

MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD AT COUNTY HALL, LLANDRINDOD WELLS ON WEDNESDAY 15TH JULY 2015

PRESENT: County Councillor P.J. Ashton (Chair)

County Councillors M.C. Alexander, D. Bailey, G.R. Banks G. Bowker, R.G. Brown, J.H. Brunt, L.V. Corfield, K.W. Curry, A.W. Davies, E.R. Davies, L.R.E. Davies, M.J.B. Davies, S.C. Davies, S. Davies, M.J. Dorrance, D.O. Evans, V.E. Evans, W.J. Evans, W.A. Fitzpatrick, R.I. George, M.R. Harris, P. Harris, S.M. Hayes, G.G. Hopkins, A. Holloway, J.C. Holmes, D.C. Jones, D.R. Jones, E.A. Jones, E.M. Jones, Eldrydd Jones G.M. Jones, J.R. Jones, M.J. Jones, W.T. Jones, F.H. Jump, H. Lewis, P.E. Lewis, D.J. Mayor, M.C. Mackenzie, S. McNicholas, P.J. Medicott, D.W. Meredith, R.H. Mills, E.T. Morgan, G. Morgan, J.G. Morris, W.D. Powell, W.J.T. Powell, G.D. Price, D.R. Price, P.C. Pritchard, G.W. Ratcliffe, K.M. Roberts-Jones, J.G. Shearer, K.S. Silk, K.F. Tampin, A.G. Thomas, D.A. Thomas, D.G. Thomas, R.G. Thomas, W.B. Thomas, T.G. Turner, T.J. Van Rees, D.H. Williams, G.I.S. Williams, J.M. Williams, S.L. Williams and A. York.

It was noted that Councillor S.M. Hayes was on other Council business but would attend part of the meeting.

1.	APOLOGIES	CC58 – 2015
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Apologies for absence were received from County Councillors D.E. Davies and G.P. Vaughan.

2.	MINUTES	CC59 – 2015
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The Chair was authorised to sign the minutes of the meeting held on 23rd April, 2015 and 13th May, 2015 as correct records.

3.	DECLARATIONS OF INTEREST	CC60 – 2015
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All Members present declared a personal but non prejudicial interest in relation to Members' Allowances and Expenses [CC66-2015].

County Councillors S Davies, L. Fitzpatrick, J. Jones and G. Ratcliffe declared a personal and prejudicial interest in relation to the Annual Council Reporting Framework [CC65-2015].

4.	CHAIR'S ANNOUNCEMENTS	CC61 – 2015
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The Chair gave details of some of the events he had attended since the last meeting. He had attended the presentation of Colours, by the Queen, to the Royal Welsh Regiment in Cardiff and thanked the Chair of Radnorshire and his Vice Chair for attending events on his behalf.

He advised that the translation system was not available for the meeting.

5.	LEADER'S ANNOUNCEMENTS	CC62 – 2015
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The Leader advised that the Council would be represented at the Royal Welsh Show and the National Eisteddfod. The Minister had published the map showing the proposed boundaries of future councils. It was proposed that Powys County Council's boundaries would not change but the Authority would need to collaborate with the Powys teaching Health Board. The Cabinet had met with the Health Board the previous week.

Members noted the recent sad death of former Councillor, John Bowen and the Council stood in a minutes silence as a mark of respect.

6.	CHIEF EXECUTIVE'S BRIEFING	CC63 – 2015
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The Chief Executive advised that the Welsh Government had accepted the proposals for the Brecon Learning Campus and had invested £55 million to this project.

The recent transfer to Freedom Leisure of leisure facilities had been successfully completed. He had received a letter from the GMB Union congratulating the Council and Freedom Leisure on how this transfer had been undertaken. The Westwood Day Centre had been transferred to the Welshpool Town Council and the toilets in Hay had been transferred to Hay Town Council.

