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THIS IS A MEETING WHICH THE PUBLIC ARE ENTITLED TO ATTEND

Dydd Gwener, 27 Mawrth 2020 Dydd Gwener, 27 Mawrth 2020

Dear Sir/Madam

CYFARFOD BLYNYDDOL Y CYNGOR

A meeting of the Cyfarfod Blynyddol y Cyngor will be held in Siambr y Cyngor, Canolfan Ddinesig on Dydd Iau, 2ail Ebrill, 2020 at 10.00 am.

Yours faithfully

Michelle Morris
Managing Director

AGENDA

Pages

1. CYFIEITHU AR Y PRYD

Mae croeso i chi ddefnyddio'r Gymraeg yn y cyfarfod, mae angen o leiaf 3 diwrnod gwaith o hysbysiad ymlaen llaw os dymunwch wneud hynny. Darperir gwasanaeth cyfieithu ar y pryd os gwneir cais.

2. YMDDIHEURIADAU

Derbyn ymddiheuriadau.

We welcome correspondence in the medium of Welsh or English. / Croesawn ohebiaith trwy gyfrwng y Gymraeg neu'r Saesneg.

3. **DATGANIADAU BUDDIANT A GODDEFEBAU**

Ystyried unrhyw ddatganiadau buddiant a goddefebau a wnaed.

4. **CADEIRYDD A DIRPRWY GADEIRYDD Y CYNGOR**

Penodi Cadeirydd a Dirprwy Gadeirydd y Cyngor ar gyfer 2020/2021.

5. **ARWEINYDD A DIRPRWY ARWEINYDD Y CYNGOR**

Penodi Arweinydd a Dirprwy Arweinydd y Cyngor ar gyfer 2020/2021.

6. **SWYDDOGION GRWPIAU**

Ysgrifenyddion Grwpiau i adrodd ar Swyddogion Grwpiau ar gyfer 2020/2021.

7. **AELODAETH Y PWYLLGOR GWEITHREDOL**

Penodi Aelodaeth y Pwyllgor Gweithredol.

8. **CADDEIRYDDION AC IS-GADEIRYDDION AC AELODAETH PWYLLGORAU CRAFFU**

Penodi Cadeirydd ac Is-gadeiryddion Pwyllgorau Craffu.

9. **PWYLLGORAU SEFYDLOG AC IS-BWYLLGORAU SEFYDLOG**

Penodi Cadeiryddion ac Is-gadeiryddion Pwyllgorau Sefydlog ac Is-bwyllgorau Sefydlog.

10. **PWYLLGORAU ARBENNIG AC AD HOC/CYFARFODYDD YMGYNGHORI**

Penodi Aelodau i Bwyllgorau Arbennig ac Ad Hoc/Cyfarfodydd Ymgynghori.

11. **CYNRYCHIOLWYR Y CYNGOR AR GYRFF ERAILL**

Penodi Cynrychiolwyr y Cyngor ar Gyrrff Eraill.

12. **TREFNIADAU LLYWODRAETHIANT ARGYFWNG YN YSTOD ARGYFWNG COVID 19**

5 - 10

Ystyried adroddiad y Pennaeth Cydymffurfiaeth
Cyfreithiol a Chorfforaethol (Swyddog Monitro).

13. COFRESTR FFIOEDD A CHOSTAU 11 - 18
CORFFORAETHOL 2020/2021

Ystyried adroddiad y Prif Swyddog Masnachol.

14. EITEM EITHRIEDIG

Derbyn ac ystyried yr adroddiad dilynol sydd ym marn y swyddog priodol yn eitem eithriedig gan roi ystyriaeth i'r prawf budd cyheoddus ac y dylai'r wasg a'r cyhoedd gael eu heithrio o'r cyfarfod (mae'r rheswm am y penderfyniad am yr eithriad are gael are restr a gedwir gan y swyddog priodol).

15. RECRIWTIO 19 - 30

Ystyried adroddiad y Rheolwr Gyfarwyddwr.

