

MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY, 24 JANUARY 2019

PRESENT

County Councillor DW Meredith (Chair)

County Councillors M Barnes, B Baynham, G Breeze, J Charlton, L V Corfield, K W Curry, A W Davies, B Davies, P Davies, S C Davies, M J Dorrance, D O Evans, L Fitzpatrick, L George, J Gibson-Watt, M R Harris, S M Hayes, A Jenner, E A Jones, D R Jones, E Jones, G Jones, J R Jones, E M Jones, M J Jones, D Jones-Poston, F H Jump, K Laurie-Parry, H Lewis, K Lewis, P E Lewis, S Lewis, MC Mackenzie, I McIntosh, S McNicholas, C Mills, G Morgan, JG Morris, R Powell, D R Price, GD Price, P C Pritchard, G Pugh, J Pugh, G W Ratcliffe, L Roberts, P Roberts, E Roderick, D Rowlands, D Selby, K S Silk, D A Thomas, R G Thomas, E Vaughan, M Weale, J Wilkinson, A Williams, G I S Williams, D H Williams, J Williams, J M Williams, R Williams and S L Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors MC Alexander, D E Davies, E Durrant, J Evans, H Hulme, N Morrison, WD Powell, K M Roberts-Jones and T J Van-Rees.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meetings held on 18 October, 2018 and 20 November, 2018.

3.	DECLARATIONS OF INTEREST
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There were no declarations of interest.

4.	CHAIR'S ANNOUNCEMENTS
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The Chair advised that an email regarding his activities would be sent to Members.

5.	LEADER'S ANNOUNCEMENTS
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The Leader advised that the Cabinet was focussing on setting the budget and that the Council for the 10th year running had received the lowest budget allocation from the Welsh Government. Despite this however, positive work was going on. At the end of January, a Joint Trade delegation, with Ceredigion County Council, would be going to the Senedd at the invitation of the local AMs to meet with the Minister. A range of local businesses had been invited to attend and all Councillors were invited.

In respect of schools the new build at Ysgol Carno was due to open in March and the Welshpool Church in Wales Primary School was due to open in September. A planning application to replace Ysgol Bro Hyddyen, Machynlleth has been submitted and it was hoped that work could start on this in the spring.

The new Chief Executive Dr Caroline Turner was to start in February and the Council had just appointed Vanessa Young as Corporate Director Transformation and both had a wide range of experience. The Council now had a full Leadership Team.

The Leader advised that there were positive talks about bringing a stage of the Women's Tour of Britain to Powys in June 2019.

In response to a question the Solicitor to the Council advised that ICT and the Director of Services were working with the Welsh Government to resolve the issue of providing a translation of webcast meetings. He advised this was a top priority and would be dealt with as soon as possible.

6.	CHIEF EXECUTIVE'S BRIEFING
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The Deputy Chief Executive advised that the Care Inspectorate Wales [CIW] had reported on its inspection of Childrens Services in October and its monitoring of Adult Services. These would be the subject of a Members' Seminar on 30 January. The CIW's report was in line with expectations, with recognition of significant improvements in some areas but there are still areas of serious concern, which are being addressed. In respect of the budget there was a £17m gap and Social Services budgets would be the focus of the Members' meeting later in the day.

7.	PUBLIC QUESTIONS
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7.1. Question to the Portfolio Holder for Economy and Planning from Mr George Harris

Can the council please confirm what is the financial benefit in £'s, that will be achieved by the council together with the timing of this, by allowing the Hendy Wind Farm project to continue?

Response

Powys County Council does not stand to gain financially from the Hendy Wind Farm development. A Section 106 agreement is in place to secure £17,500 for mitigation for the potential impact of the development on the Rights of Way network.

As Mr Harris was unable to attend the meeting his supplementary question was read out on his behalf "In stating "The Council does not stand to gain financially from the Hendy Wind Farm Development" and in view that it is believed that PCC

received £680k from Wind Farms via business rates in 2010 as quoted by a Welsh Government AM. Can one assume that Hendy is therefore exempt from business rates in that no further monies are anticipated either annually or in advance? Clearly if large amounts of business rates were to be paid, and in advance, this could have been the incentive for the council to ignore the planning conditions which failed to be discharged and the fundamental plan changes allowing the developer to proceed.”

The Portfolio Holder responded that Business Rates is a Welsh Government scheme and not under the control of the Council. The Council does not set the legislation, policy, business rates levels nor the rateable value. It administers the billing and collection of business rates on behalf of Welsh Government. The collected sums across Wales are then pooled by Welsh Government who then determine how they wish to redistribute business rates funding across Wales, along with the other funding mechanisms for local government to each local council. It will be a decision of central government’s Valuation Office Agency what rateable value is applied to the site and when it is brought onto the official rates list.

7.2. Question to the Leader from Mr Martin Aymes

Powys County Council protests the need for Openness, Transparency and Inclusion in its aims for democracy and public participation in the processes of Local Government.

At a public meeting in Abermule on the 4th December 2018 — in front of some 275 local residents — Leader Rosemarie Harris, and Cabinet Members Aled Davies and Phyl Davies jointly offered to give Martin Aymes access to the Council Solicitor, in order to discuss some legal aspects of the proposed Abermule Recycling Bulking Facility.

The Council Solicitor has subsequently refused any such legal discussions.

Is Powys County Council prepared to instruct the Council Solicitor to engage in such discussions, and thus ensure that it lives up to its aims?

Response

Thank you for your question. Neither Councillors Aled Davies, Phyl Davies or myself can recall offering you access to the Solicitor to the Council. The Solicitor to the Council had advised me that he has received no request for a meeting and neither has the Council’s Planning Lawyer.

If you were to write to the Solicitor to the Council in County Hall, he will arrange for an appropriate response to be provided.

Mr Aymes referred to the public meeting in Abermule attended by the Leader, Portfolio Holders and officers and to a question asked, by the local member to the planning solicitor, during an adjournment at the December Planning Committee meeting. Mr Aymes supplementary question was “If not a solicitor who is qualified to have this legal discussion with us and how do I get, with this document, a meeting and are you prepared to instruct such a meeting to take place urgently – is that honesty and transparency in government when we have to video a meeting to hold you to the promise made?” In response the Leader

apologised as she did not remember making a promise for the solicitor to meet, but advised that she was happy to meet with the people from Abermule and that all items should be put on the table.

