

MINUTES OF A MEETING OF THE CABINET HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 14 MARCH 2017

PRESENT

County Councillor W B Thomas (Chair)

County Councillors R G Brown, J H Brunt, M R Harris, S M Hayes, E A Jones, W T Jones, W J T Powell (morning only) and A G Thomas (afternoon only)

In attendance: County Councillors KW Curry, DR Jones and MJ Dorrance, L Fitzpatrick, DW Meredith and DG Thomas for item C71 – 2017.

1.	REVISED PROTOCOL FOR AUTHORISING MOTOR VEHICLE EVENTS AFFECTING FOOTPATHS, BRIDLEWAYS AND RESTRICTED BYWAYS UNDER S.33 ROAD TRAFFIC ACT 1988	C52- 2017
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The Leader advised that this report was being withdrawn and would be considered at a future meeting to give officers a chance to consider representations received over the last few days.

2.	EXEMPT ITEMS	C53- 2017
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RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 3 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

3.	SALE OF LAND OFF DOMGAY LANE	C54- 2017
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County Councillor EA Jones declared a personal and prejudicial interest in this item and left the meeting whilst it was being considered.

Cabinet considered an offer to buy 16 acres of land from a holding on the County Farm Estate at Domgay Lane, Four Crosses. Members asked whether the capital receipt would be used to fund the health and safety works required on the estate but were advised that funding was already in place and that further consideration would be given to the use of the capital receipt.

RESOLVED	Reason for Decision:
1. That for the purposes of the Corporate Asset Policy exceptional circumstances are deemed to apply in relation to the proposed sale of 16 acres of land off Domgay Lane.	So that the sale of land off Domgay Lane may be considered notwithstanding that it has not been declared surplus to the requirements of the Farms Estate service.
2. That the land is advertised for sale with competing offers invited.	To determine the extent of any competing interest in the land.

<p>3. That should no better (in terms of financial and regenerative considerations) offer be received that the County Council proceeds to sell the land for the sum set out in the report to the interested party.</p>	<p>To secure a capital receipt and allow the expansion of a local business with associated job creation.</p>
<p>4. That should a higher offer be received from a third party that the regeneration and job creation value of that offer to the local economy be evaluated.</p>	<p>To ensure that the sale of a core Farms Estate asset is justified by regeneration benefits to the local economy that will outweigh those offered by its retention as part of the let farm portfolio.</p>

The Cabinet went back into open session. Councillor Jones returned to the meeting.

4.	APOLOGIES	C55- 2017
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Apologies for absence were received from County Councillor AG Thomas for the morning part of the meeting and from County Councillor WJT Powell for the afternoon part.

5.	MINUTES	C56- 2017
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The Leader was authorised to sign the minutes of the last meeting held on 28 February 2017 as a correct record.

6.	DECLARATIONS OF INTEREST	C57- 2017
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County Councillor EA Jones had declared a personal and prejudicial interest in item C54 – 2017 Sale of Land at Domgay Lane.

7.	HEALTH AND CARE STRATEGY	C58- 2017
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Cabinet considered the Health and Care Strategy that had been developed jointly by the Council and Powys Teaching Health Board. The Portfolio Holder for Social Care put on record his thanks for the hard work of Health Board staff led by Hayley Thomas the Director of Planning and Performance who had organised and facilitated a large number of engagement events. The next phase of work would be a more detailed plan for consideration by the Joint Partnership Board and Programme Board.

In response to criticism by the Chair of the Place Scrutiny Committee that there was no acknowledgement in the document of the scrutiny undertaken by the Adult Social Care Working Group, the Director of Planning and Performance

confirmed that the Scrutiny Group's comments had been taken on board and incorporated into the document.

8.	INTEGRATION OPTIONS	C59- 2017
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The Strategic Director Resources gave a presentation on integration with Powys Teaching Health Board. There had been an appraisal event on 16 February attended by representatives of the Council and Health Board when the four options – the current model, PCC lead agency, PTHB lead agency and arms-length body - had been debated and ranked. The next step would be an economic appraisal of which option provided the best value for money assessing how the costs compared and their non-financial impacts.

The Joint Partnership Board had met on 10 March and agreed not to rule any options out at this stage but to meet on 10 April when the independent appraisal was available to consider which options to take forward and give a steer to officers to enable them to take the process forward with Welsh Government in the period around the local government elections.

9.	INCREASE IN CHARGES FOR COMMUNITY BASED SERVICES	C60- 2017
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Cabinet was asked to consider increasing the maximum charge for Community Based Social Care Services from £60 per week to £70 per week with effect from April 2017 in line with the Welsh Government decision to increase the maximum charge. It was explained that the increase in the maximum charge would generate £239k additional income.

