

# County Council

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

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Meeting date  
**Thursday, 12 July 2018**

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Meeting time  
**10.30 am**

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For further information please contact  
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steve.boyd@powys.gov.uk



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

6 July 2018

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The use of Welsh by participants is welcomed. If you wish to use Welsh please inform us by noon, two working days before the meeting

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## AGENDA

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

<b>2.</b>	<b>MINUTES</b>
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To authorise the Chair to sign the minutes of the meetings held on 22 February, 8 March, 17 April, 8 May and 17 May as correct records.  
**(Pages 13 - 148)**

<b>3.</b>	<b>DECLARATIONS OF INTEREST</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>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>
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4.1. **Question to the Portfolio Holder for Finance, Countryside and Transport from Graham Taylor**

The survey undertaken as part of the review of the Rights of Way Delivery Plan (ROWIP) revealed that the main problem encountered by users of footpaths and bridleways was the lack of signposting and waymarking. No other issue was raised more often; 75% of residents in

the survey raised it. This is supported by many of the complaints the Council receives about problems with the rights of way network.

The Council is very keen to promote health and well-being through the use of the countryside and to stimulate the local economy by attracting visitors to walk and cycle in Powys. The clear lack of signage and waymarking is a major barrier to residents and visitors wishing to do this.

Can the Cabinet Member please ensure that the new ROWIP, that is currently being prepared, accords the highest priority to a programme of works designed to address this major issue raised by residents?

(Pages 149 - 150)

4.2. **Question to the Portfolio Holder for Finance, Countryside and Transport from Peter Newman**

In 1968 the Countryside Act was published and came into law, this laid a duty on Highway Authorities to signpost all public paths where they leave a metalled road.

I understand that only 69 signposts were erected in the last financial year which equates to 23 each for the old Counties of Brecknock, Radnor and Montgomery.

Could the walking public, my organisation and other interested parties be given an estimate as to how many signposts are needed to complete the requirements under the Act, and the timescale please?

(Pages 151 - 152)

<b>5.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>
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To receive any announcements from the Chair of Council.

<b>6.</b>	<b>LEADER'S ANNOUNCEMENTS</b>
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To receive any announcements from the Leader.

<b>7.</b>	<b>CHIEF EXECUTIVE'S BRIEFING</b>
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To receive a briefing from the Deputy Chief Executive.

<b>8.</b>	<b>VIREMENTS TO CARRY FORWARD UNALLOCATED BUDGETS FROM 2017/18 TO 2018/19 FINANCIAL YEAR</b>
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To consider virements for ongoing capital schemes in excess of £500,000 that were not completed at the end of the financial year 2017/18 to roll forward to 2018/19.

(Pages 153 - 156)

<b>9.</b>	<b>ANNUAL REPORT OF THE DIRECTOR OF SOCIAL SERVICES</b>
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To consider the annual report of the Director of Social Services.  
(Pages 157 - 186)

<b>10.</b>	<b>RECOMMENDATIONS FROM THE DEMOCRATIC SERVICES COMMITTEE</b>
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10.1. **Review of the role of Chair of Council and review of Civic Roles**  
(Pages 187 - 192)

10.2. **Timing of Meetings Survey Results**  
(Pages 193 - 200)

10.3. **Social Media Guide for Councillors**  
(Pages 201 - 216)

10.4. **Revision to Section 13 of the Constitution - Responsibility for Functions**  
(Pages 217 - 218)

10.5. **Member Development Strategy**  
(Pages 219 - 242)

10.6. **Amendments to the Constitution**  
(Pages 243 - 318)

<b>11.</b>	<b>APPOINTMENT OF THE CHAIR OF THE LEARNING, SKILLS AND ECONOMY SCRUTINY COMMITTEE</b>
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The Council is required to note the appointment by the Liberal Democrats of County Councillor Pete Roberts as the Chair of the Learning, Skills and Economy Scrutiny Committee.

<b>12.</b>	<b>MEMBERS ALLOWANCES AND EXPENSES 2017-18</b>
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To consider a report by the Deputy Chief Executive and Section 151 Officer.  
(Pages 319 - 326)

<b>13.</b>	<b>APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES</b>
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To note the following appointments to outside bodies 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 Graham Breeze appointed to the Mid and West Wales Fire and Rescue Authority in place of County Councillor Karen Laurie-Parry.

County Councillor Jon Williams to Health, Care and Housing Committee in place of County Councillor Joy Jones.

County Councillor Linda Corfield to Audit Committee in place of County Councillor Liam Fitzpatrick.

