

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNTY HALL
AND ON ZOOM ON THURSDAY, 5 OCTOBER 2023**

PRESENT

County Councillor B Baynham (Chair)

County Councillors G W Ratcliffe, D Bebb, G Breeze, J Berriman, J Charlton, R Church, T Colbert, S Cox, A W Davies, A Davies, B Davies, B Davies, S C Davies, D Edwards, L George, J Gibson-Watt, I Harrison, K Healy, H Hulme, P James, A Jenner, E A Jones, E Jones, G D Jones, G E Jones, J R Jones, A Kennerley, C Kenyon-Wade, P Lewington, K Lewis, P E Lewis, I McIntosh, S McNicholas, DW Meredith, C Johnson-Wood, G Mitchell, G Morgan, WD Powell, G Preston, G Pugh, J Pugh, L Rijnenberg, L Roberts, P Roberts, C Robinson, E Roderick, D Selby, D A Thomas, R G Thomas, J Brignell-Thorp, E Vaughan, C Walsh, A Williams, D H Williams, J M Williams and S L Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors B Breeze and G Morgan.

2.	MINUTES
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The Chair was authorised to sign the minutes of the two meetings held on 20th July 2023 as correct records.

3.	DECLARATIONS OF INTEREST
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County Councillor Gareth E Jones advised that he was president of Aberedw YFC and treasurer of Brecknock Federation.

4.	CHAIR'S ANNOUNCEMENTS
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The Chair gave details of her engagements, including the honour of welcoming His Majesty The King to Brecon on 20th July. She spoke about the work of Hope House hospice who had a stand in the foyer. She congratulated Councillors Benjamin Breeze and Karl Lewis both of whom had become fathers and she thanked three retiring Councillors, Matt Beecham, Sarah-Jayne Beecham and Anita Cartwright for their service. She also thanked Nigel Brinn who was leaving the authority to become Chief Executive of the Forest of Dean District Council and Jack Straw for his work as Interim Chief Executive. Finally, she congratulated Emma Palmer on her appointment as Chief Executive.

5.	LEADER'S ANNOUNCEMENTS
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The Leader advised that the first tranche of £4m Growing Mid Wales funding had been received. He referred to the project to develop 18 social homes on the site of the former Red Dragon pub. He advised that the authority was working closely with Natural Resources Wales to address the negative impact of the phosphates issue was having on development in the south of the county. The Leader referred

to the visit by the First Minister to Flying Start and to a recycling trial in Brecon. He said that the Council was proud to have become the first in Wales to sign up to UNISON's anti racism charter and that it would be signing up to the Marches Partnership with neighbouring Welsh and English councils in November. He closed by thanking Nigel Brinn for his service and he congratulated Matt Perry, Diane Reynolds on their appointments as interim directors and Emma Palmer on her appointment as Chief Executive.

6. PUBLIC QUESTIONS

6.1. Question for the Cabinet Member for the Cabinet Member for a Learning Powys from Laura Hares

What is being done to promote wellbeing and limit adverse childhood experiences amongst our ALN children in mainstream schools? Why does it take 1-2 years and often tribunal proceedings typically in Powys before our ALN Childrens needs are met? Who is held to account for the neglect of our children's needs and why is early intervention never put in place? My child is now on a very part time timetable and his paediatrician has explicitly expressed how PCC not meeting his needs is creating physical and mental health issues and yet over a year on from the school asking for support via a 1:1 TA for him, nothing is still in place. When will our education body catch up with the support offered over the border in Shropshire and with the legal requirements?

In March 2021 Welsh Government issued the framework for embedding a whole-school approach to emotional and mental well-being as statutory guidance to governing bodies of maintained nursery, primary, secondary, middle, pupil referral units (PRUs), and special schools and local authorities in Wales. The majority of schools within Powys have been provided with training to support Adverse Childhood Experiences (ACEs) and/or Trauma Informed Practice. The individual schools will look to implement the training within their daily practice in order to support the children and young people that need support.

Powys offers schools a range of support services that can be accessed to assist in early help advice and guidance, through the role of a wellbeing officer, and through the provision of specialist teachers and educational psychology service. In addition, programmes to support the emotional health of children is offered through a programme called ELSA (Emotional Literacy Support Assistants), and individual schools will decide on the appropriateness of accessing and implementing this resource.

