

# Public Document Pack

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held  
at County Hall, The Rhadyr, Usk, NP15 1GA on Thursday, 12th May, 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, A. Easson, D. Edwards, 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 and A. Wintle

### **OFFICERS IN ATTENDANCE:**

Paul Matthews	Chief Executive
Kellie Beirne	Chief Officer, Enterprise
Tracey Harry	Head of Democracy and Regulatory Services
Sarah McGuinness	Chief Officer, Children & Young People
Will McLean	Head of Policy & Engagement
John Pearson	Local Democracy Manager
Joy Robson	Head of Finance/Section 151 Officer
Robert Tranter	Head of Legal Services & Monitoring Officer
Nicola Perry	Senior Democracy Officer

### **APOLOGIES:**

Councillors R. Chapman, G. Down, R. Edwards, D. Evans, J. George, J. Marshall and K. Williams

## **2. Public Open forum:**

### **2.1. Question from Mr M. Smith to County Councillor P. Fox:**

We welcomed Mr. Mike Smith to the meeting, who provided Council with photographs supporting his concerns, and highlighted that as well as being a cycle path the route in question is also part of Wales Coastal Path, and expressed that the Authority has a moral duty, or legal responsibility of maintaining the coastal path.

Councillor P. Fox responded:

- Thanked the member of the public for the question
- Advised that the concerns were understood and appreciated the frustrations.
- Explained that the section is in private ownership by local farmers, but the Authority would still want to improve the route.
- The Active Travel Act would allow officers to make bids for funding.
- A public consultation would be arranged where all members could contribute, hopefully providing a positive outcome.
- Apologised that there was no immediate solution.

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As a supplementary question:

Had the Authority received a commuted sum of money as part of the development of the National Cycle Route?

In response, the Leader of the Council welcomed the interesting challenge and would investigate further to establish if there was a commuted sum, as suggested.

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

There were no announcements made, and no petitions presented.

### **4. Declarations of Interest**

There were no declarations of interest received.

### **5. To confirm and sign the minutes of the meeting held on 10th March 2016**

The minutes of the meeting held on 10<sup>th</sup> March 2016 were confirmed as a correct record and signed by the Chairman, subject to the following amendment:

**Correction: PRESENT: Councillor P. Fox** (not apologies).

### **6. To receive the Action List from 10th March 2016**

We received the action list from the meeting held on 10<sup>th</sup> March. In doing so the following points were noted:

- Councillor P. Murphy advised that with regards to the action relating to European Grants, all information available had been passed to Councillor Batrouni.
- Councillor P. Fox advised that a letter had been written, as requested, regarding the 'Black Route on Magor Services' and a response from the minister received, both had been circulated to members.

### **7. To elect the Leader of the Council and to receive notifications of Leader delegations (appointments to the Cabinet)**

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

On being put to the vote, the proposal was carried.

County Councillor P.A. Fox expressed thanks to the Council for his re-election stating that it was a privilege to lead Monmouthshire County Council and highlighted that for the last year of this Council, there were new challenges and opportunities ahead.

The Leader announced that Cabinet portfolios and personnel would remain unchanged:

R.J.W. Greenland      Innovation, Enterprise and Leisure  
(Deputy Leader)

P.A.D. Hobson          Community Development  
(Deputy Leader)

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E.J. Hackett Pain	Schools and Learning
G. Burrows	Social Care, Safeguarding and Health
P. Murphy	Resources
S.B. Jones	County Operations

A Member congratulated the Leader on his re-election and questioned if he intended to do anything differently this year, or if there were, retrospectively, any regrets. In response the Leader commented that he always challenged and questioned himself but felt reassured from the progress the Authority had made of the last few years. He stressed that it would be remiss not to regret the education issues of a few years ago, but was pleased that we had moved away from that situation and were now positioned as one of the best authorities in Wales. The Leader stated he was now looking ahead with some trepidation, but being bold enough to push boundaries and looking for locally accessible services.

### **8. Representation of Political Groups - Political Balance**

The Chairman suggested that Democratic Services should be notified of any changes.

Some concerns were expressed regarding the number of members on Select Committees, and the issue of attendance. It was suggested that the issues of members not attending at all, should be addressed in order to give opportunity to the members wishing to attend. It was requested that the Leader revisit and deliver what is fair for everyone.

The Leader suggested that further work be carried out through Democratic Services Committee, particularly with the introduction of the Public Service Board Select, in readiness for the new administration.

### **9. Appointment of Select Committees**

The Chairman suggested Democratic Services be notified of any changes.

The Leader agreed that Group Leaders would notify Democratic Services in due course.

