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Date: 10th October 2018

Dear Sir/Madam,

A meeting of the **Cabinet** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 17th October, 2018** at **10.30 am** to consider the matters contained in the following agenda. Councillors and the public wishing to speak on any item can do so by making a request to the Chair. You are also welcome to use Welsh at the meeting, both these requests require a minimum notice period of 3 working days and a simultaneous translation will be provided if requested.

All Committee meetings are open to the Press and Public, observers and participants are asked to conduct themselves with respect and consideration for others. Please note that failure to do so will result in you being asked to leave the meeting and you may be escorted from the premises.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Chrissy'.

Christina Harrhy
INTERIM CHIEF EXECUTIVE

A G E N D A

Pages

- 1 To receive apologies for absence.
- 2 Declarations of Interest.

Councillors and Officers are reminded of their personal responsibility to declare any personal and/or prejudicial interest(s) in respect of any item of business on the agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.

A greener place Man gwyrddach



To approve and sign the following minutes: -

- | | | |
|---|---------------------------------------|-------|
| 3 | Cabinet held on the 3rd October 2018. | 1 - 8 |
|---|---------------------------------------|-------|

To receive and consider the following reports on which executive decisions are required: -

- | | | |
|---|--|---------|
| 4 | The recovery of Fly Tipping clean up costs. | 9 - 12 |
| 5 | European Social Fund Operation Nurture Equip Thrive (Net). | 13 - 18 |
| 6 | Domiciliary Care Framework. | 19 - 26 |
| 7 | Capital Works. | 27 - 28 |

Circulation:

Councillors C.J. Cuss, N. George, C.J. Gordon, Mrs B. A. Jones, P.A. Marsden, S. Morgan, L. Phipps, D.V. Poole and Mrs E. Stenner,

And Appropriate Officers.

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Agenda Item 3



CABINET

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN ON WEDNESDAY, 3RD OCTOBER 2018 AT 10.30 A.M.

PRESENT:

Councillor D. Poole – Chair

Councillors:

C. Cuss (Social Care and Wellbeing), C.J. Gordon (Corporate Services), Mrs B.A. Jones (Finance, Performance and Governance), P. Marsden (Education and Achievement), S. Morgan (Economy, Infrastructure and Sustainability), L. Phipps (Homes and Places) and E. Stenner (Environment and Public Protection).

Together with:

C. HARRY (Interim Chief Executive), D. Street (Corporate Director - Social Services), and R. Edmunds (Corporate Director – Education and Corporate Services).

Also in Attendance:

R. Hartshorn (Head of Public Protection, Community and Leisure Services), S. Harris (Interim Head of Business Improvement Services), R. Tranter (Head of Legal Services and Monitoring Officer), R. Kyte (Head of Regeneration and Planning), M. Williams (Interim Head of Property Services), K. Peters (Corporate Policy Manager), A. Cullinane (Senior Policy Officer - Equalities and Welsh Language), M. Godfrey (Team Leader - Environmental Health) and A. Dredge (Committee Services Officer).

1. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillor N. George (Neighbourhood Services) and M. S. Williams (Interim Corporate Director - Communities).

2. DECLARATIONS OF INTEREST

There were no declarations of interest received at the commencement or during the course of the meeting.

3. SPECIAL CABINET – 12TH SEPTEMBER 2018

RESOLVED that the minutes of the meeting held on 12th September 2018 (minute nos. 1 - 7) be approved and signed as a correct record.

4. CABINET – 19TH SEPTEMBER 2018

RESOLVED that the minutes of the meeting held on 19th September 2018 (minute nos. 1 - 7) be approved and signed as a correct record.

MATTERS ON WHICH EXECUTIVE DECISIONS WERE REQUIRED

5. STRATEGY FOR THE DISPOSAL OF SELECTED LAND WITH RESIDENTIAL DEVELOPMENT POTENTIAL

The report sought Cabinet approval in relation to a strategy for the disposal of five key parcels of land all of which are suitable for residential redevelopment. The Authority has significant tranches of surplus land, a proportion of which is suitable for residential development.

Cabinet were advised that the delivery of affordable homes within the Borough is behind target. As of the 1st April 2017 4,523 units (52% of the requirement) had been built and it is therefore clear that the housing requirement figure will not be achieved by 2021. Where the Authority sells land there is an opportunity to ensure affordable housing is included and to increase the proportion of affordable housing above Local Development Plans (LDP) targets where appropriate, albeit with the potential for a reduction in the associated capital receipt.

It was explained that the Authority's Protocol for the Disposal of Property (Land and Buildings) recommends that the disposal of the various small tranches of land (where the development potential is less than 20 dwellings) continues in accordance with the Protocol. It is further recommended that the Authority considers the disposal strategy for the larger tranches of current and future surplus land and in particular to determine whether an increased allocation of affordable homes is justified. The surplus land with residential development potential has been reviewed and assessed in terms of barriers to development and location factors. The five medium or large parcels of land, that would be commercially attractive to housing development companies, were set out in the report that also included the considerations relating to each of the sites with a recommended way forward.

Cabinet discussed the proposed sites and sought clarification as to the consideration of health provision in the Blackwood area due to the increase in housing development. Officers explained that as part of the proposed Local Development Plan (LDP) the Authority had to consider the capacity of schools and GP surgery's in the catchment areas. Where there was an identified need for new provision land is identified within the LDP to enable that provision to be delivered. Cabinet were advised that the delivery of that provision is then a matter for the relevant body, e.g. the Health Authority, the Education Authority. A Member referred to Site A - Ty Darren, Risca and the response to the Consultation that was undertaken. Cabinet were advised that a local elected Member suggested refurbishing the building and utilise the same to provide respite or elderly, mentally and Infirm (EMI) beds to ease the bed blocking issue. Officers confirmed that this facility is not considered necessary as there are currently 113 vacant residential and nursing beds available across the Borough.

In terms of achieving local affordable Housing targets, Members were assured that the percentages will be achieved as the terms will be specified within the Contract of Sale. Cabinet were pleased to support the report and felt that the proposed housing sends out a positive message across the region. This will allow children to grow up and live in the County. Emphasis was placed on the economic benefits that will be created on the back of high quality Housing.

Following consideration and discussion and subject to an amendment at paragraph 10.5 to include a decision to defer a decision on Pontllanfraith Comprehensive until a decision on the future of Pontllanfraith Leisure is taken, it was moved and seconded, that the recommendations in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to an amendment at paragraph 10.5 to include “and a decision on the future of Pontllanfraith Leisure Centre is taken” and for the reasons contained in the Officer's report, the following be approved: -

- (i) Site A - Ty Darren, Risca. If it is confirmed that Caerphilly Homes wish to build sheltered accommodation on the site then the site be sold to them. Otherwise it is recommended the site is sold on the open market for housing with a contractual requirement that 10% of the homes are affordable in accord with the LDP requirement;
- (ii) Site B - Bedwellty School Playing Fields. Assuming the site is declared surplus when the current consultation process is concluded, the Interim Head of Property Services in consultation with the Cabinet Member for Homes and Places negotiate a sale to Llanmoor Developments. However, if the current market value cannot be achieved then the site shall be sold on the open market via a competitive tender process. In either case, the sale to include a contractual commitment that 15% of the homes are affordable;
- (iii) Site C - Pontllanfraith House. A scheme is developed with an RSL to include broadly equal proportions of social rented, shared ownership and market sale dwellings, and commercial terms are established for both outright sale and the Lease models for further consideration and approval by Cabinet;
- (iv) Site D - Pontllanfraith Comprehensive School. A final decision on the way forward for this site is deferred until the proposals for Pontllanfraith House (Site C) are further developed and a decision on the future of Pontllanfraith Leisure Centre is taken. It is confirmed that demolition of the disused school buildings can proceed once a decision on the future of Pontllanfraith Leisure Centre is taken;
- (v) Site E - Oakdale Comprehensive School. The site is sold on the open market with the sale contract requiring that the LDP target of 25% of the dwellings affordable is achieved.