7.3. Question to the Leader from Mr Jeffrey Matthews

Given the motion proposed by Cllr Gareth Pugh and passed unanimously at the full Council Meeting on 18th October, which proposed greater connection, consultation, engagement with communities, honesty, openness and transparency in local government, does the council feel that this is now being fully achieved when we are still seeing the citizens of North Powys continuing to be highly concerned and anxious about building construction consent which has been hastily and crudely bulldozed through which includes errors and possible misrepresentation of data provided to Powys County Councillors and which suggest that now some historical consent needs re-looking at and updating before construction begins?

Response

The motion proposed and carried at the Council meeting on 18th October was in relation to how communities are better engaged with in general. The Council does endeavour to communicate as effectively as possible with communities and will endeavour to continue to improve effective communication.

The motion in itself did not refer to any particular issue, although the development at Abermule was referenced. The consultation on this proposal was over and above what is required of such a development and following the council meeting there been further engagement with a public meeting held with the Leader, Deputy Leader and Portfolio Holder all present. We have committed to hold further meetings of sufficient regularity with the community representatives going forward.

Proper process continues to be followed for this development, and the Council is not aware of any errors or misrepresentation of data which would require any further investigation.

Mr Matthews' supplementary question was "Given Councillors still seem surprised of the extent of the continuing protest and anxiety from the Abermule community in recent months, despite it being documented in 2016 that there would be objections, does the whole Council still believe that the community of Abermule was sufficiently consulted to the highest ethical standards not just slightly above legal minimum at all stages of the process given the life changing construction to be placed in the village and that this would ethically stand up to investigation? Will the Council now commission an external investigation into whether our community was appropriately and speedily consulted and delay all work until the findings are published?"

The Leader responded that she has agreed to meet with the community. She indicated that she has a chronology of when the community had been contacted

and involved and she would share this with Members, so that they were aware of involvement. In respect of an external investigation she said that this could be an issue that could be discussed at the meeting she agreed to in response to the last question. However, she considered that the Authority had gone over and above normal consultation procedures.

7.4. Question to the Leader from Mr Stephen Meadowcroft

Powys County Council seems keen to develop Private/ Public partnerships for the delivery key services as can be seen with the formation of Heart of Wales Property Services with Kier Group. At the time of writing this question, the financial accounts for this company are overdue (due date 23/12/18) so it is unclear as to the success or otherwise of this venture. How successful has this initiative been (given the reports of Keir Groups Financial Difficulties) and do you have plans to go into partnership with other private companies such as Veolia for the delivery of waste management?

Response

As noted in the response to a question from Councillor Matthew Dorrance that appears later on the agenda, the partnership with Kier to form Heart of Wales Property Services has only been running approximately 18 months but has successfully delivered savings for the Council.

There are no current plans to enter any partnerships with private operators for the delivery of waste and recycling services. We do have contracts with external companies in place for some aspects of the service, such as residual waste disposal and the operation of Household Waste Recycling Centres.

Mr Meadowcroft's supplementary question was ruled out of order by the Chair, as it did not relate to the issue of partnership arrangements which was referred to in his original question and the response.

The Chair advised that **Item 14.15** would be taken next as Councillor Hulme was not in attendance to ask a supplementary question and there were some members of the public in attendance who were interested in the subject of the question.

Question to the Portfolio Holder for Economy and Planning from County Councillor Heulwen Hulme

Are you satisfied that the Authority is enforcing the conditions as set out in the planning approval for Hendy windfarm?

Response

Although we are dissatisfied that the development has commenced without the Pre commencement conditions being discharged, I am satisfied that Planning Officers, in association with partner organisations, are monitoring the site with a view to taking enforcement action if it becomes expedient to do so. This process has been reviewed and accepted by Counsel as appropriate. We are very aware of the frustrations of some of the local community by Powys Planning Officer's perceived lack of enforcement in relation to the site, but the authority must ensure appropriate legal processes are followed in regard to its actions.

There was no supplementary question to the Portfolio Holder.

8.	BUDGET VIREMENTS
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8.1. Abermule Business Park

Council considered the capital virement for the Abermule Business Park to be transferred from 2018/19 to 2019/20.

Councillors sought clarification as to whether all the £2.7m was for the recycling unit at the Abermule Business Park or whether some of the funds were for the Business Park. The Portfolio Holder for Highways, Recycling and Assets advised that this was for the recycling facility, wherever it may be and that in the budget it had been referred to as the Abermule Business Park. Councillors were concerned there needed to be clarity. It was moved and seconded that the consideration of the report be deferred and be brought back to the next meeting stating how much is for the recycling facility and how much for the future development of the Business park.

However, before the vote was put the Portfolio Holder for Finance advised that he would withdraw the report and bring back, with more details to the next meeting.

In response to a point of order raised by Councillor Roberts, the Portfolio Holder for Finance apologised for a comment he had made during the debate about Liberal Democrat members supporting the application when it had been considered by the Planning Committee. The Portfolio Holder stated that he did not wish to imply that the Liberals voted as a group in Planning, but merely pointed out the vote was in support across the political spectrum for the application at the Planning Committee.

8.2. Relocation to Cwrt-y-Plyffin

Council considered the capital virement for the relocation to Cwrt-y-Plyffin to be transferred from 2018/19 to 2019/20. It was moved by County Councillor Phyl Davies and seconded by County Councillor Karl Lewis and by 56 votes to 1 abstention it was

RESOLVED	Reason for Decision:
To approve the virement of £897,000 of the budget to 2019/20, as set out in paragraph 1.2 of the report.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

8.3. Strategic Salt Reserve

Council considered the capital virement for the Strategic Salt Reserve to be transferred from 2018/19 to 2019/20. It was moved by County Councillor Elwyn Vaughan and seconded by County Councillor Karl Lewis and by 60 votes to 0 it was

RESOLVED	Reason for Decision:
To approve the virement of £824,512 of the budget to 2019/20, as set out in paragraph 1.2 of the report.	To ensure appropriate virements are carried out that reflect the forecasted capital spend.

