



Cyngor Bwrdeistref Sirol
MERTHYR TUDFUL
MERTHYR TYDFIL
County Borough Council

MINUTES OF MEETING

FULL COUNCIL MEETING

WEDNESDAY, 27TH SEPTEMBER, 2017

PRESENT: Councillor K Gibbs (In the Chair)

Councillors J Amos, H Barrett, A Barry, C J Barry, R Braithwaite, S P Brown, B Carter, D Chaplin, M Colbran, C Davies, L Davies, E Galsworthy, D Hughes, D Isaac, S Jago, C T Jones, D Jones, H R Jones, G Lewis, L Mytton, K O'Neill, G Richards, D Roberts, T Rogers, D Sammon, T Skinner, W R Smith, G Thomas, I Thomas, S Thomas and C Tovey

Officers:

Gareth Chapman (Chief Executive), Carys Kennedy (Head of Legal and Governance Services - Monitoring Officer), Ellis Cooper (Deputy Chief Executive), Cheryllee Evans (Chief Officer (Neighbourhood Services)), Dorothy Haines (Chief Officer (Learning) - Chief Education Officer), Steve Jones (Head of Finance), Adele Lewis (Chief Accountant), Alyn Owen (Chief Officer (Community Regeneration)), Geraint Morgan (Solicitor), Jeremy Ashdown (H R Manager), Annabel Lloyd (Head of Children's Services), Ceri Dinham (Communications, Consultation and Engagement Manager), Louise Ballinger (Senior Auditor), Paul Davies (Waste Management), Chris Hole (Head of Community Wellbeing), Paul Jones (Environmental Cleansing and Enforcement Manager), Jemma Rough (Environmental Health Officer) and Stephen Thomas (Waste Management)

Outside Bodies:

Helen Goddard – Wales Audit Office

Mair Morgan (Democratic Services Officer)

ITEM NO.	AGENDA MATTER	DECISION
269	Apologies for Absence	Apologies for absence were received from Councillor J Thomas.
270	Declarations of Interest	<p>Councillor A Barry Declared his Interest in Item 16 – Authorisation of Officers under Legislation affecting the administration of Licensing requirements for Hackney Carriage Drivers and Vehicles / Private Hire Operators, Drivers and Vehicles as he works and owns a Company in the Industry.</p> <p>Councillor E C Galsworthy Declared his Interest in Item 10 – Representatives to Other Bodies 2017/2018 as he is the Chair of UK and Ireland Nuclear Free.</p>
271	Overview of the Merthyr Tydfil Borough Wide Youth Forum (MTBWYF)	<p>The Mayor welcomed Lauren Davies, Youth Mayor, Jenna Noble Deputy Youth Mayor and members of the Youth Forum Cabinet to the Meeting.</p> <p>A Presentation was then made to the Council on the Merthyr Tydfil Borough Wide Youth Forum:</p> <ul style="list-style-type: none"> • Any young person who is 11 to 25 years of age and lives in Merthyr Tydfil can become involved • The purpose of the Forum is for young people to have an opportunity to have a voice and be listened to about issues that affect them • Chart of the Forum, Youth Cabinet and Organisations • United Nations Convention on the Rights of the Child • What is a Youth Mayor and what do they do • What does the Youth Forum do • Youth Forum Scrutiny and Audit Committee Members • Ballot in relation to issues • High Sheriff Awards • Youth Cabinet Project – Positive Mental Health • Training • Contact details <p>Questions were then raised by the Members and were responded to by representatives of the Youth Forum.</p> <p>The Mayor then thanked the representatives of the Youth Forum for attending and the Presentation to the Council.</p>
272	Votes at 16	<p>Notice of Motion</p> <p>Resolved that:</p> <p>Merthyr Tydfil County Borough Council</p> <p>(a) Joins the Votes at 16 Coalition</p> <p>(b) Supports the Merthyr Tydfil Borough Wide Youth Forum in its Votes at 16 Campaign activities</p>

