

MINUTES OF A MEETING OF THE BRIDGEND COUNTY BOROUGH COUNCIL HELD
IN THE COUNCIL CHAMBER, CIVIC OFFICES, ANGEL STREET, BRIDGEND ON
WEDNESDAY, 18 JANUARY 2012 AT 3.00PM

Present:

Councillor M Thomas - Deputy Mayor and Chairperson

<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>	<u>Councillors</u>
D A D Brett	E P Foley	D N W Jones	W H C Teesdale
R D L Burns	C A Green	M Lewis	G Thomas
M W Butcher	M Gregory	L C Morgan	J H Tildesley
D Buttle	P A Hacking	W B Morgan	D A Unwin
N Clarke	T Hacking	M E J Nott	K Watkins
H J David	C E Hughes	D R Pugh	K J Watts
A E Davies	E M Hughes	B I Quennell	C Westwood
G Davies	K S Hunt	M Reeves	P J White
K R T Deere	C J James	D Sage	M C Wilkins
E Dodd	R M James	R Shepherd	R Williams
D K Edwards	R D Jenkins	S B Smith	M Winter
P A Evans	A Jones	J C Spanswick	R E Young

Officers:-

J Farrar	- Chief Executive
P A Jolley	Assistant Chief Executive - Legal and Regulatory Services and Monitoring Officer
D MacGregor	- Assistant Chief Executive - Performance and Section 151 Officer
H Anthony	- Corporate Director - Children
L Fradd	- Corporate Director - Communities
A Harris	- Corporate Director - Wellbeing
S Pryce	- Head of Regeneration and Development
J Jenkins	- Benefits Manager
N Young	- Assistant Chief Executive - Performance (Designate)
M A Galvin	- Senior Democratic Services Officer - Committees
G Jones	- Democratic Services Manager (Electronic Back-up)

608 MINUTES OF PREVIOUS MEETING

RESOLVED: That the minutes of an ordinary meeting of Council dated 14 December 2011 be approved as a true and accurate record.

609 APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members/Officers, for the reasons stated:-

Councillor C J Michaelides	- In hospital
Councillor P Penpraze	- In Hospital
Councillor M Inglesant	- Recovering from operation
Councillor C Davies	- Work commitment

610 DECLARATIONS OF INTEREST

None.

611 DEPUTY MAYOR'S ANNOUNCEMENTS

On behalf of the Mayoral office, the Deputy Mayor wished Members and their constituents a very happy New Year.

1. The Deputy Mayor confirmed that next Friday Council would mark the annual Holocaust Memorial Day to be held in the Chamber. The Authority wanted to ensure that all partners and the wider community were well represented and those Members who also sat on the Equalities Committee should have received an invitation. For capacity reasons she advised that numbers attending needed to be managed very carefully, but if any Member did wish to attend, then they should advise Merete Bang in Member Support before the weekend, who will do her very best to accommodate their request.
2. The Deputy Mayor asked Councillors to remind their constituents to look after vulnerable relatives, friends and neighbours this winter. Elderly or disabled people and very young children were among those who were most likely to be affected by severe weather or any sudden drop in temperature. There were also a number of useful numbers and information on the Council's website relating to energy efficiency, tax free winter fuel payments and other financial benefits older vulnerable people were entitled to, so she asked Members to please encourage constituents to take a look at this information that was available.
3. Finally, she reminded Members that there were only a few days left to nominate groups or individuals for the 2012 Mayor's Citizenship Awards. She asked Members to consider putting forward a nomination by close of play this Friday. Full details were on the website or could be obtained from the Communications Team.

