

COUNTY BOROUGH OF BLAENAU GWENT

REPORT TO:	<u>THE CHAIR AND MEMBERS OF THE COUNCIL</u>
SUBJECT:	<u>SPECIAL MEETING OF THE COUNCIL –</u> <u>19TH DECEMBER, 2019</u>
REPORT OF:	<u>DEMOCRATIC OFFICER</u>

PRESENT: COUNCILLOR M. MOORE (THE CHAIR,
PRESIDING)

Councillors D. Bevan
G. Collier
J. Collins
M. Cook
M. Cross
N. Daniels
D. Davies
G. A. Davies
G. L. Davies
P. Edwards
D. Hancock
K. Hayden
S. Healy
J. Hill
W. Hodgins
M. Holland
J. Holt
H. McCarthy, B.A. (Hons)
C. Meredith
J. Millard
J. C. Morgan
J. P. Morgan
L. Parsons
G. Paulsen
K. Pritchard
K. Rowson
T. Sharrem
T. Smith
B. Summers

S. Thomas
H. Trollope
J. Wilkins
D. Wilkshire
B. Willis

AND: Managing Director
Corporate Director of Regeneration & Community Services
Corporate Director of Social Services
Corporate Director of Education
Chief Officer Resources
Chief Officer Commercial
Head of Legal & Corporate Compliance
Head of Community Services
Service Manager – Neighbourhood Services

<u>No.</u>	<u>SUBJECT</u>	<u>ACTION</u>
1.	<u>SIMULTANEOUS TRANSLATION</u> It was noted that no requests had been received for the simultaneous translation service.	
2.	<u>APOLOGIES</u> Apologies for absence were received from: Councillors P. Baldwin, M. Day, L. Elias, J. Mason, B. Thomas, G. Thomas and L. Winnett.	
3.	<u>DECLARATIONS OF INTEREST AND DISPENSATIONS</u> The following declarations of interest were reported:	

Councillors M. Cook and J. Hill - Item No. 4: Revenue Costs for Operating a Second Household Waste Recycling Centre (HWRC) at Roseheyworth South Business Park.

The Head of Legal and Corporate Compliance confirmed that the above-named Members have been advised that they may remain in the meeting and take part in any debate that may ensue in relation to this item.

4. REVENUE COSTS FOR OPERATING A SECOND HOUSEHOLD WASTE RECYCLING CENTRE (HWRC) AT ROSEHEYWORTH SOUTH BUSINESS PARK

Councillors M. Cook and J. Hill declared an interest in this item and following the advice received from the Monitoring Officer remained in the meeting whilst this item was discussed.

Consideration was given to the report of the Head of Community Services.

The Executive Member for Environment spoke briefly to the report which had been submitted to consider options for:

- the operational days of New Vale and the proposed second Household Waste Recycling Centre (HWRC) in Roseheyworth; and
- the financial implications of operating a second household waste recycling centre.

At this juncture, the Corporate Director of Regeneration & Community Services advised that the development of a second Household Waste Recycling Centre aligned to the Council Priority 'Strong and Environmentally Smart Communities' and in particular, the objective 'to increase in recycling rates which would enable us to achieve national targets'. It was noted that the new HWRC would contribute towards achieving the Welsh Government's 70% recycling target by 2024/2025.

WRAP (Waste and Resources Action Programme) had worked closely with Blaenau Gwent to develop a Strategic Business Case for the proposed new HWRC site at Roseheyworth which detailed

how it could address local challenges whilst responding to statutory goals.

It was noted that the Council had been successful in its bid for capital funding to the Welsh Government for the scheme with a full award of £2.8m being made available for the facility. The proposed development would also lead to highway improvements by enhancing the A467 with traffic lights on the entrance to Roseheyworth Business Park and the new site would also provide capacity to introduce re-use of household items with access to furniture and items for the community. This reuse project would provide an opportunity to work with third sector partners who could access funding schemes to improve employability and work programmes in the Borough.

Revenue Costs - with regard to revenue costs, it was reported that these costs for year 1 would be potentially lower as the result of the new facility not becoming fully operational until 1st June, 2020. Therefore, revenue costs for 2020/2021 had been modelled at 10 months.