		<p>through promoting this Policy via its Corporate Communications channels</p> <p>(c) Instructs the Head of Democratic Services to respond on behalf of the Council in full support of the Welsh Government Consultation on Votes at 16</p> <p>(d) The Leader of the Council and the Chief Executive write to Gerald Jones MP for Merthyr Tydfil, Dawn Bowden Assembly Member for Merthyr Tydfil and the Regional Members of the National Assembly for Wales inviting them to support this Motion and the Votes at 16 Campaign</p>
273	Minutes of Previous Meeting(s)	The Council approves as accurate (subject to any amendments) the Minutes of the following Meetings.
273a	Full Council: 26.07.2017	<p>Resolved that:</p> <p>The Minutes of the Full Council Meeting held 26 July 2017 be accepted as a correct record.</p>
273b	Cabinet: 26.07.2017	<p>Resolved that:</p> <p>The Minutes of the Cabinet Meeting held 26 July 2017 be accepted as a correct record.</p>
273c	Cabinet: 13.09.2017	<p>Resolved that:</p> <p>The Minutes of the Cabinet Meeting held 13 September 2017 be accepted as a correct record.</p>
273d	Planning, Regulatory and Licensing: 19.07.2017	<p>Resolved that:</p> <p>The Minutes of the Planning, Regulatory and Licensing Committee held 19 July 2017 be accepted as a correct record.</p>
273e	Licensing Committee: 19.07.2017	<p>Resolved that:</p> <p>The Minutes of the Licensing Committee held 19 July 2017 be accepted as a correct record.</p>
273f	Licensing Committee: 23.08.2017	<p>Resolved that:</p> <p>The Minutes of the Licensing Committee held 23 August 2017 be accepted as a correct record.</p>
273g	Licensing Committee: 04.09.2017	<p>Resolved that:</p> <p>The Minutes of the Licensing Committee held 4 September 2017 be accepted as a correct record.</p>
273h	Licensing Committee: 04.09.2017	<p>Resolved that:</p> <p>The Minutes of the Licensing Committee held 4 September 2017 be accepted as a correct record.</p>
273i	Standards: 28.07.2017	<p>Resolved that:</p> <p>The Minutes of the Standards Committee held 28 July 2017</p>

		be accepted as a correct record.
273j	SACRE: 04.07.2017	Resolved that: The Minutes of the SACRE Meeting held 4 July 2017 be accepted as a correct record.
273k	Scrutiny : Learning and LAESCYP: 17.07.2017	Resolved that: The Minutes of the Learning and LAESCYP Scrutiny Committee held 17 July 2017 be accepted as a correct record.
273l	Scrutiny : Learning and LAESCYP: 04.09.2017	Resolved that: The Minutes of the Learning and LAESCYP Scrutiny Committee held 4 September 2017 be accepted as a correct record.
273m	Scrutiny : Regeneration and Public Protection: 12.09.2017	Resolved that: The Minutes of the Regeneration and Public Protection Scrutiny Committee held 12 September 2017 be accepted as a correct record.
273n	Scrutiny : Regeneration and Public Protection: 18.07.2017	Resolved that: The Minutes of the Regeneration and Public Protection Scrutiny Committee held 18 July 2017 be accepted as a correct record.
273o	Scrutiny : Social Services: 25.07.2017	Resolved that: The Minutes of the Social Services Scrutiny Committee held 25 July 2017 be accepted as a correct record.
273p	Scrutiny : Governance, Performance, Business Change and Corporate Services: 05.09.2017	Resolved that: The Minutes of the Governance, Performance, Business Change and Corporate Services Scrutiny Committee held 5 September 2017 be accepted as a correct record.
274	Statement of Accounts 2016/2017	Resolved that: The Audited Statement of Accounts for 2016/17 being the financial year ended 31 March 2017 be approved.
275	Letter of Representation 2016/2017	Resolved that: Representations regarding the 2016/17 Financial Statements be approved and communicated to the Appointed Auditor.
276	Annual Governance Statement For Financial Year 2016/17	Resolved that: The Annual Governance Statement 2016/17 be approved.
277	Appointment to Committees 2017/2018	Resolved that:

		<p>(a) The vacancies highlighted within the report be filled as a matter of urgency by the Leader of the Council and the Leader of the Opposition and in any event by the 30 September 2017 at the latest</p> <p>(b) The following Councillors be appointed to the Appeals Committee:</p> <p>Councillor D Isaac, Councillor C T Jones and Councillor G Richards</p>
278	Representatives to Other Bodies 2017/2018	<p>Councillor E C Galsworthy having Declared his Interest in this item left the Meeting for the consideration of this item.</p> <p>A Member then recommended that Councillor E C Galsworthy be appointed as the Council's representative on Nuclear Free Councils, with the appointment being until the AGM in May 2018 with a more informed decision being taken at this time.</p> <p>The Chief Executive then recommended that the appointment be until the subscription to the Nuclear Free Council expired and then reviewed at this time.</p> <p>The Chief Executive also referred to the representative required in relation to the Merthyr Tydfil Leisure Trust and advised that the notes in the report regarding the representatives were for guidance and that a further Member representative was required.</p> <p>A Member then stated that he supported the review to be undertaken in relation to Champions and Outside Bodies.</p> <p>The Chief Executive advised that this work was currently being undertaken.</p> <p>Resolved that:</p> <p>(a) The contents of the report be noted</p> <p>(b) The vacancies that had been identified be filled as a matter of urgency</p> <p>(c) That the Council continues its membership of the Nuclear Free Council Organisation and that Councillor E C Galsworthy be the Council's representative.</p>
279	Annual Performance Report 2016/2017	<p>Resolved that:</p> <p>The Annual Performance Report 2016/17 be approved.</p>
280	Public Engagement on the Opening and Locking Of Cemeteries within The County Borough Of Merthyr Tydfil	<p>A Member referred the Council to the 'Public Engagement on the Opening and Locking of Cemeteries within the County Borough of Merthyr Tydfil' report and moved the recommendation as outlined in Paragraph 2.1 of the report.</p> <p>A Member then stated that he was expecting a far more positive report and advised that he wished to move an amendment to the recommendation as contained within the report.</p>

		<p>The Member then proposed that Paragraph 3.10 of the report be deleted in its entirety and replaced as follows:</p> <p>‘Council recognises that law abiding daylight visitors to the Cemeteries will not suffer detriment as a result of the proposal and therefore consultation with the public is unnecessary. Council instructs Officers to take the necessary steps of locking the gates of all Cemetery gates in the County Borough forthwith’.</p> <p>The Member also referred to a Petition that had been handed to a previous Councillor asking for the gates to be shut.</p> <p>The Monitoring Officer then referred to the amendment that had been proposed and gave legal advice in relation to the proposal and the issues raised by the Member.</p> <p>The Chief Executive also stated that there would need to be a check made in relation to the Petition that had been referred to and also gave suggestions if the amendment were accepted.</p> <p>The Monitoring Officer then gave further legal advice on the motion and the amendment and addressed the issues that had been raised in the report as outlined in Paragraph 3.7.</p> <p>The Mayor then called for a vote on the amendment.</p> <p>A Vote was taken and the amendment fell.</p> <p>The Mayor then called for a vote on the recommendation as contained within the report and it was</p> <p>Resolved that:</p> <p>A County Borough wide listening and engagement exercise followed by a public consultation be approved and the subsequent findings be brought back to Council in a further report.</p> <p>Councillor L Mytton left the Meeting at 6.25 pm and did not take part in the voting.</p>
281	CCTV Policy	<p>Resolved that:</p> <p>The CCTV Policy be approved and the Information Governance Forum be authorised to update and amend the Policy as necessary.</p>
282	Employee Protection Register Policy	<p>A Member referred to the ‘Employee Protection Register Policy’ report and advised that under Paragraph 3.9 it should read ‘EPR’ Policy and not ‘CCTV’ Policy.</p> <p>Resolved subject to the foregoing that:</p> <p>The Employee Protection Register Policy be approved and the Information Governance Forum be authorised to update and amend the Policy as necessary.</p>

Environmental
Cleansing and
Enforcement, Littering
and Dog Fouling Policy

A Member referred to the 'Environmental Cleansing and Enforcement Littering and Dog Fouling Policy' report and moved the recommendation as outlined in Paragraph 2.1 of the report together with the following further recommendation:

'A report be made back to Council after six months on the update of the Policy'.

Questions were then raised by the Members in relation to the following and were responded to by the Officers:

- Why was the Policy changing
- Had there been Consultation
- Charges in other Local Authorities and any discounts offered for early payments

The Leader then called for a Recorded Vote on the recommendations.

The Monitoring Officer advised that a Recorded Vote had to be supported by five Councillors.

Five Councillors then supported the proposal for a Recorded Vote.