<b>14.</b>	<b>NOTICES OF MOTION</b>
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**14.1. Mobile Connectivity**

We must get the coverage and connectivity in Rural Wales it needs to support our economy and our communities in the 21<sup>st</sup> Century.

This Council therefore, calls on the Welsh Government to take immediate action on putting planning reforms in place to enable improved mobile connectivity coverage as the basis of a modern, vibrant economy. This to include allowing masts in Wales to be 25m (82ft) height rather than the 15m (50ft) as at present thus assisting the development of an entrepreneurial economy in Powys and Rural Wales.

Proposer: County Councillor Elwyn Vaughan

Seconder: County Councillor Bryn Davies

**14.2. Entitlement of Blue Badge Holders in Council owned Car Parks**

Council notes the consultation launched at the end of May in respect of possible charges for Blue badge holders in Council car parks.

Council further notes that the preferred option of the executive groups is to introduce charges for the use of Council owned car parks.

Council believes that those in receipt of blue badges, including the blind, military veterans with a disability and residents in receipt of the most severe levels of disability benefit, face extreme levels of hardship and should not be disadvantaged further.

Council therefore urges the portfolio holder for highways to rule out any option that requires blue badge holders to pay when using a Council car park.

Proposer: County Councillor Pete Roberts

Seconder: County Councillor James Gibson-Watt

#### 14.3. **Newtown Bypass**

This Council recognizes that the construction of the Newtown By Pass creates a major transportation link comparable in importance to the connection of the town to canal and railway links in the 19<sup>th</sup> century. The By Pass is of major national and local importance.

This Council therefore urges the Welsh Government to name the By-Pass Ffordd Robert Owen Way in recognition of Robert Owen's international, national and local significance as a social reformer and the inspiration for the foundation of the co-operative movement.

Proposer: County Councillor David Selby  
Seconder: County Councillor Karl Lewis

#### 14.4. **School Transport Policy**

The school transport policy went out to consultation in 2011 and I believe I am right in saying it was never adopted due to the strength of public feeling expressed against some of the proposed catchment changes at that time. A revised consultation was launched on the 21<sup>st</sup> May this year with a closing date of July 20<sup>th</sup>. The consultation document was added to the Powys web site, but schools weren't informed that it was there until around the 8<sup>th</sup> June and the all important catchment maps which identify the catchment for which free transport would be available were only added to the website on around June 26<sup>th</sup>. These maps are inaccurate and almost impossible to make sense of with place names and river boundaries shown in the wrong places.

However, it is clear from the maps that the catchments for some schools will be significantly different from what they are now which will inevitably effect numbers on roll. It is also clear that it is proposed that some English speaking Powys children will be transported out of county and into England for their education where they will have no access to Welsh language provision or Welsh culture. In addition to this the consultation questionnaire asks for responses around charging for post 16 education, but there is no mention of this in the policy document itself other than to say it will be free until September 2019.

Despite the proposed scale of these changes there are no public consultation meetings advertised and the only method of consultation is via the web.

These changes could have a significant effect on the numbers on roll of some schools and the impact of this surely needs to be fully explored. It does not make sense that these decisions with regard to transport are made in isolation of the review of secondary education and school transformation decisions when they are so closely linked. Without a business case it is also possible that the proposed changes could end up costing the council more.

I therefore propose that changes in transport policy are delayed so that proposals can be properly linked to the review of secondary education

and school transformation and that their impact can be fully costed and a sound business case demonstrated for any changes.

Proposer: County Councillor Lucy Roberts  
Secunder: County Councillor Elwyn Vaughan

<b>15.</b>	<b>QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>
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15.1. **Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection from County Councillor Gwilym Williams**

Can the portfolio holder inform me and Members the total honorarium payments paid by Powys County Council to employees in the last two financial years; giving a total figure for each year?

(Pages 327 - 328)

15.2. **Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection from County Councillor Gwilym Williams**

Can the portfolio holder inform me how many interims are currently employed by Powys Council and how many interims were employed by Powys County Council 12 months previously?

(Pages 329 - 330)

15.3. **Question to the Portfolio Holder for Learning and the Welsh Language from County Councillor Edwin Roderick**

Given that there have been five new primary schools built in Powys, when would it seem practical to assume that a new school could be built at Sennybridge, bearing in mind that I believe it is one of the oldest schools in Powys, originally designed as a high school built in 1939 and now is constantly in need of repairs etc. There is a serious sewage issue and other major problems with floor tiles rising throughout. Also, all pupils have to walk across the school yard to the school canteen, where there aren't any toilet facilities.

