

COUNTY COUNCIL

WEDNESDAY, 13 JULY 2016

PRESENT: Councillor E. Morgan (Chair)

Councillors:

S.M. Allen	D.J.R. Bartlett	T. Bowen	S.M. Caiach
C.A. Campbell	J.M. Charles	D.M. Cundy	A. Davies
D.B. Davies	I.W. Davies	J.A. Davies	S.L. Davies
T. Davies	W.R.A. Davies	T.T. Defis	T. Devichand
E. Dole	J.S. Edmunds	P.M. Edwards	D.C. Evans
H.A.L. Evans	L.D. Evans	W.J.W. Evans	W.T. Evans
C.P. Higgins	W.G. Hopkins	J.K. Howell	P. Hughes-Griffiths
P.M. Hughes	I.J. Jackson	A. James	J.D. James
D.M. Jenkins	J.P. Jenkins	A.W. Jones	G.O. Jones
H.I. Jones	T.J. Jones	W.J. Lemon	A. Lenny
M.J.A. Lewis	K. Madge	A.G. Morgan	J. Owen
P.A. Palmer	D. Price	D.W.H. Richards	B.A.L. Roberts
H.B. Shepardson	A.D.T. Speake	L.M. Stephens	E.G. Thomas
G. Thomas	J. Thomas	K.P. Thomas	M.K. Thomas
R. Thomas	S.E. Thomas	W.G. Thomas	J. Tremlett
D.E. Williams	J. Williams	J.E. Williams	J.S. Williams

Also Present:

M. James, Chief Executive
C. Moore, Director of Corporate Services
J. Morgan, Director of Community Services
R. Mullen, Director of Environment
L.R. Jones, Head of Administration and Law
R Sully, Director of Education & Children
P.R. Thomas, Assistant Chief Executive (People Management & Performance)
W. Walters, Assistant Chief Executive (Regeneration & Policy)
M.S. Davies, Democratic Services Officer

Chamber, County Hall - 10.00 am - 12.30 pm

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A.P. Cooper, M. Gravell, A.D. Harries, P.E.M. Jones, D.J.R. Llewellyn, S. Matthews and G.B. Thomas.

2. DECLARATIONS OF PERSONAL INTERESTS

Councillor	Minute Number	Nature of Interest
D.J.R. Bartlett	13 – MEP Proposal to change the age range of Ysgol Gynradd Betws from 4-11 to 3-11;	School Governor;
D.J.R. Bartlett	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	President of Carmarthenshire Branch of NUT;

T. Bowen	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Rural Council;
D.M. Cundy	11 – MEP Proposal to change the age range of Ysgol Gynradd Bynea from 4-11 to 3-11;	School Governor;
D. M. Cundy	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Rural Council;
A. Davies	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llandybie Community Council;
D.B. Davies	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Daughter is a classroom assistant at QEHS;
J.A. Davies	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Son is a teacher;
S.L. Davies	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Rural Council;
T. Devichand	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Rural Council and Chair of Dafen Welfare Committee;
E. Dole	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llannon Community Council;
J.S. Edmunds	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Town Council;
P. Edwards	13 – MEP Proposal to change the age range of Ysgol Gynradd Pwll from 4-11 to 3-11;	School Governor;
L.D. Evans	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Daughter is a teacher;
P. Hughes Griffiths	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Daughter is a teacher;
J.D. James	18 – Executive Board Minutes [Community Asset Transfer];	President of Burry Port Bowls Club;
G.O. Jones	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Wife is a teacher;
K. Madge	8 – Annual Report of the Statutory Director of Social Services on the effectiveness of Social Services in Carmarthenshire 2015/16;	Daughter works for the Authority and wife is a Sister at Amman Valley Hospital;
K. Madge	18 – Executive Board Minutes [Community Asset Transfer];	Member of Cwmamman Town Council;

A.G. Morgan	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Rural Council;
P.A. Palmer	18 – Executive Board Minutes [Community Asset Transfer];	Chair of Peniel Community Association;
H.B. Shepardson	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Daughter is a teacher;
L.M. Stephens	9 – MEP Proposal to change the language category of Ysgol Bro Myrddin from Bilingual (2A) to Welsh Medium (WM);	Local Authority representative on the Governing Body;
E.G. Thomas	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llandeilo Town Council;
J. Thomas	16 – Premature Retirement and Redundancy Discretionary Policy for Teachers;	Daughter is a teacher;
J. Thomas	9 – MEP Proposal to change the language category of Ysgol Bro Myrddin from Bilingual (2A) to Welsh Medium (WM);	Daughter is a teacher at the school;
W.G. Thomas	18 – Executive Board Minutes [Community Asset Transfer];	Member of Llanelli Town Council.

