

# County Council

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Meeting Venue  
**Council Chamber - County Hall,  
Llandrindod Wells**

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Meeting date  
**Wednesday, 19 October 2016**

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Meeting time  
**10.30 am**

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For further information please contact  
**Stephen Boyd**  
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County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

13 October 2016

## AGENDA

<b>1.</b>	<b>APOLOGIES</b>	<b>CC83- 2016</b>
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To receive apologies for absence.

<b>2.</b>	<b>MINUTES</b>	<b>CC84- 2016</b>
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To authorise the Chair to sign the minutes of the meetings held on 13<sup>th</sup> July and 8<sup>th</sup> September 2016 as correct records.

(Pages 9 - 44)

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>CC85- 2016</b>
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>	<b>CC86- 2016</b>
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To receive any announcement's from the Chair of Council.

<b>5.</b>	<b>LEADER'S ANNOUNCEMENTS</b>	<b>CC87- 2016</b>
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To receive any announcements from the Leader.

<b>6.</b>	<b>CHIEF EXECUTIVE'S BRIEFING</b>	<b>CC88- 2016</b>
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To receive a briefing from the Chief Executive.

<b>7.</b>	<b>CAPITAL VIREMENT FOR HOUSEHOLD WASTE RECYCLING CENTRE</b>	<b>CC89- 2016</b>
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To consider approving a budget virement in excess of £500,000.

(Pages 45 - 48)

<b>8.</b>	<b>DRAFT ONE POWYS PLAN ANNUAL PERFORMANCE EVALUATION 2015 - 16</b>	<b>CC90- 2016</b>
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To consider the draft One Powys Plan Annual Performance Summary and Evaluation 2015-16.

(Pages 49 - 164)

<b>9.</b>	<b>PROTOCOL FOR PUBLIC PARTICIPATION AT COUNCIL MEETINGS</b>	<b>CC91- 2016</b>
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To consider a report by the Solicitor to the Council.

(Pages 165 - 170)

<b>10.</b>	<b>2018 REVIEW OF PARLIAMENTARY CONSTITUENCIES</b>	<b>CC92- 2016</b>
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To consider a report by the Solicitor to the Council.

(Pages 171 - 172)

<b>11.</b>	<b>LLANFECHAIN COMMUNITY COUNCIL</b>	<b>CC93- 2016</b>
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To consider a report by the Solicitor to the Council.

(Pages 173 - 176)

<b>12.</b>	<b>APPOINTMENTS MADE TO COMMITTEES</b>	<b>CC94- 2016</b>
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To note the following appointments to Committees made by political groups and approved by the Monitoring Officer under the general power of delegation granted by Council on 16<sup>th</sup> May 2013:

County Councillor David Jones appointed to the Planning, Taxi Licensing and Rights of Way Committee by the Non-Political Group to replace County Councillor Garry Banks.

County Councillor Timothy Van-Rees appointed to the Employment and Appeals Committee by the Powys Independent Alliance to replace County Councillor Gareth Ratcliffe.

County Councillor E. Michael Jones appointed to the Democratic Services Committee by the Powys Independent Alliance to fill an additional seat on the committee.

County Councillor Stephen Davies appointed to the Planning, Taxi Licensing and Rights of Way Committee by the Conservative Group to replace County Councillor Peter Harris.

<b>13.</b>	<b>QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>	<b>CC95- 2016</b>
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**13.1. Question to the Portfolio Holder with responsibility for the Libraries Service from County Councillor Graham Jones**

Could I please have the figures incurred for operating the mobile library service (including the operation of vehicles and staff costs) for this calendar year i.e. from 1<sup>st</sup> January 2016 to the present day? Could I also have comparative costs for the calendar years 2014 and 2015?

(Pages 177 - 178)

**13.2. Question to the Portfolio Holder for Environment and Sustainability from County Councillor Gwilym Williams**

The Welsh Assembly Government have several sites within Powys that have been partly developed for industrial use, one of the sites is in Abermule where the road and infrastructure has been put in several years ago.