The meeting adjourned for 15 minutes.

9. STATUTORY RESPONSIBILITIES OF THE CHIEF EXECUTIVE

The Council considered the report of the Solicitor to the Council.

In response to a question regarding the fees payable, to the Chief Executive in their role as the Returning Officer in respect of elections, in addition to their salaries, the Solicitor to the Council advised that he did not have these available at the moment but would add this information to the minutes. The Councillor stated that she felt that this information would be of interest to the public. In response to a further question the Solicitor to the Councillor advised that the Council has to pay the fees, but it was noted that the Returning Officer did not have to take the fees. The Solicitor advised that the payment of fees for elections is currently being considered by the Welsh Government, so the situation may change in the future.

It was moved by County Councillor David Jones and seconded by County Councillor Phil Pritchard and by 53 votes to 1 against and 1 abstention it was

Resolved	Reason for Decision
That Dr Caroline Turner be appointed to the following Statutory Roles: <ul style="list-style-type: none"> • Head of Paid Service; • Functions relating to the Proper Officer of the Council not already allocated to other officers; • Electoral Registration Officer; • Returning Officer (Acting Returning Officer and Local Returning Officer) as Chief Executive from 25th February, 2019.	To make the appointment to Statutory Roles which fall within the role of the Chief Executive.

10. SCRUTINY COMMITTEE STRUCTURE

The Council considered the report on the proposed new Scrutiny Committee structure. In response to questions the Solicitor to the Council advised that the Cabinet would only be involved in the Co-ordinating Committee and would support Cabinet and Scrutiny working together. This structure was also based on how other Authorities work.

It was moved by County Councillor Phil Pritchard and seconded by County Councillor Gwilym Williams and by 61 votes was

Resolved	Reason for decision
<p>(i) that the proposals as set out the report be approved</p> <p>(ii) that if the information is not available for the meeting:</p> <ul style="list-style-type: none"> • that the Solicitor to the Council be authorised to receive the nominations for the membership of the 3 committees and the Chairs of the Scrutiny Committees from the relevant political groups, so that the new scrutiny committee structure can be implemented immediately following this meeting. • that the Solicitor to the Council to be authorised to facilitate and authorised to receive the allocation of the scrutiny committee chairs nominated by the political groups • that the Solicitor to the Council report to the next meeting of the Council on the names of the members who have been appointed by their political groups as Members of the 3 committees and Chairs of the scrutiny committees as above <p>(iv) that a review of the new structure be undertaken in 6 or 12 months following implementation.</p> <p>(v) that the revisions to Parts 2 (Purpose, Definition, Interpretation and Amendment) and 7 (Scrutiny Procedure Rules) of the Council Constitution be approved.</p>	<p>To review the scrutiny committee structure.</p>

11. APPOINTMENT OF A SCRUTINY CO-OPTED MEMBER
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The Council considered the report from the Solicitor to the Council.

Resolved	Reason for decision
To appointment Mr Graeme	To comply with the Council's

Robson as a Co-opted Representative - Parent Governor Representative (primary sector) to serve on the scrutiny committee dealing with education matters until the next ordinary Council elections in 2022.	Constitution in relation to the allocation and appointment of committees.
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12. APPOINTMENTS TO OUTSIDE BODIES

12.1. Appointment to the Powys Community Endowment Fund Panel

RESOLVED that County Councillor Emyr Jones be appointed to serve on Powys Community Endowment Fund Panel.

12.2. Appointment to the Community Health Council

RESOLVED that County Councillor Edwin Roderick be appointed to serve on Powys Community Health Council.

12.3. Appointment to the Bryn Titli Wind Farm Trust

RESOLVED that County Councillor Hywel Lewis be appointed to serve on Bryn Titli Wind Farm Trust.

13. NOTICES OF MOTION

13.1. Notice of Motion: Lucy's Law National Campaign

Council debated the following motion proposed by County Councillor Sandra Davies and seconded by County Councillor Sarah Lewis:

This Council adds its support to Lucy's Law National Campaign to ban and outlaw third party puppy farming. This Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County. This Council requests that the leader of the Council writes to UK Government, supporting the call for urgent action on this matter.

Members spoke in favour of the motion and the Solicitor to the Council advised that if agreed by Council it would be checked whether this was a devolved function and the letter would be sent as appropriate.

By 61 votes to 0 it was

RESOLVED that this Council adds its support to Lucy's Law National Campaign to ban and outlaw third party puppy farming. This Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County. This Council requests that the leader of the Council writes to UK Government, supporting the call for urgent action on this matter.

13.2. Notice of Motion: Green Heart of Wales

Council noted that the proposer and seconder had agreed an amendment to the wording of their motion, proposed by Councillor Amanda Jenner.

Council debated the following motion, as amended, proposed by County Councillor Elwyn Vaughan and seconded by County Councillor Bryn Davies:

This Council in seeing Powys as the Green Heart of Wales;

1. Acknowledges that the potential impacts of Climate Change are of significant concern:
2. Asks the pension trustees to look into the possibility/legalities of developing a strategy of divestment from fossil fuels
3. Supports the principles of Zero Carbon Britain and the work done by CAT (Centre for Alternative Technology)
4. Encourages the development of Hydrogen production and technologies in Powys utilising the clean environment, water and energy supply
5. Highlights that zero carbon technologies and new zero carbon producing economic opportunities that are sympathetic to Powys' rural landscape, should be considered as part of the Mid Wales Growth deal thus giving us a USP (Unique Selling Point)
6. That the authority should put in place an economically feasible strategy to reduce its carbon output and strive to develop best environmental practice in its buildings
7. That the authority should look into best practice from other authorities such as robinhoodenergy.co.uk with Nottinghamshire Council and theleccy.co.uk/about/ with Liverpool City Council, in order to consider developing local energy ownership and supply chains but also assisting tackling fuel poverty.