3. CHAIR'S ANNOUNCEMENTS

- The Chair referred to the sad passing of Councillor Tom Theophilus and extended his condolences to his wife, Mrs Ann Theophilus, her sons William and Jeffrey, and their families. Tributes were paid to Councillor Theophilus who had been much respected and admired by his fellow members, staff and the people in his community. Councillor Theophilus worked diligently to achieve the best for both his community and the county. His knowledge, approachability, calm and measured contribution at meetings had always been greatly appreciated and he would be greatly missed.

Council stood in silent tribute.

- The Chair extended his congratulations to the following:

the Council's Sports Development Section, represented at the meeting by Lisa Pudner, who had achieved the "Insport Development Bronze Standard" awarded by Disability Sport Wales for its planning, provision and delivery of inclusive sport for everyone;

the Council's Trading Standards section, together with Councillor Jim Jones, who had recently won several categories at both the MJ Awards Ceremony and the Chartered Trading Standards Institute Conference;

Daniel Vaughan, Mathew Evans, Philip George and Jamie Mansel, Dafen Cricket Club players, who had been selected to represent South Wales Cricket Association on their 90th anniversary tour to Holland;

Year 8 pupils at Bryngwyn School who had won the Welsh athletics finals in the NASUWT School Team competition held in Brecon recently;

Côr Bois y Castell, Llandeilo, of which Councillor Cefin Campbell was a member, which had won the A4 Choir Competition at Llangollen International Eisteddfod;

pupils at Brynsierfel School on winning the Carmarthenshire Young Traders Competition;

the following recipients of OBEs in the Queen's Birthday Honours:

Mr. James Brisbane, Llanelli, for services to Law and Order;

Mr. John Ellis, Llanddarog, for voluntary and charitable services in Wales and Lesotho, Southern Africa;

Ms. Jean Haine, Llangadog, for humanitarian services in Madagascar.

Mr. Nigel Owens, Mynyddcerrig, for services to sport;

- Congratulations were extended to Joe Allen and the Wales Football Team on their success in UEFA Euro 2016.

4. COUNCIL MINUTES

RESOLVED that the minutes of the meetings of the Council held on the 18th May, 2016 and 8th June 2016 be signed as correct records.

5. NOTICES OF MOTION

5.1. NOTICE OF MOTION SUBMITTED BY COUNCILLOR EMLYN DOLE

The Council considered the following Notice of Motion submitted by Councillor Emlyn Dole:-

"We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Our council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable.

We will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia.

We reassure all people living in this area that they are valued members of our community."

The Motion was duly seconded.

The proposer of the Motion was afforded the opportunity of speaking in support of the Motion and outlined the reasons for its submission, as set out in the Motion.

A number of statements were made in relation to the Motion and, following a vote, it was

UNANIMOUSLY RESOLVED that the Motion be adopted.

5.2. NOTICE OF MOTION SUBMITTED BY COUNCILLOR JAN WILLIAMS

The Council considered the following Notice of Motion submitted by Councillor Jan Williams:-

“Carmarthenshire County Council deplores the reported increase in the number of Hate crimes throughout the country. We as a council would like to reassure all our residents that irrespective of race colour or creed, every one of us contributes to the future growth of Carmarthenshire and as such all are equally valued by ourselves as your representatives.”

The Motion was duly seconded.

The proposer of the Motion was afforded the opportunity of speaking in support of the Motion and outlined the reasons for its submission, as set out in the Motion.

A number of statements were made in relation to the Motion and, following a vote, it was

UNANIMOUSLY RESOLVED that the Motion be adopted.

6. QUESTIONS BY MEMBERS

6.1. QUESTION BY COUNCILLOR JOHN JAMES TO COUNCILLOR DAVID JENKINS, DEPUTY LEADER (RESOURCES)

“Residents throughout Carmarthenshire have expressed their dissatisfaction on how long it has taken for grass verges that run along the County’s highways to have their first cut of the year. When I enquired why it had taken so long, I was told that the delay was down to the County’s Procurement Procedures that allowed contractors to apply for the contract as late as early June. Does the Executive Board Member for Resources agree with me that this not a practical way of administering seasonal contracts?”