We were advised that Terms of Reference for the Public Service Board Select would be set following the first meeting.

It was agreed that the list of co-opted membership in 2.2 would be updated.

Upon being put to the vote we agreed to approve the recommendations within the report.

### **10. Appointment of Audit Committee**

We received a report recommending that the Audit Committee be appointed, with the attached terms of reference.

We resolved:

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- That the membership of the Committee comprise 11 members of the Council, to be appointed in accordance with political balance, plus one lay member.
- That it be noted that the Chair of the Audit Committee will be appointed by the Committee.

Upon being put to the vote we agreed to approve the recommendations within the report.

### **11. Appointment of Regulatory and other committees**

We resolved that the following Committees, together with their terms of reference, be appointed, with membership to be notified by the political groups

- Planning (16 Members)
- Licensing and Regulatory (12 Members)
- Sub-Committees under the Licensing Act 2003
- Appeals Committee (3 members)
- Appointment of Local Authority Governors Committee (7 Members)
- Standing Advisory Council on Religious Education (SACRE) (6 Members)
- Appointment Committee (5 members)
- Coordinating Board
- Remuneration Committee (Chief Executive) (5 members)
- Investigation Committee (3 members)
- Disciplinary Committee (3 members)

Upon being put to the vote we agreed to approve the recommendations in the report.

### **12. Appointment of Democratic Services Committee and appointment of Chairman of the Committee**

We received a report in order to appoint a Democratic Services Committee, to agree terms of reference and membership of the Committee, and to appoint a Chair of the Committee.

County Councillor S.G. Howarth appointed County Councillors F. Taylor, V. Smith and S. Howarth to the Democratic Services Committee, and also proposed that County Councillor F. Taylor be appointed as Chair of the Committee. This was seconded by County Councillor D. Batrouni.

On being put to the vote we unanimously agreed the proposal.

### **13. Appointment of Area Committees**

We resolved that the following Area Committees, together with their membership and terms of reference, be appointed:

- Bryn y Cwm
- Central Monmouthshire
- Lower Wye
- Severnside

A Member referred to a Governance Review for Area Committees and questioned if the Head of Service could offer an opinion. The Head of Policy and Engagement explained that we had

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convened a small working group in order to review Area Committees. The details were being finalised and proposals would be brought back to Council at a future date.

Upon being put to the vote we agreed to approve recommendations in the report.

#### **14. Appointment of Standards Committee**

We resolved that the Standards Committee, together with membership and terms of reference be appointed.

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

Upon being put to the vote we agreed to approve the recommendations within the report.

#### **15. Appointments to Outside Bodies**

We resolved that members be appointed to outside bodies, as set out in the report. We agreed that the following amendments be noted, and the report be updated:

##### **Category A – Regional National**

- 2. Caldicot and Wentloog Levels Drainage Board – no longer exists, now part of Caldicot and Wentloog Advisory Group.
- 7. National Resource Wales – now known as the Caldicot and Wentloog Advisory Group. County Councillor P. Murphy (substitute), County Councillor A. Easson to be lead member.
- 12. WJEC/CBAC Ltd – no longer exists.
- 23. S.E. Wales Strategic Planning Group - Change membership to Cabinet Member for Resources, Cllr. P. Murphy.
- 26. Welsh European Funding Office Objective 3 Monitoring Committee – check if exists.

##### **Category C – Joint Committees and Local Authority Companies**

- 5. Education Achievement Service - Cllr E.J. Hackett representative member of the Joint Executive Group, not company.
- 6. SRS Business Solutions Lts – Kellie Beirne as Director from an officer point of view.
- 6. Include SRS Public – Board member Cllr P. Murphy, and officer representative Peter Davies.

The Chief Officer explained that SRS Public is a shared entity across Monmouthshire, Torfaen, Blaenau Gwent and Gwent Police, around which our collaboration model for IT is built. SRS Business Solutions is a company owned jointly by Torfaen and Monmouthshire, and the trading subsidiary of SRS Public.

A member requested that it be recorded that two members are appointed to the Audit and Risk Assurance Committee.

It was questioned if Monmouthshire Housing Association could have representatives from each group. The Chief Executive explained that the number of representatives was governed by the transfer agreement.

##### **Category D – Voluntary Organisations**

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- 6. Coleg Gwent Corporation – to be removed, no longer has representation from an elected member.

#### **Category E – Local Interest**

- 6. Chepstow Senior Citizens Centre Management Committee – now known as Chepstow Senior Citizens Welfare Trust.
- 18. Clydach Ebenezer Chapel Fund Committee – Cllr. G. Howard to replace Cllr. S. Howarth

A Member requested that consideration be given to including the trust responsible for the Drill Hall, Chepstow. The Chief Executive advised Council would consider at a future date.

