

# COUNTY COUNCIL

**WEDNESDAY, 12 DECEMBER 2018**

**PRESENT:** Councillor J.M. Charles (Chair)

## **Councillors:**

F. Akhtar	S.M. Allen	L.R. Bowen	K.V. Broom
D.M. Cundy	C.A. Davies	H.L. Davies	I.W. Davies
J.A. Davies	S.L. Davies	W.R.A. Davies	K.Davies
E. Dole	J.S. Edmunds	P.M. Edwards	D.C. Evans
H.A.L. Evans	L.D. Evans	R.E. Evans	W.T. Evans
S.J.G. Gilasbey	T.M. Higgins	J.K. Howell	P. Hughes-Griffiths
R. James	D.M. Jenkins	J.P. Jenkins	G.H. John
B.W. Jones	C. Jones	D. Jones	G.R. Jones
H.I. Jones	A. Lenny	K. Lloyd	K. Madge
A.S.J. McPherson	A.G. Morgan	E. Morgan	S. Najmi
D. Nicholas	A.Vaughan Owen	B.D.J. Phillips	J.S. Phillips
D. Price	B.A.L. Roberts	E.M.J.G. Schiavone	H.B. Shepardson
A.D.T. Speake	L.M. Stephens	B. Thomas	D. Thomas
E.G. Thomas	G. Thomas	G.B. Thomas	J. Tremlett
D.E. Williams	D.T. Williams	J.E. Williams	

## **Also Present:**

M. James, Chief Executive  
C. Moore, Director of Corporate Services  
J. Morgan, Director of Community Services  
G. Morgans, Director of Education & Children's Services  
Mrs R. Mullen, Director of Environment  
M.S. Davies, Democratic Services Officer  
D. Hockenhull, Marketing and Media Manager  
M. James, Chief Executive  
L. Jenkins, Democratic Services Officer  
E. Jones, Principal Licensing Officer  
J. Laimann, Assistant Democratic Services Officer  
C. Moore, Director of Corporate Services  
H. Morgan, Economic Development Manager  
J. Morgan, Director of Community Services  
G. Morgans, Director of Education & Children's Services  
L Morris, Senior Press Officer  
Mrs R. Mullen, Director of Environment  
L.R. Jones, Head of Administration and Law  
P.R. Thomas, Assistant Chief Executive (People Management & Performance)  
W. Walters, Director of Regeneration & Policy  
L.R. Jones, Head of Administration and Law  
P.R. Thomas, Assistant Chief Executive (People Management & Performance)  
D. Hockenhull, Marketing and Media Manager  
H. Morgan, Economic Development Manager  
E. Jones, Principal Licensing Officer  
L Morris, Senior Press Officer  
L. Jenkins, Democratic Services Officer

J. Laimann, Assistant Democratic Services Officer  
M.S. Davies, Democratic Services Officer

**Chamber, - County Hall, Carmarthen. SA31 1JP. 10.00 - 11.50 am**

## 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors C. Campbell, S. Curry, G. Davies, A. Davies, A.L. Fox, D. Harries, C. Harris, P. Hughes, A. James, J. James, T.J. Jones, M.J.A. Lewis, S. Matthews and J.G. Prosser.

## 2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
J. Jenkins	9.1 – Review of Gambling Policy	The Councillor works for a betting business.

The Chief Executive advised that there was no requirement for members with family etc. in the teaching profession to declare an interest in respect of Minute 9 [Model Teachers' Pay Policy] of the Executive Board meeting held on the 19<sup>th</sup> November 2018 as the minutes were for receiving only.