The Authority would be represented at the Royal Welsh Show and on 22nd July a Dementia event would be held to promote Dementia Friendly Communities. The Council's representation at the National Eisteddfod would, in addition to promoting the Council, be used to promote the County as a place to live and work and also to promote local food and drink suppliers.

At the weekend the first Cycle Fest would be held in Llandrindod Wells, which would promote the town to new visitors.

Councillor M.C. Alexander advised that she understood that Cymdeithas Yr Iaith [Welsh Language Society] would be attending the Eisteddfod and would be criticising the Council's policies. The Chief Executive agreed to produce a response to their issues.

County Councillor S.M. Hayes joined the meeting.

7.	VIREMENTS REQUIRING COUNCIL APPROVAL	CC64 – 2015
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The Council considered virements.

RESOLVED	Reason for Decision:
To approve the virements set out in the schedule filed with the signed minutes.	As required by financial standing orders.

County Councillor S.M. Hayes left the meeting.

County Councillors S Davies, L. Fitzpatrick, J. Jones and G. Ratcliffe having declared a personal and prejudicial interest left the meeting room for the next item. `

8.	ANNUAL COUNCIL REPORTING FRAMEWORK	CC65 – 2015
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The Strategic Director People presented her annual report as the Statutory Director of Social Services for the period 1st April 2014 to 31st March 2015. The report set out the delivery, performance and risks as well as plans for improvement on the full range of Social Services functions. It would be used by the Care and Social Services Inspectorate for Wales to inform their independent evaluation of Powys and their inspection plan for the coming year. The Strategic Director paid tribute to her staff for their work in delivering services.

The Council noted that the Chief Executive of Powys teaching Health Board [PtHB] was leading a national review of Child and Adolescent Mental Health Services [CAMHs]. Concerns were expressed about the level of delayed transfers for care [DToC]. The Strategic Director People advised of the work that is in place to address this issue made particularly complex in Powys by working with eight district general hospitals including cross border issues. PCC and PtHB were working closely together on this key priority. The Director and the Portfolio Holder acknowledged the impact of the changes in domiciliary care and deeply regretted the impact of this on a number service users and carers which had been unacceptable. A considerable amount of learning and improvements had been made since to address these difficulties, mitigate risk and ensure a clear way forward. A strategic review was being undertaken of domiciliary care in order to consider longterm sustainable models of delivery including greater integration with PtHB. All possible options for the effective future provision would be considered with a report being considered by Cabinet in October.

Members received three digital stories describing service user’s experiences and areas of work delivered by social services.

RESOLVED	Reason for Decision
That Council endorse the report in Appendix 1.	To comply with the statutory requirements of the Director of Social Services to produce an annual report.

9.	MEMBERS ALLOWANCES AND EXPENSES	CC66 – 2015
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Council received for information details of Members’ allowances and expenses for 2014-15. Council was required to publish the information by 30th September 2015.

It was noted that the Special Responsibility Allowance shown for Councillor G.W. Ratcliffe was incorrect and was in fact the amount paid to Councillor P.C. Pritchard. In response to questions the Strategic Director Resources (Section 151 Officer) advised he would provide an explanation of the 10.94% increase in Special Responsibility Allowances between 2013-14 and 2014-2015. He would also review the timing of the publication of the data and the letters sent to Councillors asking them to check the data.

RESOLVED	Reason for Decision
That the report is received.	Ensuring this information is available

	in the public domain within the required timescale.
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10.	NEW CONSTITUTION	CC67 – 2015
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The Council considered the amendments to the New Constitution and new sections.

Amendments to Approved sections of the Constitution

Section 2 - Purpose, Definition, Interpretation and Amendment of the Constitution.
 Section 4 – Full Council – Filming, Audio Recording and Use of Social Media during Meetings
 Section 19 – Code of Conduct of Members and Officers Dealing with Planning Matters.

