

**MINUTES OF A MEETING OF THE CABINET HELD AT COMMITTEE ROOM A -  
COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 14 JUNE 2016**

**PRESENT**

County Councillor W B Thomas (Chair)

County Councillors J H Brunt, M R Harris, S M Hayes, E A Jones, W T Jones,  
W J T Powell and E A York

In attendance: County Councillors KW Curry, AW Davies, SC Davies, PE Lewis, DJ  
Mayor and JG Morris

<b>1.</b>	<b>APOLOGIES</b>	<b>C102- 2016</b>
-----------	------------------	-------------------

Apologies for absence were received from County Councillor RG Brown and from County Councillor RG Thomas who had wanted to speak as a local member on the Llanfyllin High School report but who was unwell.

<b>2.</b>	<b>MINUTES</b>	<b>C103- 2016</b>
-----------	----------------	-------------------

The Leader was authorised to sign the minutes of the last meeting held on 24<sup>th</sup> May 2016 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>C104- 2016</b>
-----------	---------------------------------	-------------------

County Councillors EA Jones and AW Davies declared personal and prejudicial interests in the reports on Llanfyllin High School as they had relatives working at the school.

<b>4.</b>	<b>EXEMPT ITEMS</b>	<b>C105- 2016</b>
-----------	---------------------	-------------------

The Leader advised that the following report on Llanfyllin High School was not confidential so there was no need to pass a resolution to exclude the public.

<b>5.</b>	<b>LLANFYLLIN HIGH SCHOOL'S USE OF DELEGATED FUNDS FOR TRANSPORT</b>	<b>C106- 2016</b>
-----------	--	-------------------

County Councillors EA Jones and AW Davies left the meeting whilst this and the following item was being considered having declared personal and prejudicial interests.

The Portfolio Holder for Finance explained that the Leader, the two Deputy Leaders and senior officers had met the Governors of Llanfyllin High School to discuss the issue of the school's non-compliance with council policy on the use of delegated budget to subsidise home to school transport. The school accepted it must comply with council policy and cease subsidising out of catchment transport from its delegated schools budget.

The Portfolio Holder pointed out that in Section 1.4 of the report there was an inaccuracy and the 16 pupils referred to were not being transported on a full cost

recovery basis and were in effect also receiving subsidised transport. As a result they will now have to be included in the proposals contained within the report.

The Portfolio Holder for Finance explained that that having reflected upon the representations made on the impact on pupils he was recommending a two year transition period from September 2016 so that the school would be fully compliant by September 2018. This would be based on the implementation of a charging structure that uses the council's vacant seats charges scheme. The Portfolio Holder noted that, in accordance with the vacant seat charges scheme, pupils in receipt of free school meals would not have to pay. In making this recommendation, the Portfolio Holder for Finance acknowledged that many Councillors and schools were likely to be unhappy that Llanfyllin High School were being given two years in which to comply. However, on balance, he felt that a two year transition would minimise the impact on pupils and parents particularly in those year groups taking, or about to take, their GCSEs and A Levels, whilst ensuring the overall integrity of Regulation 5.2.

County Councillors Peter Lewis and Darren Mayor spoke as local members and asked the Cabinet to support the recommendations.

County Councillor Sandra Davies Leader of the Labour group and County Councillor John Morris Leader of the Liberal Democrat group indicated their unhappiness at the recommendation. As Chair of the Audit Committee, Councillor Morris said that he would have expected, along with the Chair of the People Scrutiny Committee, to have had earlier sight of the report and for his views to have been sought. The Portfolio Holder noted Councillor Morris' comments but explained that he wanted the report to come to Cabinet at the earliest opportunity to give certainty to parents and pupils.

Cabinet sought and received from the Monitoring Officer an assurance that it was legal for the Council to allow a two year transition period. The Section 151 Officer confirmed that he was content with the proposal and that he had kept Wales Audit Office fully informed. The Leader and Cabinet members expressed reservations about allowing a two year transition but accepted that pupils and parents were not to blame and, therefore, on balance were prepared to support the recommendation. The Leader also advised that he had received a petition calling for the Cabinet to scrap the decision on school transport to Llanfyllin High School.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p><b>1. That subject to receipt of a written assurance from the Chair of Governors that they will be fully compliant by 1<sup>st</sup> September 2018, Llanfyllin High School will have a two year transition period to comply with Regulation 5.2 and during the transition period beginning September 2016, the charges made to parents for the transport by the school will be at least in line with the council's vacant seat scheme. From September 2018 the position will be on a full cost</b></p>	<p><b>The two year transition period has a sound educational basis and by using the vacant seat charging structure a move towards full cost recovery that will commence in September 2018.</b></p>