612 CABINET MEMBER ANNOUNCEMENTS

1. Cabinet Member - Resources
 - a. The Cabinet Member - Resources confirmed that a Member Development Session had been held this morning in the Council Chamber on the subject of the Electronic Referral System. As Members who attended felt this training session was very beneficial, a further session would be held tomorrow at 2.00pm once more in the Council Chamber.
 - b. The Cabinet Member - Resources advised that all Group Leaders had been asked to nominate members of their current political group to act as Member Mentors to newly elected members following the forthcoming local elections in May. As there were some groups who had not made nominations yet, he asked if this could be addressed by EOB on Friday of this week, it would enable the Mentoring Coaching Programme to be finalised.
2. Cabinet Member - Children and Young People
 - a. The Cabinet Member - Children and Young People advised that new names had now been given to Children's Homes following their recent re-design. The complex needs Home at Porthcawl had been named 'Sunnybank', whilst the new Transitional Home at Bridgend had been named 'Newbridge House'.

- b. The Cabinet Member - Children and Young People announced that in a few weeks time, an official handover from the Contractors will take place in respect of at Litchard primary school, Bridgend, following the conclusion of the major refurbishment works that had been undertaken at the school.

613 CHIEF EXECUTIVE'S ANNOUNCEMENT

- (a) The Chief Executive announced that changes to the Senior Management of the Authority had been required to take account of the impending retirement of the Assistant Chief Executive - Performance and Section 151 Officer in May 2012. Due to this it had been necessary to appoint a replacement to cover this role. The Council's Appointments Committee had recently met and agreed to appoint Ness Young to this role on a secondment basis. The Chief Executive advised that Ms Young was currently the Director of Finance for the WLGA, having previously had considerable experience in the Civil Service both in London and in Wales. The secondment would take place from 20 February 2012.
- (b) The Chief Executive advised that the Corporate Director - Wellbeing was also leaving the Authority to take up a post in the Welsh Government. The Chief Executive confirmed that the Corporate Director - Wellbeing would be leaving in March 2012 to take up her new post. The Appointments Committee would meet at a future date to make a decision on this post.

614 ASSISTANT CHIEF EXECUTIVE - LEGAL AND REGULATORY SERVICES AND MONITORING OFFICER ANNOUNCEMENT

The Assistant Chief Executive - Legal and Regulatory Services and Monitoring Officer announced that the dates of the ordinary meetings of Cabinet and Council in February were to be changed as follows:-

<u>Original Date</u>	<u>Revised Date</u>
Cabinet - Tuesday 7 February 2012	- Cabinet - Tuesday 21 February 2012
Council - Wednesday 8 February 2012	- Council - Monday 20 February 2012

The meeting of Council on 20 February 2012 would regarding the Job Evaluation exercise.

He reminded Members that Extraordinary Council would meet on Wednesday 22 February 2012, to determine the Budget for 2012.

615 LEADER'S REPORT

1. The Leader congratulated all those Officers involved in organising and marketing the many Christmas-themed events through the recent festive season. He had been advised, that the Victorian Christmas themed weekend at Bryngarw House and Country Park on the 17 and 18 December attracted several thousand visitors. He extended his thanks to those who worked so hard on these very important initiatives.
2. On a similar note, the Leader was delighted to join the Deputy Mayor, the Chief Executive and over one hundred local business people for the Bridgend Business Forum's annual Christmas lunch which was extremely well organised by the Economic Development Unit and Corporate Marketing team. This sort of event strengthened the excellent links which

had already been established between the Council and the private sector through the work of the Bridgend Business Forum he stated.

3. On the subject of partnership, the Leader confirmed that this week the Authority had signalled what he hoped would be an exciting new era for Leisure services. Yesterday Cabinet approved a proposal to appoint HALO/Greenwich Leisure Limited as the preferred bidders to manage the Local Authority's pools and leisure centres from 1 April this year. The process would now move to contract finalisation. The partnership meant that BCBC would still own its buildings and facilities, but the new partner would manage all of the Council's leisure centres and swimming pools for up to 15 years. The plans also included a multi-million pound investment in Bridgend Recreation Centre. This decision came after 18 months of very hard work, detailing planning, a robust procurement process and a rigorous short-listing and selection period. The Leader was grateful to those officers who had led this, not to mention staff who had proven such fine ambassadors for Bridgend County Borough Council when meeting with prospective partners. He hoped that this would be the start of a very exciting period for leisure services in the County Borough. The Cabinet were ambitious for its leisure services but at the same time realistic about what the Authority could afford in the current economic climate. There was no intention to sell or close any Centres or swimming pools. They would remain Council buildings and the Authority would continue to have a significant input into how they operated and what they had to offer. In time, the Leader believed that a considerable difference would be seen in terms of the operation of leisure centres and pools and this would support ongoing work to improve the health and wellbeing of County Borough residents.