Paragraph 3.4.1 provided details of options for funding the operational costs of the HWRC which included:

- Service Efficiency - £39,000 – there had been a number of expressions of interest for voluntary redundancy within Neighbourhood Services. A full review would be undertaken to make one service efficiency in the sum of £39,000.
- One Street Cleansing Gang - £95,400 – the opening of a new HWRC was expected to have a positive impact in the Ebbw Fach Valley, which would allow the department to reduce one Street Cleansing gang and move those staff within the operation of new facility.
- Sensitivity Analysis – two sites operational - £108,000 – a modelling exercise based on a two site strategy had been undertaken by WRAP which showed some potential performance increases – this information was quantified within paragraph 3.4.1 of the report.

Operational Days - a comparison of operational days with neighbouring authorities were detailed in paragraph 3 of the report. Three options for consideration were included with the preferred option being Option 2 i.e. Roseheyworth and New Vale HWRC's both operational 6 days a week – both sites would close on different days ensuring that the facilities would be available daily throughout the course of the week.

Short and Long Term Impact on Budget/Risk Implications Including Mitigating Actions - paragraph 5 of the report detailed both the budget implications and risks including mitigating actions. The indicative 10-month revenue costs at the new site had been modelled at £258,680 across all days of operation from 8.30 a.m. to 5.30 p.m.

The two site strategy approach would allow the Council to get nearer to achieving the Welsh Government's 70% recycling target as failure to expand and grow the Waste service could make the Council's recycling rate stagnate and lead to potential fines in 2024/2025 and beyond. Therefore, the operation of this new facility would help mitigate future fines and would provide improved access for residents to recycling materials and reduce fly-tipping within the Ebbw Fach Valley.

In order to mitigate the staff reduction (i.e. one member of staff) in Neighbourhood Services, an apprenticeship scheme would be developed to build long term resilience within the team. In addition, in order to continue to meet and maintain the Council's cleanliness objectives within the borough, a Cleansing Team would still be retained and deployed within each of the valleys. Additional funding had also been secured through Keep Wales Tidy to increase the number of voluntary litter picking champions.

Members were then provided the opportunity to comment/raise questions in relation to the report.

Scrutiny – the Leader of the Labour Group sought clarification as to why the report had not been submitted to the relevant Scrutiny Committee for consideration.

The Leader of the Council explained that if the report had been submitted to Scrutiny it would then have been the remit of the Executive Committee to make the decision on this matter because

under the democratic arrangements the report in its current form was not a matter for Council consideration. In addition, at the October Meeting of Council issues relating to the HWRC were discussed as part of the Capital Programme report whereby Members had expressed concern regarding the operational arrangements/revenue implications for the site and a commitment had been given that if the funding bid was successful a further report would be submitted to Council.

The Leader of the Council continued by stating that he had discussed this matter with the Chair and Vice-Chair of the Community Services Scrutiny Committee who had both confirmed that they were content with the approach for the report to be submitted directly to Council for consideration. In addition, the Chair of the Community Services Scrutiny Committee had confirmed that a Joint Scrutiny Committee would not have been convened to consider the matter.

The Leader of the Labour Group referred to the Strategic Outline Case for the Development of a Second Household Waste Recycling Centre and said that it would have been his preference for this document to have been presented to Council for consideration because this original decision had been made by the minority (i.e. the Executive), which in his opinion was reprehensible. He also alluded to a statement made that this decision had been of a political nature.

Reference was made to the previous report which detailed potential opening arrangements based on the 3 and 4-day approach which in his view had been ludicrous and said he was pleased that these proposals had now been removed. However, he pointed out that Welsh Government had been unaware of this original proposal.

The Leader of the Labour Group continued by referring to the speed in which the proposal had come to fruition prior to the Christmas period but stated that this whole process was not finished for Members. The Wales Audit Office would be made aware of this because as this was part of a larger policy change it should have come before all Members of the Council. Therefore, he was unable to support the proposal as Members had not been provided with the opportunity have any input into it and also

because nowhere within the report detail was any mention made to an increase in the rate of recycling.

