

## ***MINUTES OF THE BLACKWOOD TOWN COUNCIL MEETING HELD ON 1ST. JULY 2019***

***Present :*** Councillor G James ( Mayor )  
Councillor J Griffiths ( Deputy Mayor )  
Councillors Z Hammond, R Mills, A Short, C Erasmus, N Turner, R Weeks, D Davies,  
T Evans & M Gwynne

Inspector Aled George

### ***1. Apologies for Absence***

Apologies for Absence were received from Councillors J Edwards, P Cook, J Weeks & A Farina-Childs

### ***2. Declarations of Interest***

There were no Declarations of Interest made at this point

### ***3. Mayoral Announcements***

The Mayor reported on his attendance at-

Blackwood Little Theatre Production of 1 Man 2 Guvnors, and was thoroughly entertained by the cast of the show

DYT production of Annie, where they had children of all ages performing the different part

Beach Party, where he collected over £100 for his charity, thanking his wife for manning the stall throughout the day. He remarked how good it was to see so many people in town and had lots of positive comments.

While walking through town he visited several businesses on the High Street to gauge their support and feedback of the event, and was asked to draw a raffle at the Modern Barber who had recently opened on Gravel Lane.

He also took the opportunity to visit the art work displayed in the Precinct. The GCSE work of students was on display for three days for all to see, and this year included the work produced by the students of the product design course. Next year he is hopeful the design will again be on display at or Summer Event.

The Mayor placed on record his thanks to Sainsbury's and ASDA for their donations of ingredients for his cup cake sale.

#### 4. *Police Report - Inspector Aled George*

The Mayor welcomed Inspector Aled George to the meeting, and after introductions the Inspector explained that he took up post in April, having been Duty Inspector at Pontypool/Torfaen and that this was his first Neighbourhood role.

Inspector George presented his report, which highlighted monthly all crime types and anti social behaviour cases, whilst also highlighting trends by day of the week and time of the day, which does assist in deployment of officers.

The report also identified by location where the majority of crimes/ASB were committed, and the breakdown of offence category or the period January to June 2019.

The Inspector reported that a few key offenders were responsible for a significant number of crimes, with 2 individual shoplifters accounting for almost a quarter of the reported incidents.

With regard crime categories, the Inspector noted that Domestic Violence accounted for the majority of the Violence crimes recorded, whilst the majority of Public Order offences were neighbourhood related. It was hoped that the prosecution of the 2 shoplifters referred to earlier will lead to a reduction in future reports.

With regard ASB, the Inspector noted again that certain individuals were known to be repeat offenders, and they continued to struggle with under 18's at the Bus Station / Gravel Lane and Cliff Road areas.

Information suggests the problem times are between 5.00pm – 8.00pm, and patrols have been targeted at these times at these specific locations.

Members asked the Inspector if he was aware of youths with homeless issues congregating near the war memorial on Pentwyn Road. The Inspector stated he and his officers were aware of a number of homeless people in and around town.

Councillor Z Hammond placed on record Town Council's appreciation and thanks to the officers who assisted at the Beach Party/ Carnival

The Mayor thanked the Inspector for his attendance, who in turn thanked members for the opportunity to attend and asked if there were any issues to make contact -  
blackwood@gwent.pnn.police.uk

#### 5. *Correspondence*

The Clerk presented his report on the following items of correspondence received since the last meeting, and all were *noted*.

Caerphilly C.B.C.	Response to Boundary Commission	Copy forwarded to members
	Notification of Multi Agency Meeting re Chartist Bridge	
	Variation of Car Park Charges - 20p increase	Copy forwarded to members
	Various e-mails between the Clerk and CCBC Officers/Members regarding same	
	Notification of Community Infrastructure Levy for 2018/2019 - £303.41	
	CCTV Continuation of Services	

Cllr A Farina-Childs                      Nomination for Civic Award – Leon Gardiner  
 Nominations for Sali Daniels & Donna Szarun in setting up  
 Blackwood Action on Litter Community Group – possible new  
 Environmental Award Category - Agenda for discussion at  
 September meeting

Cllr. Kevin Etheridge                      Notification of Inquiry date – Appeal by Persimmon – 3<sup>rd</sup>. October  
 for 2 days starting 10.00am.at Penallta House

Copy of FOI requested by resident relating to car park revenues  
 collected in town, together with income collected via on-street  
 residential parking permits

With regard the increase in car park charges of 20p, from figures now provided it appears that in 2018/2019 income collected across the Borough amounted to £571,101, of which £413,688 was generated in Blackwood ( 72% ). From figures quoted a few years ago, it appears car park income has reduced by approx £120,000 across the Borough but with only a £27,000 reduction in Blackwood, meaning our town is being expected to finance the shortfall.