RESOLVED	Reason for Decision
i. That the amendments to the Sections 2 and 4 of the new Constitution set out in the report be approved. ii. That the revised Section 19 as attached to the report be approved.	To agree sections of the new Constitution.

New Sections for Approval

Section 7	Scrutiny Committees and the Arrangements for the Scrutiny of the Local Service Board / Public Service Board) as set out in Appendix 3)
Section 12	Finance, Contracts and Legal Matters
Section 13	Responsibility for Functions
Section 17	Contract Procedure Rules
Section 20	Code of Conduct for Employees
Section 21	Protocol on Member / Officer Relations

RESOLVED	Reason for Decision
That the Sections of the new Constitution set out above together with the arrangements for the Scrutiny of the Local Service Board / Public Service Board in Powys (set out in Appendix 3 of Section 7) be approved.	To agree sections of the new Constitution.

Approval of Date for the Implementation of the New Constitution

RESOLVED	Reason for Decision
That the implementation of the new Constitution take effect from 1 st September, 2015.	To agree sections of the new Constitution.

The Members of the Constitution Working Group and Democratic Services Committee and officers were thanked for their undertaking this work.

11.	MEMBER DEVELOPMENT – MANDATORY AND NON-MANDATORY DEVELOPMENT	CC68 – 2015
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Council considered the recommendations of the Democratic Services Committee on mandatory and non-mandatory training.

In response to criticisms regarding the content and value of the development programme the Head of Democratic Services advised that Members should inform him of what they wanted from the programme. To respond to the needs of Members, mandatory development sessions from 2016 would be provided on two different days in different weeks and e-learning would be developed wherever possible.

It was proposed and duly seconded to delete paragraph 2.3 (iii) “Where a Member fails to attend/complete the required “mandatory development” in the timescale in ii] above they will be required to appear before Council to apologise and agree to complete the required development in a timescale required by the Standards Committee”

The motion was put to the vote and agreed.

RESOLVED	Reason for Decision
<p>that:</p> <ul style="list-style-type: none"> i. Mandatory Development would be provided as detailed in the report, as amended. ii. In future Council diaries, Mandatory Development sessions would be identified and each session would be provided twice per annum, so giving members options for attendance. iii. Details of the cost of Mandatory Development sessions would be provided to Members. iv. Attendance at Non-Mandatory Development sessions would be recorded but would not be monitored. Members would be expected to attend sessions to support them in their roles. 	<p>To support the continuous professional development of Members and encourage them to see this as part of their councillor role.</p>

12.	COUNCIL DIARY 2016	CC69 – 2015
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Council received and approved the diary of Council meetings for 2016.

13.	NOTICE OF MOTION FROM COUNTY COUNCILLOR ALED DAVIES AND COUNTY COUNCILLOR TOM TURNER ON SUBSIDIARITY	CC70 – 2015
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Councillors Aled Davies and Tom Turner had submitted the following motion:

The Conservative Group believes in subsidiarity, the principle that Powys County Council should have a subsidiary function, performing only those tasks which cannot be performed at a more local level. The Conservative group supports the principle of Local Delivery, as the current favoured method of local delivery is too bureaucratic and cumbersome. The Conservative Group calls on the Council to place trust in our communities and to support a change of direction to give Town and Community Communities and their County Councillor complete responsibility for delivery of selected services in their area by transferring 100% of the budget with no strings.

The Proposer County Councillor Aled Davies advised that the motion was amended to refer to “Town and Community Councils” rather than “Town and Community Communities”.

County Councillor Tom Turner seconded the amended Motion.

The Council debated the motion. During the debate it was noted that the Council was moving to a three year budget cycle. The Section 151 Officer advised that any proposals to transfer specific services and resources to third parties had to be assessed in respect of “value for money” not only to the local community but also for the Council tax payer and Council as a whole and appropriate governance arrangements would need to be agreed.

The motion was put to the vote and lost.

14.	QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION	CC71 – 2015
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The questions were taken in the following order.