The Leader of the Labour Group pointed out that the mantra of the current administration had been street cleansing improvements to fulfil manifesto priorities but now this was being renegeed upon. He continued by referring to the report that had been submitted to the Executive Committee in July 2017 regarding street cleansing improvements and the introduction of a fifth cleansing team which had a major impact on environmental quality and pointed out that members of the public were concerned with the cleanliness of the streets. Therefore, he reiterated that he was unable to support this proposal because Members would need to be informed of the ramifications if there was a reduction in one street cleansing gang and also the effect the new HWRC would have on other Council priorities needed to be ascertained.

He continued by also alluding to the number of schemes taking place in the Abertillery area and commented that the new HWRC “was a shiny new toy”.

The Leader of the Labour Group concluded by stating that as he was unable to support the proposal he, thereupon, proposed the following alternative recommendation:

The report be deferred to allow a Working Party of the Community Services Scrutiny Committee to scope out a piece of work to best determine the following:

1. Whether a strong enough case was made within the report to ensure that if agreed there would be a sufficient recycling rate percentage rise; and
2. Whether Members felt that the overall merits of the above were worth the loss of a street cleansing gang and the inevitable drop in street cleanliness, as detailed in the report at section 3.4.1.

The Working Party to then report their findings to an all Member Scrutiny session who, after deliberation, would make recommendations to Executive/Council.

The Leader of the Council commenced by referring to the unfortunate language that had been used in the opening address and said that he was at a loss with regard the projects that were taking place in Abertillery. He pointed out reports that required input from all Councillors to debate would be submitted to Council in order to extend the opportunity for debate within the Chamber.

He continued by referring to the Leader of the Labour Group referring to the loss of a fifth street cleansing gang and pointed out that since its inception from the second budget round he had done his best to cut the fifth gang and reduce street cleansing by £300,000. The street cleanliness was improving but pointed out that if Labour Group proposals had been approved streets would now be considerably dirtier.

The Leader of the Council referred to the results of the public survey conducted throughout the County Borough twice annually, which highlighted that street cleanliness was improving. He pointed out that if the Leader of the Labour Group was concerned about the loss of a fifth cleansing gang and the detrimental impact this may have by the opening of a HWRC, which was a much needed facility, and if there was any detrimental impact on street cleansing as a result of the loss of the fifth cleansing gang, he would be content to return to Council and recommend the gang's reinstatement.

The following questions/comments were then raised by Members:

Proposed Operational Times - a Member commenced by stating that he was pleased that the report had been presented to Council for consideration. He continued by highlighting the proposed operational opening times 8.30 a.m. – 5.30 p.m. and asked whether appropriate facilities would be provided at both the new and existing sites to ensure that these opening times could be adhered to throughout the course of the year particularly, during the winter months.

The Service Manager – Neighbourhood Services confirmed that floodlighting would be provided at both sites to ensure that residents were able to access both facilities after 4.00 p.m. especially during the winter months.

Utility Costs - a Member referred to the increasing cost of electricity year on year. Whilst details of the first year operational costs had been provided he asked what the financial implications for budget setting would be for future years.

The Corporate Director Regeneration & Community Services advised that appendix 3 attached to the report provided details of the estimated revenue costs for a 5-year period. This information had been modelled on the standard inflationary costs.

New Vale Site/Silent Valley - another Member commenced by stating that he was an advocate of a greener environment and reducing the carbon footprint. He pointed out that a review was currently being undertaken in respect of Silent Valley and questioned whether this should be completed prior to a decision being made on the new HWRC. He also expressed his concern regarding the future of the New Vale site (which covered two-thirds of the borough) and future budget implications and asked if a guarantee could be provided that this site would remain open.

The Corporate Director of Regeneration & Community Services confirmed that the Council's Recycling Strategy and the achievement of the 70% recycling target was predicated on a two site approach and any changes to this strategy would require Council approval. The Corporate Director reiterated that from an operational perspective there were no proposals to change as it was believed that two sites were required to achieve the recycling targets. It was noted that only marginal gain would be achieved as the Council became closer to achieving the 70% target.

With regard to the service provider and the question of who would operate the two sites, this was not a matter for current consideration – the two issues were not interlinked at this stage.