There is a national process, that is dictated via statutory documentation that describes the processes for assessing and meeting the Additional Learning Needs (ALN) of children and young people. This is adhered to by Powys County Council, but there are a few occasions where there are extenuating circumstances, such as complex cases or disagreements that extend the time scales. Schools and local authorities are routinely inspected by statutory bodies, such as Estyn, to ensure that they are compliant with statutory guidance and processes.

Part time timetables are a local agreement between a school and parent, and the local authority does not intervene with these decisions. Families should not feel obliged to agree to a reduced timetable, but to work with the school to ensure

that a pastoral support plan is implemented, with realistic and achievable targets, that a regularly reviewed and evaluated. The local authority delegates ALN funding to all schools in order to support the needs of children. Research conducted by the Education Endowment Fund (EEF) demonstrates that 1:1 support has a detrimental impact on the progress of children, and inhibits their independence skills; although it is recognised that there are occasions where children need a more bespoke package of support to meet specific needs, and in particular where there is a serious medical condition. Panels within Powys are multi-agency, and they make decisions based upon the information provided to them by schools, families and other agencies. Education provision and processes differ between local authorities and in particular there is distinct legislation between England and Wales. The support provided by Powys County Council meets statutory guidance and is compliant with requirements imposed by law. We wouldn't comment publicly on individual cases and will always respect the privacy and consent of children, young people and their families.

In response to the supplementary question why the Council was spending so much on litigation if it was following the ALN code of practice and the safeguarding of children, the Cabinet Member for a Learning Powys advised that officers would respond directly to Ms Hares.

6.2. **Question for the Cabinet Member for a Greener Powys from Philip Ellison**

What are the missed collections on recycled bin collections in Llandrindod's four wards? What are the missed collections on recycled bin collections in Llansantffraid & Llanrhaeadr Wards? Why is there such a discrepancy?

I am making these inquiries as I think it poses a health risk to elderly people who put their bins out every Tuesday in my area and then have to bring them back in again as they not coming for that week.

I would also like to take this opportunity as well as point out that Shropshire (and many others) put it on their home page of any changes, and I am sure that this can be done as soon as there is a problem being either the evening before or at 7 am in the morning on Powys Council website.

Response

It is not possible to give an exact answer to the first part of this question as rounds do not correspond to electoral wards. However, the following data is available:

In 2023 to date there have been 12 missed rounds that contain properties within the four wards of Llandrindod, 4 of which were down to inclement weather. This compares to 18 missed rounds that contain properties within the Llansantffraid and Llanrhaedr wards (5 of which were down to inclement weather) during the same period.

However, to put this into a bit more context, there are 2364 individual properties that would have been affected in the Llandrindod wards compared to 1352 in Llansantffraid and Llanrhaedr. In statistical terms, this equates to 1.8 times per property in Llandrindod and 1.7 in Llansantffraid and Llanrhaedr.

The reason for the discrepancy is that these wards are serviced from different depots in the mid and north of Powys. The problems with recruitment of staff have been more acute in the north of the county and this is a problem that has been experienced by other local authorities in North Wales as well as the private sector.

We do appreciate that it is an inconvenience for residents to wait an additional week for their recycling collections, but if the materials are cleaned and the food stored securely, there shouldn't be a health issue. We do try to ensure that residual waste rounds are not missed due to the three weekly cycle of collections and do catch up as quickly as possible if this does occur.

With regards to informing residents of missed collections, it is generally not possible to do this the evening before as we would not be aware of short term staff sickness and vehicle breakdowns until the day in question. As soon as we are aware that a round is going to be missed, a message is sent to all the affected Councillors, the helpdesk is informed, and our missed bin reporting form and collection day finder are updated on the website so that if someone puts in their address they will be informed of the change. Whilst individual missed rounds are not put on social media, there are regular messages asking people to check online if their collection is missed.

The service is working very hard to minimise these disruptions and there has been some success with recruiting additional staff. It is, however, an ongoing issue, but hopefully the collections should now be stabilising.

Council was advised that Mr Ellison was unable to be present, but the Cabinet Member indicated that she would be happy to respond to a supplementary question if submitted.

6.3. Question for the Cabinet Member for a Connected Powys from Penny Higgs

In what instances would the Planning Committee not push for enforcement action, when there are serious planning breaches?

Response

The Council's approach to planning enforcement can be found on the following webpage.

