below for alternative options around the replacement pool). Additional cost savings were achieved by value engineering material specification, re-tendering key packages (i.e. steel frame), looking at differing construction methodologies and de-scoping the external works.

#### Leisure and Pool Implications

- 3.13.1 The original proposals on the Monmouth campus included the replacement of the pool facilities within the new school. This proposal has been revisited. Industry specialists were asked to look at the Monmouth Leisure offer and to give some high level views on redevelopment options taking into consideration local demographic profile and market competition. Their conclusions suggested a better site layout would see the main school building incorporating a sports hall rather than a swimming pool. The swimming pool would be better sited within the Leisure Centre and positioned where the current sports hall is. Programme Board accepted this view. Furthermore significant scope for further leisure enhancement was identified. It is now proposed that these plans are worked up in detail and presented to Council early in the New Year. To all intents and purposes, it is proposed to separate the leisure aspects of the programme from the school aspects. The commitment to re-provide a pool is absolute albeit the site location will change.
- 3.14 The suggestion provides a simpler, more cost effective build. It provides a sports hall resource that is more flexible to school needs during the day than a pool would, and relocating it allows the core Leisure centre to widen its leisure offer during the school day.

#### 4. REASONS:

- 4.1 Additional funding is required to deliver the school programme as originally envisaged. All aspects of the programme have been tested to ensure value for money. Wales Government has been sufficiently assured by the robustness of the proposal to allocate a further £5.95 million over and above their initial contribution to meet the educational vision of Monmouthshire County Council.
- 4.2 Without additional funding Monmouth Comprehensive would require a full re-design and an increased level of retained / refurbishment of existing building stock. The educational offer would look different in each school. The re-design option for Monmouth Comprehensive would add approximately 12 months onto the current programme including additional costs and inflationary risks.
- 4.4 A revised proposal regarding the provision of a replacement pool in Monmouth as set out in paragraphs 3.13 and 3.14 is under development.

#### 5. RESOURCE & RISK IMPLICATIONS:

- 5.1 The Future Schools project is the single biggest capital project for the Council for the next 4 years. Subject to the decision by members on this report, most of the expenditure on the Future Schools programme will be incurred over the next 2 years. Funding this programme relies heavily on utilising the capital receipts that are also due to be received in the next 2 years.
- 5.2 The consideration to raise the Councils commitment to the Future Schools project envelope by £5.95 million must be viewed against this background and other corporate demands for capital investment. The proposed revised arrangements are:

School	Approved budget (Cabinet Dec 2015, £ millions)	Revised Budget £millions	Difference £millions
Caldicot School	34.900	40.175	5.275
Monmouth School	41.049	47.674	6.625
<b>Total Expenditure</b>	<b>75.949</b>	<b>87.849</b>	<b>11.900</b>
<b>Funding</b>			
Feasibility 100% MCC funded	2.195	2.195	0
50% MCC	36.877	42.827	5.950
<b>Total Funding</b>	<b>75.949</b>	<b>87.849</b>	<b>11.900</b>

- 5.3 A number of funding suggestions have been considered at Project Board:
- Generating additional capital receipts, but no significant receipts have yet been identified.

- Reducing other projects in the capital programme has been reviewed, but levels of other spends have already been reduced to recognise Future schools needing to utilise all future capital receipts.
- Prudential Borrowing – as an indication the additional £5.95 million investment would cost £476,000 per annum to service this debt over a 25 year period. This would increase the gap in the revenue budget to be found. The options available to afford this are:
  - Reduce other revenue service budgets to afford the additional borrowing costs.
  - To use the efficiency savings to be derived from building the new schools to fund the additional borrowing costs. As an indication the Full business case submission to WG for the new school builds projected a 10% reduction in running costs for the new schools.

5.4 The preferred funding route is to use the savings derived from operating the new schools to service additional prudential borrowing. School leadership is engaged in this conversation and there is recognition that it may take 3-4 years to achieve the required level without compromising curriculum delivery.

5.5 A consequence of taking the pool out of the school build and replacing with a sports hall, is that the funding previously identified for the pool within the Future Schools programme is no longer available to any revised leisure proposal. It is expected that any revised proposal when it is submitted in January 2017 will require further investment from Council resources.

## **Risks**

5.6 New schools achieving the revenue savings required to afford the additional prudential borrowing.

5.7 Delay on receiving capital receipts required to fund the original programme envelope and so the potential need to increase borrowing anyway with the consequent cost pressure this will cause on the revenue budget in the MTFP.