#### **Category F - Other**

3. Monmouthshire Sportlot Community Chest Committee – Cllr. B. Strong to replace Cllr. S. Jones

#### **16. Members' Salaries and Payments**

The report set out the determinations of the Independent Remuneration Panel for the civic year 2016/2017 and invited the Council to determine the scope of senior salaries. The Council would be able to pay up to 17 senior salaries plus 2 civic salaries (to the Chairman and Vice-Chairman of Council).

The Leader of the Council moved that Council retain the current pay structures for Cabinet, but recognise the extra workload. With regard to other committees it was considered right and proper that the current scheme of allowances be reviewed, and the partnership recognised the difference in workload between committees. It was therefore, moved that Chairs of Licensing and Regulatory and Democratic Services Committees be paid at level 2. This was duly seconded and, upon being to the vote, was approved by Council.

#### **17. To adopt a revised Code of Conduct for Members**

We received a report in order for members to consider the adoption of a revised code of conduct for members. The Welsh Government passed the Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 (“the Order”) on 27th January 2016 which introduced a revised model code of conduct for members. All relevant authorities, that is, county/county borough councils, community and town councils, fire and rescue authorities and the national park authorities must within six months of the date of the Order, adopt the revised code of conduct, hence the report to members for their consideration.

The Monitoring Officer advised that the changes to the Code of Conduct were relatively minor and highlighted in the report. Members were advised that their original declarations of acceptance of office covered subsequent changes to the code. Where members were dual-hatted, as Town and Community Councillors, it was important to note some minor differences in the respective codes, and to act under the appropriate code. One of the main differences being that as a County Councillor declarations were declared ‘up front’ through the register of interests, rather than ‘as and when’ at a Town and Community Council meeting. It was important to note that Town and Community Council Clerks should be made aware that the revised code of conduct should be adapted by July 2016.

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Upon being put to the vote we agreed to approve the recommendations within the report.

#### **18. To receive the Improvement Plan 2016-2017**

The Leader presented a report to provide members with the Improvement Plan for 2016-17.

The report recommended that Council approve the Improvement Plan including the five improvement objectives it describes, subject to any changes to data and targets that may be required as part of the year-end data validation and internal audit process.

Performance data for 2015-16 has been included where appropriate, to allow members to understand the objectives for the year ahead in the context of the most recent performance. The year-end 2015-16 data collection process is still ongoing, where included data should be treated as provisional as it has not yet been subject to audit. Targets for 2016-17 are being finalised. Members were made aware that some data and targets may change before final publication to reflect the most up to date information. If this made significant changes to the context of the plan these would be recirculated to members prior to final publication of the plan.

A Member questioned what improvements had been made regarding the rate of delayed transfers of care for social care reasons, and the percentage of children looked after who have had three or more placements during the year.

The Cabinet Member explained that there may be a number of comments relating to numbers in decline as this report was a 'work in progress', and not all the information had been collated. The final results would be shown in October 2016. He reassured members that there was not a DTOC issue in Monmouthshire.

The Policy and Performance Manager explained that placements of looked after children was monitored closely by Children's Services. There had been a number of challenging issues in Children's Services over the course of the last year, and there was now a weekly monitoring process.

A Concern was raised regarding Disabled Facilities Grants, and the time taken to make necessary changes. The Cabinet Member responded, explaining that there was a wide debate around DFGs due to the numbers and resources necessary needed to address the issues. Members were reminded that the final position would be reflected in October 2016. The Chief Executive reassured Members that when we receive the final report, many red areas would be green. Some would remain red, as was the nature of running a complex organisation. It was suggested that routinely, through Select meetings, a question should be raised along the lines of 'Can you reassure us that every movement of a child has been in the best interest of that child?'

County Councillor R. Hayward agreed that the quality of the question was important rather than the quantity of words, and should reflect if we care as a Council. He referred to an incident in his ward where a wall had fallen upon a child five or six years ago, resulting in severe injury. There was great concern that no report had been issued following an inquiry by the Health and Safety Executive. It was questioned why the report had not been issued, and why no-one had reported back to Council to explain why the child had been injured. The Cabinet Member advised that the report had been received and there had been no action taken by the Health and Safety Executive. Cllr Hayward would be furnished with the report.

We resolved to agree recommendations within the report.

