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MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of County Council held
at County Hall, The Rhadyr, Usk, NP15 1GA on Thursday, 20th October, 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, R. Chapman, P. Clarke, D. Dovey, G. Down, A. Easson, D. Edwards, R. Edwards, P. Farley, P.A. Fox, R.J.W. Greenland, L. Guppy, E. Hackett Pain, B. Hayward, M. Hickman, P.A.D. Hobson, G. Howard, S. Howarth, D. Jones, P. Jones, P. Murphy, B. Strong, A. Watts, A. Webb, 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
Simon Kneafsey	21 st Century Schools Programme Manager

APOLOGIES:

Councillors J. Crook, D. Evans, J. George, R. Harris, S. Jones, S.B. Jones, J. Marshall, F. Taylor, P. Watts and S. White

2. Chairman's report and receipt of petitions

In opening the meeting the Chairman held a minute silence in memory of the Aberfan disaster.

The Leader took a moment to reflect and advised that Monmouthshire County Council would be observing the minute silence the following day. The Group Leaders echoed the sentiments of the Leader and a suggestion was made that the Leader and Chairman write to the Borough and offer the condolences of the people of Monmouthshire.

We received the Chairman's report.

County Councillor A. Webb presented a petition for a speed limit change on the A446, between Tintern and Llandogo.

The Chair of Strong Communities Select Committee referred to a recommendation had been made by the committee that a Members Seminar be arranged regarding speeding and road safety, and requested that this be followed up.

3. Declarations of Interest

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Declarations of interest were made by Members under the relevant item.

4. Public Open Forum

There were no items for the public open forum.

5. To confirm the minutes of the meeting held on 22nd September 2016

The minutes of the meeting held on 22nd September 2016 at 2.00pm were confirmed as a correct record and signed by the Chairman.

In doing so it was noted that item 13.1 should reflect that the Cabinet Member advised that all promises made to residents would be kept.

6. To note the action list of the last meeting

We received the Action List of the meeting held on 22nd September 2016.

County Councillor Greenland provided an update regarding the Velothon, following discussions with Run4Wales it had been agreed that there would be a rolling road closure for the 2017 Velothon professional race. Therefore the road closures would be much less than in previous years. We also heard there would be a shorter race, turning left at the A4042, and out of the County. Run4Wales would engage with businesses regarding the route at an early stage.

7. To receive the minutes of Audit Committee 15th September 2016

8. Notices of Motion

The Chairman advised that Council would receive item 9a ahead of 8a.

8.1. Motion from County Councillor A. Easson

That this Council will not employ anybody on "flex contract" terms and conditions. Furthermore this Council will discourage, in fact, demand that businesses supplying contract services to Monmouthshire will also not employ any such conditions.

County Councillor P. Clarke declared a personal, prejudicial interest pursuant to the Member's Code of Conduct as a Director of the Glen-yr-Afon House and Three Salmons Hotel which, from time to time, contracts services to MCC, and left the meeting during discussion.

In moving the motion Councillor Easson stated that MCC should not entertain such contracts, which could be used as a way of avoiding zero hour contracts. It thought that the issue could also be discussed at Audit Committee.

Members agreed that further clarification to explain flex contracts was needed, and this could be addressed through Audit Committee.

Councillor Easson proposed to amend the motion to include:
'and move this discussion to the Audit Committee for determination'.

The proposal was duly seconded, and the motion was carried.

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9. Report of the Head of People Services and Information Governance

9.1. Zero Hour Contracts

The Cabinet Member presented the report to provide full council with an analysis of the current use of zero hour / non-guaranteed hours (NGH) / casual contracts across the organisation, requested by full council on 22nd September.

During discussion we noted the following points:

- A few discrepancies were currently being investigated and it was hoped we would be completely compliant with the current guidance as soon as possible.
- Members received a list of areas where the contracts applied and were able to identify the services unable to exist without those arrangements.
- The Leader of the Opposition stated that the number of zero hour contracts had more than doubled in two years, as a result of cuts and an increased reliance on casual staff.
- Members were provided with details of zero-hour contracts with Newport City Council, but felt this was comparing bad practice against bad practice, and was not a helpful comparison. It was disappointing that at 9% MCC is above the 5% acceptable average.
- A Member referred to a few people who had worked 20 hours, sometimes more, for the last couple of years and were still on zero hour contracts. It was a concern that these issues were not identified through appraisal systems.
- It was asked if the Conservative/Liberal administration were confident and satisfied that none of the 318 people on zero hour contracts have worked regular, weekly hours over a period more than three months as part of main stream position.
- It was hoped that the new delivery model would not impact the people on zero hour contracts.
- The Leader thanked officers for the information and recognised that with more work to be done, we were heading in the right direction, and was reassured with the triggers for assessment. The Leader stated that he refused to take lectures from the Labour Group, whose many authorities across Wales were still unable to provide the living wage, unlike this Conservative controlled Council.
- The Chief Executive suggested that the detail should be referred to the Audit Committee and agreed to discuss with the Chair of Audit.

County Councillor Howarth proposed a motion that the Audit Committee look at the zero hour contracts within Monmouthshire County Council, and a report be presented to Council at the earliest time possible. The motion was duly seconded.

Upon being put to the vote, the motion was carried.

Council resolved to accept the recommendations in the report, along with the proposed motion:

- Council consider the information provided.

10. Report of the Head of Legal Services and Monitoring Officer

10.1. Standards Committee Selection Panel Report

The Head of Legal Services and Monitoring Officer presented a report explaining that 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 13th January 2017.

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Members were asked to recommend criteria for appointment and to establish a Panel to make recommendations to the Council for appointment.