6. STRATEGIC EQUALITY PLAN – ANNUAL MONITORING AND IMPROVEMENT REPORT 2017-2018

The report sought Cabinets' endorsement of the progress made during the financial year 2017-2018 against targets in the Council's current Strategic Equality Plan, and approval for submission to the Equality and Human Rights Commission and publication on the Council's website.

Cabinet were advised that the Council has a statutory duty to produce an annual monitoring report on Equalities issues under current legislation. The requirements are very detailed as to what relevant information must be included in the annual monitoring and improvement report 2017/18 (appended to the report). The amount of information presented is therefore in order to ensure that the regulatory body involved (the Equality and Human Rights Commission) are provided with full evidence of the Council's compliance and commitment to those statutory duties. In order to comply with the Public Sector Equality Duty in Wales, an annual report on the Strategic Equality Plan must be published within 12 months after the end of the financial year that is covered by that report.

Members were referred to paragraph 4.3. in the report that summarises the performance information obtained during the financial year 2017/18. In 2016 the Authority made its first annual submission to the Stonewall Education Equality Index where special recognition was received for the work that was undertaken to tackle homophobic, biphobic and transphobic bullying in schools. The Authority was also ranked 1st in Wales and 21st across the whole of

the UK. Last year's submission saw these rankings maintained. The Council published its first Gender Pay Gap Statement for 2017. The data showed the Mean Gender Pay Gap for the year was 8.9%. The Council is confident that its gender pay gap does not stem from paying male and female employees differently for the same or equivalent work. The gender pay gap is the result of roles in which males and females currently work and the salaries that these roles attract. The gender pay gap is also reflective of the causes of gender pay gap at a societal level where although parents are increasingly flexible, the responsibility of childcare still falls disproportionately upon women. It is a fact that within this data the vast majority of part time posts are held by females and that these are the posts that attract salaries in the lower quartiles. £104,000 of funding was used to support disability access improvement works. This included access into swimming pools, installing automatic doors and ramps to education buildings and purchasing accessible picnic benches in country parks. A contribution was also made to assist with the improvement works to provide accessible toilets in Morgan Jones Park. Rhiw Syr Dafydd Primary became the first school in the County Borough to be awarded with a Dementia Friendly Award from the Alzheimer's Society. Officers advised that a number of promotional activities were undertaken including Diwrnod Shwmae, LGBT History Month, Black History Month, Holocaust Memorial Day and International Women's Day.

Cabinet extended their thanks to Officers for undertaking the prescriptive report. It evidences the amount of positive work and good practice the Council is achieving to benefit those individuals and groups who fall under one or more of the protected characteristics and wider Equalities issues. The Chair was pleased to note that he has recently appointed a LGBT Champion who will in turn appoint an advisor to raise awareness. In terms of gender statistics Cabinet has a 50%/50% male/female split and in relation to Management Network it was confirmed that the split is 55 female, 49 male.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the Officer's report, the Strategic Equality Plan - Annual Monitoring and Improvement Report 2017-2018 be endorsed and submitted to the Equality and Human Rights Commission and published on the Council's website.

7. FIELDS IN TRUST - CENTENARY FIELDS PROGRAMME

The report sought Cabinet approval for the formal dedication of the War Memorial Garden at Cwmfelinfach as part of the Fields in Trust, Centenary Fields Programme. Officers explained that in July 2014, Fields in Trust (FiT) launched a new initiative called Centenary Fields. This is a UK wide project which aims to protect in perpetuity war memorial fields, green space that include war memorials across the UK and provide a fitting commemoration for the Centenary of World War I. FiT has established a partnership with the Royal British Legion who has adopted Centenary Fields as one of three flagship initiatives that form their portfolio of work commemorating World War I.

Cabinet were advised that the Centenary Fields initiative aims to secure recreational space in perpetuity to honour the memory of the millions of people who lost their lives in World War I. Through this programme, landowners across the UK are being encouraged to dedicate recreational space as a Centenary Field. The programme will commemorate this significant milestone in history and create a tangible local legacy that will be valued by communities for generations to come. The Authority has 38 war memorials across the County Borough which commemorates those who fell in World War I, World War 2 and other conflicts. Members were referred to the plan, appended to the report which indicates the Memorial Garden in Cwmfelinfach. The site has been identified as a suitable location to be dedicated as the Authority's contribution towards the Centenary Fields initiative.

Local Ward Members had been consulted as part of the exercise that supported the proposal to provide a commemorative legacy of the First World War conflict of 1914-18 and to support the Fields in Trust and British Royal Legion's Centenary Fields Programme. This was echoed by Cabinet.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to the reasons contained in the Officer's Report: -

- (i) the dedication of the War Memorial Garden at Cwmfelinfach as a Centenary Field, be approved;
- (ii) following the successful application, the Authority enters into a Deed of Dedication with the Fields in Trust Organisation.

8. HAFOD-YR-YNYS AIR QUALITY DIRECTION

The report sought Cabinet approval for the Initial Plan for achieving compliance with the Ambient Air Quality Directive at Hafod-yr-ynys in accordance with the Air Quality Direction issued to the Authority by Welsh Government.

Cabinet were advised that the national nitrogen dioxide air quality objectives are being exceeded at receptor locations on Hafod-yr-ynys Road. The local authority is required to designate any area failing the national air quality objectives as an Air Quality Management Area (AQMA) and produce an Air Quality Action Plan (AQAP) which details measures to bring the pollutant back within acceptable limits. The AQAP was approved by Cabinet and subsequently Welsh Government in March 2018. In addition to providing results which inform the Local Air Quality Management regime and action planning process, the continuous nitrogen dioxide monitor at Hafod-yr-ynys also forms part of DEFRA's national Automatic Urban and Rural Network (AURN). The AURN is a network of continuous monitors throughout the UK that inform a national Pollution Climate Model which is used for air quality reporting purposes to the EU to demonstrate compliance with the Ambient Air Quality Directive. Hafod-yr-ynys and Cardiff are two areas in Wales showing non-compliance with the Ambient Air Quality Directive.