[Planning Enforcement - Powys County Council](#)

The Council's approved Planning Enforcement Policy and Procedure can be read on the following webpage. The policies set out where enforcement action by the Local Planning Authority would be expedient or not expedient:

[Planning Enforcement Policy and Procedure - Powys County Council](#)

There was no supplementary question.

7.	APPOINTMENT OF INTERIM RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER
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Following the appointment of Emma Palmer as Chief Executive this report was withdrawn.

8. SINGLE TRANSFERABLE VOTE

Council considered a report on the Single Transferable Voting system which local authorities in Wales could choose to adopt under the Local Government and Elections (Wales) Act 2021. If Council decided that it would like to consider moving to the STV system, it would be required to consult with voters, each Town and Community Council and with other appropriate persons or bodies and then consider the results of the consultation and decide whether or not to adopt the STV system for its 2027 local elections.

County Councillor Pete Lewington proposed that consideration of the report be delayed until the next full Council meeting on 7 December, seconded by County Councillor Amanda Jenner. By 34 votes to 25 it was

RESOLVED that consideration of the STV report be delayed to the next full Council meeting.

9. POWYS PSB SCRUTINY COMMITTEE
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Council considered the recommendations of the Democratic Services Committee on appointments to the PSB Scrutiny Committee. It was proposed by County Councillor James Gibson-Watt and duly seconded and by 59 votes to 1 with 1 abstention it was

RESOLVED

- 1. that the membership of the PSB Scrutiny Committee be amended to accommodate co-opted Members from other organisations and also complying with the following provisions:**
 - **A maximum of three co-opted Members (in accordance with the Statutory Guidance arising from the Local Government Measure 2011);**
 - **That those co-opted members can not:**
 - **be drawn from the executive of the organisation.**
 - **be officers from the organisation.**
 - **be Powys County Council representatives on those organisations**
- 2. that the Terms of Reference for the PSB Scrutiny Committee be amended to the effect that the requirement for meetings of the Committee would be set as a minimum of one and a maximum of two per year**
- 3. That the Head of Legal Service and the Monitoring Officer is authorised to amend Section 7 of the Constitution and**

to make such other consequential amendments as may be required.

It was proposed by County Councillor James Gibson-Watt and seconded by County Councillor Matthew Dorrance that the Chair and the Monitoring Officer accept nominations.

RESOLVED that the Chair and the Monitoring Officer accept nominations with the proviso that they are widely publicised.

10. APPOINTMENTS TO OUTSIDE BODIES

Brecon County Scholarship Fund

County Councillors William Powell and Iain McIntosh were nominated. Following a ballot it was

RESOLVED that County Councillor William Powell be appointed to the Brecon County Scholarship Fund.

Wye Navigation Advisory Committee

County Councillor Corrina Kenyon-Wade was nominated.

RESOLVED that County Councillor Corrina Kenyon-Wade be appointed to the Wye Navigation Advisory Committee.

11. NOTICE OF MOTION - PROPOSAL TO REINSTATE THE UP TO 1 HOUR CAR PARKING CHARGE IN DESIGNATED LONG STAY CAR PARKS.
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Council considered the following notice of motion proposed by County Councillor Gareth E Jones and seconded by County Councillor Jeremy Pugh:

1. To reintroduce the up to one hour parking period into all the current designated long stay car parks run by the authority, which are currently subject to a parking charge with effect from 1st November 2023.
2. That the charge for up to one hour parking in the designated long stay car parks should be set at £1.40 in line with the charge for the same time period in the designated short stay car parks.

County Councillor Pete Lewington proposed an amendment seconded by County Councillor Iain McIntosh:

Delete 2 and replace with:-

That the charge for up to one hour parking in both short stay and long stay car parks should be reintroduced at £1.00 with effect from 1st November 2023.

This amendment was put to the vote and lost by 24 votes to 35.

County Councillor Gareth Ratcliffe proposed an amendment seconded by County Councillor Angela Davies:

In light of the motion coming forward, we propose the council hold off on any change in parking charges and refer the original motion to the cross-party car parking review group established by the Portfolio Holder to be considered with other options, including options to consult with communities and the council to seek their views as to whether they would like Powys County Council to reintroduce the 1-hour parking in their community long-stay car park or to forgo the 1 hour and stay with a 2-hour minimum with 50p from every 2-hour ticket issued going back into the community to help them run tourist facilities such as public toilets and community activities. Any recommendations from the review board are to be brought back to scrutiny prior to being considered by the cabinet.