Members again acknowledged the enormous benefits of CCTV in the town, and fully supported its continuation.

It had been identified earlier during the police report that the bus station is still a problem area and that unfortunately due to positioning of some of the cameras there are still blind spots that youths continue to gather at. The Clerk was asked to request the cost of an additional camera to be positioned near Stands 7 - 9 which would assist the police in monitoring the area more effectively.

## 6. *Schedule of Payments*

The Clerk presented his report on payments made/ to be made and the following were **agreed** -

		£. p
Andrew Jervis	Internal Audit Fee	120.00
Southern Electric	Christmas Lighting	135.48
Boverton Nurseries Ltd	Hanging baskets	1,303.80
Caerphilly C.B.C.	Room hire/ printing	120.34
John Hold	June Salary/ reimbursements	1,266.98
Playworks	June Tax/N.I.	287.79
GAVO	Sponsorship	250.00
Samba Galez	Appearance Fee – Carnival	500.00
K White ( KLA Dance )	“ “	100.00
Dancelicious	“ “	100.00
L Everson ( DYT )	“ “	150.00
Studio 54	“ “	200.00

## 7. *To Confirm the Minutes of the Town Council Meeting held on 3<sup>rd</sup>. June 2019*

It was **resolved** the minutes be agreed as a true record

## **8. *Matters Arising***

### 14. Planning Applications

As a matter of accuracy Councillor Z Hammond reported that she was due to attend a site meeting with Borough members ( 5<sup>th</sup> July ) regarding 64 Cae Collen, Blackwood

### 15. Reports

Members reported a request from British Legion that the Poppy in the Remembrance Garden be more prominent and upstanding if possible.

Councillor D Davies, as a member of the British Legion declared an Interest and took no further part in the discussion on this matter.

It was thought possible to make the poppy more prominent by possibly painting same, but any other works may well have to be referred back to planning. It was ***agreed*** to see what can be done

## **9. *To Receive the Minutes of the Events Committee Meetings held on 10<sup>th</sup>. June & 24<sup>th</sup>. June 2019***

It was ***agreed*** the minutes be received

## **10. *Verbal Report on Beach Party / Carnival***

Councillor Z Hammond, Chair of Events, thanked those members who had assisted on the day and reported that feedback had been very positive and complimentary.

The day went virtually hitch free, and special thanks to CCBC's Stacy Francis & Sarah Kate Ackerman for all their hard work in ensuring another successful event. Thanks also to the Communications Department, as the event had been very well advertised.

She reported that the standard of entertainment this year was exceptional with two young female singers leaving the stage to go to auditions in Cardiff for the Voice, whilst we had Gracie Jayne a Semi finalist on this years Kids Voice and also KYT runners up in this years Greatest Dancer Competition.

The Chair reported she was hoping to have a de-brief meeting soon.

## **11. *Verbal Report on High Court Case – Pontllanfraith Leisure Centre***

Councillors Rhys Mills and Zoe Hammond reported on the outcome of the recent High Court Case – detailed below as reported in Court

Caerphilly CBC were found to have failed to meet its obligations in relation to the public sector equality duty when deciding to close a leisure centre.

However, Mr Justice Swift dismissed three grounds of challenge to a decision of the Cabinet at Caerphilly County Borough Council on 14 November 2018 to adopt a Sport and Active Recreation Strategy for 2019 – 2029, and a further ground of challenge to its decision taken on 10 April 2019 to close the centre concerned, Pontllanfraith Leisure Centre, with effect from 30 June 2019

The claimant, Shane Williams, in **Williams, R (on the application of) v Caerphilly County Borough Council** [2019] EWHC 1618 (Admin) had advanced the following grounds of challenge (the first three relating to the strategy decision; and the fourth and fifth to the closure decision):

1. The strategy decision was unlawful because it was a decision taken by the Cabinet when, by reason of the provisions of the Local Authorities (Executive Arrangements) (Functions and Responsibilities) (Wales) Regulations 2007 it was a decision that should have been taken by the full Council.
2. The strategy decision was unlawful because it was taken without information as to the cost of implementing the sports strategy.
3. The strategy decision was unlawful by reason of failures to comply with obligations under the Local Government (Wales) Measure 2009 – under which a Welsh improvement authority must make arrangements to secure continuous improvement in the exercise of its functions.
4. When taking the closure decision the council did not meet its obligations under section 149(1) of the Equality Act 2010 – the public sector equality duty.
5. The closure decision was unlawful because the council failed to consider the option of a community asset transfer of the leisure centre.