Cabinet was also asked to consider an increase in the daily charge for attendance at Older People's Day Centres and Day and Employment Daycentre from £10 to £15 per day and an increase the charge for meals provided at the Older Day centres from £5 to £7.50 per day. It was estimated that the increase in day care charges would generate an additional £30k income. In acknowledging the higher charges, the Portfolio Holder noted the clear message from the consultation on the future of day centres that people were prepared to pay more for services they valued. Cabinet members queried the average cost to prepare meals and the Head of Service confirmed that the service were looking at how they were provided with a view to reducing costs.

RESOLVED	Reason for Decision:
<p>To fully implement options 2, 3 and 4 as set out in the report and</p> <ul style="list-style-type: none"> • Increase the maximum charge for Community Based Social Care Services from £60 per week to £70 per week with effect from April 2017. • Increase the daily charge for attendance at Older People's 	<p>To take advantage of the opportunity provided by Welsh Government to provide additional income to support the funding of the service.</p>

<p>Day Centres and Day and Employment Daycentre from £10 to £15 per day.</p> <ul style="list-style-type: none"> • Increase the charge for meals provided at the Older Day centres from £5 to £7.50 per day. 	
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10.	BUSINESS RATES HIGH STREET RATES RELIEF SCHEME IN WALES 2017-18	C61- 2017
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Cabinet received details of a Welsh Government Business Rates high street rates relief scheme to support businesses within the retail sector in Wales. Relief of up to £500 (Tier 1) and £1,500 (Tier 2) on the Business Rates bill for occupied retail properties with a rateable value of up to £50,000 in the financial year 2017-18, subject to criteria set out in the report.

The scheme in Powys would be administered by the County Council. The Council would be reimbursed in full by Welsh Government for any relief that is awarded through the audited annual National Non Domestic Rates Return so there would be no direct cost to the Council.

RESOLVED	Reason for Decision:
<p>1. That a Business Rates High Street Rates Relief Scheme 2017-18 be established in accordance with section 2 of this report.</p> <p>2. Applications for Business Rates High Street Rates Relief under the scheme referred to above shall be delegated to and determined by the Portfolio holder for Finance in consultation with the Strategic Director – Resources</p>	<p>To ensure the scheme meets the requirements to maximise funding available to support local businesses seeking rate relief and complies with Welsh Government guidance.</p>

11.	PARTNERSHIP AGREEMENT BETWEEN POWYS COUNTY COUNCIL AND POWYS ASSOCIATION OF VOLUNTARY ORGANISATIONS	C62- 2017
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Cabinet considered a draft partnership agreement with Powys Association of Voluntary Organisations for implementation from 1 April 2017. Cabinet’s attention was drawn to an amendment to the draft, with paragraph 6.5 being amended to read

“PAVO will provide services through the medium of Welsh according to the requirements of the Welsh Language Standards (under the Welsh Language (Wales) Measure 2011) when working with organisations subject to those Standards.”

The Chair of the Place Scrutiny Committee advised that the Committee had scrutinised the agreement when the Leader had attended. The Scrutiny Committee had noted that there was £1m of grants, service level agreements and contracts going to PAVO from the Council every year and Members wanted to see these monitored to ensure value for money and no duplication of effort. Place Scrutiny Committee would add the PAVO annual review to its work programme.

Neither a report nor the minutes of the meeting were available for Cabinet's consideration and it was agreed that arrangements between Scrutiny and the Cabinet needed to be refined to take account of the changes to the Constitution agreed by Council the previous week. The Chief Executive confirmed that he would see that this was done.

RESOLVED	Reason for Decision:
To approve the Partnership Agreement between Powys County Council and Powys Association of Voluntary Organisations (version dated 15 February 2017) subject to the amendment to paragraph 6.5 set out above.	To invest in third sector infrastructure support in a more coherent, financially focused, and formalised approach.

12.	CORPORATE ASSET PLANNING- STRATEGIC ASSET MANAGEMENT PLAN ("STAMP")	C63- 2017
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Cabinet considered the Strategic Asset Management Plan. The first round of workshops had been held and Cabinet noted that attendance by local members had been generally disappointing. The second round of meetings was underway and Members were encouraged to attend so they were aware of the Council assets in their area.

RESOLVED	Reason for decision:
That the Strategic Asset Management Plan is approved	This provides the Council with a clear strategy regarding its assets which should in turn support the Council to achieve its corporate objectives and obtain the best outcomes (whether financial or regenerative) for the Council and its citizens.