## 3. CHAIR'S ANNOUNCEMENTS

- The Chair extended best wishes and a speedy recovery to Councillors John Prosser and John James following recent surgery;
- The Chair extended condolences to the family of Paul James, an officer in the Council's Pension Section, who had passed away recently;
- The Chair congratulated:
  - three young people who had been elected to the Welsh Youth Parliament:
    - Carmarthen West & South Pembrokeshire – Cai Thomas Phillips;
    - Carmarthen East & Dinefwr – Marged Lois Campbell;
    - Llanelli – Megan Carys Davies;
  - Mark Drakeford, formerly from Carmarthen, on his election as leader of the Labour Party in Wales;
  - Carmarthenshire Young Farmers Club for achieving 3<sup>rd</sup> runner-up position in the first OVO Energy Tour of Britain National Land Art Competition held earlier this year.
  - Mid & West Wales Fire and Rescue Service on being awarded the Investors in People Platinum Accreditation.
- The Chair referred to a group of firefighters from Welshpool, Powys, and across mid and west Wales who had launched a bid to reach the top of the Single Charts with their single "Do they know it's Christmas?" The single was currently at place 7. The Chair wished the group every success in their venture to raise money for the Firefighters Charity and the Band Aid Charitable Trust with the release;
- Congratulations were extended to Tennessee Randall for becoming the World Association of Kickboxing Organisations (WAKO) European Champion in the 56kg class for women. She was the first female full-contact fighter to represent the Great Britain team in the European Kickboxing Championships and had also collected the accolade of Best Ring Fighter of the Tournament;

- The Chair stated that he had attended a number of events since the last meeting including concerts, carnivals, Christmas occasions and opening events. He added that it had been a great pleasure to visit the Council's residential homes, where he had received a very warm welcome and was able to testify to the very high standard of care provided and the dedication and commitment of all staff. He also referred to the support he had received from individuals and organisations in raising money for Alzheimer's Cymru and the Wales Ambulance. He announced that he would also be participating in the Walrus Dip on Boxing Day and kindly invited Members to sponsor him;
- On behalf of Councillor Mair Stephens, the Chair reminded Members to support the annual Toybox appeal, possibly financially but there was a particular need for toy gifts targeted at boys;
- Councillor Emlyn Dole, at the Chair's invitation, reported that his 'Leader's golf day' on the 6<sup>th</sup> October 2018 had raised £2826.50 for Prince Philip Hospital's Breast Cancer Care Unit in Llanelli. He thanked his team members, Pembrey's Ashburnham Golf Club and Nigel Owens for supporting the event;
- The Chair commented that, having heard the Chief Executive's update on recent developments regarding the Llanelli Life Science and Wellness Village at the Executive Board meeting held on the 3<sup>rd</sup> December 2018, he had requested the Chief Executive to provide Council with an update also Whereupon the Chief Executive responded as follows:

"Thank you Chairman. As you mentioned you attended the Executive Board meeting and I gave a verbal position statement or update to Members of the Executive Board. There were other Members, I think Councillor Cundy was there as well when I gave this update. Immediately after the meeting you came in and asked whether I would provide a similar update to Council, so I will do that now at your request.

Carmarthenshire County Council, Swansea University, Hywel Dda Local Health Board, ABMU Local Health Board and University of Wales Trinity St. David have been working together over the last three years to develop a Life Science and Wellness Village at Llanelli. The concept was originally brought to the Council by Swansea University through the ARCH consortium, which is a partnership chaired by the Chair of the ABMU Local Health Board, which looks at different ways to deliver health and social care in the future. A public sector board was then established with all of the above organisations to progress the project. The project also subsequently became one of the 11 City Deal projects.

Swansea University brought a private sector company to the partnership as a possible development partner. However, following inclusion in the City Deal programme, the County Council decided, following legal advice, to conduct a full EU compliant procurement exercise, which took some 15 months to complete.

The result of that procurement exercise was that a consortium with Swansea University and Sterling Health Securities Ltd. became collaboration partners under a Collaboration Agreement. This Agreement does not create any legal obligation on the County Council other than to work towards a Development Agreement setting out how the Village might be delivered. That Development Agreement has not been completed. There is therefore no commitment or liability on the County Council at this time. No funding has been committed, no payments have been made, other than preparatory site investigation works and specialist external legal advice to the County Council.

Following the procurement exercise and the signing of the Collaboration Agreement, which was signed and sealed by Swansea University and ourselves

and Sterling Health, the Council took further legal advice, that was reported to the Executive Board, on the most appropriate structure to safely deliver the Village and protect public funds. That advice was shared with Swansea University and Sterling Health Securities. It recommended that the County Council should not join or take equity in any existing company as the Council might become inadvertently exposed to their liabilities. The advice was that the County Council should set up a special purpose vehicle (SPV) in the form of a brand new company limited by shares. The County Council decided this was the safest legal way forward and informed the partners accordingly.

The purpose of the Collaboration Agreement was to reach agreement on how the specific elements might be delivered. But, as I have said, no such agreement has yet been finalised.