Carbon Footprint - a Member referred to the previous comment made regarding the carbon footprint and pointed out that the distance currently from the far end of the County Borough to the New Vale site was 5 miles. When the new site became operational in addition to reducing the carbon footprint for residents residing in the Ebbw Fach Valley, it would also generate additional income from recycle and this combined with the total cost of collecting fly tipping could potentially offset the operational cost of the new HWRC.

The Leader of the Labour Group referred to the Welsh Government funding and said that there were some questions whether the Council had been open and transparent in terms of its original proposal approach for the operational days i.e. 3 – 4 days.

Fly Tipping - a Member expressed his concern that there was an issue of fly tipping across the County Borough and one of the major hotspot areas was Hilltop Mountain. He also referred to the review of Silent Valley that was currently being undertaken and also said in his opinion the findings of that review should be received initially before a decision was made in respect of the new HWRC.

The Corporate Director of Regeneration & Community Services reiterated his earlier comment that at present the question around who operated the sites did not predicate the number of HWRC sites. Details of the infrastructure were required in the first instance and the site operators would then be determined in the future.

Public Engagement - A Member referred to the amount of public engagement taking place and was optimistic that the public was embracing the necessity for recycling.

At this juncture, the Executive Member for Environment proposed that Option 2 be endorsed.

The Leader of the Labour proposed the following amendment:

The report be deferred to allow a Working Party of the Community Services Scrutiny Committee to scope out a piece of work to best determine the following:

- 1. Whether a strong enough case was made within the report to ensure that if agreed there would be a sufficient recycling rate percentage rise; and**
- 2. Whether Members felt that the overall merits of the above were worth the loss of a street cleansing gang and the inevitable drop in street cleanliness, as detailed in the report at section 3.4.1.**

The Working Party to then report their findings to an all Member Scrutiny session who, after deliberation, would make recommendations to Executive/Council.

A recorded vote was requested and taken:

In Favour of the Amendment outlined above:

Councillors D. Bevan, M. Cross, K. Hayden, H. McCarthy, J. C. Morgan, T. Sharrem, T. Smith, S. Thomas, H. Trollope, D. Wilkshire, B. Willis.

In Favour of Option 2 (Preferred Option) – Councillors G. Collier, J. Collins, M. Cook, N. Daniels, D. Davies, G. A. Davies, G. L. Davies, D. Hancock, S. Healy, J. Hill, W. Hodgins, M. Holland, J. Holt, C. Meredith, M. Moore, J. P. Morgan, L. Parsons, G. Paulsen, K. Pritchard, K. Rowson, B. Summers, J. Wilkins.

Councillors P. Edwards and J. Millard abstained from voting.

The proposed amendment was, therefore, not carried.

Councillor J. C. Morgan left the meeting at this juncture.

Appreciation was expressed to the representatives of WRAP (Waste and Resources Action Programme) and officers for the tremendous amount of work undertaken in respect of the scheme and to Welsh Government for the provision of funding.

RESOLVED, subject to the foregoing, that the report be accepted and Option 2 be endorsed, namely Roseheyworth and New Vale HWRCs both operational 6 days a week, the draft revenue estimate to operate the proposed new site in 2020/21 was £204,530.

5. COMMUNITY ASSET TRANSFER PROCESS, SELECTION OF APPROVED USER

Having regard to the views expressed by the Proper Officer regarding the public interest test, that on balance, the public interest in maintaining the exemption outweighed the public interest in disclosing the information and that the report should be exempt.

RESOLVED that the public be excluded whilst this item of business is transacted as it is likely there would be a disclosure of exempt information as defined in Paragraph 14, Schedule 12A of the Local Government Act, 1972 (as amended).

Consideration was given to the report of the Corporate Director of Regeneration & Community Services.

The Executive Member for Environment explained that the report set out the result of the re-assessment of information by the Selection Panel provided in support of an appeal submitted to the proposed Community Asset Transfer (CAT) of Tredegar Recreation Ground.

It was noted that this report had been deferred from the previous Council meeting held on 12th December, 2019 pending further information in respect of the following questions which had been posed:

- Had the Council consulted with Tredegar Town Council regarding the CAT?
- Had the Council followed legal practice in terms of consultation?
- Was there a covenant agreement relating to the site?
- Could additional provision be built into the lease to provide protection to other user groups using the ground?

