MINUTES OF A MEETING OF TORFAEN COUNTY BOROUGH COUNCIL
held on Tuesday 24 June 2014 at 10.00am till 1.00pm approx.
in the Council Chamber at the Civic Centre, Pontypool

NB this meeting was broadcast live over the internet. The entire meeting and all the agenda items can be viewed via the following link:  http://www.torfaen.public-i.tv/core/portal/webcast_interactive/138458

The agenda for and the reports presented to this meeting are also available to view at:  http://www.torfaen.gov.uk/en/CouncillorsAndCommittees/Committees/CommitteeDirectory.aspx

Following prayers led by the Mayor’s Chaplain (Father Michael Phillips), the Mayor formally opened the meeting.

The Mayor reminded everyone present that the meeting was being broadcast live over the internet, welcomed everyone to the meeting and outlined procedural arrangements relating to microphones, noisy devices, emergency evacuation procedures and the like.

1. ATTENDANCE

Councillors

Mandy Owen (Mayor) (Chairing)

Stuart Ashley   Nigel Davies   Neil Mason
Mary Barnett    Stuart Evans   Norma Parrish
Huw Bevan       Alun Furzer   Jessica Powell
Stephen Brooks KSS JP    Maria Graham       Jeff Rees
Ron Burnett     Mike Harris   Philip Seabourne
Pamela Cameron  Elizabeth Haynes Graham Smith
Glyn Caron      Anthony Hunt Barry Taylor JP
Gwynveira Clark Mike Jeremiah Colette Thomas
Richard Clark   Lewis Jones   Wayne Tomlinson
Leonard Constance Robert Kemp   Neil Waite
Veronica Crick JP John Marshall Bob Wellington (Leader)
David Daniels   Brian Mawby David Yeowell
Giles Davies (Deputy Mayor)  Raymond Mills
Officers on the dais

Nigel Aurelius  Assistant Chief Executive (Resources)
Richard Gwinnell  Lead Officer, Council and Shadow Lead Officer, Elections
Lynda Willis  Chief Legal Officer and Monitoring Officer
Alison Ward  Chief Executive

Other officers attending or observing from the gallery for parts of the meeting

David Congreve  Assistant Chief Executive (Communities)
Richard Edmunds  Head of Strategic and Democratic Services
Sue Evans  Chief Officer, Social Care and Housing
Christina Harrhy  Chief Officer, Neighbourhood Services
Dermot McChrystal  Interim Head of Education Services
Duncan Smith  Chief Officer, Planning and Public Protection
Communications Team  Neil Jones
Improvement & Scrutiny  Lynne Williams
Legal Services  Delyth Harries and Tim James
Members Services  Rachel Beale and Nansi Salkeld
Webcasting  Chris Slade
Chris Latham, Stephen Peel, Gareth Phillips and Paul Wheeldon (for I.C.E. Award)

Other people attending

6 members of the press and public (in the public gallery)
Father Michael Phillips – Mayor’s Chaplain
Police Constable Damion Stockwin – Heddlu Gwent Police (for agenda item 11)
Joyce Redfearn – Education Recovery Board (for agenda item 12)
Non Jenkins – Wales Audit Office (for agenda item 13)

2. APOLOGIES FOR ABSENCE – COUNCILLORS:

Fiona Cross  Kelvin Harnett JP  Alan Jones
John Cunningham MBE KSG  David (Keith) James

ABSENT – COUNCILLORS:

Leonard Constance

3. DECLARATIONS OF INTEREST

3.1 Councillor Harris declared a personal and prejudicial interest in agenda item 16 (complaint – Local Protocol) as he was the member who complained.
3.2 Councillor Daniels declared a personal and prejudicial interest in agenda item 16 (complaint – Local Protocol) as he was the subject of the complaint.

- PRESENTATION - I.C.E. AWARD – AARON BRUTE’S BRIDGE

The Leader of the Council congratulated Stephen Peel, Gareth Phillips, Paul Wheeldon and all other relevant officers involved in Neighbourhood Services and the Blaenavon World Heritage Site Partnership on the recent Special Award for Heritage which had been awarded to the Council by the Institute of Civil Engineers (I.C.E.), for the excellent work done in preserving and re-opening the Scheduled Ancient Monument of Aaron Brute’s Bridge in Blaenavon. The Leader informed Council of the important history of the bridge and the exceptionally challenging nature of the works involved. He also thanked the Valleys Regional Park Team and Welsh Government for supporting the project and Alun Griffiths Contractors for their work.

Members applauded everyone involved and photographs were taken of the staff in attendance, with the Mayor and the Leader.

4. COUNCIL MINUTES – 8 APRIL 2014

4.1 Council CONFIRMED the minutes of the Council meeting held on 8 April 2014 as a correct record and agreed that they be signed by the Mayor.

5. COUNCIL MINUTES – 20 MAY 2014 (ANNUAL MEETING)

5.1 Council CONFIRMED the minutes of the Council meeting held on 20 May 2014 as a correct record and agreed that they be signed by the Mayor.

6. UPDATES ON ACTIONS

6.1 Council NOTED the updates listed in the agenda.

7. RECEIPT OF PETITIONS

7.1 One petition was received at this meeting, as follows:

1. Signed (electronically) by 5,013 persons and presented by Catherine Board of Thornhill, Cwmbran:
“Torfaen Council – leave our children’s resting places alone!

Torfaen Council has asked the relatives of those buried in Torfaen graves to remove some personal items by 31st May 2014. Torfaen Council said ...."While a certain amount of grave personalisation is acceptable, providing it is confined to the memorial area, items such as glassware, stone chippings, windmills, solar lights and wind chimes are not permitted."