13.	LLANFYLLIN HIGH SCHOOL	C64- 2017
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The Leader referred to an email received by County Councillor Darren Mayor regarding the Leader's comments at the Council meeting. The Leader accepted that there had been no intention on Councillor Mayor's part to conceal anything from him regarding the breach of Regulation 5.2 but he had been surprised that he didn't tell him. The Leader advised that Councillor Mayor had asked to speak but was not present.

Cabinet was reminded that Jonathan Walters had been asked to undertake a further report into whether the PWC Report contained any evidence which would have caused him to alter any of the findings or recommendations contained within his original investigation report. He had concluded that the PWC report did not contain any new evidence that would have caused him to alter the conclusions in his first investigation report.

RESOLVED	Reason for Decision:
To note the contents of the Investigation Report from Jonathan Walters dated February 2017 and resolves that no further action is required.	To address the concerns raised by the LEA Governors and to draw a line to the matter.

14.	REPORT ON REGULATION 5.2 ISSUES AT LLANIDLOES AND BRO HYDDGEN HIGH SCHOOLS	C65- 2017
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The Leader advised that this item had been withdrawn.

15.	WELL-BEING ASSESSMENT	C66- 2017
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The Leader advised that this item had been withdrawn.

16.	CORRESPONDENCE	C67- 2017
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Email from the Chair of the Finance Scrutiny Panel

The Chair of the Audit Committee had emailed the Leader following the last meeting to challenge some of the data quoted by the Portfolio Holder for Adult Social Care in response to the Panel's report on the overspend in the Adult Social Care Budget. He felt that there was little change to the situation expressed in the original report and that the position identified in the original report was still very valid and very serious.

The Portfolio Holder for Social Care confirmed that a formal response to the Finance Scrutiny Panel would be prepared for consideration by Cabinet.

Email from the Chief Executive of PAVO

The Leader had received an email from the Chief Executive of PAVO asking for two Cabinet members to be nominated to a grant allocation panel to distribute grants collected from the Powys Pennies payroll giving scheme.

RESOLVED that the Portfolio Holders for Adult Social Care and Regeneration & Planning be appointed.

Business Rates High Street Rates Relief Scheme in Wales 2017-18

County Councillor SM Hayes advised that having seconded the recommendation on the Business Rates High Street Rates Relief Scheme for Wales he had, on reflection, considered that he should have declared an interest in this item.

In view of this the Leader asked for the vote in respect of this item to be taken again. Councillor Hayes left the meeting whilst this was being considered.

RESOLVED	Reason for Decision:
1. That a Business Rates High Street Rates Relief Scheme 2017-18 be established in accordance with section 2 of this report.	To ensure the scheme meets the requirements to maximise funding available to support local businesses seeking rate relief and complies with Welsh Government guidance.
2. Applications for Business Rates High Street Rates Relief under the scheme referred to above shall be delegated to and determined by the Portfolio holder for Finance in consultation with the Strategic Director – Resources	

Councillor Hayes returned to the meeting.

17.	DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING	C68- 2017
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Cabinet received details of delegated decision taken since the last meeting.

18.	FORWARD WORK PROGRAMME	C69- 2017
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Cabinet received the forward work programme.

Cabinet adjourned at 11.00 a.m. and reconvened at 2.00 p.m.

PRESENT

County Councillor WB Thomas (Leader)

County Councillors RG Brown, JH Brunt, MR Harris, SM Hayes, EA Jones, WT Jones, AG Thomas

In attendance

County Councillor MJ Dorrance, L Fitzpatrick, DR Jones, DW Meredith and DG Thomas.

Apologies for the afternoon session were received from County Councillor WJT Powell.

19.	WELSH IN EDUCATION STRATEGIC PLAN (WESP)	C70- 2017
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Cabinet considered the responses to the consultation on the Welsh in Education Strategic Plan (WESP). The report contained the responses together with the Authority's response. The Head of Schools was asked about the provision for Welsh speaking ALN and Special Needs pupils. He explained that there was local provision with a Welsh speaking advisor and support from ERW to support additional learning needs and a partnership agreement with another Welsh Council to provide statutory assessments in the medium of Welsh. There was also a training programme for mainstream teachers to identify and support special needs pupils up to school action plus. He had a good level of confidence to meet the needs of special needs pupils in the medium of Welsh. There were very few Welsh medium pupils in special schools, those that were in special schools were supported by the Welsh peripatetic service.

RESOLVED	Reason for decision:
To approve the post-consultation version of the Welsh in Education Strategic Plan (WESP) for 2017-20 in Appendix A, for submission to Welsh Government.	To meet the statutory requirement to prepare a new Welsh in Education Strategic Plan every three years.