616 INFORMATION REPORTS FOR NOTING

The Monitoring Officer presented a report, which advised Council of Information reports for noting since its last ordinary meeting of Council.

The Information report in question was detailed in Paragraph 4.1 of the report and related to an Urgent Delegated Decision.

RESOLVED: That Council noted the publication of the document contained in Paragraph 4.1 of the report.

617 LOCALISM ACT 2011

The Monitoring Officer presented a report, the purpose of which was, to inform Council of the coming into force of Section 25 of the Localism Act 2011 on 15 January. The intention of the report was to provide a broad overview of the provision and its implications. The report advised that specific legal advice would be needed on the implications of Section 25 in particular circumstances.

The Monitoring Officer advised that the issue of predetermination had been a problem in the practice of its implementation in local government for some time. The Act sought to clarify the rules on predetermination and in doing so to enable Councillors to express opinions on issues of local importance without fear of legal challenge.

He confirmed that issues of Bias and Predetermination were an ongoing concern within local government and had been seen as a bar to local Councillors' ability to fully represent the electorate. The position was particularly acute he added, when dealing with Members elected into power in respect of a particular issue.

Against the above issues had been the view, as an issue of natural justice, that it was wrong for Members to come to a decision prior to hearing all sides of the argument and debate.

The Monitoring Officer explained that the position had not been assisted by decisions within the courts being changeable. The law split to draw the distinction between 'Bias' i.e. having a personal interest in the decision and Predetermination, i.e. having a closed mind. Problems in proving predetermination had been reduced, however, as a result of case law in recent years he added.

He explained that in time a new distinction was drawn, between 'predetermination', which is unlawful and 'predisposition', which was not. Members may recall previous Court decisions on the cases outlined in Paragraph 3.5 of the report, where in both cases the Courts recognised that Councillors would legitimately have firm views about issues upon which they have to decide, and will have expressed those views, and that this should be allowed when predisposed.

The Monitoring Officer then referred to those present to Paragraph 4.1 of the report where the Section 25 provisions were set out, and he gave an explanation of these for Members.

In terms of where this left Pre-Determination and Bias, the Monitoring Officer explained that in relation to Public Law requirements there was a limit to the impact of the legislation. In reaching any decision Members were required to take into account all relevant factors and disregard that which was irrelevant.

The Monitoring Officer stated that Paragraph 8 of the Members Model Code of Conduct required Members to reach decisions on the merits of the circumstances involved, and in the public interest, having regard to any advice provided by Officers. Guidance from the Ombudsman identified pre-determination and bias as relevant evidence relating to this provision and compliance. However, Section 25, because it was only relevant to situations where the validity of a decision was challenged, did not affect this requirement and Members remained bound by the Model Code he added.

These were situations where Members sat on a Committee, Sub-Committee or Panel to conduct a hearing and have to independently weigh up evidence, particularly relating to the rights of individuals and organisations. Examples of these included Standards Committee hearings, Licensing Applications, Employment Panels or appeals, etc. These decisions were subject to wider legal constraints and should provide overall fairness. There were common law rights to a fair hearing and requirements of the Human Rights Act 1998 (Article 6) which imposed a similar requirement the Monitoring Officer further added.

In these cases appeals or challenges to external tribunals would not challenge the validity of the decision in question, but more seek redress or re-determination of the issue. The legal risk to the Council of failing to hold a fair hearing is reflected in awards of compensation, damages or costs.

It was unlikely he stated, in these cases, that Section 25 would protect the Council where procedural fairness was an issue for a tribunal.