To: M. Moore (Cadeirydd)
J. Holt (Deputy Chair)
P. Baldwin
D. Bevan
G. Collier
J. Collins
M. Cook
M. Cross
N. Daniels
G. A. Davies
D. Davies
G. L. Davies
M. Day
P. Edwards
L. Elias
D. Hancock
K. Hayden
S. Healy
J. Hill
W. Hodgins
M. Holland
J. Mason
H. McCarthy
C. Meredith
J. Millard
J. C. Morgan
J. P. Morgan

L. Parsons
G. Paulsen
K. Pritchard
K. Rowson
T. Sharrem
T. Smith
B. Summers
B. Thomas
G. Thomas
S. Thomas
H. Trollope
J. Wilkins
D. Wilkshire
B. Willis
L. Winnett

All other Members (for information)
Manager Director
Chief Officers

Agenda Item 12

Executive Committee and Council only

Date signed off by the Monitoring Officer: N/A

Date signed off by the Section 151 Officer: N/A

Committee: **Annual Meeting of the Council**

Date of Meeting: **2nd April, 2020**

Report Subject: **Emergency Governance Arrangements during COVID19 Outbreak**

Portfolio Holder: **Councillor Nigel Daniels, Leader of the Council**

Report Submitted by: **Andrea Jones, Head of Legal & Corporate Compliance (Monitoring Officer)**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
	25.03.20						02.04.20	

1. Purpose of the Report

- 1.1 The purpose of the report is to put in place emergency temporary Governance arrangements in order that decisions may continue to be taken to delay and mitigate the spread and impact of Corona Virus within our community whilst protecting our workforce and residents, particularly those who are most vulnerable.

2. Scope and Background

- 2.1 Coronaviruses are a family of viruses ranging from the common cold to more severe acute respiratory illnesses such as MERS and SARS. COVID 19 is the illness seen in people infected with a new strain of coronavirus not previously seen in humans.
- 2.2 On 31st December 2019, Chinese authorities notified the WHO of an outbreak of pneumonia in Wuhan City, which was later classified as a new disease, COVID 19. The main symptoms are a cough, high temperature and in severe cases, shortness of breath. As there is no immunity in the population and no vaccine or anti-viral medication, the disease is spreading extensively.
- 2.3 Indications are that the majority of people who become infected will experience a mild self-limiting illness, like seasonal flu. Some will show no symptoms at all. A proportion of those infected will develop complications and require hospital treatment, most often pneumonia. In a small proportion of these cases, the illness may be severe enough to lead to death.
- 2.4 The risk of death increases in older people and people with an underlying health risk condition or those who are immuno-compromised. Illness is less common and usually less severe in young people. Children can be affected but illness is rare in people under 20 years of age.
- 2.5 The UK and Welsh Governments have responded with a number of measures designed to ensure the safety of our communities including vulnerable groups

and ease the pressure on the NHS and social care. The Government has already issued a number of measures and emergency legislative enactments with a view to slowing down the spread of the virus. Enforcement provisions have been enacted and are likely to be extended in other areas, and these measures will provide Government and local government with additional powers during the emergency situation.

The measures taken by this Council to date as part of its emergency response is, amongst other things, to move to the delivery of only critical services, redeploying staff into these services, and ceasing all democratic meetings with immediate effect. It has been agreed to hold a short Council meeting in early April to deal with urgent Council business.

2.6 Decision Making during COVID 19 Emergency:

In terms of decision making powers, this Council has a scheme of delegation in operation which is described in section 13 of the Constitution "Responsibility for Functions". Certain functions, by law, can only be exercised by Full Council and these are described at Paragraph 4.6 of section 4 in the Constitution. Due to restrictions imposed by current statute, these functions are not capable of being delegated either to the Executive or to officers. At the time of writing, the Welsh Lawyers in Local Government Group is working with Welsh Government to place emergency legislation before the Senedd to address these and other issues which have arisen and which require additional powers or postponement in the current circumstances.