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**19. To ratify the written response to the Welsh Government consultation on the proposed new section of the M4 motorway ( copy attached) and consider what further comment, if any, members may wish to provide to Welsh Government.**

Members were invited to ratify the written response to the Welsh Government consultation on the proposed new section of the M4 motorway and consider what further comment, if any, members may wish to provide to Welsh Government.

During discussion the following points were noted:

One Member raised the following concerns, and comments to be added to the response:

- Such an important matter had not been debated fully at Council, and the response did not reflect work done within the County. The M4 relief is Monmouthshire's version of Spaghetti Junction.
- There was disregard of the Development Plan for Rogiet and Undy
- There was disregard of the areas of historical importance, Llanvihangel and Rogiet. No mention of listed buildings
- Using up prime farmland in the area, affecting people's livelihoods in Llanvihangel. No regard to agricultural loss and flooding of farmland.
- Concern surrounding noise and poor air quality
- There may be no fatalities, but accidents are frequent at Llanvihangel.
- No mention of the traffic through Rogiet.
- How would traffic from the west side of Rogiet get to Severn Tunnel Junction? No viable route. No comment on the excess expense this route would take.
- In view of sustainable transport, the car parking access at Severn Tunnel Junction should be addressed. Station Road could not take any more traffic.

A Member, agreeing with the comments made, added:

- The B4245 becoming a trunk road would be dangerous. P
- Plans for a footpath between Rogiet and Undy would now not be appropriate.
- The report should be stronger to reflect the concerns of Members.
- A stronger argument should be made to remove traffic from the M48 on the Caldicot to Rogiet link.
- A footpath costing £300,000 would come out of sustainable transport money. It was argued that this should come out of the money for the development.
- There should be more thought and action from developers.

A Member commented that the plans were not clear, and impacts could not be fully anticipated. The response should ensure clearer details from Welsh Government.

A member added that there were wider questions about the way the proposals would detract from other infrastructure projects for the rest of Wales. She agreed with previous comments that the Council should be clearer and stronger in their response. In addition the following points were highlighted, to be added to the response to Welsh Government:

- Progress on public transport, such as Metro, should be outstripping the progress on the M4. If we had better integrated public transport it would potentially negate the need for this particular solution.

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- In terms of integrated public transport, it should be noted that the transport grant had been cut by 40%.
- It should be added that there is a debate within the Council to whether the Magor and Undy by-pass is the best solution.
- The proposed junction east of Undy is over-engineered and not located appropriately should we want to progress our proposals around Severn Tunnel Junction. It would not assist with removing some of the traffic from the B4245, but simply move traffic into Rogiet.
- The current mitigation is entirely insufficient, and had been agreed by Welsh Government's noise expert, Peter Ireland, at consultations.
- The footpath from Rushwall to Barecroft Common does not meet Active Travel requirements.
- The footway potentially becoming a trunk road, meaning it is more dangerous to walk or cycle along. Previous requests to Welsh Government to reconsider this had simply resulted in the responsibility being referred back to Monmouthshire County Council.
- It was requested that further liaison with Welsh Government be undertaken.

A Member added that he felt strongly that the relief road was outdated and would simply move queues from one place to another. The Metro and other transport options should be the priority. Comparing the proposals to options in other European cities shows the project to be hopeless. Therefore he was unable to support the letter under discussion.

A Member urged that there be representation from this Council at Welsh Government, to be paid for by Welsh Government for engagement in the scheme.

In terms of the Metro, a Member added that rather than focusing on one scheme or the other, we should be concentrating on both, as much of the traffic comes from England, particularly with the likely increase of traffic with the reduction of the bridge tolls. The Metro would not take the pressure of the traffic from England.

The Cabinet Member for Community Development agreed with the comments raised and noted that the entire budget should not be focused on one project, particularly when we are being told there is no money to address problems within Monmouthshire in need of attention. There was some surprise that the letter had stated that the proposal fitted into the Integrated Transport Plan, and in fact the letter did not address work already agreed upon. It had been agreed for the M48 junction between Rogiet and Caldicot, with a direct link into Severn Tunnel Junction, with plans being drawn up and submitted to Welsh Government, yet this was absent from the letter. It was suggested that this be added to the new response.

The Cabinet Member for County Operations accepted the comments and noted the difficulty in timescales for submitting the original letter. The number of different views were noted but it was agreed there was a common thread that the scheme was outdated.

Upon being put to the vote we resolved to agree with the recommendation in the report. It was agreed that the letter should reflect that a number of Members had refused to ratify the letter.

The Chief Executive suggested that the final letter expresses the strong views within the Council. It should reference that there was a split view, but on balance, Members support the letter.

**The meeting ended at 4.05 pm**

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