In response to questions the Solicitor to the Council advised that the Pension Authority would consider the motion and would need to take into account the views of Council when reviewing investment strategies. The Pension Committee Chair advised that these issues would also be considered by the Wales Pension Partnership and as the Joint Chair of the Governance Committee he assured Members that these issues would be considered.

By 57 votes to 0 it was

RESOLVED that this Council in seeing Powys as the Green Heart of Wales;

- 1. Acknowledges that the potential impacts of Climate Change are of significant concern:**
- 2. Asks the pension trustees to look into the possibility/legalities of developing a strategy of divestment from fossil fuels**

3. Supports the principles of Zero Carbon Britain and the work done by CAT (Centre for Alternative Technology)
4. Encourages the development of Hydrogen production and technologies in Powys utilising the clean environment, water and energy supply
5. Highlights that zero carbon technologies and new zero carbon producing economic opportunities that are sympathetic to Powys' rural landscape, should be considered as part of the Mid Wales Growth deal thus giving us a USP (Unique Selling Point)
6. That the authority should put in place an economically feasible strategy to reduce its carbon output and strive to develop best environmental practice in its buildings
7. That the authority should look into best practice from other authorities such as robinhoodenergy.co.uk with Nottinghamshire Council and theleccy.co.uk/about/ with Liverpool City Council, in order to consider developing local energy ownership and supply chains but also assisting tackling fuel poverty.

The meeting adjourned at 1.10 p.m. for lunch break. The Council reconvened at 2.00 p.m.

The Solicitor to the Council referred Council back to the question, raised under Item 9 Statutory Responsibilities of the Chief Executive, regarding the fees paid to the Chief Executive in their role as Returning Officers.

He provided the Council with the following information:

Fees and charges for national elections are set out in the following Orders:

- The Parliamentary Elections (Returning Officers' Charges) (No.2) Order 2017
- The National Assembly for Wales (Returning Officers' Charges) Order 2016
- The Police and Crime Commissioner Elections (Local Returning Officers' and Police Area Returning Officers' Charges) Order 2016
- The European Parliamentary Elections (Returning Officers' and Local Returning Officers' Charges) (Great Britain and Gibraltar) Order 2014

	Brecon & Radnorshire	Montgomeryshire	Powys
Parliamentary	£2,685	£2,500	
Welsh Assembly	£4,730	£4,730	
Police and Crime Commissioner	£2,870	£2,574	
European Parliamentary			£5,152

Local Government Election payments are set out in the Council's Schedule of Charges and the Returning Officer receives £110 per contested ward and £55 per uncontested ward.

14.	QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
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14.1. Question to the Portfolio Holder for Highways, Recycling and Assets from County Councillor Elwyn Vaughan

In recent months we have seen a major outsourcing company, Carillion, going to the wall. In recent weeks we have seen another company, Interserve, in severe difficulty.

At the same time a listed government contractor has been hit by delays and cost overruns on a major NHS project. Its average net debt is rising and the reported number does not include hundreds of millions of pounds of supply-chain finance just to pay the bills. It has been making acquisitions and booking the goodwill at a higher value than the price paid. Yet it keeps increasing its dividends for shareholders.

No, it is not Carillion, the outsourcer that collapsed. It is Kier. Kier also reported a 17 per cent rise in average net debt to £375m — which excluded £185m of supply-chain finance owed at the year end, and reported separately as “trade creditors”. Carillion’s net debt figure of £900m excluded £500m of similar financing to pay suppliers.

Kier’s most recent acquisition, the building group McNicholas, had a price of £26m but the company booked £43m of goodwill in its accounts. Carillion also bought businesses and wrote up goodwill of more than 100 per cent of the purchase price, building up its intangible assets.

In view of this consistent pattern, can we as an Authority which has a joint venture with Kier, have:

- the assurance that Kier is still a viable entity?**
- what risk assessment has been done to minimize the liabilities to Powys Council?**
- clarification of the steps that would be undertaken should Kier follow the path of Carillion and Interserve?**

Response

Further to the Right’s issue announced by Kier, Cabinet members and Senior officers have received a briefing on Kier’s position from their Chief Operating Officer. We have also received assurance from their Executive Director that the group remains confident that it will meet its trading expectations. Kier’s Future Proofing programme, launched in June, is also making good progress and they are on track to deliver on the targets set out for this financial year.

The rights issue will allow Kier to accelerate its debt reduction programme and increase the strength of its balance sheet.

Kier state that the position has been viewed positively by other stakeholders including the Cabinet Office for whom Kier are part of the Strategic Supply Programme.

The HOWPS contract details termination events and exit management and the associated procedure that must be followed if a termination event did occur. In addition, Powys and HOWPS have produced a joint Exit Plan, which set out in detail the requirements to ensure that the transition of responsibility for the provision of the current services from HOWPS to Powys County Council or a replacement supplier can be achieved with the minimum of disruption.

Councillor Vaughan's supplementary question was to ask for assurance from the Portfolio Holder that there is no cutting of corners to save money by HOWPS and that they operate within the law in dealing with and removing asbestos from places in the County. As the Portfolio Holder was meeting with representatives from Abermule a response would be sent to Councillor Vaughan and copied to all Members of Council.

14.2. Question to the Portfolio Holder for Learning and Welsh Language from County Councillor James Gibson-Watt

Could the Portfolio Holder outline what measures she is currently taking, other than the current review of the Fair Funding Formula for Schools, to address the rapidly worsening delegated schools budget position in Powys schools?

Response

Education continues to be a very high priority in Powys in what are very demanding financial times. Under this Cabinet, education gross expenditure per pupil has risen last year by 4.9% to the highest in Wales. Net expenditure (that not supported by specific grant) rose by 2.2%, which is also above the Welsh average of 1.6%. School funding per pupil (not including central expenditure on additional learning needs and school transport) stands at 10th out of the 22 Welsh Authorities in 2018-19.

Implementing the new formula means that the Authority will be allocating funds effectively to individual schools in future, based on a clear rationale/ operating model. Implementing the new formula means that there is transparency wherever Governing Bodies spend above our notional operational model on leadership or any other heading.