However it seems the policy on the Baby Section allows a greater understanding of Personalising Baby Graves and only states that “no glass items will be permitted” and that “any items are confined to the grave area only.” We believe this allows us the flexibility to personalise the entire child grave, not just the headstone, and that all non glass items, within reason, can be placed there. So why have the parents been contacted to remove plastic windchimes, stones etc and in some insisted removal.

Additionally we understand that there have been no changes to existing cemetery policy but in most cases, the policy has not been enforced until now. Making the decision to rigorously enforce this policy has caused great distress to many families.

Therefore, we the undersigned call on Torfaen Council to have due regard to the feelings, thoughts and opinions of the relatives, many of whom actively clean and maintain the plots. We are outraged at the enforcement of the policy after all these years and even more distressed at the incorrect enforcement of the policy in relation to the Baby Graves."

7.2 COUNCIL REFERRED the petition to the Executive Member for Neighbourhoods (EMN) (via the Chief Officer, Neighbourhood Services, due to the absence of the Executive Member from the meeting today), for the Executive Member to investigate, respond and report back in line with the normal petitions process.

7.3 The Leader of the Council reported that he would make a statement on this issue later in the meeting, in response to the Members Question on the same subject.

8. PUBLIC QUESTION TIME

8.1 No public questions were received by the deadline for this meeting.
9. ANNOUNCEMENTS

9.1 The Mayor congratulated the Leader of the Council, Councillor Bob Wellington, on his recent CBE award. Members joined in applause.

9.2 The Mayor announced that pupils of Pontnewynydd School were today competing in the finals of the Jaguar Schools Formula 1 Challenge in Coventry, having beaten all other schools in South Wales already to compete against the best from elsewhere around the UK, to become UK Champions. She congratulated the pupils on their achievements so far and wished them every success in the finals. Members joined in applause.

9.3 The Leader stated that the Greater Gwent (Torfaen) Pension Fund had come a close second to the Greater Manchester Pension Fund (the largest scheme in the UK) for the prestigious title of Pension Scheme of the Year Award. He commented that this was a remarkable achievement, given the relative size of the Torfaen team and congratulated everyone involved. Members joined in applause.

9.4 The Leader referred to the Department for Communities and Local Government (DCLG) consultation on Opportunities to Collaborate (over Pension Funds), which was due to close on 11 July. He stated that officers of the Council and the Greater Gwent (Torfaen) Pension Fund were working together to respond and that the Chair of the Pensions Committee felt it advisable for the Council itself to respond, as well as for the Pension Fund to respond.

9.5 The Leader congratulated the Mayor, Councillor Mandy Owen, on her recent successful application to take part in the Leadership in Public Services Masters Programme. He explained the purpose, history and content of the programme, referred to past participants and wished the Mayor every success. Members joined in applause.

9.6 The Chief Executive congratulated the Leader on his recent CBE award, for services to local government and heritage, referring to the Leader’s hard work and success, in particular his championing of the Blaenavon World Heritage site; his contribution to Torfaen, the region and the whole of Wales; his position as the longest serving council leader in Wales; and his various other roles, including as Leader of the Welsh Local Government Association. Members joined in applause.

9.7 Councillor Mawby expanded on the Leader’s announcement about the Pension Scheme consultation, emphasising that Council was asked to delegate authority to respond to the DCLG consultation.

9.8 COUNCIL AGREED to delegate authority to members and officers of the Council and the Pension Fund to respond to the DCLG consultation on behalf of the Council by the 11 July 2014 deadline.
10. **REVISED CABINET AND MEMBER CHAMPION ROLES**

10.1 The Council considered a report of the Leader of the Council, seeking approval to the amendment of a number of Cabinet portfolios and to appoint Member Champions.

10.2 The Leader briefly introduced the proposals. In answer to a question from Councillor Rees, he stated that he would be happy to consider any other expressions of interest in the position of Member Champion in future years.

10.3 **Council AGREED:**

- a) that the post of Executive Member for Corporate Governance and Community Safety is deleted
- b) that the post of Executive Member for Communities be created with the functions set out in Appendix 2 to the report
- c) the appointment of Councillor David Daniels to the position of Executive Member Communities
- d) that the post of Executive Member for Children and Young People is deleted
- e) that the post of Executive Member for Education be created with the functions set out in Appendix 2 to the report
- f) the appointment of Councillor David Yeowell to the position of Executive Member Education
- g) the appointment of the non portfolio Member Champions as set out in Appendix 3 to the report, i.e.

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Members Training & Development Champion       Councillor Mary Barnett
Armed Forces Champion                         Councillor Giles Davies
Carers Champion                               Councillor Mandy Owen
Sustainability Champion                       Councillor Stuart Ashely
Tourism Champion                              Councillor Nigel Davies
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- h) that the post of Executive Member Neighbourhood Services be re-designated Executive Member Neighbourhoods
- i) that the post of Executive Member for Health, Social Care, Wellbeing and Equalities be re-designated Executive Member for Health, Social Care and Wellbeing
- j) that the revised Cabinet portfolios set out in Appendix 1 and expanded in Appendix 2 to this report are approved
- k) that the Chief Legal Officer and Monitoring Officer be delegated authority to amend the Council’s Constitution accordingly, subject to consultation with the Members’ Constitution Working Party
- l) to note the appointment of the Portfolio holding Member Champions in Appendix 3 to the report, i.e.