The school at present has 130 children including a vibrant WELSH stream of 44. It is now struggling with very poor facilities, even so, at the recent URDD eisteddfod at Brecon, Sennybridge I believe had the most children taking part, with many going on to represent Breconshire.

At one time Sennybridge also had a very popular and well used swimming pool, but sadly that had to go due to lack of maintenance. With pupil numbers projected to rise even more with planning permission for 50 new houses granted, it's a priority for Sennybridge to have a bigger school with better and more modern and up to date facilities.

Will the Portfolio holder commit to providing a new primary school at Sennybridge?

(Pages 331 - 332)

15.4. **Question to the Portfolio Holder for Young People and Culture from County Councillor Huw Williams**

How many full-time, part-time and temporary agency staff, of all grades, are currently employed in the Authority's Children's Services department, and how do the figures compare with the number employed at the time of the Care Inspectorate Wales inspection, in July 2017? How many posts are vacant?

(Pages 333 - 334)

15.5. **Question to the Leader from County Councillor James Gibson-Watt**

Can the Leader confirm the number of Judicial Reviews that Powys County Council was subject to in the years 2015/16, 2016/17 and 2017/18; how many of those Judicial Review judgements found for the Council and how many found against it; and the total cost to the Council of those Judicial Reviews, including those that the Council decided not to defend?

(Pages 335 - 336)

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

Data published by Powys County Council shows it pays women 10.7% less per hour than men.

What action will the administration take to ensure women workers are paid the same rate of pay as men?

(Pages 337 - 340)

15.7. **Question to the Portfolio Holder for Learning and Welsh Language from County Councillor Matthew Dorrance**

Will the Cabinet publish the full costs of renting the former St Joseph's Roman Catholic Primary School including:

1. Rent costs
2. Utility Costs
3. Insurance Costs
4. Repair and Maintenance Costs
5. Legal Costs
6. Any Other Costs?

(Pages 341 - 348)

15.8. **Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection from County Councillor John Morris**

You will be aware that the Brecon Beacons National Park have chosen to retain any commuted sums for affordable housing collected within the park boundary and decide where it is to be spent despite Powys being the housing authority in the park area. They have done this after seeking legal advice but will not release the legal advice to PCC or even to their own members.

I am informed that the amount of money either already held by them or pending payment from present and future developments runs to around £2million. As 80% of the National Park falls within Powys a large proportion of that money would be raised in the Powys part of the park.

To date despite the BBNPA holding on to money collected in Powys for over 2 years they have refused to release any of it for an affordable housing project in Powys. They also earn interest from this retained money and use it to fund the budget of the BBNPA and not add it to the affordable housing pot.

Do you support the stance taken by the BBNPA and if not, what measures have you taken since replacing the previous portfolio holder who went to press to condemn the refusal to release the money and promised action to resolve the situation?

(Pages 349 - 350)

**15.9. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor Kelvyn Curry**

To ask the Portfolio Holder to confirm whether or not Powys County Council submitted a response to the UK Government's consultation on proposed changes to the issuing of Section 19 and 22 Minibus permits to community transport providers and:-

- a) if the Council did produce a response to provide a copy of that response to all members, and
- b) if the Council did not produce a response to explain why it did not do so?

(Pages 351 - 352)

**15.10. Question to the Leader from County Councillor James Gibson-Watt**

Could the Leader of Council please provide the Council with the cost to the Council of procuring Counsel's advice on whether the votes that took place at the Council's AGM on the 17<sup>th</sup> May 2018 to 'approve' the political groups' appointment of the Chairs of the Council's Health, Care & Housing and Learning, Skills and Economy Committees conformed to the Local Government (Wales) Measure 2011?

(Pages 353 - 354)

**15.11. Question to the Portfolio Holder for Learning and the Welsh Language from County Councillor John Morris**

I am sure you will agree that Crickhowell High School is a high achieving successful school despite it being the lowest financed school per pupil in Powys.

At your recent visit to Crickhowell Town council, I note from the approved minutes of the council that when questioned about the capital funding for Crickhowell High School compared to other High Schools in the area you stated that:

Powys's responsibility is to provide infrastructure for Powys' children not out of county children.

Does Powys discriminate against schools who take out of county pupils when considering its capital spend, which schools take out of county pupils across Powys and does the Welsh government support your stance on this issue?

(Pages 355 - 356)

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

**BACKGROUND**

At Llangattock Church in Wales Primary School governors meeting on 26 June an urgent issue was brought to the attention of the Governors regarding the planned and funded expansion and upgrade of the building for existing pupils and +3 provision due to start in May this year.