<p>recovery basis.</p> <p>2. That the decision of Cabinet taken on 12th April, where the school was required to reimburse the delegated budget for 50% of the cost of the subsidised transport for the summer term 2016, be rescinded, thus removing this requirement.</p> <p>3. Cabinet reaffirms that Recommendations 3, 4 and 5 from 12<sup>th</sup> April remain in place.</p>	
--	--

6.	<b>CONSIDERATION OF THE JONATHAN WALTERS HOME TO SCHOOL TRANSPORT INVESTIGATION ON BEHALF OF POWYS COUNTY COUNCIL &amp; THE GOVERNING BODY OF LLANFYLLIN HIGH SCHOOL</b>	<b>C107- 2016</b>
----	--	-------------------

**RESOLVED** to exclude the public for the following items of business on the grounds that there would be disclosure to them of exempt information under category 5 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

Cabinet considered the confidential report of the Solicitor to the Council and the report of Jonathan Walters. The Solicitor to the Council explained that the general dispensation for LA appointed governors did not apply in all circumstances. County Councillors Peter Lewis and Darren Mayor declared interests and left the meeting. The Leader sought advice from the Solicitor to the Council on the position of Cabinet members named in the report and was advised that as they had been exonerated they did not have interests.

Having deliberated on the report by Jonathan Walters, and noting the findings that the County Councillors who were LA appointed governors had knowingly carried on using the delegated budget to fund school transport in breach of Council policy and that the then Portfolio Holder for Education had known this but failed to take any action, the Cabinet considered that there had been potential breaches of the Code of Conduct by these members.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<p>1. That the report be referred to the Public Services Ombudsman by the Monitoring Officer.</p> <p>2. That the Head of Paid Service deal with staff and procedural matters referred to in the report and take appropriate action.</p> <p>3. That the County Councillors AW Davies, PE Lewis, DJ Mayor and RG Thomas be removed from the governing body of any school on</p>	<p>In light of the findings in the investigation report which found that the County Councillors who were LA appointed governors had knowingly carried on using the delegated budget to fund school transport in breach of Council policy, the Cabinet considered that it was not appropriate that they remain as LA appointed Governors.</p>

<p>which they serve as LA governors for the remainder of the term of the County Council.</p> <p>4. That County Councillor Myfanwy Alexander be removed from the governing body of any school on which she serves as an LA Governor for the remainder of the term of the County Council.</p> <p>5. That the Governors at Llanfyllin HS be reminded of their responsibilities.</p> <p>1. That the Chair of Governing Body be asked to provide written confirmation that they will implement the recommendations contained in 9.3 and 9.4 of the investigation report.</p>	<p>In light of the findings in the investigation report which found that and that the then Portfolio Holder for Education had known that Regulation 5.2 was not being followed but failed to take any action, the Cabinet considered that it was not appropriate that she remain as a LA appointed Governors.</p>
---	---

County Councillors EA Jones and AW Davies returned to the meeting.

<b>7.</b>	<b>BRECON HIGH SCHOOL - FINANCIAL MANAGEMENT</b>	<b>C108- 2016</b>
-----------	--	-------------------

This report was withdrawn.

<b>8.</b>	<b>FINANCIAL OUTTURN FOR THE YEAR ENDED 31ST MARCH 2016</b>	<b>C109- 2016</b>
-----------	---	-------------------

Cabinet considered the financial outturn report for the year ended 31<sup>st</sup> March 2016. The Portfolio Holder for Finance explained that although there had been a £1.965m surplus on the budget, there had been a £3.052m shortfall on the savings achieved, 76% of the target. The surplus had only been achieved by two accounting changes, the capitalisation of redundancy charges and the change to Minimum Revenue Provision, both of which were one off savings which did not reduce the base budget. The Portfolio Holder for Finance explained that the shortfall in savings would be added to the £10m savings to be found in 2016/17 and he stressed to Cabinet colleagues the need to achieve savings. He also drew attention to the position of schools delegated budgets, with 4 secondary schools in deficit but 7 projected to go into deficit. The Portfolio Holder acknowledged the challenge of making savings but pointed out that £55m savings had already been delivered and services had continued to be delivered. He didn't accept that the Cabinet's approach was to salami slice services, rather it sought to implement the budget strategy agreed by Council to find alternative ways of delivering services rather than stop them.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p><b>That:</b></p> <ol style="list-style-type: none"> <li><b>1. the Cabinet receives the report and the contents are noted; and</b></li> <li><b>2. that the proposal to transfer the underspend into the specific Budget Management Reserve is actioned as per paragraph 1.10.</b></li> <li><b>3. Cabinet notes the S151 officer's comments.</b></li> <li><b>4. that the Capital virements in paragraph 7.3 and detailed in Appendix C are approved.</b></li> </ol>	<p>To confirm the Council's financial performance and ensure that spending remains within approved limits; and to ensure the Authority has significant financial capacity to meet any unforeseen expenditure and mitigate savings delivery.</p>