- 2.7 In terms of Blaenau Gwent's local scheme of delegation, section 13 of the Constitution already permits a wide range of operational issues to be determined at officer level. However, most policy determinations and major decisions which have a wider impact are reserved to the Executive for decision. Given that all meetings have been cancelled for the foreseeable future, the Council must put in place the necessary temporary emergency steps to effectively respond to the potential impact of COVID 19, and to continue to deliver critical services and protect local communities and our staff. It is impossible to plan for every eventuality, but this report seeks to provide elected members and officers with the flexibility and the delegated powers to respond to this unprecedented situation.

The proposals outlined below seek to enable urgent delegation and consultation provisions whilst still maintaining flexibility in the current circumstances. It is imperative in the circumstances that urgent decisions can be taken without delay and that there is sufficient delegation to alternative senior officers in the event of one or more becoming unexpectedly unavailable. It is proposed that the Managing Director, or her nominated deputy (being any officer comprised of the Corporate Leadership Team) shall have temporary delegated power to make Executive decisions on behalf of the Council. In addition, a temporary Emergency Committee be established in order to consider significant issues which arise and which may fall outside the Council's current agreed policy or budget framework.

The statutory power to permit such delegation is contained within section 15(2) of the Local Government Act 2000, which provisions enable a Council to arrange for functions of the Executive to be discharged by a Committee, or by Officers of the Authority.

3. Options for Recommendation

3.1 Option 1: (Preferred option)

In respect of the exercise of Executive Functions as outlined in the Council's Constitution, it is recommended that the Council temporarily delegates power and responsibility for exercising Executive functions (which have not already been delegated by virtue of existing arrangements within the Council's Constitution) to the Managing Director (and in her absence or incapacity to any of her nominated deputies being any officer of the Corporate Leadership Team) to make decisions and undertake any actions required to ensure critical services continue to operate based on business continuity plans, in order to ensure the Council and its residents are protected.

In order to ensure there is appropriate involvement of Elected Members, there will be established (without further report) an Emergency Committee of Elected Members comprising the Leader of the Council, the Leader of the Labour Group, two Independent Elected Members and one Labour Elected Member, who will be consulted on decisions which may fall outside the Council's current budget or policy framework. Any urgent decisions which are required to be taken which are outside the Council's current policy and budgetary framework, must be taken in accordance with the existing provisions of Paragraph 15.5 of the Council's Constitution, with the additional proviso that the Emergency Committee must be consulted prior to any such decision being taken.

In addition, the Managing Director (or her nominated deputy) shall make all reasonable efforts to contact the Leader and/or other members of the Emergency Committee to inform him/her of the circumstances and of her/his decisions as soon as reasonably practicable.

In the event that a Member of the Emergency Committee becomes unavailable, they may nominate a substitute. The Emergency Committee may conduct its business by email, telephone or using any digital means at their disposal. It is not intended that there be a minimum "quorum" for this Committee. The details of the communication arrangements may be agreed between the Managing Director and the Leader of the Council or their nominated substitutes. The arrangements will continue until further notice.

In terms of existing delegated powers i.e. those which are delegated in the Constitution to named Directors/Senior Officers, for the avoidance of doubt, the Managing Director shall be entitled to exercise any functions otherwise delegated to a Chief Officer in the event of that officer's absence or inability to exercise specific delegated powers, or in an emergency.

All decisions taken as a result of this temporary delegation shall be recorded on a "Decision Notice" and (unless deemed "Exempt Information" by the

Council's Monitoring Officer) displayed for public access purposes on the Council's website, as soon as is reasonably practicable.

3.2 **Option 2:**

That the current scheme of delegation remains unaltered and any decisions which may lawfully only be taken by the Executive may remain extant until such time as normal business may resume. This may have an adverse impact on critical services and vulnerable service users and residents.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

5. **Implications Against Each Option**

5.1 ***Impact on Budget (short and long term impact)***

At this juncture, the extent of the overall possible impact arising from the Pandemic upon the Council's budgetary provision is not known. Further reports will follow in this respect. In terms of the narrower issue of whether the emergency arrangements will impact on current budget, it is not anticipated that the proposals outlined in this report will have a significant impact.