Whilst work has been underway to form the new SPV company, this has not yet been set up. No shares have been issued, no Directors appointed, no company registered. At its meeting on 3<sup>rd</sup> December, the Executive Board considered the five case business model plan, which is in accordance with the treasury model – this is one we have to follow as part of the City Deal – and agreed in principle that it was robust and ready for submission to both governments. Both the Joint Committee and the Economic Strategy Board that sit under the City Deal had also approved the five case business model. The Executive Board were however cognisant of recent events and press reports. They therefore considered it necessary to seek further assurance from Officers, including an external expert legal view, that all due process has been properly followed and public funds fully protected. That external legal review is completed and will be reported back to the Executive Board.

The Executive Board heard that the Collaboration Agreement with Swansea University and Sterling Health Securities Holding was intended simply to try to prepare a Development Agreement to take the scheme forward. The Board were informed that the Development Agreement had not been completed. There was therefore no legally binding commitment or liability on the Council as yet. The Executive Board asked Officers whether an alternative method to deliver this essential project for Llanelli and the County could be found. Officers considered that this was entirely feasible.

The project – just to remind Members, which I did at the Executive Board – contains three core public elements: an Institute of Life Science for Swansea University; new health facilities for Hywel Dda Health Board, and a new leisure centre for the County Council together with teaching and other facilities that include University of Wales Trinity St David. Officers considered that these could be delivered by the County Council without any development partners. The funding is in place through City Deal and the County Council to do this. Officers were also confident given their discussion with institutional investors – the likes of HSBC, Lloyds, Prudential and others who we have been in discussions with – and the independent financial business case that we, the Council, have commissioned, that the other key elements, such as care home, nursing home, hotel, business space, assisted living accommodation, could be delivered by the County Council with that private funding secured by the Council itself, if needed.

The Executive Board instructed Officers to report back urgently on an alternative delivery model to ensure that this extremely important and much needed investment in Llanelli can be completed.

The County Council has now terminated the Collaboration Agreement with the consortium, which is Swansea University and Sterling Health Security Holdings Ltd because we have taken the view that, given recent events and in order to protect

this Council and the integrity of the Llanelli Science and Wellness Village, to protect that project, it is the most prudent and legally sound way forward. We have done that after taking that external legal advice. Officers will now continue working and are continuing to work with other officers from Hywel Dda Local Health Board, University of Wales Trinity St David and Swansea University to bring forward an alternative delivery model that in essence will see the Council itself facilitating the private investment needed direct. My colleague has been in touch with many of those City institution firms and is liaising with the external expert we have got providing that institutional business plan rather than through a Joint Venture company.

I also an instruction a couple of weeks ago, when we heard that something was happening in Swansea University, that we engage immediately with Wales Audit Office so that they are fully aware of where we are at the moment and have an opportunity to come in and just take a review of the project from their perspective. My colleague has done that. In fact, Chris [Moore –Director of Corporate Services] did that last week. But just to make the point, and Wales Audit Office were keen to do this, they – and I am reading from an email – they wanted to make the point that they welcomed our invitation to review the project but they wanted to emphasise that they are not undertaking the review because they have any concerns about the project. They are simply undertaking the review as a direct response to our request.

That last bit was a bit of an update which I did not give the Executive Board because at that time we were just meeting with Wales Audit Office.”

#### **4. TO APPROVE AND SIGN AS A CORRECT RECORD THE MINUTES OF THE COUNCIL MEETING HELD ON THE 14TH NOVEMBER 2018**

**UNANIMOUSLY RESOLVED that the minutes of the meeting of Council held on the 14<sup>th</sup> November, 2018 be signed as a correct record.**

#### **5. INSIGHT PRESENTATION**

Council was informed that a number of pupils from Carmarthenshire Schools had recently participated at an event held at Theatr y Ffwrnes, Llanelli, which had provided the pupils with an insight into the difficult decisions facing a local authority in terms of the budget setting process. The event, held annually, had provided the pupils with the opportunity to look at various budget proposals and bring forward recommendations in the role of the Executive Board.

The Leader introduced pupils from each of the following schools who, in turn, outlined the presentations they had made at the aforementioned event:

Maes y Gwendraeth  
Dyffryn Amman  
Queen Elizabeth High School  
Bro Dinefwr  
Bro Myrddin

Whereupon the pupils were congratulated on their presentations and thanked for attending.

