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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held
on Thursday, 19th September, 2019 at 2.00 pm

PRESENT: County Councillor S. Woodhouse (Chairman)
County Councillor S.B. Jones (Vice Chairman)

County Councillors: P. Clarke, D. Batrouni, J.Becker, L.Brown, A.Davies, D. Dovey, L.Dymock, A. Easson, R. Edwards, D. Evans, M.Feakins, P.A. Fox, R.J.W. Greenland, M.Groucutt, R. Harris, G. Howard, S. Howarth, R.John, D. Jones, L.Jones, P. Jones, S. Jones, P. Jordan, M.Lane, P. Murphy, P.Pavia, M. Powell, J.Pratt, R.Roden, B. Strong, F. Taylor, T.Thomas and A. Watts

OFFICERS IN ATTENDANCE:

Matthew Phillips	Head of Law/ Monitoring Officer
Paul Matthews	Chief Executive
Peter Davies	Chief Officer, Resources
Will McLean	Chief Officer for Children and Young People
Nicola Perry	Senior Democracy Officer
Frances O'Brien	Chief Officer, Enterprise
Julie Boothroyd	Chief Officer Social Care, Safeguarding and Health

APOLOGIES:

County Councillors D. Blakebrough, L. Guppy, J. Higginson, V. Smith, J.Treharne, J.Watkins, A. Webb and K. Williams

2. Declarations of interest

County Councillor M. Powell declared a non-prejudicial interest under item 11b as a Governor at King Henry VIII School.

County Councillor A. Easson declared a non-prejudicial interest under item 7a as a Governor of Ysgol Y Fin School.

County Councillor M. Powell declared a non-prejudicial interest under item 7a as Grandson has been educated at an ALN school.

County Councillor P. Pavia declared a non-prejudicial interest under items 8a and 12c as an employee of Practice Solutions Ltd who hold the administrative contract for ADSS Cymru.

3. Public Questions

None.

4. Chairman's announcement and receipt of petitions

County Councillor P. Jones presented a petition on behalf of Raglan residents asking that Raglan Community Council, MCC and Raglan Village Hall Association do all within their capability and power to secure the site of the Old Junior School in Raglan for use as a Community Facility.

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5. Report of the Chief Executive:

5.1. Corporate Plan Annual Report 2018/19

Council received the Corporate Plan Annual Report 2018/19 for approval and to ensure that members have access to performance information for 2018/19.

Concerns were expressed regarding how goals are measured and it was thought that opposition Members rejected the recommendation. Areas of concern included Mounon House and MonLife where performance was judged to be good.

A question was raised regarding the analysis of data and how we balance quantitative data with qualitative data.

Reference was made to child poverty and why figures were not included in the Corporate Plan. The Cabinet Member for Social Justice highlighted areas of success under the Social Justice Strategy.

Concerns were highlighted regarding the Scrutiny function, particularly noting poor attendance. Members asked at what stage the findings of Select Committees be fed into the report. The Cabinet Member for Governance responded that Scrutiny is an important function and asked what actions the Opposition Leader is taking to improve attendance. He added that Select Recommendations would come back to Cabinet when the Corporate Plan is reviewed in due course.

The Leader agreed that the level of Scrutiny had been weak, and welcomed constructive comments.

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

For	21
Against	8
Abstain	4

Therefore Council resolved to accept the recommendation:

That the Corporate Plan Annual Report 2018/19 be approved, subject to any final amendments agreed by Council.

6. Report of the Chief Officer for Resources

6.1. Capital Additions 2019-20 and Strategy Approval

The Cabinet Member for Resources presented the Strategy Document:

- to add fully funded specific schemes to 2019-20 capital programme,
- to seek an exemption from the Constitution that states that any additions can only be approved by full Council,
- to approve 2019-20 capital strategy.

Examples were sought of times when there had previously been a need to bring these matters back to full Council, and the logic of the recommendation was questioned.

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The Assistant Head of Finance explained that we rely more on ad-hoc grant funding rather than when Members approve the Capital Grant Programme, and where monitoring information is provided to Cabinet and Select it must be on the proviso that additional schemes still have to be supported and approved by full Council.

The Cabinet Member clarified that when grants are received, there is no risk to the Authority and it therefore makes sense to make revisions to the constitution at the time of the review. Anything outside that would go through the Capital Programme.