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Older Persons Champion                      Councillor Lewis Jones
Diversity Champion                          Councillor David Daniels
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11. **HEDDLU GWENT POLICE – OFF-ROAD BIKING**

11.1 The Council received a verbal report from Police Constable (PC) Damion Stockwin of Heddlu Gwent Police on the Operational Plan to tackle off-road biking in Torfaen. He emphasised in summary:

- that off-road biking was a national problem, which was very expensive, difficult and labour intensive to deal with
- the limitations within which it could be tackled e.g. the need to ensure the Police did not put people in danger on public roads or in challenging off-road situations
- that off-road bikes were destroying some parts of the local countryside and were often unregistered for use on roads
- that, as soon as off-road bikers got to hear the Police were on the mountainside, they fled to another area
- that for the months of April, May, June, July and August this year, the Police were therefore targeting known drop-off, pick-up and meeting points (e.g. garage forecourts, pub car parks etc) between 1pm to 7pm every Saturday and 12pm to 7pm every Sunday, to ensure an effective and consistent approach to preventing off-road biking in Torfaen
- that this was a high-visibility, zero tolerance approach, with two marked police cars and one 4x4 vehicle, all offences prosecuted and vehicles seized where appropriate
- that the approach had been very successful to date, with complaints dropping to zero in June and very few complaints since then
- that many meetings had been held with local people in the planning stage
- that the operation would be monitored closely, with reports being prepared on its conclusion in the Autumn, so that any lessons could be learned for the future.

11.2 Members welcomed and thanked PC Stockwin for the update. Particular comments were made or questions were asked about:

- the problems in particular areas including the Blaenavon World Heritage site, with 4 wheel drives and motorbikes
- whether the Police in Torfaen were working with other Police officers in Blaenau Gwent and elsewhere
- the need to put pressure on the Welsh Government to reintroduce funding to replace the “Forgotten Landscapes” Police officer
- the shifting nature of the problem, as off-road bikers moved across the mountains to a neighbouring area, when local police in one area stepped up their enforcement work
the need to work with neighbouring local authorities, the Welsh Government, Assembly Members, commoners and others to tackle the problem on a regional basis

the destruction of the whole of the South Wales hillsides by motorbikes and the disruption caused to people’s livelihoods and enjoyment of the area

the need to look for areas of land which could be allocated for off-road biking

the likelihood of a dedicated track being provided in Torfaen being very low, due to health and safety, licensing, noise and other issues

the need to support the Circuit of Wales track

whether and how bike seizures and prosecutions would be publicised to deter others

whether this new initiative built on the work of previous successful initiatives or was a fresh approach

the need for a consistent approach, encouraging responsible riding and discouraging irresponsible riding

prevention being better than cure

the need to educate young people in schools and youth clubs about the dangers of off-road biking

why the Police could not pursue off-road bikes and whether they could use off-road bikes themselves to deter offenders

the off-road biking site located at Blackwood, which had been there for several years

the need for a new approach; off-road biking was a decades-old problem which would never be stopped.

11.3 PC Stockwin replied (to the main points) that:

officers worked closely with officers from other areas

he would look into the suggested joint approach further, as well as whether there may be an option to widen the initiative to tackle other off-road vehicles

he would welcome any opportunity to attend meetings in other local areas affected by off-road biking issues

consideration would be given to publicising bike seizures and prosecutions if that helped

police officers did move around but the current operation learnt lessons from the past

the high visibility approach was best; off-road bikers knew not to come to Torfaen

he would report at the end of this initiative so that any lessons could be built upon in future

more would be done in future in terms of education and prevention, but the current focus, over the summer months, was on enforcement

the Police Off Road Bike Section had been disbanded in 2013.
11.4 The Leader reminded members of the historical context of the issue and specifically that, the last time there was funding for police resources in Torfaen to tackle off-road biking and other countryside issues (under the Forgotten Landscapes project), the problem had moved, to Blaenau Gwent and elsewhere. He stated that the problems had returned over time, when the funding for extra Police resources and previously successful networks, between the Police and commoners representatives for example had stopped. He stated that this was a regional issue, needing a collaborative approach, and asked officers to bring back a report on what was being done by the Council in this regard.

11.5 **COUNCIL NOTED** the verbal report of PC Stockwin.

12. **TORFAEN EDUCATION RECOVERY BOARD**

12.1 The Council received a verbal report from Joyce Redfearn, Chair of the Education Recovery Board, on the Board’s progress in Torfaen. She explained in summary:

- the background to the Recovery Board’s appointment in October 2013 (i.e. the Estyn Inspection of 2011 and the Estyn findings in 2013 that the local authority had made limited progress, that the picture remained unsatisfactory, that the pace of change was too slow, that improvement may not be sustainable and that a wider focus was needed)
- the role of the Board, which was to support and challenge the authority, to help bring about improved outcomes for children and young people quickly
- the need for the authority to take a broader view of wellbeing for children and young people and to have greater pace and challenge to ensure the best outcomes
- that the Board had had 4 formal meetings to date, with many more informal meetings with various people
- that good working relationships were developing between the Board and the Leader, Executive Member, Chief Executive, Scrutiny Chair, the Chief Education Officer and others, whilst meetings had not always been easy, the relationship was one of challenge and support, and was by no means “cosy”
- that the Board reported back regularly to the Minister
- that the most recent report referred to the positive changes which were occurring (e.g. building capacity, consistency and sustainability at political and managerial levels)
- that an Improvement Plan was now in place
- that partnerships were also working well, but needed to be more joined up and needed to have a more challenging role
- that “green shoots” of improvement and progress were clearly evident, in terms of partnerships, shared priorities, challenge, actions leading to outcomes, the developing contract with the Education Achievement Service (EAS) and
the recent appointment of a Head of School Improvement for example

- that performance on NEETS (young people Not in Education Employment or Training) was very promising
- that Estyn would continue to return for more monitoring visits, with an expectation of further improvement each time
- that a number of Head Teachers had attended a recent Board meeting
- that it appeared there may be a gap at the stage when children moved from primary school to secondary school, with children’s attainment levels reported by primary schools not translating into levels achieved by children at secondary schools
- that further debate was needed about the data gathered and what it meant, what was happening in primary schools and how the Torfaen experience related to other parts of Wales
- that, as was the case with all change, performance was likely to dip at first, before sustainable improvement was seen, so immediate results could not be expected
- that the pace of change was nevertheless a big issue – the Board would challenge and support as necessary to ensure positive change kept gathering momentum
- that she admired the commitment of everyone involved in Torfaen, to improvement and change.