#### **6. PUBLIC QUESTIONS**

The Chair advised that no public questions had been received.

## **7. QUESTIONS BY MEMBERS:**

### **7.1. QUESTION BY COUNCILLOR ROB JAMES TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL**

“In 2016, this Authority stated in a press release: “The collaboration agreement that has come from the procurement process is between Carmarthenshire County Council, Swansea University and Sterling Health Security Holdings, within a consortium of partners including Siemens, Fujitsu, Pfizer, Faithful & Gould, David Morley Architects and Medparc.” Could the Leader of Council state whether there are any other partners in the consortium, other than those mentioned above?”

#### **Response by Councillor Emlyn Dole, Leader of the Council:-**

“Thank you for the question. The procurement process to identify a development partner for the Llanelli Wellness and Life Science Village didn’t commence until 2017. Therefore no press release was issued in 2016 detailing a resultant collaboration agreement.”

#### **Supplementary Question by Councillor Rob James:**

“At the business launch event of the City Deal last week, you denied that the French construction giant, Vinci, has already been agreed as the contractor for this project. Now, the local business community has been extremely patient with you but they are now fearing that this is starting to look like a stitch up. So, within the collaboration agreement that was signed was there a construction contractor identified in that document and was it not Vinci Plc?”

#### **Response by Councillor Emlyn Dole, Leader of Council:**

“I find it difficult to understand what part of no my colleague does not understand. The answer is again no, no there was not. No appointments have been made as has already been explained last week and again this morning. The collaborative agreement was in place and as has been stated clearly in the position statement by the Chief Executive this morning, that has been re-stated, and if I may add to it, no is the answer. And as I said at the meeting last week, there was no-one. The process has been clearly outlined and that indeed is the process. No-one has been appointed nor any commitment made. The procurement process commenced with the publication of a Prior Information Notice or PIN on the 18<sup>th</sup> March, 2017 – that was my first point. That was to inform the market of our intention to go to tender and to conduct a market consultation exercise. A competitive dialogue process was then undertaken. I explained this last month, which concluded with the signing of that collaboration agreement we’ve heard about between Carmarthenshire County Council, Swansea University and Sterling Health Security Holdings. Throughout that process a number of global and national companies, along with city financial institutions, were brought into discussions. These included all those that have been named in your previous question.”

## **7.2. QUESTION BY COUNCILLOR ROB JAMES TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL**

“The Leader of Council has previously stated that the Directors of the Joint Venture Company has yet to be determined and that a corporate structure has yet to be developed with partners to deliver the village. Is the Leader of Council now in a position to inform Council of who the Directors are and whether that corporate structure has been completed?”

### **Response by Councillor Emlyn Dole, Leader of Council:**

“We are not yet able to clarify the corporate structure or directors, to answer your question. We are still taking specific legal advice to ensure that we create a structure that will enable us to develop the village in the best way and to provide the maximum opportunities for the Authority and importantly, give the greatest benefits for the residents of the county. These benefits will include the good, secure jobs we’ve talked about and outlined. The training including the apprenticeships, training for nurses, doctors, therapists, a new leisure centre, facilities for the elderly and, with our Health Board partners, a community health centre in Llanelli. The Executive Board has agreed that delegated authority be given to officers to establish that corporate structure and I’ll ensure that that’s delivered. It’s also to make sure that all necessary communication with members is undertaken as we undertake that process and go forward.”

## **7.3. QUESTION BY COUNCILLOR ROB JAMES TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL**

“It was anticipated that the first phase of Wellness and Life Science Village would open early in 2021. Does the Leader of Council believe that you are on target to deliver this goal currently?”

### **Response by Councillor Emlyn Dole, Leader of Council:**

“Yes, it remains our goal to open the first phase of the village in September 2021. Phase one is currently being developed by a team of 19 different disciplines from Arup and will comprise the wellness hub which will house the sports, leisure and aquatics while the community health hub will comprise the research, the business development, the education, the skills and training and the clinical delivery alongside the public open space.”

### **Supplementary question by Councillor Rob James:**

“During the signing of the collaboration agreement, six people were in the photo, two of them have been suspended, one has resigned and one has been ditched. The only one that’s left is you, the Leader of this Council. Three years you have been working on this so don’t you think that with everything that has happened in the last few weeks that it’s time for you to consider your position as Leader of Council.”