In February 2018 Welsh Government issued an Air Quality Direction to Caerphilly Council to undertake a feasibility study for the area and to produce a preferred option or basket of options which will achieve compliance with the Ambient Air Quality Directive air quality objectives in the 'shortest possible time'. Reference was made to the Stage 2 report (appended to the report) and contains the detail on the air quality modelling of the options. It was explained that the final requirement of the Air Quality Direction is the production of a Final Plan (the WelTAG Stage 3 Assessment), which must be submitted to Welsh Government by no later than 30th June 2019. The Final Plan will include a fully costed business case of the preferred option / basket of options for achieving compliance with the EU Air Quality Directive at Hafod-yr-ynys.

The process requested by WG involves the production of three reports consisting of the WelTAG Stage 1 report that sets the scene in terms of the study area and discusses some of the traffic monitoring recently undertaken. The report also considers the options that came forward from a stakeholder workshop and discounts the options that did not satisfy the assessment (based on 3 key criteria namely, effectiveness, timescales and deliverability) bringing the list of proposals down from 30 to 10. The objective of the WelTAG stage 2 report is to consider the proposals deduced from stage 1 and to model the outcomes of the proposals both in terms of traffic and air quality and conclude a preferred option or basket of options to be taken forward to WelTAG Stage 3. The Stage 2 report for Hafod-yr-ynys has considered the options in terms of air quality. The Stage 3 report (which is the Final Plan) will include all relevant traffic and air quality modelling which will provide quantifiable outcomes in order to determine whether the options are appropriate in reducing levels of NO₂ at Hafod-yr-ynys to

bring the area back in to compliance with the EU Air Quality Directive. The proposals that have been ruled out during the stage 2 assessment are set out in paragraph 4.6. in the report.

Officers advised that amendments were required within the agenda pack under the heading: Other Issues - (Technical, Operational and Financial Feasibility) that should read on page 271 - ruled out on effectiveness, page 274 – ruled out on feasibility, page 275 – ruled out on feasibility and page 278 – ruled out on timescales. The area at Woodside Terrace to also include numbers 1 and 2 Woodside Shops and Yr Adfa (detached dwelling).

Cabinet discussed the report in detail and thanked the Officers for the amount of work that has been undertaken in producing the First and Second Stage Reports. Cabinet requested that Officers explore the feasibility of a seventh option in moving forward, by assessing the impact on emissions of reducing the speed limit of the road between Woodside Terrace and the Swffryd Junction to 30 mph, together with removal of the overtaking lane, to allow a constant speed limit for the full stretch of road. Officers advised that the Highways Department had been consulted as part of the process when considering the proposals and it was not considered that vehicles would be any more efficient by a reduction in speed. The A472 runs through Hafod-yr-ynys which is a strategic valley link. Conversely, concerns were expressed in relation to the impact this additional proposal may have to HGV drivers and the potential problems this may cause to those road users.

Following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that subject to the aforementioned amendments under the heading: Other Issues - (Technical, Operational and Financial Feasibility) that should read on page 271 - ruled out on effectiveness, page 274 – ruled out on feasibility, page 275 – ruled out on feasibility and page 278 – ruled out on timescales. The area at Woodside Terrace to include numbers 1 and 2 Woodside Shops and Yr Adfa (detached dwelling). Cabinet requested that Officers explore the feasibility of a seventh option in moving forward, by assessing the impact on emissions of reducing the speed limit of the road between Woodside Terrace and the Swffryd Junction to 30 mph, together with removal of the overtaking lane, to allow a constant speed limit for the full stretch of road, subject to this and for the reasons contained in the Officer's report: -

- (i) the Initial Plan for working towards compliance with the Ambient Air Quality Directive at Hafodyrynys in accordance with the Air Quality Direction issued to the Authority by Welsh Government, be approved;
- (ii) a further report (with the addition of Option 7 above) be presented to Cabinet on the Final Plan for achieving compliance with the Ambient Air Quality Directive at Hafodyr-Ynys prior to its submission to Welsh Government in June 2019.

RECOMMENDATIONS TO COUNCIL

9. ANNUAL PERFORMANCE REPORT 2017/18

The report sought Cabinet approval of the Annual Performance Report for 2017/18 prior to its presentation to Council on the 9th October 2018 and publication by 30th October 2018. The Performance Report is a statutory requirement under the Local Government (Wales) Measure 2009 and an important part of the Council's Performance Framework. The Council is required to assess its own performance and provide the public with a balanced picture of that performance. In addition, the report must show how the council performed against the Well-being Objectives it set itself for 2017/18. The Council has a statutory duty to publish its Performance Report no later than the 30th October each year on the Council's website and made available in hard copy at key council offices and libraries. The report includes the Leader and the Interim Chief Executive's summary of the year, financial statements, progress and achievements made

against the 5 Well-being Objectives, and performance summary comparison against national Public Accountability Measures for 2017/18 for Local Authorities.

Cabinet were advised that detailed reports and dashboards of the Council's performance against its Well-being Objectives were scrutinised at this year's performance Scrutiny Meetings. These will be placed on the website at the same time as the Performance Report to provide more detail and keep the report to a manageable size; as such the main report provides key points of the performance of the Well-being Objectives. Members were referred to paragraph 4.4.2. in the report that set out the Council's Well-being Objectives (WBOs) for 2017/2018. Three of which were judged as partially successful, namely: Improve outcomes for all learners, particularly those vulnerable to under achievement, Carbon Management: Reduce our carbon footprint and Investment in council homes to transform lives and communities. WBO 1 and 3 were judged as successful, namely: To help people make the best use of their household income and manage their debts and Close the gap in life expectancy for residents between the most and least deprived areas in the borough.

The judgements were made based upon whether the individual WBOs had delivered the outcomes set. It was explained that in the main, indicators within the all Wales ranking have had limited movement compared to last year, with those indicators in the lower quarters staying there and those that are in the upper quarters continuing to do well. Details of Caerphilly County Borough's performance in comparison with other local authorities in Wales for all 20 indicators can be found on the internet or at www.mylocalcouncil.info. The 2017/18 Well-being Objectives were closed in April 2018 and the Council formally adopted a new set of Well-being Objectives for the period 2018-2023 within its Corporate Plan. The first year of progress against the 2018-2023 Corporate Plan will be reported in the summer of 2019.

Officers advised that an amendment was required at page 14 of the Annual Performance Report (appended to the report). The icon for all pupils who leave compulsory education without an external qualification should state that a 'lower' number is preferred. The indicator at the bottom of the page should relate to pupils in local authority care only and should reflect that the indicator improved down from 18.8% to 8%.

Cabinet discussed the objectives and indicators covering the public accountability measures quarter and ranking positions over 3 years. They considered that overall the 'journey' is one of improvement and that the Council is moving forward in the right direction.

RESOLVED that subject to the aforementioned amendments to page 14 of the Annual Performance Report (Appendix 1), the icon for all pupils who leave compulsory education without an external qualification should state that a 'lower' number is preferred. The indicator at the bottom of the page should relate to pupils in local authority care only and should reflect that the indicator improved down from 18.8% to 8%, and for the reasons contained in the Officer's report, the Annual Performance Report 2017/18, be recommended to Council.

The meeting closed at 11.20 am.

Approved and signed as a correct record subject to any corrections made at the meeting held on 17th October 2018.