The Monitoring Officer advised that the primary concern was the risk to the decision making processes of the Authority. In general terms, the new legislation provided a smaller risk of successful challenge in cases of pure predetermination.

As the report explained however, it was unlikely that the position would be straight forward, there being an alternative avenue of challenge he explained. Even when determined to be lawful, a predetermination could lead to the overturning of a decision and a reference under the Model Code of Conduct. Members were advised to take advice in the event of being unsure of their own position, though the general advice remained that in coming to any decision a Member should consider all of the facts of that matter prior to reaching a decision the Monitoring Officer concluded.

Members felt that the advice outlined in the report could be used as part of the Member Induction Programme for the benefit of new Members of the Authority after the elections in May.

RESOLVED: That Council noted the report and that Members take individual advice in future as and when required.

618 QUARTERLY DEBATE ITEM - WELFARE REFORM

The Cabinet Member - Resources gave an opening submission on this item.

He advised that a report had been published by the independent and well respected Institute for Fiscal Studies giving a realistic impact assessment of the Government's planned welfare reforms. This found that children would be hit the hardest by the welfare reform proposals and that a considerable number of disabled children would lose out as a result of this.

By 2015 half a million more families with children under the age of 5 years old could be living in poverty because of the reform proposals. The median (middle) household with children faced an average drop in income of 4.2 per cent by 2015-16, equivalent to an annual income drop of £1,250 for a couple with two children.

The families of 100,000 disabled children (most disabled children) would lose out as a result of these cuts. Some disabled children could lose up to £1,408 a year. The Government also planned to remove the "youth provision" that allowed some young people to receive contributory ESA, even though perhaps due to complex disability or illness during childhood, they had not been able to work and build up National Insurance payments. This was a move confirmed the Cabinet Member - Resources that would condemn young disabled children to a lifetime of means tested benefits.

The proposals would mean that people suffering from cancer or stroke victims would have their support through the employment support allowance limited to just one year, resulting in benefits cuts for people still undergoing chemotherapy. Over 30 groups and charities representing cancer sufferers like MacMillan, were strongly opposed to this.

The Cabinet Member - Resources advised that these reforms would hit the most vulnerable members of society the hardest, groups such as the above, groups that the Welfare System was founded to protect and support.

Every organisation and charity that worked with vulnerable people made a prediction that these reforms will result in:

- An increase in homelessness as a result of rent arrears;
- An increase in sleeping rough.

The Council he explained, was doing what it could to reduce the impact, and support the residents of the Borough hit hardest by these reforms.

The Council's Benefits and Housing Options Services had undertaken a programme of raising awareness and providing information, given advance warning to residents of the Borough, together with proactive work with Private Sector Landlords (PSL).

Two successful bids had been made to the Department of Works and Pensions (DWP). Cardiff City Council was devising a website to provide guidance and advice on the changes and also for people to advertise and find others willing to share rented accommodation.

A bid had been successful to the Welsh Government for a new Homelessness Grant as well as bringing Caer Las, a charity that is providing a dedicated worker who started this month. The worker was based here in the Civic Offices and was offering a dedicated housing advice and advocacy service to try and prevent homelessness.

The Council would be looking actively at new temporary and move on accommodation he confirmed, as part of the Social Housing Grant Programme including the SITA accommodation facility on Coity Road, Bridgend, which will provide Supported Interim Accommodation for 16 homeless people. This was in addition to the 6 bed unit also on Coity Road that was opened last year.

The Authority were reviewing Social Housing Grant schemes to ensure that new schemes take into account of the impact of welfare reform and, the Council had made an application to the Welsh Government for extra finance to this end.

Efforts to bring more empty properties into use were being stepped up, and a collaborative bid for grant funding, with Swansea and Neath Port Talbot Councils was progressing. The Cabinet Member - Resources added, that work was underway with RSL partners to investigate opportunities to bring forward shared housing schemes, to meet the increased need for shared accommodation.