Mr Justice Swift found in relation to ground 1 that the strategy decision was not, by reason of paragraph 2 of Schedule 4 to the 2007 Regulations, a decision required to be taken by the Council in full session. “It was a decision that the Cabinet had authority to make.”

On ground 2, the judge said: “Once the nature and substance of the Sports Strategy... is taken into account, it was not Wednesbury unlawful for the Council to adopt the Sports Strategy without information about the likely cost that its implementation might entail.

On ground 3, Mr Justice Swift said the strategy decision was not in the nature of an arrangement to secure continuous improvement in the exercise of functions.

“It was a strategy for the steps the Council wanted to take in respect of its provision of recreational facilities. It would be wrong to construe section 2 of the 2009 Measure as applying to any/every strategic decision. That would be an artificial application of section 2 of the 2009 Measure. It would also have the unwarranted consequence of creating – via section 5 of the 2009 Measure – a statutory obligation to consult in respect of any proposed strategic decision,” he said.

The judge added: “While it may be a matter of good practice that strategic decisions should be the subject of consultation, applying the section 5 obligation to all such decisions would be a step too far, absent an express statutory provision to that effect.”

He therefore concluded that the proposal to adopt the sports strategy was not an arrangement falling within the scope of section 2(1) of the 2009 Measure; “in consequence the section 5(1) obligation to consult did not arise.”

On ground five, Mr Justice Swift also did not consider that the claimant's case was made out. “The fact that the possibility of community asset transfer of the Pontllanfraith Leisure Centre was raised in the consultation response from Blackwood Town Council did not oblige the Council to take that possibility further. The fact that the Council did not take it further does not make good a contention that there was a failure properly to consider the responses to consultation.”

The judge said that a statement recorded as being made by officers at the 10 April 2019 Cabinet meeting that the responses to consultation had not made mention of community asset transfer was wrong.

“That was unfortunate, but not in my view material,” he found. “This part of the Blackwood Town Council response fell well short of anything that could reasonably be understood as an expression of interest in a community asset transfer. Regardless of the officers' comment, Cabinet members were on notice of the community asset transfer option from what had been said at the Scrutiny Committee meeting. The fact that the Council did not pursue the possibility of community asset transfer did not render the Closure Decision unlawful by reason of failure to have regard to a relevant consideration.”

The failure to consider community asset transfer was not unreasonable, the judge said.

On ground four and the public sector equality duty, Caerphilly’s Leader, Cllr David Poole had said in a witness statement:

(a) that the decision not to undertake further formal assessment of the likely impact of the closure decision was a conscious decision following advice that the assessment undertaken for the purposes of the strategy decision was sufficient;

(b) that at the meeting on 10 April 2019, the Cabinet considered how the information in the assessment prepared in relation to the Strategy Decision related to the proposal to close Pontllanfraith Leisure Centre; and

(c) that when considering the information in the Officer's Report for the 10 April 2019 meeting the Cabinet considered the impact of closure on persons with protected characteristics.

However, Mr Justice Swift said: “My conclusion is that when taking the decision to close the Pontllanfraith Leisure Centre the Council did not comply with the requirements of section 149(1) of the 2010 Act. The issue is not whether a formal equality impact assessment was undertaken; the issue is the question of substance – was there proper and conscious consideration of the public sector equality duty criteria.

“This cannot be made out from the evidence of the assessment made in 2017. In his statement, Councillor Poole accepts that that assessment was "wholly inadequate". Nor can evidence of compliance with the public sector equality duty be made out from the assessment undertaken for the purposes of the Strategy Decision. That decision was directed to materially different matters. The fact that the Closure Decision was a step consistent with the Strategy Decision does not come close to making good the Council's argument in this case.”

The judge said the strategy decision was a decision on generic matters. “It did not, and did not purport to engage with the possible consequences of the closure of Pontllanfraith Leisure Centre.”

Mr Justice Swift added that he did not consider that the information contained in the Officers' Report was sufficient evidence of the required due regard

He said he had paid particular attention to paragraphs in the report focusing on the availability of alternative provision and the distance between that provision and the Pontllanfraith Leisure Centre. These did not, however, address the significance of those new travelling distances on older or disabled persons.

The paragraphs were “not evidence of the required conscious and careful consideration of the public sector equality duty criteria. The position does not alter if the material part of the Officer's Report is read together with the minutes of the Cabinet meeting.”