CHAIR

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CABINET - 17TH OCTOBER 2018

SUBJECT: THE RECOVERY OF FLYTIPPING CLEAN UP COSTS

REPORT BY: INTERIM CORPORATE DIRECTOR, COMMUNITIES

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet and to seek a decision regarding the options available to the Council to recover the costs of cleaning up flytipping from perpetrators.

2. SUMMARY

- 2.1 At its meeting of 28th February 2018 Cabinet considered a report regarding fixed penalty notices for unauthorised deposits of waste and resolved to implement a fixed penalty for relevant fly tipping offences at the maximum level of £400 with no discount for early payment. Cabinet also requested that a further report be brought to Cabinet in relation to recovering the costs of cleaning up fly tipping offences.
- 2.2 The law of trespass offers a potential civil cause of action in order to pursue the recovery of flytipping clean-up costs. Trespass deals with interference with the enjoyment of land, but it is a proprietary claim and so is only an option in circumstances where the Council owns the land upon which waste is deposited.
- 2.3 Cabinet are therefore asked to consider a recommendation that the Council takes steps to recover the costs of flytipping against perpetrators of flytipping incidents on Council land where the amount being pursued is above the economical debt recovery threshold.

3. LINKS TO STRATEGY

- 3.1 Fly tipping blights our communities and it damages our environment. The prevention of fly tipping contributes to the following well-being goals within the Well-being of Future Generations Act (Wales) 2015:
- A sustainable Wales
 - A prosperous Wales
 - A more equal Wales
 - A Wales of more cohesive communities
 - A globally responsible Wales
- 3.2 Tackling flytipping supports the four Well-being Objectives within the Caerphilly Public Services Board Well-being Plan 2018-23, *The Caerphilly We Want* and also contributes to all of the Well-being Objectives within the Council's Corporate Plan 2018-23.

4. THE REPORT

- 4.1 In 2016/17 local authorities in Wales received 38,614 reports of fly tipping, costing the Welsh Tax payer over £2.18 million to clear. Caerphilly received 1992 reports of fly tipping, a reduction of 15% on the previous year's 2359, costing in excess of £150,000 to clear.
- 4.2 In response to public concerns about fly tipping and appropriateness of sanctions available the Welsh Government brought forward the Unauthorised Deposit of Waste (Fixed Penalties) (Wales) Regulations 2017. These Regulations introduce a new power enabling local authorities to serve a fixed penalty notice on a person found to be responsible for fly tipping offences. The Regulations provide local authorities with a more efficient and proportionate response to small scale fly tipping of waste instead of enforcement by prosecution. In addition it allows an individual to discharge their liability for conviction of the offence by payment of the fixed penalty. Unlike fines issued by the courts, receipts from fixed penalty notices issued under these Regulations are retained by the Local Authority.
- 4.3 At its meeting of 28th February 2018 Cabinet resolved to implement a fixed penalty for relevant fly tipping offences at the maximum level of £400 with no discount for early payment. Fixed penalty notices can be appropriate for offences involving small fly tips of non-hazardous waste, for example; it is expected that larger scale incidents would continue to be prosecuted through the courts. Cabinet also requested that this further report be brought to Cabinet in relation to recovering the costs of cleaning up fly tipping offences.
- 4.4 Legal Services advise that whilst acceptance and payment of a fixed penalty notice discharges criminal liability, the Courts have ruled that it does not amount to an admission of guilt (see R –v- Hamer [2010] EWCA Crim 2053). Therefore the Council could not rely on the payment of the fixed penalty as proof of any civil claim. This would still need to be proven on the balance of probabilities.
- 4.5 In order to pursue the recovery of flytipping clean-up costs it would be necessary to establish a cause of action in civil law. In terms of civil causes of action there are potentially two to consider: trespass and common law public nuisance. Trespass deals with interference with the enjoyment of land, but it is a proprietary claim and so is only an option in circumstances where the Council owns the land upon which waste is deposited. Common law public nuisance only becomes actionable in law if the claimant suffers 'particular damage' over and above the damage suffered by the public generally. Whilst this may be a possible cause of action on which to base any recovery of clean-up costs it is not designed for these circumstances, is rarely used since the introduction of specific environmental health legislation over the last few decades, and no precedent of the law being used in this way has been identified.
- 4.6 Corporate Finance advise that it is not economical to pursue County Court proceedings for smaller debts and these are proposed to the Head of Corporate Finance for write off.
- 4.7 It is therefore recommended that the Council takes steps to recover the costs of flytipping against perpetrators of flytipping incidents on Council land where the amount being pursued is above the economical debt recovery threshold. Each claim is to be considered on its merits by the Head Public Protection, Community & Leisure Services in consultation with the Head of Legal Services having regard to need for it to be proven on the balance of probabilities and the prospects of a successful recovery.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 The Well-being of Future Generations (Wales) Act commenced in April 2016. The Act is about improving the social, economic, environmental and cultural well-being of Wales. It aims to make public bodies listed in the Act think more about the long term; work better with people and communities and each other; look to prevent problems and; take a more joined-up approach.

- 5.2 The Council's approach to addressing flytipping aims to be consistent with the five ways of working as defined within the sustainable development principle in the Act:
- Involvement - This would include actively encouraging individuals to report issues and incidents.
 - Collaboration – working with partners including Natural Resources Wales, Fly Tipping Action Wales and local stakeholders.
 - Long Term - aiming to reduce both short term and long term risks to the public from fly tipping and will seek to improve the living environment.
 - Integration - contributing to health objectives through minimising the exposure to fly tipping and also contributing to resilient objectives by promoting and ensure a clean safe environment.
 - Prevention - aiming to minimise the public to the exposure to risk that illegally deposited materials can generate.

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the categories identified in Section 6 of the Council's Strategic Equality Plan 2016-2020.

7. FINANCIAL IMPLICATIONS

- 7.1 As stated above, in 2018/19 the Council spent approximately £1xx, xxx cleaning up flytipping and any recovery of those costs from perpetrators will reduce the burden on Council tax payers.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications arising from this report.

9 CONSULTATIONS

- 9.1 This report has been sent to the consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 It is recommended that Cabinet agree:
- (i) that the Council takes steps to recover the costs of flytipping against perpetrators of flytipping incidents on Council land where the amount being pursued is above the economical debt recovery threshold.
 - (ii) each claim is considered on its merits by the Head of Public Protection, Community & Leisure Services in consultation with the Head of Legal Services, having regard to need for it to be proven on the balance of probabilities and the prospects of a successful recovery.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 In order to recover costs incurred by the Council and to deter flytipping.

12. STATUTORY POWER

12.1 Local Government Act 2000.

Author: Rob Hartshorn, Head Public Protection, Community & Leisure Services
Consultees: Councillor Eluned Stenner, Cabinet Member for Environment & Public Protection
Councillor Nigel George, Cabinet Member for Neighbourhood Services
Mark S. Williams, Interim Corporate Director, Communities
Rob Tranter, Head of Legal Services and Monitoring Officer
Hayley Jones, Waste Strategy and Operations Manager
Ceri Edwards, Environmental Health Manager
Mike Headington, Green Spaces and Transport Services Manager
James Williams, Senior Solicitor
Lisa Lane, Solicitor
Anwen Cullinane, Senior Policy Officer (Equalities & Welsh Language)
Mike Eedy, Finance Manager
Craig Verrier, Senior Income Officer
Shaun Watkins, Human Resources Manager

Background Papers:

Cabinet Report – “Fixed Penalty Notices for the Unauthorised Deposit of Waste” 28th February 2018



CABINET - 17TH OCTOBER 2018

SUBJECT: EUROPEAN SOCIAL FUND OPERATION NURTURE EQUIP THRIVE (NET)

REPORT BY: CORPORATE DIRECTOR FOR EDUCATION AND CORPORATE SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet approval for Caerphilly's involvement in the European Social Fund operation - Nurture Equip Thrive (NET).