It was explained that the purpose of putting this recommendation to Council at this time related to endorsing £7million worth of schemes coming in, and facilitating this in a different manner.

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

- **To approve the additions of the schemes identified in resourcing section.**
- **To approve a change to the Constitution whereby in future Cabinet can approve the addition of capital schemes where they are fully funded either from grant receipts or utilise 100% Section 106 funding in line with any requirements in the relevant Section 106 agreement.**
- **To review and accept the Capital Strategy (appendix 1) for the forthcoming year.**
- **To recognise that this is the first year that all these disciplines have been brought together in a combined Capital Strategy and that it may need to evolve as best practice becomes apparent.**

6.2. Acquisition of the former MOD railway line, Crick to Caerwent.

Council were presented with a report in order to seek approval to acquire an additional bridge and ancillary land as part of the agreed acquisition of the former MOD railway line between Crick and Caerwent to facilitate a cycle and walk way and to enable an easement to service the Crick Road LDP development site.

Reference was made to a feeder line at Severn Tunnel Junction, and considerations were required around the wider area of the B4245.

Council were advised that this had already been agreed and was being extended to include one additional bridge.

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

To agree to the acquisition of the additional land and infrastructure as illustrated in appendix 2.

7. Report of the Chief Officer for Children and Young People

7.1. Capital Programme - 21st Century Schools Programme

Council received the report to seek agreement to draw down funding during the current financial year 2019/20 to support the work of the team delivering the Band B project within the 21st Century Schools building programme.

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The purpose of the report was also to inform Council of the significant capital works within the education estate and agree to the establishment of a permanent post to manage the education capital building programme.

Within Monmouthshire

The Leader of the Opposition requested that an additional recommendation be added to the report:

To develop a business case to build a new specialist school that caters for SEBD and ASD pupils in Monmouthshire within the 21st Century Schools Programme.

The amendment was seconded by Councillor Howarth and debate followed.

Reference was made repeatedly to the intention to close Mounton House School.

It was suggested that a business case would be sensible way to develop a long term plan, and it was recognised that Monmouthshire would be the only authority without a specialist school.

The Leader expressed that Cabinet had made a commitment at a meeting on 18th September 2019 over the future of ALN provision.

A Ward Member for Chepstow agreed that residents of Chepstow would welcome a business case for new provision.

The amendment was put to a recorded vote:

For	13
Against	21
Abstain	1

The original recommendation was therefore put to the vote and agreed:

- **The purpose of the report is to seek Council's agreement to draw down funding during the current financial year 2019/20 to support the work of the team delivering the Band B project within the 21st Century Schools building programme.**
- **To inform Council of the significant capital works within the education estate and agree to the establishment of a permanent post to manage the education capital building programme.**

8. Report of the Chief Officer for Social Care, Safeguarding and Health

8.1. Social Care, Safeguarding and Health Annual Director's Performance Report 2018/19

The Chief Officer for Social Care, Safeguarding and Health presented the Annual Directors Report. The report was presented via a SWAY presentation.

Following presentation the following comments were noted:

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Members commended the Foster Carers event at the Usk Show.

With regards to the Welsh Government targets to reduce the number of looked after children, there have been robust conversations as part of a wider review among heads of children's services. Reducing targets was not considered useful and the social care community has lobbied against this. MCC have taken a firm stance against this.

Reports of abuse of young vulnerable adults who have left children's services were highlighted and the Chief Officer assured that we endeavour to know all our people placed everywhere, and they are followed through. It was agreed that more could be done, systems are in place but unfortunately nasty things happen despite that. In any monitoring scenario officers keenly look at who's leading, are the values right, and are we seeing the outcomes for individuals.

The Chief Officer agreed to discuss individual cases following the meeting.

Concerns were raised regarding the fragility of private provider care in social services. Assurance was given that officers were constantly working on this and were confident in the excellent strong relationships with providers.

The Chair of Children and Young People commended a recent care leavers' engagement evening.

Consideration should be given to the increase of allowances to improve recruitment of foster carers.

Commendation was expressed around the integrated services provided at Mardy Park Resource Centre, but concern was highlighted that the same service is not available in all areas of the County. In response, we heard that the same philosophy is through Community Hubs across Monmouthshire.

Council resolved to accept the annual report.