The evidence is largely that available funding is not managed effectively by some governing bodies, but also that the Authority has previously been allocating available funds ineffectively. Interestingly, the recent activity-led funding formula model does not advocate any significant transfer in funding to the secondary sector.

The schools finance team work closely with schools and assist them with responding appropriately with financial pressures. HR professionals provide essential support to Head Teachers and Governing Bodies in remodelling schools and delivering efficiencies in their school. Curriculum advice is available

from challenge advisors. The different professional groups now act as a single team supporting a school through transformation.

As an Authority we now appropriately use warning letters and notices. These normally secure compliance where governing bodies have not acted appropriately through their own actions or following initial advice. We are also using statutory powers of intervention where governors do not fulfil their statutory responsibilities following warning letters or notices.

Support for ALN pupils also remains a priority and the review of our current provision and developing schools' ability to deliver on the ALN bill in Wales remain a priority. All of these in conjunction with the Fairer Funding Formula will allow our schools to continue to flourish and face future challenges.

Councillor Gibson-Watt's supplementary question was to ask for confirmation that the money the Council received from the Welsh Government for the teachers' pay settlement would be transferred in full to the schools delegated budget. In the absence of the Portfolio Holder, the Finance Officer advised that the approx. £380k has been transferred to the settlement and forms part of the Council's overall funding. In addition to this there are also a number of grants for 2018/19 and 2019/20 and the Education Department was considering the terms and conditions relating to how these would be allocated. The amount transferred to the schools' budget will be for consideration in the budget.

14.3. Question to the Portfolio Holder for Learning and Welsh Language from County Councillor David Jones

Now that we have the new Fairer Funding formula for Schools what percentage of total education funding is delegated to schools under LMS?

Response

The Individual Schools Budget (Delegated Funds) as a % of the total Schools budget is 74.53%. As in all Authorities, the revised percentage for 2019-20 will be available following budget setting and publication of the revised S52 statement.

Councillor Jones' supplementary question was that he noted that in 2016/17 the Individual Schools Budget (Delegated Funds) as a % of the total Schools budget was 78%. It was now 74.53% and he asked whether the Portfolio Holder was going to reverse this downward trend or whether this would continue to fall, as this was of concern to School Governors. In the absence of the Portfolio Holder a response would be sent to Councillor Jones and copied to all Members of Council.

14.4. Question to the Portfolio Holder for Young People and Culture from County Councillor Matthew Dorrance

Will the Cabinet Member make a statement on the delivery of Flying Start in St John Ward?

Response

Members will be aware that Flying Start is a Welsh Government programme which is geographically targeted using income benefit data in order to provide enhanced support to families living in the most deprived areas of Powys. Within the county, Flying Start is currently provided in Welshpool, Newtown, Llandrindod, Brecon and Ystradgynlais.

In Brecon, the Flying Start area is within St John ward. A contract was awarded to Priory Preschool Committee to deliver Flying Start childcare from September 2016. Due to increased admissions into the school, Powys Flying Start was informed in November 2017 by the head teacher that the Governors would no longer act as 'landlord' to the Flying Start setting beyond March 2018. However, through negotiation, it was agreed that Flying Start childcare would continue to be provided at the school until December 2018 whilst alternative provision was secured.

Following the notification from Priory School, Powys' Flying Start team worked to identify alternative sites which could provide Flying Start childcare in Brecon. The service investigated whether existing premises in Brecon could be modified to deliver Flying Start childcare, but no site which satisfied all requirements was found by September 2018. The Flying Start Team also approached local childcare providers in Brecon to identify vacant spaces which could potentially be utilised. The English medium provider in Brecon confirmed that they did not want to proceed with becoming a Flying Start setting. In November 2018, the Welsh medium provider confirmed that they would be willing to provide Flying Start childcare from January 2019. This would result in a change in language from an English medium setting at Priory School to a Welsh medium provider based at Ysgol y Bannau. This was discussed with the Flying Start team in Welsh Government who did not object.

The Flying Start childcare provided by Priory Preschool was managed by a committee with the head teacher as Responsible Individual and, as such, the staff were recruited and managed by the committee. Similarly, the Welsh medium provider at Ysgol y Bannau is also a committee run setting. The local authority therefore advised Priory Preschool Committee as the employer of the staff to investigate whether Transfer of Undertakings (Protection of Employment) (TUPE) implications would apply in this instance. The local authority also sought advice from its Legal Department and it was confirmed that TUPE implications would not apply and this information was provided to Priory Preschool Committee.

Whilst it is recognised that the timescales for the transfer from one childcare provider to the new setting have not been ideal, it is positive that Flying Start families have had no gap in childcare provision as a result of the transfer. In order to support families with the change in childcare, the Flying Start Team wrote to all eligible families to keep them informed. The letter was also followed up by a telephone conversation with each family. All families were invited to attend an informal 'coffee and cake' catch up at the new childcare venue before end of the Autumn Term. The aim of this event was to give parents an opportunity to discuss concerns or barriers to them accessing the childcare in future. The concerns and questions raised by parents have been collated and are being discussed with colleagues in Welsh Government in order to find possible solutions.

Powys' Flying Start Team is continuing to work with Priory School via a capital bid to Welsh Government to build an extension at the school to provide increased capacity to deliver Flying Start in Brecon.

Councillor Dorrance's supplementary question was ask for an update from the meeting earlier in the week regarding whether the Council would pay the taxi fares for the children going to the new location of the service and the capital bid to the Welsh Government. The Portfolio Holder advised that there was no further update and that she would keep Councillor Dorrance informed of any information.

14.5. Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection from County Councillor Matthew Dorrance

How effective does the Cabinet Member for Housing think the Heart of Wales Property Service is and does he think it provides residents in Powys with value for money?

Response

As Councillor Dorrance will be aware the decision to enter into a Joint Venture with Kier to form the Heart of Wales Property Services Ltd, was one made by the previous administration. As I am the Portfolio Holder for Housing, I will respond to the question in relation to the Housing Service only and the role that HOWPS plays in delivering responsive maintenance services to council homes.

