MINUTES OF A MEETING OF THE CABINET HELD AT COUNCIL CHAMBER -COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 7 FEBRUARY 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 and A G Thomas

In attendance: County Councillors KW Curry, AW Davies, ER Davies, SC Davies, CJ Gibson-Watt, DR Jones, PE Lewis, PJ Medlicott, KM Roberts-Jones, RG Thomas, JM Williams.

1.	APOLOGIES	C14- 2017

There were no apologies for absence reported.

The Leader advised that he was changing the order of the agenda to take the correspondence item on the closure of the HSBC branch in Knighton.

Closure of HSBC branch in Knighton

County Councillor Peter Medlicott, the local member for Knighton, spoke about the hardship the closure of the HSBC bank in the town would cause. He advised that he had submitted a motion for Council objecting to the closure of bank and similar institutions in small towns and communities and he asked for the Cabinet to lend its support by writing to HSBC objecting to the closure.

RESOLVED that a letter be sent to HSBC objecting to the closure of the Knighton branch.

2. MINUTES C15- 2017	
----------------------	--

The Leader was authorised to sign the minutes of the last meeting held on 17th January 2017 as a correct record.

3. DECLARATIONS OF INTEREST	C16- 2017
-----------------------------	-----------

County Councillors AW Davies, PE Lewis and RG Thomas declared personal, non-pecuniary interests in C27-2016 Llanfyllin High School Investigation Report as local authority appointed governors at the school. Councillor Davies explained that he had relatives employed at the school but noted that the report did not relate to employment issues and therefore he did not have a pecuniary interest.

4. FINANCIAL OVERVIEW AND FORECAST AS AT C17-2017 31ST DECEMBER 2016

Cabinet received the financial overview and forecast for the period ended 31 December 2016. The projected forecast for the revenue budget was to overspend by £4,850k against the approved budget, an improvement of £784k on the position reported at the end of November. This included £318k savings in the Adult Social Care budget and the progress being made to address the overspend in the Adult Social Care budget gave the Portfolio Holder for Finance a degree of confidence that the overspend could come down and this may possibly be to £2.5m by the year end as services worked to deliver savings and further opportunities were taken around financing. The revenue saving target was £12,139k made up of in year and previous years' targets of which £8,799k, or 72%, had been delivered. Where services could not deliver savings in some areas they sought to compensate in other areas and the Chair of the Audit Committee asked that this detail be included in future reports.

In response to comments on about the reliance on staff vacancies to contribute to savings and comments on missed savings or income targets, the Portfolio Holder for Finance reminded Members that despite having the worst settlement in Wales for the last 7 years the Council continued to deliver services, and was the 4th most improved Council in Wales last year.

RESOLVED	Reason for Decision:
 That: The contents of this report are noted by Cabinet; and Cabinet supports appropriate action by services to curtail or reduce the reported forecasted service deficits. The Capital virements set out in paragraph 16.3 of the report are approved, and those over £500k be submitted to full council for approval. 	To monitor the council's financial performance and ensure that spending remains within approved limits and that the 3% minimum general fund reserve is maintained.

5. MINIMUM REVENUE PROVISION ANNUAL C18-2017 STATEMENT 2017/18

Cabinet considered the Minimum Revenue Provision Annual Statement for 2017/18. Minimum Revenue Provision was capital expenditure not financed from revenue resources, capital grants or receipts, but from borrowing.

RECOMMENDED to Council	Reason for Recommendation:
1. To use a 2% straight line calculation for MRP in relation to Supported Borrowing.	
2. To use Option 3 Asset Life Annuity Method for the calculation of MRP	Statutory Requirement

	in relation to Prudential Borrowing.	
3.	To use a 2% reducing balance for	Statutory Requirement
	MRP in relation to Historic and the	
	Settlement Debt for the HRA	
4.	To use Option 3 Asset Life for the	Statutory Requirement
	calculation of MRP in relation to	
	Prudential Borrowing for the HRA	
5.	To take advantage of the guidance	To match the cost of MRP to the
	that allows for MRP to be deferred	use of an asset by a service.
	for assets under construction.	-

6. BUDGET FOR 2017-18, MEDIUM TERM FINANCIAL STRATEGY 2017-2020 AND CAPITAL PROGRAMME FOR 2017-2021

Finance Scrutiny Panel report on the Budget

Before the Cabinet considered the agenda item the Chair of the Finance Scrutiny Panel presented the Panel's report on the budget proposals for 2017/18. He reported the Panel's concerns over the substantial draw on reserves and that some services seemed to be moving from cash limited to demand led budgets. The Panel wanted to see the base budget review in Adult Services to be rolled out to all directorates. The Panel was also concerned that levels of Council Tax did not reflect average income in the county and that council tax base in Powys was one of the highest in Wales meaning it made a significant contribution to the overall funding.