The Corporate Director of Regeneration & Community Services confirmed that general consultation regarding the Community Asset Transfer had been happening since 2017. In addition, the Council had formally written to Tredegar Town Council in February 2019 asking if it would consider the potential CAT of this ground. This correspondence had been discussed at a meeting of the Town Council and the Town Council had responded that it would not be interested in assuming responsibility for the facility at this time.

In terms of the Charter agreement between the Council and Town Council, this was not a legally binding agreement enforceable in law but was a statement of intention that outlined good practice. Therefore, the Charter agreement had not been contravened.

With regard to the covenant on the land, it was confirmed that the land would not be given away but would be retained in charitable trust and additional wording could be built into the lease to ensure that the successful organisation:

- Actively promoted the use and enjoyment of the Premises for leisure and community uses for the benefit of the local community and public at large and actively to encourage others to use the Premises (or parts of the same) not then being used by the Tenant.

The Head of Legal and Corporate Compliance referred to the definition of a legal agreement (a legally binding contract enforceable in a court of law) and confirmed that the Charter was classed as a 'statement of intention' entered into by the Council and the Town Council which formally recorded how it would operate and the intended behaviour of both parties. Therefore, the Charter was not legally enforceable.

A Member expressed his concern that no consultation had taken place whatsoever in respect this CAT proposal involving these groups. A full consultation should have involved the Town Council and County Borough Councillors who had not been involved in any aspect of the consultation process.

The Corporate Director confirmed that Members were part of the decision making process in respect of the CAT. At this stage a decision had not yet been taken and, therefore, there was no proposal to take forward to consult on. He concluded by stating that Tredegar Town Council had been consulted with in terms of the CAT proposals.

The Leader of the Labour Group commenced by stating the Town Council had indicated that they would consider the CAT if the process did not reach a conclusion. He pointed out that Tredegar Members had envisaged an all-encompassing sporting facility in Tredegar and unfortunately this report did not provide for that. Therefore, he would be unable to support the proposal and would abstain from voting. He concluded by stating that Members should have been involved at the initial stages of these discussions as they had could have assisted, particularly as they had good connections to both organisations.

Another Member supported the views of the Leader of the Labour Group but said that he was pleased to hear that the lease could be strengthened for other users of the facility because the more the ground was used, the greater its longevity. He requested that should the CAT become unsuccessful at a future point that there be an early intervention period whereby Members were consulted and other unsuccessful organisations offered the opportunity to take over the CAT of the ground.

The Leader of the Council made a statement in respect of the process that had been implemented with regard to CAT which had commenced in August 2017 and said that all parties had been made aware of CAT, the purpose of it and the process. He pointed out that in excess of 95% of the grounds had been dealt with and in the most part clubs were working together, efficiently, effectively and in a business like fashion for sport in their areas.

If the process had been broadened to encompass others parties less than 10% would have been achieved in 2 years and the CAT would have been nowhere near completion. It was noted that £500,000 savings had been attributed to the CAT process. The Leader of the Council concluded by pointing out the option was available for the Labour Group to submit an amended proposal in respect of this matter.

The Leader of the Labour Group reiterated that he had envisaged a Tredegar Sporting facility and, therefore, the whole of the Labour Group would abstain from voting on the option.

The Executive Member for Environment proposed that Option 1 be endorsed.

A vote was thereupon, taken in respect of Option 1 and it was

RESOLVED, subject to the foregoing, that the report which related to the financial or business affairs of any particular person (including the authority) be accepted and Option 1 be endorsed, namely:

- The Council, acting as Charitable Trustees note the outcome of the appeal and the re-assessment process detailed in paragraph 2.8 and offered the Community Asset Transfer of

Tredegar Recreation Ground to the successful applicants named therein, subject to:

- a. Granting a three-month licence/Tenancy at Will to permit the operation of the ground to the successful organisation.
- b. Advertising the proposed leasehold disposal detailed in earlier reports in line with the requirements of the Charities Act 2011.

The following Members abstained from voting:-

Councillors D. Bevan, M. Cross, K. Hayden, H. McCarthy, J. Millard, T. Sharrem, T. Smith, S. Thomas, H. Trollope, D. Wilkshire, B. Willis.