Response by Councillor David Jenkins, Deputy Leader [Resources]:

“I would in the first instance ask if Cllr. James is aware that there are two separate contracts in place for the cutting of grass verges that run along the County’s highways. Both contracts are procured on an annual competitive tender basis.

The first contract refers to verge grass cutting undertaken through the use of tractor mounted flail mowers. This type of grass cutting is generally confined to the rural areas and high speed roads and the primary function of the cut is to maintain road safety. The grass verge is generally cut to a 1 metre wide swathe once per year, with additional cuts undertaken on visibility splays at junctions or bends where further growth affects road safety. This type of verge cutting has historically started in early June and I can state with certainty that this contract was awarded, after the completion of a competitive tender exercise, on the 3rd June 2016. Thereby negating the inference in the question that any delay to the performance of this contract was due to delay within the County’s Procurement Procedure.

The second contract refers to verge grass cutting, commonly known as Amenity Grass Cutting, whereby grass cutting is undertaken using sit-on or push along mowers and trimmer type grass cutters which gives a much higher standard of cut. This type of grass cutting is generally confined to urban areas within towns and villages where road speeds are generally confined to 30/40 MPH, and the

primary function of this cut is for amenity purposes. The grass is generally cut to the full width of the verge with cuts being carried out 4 times per annum. Amenity Grass Cutting work has usually started in early May.

I consulted with officers within Highways Department and the Procurement Department to enquire if there had been a delay in the placing of the contract and was provided with the following explanation:- The delay this year has been attributable to a number of factors. Carmarthen grass cutting areas have been included in the tender for the first time so schedules and plans needed to be developed. Plans of existing amenity areas in Llanelli, Ammanford and Llandovery were also revised and schedules reviewed again for accuracy in order to ensure a safe risk-based approach to grass cutting coupled with a compliant procurement exercise potentially delivering efficiencies and reducing waste. It's worth noting at this point that the Technical Services Department has been under considerable budgetary pressures over the last 3-4 years and currently is still under pressure and the Department is having to work hard to produce PBBs etc to meet their budgetary requirements. This resulted in a delay with finalising the tender documentation. Usually the tender documents would have been available for action by Procurement Department no later than 21/04/2016 and contract would have been awarded by 03/05/2016 which would have met with the historical provision of the service. Once the tender documents were finalised invitations for tender submission were advertised in Sell to Wales on the 17/05/2016 with closing dates for tender submission by 31/05/2016 and tender evaluation to take place on 01/06/2016. Only two contractors met the initial tender requirements and steps were taken to award the contract to the lowest placed bidder. Further delays were associated with the failure of the successful bidder to meet the required Health & Safety qualifying criteria. As only two contractors had met the initial tender requirements our Procurement team had to contact the second contractor to determine their suitability. Again an assessment of their Health and Safety submission was necessary. The contractor was successful in meeting the necessary criteria. The contract was finally awarded on the 27/06/2016 and again yes this did cause a delay in the initial grass cutting programme.

It was not the Procurement Procedures in themselves that led to the delay but the revision of our existing approach to allow the procurement to be undertaken to deliver a more effective result in terms of service and cost.

This situation has not been an issue in previous years and considering that a full and detailed review of the Amenity Grass cutting schedule has now been completed I would not envisage any delays in submitting the tender or commencement of work next year."

Councillor John James asked the following supplementary question:

"What are the views of the Executive Board Member for Resources on keeping the grounds maintenance function in-house which would avoid situations as described in my original question occurring and, as a council, we would be able to plan ahead and respond to business and service needs?"

Response by Councillor David Jenkins, Deputy Leader [Resources]:

"I don't quite understand how that question follows on from the original question to be honest with you. Some of the comments Cllr. James has made are to do with operational functions rather than procurement functions and obviously if there are complaints about the quality of cuts well that should be taken up with the relevant

Heads of Service etc. or Department Heads. But everything can be improved, the biggest room in the world is the room for improvement and if it is possible to bring things forward we will do but this particular case was as a result of a review of the whole grass cutting system on the amenity grass cut areas. So we'll take on board what you said Cllr. James but we are this year where we are and next year we hope to be not in this position again and that things will run smoother."