2. SUMMARY

- 2.1 Nurture, Equip and Thrive (NET) is an operation to address underemployment across 5 Local Authorities (Caerphilly, Torfaen, Merthyr Tydfil, Blaenau Gwent, Bridgend) in South East Wales (West Wales and the Valleys). This will be achieved through a collaborative approach. The operation aims to engage, support and prepare employed individuals with work limiting health conditions and / or other barriers to gain sustainable employment.
- 2.2 The current ESF operation of Bridges into Work 2 provides employment support for unemployed adults aged 25+, while Working Skills for Adults 2 offers training opportunities for those in low skilled and low paid work. Working Skills for Adults is not able to offer other support, such as coaching, CV writing etc. often necessary for those in the most unstable employment to improve their labour market position. The target group for the NET operation are employed, so cannot be supported by Bridges but would benefit from support additional to the training opportunities offered by Working Skills for Adults.

3. LINKS TO STRATEGY

- 3.1 The operation can clearly demonstrate alignment with relevant Welsh Government policies.

Strategy	Priorities/Outcomes/Linkages	How The Operation will contribute
DfES Skills gateway	National referral and assessment system including access to Adult careers advice and guidance.	Supply up to date information on support & opportunities offered to Skills Gateway team.
Welsh Government Tackling Poverty Action Plan (2012-2016)	We will increase action to mitigate the impact of Poverty here and now. We recognise that for more and more people, even being in work will not guarantee that they can escape poverty. We can act to improve the quality of life of these communities, families and individuals.	The essence of the model and the operation is to enable those who are suffering in work poverty to progress in the workplace increasing income and job security.

Prosperity for All: Economic Action Plan (EAP)	In December 2017 the Welsh Government launched the Prosperity for All: Economic Action Plan. It is anticipated that many NET participants will be employed within the Foundation Economy. The Foundation Economy is the part of the economy that provides essential goods and services and plays an important role in the lives of people and communities. As part of the Economic Action Plan (EAP) the Welsh Government intends to focus on a limited number of foundation sectors: <ul style="list-style-type: none"> • Tourism • Food • Retail • Care 	The NET Operation will support the EAP in this focus on the Foundation Economy by supporting employees' underemployed within these sectors to stabilize and improve their labour market situation.
Fair Work Nation	In Prosperity for All the Welsh Government outlines its intention to make Wales a Fair Work nation. The growing 'gig economy' means some individuals and families increasingly find themselves trapped in a cycle of low-wage and casual work, locked out of the security, stability and opportunity that decent and fair work provides.	NET will change people's working lives for the better. Supporting more people to have access to good work and a secure, fair income. Enabling people to access better jobs closer to home, where people can develop their skills and careers and move out of in work poverty.
Strategy for Older People	Recommendation 28 - Local authorities should be encouraged to address unemployment at 50+. Initiatives to meet the needs of this age group should be reflected in the local regeneration and strategy plans that mirror the economic needs.	NET will encourage those over the age of 50 who are working to increase their employability in the job market. It will use the expertise developed through the sister Operation Working Skills For Adults 2 in engaging older working participants.

3.2 The report contributes to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016. In particular, as follows:

- A prosperous Wales as it details improved outcomes for operation participants, and reduces impact of poverty if people are able to gain skills to gain sustainable employment.
- A healthier Wales, supporting vulnerable participants can improve their well-being and aid educational achievement.
- A more equal Wales, a society that enables participants to fulfil their potential no matter what their background is; and.
- A Wales of cohesive communities (in the context of improving quality of life with attractive, viable, safe and well connected communities).

4. THE REPORT

- 4.1 Caerphilly will be part of a new operation involving 5 Local Authorities in South East Wales (West Wales and the Valleys). This is a European Social Fund operation lead by Torfaen CBC to address underemployment across the 5 local authority areas. Through a collaborative approach, the operation aims to engage, support and prepare employed individuals with work limiting health conditions and / or other barriers to gain sustainable employment.
- 4.2 The aim will be to ensure the widest possible participation of under-represented groups and communities to improve their labour market situation and / or health.
- 4.3 The main strand of the operation will focus on supporting underemployed participants with barriers to full employment to improve their labour market situation. The second strand of NET will support those participants with a work limiting health condition (WLHC) or disability who are either looking to return to work after a period of absence or who wish to improve their labour market situation.
- 4.4 The target participants will align with key Target Groups as described in the operational Programme for the European Social Fund in West Wales and the Valleys, namely:
- Participants Employed, including self-employed with work limiting health condition or disability.
 - Underemployed Participants with barriers to full employment.
- 4.5 Caerphilly will aim to support 326 participants over 5 years:
- 60 Employed, including self-employed, participants with work limiting health condition or disability, target of 40% with an improved labour market situation upon leaving such as increased hours, permanent contract.
 - 266 Underemployed participants, target of 40% with an improved labour market situation upon leaving, such as increased hours, permanent contract.
- 4.6 Participants will be guided and supported to stabilize and improve their employment within the local labour market. This will be achieved through a series of interventions. Participants will be supported by team of 3 FTE key workers who will be involved throughout the participant's journey.
- 4.7 The operation will:
- Develop a range of activities to build confidence, raise motivation levels and develop knowledge to sustainably engage and improve their situation in the job market. Activities and interventions include:
 - Mentoring
 - Coaching
 - Job Brokerage
 - Support with health & wellbeing
 - Careers Advice
 - Equip participants with transferable skills such as becoming competent at job application form completion and good interview techniques.
 - Encourage participants to actively take part in job search activity.
 - Support participants (including in partnership with other agencies) with WLHC and disabilities to improve and manage their health situation.
 - Support participants to remove barriers such as by providing advice regarding childcare and transport solutions, and to thrive in the labour market.

- 4.8 The operation will engage with other initiatives, agencies, organisations locally and regionally to ensure provision is not duplicated and is marketed effectively with an appropriate referral mechanism to encourage engagement. This operation in Caerphilly will work closely with the rents department of Housing as a means of referral.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This operation contributes to the Well-being Goals as set out in Links to Strategy above.

They are consistent with the five ways of working as defined within the sustainable development principle in the Act in that providing progression for those in low skilled low paid employment will in turn prevent the problems of poverty and social exclusion.

This operation will focus on 4 of the 7 well-being goals:

- A prosperous Wales: It will provide employment opportunities allowing people to take advantage of the wealth generated through securing sustainable work.
- A healthier Wales: It will provide an opportunity to maximise mental wellbeing.
- A more equal Wales: it will provide opportunities for people to fulfil their potential no matter what their background or circumstances.
- A Wales of cohesive communities: It will provide mentoring and advice to people in order that they can develop and grow in order to contribute to the community that they live in.