The Cabinet noted the Panel's comments, but did not accept their conclusion that untested proposals should not be put forward for consultation arguing that it was important to take account of representations made. The Leader and Portfolio Holder for Finance thanked the Finance Scrutiny Panel for their work.

RESOLVED that the report of the Finance Scrutiny Panel be noted.

Cabinet then considered the budget for 2017 - 2018, the medium term financial strategy for 2017 - 2020 and the capital programme for 2017 - 2021 (copy filed with the signed minutes).

The Portfolio Holder for Finance explained the approach taken by the Cabinet in seeking to present a balanced budget. The budget had been set in the midst of ongoing austerity with the funding received from Welsh Government reduced by 0.5%. Welsh Government funding made up 70.6% of the council's net expenditure, with additional specific grants. The remaining net expenditure was funded by Council Tax, and a 4.5% increase in Council Tax would be recommended to Council. The budget included provision for investment and service pressures of £13.621m and in order to produce a balanced budget savings of £9.636m and other strategies had been identified and included in the plan. The savings proposed were backed by impact assessments and it was confirmed that each was considered by a panel of Cabinet members. Those that

had identified risks had to include mitigation measures before they were signed off by the panel.

The proposals included a net increase in the revenue base funding for Adult Social Care of £3.378m. This represented a 6% increase in net budget. In addition a specific reserve of £2.75m would be set aside and Cabinet has received advice from the S151 Officer on this issue, but the reserve would only be accessible through a virement process, with demonstrable evidence of need and supporting business case and subject to the following criteria:

- 1. The use of the reserve can only be agreed as part of a report to formal cabinet. This can be part of the budget monitoring report so long as there is a clear separate recommendation. Depending on the amount it may also need to go to the following Council Meeting for agreement under the terms of the constitution.
- 2. Any draw down of the reserve will need to have a business case demonstrating why the funds are needed and why the requirement cannot be met by management action to address the one off pressure or overspend. The business case will have to be signed off by the S151 Officer before it goes to Cabinet.
- 3. The reserve will be reviewed annually as part of the budget process. This will assess whether the amount is appropriate. If the reserve is no longer required (or reduced) the amount will return to the general fund unless otherwise proposed by the Cabinet as part of the budget policy.
- 4. Any use of the reserve will not automatically lead to an increase in the service's base budget the following year. In other words the service will first have to explore options to meet the funding that has been drawn down in future years. By doing so the reserve in effect becomes a means of 'smoothing' pressure between financial years.

The proposals also included additional £1m funding for schools for allocation via the formula, an additional £800k for out of county placements and £200k plus £300k from the budget management reserve to fund the gap from the nonclosure of household waste recycling centres for one year. The MTFS also included an additional £1m for schools per annum for its three years, a proposed investment of £6m over its lifetime to increase standards.

RECOMMENDED to Council	Reason for Recommendation:
1. That the Medium Term Financial Strategy for 2017 to 2020 as set out in Appendix 1 to the report be agreed in principle.	To aid business planning and development of the budget over a three year period
2. That the proposed Revenue Budget for 2017/18 shown in the Financial Resource Model in Appendix 2 is accepted and recommended to full Council on the 23 rd February 2017.	Statutory Requirement
3. The proposed Capital Strategy for 2017/18 shown in Appendix 4 is accepted and recommended to Full Council on 23 rd February 2017.	Statutory Requirement

4. That a Council Tax increase of 4.50% is included in the budget that goes to full council on the 23 rd February 2017.	There is a Statutory Requirement to set Council Tax but the level is a matter for local determination.
5. The authorised borrowing limit for 2017/18 as required under section 3(1) of the Local Government Act 2003 be approved at £452.7m as set out in paragraph 9.9 of the report.	Statutory Requirement
6. The Prudential Indicators for 2017/18 are approved as set out in section 9 of the report and Appendix 5.	Statutory Requirement

County Councillor EA Jones did not vote having missed part of the debate.

7. HOUSING REVENUE ACCOUNT RENT SETTING C20-2017 POLICY

Cabinet considered proposals for a new Rent Setting Policy for Housing Revenue Account (HRA) dwellings from April 2017. The proposal had been approved by the Tenants Liaison Forum and tenants had been invited to submit their comments which were attached to the report.