<b>4.</b>	<b>ANNUAL COUNCIL REPORTING FRAMEWORK</b>	<b>C110- 2016</b>
-----------	---	-------------------

The Strategic Director – People presented her annual report as statutory Director of Social Services.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>To endorse the report in Annual Council Reporting Framework and recommend the report to Council on 13<sup>th</sup> July 2016</b>	<b>To comply with the statutory requirements of the Director of Social Services to produce an annual report</b>

<b>5.</b>	<b>CORPORATE IMPROVEMENT PLAN 2016 -19</b>	<b>C111- 2016</b>
-----------	--	-------------------

Cabinet considered the Corporate Improvement Plan 2016 – 2019.

<b>RESOLVED</b>	<b>Reason for decision:</b>
<b>To approve the Corporate Improvement Plan 2016/19 and recommend it to Council on 13<sup>th</sup> July 2016</b>	<p><b>This CIP clearly defines the council's vision, priorities and intended outcomes, clearly making links to the One Powys Plan, the MTFS and developing workforce strategy.</b></p> <p><b>To facilitate effective engagement with staff, elected members, the public and stakeholders such as regulators.</b></p>

<b>6.</b>	<b>LOCAL DEVELOPMENT PLAN WORKING GROUP</b>	<b>C112- 2016</b>
-----------	---	-------------------

**RESOLVED** that County Councillor WT Jones be appointed to the Local Development Plan Working Group.

<b>7.</b>	<b>CORRESPONDENCE</b>	<b>C113- 2016</b>
-----------	-----------------------	-------------------

There were no items of correspondence reported.

<b>8.</b>	<b>DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING</b>	<b>C114- 2016</b>
-----------	---	-------------------

Cabinet received a list of delegated decisions taken since the last meeting.

<b>9.</b>	<b>FORWARD WORK PROGRAMME</b>	<b>C115- 2016</b>
-----------	-------------------------------	-------------------

The Leader explained that he had discussed the Cabinet forward work programme with the Joint Chairs. The importance of keeping the programme up to date had been stressed as the Scrutiny Committees used it to plan their work. The Leader wanted a record of when reports slipped in the programme or were removed. Management Team would be considering a protocol on the timescales for producing reports.

<b>10.</b>	<b>EXEMPT ITEMS</b>	<b>C116- 2016</b>
------------	---------------------	-------------------

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

<b>11.</b>	<b>LEARNING DISABILITIES DAY AND EMPLOYMENT PROJECT- PHASE 2 OPTIONS APPRAISAL REPORT</b>	<b>C117- 2016</b>
------------	---	-------------------

Cabinet considered options for Learning Disability day services in the south of the county following a consultation exercise conducted in February and March.

The preferred option was for a mixed service model with different solutions for different areas which would deliver savings whilst retaining services

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>Option 4 as detailed in the report is approved and adopted.</b>	<b>This recommendation is made due to the potential for maximum</b>

	<p>efficiencies without loss of the service and the potential to develop outcome focussed creative local solutions to meet the needs of service users.</p>
--	--

<b>12.</b>	<b>EXTENSION OF RESIDUAL WASTE CONTRACT</b>	<b>C118- 2016</b>
------------	---	-------------------

Cabinet considered the extension of the residual waste contract with the existing contractor. This would deliver £160,000 savings against the target of £250,000 set in the Medium Term Financial Strategy. The shortfall of £90,000 would be met from the revenue growth provided for the HTR service as part of the budget setting strategy.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>To extend the existing residual waste contract for a period of 10 years on the basis set out in the Proposal with an option to terminate after five years should an Energy from Waste solution not be available</b>	<b>To provide a short to medium term solution for residual waste from Powys whilst realising year on year savings on existing arrangements</b>

**County Councillor W B Thomas (Chair)**