5.2 ***Risk including Mitigating Actions***

Option 1:

There is a risk that some or all of the Corporate Leadership Team may become ill and be unable to fulfil the requirements. Likewise, there is a risk that some or all of the Elected Member Emergency Committee will be unable to participate, but these risks have been mitigated by permitting substitutions and nominated deputies.

Option 2:

There is a risk that key decisions will not be taken and this could have an impact upon service delivery, existing and future priorities and responses to the emergency could also be affected. This risk cannot be effectively mitigated. This may have an adverse impact on critical services and vulnerable service users and residents.

5.3 ***Legal***

Section 15 of the Local Government Act 2000 makes specific provision to permit delegation to officers. Council decision making is always an area which carries a risk of Judicial challenge and when arrangements are altered this risk is heightened. If the Council can demonstrate it has attempted to adhere to the principles of reasonableness, democratic fairness and natural justice then it is in a better position to defending any challenge. Accurate record keeping and in particular the use of Decision Records will also assist the Council to minimise risk of challenge. It is also likely that the exceptional circumstances facing all UK public authorities will be taken into account in any subsequent judicial examination.

5.4 ***Human Resources***

There are staffing issues as a consequence of the Pandemic but that is not the subject of this report.

6. ***Supporting Evidence***

6.1 ***Performance Information and Data***

This is a rapidly evolving and unprecedented situation and as such no historical data is available.

6.2 ***Expected outcome for the public***

This report is intended to put into place emergency provisions to ensure the continuity of Council business and response in an emergency situation, therefore it is in the interests of the public that such provisions are implemented.

6.3 ***Collaboration / partnership working***

It should be noted that most other Councils in Wales are adopting similar emergency measures in terms of temporarily increasing delegated powers to senior officers.

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Agenda Item 13

Executive Committee and Council only

Date signed off by the Monitoring Officer: 16.03.2020

Date signed off by the Section 151 Officer: 16.03.2020

Committee: Annual Meeting of the Council

Date of Meeting: **2nd April, 2020**

Report Subject: **Fees & Charges 2020/2021 – Trade Waste & Markets**

Portfolio Holder: **Leader/Executive Member Corporate Services, Councillor Nigel Daniels**

Report Submitted by: **Anne-Louise Clark, Chief Officer Commercial**

Report Written by: **Gina Taylor – Service Manager Accountancy**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
							2.4.20	

1. Purpose of the Report

1.1 The purpose of this report is for Members to approve the fees & charges to be applied for the 2020/2021 financial year for Trade Waste Services and Markets.

2. Scope and Background

2.1 The 2020/2021 Fees & Charges Register was presented to Council on 3 March 2020. This report included a range of uplifts to be applied to existing fees and charges, and the core fees and charges for Aneurin Leisure Trust.

2.2 Council agreed to implement the proposed fees & charges for 2020/2021 with the exception of Trade Waste and Markets, whereby Members asked for consideration of these fees to be deferred until the March Council, whilst a further review was undertaken.

2.3 During the current financial year, a strategic business review was carried out on the Trade Waste service. The outcome of the review was presented to Community Services Scrutiny on 5 December 2019, which included a change to the structure and value for the fees and charges, and an estimated increase in income of £23,000 per annum. The new fee structure was included in the proposed Fees & Charges Register for 2020/2021 which was presented to Council on 3 March 2020.

2.4 The proposed fee uplift for Markets was an increase of 5.5% on the 2019/2020 fee, increasing the fee between £1.00 for the smallest pitch to £5.50 for the largest pitch.

3. **Options for Recommendation**

To include Recommendation(s) / Endorsement by other groups, e.g. CMT/Committees/Other groups)

Following the further review, options for consideration are as follows:-

3.1 **Option 1 (Preferred Option)**

3.1.1 Members of the Council consider and approve the proposed fees and charges for Trade Waste and Markets, the extract from the Fees and charges Register 2020/2021 is attached at Appendix 1, and summarised below:

- Trade Waste – A reduction in the annual fee for the Duty of Care Notice from £49.50 to £25.00.
- Markets – A fee uplift of 2% which will increase the pitch fee between £0.40 and £2.00 depending on the pitch size.