5.8 Reduced flexibility to deal with any other capital pressures or take forward new projects.

## **6. WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING)**

## **7. CONSULTEES:**

Future Schools Project Board  
 Senior Leadership Team  
 All Cabinet Members.  
 Head of Legal Services.  
 Head of Finance  
 Headteacher of Caldicot and Monmouth Schools

**8. BACKGROUND PAPERS:**

Strategic Outline Programme – Request for Change – 29<sup>th</sup> July 2016

**9. AUTHOR:** Simon Kneafsey – 21<sup>st</sup> Century Programme Manager.

**10. CONTACT DETAILS:**

**Tel:** 07891 318912

**E-mail:** [simonkneafsey@monmouthshire.gov.uk](mailto:simonkneafsey@monmouthshire.gov.uk)

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<p><b>Name of the Officer</b> Mr Simon A J Kneafsey</p> <p><b>Phone no:</b> 07891318912 <b>E-mail:</b> <a href="mailto:simonkneafsey@monmouthshire.gov.uk">simonkneafsey@monmouthshire.gov.uk</a></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>To adjust the capital budget for Monmouth and Caldicot Schools</p>
<p><b>Name of Service</b></p> <p>21<sup>st</sup> Century Schools Programme</p>	<p><b>Date Future Generations Evaluation</b></p> <p>08<sup>th</sup> October 2016</p>

***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***

- Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p>Provision of two new secondary schools for Monmouthshire, which are state of the art, digitally enriched 21<sup>st</sup> C teaching and learning environments for the benefit of all future generations. The construction programme is designed to ensure over 75% of the capital investment is spent within Wales and over 75% provided from the local supply chain.</p>	<p>To offset the additional resource requirements (financial) projected savings from the new schools will go some way to finance this.</p>





Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>Programme of apprentices providing over 1,790 paid weeks of employment.</p> <p>Additional resource requirements will put pressure on existing needs however projected savings from the development of the new schools will go some way to offset this.</p>	
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p>The two secondary school designs meet BREEAM Excellence requirements and achieve a Energy Performance Certification rating of A which are the highest industry benchmarks for project ecology, energy efficiencies, waste management and low carbon targets for all new buildings. Ecologist are part of the design team, the siting of the new schools and the preservation and enhancement of local ecosystem is an integral part of the projects.</p>	<p>All negative impacts have been addressed in the design development of the project and in the project specific ecology reports, recommendations and design intents.</p>
<p><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p>New school campuses are designed to provide not only efficient and effective teaching and learning environments but also engaging social environments that supports all levels of social interaction. The external landscapes, including sports facilities, are engaging and supportive of a number of healthy activities but during and after core school hours to all stakeholders.</p>	<p>Ensure continual access to all current activities undertaken by the school is maintained during the construction period. Ensure that there is minimal disturbance to the daily running of the school during the construction period.</p>
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p>New schools positively contribute to the development of the health, wealth and welfare of the communities they serve. The design of the new schools has been</p>	




Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	done in collaboration of all key stakeholders so do represent the aims and aspirations of local communities within the context of the County.	
<b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing	The new school environments provide an number of interchangeable educational settings, positively promoting problem solving activities as well as personal / individualised learning pathways which are specific to the individual's needs. The agile school environments respond to ever changing curriculum needs, the faculty hub spaces promote positive interaction and knowledge share. The concept of the global community in a localised environment	The use of well-considered furniture solutions, development of calm /focused Digitally enriched environments will encourage and promote positive interaction between all users.
<b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	This is an integral part of both of the schools ethos's. This vision has been a keystone in development of the curriculum and school design. The outcome of the two projects is a Monmouthshire solution to the delivery of a 21 <sup>st</sup> C education with the County.	Ensure an appropriate communications strategy is maintained with key stakeholders during the development of the school to test our current ideas and thinking.
<b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances	The school designs are fully inclusive.	Building guidelines and local inclusion policies.

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**2. How has your proposal embedded and prioritised the sustainable governance principles in its development?**