County Councillors F. Taylor, D. Jones and S. Howarth left at 16:55pm

9. Reports of the Chief Officer for Enterprise

9.1. Rights of Way Orders Decision Making

Council were presented with a report to review rights of way order decision making and remove the need for opposed public rights of way Section 53 Wildlife and Countryside Act and 1980 Highway Act applications to be approved by Individual Cabinet Member Decision (ICMD).

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

That in accordance with the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) (Amendment) Regulations 2009 the

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following matters be made non-executive functions for the Licencing and Regulatory Committee, sitting as the Rights of Way Panel, to consider and approve or decline the making of any opposed orders

- **a) The functions contained in section 25 of Part III of the Highways Act 1980 (5) (creation of highways):**
- **b) The functions contained in section 116 – 120 of Part VIII of the Highways Act 1980(stopping up and diversion of highways etc.):**
- **c) Exercising functions under section 53 of the Wildlife and Countryside Act 1981(11) (duty to keep definitive map and statement under continuous review)**

9.2. MonLife

Council received a report to seek approval of Council for the ongoing support and commitment to the internal transformation of services encompassed within the MonLife portfolio.

The Leader of the Opposition commended the good decision to keep services in-house and referred to the funding received from Welsh Government.

Concern was raised regarding the governance structure surrounding MonLife and questions were asked why Council were not provided an opportunity to hold Cabinet members to account. The Cabinet Member for MonLife explained that there is provision in place for monitoring, and scrutiny will take place by Select Committees

Reference was made to leisure centres in Monmouthshire, with investment made in Caldicot and Abergavenny. There was concern that there seemed to be an uneven distribution, given the lack of investment in Chepstow. The Cabinet Member responded that until the recent opening of Monmouth Leisure Centre, Chepstow had been renovated most recently. Studies into potential demand had concluded that Caldicot and Abergavenny are the areas with significant un-tapped potential in terms of increased memberships.

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

- **To approve the Business Plan for MonLife that sets out the strategic direction and the operating model for MonLife.**
- **To approve an increase in revenue budget of £97,604 in 2020/21, to be accommodated as a pressure within the resultant budget and MTFP process. With pressures subsequently offset by savings in the following four years of the business plan and an overall net saving of £1.165m to be considered to support future investment priorities.**
- **To establish a £25,000 ring-fenced reactive property maintenance budget, funded from existing property maintenance budgets.**
- **To approve the principles of the Commercial and Investment Strategy and supporting documents.**
- **To formally approve the senior leadership structure required to deliver the MonLife business plan, the additional resource implications for which are included within recommendation 2.2 above.**

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Councillor R Edwards left at 17:20pm

9.3. Cardiff Capital Region Strategic Development Plan

Council were presented with a report to seek agreement to be part of the Cardiff Capital Region Strategic Development Plan and the associated governance, funding and staffing resource.

Surprise was highlighted around the weighted panel and the effect on the voting process. It was explained that there had been considerable debate at regional cabinet and the weighting will give MCC a good opportunity to have a say in final decisions.

We heard the National Framework Development is in draft form and as it stands would not be in favour of us having a new settlement, and we would want to submit a strong consultation response.

The Head of Place Shaping, Housing and Flood noted concerns of Members and added that a paper will be brought to October Council to agree MCC response to the consultation.

It was explained that the Strategic Development Plan would provide better opportunity to consult on the level of housing than we currently have. We would be part of the decision making process on what level of housing we have for our County.

Current local development plans do not have the ability to recommend and bring forward a new settlement. A joint LDP with another authority would provide the ability of recommending a new settlement. The SDP does have the ability to bring forward new settlements.

Reference was made to the effect on residents in the Brecon Beacons National Park area, and that the whole of Monmouthshire should be included within the SDP.