Question to the Portfolio Holder for HR from County Councillor Matthew Dorrance

I’m proud of Powys County Council’s commitment to pay its workers the Living Wage but why is it moving some of the lowest paid workers off the Council’s payroll meaning they won’t benefit from fair pay?

I am not aware of any staff being moved off our payroll, other than Leisure Services staff that are transferring to Freedom Leisure with protection to their current terms and conditions of service in accordance with TUPE provisions. I understand that your

question specifically relates to catering and cleaning staff. Whilst there are discussions underway about the management arrangements for catering and cleaning staff providing services to schools and whether it would be more appropriate for these staff to be managed directly by the schools, there are no plans to erode pay or conditions for these staff or change who administers their pay.

The Portfolio Holder undertook to provide a response to Councillor Dorrance's supplementary question regarding whether schools would be provided with extra resources if catering and cleaning staff were managed by them.

Question to the Portfolio Holder for Highways from County Councillor Matthew Dorrance

What progress has the Council made in developing its vision for an active travel network?

The Welsh Government's Active Travel (Wales) Act came into force in September 2014 and has the intention of providing opportunities for healthy exercise across Wales. In practice, the present emphasis is to ensure that local networks of walking and cycling routes are coherent. They should offer connectivity and safe access to local employment, and education facilities and support business, social and leisure journeys.

The provision of new or improved facilities will require external capital funding and growing networks will increase the need for inspections and maintenance in future years. The Act also places a new statutory duty on each local authority to produce maps of all towns with more than 2,000 residents. These have to show all existing routes and the 11 built up areas to be mapped in Powys are: Brecon, Builth Wells, Crickhowell, Knighton, Llandrindod Wells, Llanidloes, Machynlleth, Newtown, Presteigne, Welshpool and Ystradgynlais.

Draft maps will be available from September and a public consultation exercise will provide the opportunity for Powys residents to comment on them, either via an online survey or at face-to-face meetings that are to take place in each town during September and October. Officers will also be working with schools in the eleven areas to gather student's views.

The Council has been developing a network of walking and cycling routes across the county for almost twenty years. Previous investments have included traffic free routes into local centres and between towns, and a wide variety of "Safer Routes" projects. Good examples are at Brecon and Newtown where both towns have links to their Coleg Powys campus and the High School and they also have riverside paths. These projects have been constructed in partnership, e.g. with Sustrans, the National Park, Canal & Rivers Trust, Mid Wales Trunk Road Agency and local landowners.

In general, a distance of up to 2 miles when walking, or 5 miles if cycling, is taken to be appropriate to generate everyday use. However, the county also has a network of regional and national routes that permit longer distance travel but are available to local users. These, together with the county's many Rights of Way are equally

important in promoting healthy recreational use and supporting the tourism industry. Welsh Government funding for route development is limited for 2015/16 and only £7,000 has been provided to support surveying and map production for the county's qualifying towns.

In terms of developing its "vision", the Council has contributed to the production of design and construction standards for active travel routes in Wales and it has received Ministerial approval for its joint Local Transport Plan that supports walking and cycling. The Council's own Corporate Travel Plan and the travel plan requirements placed on new developments, including schools, will continue to promote the use of new, and current, facilities. It is intended that the Authority's response to the Active Travel Act will be informed by local interest and user consultation. Network growth will inevitably be governed by the availability of funding.

The Portfolio Holder undertook to provide a response to Councillor Dorrance's supplementary question regarding the need for safe cycle routes for school children in Brecon.

Question to the Portfolio Holder for Environment and Sustainability from County Councillor Matthew Dorrance

What consultation has the Council engaged in with Powys citizens on plans to scrap the fortnightly bin collections?

The Council will be conducting a consultation exercise in August prior to any changes to the residual waste collection service. A number of methods will be utilised to gain views including online/postal surveys for residents, focus groups for employees, targeted phone or face to face surveys with key stakeholder groups. The consultation process will be publicised through press releases, staff bulletins and intranet site, social media, poster campaigns, public website, and Members bulletins. Organisations such as PtHB, PAVO, Age Cymru, and disabled organisations will also be consulted.