12.2 Members welcomed and thanked Ms Redfearn for the update, with particular comments made or questions asked about:

- whether the six week gap between children leaving primary school and joining secondary school was an issue, in terms of children forgetting what they had learnt
- whether the Board was confident about the capacity of the EAS to deliver school improvement
- whether improvement was more likely to occur if existing people stayed in post, or whether appointing new people was more likely to produce results
- whether primary school head teachers agreed that there may be a problem with primary attainment data
- that Torfaen should not be in Special Measures
- whether the gender balance in schools (i.e. the lack of male teachers) was a factor in educational attainment
- that Torfaen was not alone; many other authorities were also in Special Measures
- that, according to the PISA figures, educational attainment was a Wales-wide problem, with Wales lagging far behind other parts of the UK
- what could be done to tackle this issue
- that the Board was working well with Torfaen, with a good balance of support and challenge and good outcomes
that all members and officers were committed to working with the Board to get the best outcomes for children and young people
- the importance of fostering a spirit of working with parents and with local communities, which was a key success factor
- the encouraging, productive and positive relationship which was developing between the Board and the Council
- the Board’s effectiveness in challenging and “telling it like it is” – and the need to see the Board as a means of support
- that there was a long way to go, but things were moving in the right direction
- why some Welsh schools were choosing the English curriculum.

12.3 The Chair of the Recovery Board responded in summary that:

- parents were often surprised when the results reported for their children at primary level did not translate into their performance at secondary level
- this was an issue across the whole of Wales, but seemed to be a bigger issue in Torfaen
- it may indicate a fundamental problem, by which secondary schools could not possibly achieve what was expected
- better measures were needed, of the attainment of children when they left primary school
- several other local education authorities (LEAs) in the region were also in Special Measures
- LEAs needed to be clear what they expected the EAS to do, with contracts, challenge and proper monitoring of whether the EAS was actually helping deliver school improvement
- the EAS had a key role in ensuring the sharing of best practice between schools, as did schools themselves
- improvement was often achieved when people stopped denying there was a problem, accepted that there was a problem, and started work to find a solution
- it was usually not about changing the people involved, but about those people having the bravery and willingness to recognise the problem and take the tough decisions needed
- the solutions were available; the key was bringing them into effect and challenging each other to keep on improving
- the question about children’s attainment at primary level had been raised initially by a primary Head Teacher
- Torfaen was not delivering as well as many other places in Wales, in terms of educational outcomes
- it therefore needed help to ensure every child received the best and could be the best
- teacher gender was not an issue; the issue was their ability to inspire children and their competence
- the Recovery Board was working in a national context
- the picture of education in Wales was improving, with many initiatives such as Challenge Cymru currently underway
• focusing on the local picture was important at this stage, not wider political issues
• values education was very important, as was working with parents, in order to give children the best possible start.

12.4 COUNCIL NOTED the verbal report of Ms Redfearn.

13. ANNUAL IMPROVEMENT REPORT

13.1 The Council considered the Annual Improvement Report, prepared by the Wales Audit Office (WAO) and presented by Non Jenkins of the WAO, detailing the WAO’s view of the Council’s improvement in service delivery and evaluation over the 2012/13 financial year and its planning of improvement for 2013/14.

13.2 Ms Jenkins emphasised in summary (or responded to questions):

• that this was a backward-looking report, summarising the results of past service improvement reviews
• that the Council’s own evaluation of its 2013/14 performance was due in October this year; that would shed further light on how things were improving
• looking back to 2012/13, performance was mixed, with some areas of good performance and some less good
• the Council itself recognised that it needed to improve its service delivery outcomes and was keen to strengthen its performance management arrangements in some areas
• the Council’s accounts were sound, self-evaluation was improving and past data quality issues were being dealt with
• the Council had a large number of priorities for improvement
• the Council needed to focus on fewer overall objectives and decide on its highest priorities, so that it was more likely to achieve the results it set out to achieve, rather than being too ambitious and raising expectations too high
• some of the conclusions of the WAO report were harsh, but they reflected the significant amount of change taking place
• they also reflected the position the Council found itself in during 2012 and 2013 with, for example, the Estyn findings and the LEA’s subsequent Special Measures status
• the WAO recognised that the Council was committed and working hard to improve, was self-aware, and that things were improving (as the Chair of the Recovery Board had also indicated earlier in the meeting)
• the key issue was about the pace of change and the amount of change; it was about the Council doing what it had said it would do, and making a real difference to people’s lives
• the Council was making a large number of changes but it was too early at this stage for the WAO to be able to judge, with any certainty, whether the Council would improve sufficiently and with adequate pace
this current year was therefore the “prove it” year, in terms of the Council showing how its efforts were making things better for the people of Torfaen, and how quickly.