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

- 1. That Monmouthshire County Council endorses the content of the report at Appendix 1 and agrees that the Responsible Authority be authorised to submit the Proposal for a Strategic Development Plan (SDP) for the Cardiff Capital Region to the Minister on behalf of the 10 Local Planning Authorities in the region.**
- 2. That Monmouthshire County Council endorses the Vale of Glamorgan Council as the Responsible Authority for the Cardiff Capital Region Strategic Development Plan (SDP).**
- 3. That Monmouthshire County Council endorses the strategic planning area should comprise the 10 local planning authority areas within the Cardiff Capital Region as shown on the map at Appendix A.**

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4. That Monmouthshire County Council authorises relevant officers to engage with the Welsh Government in drafting the Strategic Development Plan Regulations to deliver the following governance arrangements for the SDP and Strategic Planning Panel (SPP):

- i. That the Strategic Planning Panel (SPP) will be comprised of 10 Members, 1 from each constituent Local Authority with the weighting of votes for each constituent Local Authority being based on its population and geographical area as set out in the table below:

Local Authority	No. of Members on the Strategic Planning Panel	Weighting of Vote for constituent LA
Blaenau Gwent	1	1
Bridgend	1	2
Caerphilly	1	3
Cardiff	1	5
Merthyr Tydfil	1	1
Monmouthshire	1	3
Newport	1	2
Rhondda Cynon Taff	1	3
Torfaen	1	1
Vale of Glamorgan	1	2
Total	10	23
Nominated non-voting panel members	5	NA

- ii. That constituent Councils will be engaged through a prior consultation process as set out in Figure 1 of Appendix 1 and the SPP shall have full regard to the comments of constituent Councils.

- iii. That decisions made on the SDP by the SPP shall require a 70% quorum of voting Members on the Panel and decisions shall require a 70% majority vote of a quorate meeting.

5. That Monmouthshire County Council endorses the setting up of an Interim Strategic Planning Panel prior to the formal establishment of the SPP and the nominated Member below represents Monmouthshire County Council on the Interim Strategic Planning Panel with delegated authority to take initial decisions on the preparation of the SDP (with a vote weighted in accordance with the table at Recommendation 4(i)) and thereafter on the Strategic Planning Panel. Monmouthshire County Council nominates Councillor Bob Greenland, Cabinet Member for Innovation, Enterprise and Leisure, Monmouthshire County Council

That in the event that Councillor Greenland is no longer able to sit on Interim Strategic Planning Panel, give delegated authority to the Leader of the Council to nominate a new Member to represent to Council on the Interim Strategic Planning Panel and Strategic Planning Panel.

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6. That a Regional SDP officer team is established to progress the preparation of the SDP to be appointed by representatives of Interim Strategic Planning Panel, with appropriate human resource support from the Responsible Authority.

7. That the cost of preparing the SDP is shared across the 10 Authorities on a proportional cost based on the voting representation on the Strategic Planning Panel, as set out in Appendix F, to be reviewed on an annual basis. This comprises an initial contribution for 2019/20 from Monmouthshire of £6,520, and an annual contribution by Monmouthshire for the following five years of approximately £81,891 per annum. That Monmouthshire's Medium Term Financial Plan be amended to cover these costs as follows:

2019/20 £6,520 funded by current Planning Policy budget N130

2020/21 c.£81,891 as an addition to the MTFP

2021/22 c.£81,891 as an addition to the MTFP

2022/23 c.£81,891 funded by current Planning Policy budget N130*

2023/24 c.£81,891 funded by current Planning Policy budget N130*

*in-budget funding is possible once work on the replacement LDP is completed

County Councillor S. Jones left at 17:45pm

10. Report of the Monitoring Officer/Head of Legal

10.1. Planning Committee Seat Allocation

Council were required to make a decision on the allocation of seats across for the Planning Committee to ensure that quorum is achieved and decisions are legal and effective.

The Leader of the Opposition agreed to nominate County Councillor A. Easson. He expressed frustration at members' lack of attendance, adding that the Labour Group are nominating an extra member out of respect of the Council and the residents of Monmouthshire.

The Leader of the Council agreed with the comments, adding that attendance was an unbalanced situation which should be addressed going forward. The Conservative Group nominated County Councillor S. Woodhouse to the Planning Committee.

A suggestion was made that Democratic Services Committee undertake a review of attendance and constitution of Committees.

Therefore the recommendation was made that:

Council nominates and votes on 2 Councillors to join the Planning Committee to fill the 2 vacant seats. Owing to the need for political balance, no Group may take both seats:

**County Councillor Sheila Woodhouse, Conservative
County Councillor Anthony Easson, Labour.**

11. Notices of Motion

11.1. Submitted by County Councillor A. Easson

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County Councillor A. Davies seconded the motion.

Cabinet Member for Infrastructure and Neighbourhood Services provided an update to Council informing Members that Capita are progressing with a B4245 study and studies are currently being undertaken as part of the initial gathering data exercise. This will form the scheme design and associated costs.