The consultation process will ensure that stakeholder's views are used to shape the service and allow the Council to capture concerns and provide mitigation measures as appropriate.

In response to a supplementary question the Portfolio Holder advised that the media had been used to inform the public of the proposed consultation. The service considered that recycling rates would not be affected by moving to a three weekly collection service.

Question to the Portfolio Holder for Adult Social Care from County Councillor Gary Price

In reply to the questions I asked at Full Council on 23rd April 2015 I have received further information anonymously that indicates Powys CC paid

Smartsourcing PLC from November 2010 to February 2013 a total of £252,716.00. This is substantially more than the £136,735.00 as indicated in answer to the question I asked as indicated previously. Can the Portfolio Holder clarify what figure is correct please?

Powys County Council have paid Smartsourcing PLC a total of £427,494.30 inclusive of VAT from 01/09/2010 to 30/06/2014 in relation to several projects, of which £136,735 being for the Domiciliary Care tender.

The Portfolio Holder undertook to provide a response to Councillor Price's supplementary question regarding the other projects undertaken by Smartsourcing PLC.

Question to the Portfolio Holder for Adult Social Care from County Councillor Gary Price

It was stated in the Chamber of the Senedd during First Ministers Question held on 2nd June 15 by an Assembly Member. (Following Text from transcript) *It now transpires from the liquidators report that, actually, PCC were lending taxpayers' money to that company to pay their HMRC bill and were in the process of delivering another loan to that company for their subcontractors to be paid when that company became bankrupt. Can the Portfolio Holder clarify if this is correct please?*

This question was covered in a previous question to Council on 23rd April. The response was as follows:

Powys County Council provided financial support to Alpha Care with a cash advance to assist their cash flow position in August 2014 in order to protect service delivery and ensure the payment of employees' wages.

The Cash advance in August 2014 was in the sum of £50,000 and was authorised by officers in the service as an operational decision. This sum has been recovered. It is correct that the Council has been approached for a loan but a decision was taken not to provide financial support.

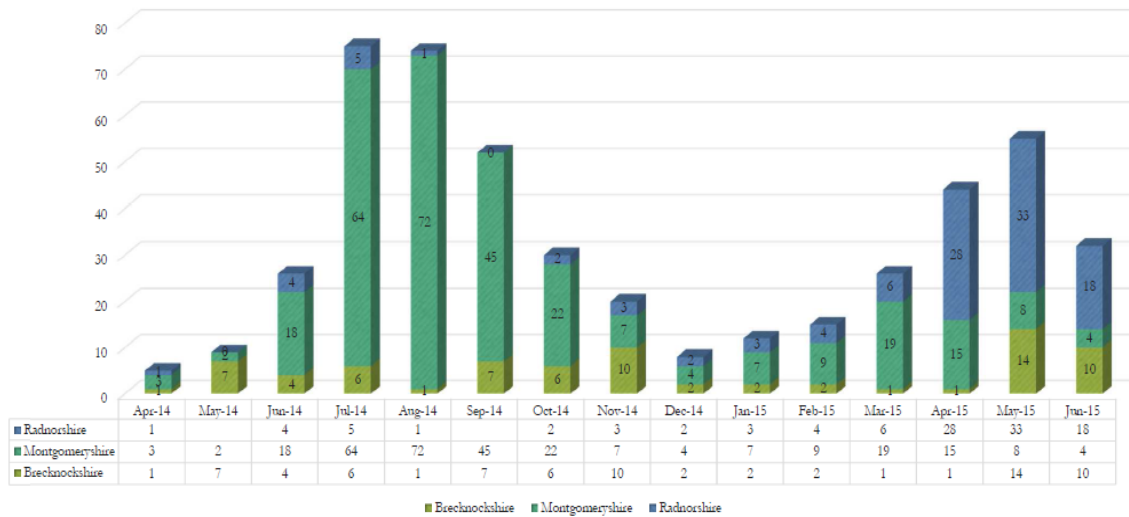
There was no supplementary question.