13.3 Members commented, in summary:

- with thanks to Non Jenkins for her report and commentary
- welcoming the commitment of the WAO as well as the Education Recovery Board to supporting and challenging the Council
- on the Council’s determination to improve and success in doing so in many areas, e.g. in education and in terms of helping vulnerable people and families through the recession
- that prioritisation was difficult; inevitably prioritising some things meant de-prioritising others
- that the Council was in the midst of the most sustained and most severe financial restraint it had ever seen
- that the Council had and would continue to have ever fewer staff and ever less money to deliver services
- on the need to do more with less
- that there were only so many things the Council could do and prioritise; once education and social care were prioritised, over half the resources available for all services was gone
- that the Welsh Government and WAO should think about whether their expectations were too high
- that the report represented a significant challenge for political leaders and councillors in the year ahead
- that the WAO and Education Recovery Board reports were both quite optimistic
- that all members seemed to agree on the need to do better, which was not the case a few years ago
- that realistic acceptance of the situation, commitment to change and recognition of the limited resources available were a springboard to improvement
- that a difficult message was no bad thing; it was a helpful pointer to future success
- with particular concern in some areas of performance, e.g. in relation to housing benefit and waste management targets.

13.4 COUNCIL AGREED

(1) to note the Auditor General’s Annual Improvement Report for the Council for the 2013/14 financial year; and

(2) to ask the Council’s Audit Committee to continue to monitor the progress made in addressing the accepted proposals for improvement contained within that report.

14.1 The Council considered a report of the Chief Executive, seeking approval to the above plan.

14.2 The Chief Executive outlined the report briefly, emphasising:

- the need for fewer objectives and priorities
- that the Council could not keep on doing everything for everyone at the same level, given the ever decreasing level of resources available and the particular focus on improving educational outcomes
- the need for realism; there was no spare resource
- that this was a forward looking plan, about what the Council was specifically planning to improve upon over the next year
- the need to be clear about affordability and to focus on the issues of most relevance to citizens
- the ten improvement objectives for the year ahead, around education, social care and waste
- that this did not mean other areas would not improve; it was about being more realistic about what could be achieved.

14.3 Members questioned or commented in summary:

- whether the plan could be changed during the year to reflect changing circumstances (e.g. new regeneration funding)
- that a members seminar should be arranged to discuss some of the detail of the plan in greater depth
- that the objectives were very over-arching in nature
- that it was difficult to argue with any of the ten objectives – they were all very important
- that the plan seemed a reasonable and sensible approach.

14.4 The Chief Executive responded in summary that the plan needed to be agreed and work needed to focus on the top priorities which the Council agreed. To keep changing the priorities would not work.

14.5 Discussion also took place on the request for a member seminar, which the Chief Executive undertook to arrange.

14.6 COUNCIL APPROVED (with 2 members abstaining from the vote and all others voting in favour) the Council’s Forward Facing Improvement Plan for the 2014/15 financial year, attached as appendix one to this report.

15. WEBCASTING IN TORFAEN

15.1 The Council considered a report of the Head of Strategic and Democratic Services (HoS&DS), which he outlined, seeking approval to the further development of webcasting.
15.2 Members commented or questioned in summary:

- welcoming the extension of webcasting to other meetings
- on the thousands of people watching meetings and also then potentially telling others about them
- that the Council had purchased 60 hours of webcasting for the year; did this extension mean more hours were needed
- that it would be helpful to analyse the numbers of people listening to the webcast without necessarily watching it
- whether “Planning and Licensing” meant those committees, or whether it meant panels too
- that Torfaen was leading Wales with webcasting
- that many authorities were getting the facilities to webcast but not many were successfully webcasting yet
- that some local authorities feared webcasting
- that the microphone system in the Council Chamber was not fit for purpose; a further report should be submitted on the amount of money spent on webcasting, whether any money was left (from the Welsh Government grant for this purpose) and whether a new microphone system may be an option
- whether Special Overview and Scrutiny (O&S) committee meetings and sub-committees could also be webcast
- how pre-meetings and exempt meetings were treated
- that further breakdowns of the statistics would be helpful and
- that the number of people watching meetings via the webcast demonstrated democracy at work.

15.3 The HoS&DS stated in answer to questions that:

- if the 60 hours webcasting purchased to date was exceeded, an additional 30 hours could be purchased for approximately £1,000; this was within budget
- it was proposed that Planning and Licensing Committees but not panels be webcast
- it was proposed to webcast Special O&S committees
- webcasting was increasingly being seen as the norm
- not to webcast was now the exception
- webcasting sub-committees would need further consideration
- investigations had been undertaken in regard to a new microphone system; at a cost of around £60,000, it was not affordable
- a roving microphone was available if any microphone failed
- webcasting was proposed for public meetings; not exempt meetings and not pre-meetings.

15.4 **COUNCIL APPROVED** the webcasting of all future Overview and Scrutiny Committee and Planning Committee and Licensing Committee meetings.
15.5 Councillors Harris and Daniels left the meeting before the next item was dealt with, due to the personal and prejudicial interests they had declared earlier.

16. OUTCOME OF COMPLAINT - LOCAL RESOLUTION PROTOCOL

16.1 The Council considered a report of the Chief Legal Officer and Monitoring Officer (CLO&MO), reporting the decision of the Ethics and Standards Committee in relation to a complaint brought under the Local Resolution Protocol.

16.2 The CLO&MO briefly outlined the background to the Local Protocol and the findings of the Ethics and Standards Committee.

16.3 COUNCIL AGREED (with 8 members voting in favour, none against and 23 abstaining from the vote) to accept the decision of the Ethics and Standards Committee made on 19 March 2014 in relation to a complaint by Cllr Mike Harris against Cllr David Daniels, namely that, by a majority, the committee decided that there was a basis for the complaint as the Tweet [sent by Cllr Daniels] was inaccurate but that no further action was recommended as the Tweet, though inaccurate, was not malicious in intent.

16.4 Councillors Harris and Daniels returned to the meeting after the above item had been dealt with.

17. ADOPTING THE MODULAR CONSTITUTION

17.1 The Council considered a report of the Chief Legal Officer and Monitoring Officer (CLO&MO), explaining the background to the development of a Modular Constitution and seeking approval to a methodology for adoption of the same.