Highways will be making a bid in 2020 for funding for design and build of a cycle and walking route through the B4245 linking Rogiet with Undy. In addition the Rockfield Farm development is making a £70k Section 106 contribution towards this route.

The Cabinet Member did not support the motion as it was based on figures from 2012.

Members welcomed the update, and a Ward Member confirmed surveys were in progress.

The Leader explained that even though the motion was not supported, Members were keen for progress to be made, by following a formal process. He acknowledged the road is extremely dangerous and was confident the route will happen as soon as possible.

Councillor Easson welcomed the reassurance that progress is being made and withdrew the motion.

11.2. **Submitted by County Councillor D Batrouni**

Councillor Batrouni presented his motion which was seconded by Councillor Groucutt.

ABUHB had, last year, published a report on poverty by ward which showed Lansdown Ward had 42% of children living below the poverty level, and the Ward Member hoped the motion would be taken in a bi-partisan action.

The Leader acknowledged the sentiments which was why he had created the Social Justice Portfolio. He read a statement on behalf of the Cabinet Member for Social Justice. The statement highlighted areas of development, including a Tackling Poverty Plan, and suggested an amendment to the motion that:

This Council recognises and supports the ongoing work that is being undertaken to tackle poverty across the County. We would welcome the opportunity for continued collaboration with all partners to address inequality as part of our commitment to Social Justice.

The Chief Executive advised that this amendment negates the motion and required no further debate.

Debate on the original motion ensued.

The Leader stated that should the motion not be carried lobbying Welsh Government for a fairer funding formula would still be welcomed, and the Cabinet Member would also welcome the opportunity to work together.

Upon being put to the vote: 8 votes for, 13 votes against. The motion was defeated.

12. **Members Questions**

12.1. **From County Councillor S. Howarth to County Councillor P. Fox, Leader of**

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the Council

Question deferred to next meeting.

12.2. From County Councillor P. Pavia to County Councillor P. Fox, Leader of the Council

Question withdrawn. Written response to be provided.

12.3. From County Councillor P. Pavia to County Councillor P. Jones, Cabinet Member for Social Care, Safeguarding and Health

Question withdrawn. Written response to be provided.

12.4. From County Councillor M. Powell to County Councillor J. Pratt, Cabinet Member for Infrastructure and Neighbourhood Services

The Cabinet Member agreed with comments and referred to an incident at an Abergavenny event caused on the route to Post Office Square. The burger van in question had obtained the correct consent from the Estates Department. Further to Councillors comments, officers from Highways, Licensing and Estates met and it was recognised that the process would be improved to ensure that all traders are consulted on proposed events, and the Event Safety Advisory Group are kept informed to prevent event clashes.

It has been agreed to develop a better, coordinated booking system for all outside events. Officers are happy to receive comments from Ward Members, and Town and Community Councillors.

We are looking to engage in consultation and it was thought to be a good agenda item to be discussed at Licensing Committee with the Chairs agreement. The Cabinet member also suggested that Councillor Dymock agrees to add the matter to the Strong Communities Select Committee Work Programme.

12.5. From County Councillor D. Batrouni to County Councillor P. Jordan, Cabinet Member for Governance and Law

The Cabinet Member for Governance responded that Councillor Pratt has tasked officers in developing an action plan that will identify steps to take in response to the declaration of a climate emergency made by Council in May 2019. Officers are working through a series of options and have been asked to make any recommendations needed to be made to our governance and decision making arrangements, to ensure they are consistent with the direction set in the Chamber. It is too early to provide a full response, but this does not mean the issue is being ignored. Climate Change has been featured in our Corporate Plan and the PSB Wellbeing Plan. The Cabinet Member added this is a policy commitment and would expect to see Select Committee members scrutinising proposals to ensure they are consistent with decisions made in the Chamber.

As a supplementary Councillor Batrouni asked that if all committees will consider all projects that emit huge amounts of carbon with a mind to the climate change emergency motion?

The Cabinet Member confirmed that Select Committees would take those matters into consideration, and could be reported back to Council.

13. To confirm the minutes of the meeting of Council held on 18th July 2019

The minutes of the meeting held on 18th July were confirmed and signed by the Chair.

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The meeting ended at Time Not Specified