I now understand that this site is going to be developed further in the near future for recycling, can the portfolio holder confirm if this is correct, also can the portfolio holder inform me and the Council when this is likely to be completed, and what type of recycling will take place there?

(Pages 179 - 180)

**13.3. Question to the Portfolio Holder for Finance from County Councillor Gwilym Williams**

With reports in the local paper that the council has over spent by about £5.5million within the first few months of its budget are worrying.

Can the portfolio holder for finance give assurances to me and the Council, that he has a grip on the finances of Powys and we will be within budget by the end of this financial year?

(Pages 181 - 182)

13.4. **Questions to the Portfolio Holder for Commissioning and Procurement and the Portfolio Holder for Social Care from County Councillor Matthew Dorrance**

Will the Cabinet congratulate my constituent Rob Davies on his Gold Medal win at Paralympic Games in Rio and detail how they are using sport to help improve health and well-being in Powys?

(Pages 183 - 186)

13.5. **Question to the Portfolio Holder for Property, Buildings and Housing from County Councillor Matthew Dorrance**

I've raised a number of concerns with the Cabinet Member for Housing and senior officers about the management of the Council's housing stock and estates in St John Ward and received assurances that improvements will be made and concerns addressed.

Will the Cabinet Member now give a detailed breakdown of the improvements I can expect to see, the concerns she will address and by when?

(Pages 187 - 188)

13.6. **Question to the Portfolio Holder for Education from County Councillor Gwynfor Thomas**

Can the portfolio holder please confirm when specific training was last given to local members as regards their roles as LEA governors?

(Pages 189 - 190)

13.7. **Question to the Portfolio Holder for Education from County Councillor Darren Mayor**

In June 2014 a report commissioned by the education department into Secondary school financial Viability.

This report was conducted by PWC who as part of their study interviewed bursers / business managers of each high school.

Appendix 1 – Individual school commentary – contains very tables on each high outlining teach schools financial information from 2011/12 through to 2017/18.

There is a clear line outlining Transport costs and the use of school budget.

It is very clear what each school was currently and predicted to spend their budgets on.

You along with your Head of Service and Director of Education I am sure read and discussed this report prior to publication.

If the use of school budget by Llanfyllin High on school transport was an issue, why was it not raised at this point?

(Pages 191 - 194)

13.8. **Question to the Leader from County Councillor Darren Mayor**

Dear Leader,

On the 13<sup>th</sup> of September I wrote the following email to the Monitoring Officer which you were included in:

*Dear Clive,*

*Having further considered Cabinet's decision, I have taken some advice and the following points have been raised with me. I would appreciate your comments and I await your response.*

1. *With reference to the Statutory Instrument 2005 No. 2914 (W.211), Government of Maintained Schools (Wales) Regulation 2005 (SI 2005), I would be grateful if you could provide me with references, in legislation, that empowered Cabinet to reach its decision and have primacy over the rights and procedures as laid down in the above legislation, SI 2005.*
2. *On Friday 22<sup>nd</sup> July 2016 Cabinet resolved to suspend 4 LEA governors from Llanfyllin High School for varying periods. Under the SI 2005 Regulation 7 (1) and 27 (1) Powys County Council only has the power to appoint and remove LEA governors. Under the SI 2005 the only body empowered with the right to suspend governors is the governing body.*
3. *I understand that the High school have been instructed not to issue the suspended Governors with any papers – minutes and Agendas – with regards to any governing board meetings. Under the SI 2005 Regulation 49 (4)(a) a suspended governor is afforded the right to receive all papers that will be considered at a governing body meeting*

*Whilst I appreciate that there are numerous regulations pertaining to the management of schools there will be few that have primacy over the SI 2005 and schools' governance.*

*Therefore, as a matter of urgency, I request that you provide references in legislation, taking primacy over the SI 2005, allowing Cabinet to suspend and deny governors rights as stated above.*