The amendment was put to the vote and by 30 votes to 27 with 1 abstention it was

RESOLVED that the council hold off on any change in parking charges and refer the original motion to the cross-party car parking review group established by the Portfolio Holder to be considered with other options, including options to consult with communities and the council to seek their views as to whether they would like Powys County Council to reintroduce the 1-hour parking in their community long-stay car park or to forgo the 1 hour and stay with a 2-hour minimum with 50p from every 2-hour ticket issued going back into the community to help them run tourist facilities such as public toilets and community activities. Any recommendations from the review board are to be brought back to scrutiny prior to being considered by the cabinet.

Council adjourned at 13:05 and reconvened at 14:00.

12.	PRESENTATION BY BRECKNOCK, MONTGOMERYSHIRE AND RADNOR YFCS
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Members of Brecknock, Radnor and Montgomeryshire Young Farmers Clubs gave a presentation on their work in 45 clubs across the county.

The Cabinet Member for Future Generations advised that she would report back on what percentage of young persons contacts was made up of contacts with the YFC. She would also follow up on the point that YFC was not mentioned on the Council's website.

13.	QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
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13.1. Question to the Cabinet Member for Future Generations from Councillor Elwyn Vaughan

This Council has on several occasions expressed support for the Welsh language and the cross-party political will is clear with regard to that wish. However, whilst recently highlighting English only street signs on a new housing development in Ceri to the Planning Department the response was that they weren't responsible, even though it is a new estate supervised by the Planning Department! It was stated that it was the Highways Department that was at fault.

On questioning the Highways Department the response was it was the developer's fault and the development will be completed within the year. This was even though the development has already been completed and every house has a resident! The only conclusion one can come to is that everyone is trying to blame someone else instead of taking responsibility in the hope that the issue will be forgotten. Well, I can assure you it will not be forgotten.

In light of this, your responsibility for the Welsh language within the Council, the expectations of the Language Standards from the Commissioner, the desire of this Council and common sense. Do you agree with me that this situation is unsatisfactory and that you will try to get to the bottom of the matter to rectify the situation?

Response

From a Welsh Language Standards perspective, Powys' position is clear. All street signs should be bilingual with Welsh shown so that it is likely to be read first, i.e. to the left or above the English. We followed the Welsh Language Standards in that the street naming officer opposed an application from Ceri Community Council for street names that were in English only. We translated the English names the community council suggested.

There was no supplementary question.

13.2. Question to the Cabinet Member for a Learning Powys from Councillor Elwyn Vaughan

During the discussions on the Marches Partnership in the Cabinet meeting on 19/09 it was noted that the education portfolio holder stated -

Powys is intending to offer Welsh medium education to children from England as part of a new partnership with the counties over the border.

Powys will be co-operating with Monmouthshire, Herefordshire and Shropshire on matters including transport, housing, the environment and energy.

The council's education portfolio holder, Pete Roberts said "there are many families in Oswestry coming from Welsh-speaking backgrounds". "So I hope one of these opportunities will be working with colleagues in Oswestry and along the border to extend the ability for families to take part in Welsh medium education."

In noting this, what consideration has been given to the European minority or Regional languages Charter and those powers in this context?

Given that a review is being held of the schools in the Llanfyllin area, including the future of Ysgol Bro Cynllaith, how is it anticipated that the task of providing access to Welsh medium education to those from Oswestry would be undertaken better, and what is the timetable?

Response

Your previous correspondence with me in regards to the European minority or Region Languages Charter was one of the factors in identifying this potential opportunity as it offers a way forward in confirming responsibilities for the provision of school transport.

In terms of the impact on the wider catchment review. The way forward approved by Cabinet identifies [Ysgol Gynradd Llanrhaeadr Ym Mochnant](#) as a site for extending Welsh medium in the NW of the catchment and there are further opportunities in Welsh Stream or Welsh medium education within reach of Oswestry and Shrewsbury.

In the medium term the review also identifies the possibility of developing further Welsh Medium provision in one of the settlements along the A483 between Welshpool and the county border. As a first stage the plans call for the enhancement of Cylch Meithrin and Ti a Fi provision in the area. Given the good road links to Oswestry support from across the border may strengthen the business case for moving forward with this proposition.