The contractual arrangements established at the outset of the contract required the successful tenderer (HOWPS) to achieve savings in respect of the delivery of responsive repairs to council homes, based on the cost of providing the service using the in-house workforce in 2014-15. In 2014-15, the total cost of providing the service was £5.1 million, and HOWPS are required to achieve £200,000 savings in Year 1, a further £83,000 in Year 2 and a further £128,000 in Year 3. Whilst the contract does allow for indexation at the start of the financial year, this means that in Year 3 of the contract (July 2019 – July 2020) the service will cost approximately £400,000 less to deliver than it did in 2014-15.

So whilst there have been some issues in respect of the bedding in of the responsive maintenance service provided by HOWPS, these have now largely been addressed and in purely financial terms the arrangement with HOWPS has secured savings for the Housing Service and therefore does represent value for money for Powys council tenants.

With regards to excluded works which fall outside the contract agreement HOWPS have now reached a stage where they are providing these services for the authority. Consequently, negotiations have commenced with the authority regarding additional functions such as improvements works and adaptations. The focus of these negotiations is value for money.

Councillor Dorrance's supplementary question was to ask the Leader, in the absence of the Portfolio Holder, due to the continuing difficulties experienced by tenants with HOWPS and the reported changes at Kier, could the Cabinet give assurances as to how the Council manages the risk or consider bringing back the service to be run by the Council.

The Leader advised that the Portfolio Holders for Highways, Recycling and Assets and Finance were meeting with representatives from Abermule. She advised that as HOWPS was being raised regularly it would either be added to a Cabinet agenda or she would meet with interested Members with a view to resolving the issues.

14.6. Question to the Portfolio Holder for Learning and Welsh Language from County Councillor Elwyn Vaughan

How many meetings of the Welsh Education Forum, a partnership with schools and external organisations, and which forms an integral part for the delivery of the current WESP (Welsh Education Strategic partnership) as approved by Welsh Government Ministers; have been held since its approval by Ministers and Powys Cabinet?

Response

The Council's current Welsh in Education Strategic Plan for 2017-20 was approved by Welsh Government in March 2018. Due to lack of capacity to facilitate meetings, no meetings of the old Forum have been held since the plan's approval. We are now planning to establish a new Forum to enable all partner organisations to coordinate their efforts in support of delivery of the approved Welsh in Education Strategic Plan.

Councillor Vaughan's supplementary question was to ask as there had been no meetings of WESP in the last 18 months, how was the work to move forward and could he have a definite date for the first meeting, as this is being monitored by the Welsh Government. In the absence of the Portfolio Holder a response would be sent to Councillor Vaughan and copied to all Members of Council.

14.7. Question to the Portfolio Holder for Highways, Recycling and Assets from County Councillor John Morris

I have just received an email from you (8/01/19) which states the decision to remove the waste bins was made by cabinet last year and the consultation just finished was on how PCC implements the replacement green waste collections.

Many of my fellow councillors and members of the community of Powys will quite rightly be surprised and annoyed by this. Certainly in my ward we all felt that the consultation was about the whole future of green waste collection including the status quo. Many residents and councillors have responded to the consultation requesting the retention of the large bins.

Do you consider that you have misled members and the people of Powys who during the consultation have contacted the council to request the retention of the large bins and should you have informed residents of your earlier decision to withdraw the bins as part of the consultation detail?

Response

It has always been quite clear regarding the decision on the removal of the garden waste banks and the introduction of the charged collection service. The

recommendations agreed at the Cabinet meeting of 9th October 2018 are as follows:

- 1) Introduce a chargeable green waste collection service, remove all green waste banks at Community Recycling Sites.
- 2) A consultation exercise is carried out during November so that residents can have a say in how the service should be implemented.

This was then communicated through all the usual media channels with significant coverage received. The consultation itself also clearly stated in the introduction that it was to gauge interest in the new service and also gather views on how the new service would look.

On this basis I would suggest that neither Members nor the public have been misled in any way.

County Councillor Morris' supplementary question was to ask for the report on the consultation responses and why had £400k been spent on new bins in order to start the new service in March. In the absence of the Portfolio Holder a response would be sent to Councillor Morris and copied to all Members of Council.

14.8. Question to the Portfolio Holder for Young People and Culture from County Councillor Gareth Ratcliffe

Can the portfolio holder please provide a breakdown of running costs for all 18 libraries across the county for the last 3 years?

Response

Please see the attached spreadsheet for a breakdown of the running costs [a copy of which is with the signed minutes].

County Councillor Ratcliffe's supplementary question was to ask whether there were any proposals to seek budget cuts from larger libraries as 16.7% was being proposed from across the 10 smaller libraries. In response the Portfolio Holder advised that co-location of services was being looked at and the focus was on the smaller branch libraries to support them. There are no plans to change larger libraries.

14.9. Question to the Portfolio Holder for Adult Social Care from County Councillor Iain McIntosh

Can the portfolio holder and cabinet member for adult services please let me know if there were any plans to close the Arosfa Day Centre in Camden Road, Brecon, before the 13th December 2018?

Response

Thank you for your question as to whether there had been any plans to close Arosfa Day Centre in Brecon prior to the 13th December 2018. I can confirm that while much work has been ongoing with the day services for older people following the Cabinet decision on the service in December 2016, there were no plans to close the Arosfa Day Centre before the 13th December 2018.

Prior to any supplementary question, the Portfolio Holder expanded on his written response. In July 2018 there were discussions, with Members and others about the range of possible changes to day time services for older people. In Brecon the advantages and disadvantages of relocation of the service was discussed and there was no discussion about the withdrawal of the service. He advised that there is no proposal to close the service in Brecon and none of the options for relocation from Arosfa have been taken forward.

There was no supplementary question to the Portfolio Holder.

In response to a point of order raised by Councillor Dorrance the Portfolio Holder refuted any allegation that he had misled Councillors in his response.

County Councillor P Pritchard left the meeting.