20.	WELSH-MEDIUM STREAM AT BRECON HIGH SCHOOL	C71- 2017
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Council considered responses to the consultation to close the Welsh-medium stream at Brecon High School from the 31st August 2017, with Brecon High School becoming an English-medium school from the 1st September 2017. Attached to the report was the consultation document, the consultation report together with the Authority's responses to the issues raised, the minutes of

meetings with School Council, staff, governors, parents and the community, impact assessments and the draft minutes of the Council debate on 7 March together with the Authority's responses to the issues raised. Cabinet had also received correspondence from members of the public and Chris Davies MP.

Having considered the responses received to the consultation on this proposal, the Portfolio Holder advised that his recommendation was to proceed with the proposal as outlined in the consultation document because of the low pupil numbers in the Welsh-medium stream at Brecon High School and the need to ensure robust linguistic progression and appropriate curriculum choice for Welsh-medium pupils throughout all key stages of education.

County Councillor David Meredith spoke as a local Member and as the Chair of Governors of Brecon High School. He noted that the issue of low numbers in the Welsh stream had not been helped by the previous consultations or by the decision to grant free transport to Builth Wells High School. He argued that the proposal was not in line with the Council's own school transport policy that pupils should not have to travel over 45 minutes. He noted that the timing of the consultation had been unfortunate coming as it did when the school was coming out of special measures and was now ranked higher than Builth Wells High School. He emphasised the financial implications of removing the Welsh stream arguing that no account had been taken of the additional transport costs which he said would be less than bringing the school up to 2B status. He called on the Cabinet to heed the results of the vote taken at Council the previous week.

County Councillor Matthew Dorrance said that there was very clear local support to keep Welsh-medium education in Brecon. He argued that the Portfolio Holder decision to grant a school transport appeal had undermined the Welsh-medium stream in Brecon. He noted that there were 173 pupils at Ysgol y Bannau and Sennybridge and said that the Council should be seeking to educate them as close to home as possible. He said that the decision should not be taken before the School Transport review had been completed.

County Councillor Gillian Thomas said that the Brecon, Sennybridge and Cray area was a stronghold of the Welsh language in South Powys and the proposal would not meet the requirements of the Welsh Language Measure and the Future Generations and Well-Being Act. She argued that the decision had been predetermined by the flawed wording of the three consultations, by the decision to provide free transport to Builth Wells, by the decision taken by Cabinet two weeks earlier to create a dual stream school for Builth Wells and Llandrindod Wells, by making no provision for Welsh medium in the new build school in Brecon and finally by comments made by the Portfolio Holder for Education at the Cabinet meeting on 28 February.

County Councillor Liam Fitzpatrick referred to the vote taken by Council the previous week as a clear indication of how the Cabinet was misjudging the views of how people felt about the provision of Welsh-medium education in Brecon. He questioned how a major Welsh town would not have the facilities to educate children in their national language.

The Cabinet sought clarification on transport costs and was advised that it cost approximately £110k to transport pupils from the Brecon and Sennybridge area to the Welsh medium high school in Ystalyfera and Builth Wells High School.

The Cabinet also sought clarification on the cost of bringing Brecon High School up to Category 2B status. Officers explained that £106k would come to the school from the fair funding formula dual stream uplift, £54k which the school already received and an additional £47k, plus the per pupil funding of £2,500 per pupil giving a total of approximately £160k. However, to deliver 80% of the curriculum in Welsh, there would need to be 5-6 additional teachers at a cost of approximately £270k cost to the schools delegated budget. This meant that an additional £110k would have to be found in the school's budget which was already in deficit with the sum having to come from the English stream.

Cabinet asked about the number of pupils required for a viable Welsh-medium stream and were advised that even if all 180 pupils in Ysgol y Bannau and Sennybridge attended that would only be 30 pupils per year group and smaller subject groups. Members of the Cabinet questioned the number of subjects on offer and noted that in addition to the expressions of support made at Council to retain the Welsh-medium stream, a Welsh speaking member had said that what was being provided did not constitute a Welsh language education as pupils did not have access to a full range of subjects. Portfolio holders stressed that the proposals were not about savings but were designed to provide a sustainable quality Welsh-medium education.

A Cabinet member noted that only two A level subjects available in the medium of Welsh in Builth Wells and questioned whether enough had been done to support the school. Cabinet was advised that there had been a significant reduction in post 16 education funding from Welsh Government in the last 5 years leading to a reduction in the number of A Level courses on offer including Welsh-medium courses in Builth Wells High School.