There was no supplementary question.

13.3. Question to the Leader from Councillor Aled Davies

How much does WLGA membership cost the Council?

The WLGA annual subscription is £115,799.66 (£96,499.72 plus VAT £19,299.94).

The Welsh Local Government Association (WLGA) is a membership organisation that represents all 22 local authorities in Wales, the 3 fire and rescue authorities and the 3 national park authorities are associate members.

The WLGA represents the interests of local government and promotes local democracy in Wales. Its primary purposes are to promote better local government, to promote its reputation and to support authorities in the development of policies and priorities which will improve public services and democracy.

The WLGA is a politically led cross party organisation that seeks to give local government a strong voice at a national level. Membership of the Welsh Local Government Association gives this Council a seat at the top table when negotiating with and lobbying Welsh Government. It gives access to Ministers and influence that individual councils would not have on their own.

The WLGA is recognised under the statutory Local Government Partnership Scheme as the negotiating body representing local government. WLGA spokespersons represent the whole of local government in discussions and negotiations with the Welsh Government, the UK Government and all other national partners in their particular service areas. In addition, a small team of officers provide professional expertise and support to assist in the lobbying, improvement and policy development process.

The WLGA is a resource for Councils to tap into and share expertise and good practice through cabinet member networks and policy papers. The Chief Executive of the WLGA has recently advised this Council on the appointment of a new Chief Executive. It also offers support in member development and for years this council has benefited by sending councillors from all political groups to the leadership academy.

Councillor Davies asked as a supplementary question whether the Leader would suggest to the WLGA that it reform so it represented the whole of Wales or consider withholding the payment. The Leader said it was well worth remaining a member of the WLGA and he noted the support it gave to the Council and its officers. He also noted that the WLGA was having an internal review and said it would be worth seeing the outcome of that review.

13.4. Question to the Leader from Councillor Gwynfor Thomas

What communications have Powys County Council had with Bute Energy/Green Gen Cymru?

Response

Many thanks for your interesting question, it begs the further question of the extent to which we, Powys County Council, should engage with potential major investors seeking to develop in Powys, in this instance in energy and infrastructure. Bute Energy is just one of a number of companies proposing multi-million-pound investments, the sum total of which far outweighs the Mid-Wales Growth deal.

Powys Council has declared nature and climate emergencies and is making progress with plans to adapt to the changes which will need to be made by us all.

And so, in this context, I strongly suspect that we need to be engaging much more with any and everyone who has a potential contribution to make.

That said, and to directly answer your question, I shared the same table at the President's lunch on the first day of the Royal Welsh Show 2022, with two employees of Bute, but to my best recollection no discussions took place about any proposals they had for Powys. A few months ago, I attended an online information meeting with PCC and Bute officers and I believe Bute officers attended one of PCC's events at this year's Royal Welsh Show and were also present at this year's WLGA Conference, but I had no contact with them.

I am also aware that the Cabinet Member for a Connected Powys met Bute Energy and other major developers in a round table event he had organised on community benefit. He had one follow up meeting with the community benefit team and also attended a public pre-application meeting for the Radnor Forest proposals, hosted by Cllr Geoff Morgan. I also understand that he visited the Bute stand at the Royal Welsh Show, as you and other members may have done, but for which I can't account. Like myself, he has not knowingly spoken with anyone at Green Gen Cymru.

Planning services have been approached on a number of projects by Bute Energy/Green Gen Cymru in relation to seeking pre application advice.

As a supplementary question Councillor Thomas asked the Leader to take up Bute Energy on their assertion that they were in conversation with senior members and Officers and were helping deliver the curriculum. He also asked the views of local members to be taken on board. The Leader said that there had to be contact between officers and commercial organisations but that boundaries had to be respected and full propriety observed at all times.

14.	URGENT QUESTION TO THE LEADER FROM COUNCILLOR ALED DAVIES
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The Leader said that there was no relevant additional information had come to light since the Cabinet took the decision. He thought that the Cabinet decision was sound and that he was very satisfied with the way the Cabinet and officers had dealt with it. In response to Councillor Davies' supplementary question if the Leader would resign if the Scrutiny Committee found that the report had misled the Council, the Leader confirmed that he would. He was absolutely confident that the decision the Cabinet took was sound.

County Councillor B Baynham (Chair)