*As this will have been advised to Cabinet during the appeals process I believe that it is reasonable to place a 5 working day limit on providing this information. If you are unable to provide this evidence in this timescale I will assume that it does not exist and take action to address the fact that Cabinet has acted beyond its authority and denied rights conferred on governors by law. I will, in turn, advise Llanfyllin High School that the Authority has acted beyond its power*

*Kind regards*

*Darren*

The Monitoring Officer did not reply or acknowledge this email until I wrote again on the 20<sup>th</sup> September – you were also included in this email, he responded with the following email:

*Dear Darren*

*Thank you for both emails.*

*I shall respond in detail to the points that you have raised, but in general the person/ body who have appointed a governor have the ability to remove or suspend that governor. As such you and the other 2 LEA governors remain suspended and are not able to participate in the affairs of the GB until after the suspension has ended.*

*Regards*

*Clive Pinney*

I wrote further as well spoke directly to him asking that he send me a copy of the exact statutory instruments that take primacy over the Statutory Instruments that I have quoted as well as over the advice given by Governors Wales who categorically informed the Vice Chair of the Governing Body in Llanfyllin that the only body with the power to suspend is the Governing Body of the school.

I am still waiting for a response.

Consequently as you are fully aware of the situation and it was yourself as Leader who has officiated over the suspensions given to clarify with me what statutes / regulations have primacy over the advice given by Governors Wales and the Statutory Instruments that I have quoted? Thank you.

(Pages 195 - 196)

**13.9. Question to the Leader from County Councillor Gwynfor Thomas**

In June 2014 a report was commissioned by the education department into secondary school financial viability.

This report was compiled by PWC.

Appendix 1 – Individual school commentary – contains tables outlining specific financial information on each school from 2011/12 through to 2017/18.

There is a clear line showing transport costs and the use of school budget by each school in providing transport for pupils attending the school.

It is very clear what each school was currently and predicted to spend their budgets on.

As Leader you read and understood this report I am sure.

With the appendix outlining how school budgets were being used by each school on transport why did you not raise concerns about Llanfyllin High schools use of their budget on school transport post 2011/2012 - post full implementation of Regulation 5.2?

(Pages 197 - 198)

**13.10. Question to the Leader from County Councillor William Powell**

Further to the discussions that the Leader of Council and I had with the newly elected Dyfed Powys Police and Crime Commissioner, Dafydd Llewelyn, what work is being undertaken by Powys County Council, in

partnership with Dyfed Powys to monitor incidents of intolerance and hate crime in our communities? Incidents that I am aware of in recent months in the South of the County range from school yard taunting of the children of EU nationals about 'returning home' post Brexit to criminal damage of commercial premises. Given our need to keep our communities here in Powys secure, tolerant and welcoming, how is this work being promoted by Powys County Council within the recently constituted Public Service Board, in furtherance of the Wellbeing of Future Generations (Wales) Act 2015?

(Pages 199 - 200)

13.11. **Question to the Portfolio Holder for Environment and Sustainability from County Councillor William Powell**

What efforts is Powys County Council making to draw upon good practice amongst other principle local authorities in Wales for the efficient delivery of Waste and Recycling services? In particular, has any consideration been given to a pilot project for chargeable green waste collection, as is currently the case in Monmouthshire? Also, given the benefits for elderly and vulnerable service users, and those with constrained storage space, will the portfolio holder consider piloting a scheme for trolleys, suitable for stacking recycling trays between collections? Such a scheme has proved both popular and effective in both Wrexham and Blaenau Gwent.

(Pages 201 - 202)

<b>14.</b>	<b>PRESENTATION BY THE CHIEF FIRE OFFICER</b>	<b>CC96- 2016</b>
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Presentation by the Chief Fire Officer Chris Davies and Deputy Chief Fire Officer Mick Crennell.

**Following the meeting there will be a briefing on the budget by the Portfolio Holder for Finance**