14.10. Question to the Portfolio Holder for Learning and Welsh Language and Portfolio Holder for Finance from County Councillor Jackie Charlton

BACKGROUND

Llangattock Church in Wales Primary School has been having extensive alterations and an extension to the school. It has been ongoing since July 2018. The project has cost just over £500,000 of which £120,000 has been contributed by the Church in Wales and an Education Trust in Llangattock.

The project discussions started six years ago, the build has taken over 6 months, it was 3 months late in starting after numerous other expectations of a start date during 2017.

The works were due to finish September 2018 in time for the new school year when the promised build start date in May 2018 was agreed. This had to be extended to July because of administrative mishaps. The issues are far too numerous to go in to here and the school Governors are at present trying to work through the problems, keep the school open and ready to educate for 2019.

I was given assurances by the portfolio holder in the July 2018 County Council meeting that the work would be duly completed even though children were expected to have a late start to the term due to building works. This had to be negotiated with parents and the education department. Nursery children have been taught in the Community Hall adjacent to the school since last September as their new build extension was not completed. On the 8 January 2019 it was still not ready.

The biggest issue for Llangattock Governors is the lack of accountability, no line of responsibility and shambolic project management with no-one knowing who takes on the role of these important tasks. During the build the building workforce has had full site access through the school, there have been days when the school has had to remain closed and days when the school was closed due to health and safety risks at short notice. The Head Teacher is there to run the school but in the light of poor project management has been expected to manage some aspects of the project, particularly in terms of health and safety and safeguarding, which has

taken up an inordinate amount of time and put excessive pressure and stress on all members of the school community.

This project has been a shambles from beginning to end and no one is taking responsibility. There could be long term implications for Powys County Council partnerships with builders and contractors on school premises.

QUESTION

Do you as portfolio holder if there is a clear process for project management, accountability and responsibility for joint build projects in our schools where Kier and HOWPS work in partnership with our Education Department here in Powys?

Response

I am aware that for a number of reasons, the protracted construction works have caused inconvenience and difficulties with access, disruption and noise on the school site.

The work on site has now been substantially completed and the contractor, Kier, are in the process of carrying out final minor completion works, which we anticipate being completed over the next couple of weeks.

Following a meeting held at the school on the 11th January 2019, it has been agreed for any remaining external works to be completed through Powys County Council. This is to ensure that works can be carried out with minimal further disruption to the school.

The Authority, HOWPS and Kier have robust project management systems with clear governance and accountability. However, it is wholly apparent that these systems have not been successful in managing this particular project. We will be reviewing this project to ensure that lessons are learnt, and improvements are made where required and I can only apologise for our collective performance at Llangattock, but can I also thank Mrs Kathryn Marshall, the Headteacher, for the valuable contribution that she has, unfortunately, had to make to ensure that the works are completed and the school is operational.

Councillor Charlton's supplementary question was to ask the two Portfolio Holders to meet with the School Governors to address the issues raised by the Governors in a three-page letter, as the school was in a sorry state and staff were working in extreme circumstances. In the absence of the Portfolio Holders, the Leader agreed to take this back to the Portfolio Holders.

14.11. Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection and Portfolio Holder for Highways Recycling and Assets from County Councillor Pete Roberts

In a recent report by the Huffington Post the claim was made that over 25000 fire doors of the same type that failed to prevent the Grenfell fire from spreading were still in use in Council and housing association property in the UK.

Can the Portfolio holder confirm how many of these doors are still in use in Powys and if there are any what steps and timeframes he has for their replacement?

Response

Housing

I am pleased to confirm that we have no doors fitted of the 5 identified types. Our doors were manufactured by JBW and JCK Joinery, both were checked and certified as door sets for Fire Resistance, we have no evidence to suggest either are supplied by either of the 5 Manufacturers named in the Huffington Post.

We have previously enquired with JBW and JCK if their doors remain complaint, and they have confirmed so, providing the approved list of parts that are required for repairs. We have sent that information to our joint venture maintenance partner HOWPS, and received assurances they will use those parts to maintain compliance.

Property

Corporate property does not have specific detail on each fire door located within its property portfolio. It does however undertake statutory inspections of its installed fire doors on an annual basis to ensure fire doors are of an appropriate standard and provide the necessary fire compartmentation.

Inspections are undertaken by competent persons and any remedial works or door failures are reported formally to the premises manager responsible for the building.

Councillor Roberts' supplementary question was to ask, in respect of other properties, for a more detailed response regarding the fire doors in these, as the Portfolio Holder's response lacked clarity and he asked whether all fire doors in these other properties were up to scratch. In the absence of the Portfolio Holder a response would be sent to Councillor Roberts and copied to all Members of Council.

14.12. Question to the Portfolio Holder for Highways Recycling and Assets from County Councillor Pete Roberts

Given it is over 6 months since the end of the consultation period in respect of Blue Badge Charging proposals can the portfolio holder explain why there has not been a publication of the official response given that the proposal now appears not to be deferred to the parking review as stated at last Full Council but has been included in the set of budget efficiencies bought forward for his portfolio?

Response

A decision on the matter has not yet been taken. The consultation has brought many valid issues to the fore and a paper will published once the decision is made as previously stated.

Councillor Roberts' supplementary question was to ask that in light of the promises made at the Budget seminar can the Portfolio Holder tell him when the consultation response will be provided given this was promised before the budget decisions are to be made. In the absence of the Portfolio Holder a

response would be sent to Councillor Roberts and copied to all Members of Council.

14.13. Question to the Portfolio Holder for Finance from County Councillor Jackie Charlton

Brexit will have been voted on in Parliament by the meaningful vote, can the Portfolio Holder update the Council on the impact this will have on service delivery and all the EU funded projects or development that the Council is aware of? This should include any partnership projects or LEADER II funding threats which to date would be covered under the final payment to the EU or transitional arrangements.

In addition, can you outline all of the projects the Council has delivered in the past five years where some or all of the funding was obtained from EU grants?

Response

The impact that Brexit will have on service delivery is being closely monitored in a number of ways. A Brexit Impact Log is being circulated to all service areas within the authority for completion. The increased risk of loss of funding for existing EU funded projects is identified as a high risk. Other service areas such as Adult Social Care have previously completed their own Brexit Risk Assessment.