The Monitoring Officer then proceeded to take a Recorded Vote on the recommendations:

Councillor	For the Motion	Against the Motion
Julian Amos		X
Howard Barrett	X	
Andrew Barry	X	
Chris Barry		X
Rhonda Braithwaite		X
Paul Brown	X	
Brent Carter		X
David Chaplin		X
Malcolm Colbran	X	
Chris Davies	X	
Lee Davies	X	
Ernie Galsworthy		X
Kevin Gibbs	X	
David Hughes	X	
David Isaac		X
Sherelle Jago	X	
Clive Jones		X
David Jones		X
Harvey Jones		X
Gareth Lewis		X
Lisa Mytton	Absent	Absent
Kevin O'Neill	X	
Gareth Richards		X
Darren Roberts		X
Tony Rogers		X
Declan Sammon	X	

Tanya Skinner	X	
Bill Smith		X
Geraint Thomas	X	
Ian Thomas		X
John Thomas	Absent	Absent
Scott Thomas		X
Clive Tovey	X	

The Monitoring Officer advised of the result as follows:

For the Motion – 14
Against the Motion – 17

Therefore the Motion fell.

284

Authorisation of Officers under legislation affecting the administration of licensing requirements for hackney carriage drivers and vehicles /private hire operators drivers and vehicles

Councillor A Barry having Declared his Interest in this item left the Meeting for the consideration of this item.

Resolved that:

- (a) Part III of the Merthyr Tydfil County Borough Council Constitution be amended so that in addition to the Officers listed in 1.3 the Trading Standards, Licensing and Transport Manager, Senior Licensing and Transport Officer and Licensing Officers be authorised under Section 61(1) of the Local Government (Miscellaneous Provisions) Act 1976 Act to suspend or revoke a Private Hire Drivers Licence and a Hackney Carriage Drivers Licence where the grounds identified within Section 61 are met. Any Driver aggrieved by a decision under this section may appeal to a Magistrates Court
- (b) Part III of the Merthyr Tydfil County Borough Council Constitution be amended so that in addition to the Officers listed in 1.3 the Trading Standards, Licensing and Transport Manager be authorised under Section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976 Act to suspend and revoke with immediate effect a Private Hire or Hackney Carriage Vehicle Drivers Licence
- (c) Part III of the Merthyr Tydfil County Borough Council Constitution be amended so that in addition to the Officers listed in 1.3 the Trading Standards, Licensing and Transport Manager be authorised under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 Act to suspend or revoke a Private Hire Operators Licences where the grounds identified within Section 62 are met
- (d) Part III of the Merthyr Tydfil County Borough Council Constitution be amended so that in addition to the Officers listed in 1.3 the Trading Standards, Licensing and Transport Manager, Senior Licensing and Transport Manager and Licensing Officers be authorised under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 to suspend or revoke a Private Hire Vehicles Licence and a Hackney Carriage Vehicles Licence

		where the grounds identified within Section 60 are met. Any proprietor aggrieved by a decision under this Section may appeal to a Magistrates Court.
285	Remuneration Paid to Members 2016/2017	A Member referred to the 'Remuneration Paid to Members 2016/2017' report and advised of a correction under Appendix 1 as Councillor John McCarthy had not been a Chair of Scrutiny. Resolved subject to the foregoing that: The report for Information be received.
286	Petitions Received By The Authority	Resolved that: The report for Information be received.
287	Memorandum of Understanding South Wales Police - Doorstep Crime and Rogue Trading	Resolved that: The report for Information be received.
288	Annual Report on Social Services 2016-2017	Resolved that: The report for Information be received.
289	Cwm Taf Medication Policy for Domiciliary Care Services	Resolved that: The report for Information be received.

Exempt

Resolved that:

The public be excluded from the Meeting on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 14 and 15 under Part 4 of Schedule 12A Section 100 (A) (4) of the Local Government Act 1972.

290	Household Waste and Recycling Centres	Resolved that: The recommendation for management of Household Waste in Aberfan and Dowlais be noted.
291	MTCBC Change Programme - 2017-2018 - Report 1	Resolved that: The recommendation for future structure of the Behaviour Support Team be noted.
292	To deal with any other urgent business or correspondence	The Mayor advised that there was no business deemed urgent.
293	To receive communications from	No Communications were received from His Worship the Mayor.

Her / His Worship the Mayor	
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