17.2 The CLO&MO outlined the report. She emphasised that any changes to the Constitution would need to come back to Council for approval. She also reminded Council that 4 members had been appointed to serve on the Members Constitution Working Party (MCWP), but that up to 7 members could be appointed to it, on a cross-party basis.

17.3 Councillor Rees pointed out that the Plaid Cymru and Conservative Groups were not currently represented on the MCWP and asked that their leaders be given the opportunity to nominate.

17.4 The Leader of the Council stated that he would discuss this with the non-represented political group leaders and the CLO&MO in due course.

17.5 Discussion ensued on the timing of the next MCWP meeting and the process of appointing new members to serve on it (whether that
should be done today or in the future), following which:

17.6 **COUNCIL AGREED (with 2 members abstaining from the vote and all others voting in favour)** that the Chief Legal and Monitoring Officer, in consultation with the Members Constitution Working Party, shall draft the Constitution of Torfaen into a model format and present the draft for formal approval to Council.

18. **DEMOCRATIC SERVICES COMMITTEE MEMBERSHIP**

18.1 The Council considered a report of the Chief Legal Officer and Monitoring Officer (CLO&MO), which she outlined briefly, seeking the appointment of a Chair and/or new member(s) as appropriate to the Democratic Services Committee (DSC).

18.2 Councillor Haynes (the Leader of the Largest Opposition Group) stated that Councillor Jeremiah remained the Independent Group’s nominee to the DSC.

18.3 Councillor Richard Clark stated that discussions had taken place between the Majority Group Leader and the Largest Opposition Group Leader since the last Council meeting. Discussions had also taken place with Councillor Harnett, who was absent today but had agreed to Chair both the Democratic Services Committee and the Audit Committee. On his motion:

18.4 **COUNCIL AGREED (with 3 members abstaining from the vote and all others voting in favour)** to appoint Councillor Kelvin Harnett JP to Chair the Democratic Services Committee for the municipal year ahead.

19. **MEMBER QUESTION TIME**

19.1 Members’ questions, the replies to those questions, and any actions required are set out in appendix A to these minutes.

20. **DATE OF NEXT MEETING**

20.1 **COUNCIL NOTED** that its next meeting was scheduled for Tuesday 22 July 2014 at 10.00am in the Council Chamber at the Civic Centre, Pontypool, NP4 6YB.

21. **CABINET DECISIONS – 1 APRIL, 6 MAY, 19 MAY AND 10 JUNE 2014**

21.1 **COUNCIL NOTED** the Cabinet decisions, which were set out in the agenda.
The Mayor closed the meeting at 1.00pm approximately and reminded members to sign the attendance and declarations of interest registers if they had not already done so.

Signed as a correct record by the Mayor

Minutes produced by Richard Gwinnell, Lead Officer, Council and Shadow Lead Officer, Elections

Appendices: A – Members’ questions and replies
COUNCIL MEETING – 24 JUNE 2014 - MEMBERS’ QUESTIONS AND REPLIES

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<th>NO.</th>
<th>QUESTION</th>
<th>REPLY</th>
<th>ACTION</th>
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<tbody>
<tr>
<td>MQ1.</td>
<td>From Councillor Wayne Tomlinson:</td>
<td>From Councillor Gwyneira Clark, Executive Member for Housing, Planning and Public Protection:</td>
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<td></td>
<td>The measures being taken by the police in Torfaen to stop off-road biking are very encouraging, as is the part we play in working with them. Ward members and residents of the Abersychan ward and especially those that live close to or adjacent to the private derelict land at the British, Talywain would like to know if there is land available to accommodate off road motorbikes within the county borough of Torfaen. The problems of off road motorbikes have got worse and it is now unbearable for residents to live peacefully in their own homes because of the constant noise, speeding and harassment caused daily by off road motorbikes. If any land were such a possibility then obviously there will be a need for off road motorbikes to be properly marshalled, insured and well away from housing and leisure routes.</td>
<td>As part of the preparation of the Local Development Plan (LDP) a ‘Call for sites’ was advertised. This allowed anyone to submit a request for a use or piece of land to be included in the consideration of the LDP. No land was put forward for off-road biking and also no request was made for land to be made available for off-road biking. Therefore no land was allocated for this use in the LDP. In recognition of the problems that unregulated off road biking is causing at locations such as the British, however, a meeting was held on 3 June 2014 with representatives of the commons associations, police, local councillors and officers from Torfaen and Blaenau Gwent to consider the issue. The first meeting of a working group, led by Gwent Police, will be held on 11 July with the aim of developing an action plan to deal with this issue. Should potential sites arise through this process, they will be considered through the planning process. I was very encouraged, as you and others would have been, by the discussion we had this morning. This is not just a police matter - we also need to have other partners on board to resolve the situation.</td>
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<td>MQ1.a</td>
<td>Supplementary:</td>
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<td>Could we have a seminar on this subject please and involve the local police due to their role?</td>
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<td>It would be entirely up to the Leader but I am sure he would welcome a seminar on this issue as it affects the whole of Torfaen, not just the north of the borough. It would be good to discuss this openly in a seminar.</td>
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<td>MQ2.</td>
<td>From Councillor Alun Furzer (on behalf of Councillor Alan Jones):</td>
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<td>With the recent media attention on the Council’s Cemetery Rules and Regulations, does the Executive Member feel a member seminar to explain why certain items are not allowed would be beneficial as there seems to be a lot of confusion surrounding grave personalisation?</td>
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<td>From Councillor Bob Wellington CBE, Leader of the Council (on behalf of Cllr John Cunningham, Executive Member for Neighbourhoods):</td>
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<td>I think it is timely that we hold a member seminar on this issue so members, some of whom have been newly elected since the rules and regulations were agreed, can fully understand why certain items are not allowed and to give a view on whether the rules and regulations should be changed. I will seek a seminar date, preferably before recess if that is possible.</td>
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<td>A seminar will also allow us to address some of the matters that have been raised in the media on this issue. The department gave advance notice of their intentions using signs, the local media, Torfaen Talks and our website so that the policy made clear a two month period was allowed for items to be removed by the owners.</td>
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<td>However I think it’s right that we apologise for any distress caused to relatives and agree to learn lessons from what has happened. There is a delicate balance to be struck between the wishes of all the relatives of those buried in our cemeteries. We also need to be able to maintain our cemeteries so that they don’t become overgrown. This is very complex, it’s a very emotive issue, we need to deal with it with care, we have apologised as a local authority and we now need a seminar so that the newer members can have an understanding of the policy.</td>
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<td>MQ3.</td>
<td>From Councillor Glyn Caron:</td>
<td>From Councillor David Yeowell, Executive Member for Education:</td>
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<td>From Councillor Glyn Caron:</td>
<td>With the changes that will be happening to the EAS. Whither School Improvement in Torfaen?</td>
<td>I believe that the changes at the EAS will enhance school improvement.</td>
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<th>MQ4.</th>
<th>From Councillor Colette Thomas:</th>
<th>From Councillor Bob Wellington CBE, Leader of the Council:</th>
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<td>From Councillor Colette Thomas:</td>
<td>The provision of a good Broadband service in Henllys is urgently needed for domestic and business use. I have received numerous complaints from residents about Broadband speed. What is the Council doing to resolve this problem?</td>
<td>This is something that the Council has no direct control over. You will however, no doubt be aware, in some parts of Wales, the rollout of a superfast broadband infrastructure by commercial providers has been taking place for a number of years, but has to date been limited to those highly urbanised areas where it is commercially viable for the broadband infrastructure companies to invest. This has included some parts of Cwmbran, but not all.</td>
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In 2013, Welsh Government launched a joint venture with BT – Superfast Cymru – to extend superfast broadband infrastructure to areas where it had previously been commercially unviable. They have a target of bringing the appropriate infrastructure to 96% of properties in Wales by 2016.