The school was encouraged to deliver the +3 provision as there is a lack of support for this age group in South Powys. They have been delivering this provision for the past academic year which Powys received funding for from the Welsh Government.

The Church in Wales and Llangattock Education Fund have supported the cost of this extension and improvement by providing £120,000 towards the total cost.

The work, which had already been delayed from last autumn, should have started three weeks ago with promises ensuring the return after the summer break could be properly planned. The container to take classroom equipment should have arrived on Monday 25 June 2108. When it didn't arrive the Head Teacher contacted the contractor to be told that Powys County Council had not authorised yet. When she contacted Powys it would seem that the financial sign off had not yet been completed. The phrase used to the Head was the project was in 'jeopardy' which not only angered her but greatly concerned her too.

**QUESTION**

Can the portfolio holder assure me and the school that the build project will be on time and will be completed as planned to ensure that educating the children in Llangattock Church in Wales school is able to begin in September. Can she also assure me that full financial support is given to the school for the increase in provision which up to date has not been forthcoming? The school has covered the +3 costs to date because of the promised extension and classroom improvements.

(Pages 357 - 358)

15.13. **Question to the Leader from County Councillor Emily Durrant**

The Mid Wales Growth Deal presents us with a timely opportunity to bring great investment to our County. Given the vast sums of money available and the potential impact on the economic and social landscape of Powys, what measures are in place to ensure an equitable and open approach to the selection of projects and their development? Will the Leader please set out timelines, decision-making and consultation processes to prioritise which projects Powys County Council will recommend for inclusion in the Deal and the scrutiny arrangements that will apply?

(Pages 359 - 360)

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

The Cabinet put out the following press release on 11 April:

“More than £5m will be spent on Powys schools in coming three financial years as part of a major improvement plan, following a decision by Powys County Council’s cabinet.

Meeting in Llandrindod Wells today (April 10) the cabinet approved an annual improvement fund of more than £2m for primary and secondary school improvement projects for the next two financial years with a further £1m earmarked for 2020/2021.

Cabinet Member for Schools, Councillor Myfanwy Alexander said: “We are investing in schools right across the county, in primary, secondary and special schools to improve the learning environment for learners and staff.

“I am particularly pleased to see investment to improve access for those with physical disabilities. It is important that pupils with disabilities can attend mainstream schools if they so-choose.”

The planned works will include £374,000 for major refurbishment at Llangattock Primary School, replacing unsuitable teaching areas, new toilets facilities and additional early years space, a £290,000 investment over three phases to improve pedestrian access, car park expansion and re-surfacing surface work at Rhayader Church in Wales School, and £100,000 each for Brynllwarch and Crickhowell schools for new boundary fences to improve security at the premises.

Roof and window improvement work, along with improvement work to a science block at Newtown High School will require investment of more than £330,000 over the next three financial years, Caereinion High School will see £300,000 spend over three years to improve toilet facilities and improve disabled access.

Llandrindod High School will see roof and internal improvements cost more than £500,000 during a three phased programme and the town’s Trefonnen School will have a £133,000 extension for early years’ provision.

A full list of the improvement programme can be found at:

<http://powys.moderngov.co.uk/mgCommitteeDetails.aspx?ID=137>”

Who authorised the press release to go out?

(Pages 361 - 362)

**15.15. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor William Powell**

It is widely accepted that a No Deal Brexit presents an existential threat to the future of Welsh livestock farming

- 90% of all Welsh meat exports are currently exported into the EU Single Market
- EU Farm Payments currently represent 80% of total farm incomes in Wales
- There is currently no clarity in terms of agricultural support regimes post 2022

In this context, and since Powys is more exposed to turbulence within the livestock sector than any other Welsh local authority area, what is Powys County Council currently doing to build resilience and develop capacity, in order to safeguard the future of our local economy?

(Pages 363 - 364)

<b>16.</b>	<b>REQUEST FOR LEAVE OF ABSENCE</b>
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To consider requests for leave of absence from County Councillor Gary Price and County Councillor Jonathan Wilkinson.

<b>17.</b>	<b>EXEMPT ITEMS</b>
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The Monitoring Officer has determined that category 1 of the Access to Information Procedure Rules applies to the following item. His view on the public interest test (having taken account of the provisions of Rule 14.8 of the Council's Access to Information Rules) was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest requiring the disclosure of personal data he felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider these factors when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.

<b>18.</b>	<b>CONFIDENTIAL REPORT - PRIVATE PERSONNEL MATTER</b>
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To consider a report by the Leader.

(To Follow)