RESOLVED	Reason for Decision:
The new rental model set out in Option 1 of Appendix 2 is adopted as the HRA rent setting policy with effect from 1 st April 2017	rent setting policy

	-	
8.	CORRESPONDENCE	C29- 2017

To receive such other correspondence as in the opinion of the Leader is of such urgency as to warrant consideration.

The Leader reported receipt of an email from Jeremy Barnes Chair of the Carno Station Action Group asking that the group be represented on the Growing Mid Wales Partnership in furtherance of the group's aim to have Carno train station reopened.

County Councillors Rachel Davies and Michael Williams spoke in support.

Cabinet was advised that the Carno Station Action Group would be invited to join the Transport Working Group of Growing Mid Wales Partnership.

RESOLVED that the Leader and Portfolio Holder for Highways be delegated authority to respond.

9. HOUSEHOLD WASTE RECYCLING CENTRE REVIEW - FUTURE OPTIONS FOLLOWING CONSULTATION

The Portfolio Holder for Environment and Sustainability reminded members that Council agreed in February 2016, to close two of the five sites to realise a saving of £700,000 from April 2017. He explained that the results of consultation showed that residents overwhelmingly favoured reducing opening days at the five Household Waste Recycling Centres (HWRCs) as opposed to closing facilities overall.

Having considered the results of the consultation Cabinet were proposing in the budget to provide \pounds 200k to reduce the pressure on this service. A further \pounds 300k contribution from the Budget Management Reserve was proposed for the financial year 2017/18 to allow the service area to develop alternative proposals to make the full savings from 2018/19, primarily through the development of infrastructure to provide a longer term solution. This left the service with a shortfall of £200k to be found for 2017/18 and the report set out a series of proposals to make up that shortfall

The Portfolio Holder reported comments from County Councillor Francesca Jump opposing any cuts to the services in Welshpool and responded to them.

County Councillor Graham Breeze spoke as a local member and he urged the Cabinet to take account of the consultation and not make any further reductions in the waste and recycling service.

It was confirmed that site opening times would be widely communicated and that the impact of the reduced opening hours monitored.

RESOLVED that subject to Council approving the Medium Term Financial Strategy on 23 rd February	Reason for Decision:
 To reduce the opening days at all sites to three days per week including one weekend day and ensuring there is a site available on each day of the week throughout the County To authorise the roll forward and virement of £250k from the baling equipment budget to install compaction equipment where possible at the sites. 	To realise the combined savings of £200k whilst maintaining an equal service across the County.
 3) To increase the cost of a trade recycling permit from £150 to £200. 4) To restrict the use of commercial vehicles and large trailers on sites to those with a current trade recycling permit. Detailed implementation to be agreed by the Portfolio Holder. 	

10. LIVING WAGE RATE INCREASE C26- 2017

Cabinet considered proposals to increase the level of the Living Wage Foundation Level in line with the recommendation of the Living wage Foundation. Members were advised that the cost to the Council of the difference between the Living Wage Foundation and the Government's National Living Wage was an additional £450k.

RESOLVED	Reason for decision:
To approve Option 1 and Increase the Living Wage Foundation Level from £8.25 per hour to £8.45 per hour effective from 1 April 2017.	

County Councillor WT Jones left the meeting at 17.28 to attend another meeting.

11. HOUSING REVENUE ACCOUNT RENT AND C21-2017 RELATED CHARGES INCREASE FOR 2017/18 </t

Cabinet considered proposed rent increases for Council Housing Rents, Garage Rents and all property and tenancy related service charges.

RESOLVED	Reason for Decision:
 The rent increase for HRA accommodation is agreed at an average of 2.5% plus 96p for 2017/18 The new Service Charge regime is agreed for 2017/18 The HRA garage rent is agreed at 2.5% plus £0.50 weekly for 2017/18. Other rental charges are increased by 3.7% for 2017/18. That charges for Gypsy and Traveller sites be increased by 2.5% plus £0.96 from April 2017. 	

12. OUTCOME OF CONSULTATION ON PROPOSED REVISIONS TO THE AUTHORITY'S FAIR FUNDING FORMULA FOR SCHOOLS AND SCHEME FOR FINANCING SCHOOLS

The Chair of the People Scrutiny Committee expressed disappointment that only one of the Education Scrutiny Group's observations had been addressed in the Fair Funding Formula report and that no account had been taken of the comments submitted by Crickhowell and Newtown High Schools.

RESOLVED that the Education Scrutiny Group report be noted.