Officers in Torfaen have met with Superfast Cymru to scope out when this infrastructure will be installed. Although BT have confirmed that all 4 telephone exchanges in Torfaen will be “fibre-enabled” as part of the programme, they are unable to provide specific information about when this will reach specific cabinets. In practical terms, this means that they are not able to tell us when a specific community will have access to the new infrastructure or the specific speeds they will receive.

Their reason for this is that the engineering works involved in upgrading to new fibre-optic cabinets can be quite complex and can require planning consent, road closures etc all of which might delay parts of the cabinet improvement programme. This makes it very difficult to accurately predict when a specific cabinet will be enabled.
Officers have however spoken with Superfast Cymru specifically in relation to Henllys and have received an email confirming that the Henllys area is within the scope of their rollout programme. We have been assured that the non-commercial rollout programme in Torfaen will commence in March 2015, and it is expected to take approximately 12 to 18 months to complete. Unfortunately, we have no control over the order in which cabinets are enabled.

Torfaen Council are working with Welsh Government to try and find ways to encourage the exploitation of the new infrastructure once it has been installed. However, I should point out that once the infrastructure has been installed, residents / businesses will still need to purchase their superfast broadband via an Internet Service Provider (ISP), and this will dictate the price that they pay.

Superfast Cymru have suggested that any interested residents / businesses register on their website to receive updates on the rollout programme.

**MQ5.**

**From Councillor Robert Kemp:**

Would the Executive Member give a statement in regard to the working schedule for both the maintenance and cleaning of TCBC Public Bus Shelters?

**From Councillor Bob Wellington CBE, Leader of the Council (on behalf of Cllr John Cunningham, Executive Member for Neighbourhoods):**

Following recent budget reductions, there is no longer a schedule of cleansing for the fabric of bus shelters. Shelters are cleansed on a reactive basis, following concerns raised by members, the public and our Highway Inspectors.

The timescale for response is dependant upon the nature of the concern, for example, abusive graffiti would be promptly addressed but other complaints would be cleaned as resources allow.
In terms of cleansing the internal areas of shelters, these are undertaken as part of the street cleansing schedule, which is a cleanse once every 10 days. Weeds are sprayed and grubbed once annually or to address specific issues or concerns.

With regard to the maintenance of bus shelters, inspections are carried out annually and one annual order is issued to our shelter contractor to carry out any necessary repairs. Officers also respond reactively to any immediate safety concerns.