To conclude the Cabinet Member - Communities confirmed that the Council would do everything in its power to combat certain changes to the new system, however, this would not be enough to protect Bridgend families from the most damaging effects of the Welfare reform.

The Deputy Leader echoed the comments of the Cabinet Member Communities.

An £18bn cut from the benefits spend was an unthinkable sum and was bound to damage some of the less fortunate in society.

The Department for Work and Pensions figures showed that disability fraud stood at just 0.5%. Costs of disability living allowance (DLA) were rising largely through demographics rather than for any other reason he stated.

If the Welfare Reform went through as currently proposed added the Deputy Leader, most disabled people would lose £27 a week with families with two disabled children losing twice that amount. More than 40% were already living below the poverty line, as parents particularly one parent families, could not work to generate extra money only to commit this to childcare costs. Should the Welfare Reform be approved, on 1 April, 280,000 disabled people, both young and old would have their benefits cut he advised. The cuts would also impact detrimentally upon people with genuine long term or terminal illnesses by these people losing out on employment allowance and support allowance.

Though the government claimed that the changes would cost £1.8m this would be spread over a five year period. Direct Living Allowance being cut by 20% was a random sum he felt. This would result in no funds for transport or day centre fees, at a time when Council Social Services were under severe pressure. This was only half the sum the Department of Works and Pensions had pledged to cut from disability benefits the Deputy Leader stated. More was yet to come he added.

People on Direct Living Allowance being transferred to the Personal Independence Payment would have new assessments, both by their GP and by external assessors, that would be repeated regularly. This would cost around £675m to administer. Atos confirmed that it would not be applying for this work after criticism of the Company's work capability assessments, through which 40% were overturned on appeal,

The Deputy Leader considered that citizens requiring help should be well cared-for and that only the healthy should be deterred from claiming benefits they were not entitled to receive, and be encouraged to secure employment.

To conclude the Deputy Leader considered that the cuts being proposed were too radical.

The Cabinet Manager - Children and Young People stated that she had concerns regarding housing benefit payments for persons under 35, as well as single parent fathers who did not have custody of their children, but may wish for them to stay with them overnight possibly in shared accommodation. Her concern was primarily in relation to compromising the safety of the children in situations such as this, as well as any possible repercussions in terms of limitations regarding access to them by the parent living in shared accommodation.

A Member noted that the Council received £1.3m in administration grant committed to administer Housing and Council Tax Benefit, and asked how much it would cost for the transition to the Universal Credit arrangement. He also felt it would have been useful, if information could have been included in the paper on what individuals could earn before their allowance was affected. He was also concerned over the fact that members of the public and local Members would have less access that they have now with Officers in Fraud and Benefits Section when they are transferred to the Department of Work and Pensions.

The Cabinet Member - Communities reiterated concerns made previous, that the changes would result in the most vulnerable being hit the hardest, including individuals with serious illnesses. He added that the implications of Universal Credit would have a negative impact on local authorities in terms of resource and budget due to the enormity of the changes.

A Member pointed out that there were positive impacts that would come out of the Welfare Reform proposals as well as negative, and these were outlined in the paper before Members, and should also be acknowledged.

A Member raised the fact that there were a considerable number of empty properties throughout the County Borough and Wales as a whole, and enquired what action could be taken to make these habitable to accommodate persons such as people on benefits and the homeless.

The Cabinet Member - Resources advised that there were issues in the Welfare Reform proposals that were positive, such as tougher sanctions for those who committed fraud, however, the Council would lose the overall power to impose these sanctions as the responsibility would be taken over by the Department of

Works and Pensions. The changes would also result in less face to face contact and more transactions being processed on-line, through correspondence or over the telephone. Not all people entitled to benefits had the skills to adequately adapt to these changes, particularly the elderly and disabled. Issues like this needed to be fully acknowledged and addressed he added.

The Leader advised that he had listened to the course of debate and considered the points outlined in the paper. He advised that one of the main reasons he was elected was to support constituents of the County Borough, and if there were areas of the Welfare Reform that did not sit comfortably with him or other elected Members, then it was incumbent upon him and them to try and address these.