Cabinet received the results of the consultation exercise on proposed changes to the Authority's Fair Funding Formula for Schools and the Scheme for Financing Schools and the recommendations of the Powys Schools Forum. The Chair of the People Scrutiny Committee repeated the criticisms of the formula made by the Education Scrutiny Group. In response the Head of Schools explained that budgets were delegated to schools and that it was for them to decide how to organise their year groups and classes. Officers accepted that because there had to be a set date on which to take pupil numbers there would be anomalies leading to winners and losers but where there were significant changes for schools transitional arrangements were considered. In response to a query about the funding of dual stream schools, the Head of Schools said that the Council would have to consider whether this was the best form of provision or whether it would be better to have dedicated Welsh medium schools.

Councillor Hayes asked that the issues raised by Newtown and Crickhowell High Schools and the policy effects of changes in the Fair Funding Formula be examined.

RESOLVED	Reason for Decision:
 To receive and note the results of the consultation exercise on proposed changes to the Authority's Fair Funding Formula for Schools and Scheme for Financing Schools. To note the recommendations of 	To meet the requirements of the School Funding (Wales) Regulations 2010 and to meet the Authority's aim of developing a
 the Powys Schools Forum; 3. To approve the proposed changes to the Authority's Fair Funding Formula for Schools, as amended by this report in paragraphs A a-h and B a – c. 	on a fair and equitable basis and that the funding formula is supported by procedures to strengthen and reinforce roles, responsibilities and procedures and improve the financial
4. To approve the proposed changes to the Authority's Scheme for Financing Schools as amended by this report in paragraphs C and D and in detail in Appendix C of the report.	management of schools

13.	LLANFYLLIN	HIGH	SCHOOL	INVESTIGATION	C27- 2017
	REPORT				

The Cabinet received and considered the independent investigation carried out by Jonathan Walters QC into a whistleblowing complaint about the governance of Llanfyllin High School. The Investigator had considered each of the 28 allegations made by the whistle-blower, upholding 11 of the allegations and not upholding 17 of the allegations. The Investigator had made 11 recommendations. Recommendations 1 to 8 inclusive and 11 required action by the school and 9 and 10 action by the Council.

The Monitoring Officer read out an email from County Councillor Darren Mayor who was unable to be present at the meeting. County Councillors Peter Lewis, Gwynfor Thomas and Aled Davies, who were Governors at the School, questioned why the report was being considered and why Mr Walters had been chosen to carry out the investigation. The Monitoring Officer advised Members that he and the Head of Schools had attended a meeting of the Governors and they had agreed that an independent investigation should be carried out into the allegations and that they were happy for Mr Walters to conduct the investigation. The members questioned whether it was appropriate for the report to be considered by Cabinet and noted the progress being made by the school in addressing a number of the Investigator's recommendations.

The Monitoring Officer confirmed that it was appropriate for the Cabinet to consider the report. The Portfolio Holder for Education said that the Council had the interests of the school at heart and the recommendations were intended to support the school. The school had the opportunity to respond in its action plan.

RESOLVED	Reason for Decision:
1) That the Portfolio holder for Education is granted delegated authority to use his best endeavours to appoint up to an additional 3 Governors to the Governing Body of Llanfyllin High School.	To provide additional support to the Governing Body
2) That the Governing Body of Llanfyllin high School is required to provide a written action plan dealing with the numbered recommendations 1 to 8 (inclusive) and 11 in the Investigators Report and present the Action Plan to the Portfolio holder for Education within 28 days.	To ensure that the recommendations in the Investigation Report are properly dealt with
3) That the Head of Schools Service is	To ensure that the

required to produce an Action plan to deal with numbered recommendations 9 and 10 of the Investigation Report within 28 days.	recommendations in Investigation Report properly dealt with	the are
4) In the event that the Portfolio Holder for Education is not satisfied with either of the action plans referred to in 2 and 3 above, that the Portfolio Holder brings a further report to Cabinet on the 14 th March 2017 to enable Cabinet to consider what, if any, further action is required.	To ensure that recommendations in Investigation Report properly dealt with	the the are

County Councillor WT Jones did not vote having returned to the meeting during the debate.

The Leader adjourned the meeting at 18.57 and advised that it would be reconvened at 14.30 on 14th February when the following outstanding items on the agenda would be dealt with.