This operation will be run in collaboration with a range of local agencies and in partnership with other authorities and partners across the region.

This operation will involve people in the development of their own well-being goals by developing more confidence and self-reliance so that they can make positive contributions to the society in which they live.

- 5.2 This report contributes to the Well-being Goals and in particular in the context of:

- Corporate planning
- Risk management
- Workforce planning
- Financial planning.

6. EQUALITIES IMPLICATIONS

- 6.1 Equalities is a cross cutting theme for EU funding and each project must address this according to each theme. The planned investments inherent in the EU Funding programmes will however benefit many different groups in the community.

7. FINANCIAL IMPLICATIONS

- 7.1 The operation will be managed alongside three other European operations, namely Bridges into Work 2, Working Skills for Adults 2 and Inspire 2 Work, and will share a project coordinator, finance officer, monitoring and compliance officer and administration officer. Staff from Housing (0.5 FTE) will be one of the referral sources and their involvement in the project will generate staff match funding at no additional cost to Caerphilly. This match funding from the HRA (Housing Revenue Account) will ensure council housing tenants also benefit from the NET operation. Three FTE coach/mentors (Grade 7) will be newly appointed and this should attract applications from current staff on short term contracts. Contracts will run from September 2018 to September 2022 in line with current ESF projects.

7.2 The operation, as other European projects in Caerphilly, will use the WEFO simplified cost model. Where simplified costs are used, eligible costs are calculated according to a predefined methodology. For these operations, 40% of total staff costs incurred is drawn down to fund all non-staff related expenditure. The key intention of simplified costs is to reduce the administrative burden by the tracing of every pound of expenditure to individual supporting documentation. Experience to date, across the other ESF projects in Caerphilly, has demonstrated that the 40% is more than sufficient to cover non-staff costs and the differential can be utilised towards the match funding commitment. Consequently, the “real” cash cost to Caerphilly is less than the “headline” match funding identified in the financial model and, in this case, there is projected to be no additional cash cost to Caerphilly.

7.3 Details of the financial forecasts are:

Staff costs	£744k
Other costs	£126k (maximum)
Total costs	£870k
Grant	£781k
Staff match funding	£ 89k (existing staff)
Cash cost	NIL

Intervention Rate – 75%.

7.4 In line with all ESF projects, there may be clawback if the targets are not met. The development of NET is very new and innovative and the project was requested by WEFO. However, the ESF team have a vast amount of experience in delivering these projects.

8. PERSONNEL IMPLICATIONS

8.1 Personnel implications are inherent in the development of new operations. This will be addressed via reports and project plans for the project, by the appropriate Officer. The current ESF administration staff, lead worker and coordinator will be shared and 3 new coach/mentors will be advertised on a fixed term basis to Sept 2022, in line with current ESF contracts.

9. CONSULTATIONS

9.1 Relevant officers of the authority have been consulted throughout the process of applying for these ESF operations.

9.2 The report reflects the views of the consultees.

10. RECOMMENDATIONS

10.1 It is recommended that Cabinet approve Caerphilly’s involvement in the European Social Fund project “Nurture, Equip and Thrive” at a nil additional cash cost to the Authority.

11. REASONS FOR THE RECOMMENDATIONS

11.1 The operation would provide support for 326 project participants within in the borough of Caerphilly who are underemployed.

12. STATUTORY POWER

12.1 Local Government Act 2000. This is a Cabinet function.

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Consultees: Christina Harray, Interim Chief Executive
Richard Edmunds, Corporate Director, Education and Corporate Services
Keri Cole, Chief Education Officer
Dave Street, Corporate Director, Social Services
Mark S Williams, Interim Corporate Director, Communities.
Councillor Philippa Marsden, Cabinet Member, Education and Achievement
Lynne Donovan, Acting Head of Human Resources and Organisational Development
Anwen Cullinane, Senior Policy Officer (Equalities and Welsh Language)
Robert Tranter, Head of Legal Services and Monitoring Officer
Ros Roberts, Performance Manager
Nicole Scammel, Head of Corporate Finance and Section 151 Officer.
Steve Pugh, Corporate Communications Manager
Lesley Allen, Principal Accountant



CABINET – 17TH OCTOBER 2018

SUBJECT: DOMICILIARY CARE FRAMEWORK

REPORT BY: CORPORATE DIRECTOR – EDUCATION AND CORPORATE SERVICES

- 1.1 The attached report was presented to the Health Social Care and Wellbeing Scrutiny Committee on the 19th June 2018.
- 1.2 The report sought Members' views on the recommendations proposed to progress the commissioning of a new Domiciliary Care arrangement, minimising disruption to individuals who currently receive the service whilst increasing capacity to meet identified needs. The current arrangements were outlined for the provision of externally commissioned and internally provided domiciliary care in the Caerphilly Borough. Some of the difficulties and issues facing the domiciliary care sector on a local and national basis were highlighted in the report. The report was deferred at that Scrutiny Meeting as Members' expressed concerns in relation to the new Domiciliary Care Model. They considered that it would be appropriate to hear an expert testimony prior to making recommendations to Cabinet. Members requested that Representatives from an External Service Provider, Trade Union and Service User and/or Representative be invited to attend a future meeting to provide their perspective on the model.
- 1.3 The report was deferred to the next meeting of the Health Social Care and Wellbeing Scrutiny Committee held on the 11th September 2018. The Chief Executive of the Carer's Trust and a Representative from the Trade Union Unison attended this meeting to provide their perspective on the new Model. The Trade Union supported the in-house provision and generally supported the report. They felt that the framework offers an important opportunity in key areas to secure work places and external service providers themselves will also see the benefits. They would like to see Trade Union recognition or access to the work place in moving forward. The Chief Executive of Carers' Trust referred to the Regulation Inspection Social Care Act (2016) (RISCA) that has introduced a different measure with emphasis on 'What matters conversations and What Care/Respite is needed'. He explained that recruitment in Social Care is in crisis and supported the recommendations in the report. He stated that the Director should be congratulated in achieving this new Model, with limited disruption to care provided and the introduction of a 'block' of hours offered on a weekly basis with an indication of times that the 'eligible' needs of the individual should be met. From the Carers' perspective he stated that this Model is a step in the right direction that offers more flexibility.
- 1.4 The Scrutiny Committee discussed the issue of zero hour % Contracts and the Chief Executive of Carers' Trust confirmed that most providers would not chose this option and he didn't consider that this was the route of the problem. Some people chose and prefer this option as they may have other part time jobs alongside this. He referred to his company that employs 120 staff in Domiciliary Care where 20% want a zero hour % contract, however, the company are aspiring to offer all staff permanent contracts. A requirement of the RISCA Act is that the Authority will have to evidence on a 12 weekly basis that they have asked employees if they wish to continue with these contracts.

1.5 The Scrutiny Committee requested an additional recommendation to include The Health Social Care and Wellbeing Scrutiny Committee would not wish the in-house provision to reduce to less than the current percentage which represents 28% of the provision.