6.2. QUESTION BY COUNCILLOR JEFF EDMUNDS TO COUNCILLOR EMLYN DOLE, LEADER OF THE COUNCIL:

"An article in the Llanelli Herald on the 20th May 2016 made extremely serious allegations against this council. The front page headline of the report was ' COUNCIL SCANDAL AT PEMBREY PARK' and this article alleged the 'fixing' of the contract to provide catering facilities at the park and conspiring the termination of employment of certain staff member(s) amongst other things. These are extremely distressing and alarming accusations of possible corruption in the authority and my question to The Leader of Council is:- What is the council's current situation surrounding these allegations and what are we doing about it?"

Response by Councillor Emlyn Dole, Leader:

"Thank you for the question. You are right in saying that there have been allegations in relation to the conduct of an officer in relation to Pembrey Country Park. As I am sure you will appreciate it wouldn't be appropriate for me to comment whilst these formal investigations are being completed because to do so could prejudice the integrity of an independent investigation. I would add that any allegations of misconduct in relation to any individual will be investigated rigorously and thoroughly through the formal processes available to us and if proven to be true they will be dealt with through our disciplinary process."

Councillor Jeff Edmunds asked the following supplementary question:

"Due to the fact that we have a policy in place for whistleblowers etc. my question is regarding this person or persons what is their current situation with employment with this Council?"

Response by Councillor Emlyn Dole, Leader:

"The answer to your second question is the same as the first in the sense that that investigation is underway and while it's underway and being looked then obviously I can't answer then."

7. PUBLIC QUESTIONS

The Chair advised that no public questions had been received.

8. EXECUTIVE BOARD RECOMMENDATION - ANNUAL REPORT OF THE STATUTORY DIRECTOR OF SOCIAL SERVICES ON THE EFFECTIVENESS OF SOCIAL CARE SERVICES IN CARMARTHENSHIRE 2015/16

Council was informed that the Executive Board, at its meeting held on the 20th June, 2016 (Minute 14 refers), had considered the annual report produced by the Director of Social Services on the effectiveness of Social Care Services within the county which set out the progress made on areas identified for improvement in last year's report and highlighted those areas that were to be developed in the current year.

It was moved and seconded that the recommendation of the Executive Board be accepted.

RESOLVED that the following recommendation of the Executive Board be adopted:-

“that the Annual report of the Statutory Director of Social Services on the effectiveness of Social Care Services in Carmarthenshire 2015/16 be approved.”

- 9. EXECUTIVE BOARD RECOMMENDATION - MODERNISING EDUCATION PROGRAMME (MEP) PROPOSAL TO CHANGE THE LANGUAGE CATEGORY OF YSGOL BRO MYRDDIN FROM BILINGUAL (2A) TO WELSH MEDIUM (WM)**
Council was informed that the Executive Board, at its meeting held on the 20th June 2016 (Minute 8 refers), had considered a report outlining proposals to change the language category of Ysgol Bro Myrddin from bilingual (2A) to Welsh medium (WM).

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

‘9.1 that the objections be noted but that that the Council proceed with the proposal to change the language category of Ysgol Gyfun Gymraeg Bro Myrddin from bilingual 2A to Welsh medium, as detailed in the Statutory Notice, effective from 1st September,2016;

9.2 that Council lobbies the Welsh Government and requests it to simplify the process required for changing school language categories, thus making it easier for schools to move along the Welsh language continuum and to change their language categories to Welsh-medium.’

- 10. EXECUTIVE BOARD RECOMMENDATION - MODERNISING EDUCATION PROGRAMME (MEP) PROPOSAL TO CHANGE THE AGE RANGE OF BETWS PRIMARY SCHOOL FROM 4-11 TO 3-11**

Council was informed that the Executive Board, at its meeting held on the 4th July 2016, had considered a report outlining proposals to change the age range of Betws Primary School from 4-11 to 3-11 and had endorsed, for Council’s consideration, the recommendation detailed in the report of the School Modernisation Manager.

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

‘that the proposal to change the age range of Betws Primary School from 4-11 to 3-11 be implemented, as detailed in the Statutory Notice, effective from 1 January 2017.’

- 11. EXECUTIVE BOARD RECOMMENDATION - MODERNISING EDUCATION PROGRAMME (MEP) PROPOSAL TO CHANGE THE AGE RANGE OF BYNEA SCHOOL FROM 4-11 TO 3-11**

Council was informed that the Executive Board, at its meeting held on the 4th July 2016, had considered a report outlining proposals to change the age range of Bynea Primary School from 4-11 to 3-11 and had endorsed, for Council's consideration, the recommendation detailed in the report of the School Modernisation Manager.