**Response by Councillor Emlyn Dole, Leader of Council:**

“I really am struggling to understand why the Leader of the Labour Group reverts to this constant sniping at what is the biggest project in the City Deal for the Swansea Bay City Region. It is a transformative project, not only for the Llanelli area, but for the whole region. It will deliver a brand new state of the art leisure centre for the people of Llanelli. It will be the location of the wellness hub, the institute of life science, public open spaces, assisted living, care home, business incubation. A pathway from clinical back through to the community. A community hub for health. So why can’t he get behind it and support the people he was elected to represent? Let me answer my own question, because it’s a Plaid led coalition that’s delivering for the people of Llanelli. Meanwhile, we intend to start building Council houses in Llanelli for the first time in 40 years. What do they do? Oppose it. We announce the building of a new Welsh medium primary school for Llanelli. What does he do? Opposes it. We spend £3m or more buying up empty properties in Llanelli town centre. We launch Opportunity Street under the Regeneration Masterplan for the town centre. What do they do? Oppose it. We put in place a community engagement programme for Tyisha ward to look at deprivation in a whole ward scenario to get to grips with the main problems facing that community in Llanelli in a holistic way for the first time. What do they do? Attempt to highjack the process. The truth is that it all simply underlines their frustration. When I took over as Leader four years ago, one of the first things I did was visit the hub which was temporarily based in Llanelli town centre and what I did was to insist that the hub in Llanelli developed further in that location in the town centre, increasing the monthly footfall by at least 4000 people and extend that same principle to our two other main towns in Ammanford and here in Carmarthen. We opened that last hub in Ammanford on Monday morning. What did he do? Opposes it. The truth is it just underlines their frustration. You had your chance to change Llanelli. You did nothing but talk about it. This Plaid led coalition are doing it and you would rather snipe away and frustrate the process than to get behind it to make a difference for the people of Llanelli. Your comments this morning are shameful. Actually, more than that, nothing less than a dereliction of duty.”

**8. NOTICE OF MOTION SUBMITTED BY COUNCILLOR LOUVAIN ROBERTS**

The Chair stated that the Notice of Motion had been withdrawn.

**9. TO CONSIDER THE RECOMMENDATIONS OF THE EXECUTIVE BOARD IN RESPECT OF THE FOLLOWING ITEMS**

**9.1. REVIEW OF GAMBLING POLICY**



(NOTE: Councillor J. Jenkins declared an interest in this item and left the Chamber.)

Council was informed that the Executive Board, at its meeting held on the 19th November, 2018 (minute 15 refers) had considered a report on the review of the Gambling Policy which included the Consultation Document 2018 and revised Gambling Policy –Gambling Act 2005.

**UNANIMOUSLY RESOLVED that the following recommendation of the Executive Board be accepted:**

**“that the amended Gambling Policy be approved.”**

## **9.2. REVIEW OF LICENSING POLICY**

Council was informed that the Executive Board, at its meeting held on the 19th November, 2018 (minute 16 refers) had considered a report on the review of the Authority’s Licensing Policy which included the Licensing Policy Consultation Report and the revised Licensing Policy Statement reflecting the results of the consultation and review process.

**UNANIMOUSLY RESOLVED that the following recommendation of the Executive Board be accepted:-**

**“that the amended Licensing Policy be approved.”**

## **10. TO RECEIVE THE REPORT OF THE MEETING OF THE EXECUTIVE BOARD HELD ON THE 19TH NOVEMBER 2018**

**UNANIMOUSLY RESOLVED that the report of the meeting of the Executive Board held on the 19<sup>th</sup> November, 2018 be received.**

## **11. MEMBERSHIP OF COMMITTEES**

In accordance with Corporate Procedure Rule CPR 2(2)(n) and following the receipt of nominations from the relevant political groups it was:

### **UNANIMOUSLY RESOLVED**

**11.1 to note that Councillor Mansel Charles would replace Councillor Andrew James as one of the Plaid Cymru Group’s representatives on the Environmental and Public Protection Scrutiny Committee;**

**11.2 to note that Councillor Gary Jones would replace Councillor Andre McPherson as one of the Labour Group’s representatives on the Health and Social Care Scrutiny Committee;**

**11.3 to appoint Councillor Rob James to serve on the Standards Committee in place of Councillor Andre McPherson.**

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**CHAIR**

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**DATE**