Question to the Portfolio Holder for Adult Social Care from County Councillor Gary Price

Can the Portfolio Holder provide details of the number of Home Care calls that have been missed per month in each of the Shires separately since April 2014?

There is currently no national definition of a 'missed or late call' and Powys have historically defined calls delivered over 1 hour late as a 'Missed call'. This definition requires revision and consultation with our customers in the future as we seek to improve services and move to more flexible service delivery and customer ability to more flexibly use the support hours allocated to them.

Missed Calls Reported 1st April 2014 to 30th June 2015



The Portfolio Holder in response to Councillor Price’s supplementary question assured him that calls were being dealt with as effectively as possible.

Question to the Portfolio Holder for Education from County Councillor Gary Price

Can the portfolio holder please tell Council how much it is costing for the consultancy Sbectrwm to undertake an education review, and why it's only conducting that review in North Powys?

The cost of the contract is £24,000. Sbectrwm have been contracted because of their track record in delivering projects focused on Welsh medium education and because the work requires fluency in the Welsh Language. Other reviews/business cases are being carried out internally.

The Portfolio Holder in response to Councillor Price’s supplementary question advised that as there were six schools in the review in North Powys, there was not the capacity internally to undertake this review.

Question to the Portfolio Holder for Finance from County Councillor David Price

Can I ask the Portfolio Holder for Finance, what steps are being taken to improve the accuracy of school budget documents prepared by the authority? The school where I am Chair of governors has noticed a 3% difference between the estimated and actual figures at end of year, on an annual basis. This inaccuracy of figures is not helping schools at a time when they require

complete accuracy to assist them in making difficult decisions regarding staffing levels.

I thank the Member for raising this issue and it is an area where schools and school Governors have been communicating their concerns for some years. Although the authority has improved its performance in this area, there seems to still be some issues and some further improvement needed. Whilst I was Chair of People Scrutiny and Lead Member on the Education Scrutiny Working Group, this issue was raised with us on many occasions.

I do fully agree with Cllr. Price, that in these times of financial difficulty, with many schools having difficulty in balancing budgets and having to consider difficult staffing issues, it is imperative that Governors have accurate and up-to-date information on which they can make decisions.

I have previously discussed this issue with Cllr. Arwel Jones, Portfolio Holder for Education, and he is also aware of similar issues that have been raised by schools and we have jointly agreed that the matter needs looking into, to see what are the problems and to try and bring about an improved service for our schools. It was my intention to take forward a piece of work around the issue of school budget reports a few weeks previous, but due to circumstances, I have not progressed this matter as I would have liked to and I can only apologise for this. However, I have met with the Schools Finance Officer and agreed to actions to identify where in the system improvements can be made. We have agreed to meet again during August to discuss the outcome of the review and to decide on what actions need to be taken in order to improve the situation. The improvements will also be discussed with the Head of Schools and Head of Professional Services

We are also interested to work in partnership with schools so any improvements they would like to see in the format of the budget reports can be delivered..

I will of course be taking this matter forward working closely with Cllr. Arwel Jones, as well as the Head of Professional Services and Head of Schools and will bring a report forward at the conclusion of the work, which I will make available to Scrutiny and to the Membership in general.

There was no supplementary question.

Question to the Portfolio Holder for Environment and Sustainability from County Councillor Gwynfor Thomas

Following on from the recent place scrutiny review on dog fouling and rejection of the recommendation to extend enforcement power to PCSO's does the portfolio holder now believe that the authorities approach to dog fouling is robust enough to deal with this problem which enrages our communities? Llanfyllin Town Council's application for an Anti-Social Behaviour Public Space Protection Order under the Anti-Social Behaviour Crime and Policing Act suggests not.