3.2 **Option 2**

3.2.1 Members of the Council consider and do not approve the proposed fees for Trade Waste and Markets included in the Fees and Charges Register for 2020/2021 (extract attached at Appendix 1), and propose alternative fee increases.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

4.1 This report supports the Council Priority, “Efficient Council”. Income generation contribute funding towards the cost of delivering services and supports the Councils’ financial resilience.

5. **Implications Against Each Option**

5.1 **Impact on Budget (short and long term impact)**

5.1.1 **Trade Waste**

5.1.2 Reducing the fee for the Duty of Care Notice from £49.50 to £25.00, will reduce the annual income collected by the council by approximately £8,000. The estimated increase in income of £23,000 identified in the strategic Business Review will be delivered, however, there will be no surplus funding for re-investment into the service moving forward.

5.1.3 **Markets**

5.1.4 Reducing the fee uplift from 5.5% to 2% will reduce the income collected by approximately £700.

5.2 **Risk including Mitigating Actions**

5.2.1 Fee increases may impact on demand and result in a decrease in income, particularly in the short term.

5.2.2 Demand and the impact on the budget will be monitored and reported as part of the Financial Reporting Framework.

5.3 **Legal**

5.3.1 There are no direct legal implications arising out of this report. However, charging and trading for local authorities must comply with the Local Government Act 2003 and The Localism Act 2011.

5.4 **Human Resources**

5.4.1 There are no staffing implications arising out of this report.

6. **Supporting Evidence**

6.1 **Performance Information and Data**

6.1.1 Fees and charges generate approximately £14m per annum in income, and contribute towards funding the cost of delivering Council service, of which £2m relates to commercial activities.

6.2 **Expected outcome for the public**

6.2.1 The setting of fees and charges on an annual basis is essential to maintaining economic resilience, however, these should be set at a cost that local people can afford and taking into account the protected characteristics.

6.3 **Involvement (consultation, engagement, participation)**

6.3.1 The review of the Fees & Charges Register has been prepared in consultation with relevant officers.

6.3.2 Services look to involve partners and citizens in consultation where possible. The impact of these charges will be reviewed throughout the year by officers, along with any issues raised by users of the services affected.

6.4 **Thinking for the Long term (forward planning)**

6.4.1 Full cost recovery will support the long term financial resilience and the ability to maintain facilities and services for the people of Blaenau Gwent.

6.5 **Preventative focus**

6.5.1 Income generation contributes funding towards delivering Council Services and investing into early intervention and prevention activities.

6.6 **Collaboration / partnership working**

6.6.1 The Fees & Charges Register for 2020/2021 was developed in conjunction with officers across the Council.

6.7 **Integration (across service areas)**

6.7.1 The services provided have a positive impact socially and on the health and wellbeing of those who use the facilities provided.

6.8 **EgIA(screening and identifying if full impact assessment is needed)**

6.8.1 The Strategic Business Review on Fees and Charges have been subject to screening.

7. **Monitoring Arrangements**

State how the work will be monitored e.g. through scrutiny or directorate performance management arrangements

7.1 The regular review of the corporate fees and charges register is a vital component of the Council's budget setting proposal and should be monitored and refreshed to ensure it is in line with the Council's agreed income policy and Medium Term Financial Strategy.

7.1.1 Actual Income achieved from Fees & Charges during the financial year will be monitored and reported to Corporate Leadership Team and Members as part of the Financial Reporting Framework.