The Council's Cabinet have a Corporate Risk Register which includes Brexit as an identified risk.

A Brexit Working Group has been set up, Cllr Rosemarie Harris is the Chair. Attendees are from a range of external organisations and sector representatives.

Emergency planning staff attend the Dyfed Powys Local Resilience Forum (LRF), the fortnightly meetings are about to become weekly.

External funded projects in development – grant element only:

Enabling Natural Resources and Well-being in Wales (ENRaW) Grant – Countryside Services are the project lead with external partners and application support from Regeneration. Approx. value £100K. Countryside Services are also a partner in a pan Wales project application with the Ramblers Association.

Sport Wales: Healthy & Active Fund – Countryside Services are the project lead with external partners and application support from Regeneration. Approx. value £250K.

Enabling Natural Resources and Well-being in Wales (ENRaW) Grant – Compliance & Waste Services are the lead with external partners and application support from Regeneration. Approx. value £40K. Waste Services are also a partner in a pan Wales project with Keep Wales Tidy, approx. value £30K to PCC.

Visit Wales: Tourism Amenity Investment Support (TAIS) scheme – Regeneration are the project lead with external partners. Approx. value £128K of grant funding.

Visit Wales: Regional Tourism Engagement Fund (RTEF) – Regeneration are the project lead with other Local Authorities and external partners. Approx. value £128K of grant funding.

European Social Fund (ESF): Priority 5 – approx. value £4 million for the Region over 4 years. Early stages of project ideas being developed.

Current operational EU funded projects – grant element only:

Regeneration service: The Lake Park project, Llandrindod Wells - £126K

Regeneration service: Workways + Powys project - £350K

Youth Service: Cynydd project - £1 million (approx.)

Information provided by Louise Nicholson, RDP Programme Officer:

From an RDP & LEADER perspective, please see details of our funding for this programme & the previous one below:

Arwain are currently delivering the LEADER funding which forms part of the Rural Development Programme (RDP) 2014-2020. The details of the project budgets are as follows:

Project start date: 1st May 2015

Project end date: 31st December 2021

Total project costs: £6,061,616

Total RDP funding (European Agricultural Fund for Rural Development): £5,103,998*

Total match funding required from public, private & voluntary sectors: £957,618

*The RDP funding was initially to be split 50/50 between Welsh Government and the EU. Following the EU referendum in 2016, a letter was issued by Mark Drakeford AM (Cabinet Secretary for Finance & Local Government) confirming that “That there will be a lifetime guarantee of funding for all approved operations at the point of the UK’s exit from the EU – thereby providing assurance to all beneficiaries that they can continue to contribute to delivery of the 2014-20 Programmes as planned.” Therefore, our funding of £5,103,998 is secure and Welsh Government will fund any shortfall in EU funding. We have also been given the opportunity to extend the funding programme up to 30/6/23, however, no additional funding is available for this extension at this point, so current budgets need to be used. We do not have sufficient budget to extend beyond 31/12/21 at this point and therefore, have been unable to extend the funding programme in Powys. Welsh Government has suggested that further funding may be available in the future from underspend within other areas of the RDP but we have not received any definite information on this yet.

Previous to this funding programme, we delivered the previous RDP funding programme (Business Plan 2). The details of the project budgets are as follows:

Project start date: 1st July 2008

Project end date: 30th April 2015

Total project costs: £7,006,111

Total RDP funding (European Agricultural Fund for Rural Development):
£5,475,806 (including £2,737,903 EU funding)

Total match funding required from public, private & voluntary sectors: £1,530,305

Please note, the above listed projects are what the Regeneration service are either supporting or directly leading on. There may well be projects in other service areas that are also in receipt of EU or external funding, that the Regeneration service are not aware of at this current time.

Councillor Charlton's supplementary question was to ask for updates now or in the future from the meetings Chaired by the Leader. The Portfolio Holder advised that he and the Leader would provide updates.

14.14. Question to the Leader from County Councillor Gareth Ratcliffe

With the County Council facing further cuts to non-statutory and delegated functions it is more and more looking to communities to run these services where possible. Communities such as Hay-on-Wye have been trying for over 3 years to agree a transfer of assets with the County Council and take on functions, but has been unable to do so, due to factors that include the recent unilateral decision by the current Cabinet to change the agreement made with the previous County Council Cabinet. This has resulted in Hay Town Council budgeting the precept and making commitments, which it may not now be able to implement, to keep the services within the community. This is not the only community to have had difficulty in working with the County Council on the transfers of assets. There are ongoing concerns being raised from many communities about the lack of flexibility and the County Council being restrictive in the name of "fairness to all".

Can the Leader brief the full Council on how the Cabinet is planning to work with local councils and communities over the next round of cuts, with the further expectations from UK and Welsh Governments that communities will need to run more services within the community using volunteers?

Response

Powys has always sought to work with key partners such as Town and Community Councils and we can point to some success when it comes to transferring assets and services. Members will be aware from recent Budget Seminars that the Council faces continuing financial pressure as service pressures exceed our funding. This means it is likely that some services valued by communities may instead be run by local groups or Town and Community Councils. The Council remains open to discussing such changes with any group that comes forward with a proposal. This can be done in a number of ways and for example the Community Interest Company in Llanfyllin was the first such arrangement in Wales demonstrating we will be open to any model proposed.

Councillor Ratcliffe noted that the Community Interest Company in Llanfyllin had now ceased. Community Councils are losing faith due to the ever-changing vision of the Council and Community Councils are unable to budget. His supplementary question was to ask the Leader how is the Council was going to work with communities and reassure communities that any agreements made are not changed by future Cabinets. The Leader responded that the Council was looking at ways of working with communities and using volunteers, but no Cabinet could promise that previous agreements are met.

In response to a question, the Solicitor to the Council advised that there was no update regarding ECO3 which had been referred to in an email to Members the previous day.

Concerns were raised that Council meetings were the only opportunity for Members to question Portfolio Holders and with so many being absent today the process was meaningless. The Solicitor advised that the format of Council meetings could be considered by the Democratic Services Committee.

County Councillor DW Meredith (Chair)