We were advised that a Community Councillor from One Voice Wales and the Lay Member, High Sheriff had agreed to sit on the panel on this occasion. Furthermore, an advertisement for independent members would be placed in the South Wales Argus, and associated newspapers, with the deadline date being 18th November 2016.

We noted that existing members of Standards Committee could be nominated.

On behalf of the Conservative Group, the Leader nominated Councillor P. Jordan.

On behalf of the Labour Group Councillor Batrouni nominated Councillor J. Higginson.

On behalf of the Independent Group nominated Councillor F. Taylor.

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

- To appoint three elected members to a Panel for the purposes of Regulations 15 and 16 of the Standards Committee (Wales) Regulations 2001.
- To ask One Voice Wales to appoint a Community Council member to the Panel.
- That the Monitoring Officer, in consultation with the political group leaders, appoints a lay member to the Panel.
- 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.

11. Report of the Chief Executive

11.1. **Future Schools Programme**

County Councillor L. Guppy declared a personal non-prejudicial interest pursuant to the Member's Code of Conduct in relation to her role as a LEA Governor at Caldicot School, and a family member attending the school.

County Councillor D. Blakebrough declared a personal, non-prejudicial interest pursuant to the Member's Code of Conduct in relation to her role as a Governor at Monmouth Comprehensive School, and a child who is a student at the school.

County Councillor R. Edwards declared a personal, non-prejudicial interest pursuant to the Member's Code of Conduct as a family member attends Monmouth Comprehensive School.

The Cabinet Member welcomed The Head Teacher from Caldicot School, and Deputy Head from Monmouth Comprehensive school to the meeting. Council were presented with a report which provided an update 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.

The Chairman advised that he had received a letter on behalf of the pupils of Caldicot School thanking MCC for its decision to build the new school, and expressed gratitude to Councillors.

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Following a presentation by the 21st Century Schools Manager debate ensued, during which time the following points were noted:

- County Councillor Hayward expresses disappointment that the budget was already 15% overspent and questioned the justification for this. It was thought that fixed costs should be identified particularly as ground conditions were known prior to the start of the build. Further explanation regarding payment of costs was requested.
- There were concerns that the demolishing of the swimming pool would mean there would be no pool available for at least 12 months.
- The Cabinet Member responded that the cost of building materials and labour costs would remain the same regardless of the chosen site. The disruption to the school was known, and had been planned for. The costs were now fixed and any overspend would now be picked up by contractors.
- It was confirmed that the costs of borrowing for the additional capital budget required would come out of the maintenance costs for the school, not staff costs. The cost of maintenance for a new school would be minimal.
- It was confirmed that the school requires continuity of use of the sports hall, and there would be no other option than to close the hall for a period of time
- Members referred to 2.1.3 in the report:
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.*

County Councillor Batrouni stated that he could not support the second bullet point of the recommendation. There were also concerns regarding the assets available to be sold as per the first bullet point.

- In response the Cabinet Member explained that the assets were surplus buildings under the current plans for rationalisation, and county farms currently under offer. The point regarding schools was that any savings within school should be utilised to affect the prudential borrowing, which would be the smallest amount needed to borrow. He added it was not a case of staff reductions to achieve, but achieved savings assisting in the process.
- Members reiterated that concerns surrounded money management and failing promises, particularly that there has been a £17 million overspend, and the cost of the replacement pool requires further work to ascertain.

County Councillor J. Higginson left at 16:10pm

- The school would be designed for complete disabled access.
- Members expressed a lack of confidence in the Program Board and stated that Members should be more heavily involved in the decision making process.
- Councillor A. Watts expressed concern surrounding the lack of funding available for future development of Chepstow School.
- Councillor Down deplored the suggestion that the school should pick up the cost of interest from the borrowed money, unless the saving from the maintenance costs could be confirmed. He added that, as Councillor Hackett Pain had confirmed at the last Council meeting that the development of the pool would go ahead as promised, the

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Cabinet Member must have known at that time that the pool would not be built in accordance with promises made, and ought to consider her position.

- We were advised that the commitment to the pool remains and it was expected to be completed by the middle of 2018. With regards to financing, there would be another report to Council before the end of this year.

Councillor Howarth proposed an amendment to recommendation 2.1.3 bullet point 2, to read:

- *Prudential borrowing opportunities would be explored.*

The motion was duly seconded and Members debated the motion:

- Councillor V. Smith stressed that Members were misconstruing the bullet point in question, and highlighted that the schools would have a budget based on floor space, and heating a new design would hold a lower cost.
- The Chief Executive provided context to the issue, and provided information regarding the legal funding of schools.
- The Cabinet Member asked, if the recommendation is removed, which services Members suggest are stopped in order to provide the funding.
- It was confirmed that the energy savings would come out of all school funding and used partially to service the funding shortfall to move this program forward.

Council agreed to hold a recorded vote on the proposed amended recommendation. The outcome was as follows:

For: County Councillors Batrouni, Blakebrough, Chapman, Down, Easson, Farley, Hayward, Howarth, D. Jones, A. Watts, Williams, Wintle.

Against: County Councillors Burrows, Clarke, Dovey, R. Edwards, D. Edwards, Fox, Greenland, Guppy, Hackett Pain, Hickman, Hobson, Howard, P. Jones, Jordan, Murphy, Powell, Prosser, Smith, Strong, Webb.

With 12 for, and 22 against, the motion was defeated.

Therefore, Council resolved to agree the recommendations in the report:

- The Future Schools Programme Board recommends that Council:
 - 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
 - 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
 - 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 too:
 - Opportunity to release additional Council owned assets for disposal;

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- 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.

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

- 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.

The meeting ended at 17:10pm

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