Background Documents /Electronic Links



Appendix 1.pdf

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Service Area	Generic description	Detailed description	Regulated /Fixed Charge	Fee Categories (if applicable)	Fee 2019/2020	Proposed 2020/21 Fee Inflation 2.0%	Proposed 2020/21 Fee Uplift 3.5% above inflation 5.5%	Proposed 2020/21 fee if different from inflation
Community Services		Charges per pitch for Abertillery, Brynmawr, Ebbw Vale and Tredegar Town Centre Markets		0-10 ft	£18.60	£19.00		
				11-20 ft	£37.10	£37.80		
				21-30 ft	£55.70	£56.80		
				31-40 ft	£74.50	£76.00		
				41+ft	£99.20	£101.20		
Community Services	Street Cleansing	Hire of mechanical sweeper		Per hour	£54.40		£57.40	
Community Services	Street Cleansing	Removal of fly tipping		Per man per hour	£17.90		£18.90	
Community Services	Meals on Wheels	Meal and dessert		Per serving	£4.75	£4.80		
Community Services	Waste - Bulky Waste Collection			1 Item	£6.00			£6.00
				2 Items	£12.00			£12.00
				3 Items	£18.00			£18.00
				4 Items	£24.00			£24.00
				5 Items	£30.00			£30.00
Community Services	Waste - Trade Waste - Quarterly Charge			120 ltr	£72.80			£72.80
				240 ltr	£119.70			£127.40
				360 ltr	£173.40			£182.00
				660 ltr	£342.80			£326.30
				1100 ltr	£507.30			£522.60

Service Area	Generic description	Detailed description	Regulated /Fixed Charge	Fee Categories (if applicable)	Fee 2019/2020	Proposed 2020/21 Fee Inflation 2.0%	Proposed 2020/21 Fee Uplift 3.5% above inflation 5.5%	Proposed 2020/21 fee if different from inflation
Community Services	Waste - Trade Recycling - Weekly charge	Glass		120 ltr				£2.80
			240 ltr	£5.00				
		Paper & Cardboard	55 ltr	£1.10				
			80 ltr	£1.40				
			120ltr	£2.00				
			240 ltr	£3.25				
			360 ltr	£4.50				
		Plastic & Cans	660 ltr	£8.20				
			1,100 ltr	£13.50				
			55 ltr	£0.94				
80 ltr	£1.19							
Community Services	Trade Waste - Trade Recycling Wheeled Bin (food) weekly charge	Food Recycling - Wheeled Bin		23 ltr				£0.70
			140 ltr	£3.66				
			120 ltr	£27.00				
			240 ltr	£34.70				
Community Services	Trade Waste	Replacement Wheeled Bin		360 ltr				£55.00
			660 ltr	£265.00				
			1100 ltr	£287.40				
			360 ltr	£27.00				
Community Services	Trade Waste	Replacement Food Bin		140 ltr				£31.20

Service Area	Generic description	Detailed description	Regulated /Fixed Charge	Fee Categories (if applicable)	Fee 2019/2020	Proposed 2020/21 Fee Inflation 2.0%	Proposed 2020/21 Fee Uplift 3.5% above inflation 5.5%	Proposed 2020/21 fee if different from inflation
Community Services	Waste - Trade Waste Duty of Care Notice	Annual Administration Fee			£49.50			£25.00
Community Services	Cemeteries	Interment - Still born baby		Resident Non Resident	No Fee No Fee	No Fee No Fee		
Community Services	Cemeteries	Interment - Children (18 years and under) - Exclusive Rights of Burial (EROB) only		Resident Non Resident	£491.00 £983.00	£501.00 £1,003.00		
Community Services	Cemeteries	Interment - New grave - Double Depth		Resident Non Resident	£1,623.00 £3,246.00	£1,655.00 £3,310.00		
Community Services	Cemeteries	Interment - Re-open of grave		Resident Non Resident	£987.00 £2,248.00	£1,007.00 £2,293.00		
Community Services	Cemeteries	Interment - Exclusive right of burial (EROB)		Resident Non Resident	£491.00 £983.00	£501.00 £1,003.00		
Community Services	Cemeteries	Cremated remains - New Grave (minimum depth) Ashes		Resident Non Resident	£828.00 £1,656.00	£845.00 £1,689.00		
Community Services	Cemeteries	Cremated remains - Re-open of grave Ashes		Resident Non Resident	£261.00 £521.00	£266.00 £531.00		
Community Services	Cemeteries	Cremated remains - Scattering of Ashes		Resident Non Resident	£117.00 £237.00	£119.00 £242.00		

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