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

'that the proposal to change the age range of Bynea Primary School from 4-11 to 3-11 be implemented, as detailed in the Statutory Notice, effective from 1 January 2017.'

12. EXECUTIVE BOARD RECOMMENDATION - MODERNISING EDUCATION PROGRAMME (MEP) PROPOSAL TO CHANGE THE AGE RANGE OF PEMBREY PRIMARY SCHOOL FROM 4-11 TO 3-11

Council was informed that the Executive Board, at its meeting held on the 4th July 2016, had considered a report outlining proposals to change the age range of Pembrey Primary School from 4-11 to 3-11 and had endorsed, for Council's consideration, the recommendation detailed in the report of the School Modernisation Manager.

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

'that the proposal to change the age range of Pembrey Primary School from 4-11 to 3-11 be implemented, as detailed in the Statutory Notice, effective from 1 January 2017.'

13. EXECUTIVE BOARD RECOMMENDATION - MODERNISING EDUCATION PROGRAMME (MEP) PROPOSAL TO CHANGE THE AGE RANGE OF PWLL PRIMARY SCHOOL FROM 4-11 TO 3-11

Council was informed that the Executive Board, at its meeting held on the 4th July 2016, had considered a report outlining proposals to change the age range of Pwll Primary School from 4-11 to 3-11 and had endorsed, for Council's consideration, the recommendation detailed in the report of the School Modernisation Manager.

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

'that the proposal to change the age range of Pwll Primary School from 4-11 to 3-11 be implemented, as detailed in the Statutory Notice, effective from 1 January 2017.'

14. EXECUTIVE BOARD RECOMMENDATION - ANIMAL ESTABLISHMENTS - LICENSING FEES

Council was informed that the Executive Board, at its meeting held on the 4th July 2016, had considered a report by the Authority's Trading Standards Services Manager outlining proposed new licensing fees for animal establishments, subject

to amendment of the fees for home boarders, and had endorsed, for Council's consideration, the recommendation detailed in the report.

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

“that the proposed licensing fees for animal establishments be approved for adoption, subject to the amendment of the fees for home boarders.”

15. EXECUTIVE BOARD RECOMMENDATION - DRAFT ANNUAL REPORT (2015/16) AND IMPROVEMENT PLAN (2016/17)

Council was informed that the Executive Board, at its meeting held on the 4th July, 2016, had considered the Council's Annual Report 2015/16 and Improvement Plan 2016/17, which provided information about the Authority's services and how it was performing, and had endorsed the recommendation, as detailed in the report of the Assistant Chief Executive (Regeneration and Policy), for consideration by Council.

RESOLVED that the following recommendation of the Executive Board be adopted:-

“that the Council's Draft Annual Report for 2015/16 and Improvement Plan 2016/17 be approved.”

16. EXECUTIVE BOARD RECOMMENDATION - PREMATURE RETIREMENT AND REDUNDANCY DISCRETIONARY POLICY FOR TEACHERS

[NOTE: Councillors D.J.R. Bartlett, D.B. Davies, J.A. Davies, L.D. Evans, P. Hughes Griffiths, G.O. Jones, H. Shepardson and J. Thomas, having earlier declared an interest in this item, left the meeting prior to the consideration and determination thereof.]

Council was informed that the Executive Board, at its meeting held on the 4th July, 2016, had considered a report on the proposed removal from the Premature Retirement and Redundancy Discretionary Policy for Teachers of the three added years for a teacher made redundant with five or more years of pensionable service thereby reducing the ongoing financial burden of teaching redundancies on the Authority. The Board had endorsed the recommendation, as detailed in the report, for consideration by Council.

RESOLVED that the following recommendation of the Executive Board be adopted:-

“that the updated Premature Retirement and Redundancy Discretionary Compensation Policy for Teachers be endorsed for adoption.”

17. APPROVAL OF CHANGES TO MEMBERS CODE OF CONDUCT.

Council had been circulated with a copy of the Model Code of Conduct for elected and co-opted members with highlighted changes as a consequence of The Local Authorities (Model Code of Conduct) (Wales) (Amendment) Order 2016 which had come into force 1st April 2016. The revised Members Code of Conduct, incorporating these changes, had to be approved Council by the 26th July 2016.

RESOLVED that the revised Code of Conduct be approved.

18. EXECUTIVE BOARD - 20TH JUNE 2016

RESOLVED that the report of the above meeting be received.

CHAIR

DATE