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<th>MQ6.</th>
<th>From Councillor Jeff Rees:</th>
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<td></td>
<td>Many residents in Fairwater and Coed Efa suffered flooding in their homes on the 22nd of May. Were all the culverts and drains that TCBC are responsible for in those areas, clear before then?</td>
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<p>| From Councillor Bob Wellington CBE, Leader of the Council (on behalf of Cllr John Cunningham, Executive Member for Neighbourhoods): |
| The flooding event of 22 May was exceptional. There are Officers within Neighbourhood Services, with 30 years experience, who have not witnessed an event of that nature. |
| The maintenance schedules for both gully and culvert cleansing within Torfaen County Borough Council’s responsibility were up to date. All culverts had been recently checked for debris and were clear at the time of inspection, typically a week before the event. Gullies are inspected on an annual basis. There are no areas of concerns across Torfaen County Borough Council where it is thought there is a significant number, or area, of blocked gullies. |
| Members should be aware that there are also gullies, particularly across Cwmbran, in parking areas that are the responsibility of Bron Afon Community Housing. |
| During and immediately following the event, Council employees were working to deal with the effects of the event, including unblocking gullies and culvert grills and dealing with the significant amounts of debris brought down water courses by the massive volumes of water. |</p>
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<th>MQ6.a</th>
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<td>Officers continue to work on assessing the event and a report will be produced in due course which will quantify and qualify the weather conditions and any opportunities we may have to clean the gullies.</td>
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<th>MQ6.a</th>
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<td>We are currently drafting a report on the flooding incident that took place on 22 May, following which we will be assessing if there are any remedial works that can be put in place to mitigate future property flooding incidents due to extreme weather. However, funding for such schemes will be difficult in the current economic climate, as any such flood prevention measures will be costly and beyond the existing departmental budget allocations.</td>
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<th>MQ7.</th>
<th>From Councillor Maria Graham:</th>
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<td>With more housing developments planned further up the valley resulting in the faster distribution of storm water into the Afon Llwyd, has the Council done a risk assessment about possible flooding resulting in the Llantarnam ward?</td>
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<tr>
<th>MQ7.</th>
<th>From Councillor Gwyneira Clark, Executive Member for Housing, Planning and Public Protection:</th>
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<td>The issue of flood risk was considered in the preparation of the Torfaen Local Development Plan (LDP) and apart from 3 sites (The British, Usk Vale and the Eastern Strip, Cwmbran), all sites selected were outside identified flood risk areas.</td>
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| MQ7. | Flood risk was a key issue for the LDP to address. A Broad Level Assessment identifying the national policy context for flood risk and how the precautionary principle advocated in national planning guidance to avoid development in the flood plain was embraced in the LDP site process. A specific paper, accompanying the LDP process, identified the information the Council has on a site-specific basis identifying where the consequences of flooding can be managed, as well as setting out the justification for the inclusion of the small number of sites (the 3 I mentioned). |
In addition all new developments are required to be designed to have no greater than existing greenfield run-off rates so that all new developments will not add to downstream flooding.

New housing developments are designed so that surface water within the site is stored within pipes or underground tanks and is then released slowly so that its release does not coincide with a storm.

This design process ensures that there is not a faster distribution of storm water into the Afon Llwyd and where we know there could be a flood issue we further restrict the run-off sites.

We do ask for a Flood Consequences Assessment as part of the Planning Application process where we believe there is a risk of flooding. We determine this by referring to the flood plans produced by Natural Resources Wales.

A Flood Consequences Assessment was produced for the Cold Store site in Llantarnam and Barratts would have designed their site accordingly. However I would point out that no strategy or risk assessment would have considered the storm event of the 22nd of May. It was one of those storms, I think, where each and every one of us will remember where we were at the time.

In accordance with the Flood Risk Management Act the Land Drainage Officer will be producing hazard maps and a Flood Risk Management Plan for the County Borough.

Councillor Graham, it may be useful for you and any other member who would like, to see how a new development takes on flood risk, as we saw in New Inn. Councillor Mills and the Leader and I visited a new development there and saw the underground storage, containing the water and allowing slow drip-off. If you wanted to see that, we could arrange that, I’m sure would find it interesting and that it would prevent flooding further down the
**MQ8.** From Councillor Jeff Rees:

At a strategic level, in terms of economic outcomes, how important is it to the residents of Torfaen that Wales stays in the EU and can access funds from it?

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From Councillor Bob Wellington CBE, Leader of the Council:

It's hugely important; the EU brings real benefits to Wales and Torfaen. Through the single market and billions of pounds of EU funds. Through the Structural Funds, Wales has benefited from just over £4 billion since the year 2000, supporting business, research and innovation, helping people into work, increasing skills, improving transport and digital networks, regenerating our communities, and enhancing our environment.

There have also been major infrastructure investments including the work currently being carried out on the A465 Heads of the Valleys route.

Since 2007 in Wales, EU projects have created 7,600 enterprises and 24,000 jobs, assisted 53,800 people into work, 161,000 to gain qualifications, and 37,500 into further learning.

Wales also benefits from EU funds through the Common Agricultural Policy, providing £260 million a year in single farm payments to more than 16,000 farms in Wales.

More than £500 million has been invested since 2007 in initiatives such as Farming Connect and the Kite project to help increase the competitiveness of farms and rural businesses and improve the quality of life for rural communities and the environment.

Rural communities, businesses and the countryside also benefit from the complementary Rural Development Plan, an £847 million programme co-funded by the Welsh Government and the EU. This was what paid for the refurbishment of Llanyrafon Manor.
The South East Wales Specialist European Team has recently completed a video of success stories in South East Wales, funded through Structural Funds and this will be made available via a dedicated You Tube channel shortly.

For Torfaen, the European Regional Development Fund has provided £3.8 million for projects benefitting communities in and around Pontypool for the past 4 years. This has levered in a further £6 million of Welsh Government and Heritage Lottery funding, giving the Council £10 million to spend on projects to improve Pontypool Town Centre, Trevelthin and Garndiffaith by bringing vacant properties back into use, refurbishing Pontypool Indoor Market and making town and neighbourhood centres more accessible. This is helping to create new jobs and attract further investment from the private sector. At a time when many communities have suffered significant hardship as a result of the recession, European funding is absolutely vital in helping to create a more resilient and successful economy.

Between the years 2000 and 2007 I Chaired the Objective One Strategic Partnership, which brought in money known as Richard 1, Richard 2 and Son of Richard, which was responsible for most of the development in Torfaen. I currently sit on the European Programme Monitoring Board for Wales. All projects in Wales; farming, industrial or commercial, comes over our desks.