A Member confirmed that the changes had been introduced by the Government in view of the recession and the demise of the private sector. She agreed that major issues such as the homeless and the potential impact upon single parents, particularly fathers needed to be addressed. There were around 26,000 privately owned empty properties in Wales, and issues such as employing people to restore these dwellings for habitable use should be looked at. A fair regime should be put in place that protects the most vulnerable she added.

The Head of Regeneration and Development advised that to identify empty homes in the County Borough the Council obtained a list of private sector dwellings from Taxation at the beginning of the financial year. The owners of these dwellings receive a 50% reduction in Council Tax because the dwellings are unoccupied.

There were 1026 dwellings that fell under this category as at 1 April 2011. All of these dwellings had been empty for six months or more, although a number of these are returned to occupation by the end of the year without any intervention (around 44%) and therefore it is the remaining 56% that the Council aim to assist.

She explained that it is firstly important to gather the correct information on the empty home and their owner so the Council contact the owners asking them to respond to a questionnaire. These responses helped gain an understanding what type of assistance is required by the owner to bring the empty home back into use. The Authority then provide the owner with the Empty Homes Information Pack which outlines in more detail the advice and assistance the Council can provide. The information pack includes information regarding The Empty Homes Grant, Letting the home via a Social Lettings Agency, Advertising the empty home as available to let, Selling the Property and Enforcement action that can be taken by the Council should the property remain empty long term.

The Head of Regeneration and Development added that the Welsh Government recently announced additional capital funding of £5million to set up an all-Wales empty Homes recyclable loan initiative to bring long term empty homes back into use for sale or rent, Bridgend would be working in partnership with Swansea County Borough Council and Neath Port Talbot County Borough Council regarding this.

The Council had already liaised with colleagues in Swansea and Neath Port Talbot to discuss ideas on taking the initiative forward and would be meeting with them again to further discuss how arrangements would work within the region. Project management arrangements and clear roles and accountability would be agreed in due course. The plan was that Bridgend would take a lead role in this she concluded.

The Benefits Manager confirmed that there are currently single parents aged under 25 (who are already subject to the shared accommodation rate) being supported by Discretionary Housing Payments (DHP). This will be extended

appropriately to those aged under 35. Officers examine each individual's financial situation and will refer cases to the new Caer Las debt advisor. The debt advisor could help them to reshape their finances so that they could afford their rent themselves or if necessary support them to find alternative accommodation. She added that local authorities were given a fund for DHP and this was generally dependant upon the size of the Council, i.e. the larger the authority the bigger the payment. The Benefits Manager advised however that if an Authority spent over their allocation they could get an increase in DHP, and if they spent less than their allocation they would get a decrease in their DHP grant. She advised that Bridgend's Benefit Service usually supports the DHP with an additional small budget and has therefore ensured that its DHP allocation is maximised as far as possible.

The Cabinet Member - Children and Young People confirmed that she was aware of the situation regarding DHP for those under 25, but under the new Welfare Reform this would be available for single parents under 35, therefore increasing the levels of DHP that would be required. In terms of empty properties, she felt the issue was not so much the availability of these but more the affordability of accommodation for people whose benefits were going to be reduced under the new regime.

The Cabinet Member - Communities stated that it was important that empty properties become occupied to alleviate pressures associated with homelessness.

Though £5 million was being recycled to address this problem, this was shared amongst all Welsh local authorities. There was definitely a need he felt, not to just look at what was available in terms of accommodation, but equally important what was affordable for people on benefits. The reduction of benefits to people occupying property from Registered Social Landlords would inevitably lead to an increase in evictions, and the Authority needed to put steps in place for the management of this, and to protect the most vulnerable who found themselves in this situation.

The Cabinet Member - Resources closed the debate, by urging Members to make representations to central government over any concerns they had, as the Welfare Reform proposals were still at the consultation stage.

The Deputy Mayor thanked those present for their contributions on this very important topic.

The meeting closed at 4.28pm.