1.6 Cabinet are asked to consider the recommendations approved by the Health Social Care and Wellbeing Scrutiny Committee.

RESOLVED that the contents of the report be noted.

- (i) the approach being proposed in 4.11 in relation to the tender process for a Care at Home Service be agreed;
- (ii) the risks associated with this process are acknowledged and understood;
- (iii) the Health Social Care and Wellbeing Scrutiny Committee would not wish the in-house provision to reduce to less than the current percentage which represents 28% of the service provision.

Author: Amy Dredge, Committee Services Officer – 3100.

Appendix 1 Domiciliary Care Framework Report.



HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE – 11TH SEPTEMBER 2018 (DEFERRED FROM 19TH JUNE 2018)

SUBJECT: DOMICILIARY CARE FRAMEWORK

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 To seek members views on the recommendations proposed to progress the commissioning of a new domiciliary care arrangement, minimising disruption to individuals who currently receive the service whilst increasing capacity to meet identified needs.

2. SUMMARY

- 2.1 To outline the current arrangements for the provision of externally commissioned and internally provided domiciliary care in the Caerphilly Borough.
- 2.2 To highlight some of the difficulties and issues facing the domiciliary care sector on a local and national basis.
- 2.3 The report will make recommendations in respect of a way forward the future commissioning of external domiciliary care

3. LINKS TO STRATEGY

- 3.1 Social Services and Well Being (Wales) Act 2014
- 3.2 The domiciliary care tender process contributes to the following well-being goals within the well being of Future Generations Act:
- A prosperous Wales
 - A healthier Wales
 - A Wales of cohesive communities.
- 3.3 Regulation Inspection Social Care Act (RISCA)

4. THE REPORT

- 4.1 As of the last week of March Caerphilly County Borough Council currently commissions 9000.5 hours per week of external domiciliary care. This is a snap shot figure as the amount of care provided and commissioned varies on a daily basis
- 4.2 In the same week the in house homecare service, Home Assistance Reablement Team (HART) provided 2922.25 hours per week of support. not including travel time. Emergency Care at Home and Reablement provided a further 722.30 hours of support excluding travel time.

- 4.3 Current arrangements for commissioning are by way of a Framework Agreement with 9 providers that was established via a formal tender process undertaken in 2012. The length of the contract was for 4 years with an option to extend for a further 2 years. The option to extend the contract was implemented and the current arrangement came to an end at the end of November 2017. All current providers agreed to an extension of the existing arrangements while this work is undertaken.
- 4.4 In addition to the framework, there are 2 providers that were given direct awards having failed to get on to the framework at the point of tender. This was agreed as these were evidenced to provide a good quality of care and it was identified we needed to have sufficient capacity to meet identified needs of vulnerable people.
- 4.5 In 2016 following a lengthy period of having limited capacity within the existing framework and the direct awards to respond to new work, especially in relation to the discharge of people from hospital. The decision was made to establish a supplementary framework to respond to the increase need. As a result 3 new providers were introduced to CCBC. Despite this action capacity issues still remain.
- 4.6 A CSSIW review identified in 2015/16 that the domiciliary care market is very fragile with a serious lack of capacity – this lack of capacity comes at a high cost for individuals, families and public authorities with increasing pressure on delayed transfers of care from hospitals. The review focussed on 2 factors that were felt to be driving some of the behaviours in the system, namely –
- ❖ 'General workforce shortages, resulting in 'call cramming' and 'call clipping' at certain times of the day in some areas'.
 - ❖ 'Overzealous application of procurement and finance rules which can result in a tendency to drive down prices in the short term, punitive contract terms and a need to account for every penny spent'.
- 4.7 In March 2017, Mihomecare terminated their contract with CCBC on the grounds that the service was unsustainable. This resulted in almost 1000 hours/a week of care and support for 88 different people across the borough needing to be re-brokered. This included HART and 2 of the other providers who worked closely with us to ensure there was the minimal amount of disruption to the continuity of care for people in the community.
- 4.8 The above points and the fragility of the sector need to be considered in the context of the following –
- ❖ Increasing complexity of need for those supported at home.
 - ❖ The role of HART, in house home care provision – the percentage share of the market has increased following the termination of the contract mentioned in 4.7.
 - ❖ Increase in general demand for service – since the establishment of CCBC's existing framework arrangement in 2012, there has been an increase of just over 2000 hours of domiciliary care commissioned per week.
 - ❖ Changes in the workforce and issues with recruitment and retention.
 - ❖ Development of regional commissioning arrangements and collaboration.
 - ❖ Implementation of the Act and the need to change practice to focus on what matters to people and develop personal outcomes.
 - ❖ The need to trust the providers and work together to identify capacity in the services which can be reinvested for other people.
 - ❖ Implementation of Regulation Inspection Social Care Act (RISCA) which requires domiciliary care staff to be registered and suitably qualified. The need to evidence zero hour contracts are only in place when it is an individual staff members choice.
 - ❖ Delayed transfers of care that are coded each month as waiting for a package of care.

- 4.9 In order to ensure that CCBC is best placed to respond to all the market pressures, driving forces and influencing factors to securing a sustainable domiciliary care provision provided in an outcome focused way for the future, a project group has been meeting in order to develop the following –
- ❖ A service specification and contract – to include a domiciliary care service for children and young people and also respite sitting service.
 - ❖ A proposal for the new arrangement.
 - ❖ An agreed tender process.
- 4.10 The service specification and contract has been reviewed and the only outstanding part is the section relating to Finance and Payment. This section is dependent upon the arrangements with the new WCCIS IT system and a decision to be made regarding how CCBC will expect providers to report hours of service they have delivered.
- 4.11 In relation to the proposal for a new arrangement, there have been 3 consultation sessions with the current providers, discussions with people using the current service and the project group meetings. In addition there has been some communication with Leonie Cohen a Lawyer specialising in procurement and social care, with an intention to engage in more detail with her once we have a final proposal that has been agreed by SMT.

Following consultation, the proposed approach will seek to ensure continuity and consistency for the people currently in receipt of a service, while increasing the number of providers available and therefore increase capacity to meet future demand.