At present, fixed penalty notices (FPNs) can be issued under the Dog (Fouling of Land) Act 1996 but these powers are limited to the local authority. The Police and Crime Commissioner has recently requested that these powers be extended to PCSOs.

In light of this request, the Council is currently undertaking a review of enforcement powers in relation to dog fouling and as part of this process is considering a regional approach across the Dyfed Powys Police area. By necessity, the legislative framework surrounding the issue of fixed penalty notices (FPNs) will be reviewed as part of this process. It is for this reason that the Council cannot currently consider the request for the declaration of a Public Space Protection Order (PSPO) by Llanfyllin Town Council.

The Council anticipates reporting the outcome of the review to Cabinet shortly.

It should be noted that in the meantime the provision to issue FPNs remain in force.

The Portfolio Holder in response to Councillor Thomas's supplementary question advised that Community Safety would conduct a survey as to the extent of the problem.

Question to the Portfolio Holder for Planning and Regeneration from County Councillor Gillian Thomas

Can the Portfolio Holder for Planning please advise what progress there is in relation to the reintroduction of Planning Liaison Meetings?

On the 6th July I held a Planning Liaison Forum which was open to Town and Community Council's located within Powys's planning area of responsibility. The meeting covered issues to do with Development Management's performance indicators, the progress of the local plan, information about the new Planning Bill as well as a presentation about the work of the Building Control Team. It is my intention to hold these Forum's twice a year and to invite colleagues from other regulatory services that may be of interest to Town and Community Councils.

There was no supplementary question.

Question to the Leader from County Councillor Aled Davies

Does the Leader have full confidence in Sbectrwm and their methodology as they continue to conduct a consultation into the delivery of education in schools of North Powys?

Sbectrwm were appointed to undertake a fact finding in respect of Welsh medium and secondary education. The work requires a specific understanding and knowledge of Welsh-medium education and fluency in the Welsh Language. Sbectrwm Consultancy have a consistent track record of delivering projects focused

on Welsh-medium education and the Welsh language, and have a deep understanding of the subject matter.

The aim is for the report to come to the Cabinet in the autumn, however, this will be dependent on the recommendations within the report, and compliance with the School Transformation Policy process. I cannot be seen to predetermining the outcome of the fact finding and won't be providing any further comment until the report comes before Cabinet. I will await receipt of their report.

County Councillor A.W. Davies stated that he should have declared a pecuniary interest in respect of this above because his wife was a teacher in one of the schools and he also stated that he would continue to challenge the Council regarding the school proposals.

Council adjourned from 1.23 to 2.00 p.m.

PRESENT: County Councillor P.J. Ashton (Chair)

County Councillors D. Bailey, G. Bowker, J.H. Brunt, K.W. Curry, A.W. Davies, E.R. Davies, L.R.E. Davies, M.J.B. Davies, S.C. Davies, M.J. Dorrance, D.O. Evans, V.E. Evans, W.J. Evans, G.G. Hopkins, J.C. Holmes, D.C. Jones, D.R. Jones, E.A. Jones, E.M. Jones, M.J. Jones, W.T. Jones, F.H. Jump, H. Lewis, M.C. Mackenzie, S. McNicholas, P.J. Medicott, E.T. Morgan, G. Morgan, W.J.T. Powell, K.M. Roberts-Jones, K.S. Silk, D.A. Thomas, D.G. Thomas, R.G. Thomas, W.B. Thomas, T.G. Turner, T.J. Van Rees, D.H. Williams and S.L. Williams.

15.	MID AND WEST WALES FIRE AND RESCUE SERVICE	CC72 – 2015
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Council received a presentation on the Mid and West Wales Fire and Rescue Service from Chief Fire Officer Chris Davies who was accompanied by Assistant Chief Fire Officer Robert Quinn.

**P. J. ASHTON
CHAIR**