RESOLVED	Reason for Decision:
i) To note the Consultation Report and the views of Full Council in respect of the proposal to close the Welsh-medium stream at Brecon High School from the 31st August 2017.	To understand the issues raised during the consultation period.
ii) To approve the publication of a statutory notice in respect of this proposal.	To provide a more sustainable, educationally and linguistically viable model of Welsh-medium secondary education.

21.	GROWING MID WALES	C72- 2017
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Cabinet received an update on the current status and activities of the Growing Mid Wales (GMW) partnership and details of proposed activities and potential resource implications for 2017. The Leader noted that the partnership was working well and had an important role in supporting economic development in the region.

RESOLVED	Reason for Decision:
<p>Cabinet continue to support the Growing Mid Wales Partnership and the development of the economy in rural Mid Wales.</p> <p>Cabinet support the consolidation of TraCC as part of the Growing Mid Wales economic partnership.</p>	<p>To rationalise resources, aligning strategic transport planning activity with Growing Mid Wales demonstrates progress in consolidation of functions in line with the economic footprints as detailed in the Welsh Government's White Paper on Local Government reform.</p>

County Councillor MR Harris did not vote having not been present at the start of the item.

22.	LLANWDDYN COMMUNITY CENTRE	C73- 2017
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The Leader advised that this item had been withdrawn and would be dealt with as a delegated decision.

23.	EXEMPT ITEMS	C74- 2017
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RESOLVED to exclude the public for the following two items of business on the grounds that there would be disclosure to them of exempt information under category 3 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

24.	REVIEW OF FEES: ADULT SOCIAL CARE	C75- 2017
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Cabinet was asked to consider an interim inflationary increase for care homes pending development of a new fee setting model, and an inflationary percentage uplift to be given to domiciliary care and supported tenancy providers to help offset the increased costs incurred as a result of increases in National Living Wage from April 2017.

RESOLVED to approve	Reason for Decision:
<p>Residential and Nursing Care (including Older, Physical disabilities, Learning Disability Services, and Mental Health Services):</p>	<ul style="list-style-type: none"> It is anticipated that all providers will incur increased costs.

An interim uplift of the percentage set out in the report to fees based on a blend of staffing and non-staffing inflationary indices. The interim uplift is provided to support suppliers pending a review and potential replacement of the current residential and nursing care fee setting model by September 2017. Any further proposed changes in fee levels will be confirmed within a future Cabinet report to be presented following completion of the review.

- It is difficult without further provider specific cost data and subsequent negotiations to identify the minimum fee increases required to support providers to maintain safe, effective services.
- Agreed fee increases should be targeted to support providers to meet their statutory duties as employers.

Domiciliary Care:

- Delegated authority is given to the Head of Transformation for Adult Services in consultation with the Portfolio Holder for Adult Social Care to negotiate fee increases up to a maximum proposed percentage increase detailed within the confidential Background Paper where providers can evidence exceptional increases in staff costs resulting primarily from the increase in the National Living Wage. No increase in rates proposed for providers paid more than the Montgomeryshire Framework rates. Any increases agreed with providers will be limited to a maximum of the 2017/18 Framework Rate.
- Fee uplifts agreed to offset costs incurred as a result in increases in the level of the National Living Wage, increases should be restricted to direct hourly rate increases for staff paid below the National Living Wage

Supported Tenancies

- Delegated authority is given to

<p>the Head of Transformation for Adult Services in consultation with the Portfolio Holder for Adult Social Care to negotiate additional fee increases up to a maximum proposed percentage increase detailed within the confidential Background Paper where providers can evidence exceptional increases in staff costs resulting primarily from the increase in the National Living Wage.</p> <ul style="list-style-type: none"> ▪ Fee uplifts agreed to offset costs incurred as a result in increases in the level of the National Living Wage, increases should be restricted to direct hourly rate increases for staff paid below the National Living Wage. 	
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25.	PROGRESS WITH THE ESTABLISHMENT OF A PROPERTY SERVICES JOINT VENTURE COMPANY - HEART OF WALES PROPERTY SERVICES	C76- 2017
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Cabinet received a progress report on the establishment of a Property Services Joint Venture Company, Heart of Wales Property Services and considered appointments to the Board of the new company.

RESOLVED	Reason for Decision:
<p>To appoint the Portfolio Holder for Property, Buildings and Housing Head of Regeneration, Property & Housing, the Portfolio Holder for Highways, the Head of Regeneration, Property & Commissioning and the Head of Housing as Board Members of the new company; The Heart of Wales Property Services.</p>	<p>The project has been delayed and needs to register a new company. The Council has agreed to having four Directors; two officers and two relevant Portfolio Holders.</p>