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Balancing short term need with long term and planning for the future</p> <p>Long Term</p>	<p>The design of the new schools is a 60 year investment in the development and delivery of an educational offer which not only transform teaching and learning but also is agile enough to respond to the ever changing needs of the curriculum as well as the needs of its students, teachers and wider community.</p>	<p>Continual development of the change management process, including the yearly monitoring of the usages of the school including energy bills / community requirements.</p>
 <p>Working together with other partners to deliver objectives</p> <p>Collaboration</p>	<p>The schools programme is not just a construction programme, it is also about working with partners such as YPrentis to develop a programme of long term apprenticeships in key trades within the construction industry as well a with local community groups to support local initiatives.</p>	<p>Continue to explore other potential partnerships, including local / national businesses and higher and further education partners.</p>
 <p>Involving those with an interest and seeking their views</p> <p>Involvement</p>	<p>The development of the new school designs has been through an extensive engagement and consultation programme with all key stakeholders.</p>	<p>Ensure an appropriate communications strategy is maintained with key stakeholders during the development of the school to test our current ideas and thinking as well as communicate any change or variations.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p> <p>Prevention</p>	<p>Risk mitigation strategies are in place to manage or manage out project risks going forward. As part of the team we have external third party consultants who manage the communication and project management of the on-site activities.</p>	<p>Regular project reviews are timetabled with all key stakeholders to look at issues of quality, cost and programme as well as risk and its management.</p>

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>The delivery of the two new 21<sup>st</sup> C Schools will have a positive impact in the raising of the communities aims and aspirations. The new school curriculum will offer equal opportunities for all to achieve their best outcome and raise aspirations. The school is also a community asset which provides services and facilities to the whole community both during and after core school hours.</p>	<p>Continuation of the promotion of the programme both within the authority and to the wider community to encourage idea and information exchanges for the benefit of the whole programme as well as others.</p>

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk)

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	<p>The new schools facilities and services will be accessible to all ages providing a range of educational, social and sporting opportunities which cater for all ages.</p>	None	<p>The school has a lift provision to all floors. Level or designed ramp access to all facilities outside of the main buildings. Separate visitor's entrances to the schools into controlled areas / facilities to promote community use during core school hours.</p>

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Disability	The new school buildings and grounds are fully DDA compliant.	N/A	The school has a lift provision to all floors. Level or designed ramp access to all facilities outside of the main buildings.
Gender reassignment	Flexible changing and toilet provision to meet the needs of all pupils	N/A	Provision of multipurpose rooms within the schools which can be used for prayer or contemplation. Where possible the orientation of abolition areas is considered. Flexible changing and toilet provision to meet the needs of all pupils
Marriage or civil Partnership	N/A	N/A	N/A
Pregnancy or Maternity	N/A	N/A	N/A
Race	The new school designs enhances the schools ability to meet the requirements of all of their staff and students.	N/A	Provision of multipurpose rooms within the schools which can be used for prayer or contemplation. Where possible the orientation of abolition areas is considered.
Religion or Belief	The new school designs enhances the schools ability to meet the requirements of all of their staff and students.	N/A	Provision of multipurpose rooms within the schools which can be used for prayer or contemplation. Where possible the orientation of abolition areas is considered.
Sex	The new school designs enhances the schools ability to meet the requirements of all of their staff and students.	N/A	Flexible changing and toilet provision to meet the needs of all pupils
Sexual Orientation	The new school designs enhances the schools ability to meet the requirements of all of their staff and students.	N/A	Flexible changing and toilet provision to meet the needs of all pupils

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Welsh Language	Wayfinding to and within the schools will be compliant with all relevant legislation regarding the use of the Welsh language.	N/A	Wayfinding strategy is to be developed and approved by the appropriate authorities prior to installation.

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	As evidenced in section 3, all the above are designed to promote safeguarding within the new schools environments.	N/A	Active engagement with all key stakeholders and statutory authorities during the design development process.
Corporate Parenting	As evidenced in section 3, all the above are designed to promote safeguarding within the new schools environments.	N/A	Active engagement with all key stakeholders and statutory authorities during the design development process.

**5. What evidence and data has informed the development of your proposal?**

The requirement for additional resources / change of the capital programme has been driven by.

- Changes in the local tendering market which has increased construction costs.
- Localised construction inflation caused by an overheating market in South Wales.
- Benchmarking of current school cost data by WG.
- Third party review of tendered information.
- Higher level of abnormalities on both school sites.

**6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?**

**Positives**

- Delivery of two new 21<sup>st</sup> Century Schools which meet MCC's and the schools educational vision.
- Provision of an inclusive whole school environment which meets the needs of the community it serves.
- Construction project as an enabler to enhance the local labor market.

**Negatives.**

- Additional pressure on existing financial resources – to be mitigated by revenue savings from the new school environment, as well as the continuation of value engineering to obtain further savings during the construction period.

**7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.**

What are you going to do	When are you going to do it?	Who is responsible	Progress

**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	Caldicot School – September 2017, Monmouth Comprehensive – July 2018
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration
	<i>e.g. budget mandate, DMT, SLT, Scrutiny, Cabinetetc</i>		<i>This will demonstrate how we have considered and built in sustainable development throughout the evolution of a proposal.</i>

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