14.	EDUCATION	STANDARDS	REPORT	FOR	THE	C23- 2017
	ACADEMIC Y	EAR 2015-16				

15. SCHOOL IMPROVEMENT C24- 2017

16. STRATEGIC OVERVIEW BOARD C28- 2017

17. DELEGATED DECISIONS TAKEN SINCE THE LAST C30-2017 MEETING

18. FORWARD WORK PROGRAMME C31- 2017

19. EXEMPT ITEMS C32- 2017

20.	LEARNING	DISABILITY	DAY	SERVICES	NORTH	C33- 2017
	POWYS					

County Councillor W B Thomas (Chair)

MINUTES OF A MEETING OF THE RECONVENED CABINET MEETING OF 7 FEBRUARY 2017 HELD AT COUNTY HALL, LLANDRINDOD WELLS ON TUESDAY, 7 FEBRUARY 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 and A G Thomas

In attendance: County Councillors KW Curry, AW Davies, CJ Gibson-Watt and JM Williams.

14.	EDUCATION	STANDARDS	REPORT	FOR	THE	C23- 2017
l	ACADEMIC YI	EAR 2015-16				

Cabinet considered the Education Standards report for the academic year 2015-16. Powys schools remained in the top 5 of Welsh authorities in respect of Foundation Phase, Key Stage 2, Key Stage 3 and Key Stage 4 GCSE results. Cabinet congratulated staff and pupils on the results achieved. However, in doing so Cabinet noted that some secondary schools were performing below their expected level and that there was a significant decline in the number of pupils taking three or more A levels. There was also emerging evidence of slippage in performance in some subject areas at GCSE due to non-specialist teaching.

RESOLVED	Reason for Decision:
To note the report.	To ensure the cabinet has an understanding of the performance of Powys schools and how the performance compares against other Local Authorities

27.1. Education Scrutiny Working Group comments on Education Standards

Cabinet noted the Education Scrutiny Working Group comments on the education standards report.

15. SCHOOL IMPROVEMENT	C28- 2017
------------------------	-----------

Cabinet considered the School Improvement report which had been requested by the Strategic Overview Board. The Head of Schools confirmed that a preliminary report on results could be provided to Cabinet earlier in the year on a confidential basis.

RESOLVED	Reason for Decision:			
That the Cabinet notes the content	Information	requested	by	the
of the report.	Strategic Overview Board.			

16.STRATEGIC OVERVIEW BOARDC28- 2017

Cabinet received the report arising from the last meeting of the Strategic Overview Board held on 13 December 2016 together with the minutes of that meeting. Cabinet felt that the Board was working very well measuring performance against agreed priorities and objectives.

RESOLVED	Reason for Decision:
That Cabinet receive the Strategic	To ensure effective evaluation and
Overview Board Quarter 2 2016-17 -	challenge relating to performance
Summary Report.	against agreed priorities and
	Objectives.

17. DELEGATED DECISIONS TAKEN SINCE THE LAST C30-2017 MEETING

Cabinet received details of delegated decisions taken by Portfolio Holders.

18. FORWARD WORK PROGRAMME	C31- 2017
----------------------------	-----------

Cabinet received the forward work programme. The Solicitor to the Council stressed the importance of ensuring it was kept up to date at least 8 months in advance to help Scrutiny plan their work.

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).

20. LEARNING DISABILITY DAY SERVICES NORTH C33-2017 POWYS

Cabinet considered options for day services for people with learning disabilities in Montgomeryshire. This was the third phase of the project to review and remodel all of the day and employment services for people with a learning disability to meet their needs in a more efficient manner and deliver the required level of cost savings. Service users and their families, advocacy services, providers, current staff, professional teams and third sector partners had been consulted on a series of options. The second most favoured option and the one being recommended was option 5, a mixed model of services which would require separate solutions for each service area.

County Councillor Michael Williams spoke as a local member in support of the work of Cyfle Newydd Day Service.

The Portfolio Holder for Adult Social Care noted the comments of the Scrutiny Working Group and group leaders but advised that he would not be bringing a further report back to Cabinet with more detail of option 5 noting that he had not done so for phases 1 and 2.

RESOLVED	Reason for Decision:
That option 5 is adopted and agreed as the future direction of service development.	Option 5 would allow for revision of the service specification, reassessment of service users where appropriate and better alignment of resources to need. This option will give us the ability to deliver the required savings and also evidence the Council responding to the information and responses received through consultation and will align with the Council's requirement to support strong communities through individual solutions for different areas.

Adult Social Care Scrutiny Working Group comments on Learning Disability Services

Cabinet noted the comments of the Adult Social Care Scrutiny Working Group on the Learning Disability Services report.

County Councillor W B Thomas (Chair)