Those minutes referred only to the impact of closure on "users" of the leisure centre. “That was, of course, a relevant consideration. But it is not the same as the focussed consideration required by the section 149(1) criteria as to the likely effect of the proposed closure on the elderly and the disabled. Given the admitted inadequacy of the attempt to comply with the public sector equality duty at the time of the proposed closure in 2017, it is striking that in 2019, the position of elderly and disabled persons was not addressed in terms. Overall, I am not satisfied on the evidence, that the Council discharged its section 149(1) due regard obligation.” Nor did the judge accept the council's no difference submission. “The present case is not one where that no difference submission is supported by an after the event assessment.... I do not consider there is any secure basis on which I could reach a no difference conclusion. The public sector equality duty is directed to the decision-making process. The premise of the duty is that process is important because it is capable of affecting substantive outcomes. In the present case there is nothing that gives me sufficient confidence that compliance with the public sector equality duty would be without purpose.”

Councillors Mills & Hammond stated that this had been a true example of the whole community coming together, and had received cross party support.

After some further discussion it was *unanimously agreed* that Town Council contact CCBC asking them for a detailed breakdown of the running costs of the leisure centre, and inviting them to a meeting with Town Council and the Save Pontllanfraith Leisure Centre Group to discuss the possibility of Community Asset Transfer

## **12. Blackwood Bus Station Toilets**

The Clerk reported the following piece of correspondence from Emma Sullivan, CCBC Senior Committee Services Office

Hi All,

Ahead of the update that will be provided at the next meeting of the Liaison Committee; I would like to advise that the Taxi Association has offered to work with the Council and Community and Town Councils with a view of taking on the responsibility for re-opening public toilet facilities.

For example - Corporate Property Services and the Taxi Association are already working with Caerphilly Town Council regarding the Caerphilly toilets, with the Town Council seeking funding to cover the installation of coin entry meters.

Expressions of interest in taking up a similar arrangement should be made in the first instance to Brodie Thomson-Payne at [THOMSB1@CAERPHILLY.GOV.UK](mailto:THOMSB1@CAERPHILLY.GOV.UK)

Members voiced their disappointment at the lack of progress by the developers in the planned new toilets on the back wall of the Market Square, with no planning application yet being submitted. It was **agreed** the Clerk contact John Stephens to check when the planning application is to be submitted. Furthermore, given the effect the closure appears to be having on businesses in the town and the disruption caused to townspeople and visitors alike, it was **agreed** the Clerk write expressing an interest in working with Corporate Property Services and the Taxi Association with a view to reopening the toilets at the Bus Station.

## **13. Blackwood in Bloom**

The Clerk reminded members that the closing date for nominations was end of July

## **14. Planning Applications**

The Clerk presented his report on planning applications received since the last meeting -

### **Case Ref. 19/0453/FULL**

Location: Grove Lodge High Street Blackwood NP12 1BE

Proposal: Erect a dormer loft conversion to the rear elevation, existing attic rooms and staircase application for the use as habitable rooms

### **Case Ref. 19/0446/COU**

Location: British Red Cross 169 High Street Blackwood NP12 1AA

Proposal: Change the use from A1 to D1 (Dental Centre)



***Case Ref. 19/0461/TPO***

Location: 29 Cwrt Y Coed Blackwood NP12 1GL

Proposal: Carry out various tree works (Tree Preservation Order 66/72/MCC)

***Case Ref. 19/0448/NCC***

Location: Asda Cliff Road Blackwood NP12 0NT

Proposal: Vary condition 01 of planning consent P/02/1047 to allow unrestricted delivery hours

***Case Ref. 19/0472/FULL***

Location: 25 Montclair Avenue Blackwood NP12 1EE

Proposal: Erect second storey rear extension

***Case Ref. 19/0332/FULL***

Location: Ysgubor Derwen Heol Tynewydd Bedwellty Blackwood NP12 0AH

Proposal: Erect single storey kitchen extension to the side of the property

***Case Ref. 19/0525/COU***

Location: Shop Unit 181 181 - 183 High Street Blackwood NP12 1AA

Proposal: Change the use from A1 to A3

Councillor Z Hammond proposed no objections be formally raised, albeit in respect of -

Case Ref.19/0461/TPO – The Trees Officer be asked to advise on timing of works to ensure no nesting birds are disturbed

Case Ref.19/0448/NCC - Request consultation with local residents

Furthermore, members noted their support for the Night time economy via Case Ref. 19/0525/COU

The proposals by Councillor Hammond were ***agreed*** by members

## ***15. Reports***

There were no reports