- ❖ The service/contract will have the overarching title of 'Care At Home'.
- ❖ A Prior Information Notice (PIN) will be issued through Sell2Wales to try and establish how many providers may have an interest in submitting an application to tender – at this point providers will be asked to identify where in the Borough they would be looking to provide and also which part of the service they would wish to tender for.
- ❖ All the existing providers would retain the hours they have at the point of tendering as long as they successfully complete the tender exercise and only new hours would be brokered out to the new arrangement.
- ❖ The contract will be for a 10 year period – 4years with 2 + 2 + 2 years (or similar) – as long as performance is maintained at an agreed level this would help all providers to invest in their business, plan for the future and secure financial resources where necessary.
- ❖ The overall service would have 4 lots –
 - Domiciliary Care for Adults
 - Domiciliary Care for Children
 - Respite sitting for Adults
 - Respite sitting for Children.
- ❖ The borough will be split in to North, South and East in line with the Neighbourhood Care Network (NCN) footprint.
- ❖ Providers will be able to bid on any or all of the lots.
- ❖ Hourly rate – providers to submit their own hourly rate. However the possibility of a 'floor' and certainly a 'ceiling' rate to be set by the Local Authority in order to ensure that services are sustainable and affordable. Work has commenced on this on this based on the hourly rates that we currently pay and in the context of the increases on 1st April for the National Living Wage, pension contribution and mileage.
- ❖ The submitted hourly rates would need to include mileage costs but those would need to be clearly delineated from the care and support costs.
- ❖ In terms of brokering hours to a provider, the hours will be offered as a block on a weekly basis with an indication of times that the 'eligible' needs of the individual should be met eg. Morning, afternoon, tea, evening.
- ❖ Splitting the day into slots will require a practice change for assessors in terms of not specifying or agreeing specific call times. It will be for providers to negotiate with

- ❖ individuals/families call times that they can provide to meet eligible needs and outcomes.
- ❖ Use of single handed equipment will be promoted as a potential way of increasing capacity.
- ❖ The new hours will be brokered in accordance with the areas that are identified and the lots applied for. Given the fact that supply out strips demand packages will be allocated on a first response system, which will be reviewed annually or sooner if required.
- ❖ Providers on the new arrangement will submit the actual service delivery hours for payment. It will be acceptable if the hours submitted are under the planned hours for the service (number yet to be agreed) and CCBC will not look to 'dock' the provider for the lack of those hours, but in the same way, should the planned hours go over then CCBC will not pay for those hours. For any regular, significant difference in hours either over or under then those situations will need to be reviewed and amended accordingly. In the event of emergencies where there is a large increase in hours for a person such as an individual with no family being unwell, falling and waiting for an ambulance etc, those will need to be submitted separately and in writing in order to be addressed.

4.12 Despite the fact that there is a requirement to tender for a new Care at Home Service, there are risks associated with this process –

- ❖ There is the potential for a significant increase on the current costs for this service hence another budget pressure. This will be because of the new hourly rates that will be submitted by current and new providers that will take in to account the increase in the NLW to £7.83 and the 1% pension uplift both on 1 April 2018.
- ❖ The introduction of RISCA – providers will see changes to the way that regulation affects services on both a delivery and management level – it is anticipated that providers may seek to pass any associated cost to commissioners e.g. cost of registration for domiciliary care workers.

5. EQUALITIES IMPLICATIONS

5.1 There are no immediate equalities implications although any equality impact assessments required would be carried out at an appropriate time and in line with legislation

6. FINANCIAL IMPLICATIONS

6.1 The overall value of the delivery of commissioned domiciliary care, including the respite sitting service as at January 2018, based on 2017/18 prices was £7.37m.

6.2 The financial implications are difficult to predict currently but given the increases in National Living Wage, pension contributions, need to pay travelling time etc. the hourly rate for these services submitted by existing providers and new is almost certain to increase. This will then be a further pressure on the adult services budget.

6.3 The current average hourly rate that we pay for packages of domiciliary care under the current contract is £16.36 per hour and or every 1% increase in this average hourly rate the additional cost to the directorate would be £75k per year.

7. PERSONNEL IMPLICATIONS

7.1 There are no specific personnel implications identified in this report.

8. CONSULTATIONS

8.1 All consultation is contained within the body of this report.

9. RECOMMENDATIONS

- 9.1 That members consider and agree the approach being proposed in 4.11 in relation to the tender process for a Care at Home Service and agree the way forward.
- 9.2 That the risks associated with this process are acknowledged and understood.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 In order to ensure that the future commissioning of externally provided domiciliary care is fit for purpose.
- 10.2 To engage further with Leonie Cohen, Lawyer to discuss the approach CCBC is proposing to take and ensure that it is compliant with the 'light touch' regime prior to being advertised. Procurement will facilitate this process.
- 10.3 Members are consulted prior to report going to cabinet.

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Adult Services DMT
Mike Jones, Interim Service Manager Finance
Andrew Watkins, Senior Accountant, Finance
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Project Team
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CABINET - 17TH OCTOBER 2018

SUBJECT: CAPITAL WORKS

REPORT BY: CORPORATE DIRECTOR - SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

- 1.1 To request cabinet approval for access to reserves to fund essential works in residential and respite properties to enable facilities budget to be used for planned maintenance and decoration in the same buildings

2. SUMMARY

- 2.1 The Fire Alarm systems within six (6) residential homes within the Borough are approximately fifteen (15) years old and plans were in place to upgrade the systems over the next three (3) year period (2 systems per home).
- 2.2 Recent Fire Risk Assessments have identified major concerns regarding Fire Compartmentation within the homes compromising Fire Evacuation and there are a number of areas above suspended ceilings that require improvement. The works will include a full upgrade of Fire Alarm System and also address the issues highlighted in the recent Fire Risk Assessments.
- 2.3 Due to the works involved in upgrading the systems it is recommended to cover all works at the same time. Therefore, the Director has requested the upgrade programme be accelerated and funded from Social Services Capital Funds 2018/19 with works starting as a matter of urgency.
- 2.4 Building Consultancy has recently undertaken a tender exercise for the Maintenance of Fire Alarms within all CCBC public buildings (BC4562) although Fire Improvement Works was not part of the arrangement. The contract has been awarded to Ambassador Fire and Security Ltd.
- 2.5 In addition asbestos working and essential lighting has been identified in Ty Iscoed RH at a cost of circa 50K

3. LINKS TO STRATEGY

- 3.1 This project contributes to the Well-being Goals as it is consistent with the five ways of working as defined within the sustainable development principle in proving a safer community whilst safeguarding the long term wellbeing and prosperity of the tenants.

4. THE REPORT

- 4.1 The works in respect of the fire regulations have been completed and RAMIS updated accordingly

4.2 The facilities budget has been used to fund the work to date and as a result there is insufficient funds remaining to carry out any of the planned and agreed work for 2018/2019 in residential and respite properties.

4.3 Essential work identified under health and safety would be undertaken however planned essential upgrades to bathrooms etc cannot proceed

5. EQUALITIES IMPLICATIONS

5.1 An **EqlA screening** has been completed in accordance with the Council's Strategic Equality Plan and supplementary guidance and no potential for unlawful discrimination and/or low level or minor negative impact have been identified, therefore a full EqlA has not been carried out.

6. FINANCIAL IMPLICATIONS

6.1 The value for this procurement based on the quotation received from Ambassador Fire and Security Ltd equates to a total cost of £120,000 (Ex VAT).

6.2 The quote for additional works at Ty Iscoed RH in respect of asbestos is 50K (excluding VAT).

7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications associated with this report.

8. CONSULTATIONS

8.1 All comments have been included in this report.

9. RECOMMENDATIONS

9.1 Cabinet to agree access to reserves for 170K to cover essential work to ensure compliance with fire regulations.

10. REASONS FOR THE RECOMMENDATIONS

10.1 Access to reserves will allow the planned upgrades and maintenance for 208/2019 to go ahead as scheduled.

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Consultees: Alun Ford Facilities Manager
Adult Services Divisional Management Team
Senior Management Team
Cllr Carl Cuss Cabinet Member Social Services
Nicole Scammell (Head of Corporate Finance & Section 151 Officer)