

# County Council

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

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Meeting date  
**Thursday, 24 January 2019**

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Meeting time  
**10.30 am**

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

18 January 2019

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Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.  
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

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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 18<sup>th</sup> October and 20<sup>th</sup> November 2018 as correct records.  
(Pages 11 - 94)

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

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

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

<b>7.</b>	<b>PUBLIC QUESTIONS</b>
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**7.1. Question to the Portfolio Holder for Economy and Planning from Mr George Harris**

Can the council please confirm what is the financial benefit in £'s, that will be achieved by the council together with the timing of this, by allowing the Hendy Wind Farm project to continue?

(Pages 95 - 96)

**7.2. Question to the Leader from Mr Martin Aymes**

Powys County Council protests the need for Openness, Transparency and Inclusion in its aims for democracy and public participation in the processes of Local Government.

At a public meeting in Abermule on the 4th December 2018 — in front of some 275 local residents — Leader Rosemarie Harris, and Cabinet Members Aled Davies and Phyl Davies jointly offered to give Martin Aymes access to the Council Solicitor, in order to discuss some legal aspects of the proposed Abermule Recycling Bulking Facility.

The Council Solicitor has subsequently refused any such legal discussions.

Is Powys County Council prepared to instruct the Council Solicitor to engage in such discussions, and thus ensure that it lives up to its aims?

(Pages 97 - 98)

**7.3. Question to the Leader from Mr Jeffrey Matthews**

Given the motion proposed by Cllr Gareth Pugh and passed unanimously at the full Council Meeting on 18<sup>th</sup> October, which proposed greater connection, consultation, engagement with communities, honesty, openness and transparency in local government, does the council feel that this is now being fully achieved when we are still seeing the citizens of North Powys continuing to be highly concerned and anxious about building construction consent which has been hastily and crudely bulldozed through which includes errors and possible misrepresentation of data provided to Powys County Councillors and which suggest that now some historical consent needs re-looking at and updating before construction begins?

(Pages 99 - 100)

7.4. **Question to the Leader from Mr Stephen Meadowcroft**

Powys County Council seems keen to develop Private/ Public partnerships for the delivery key services as can be seen with the formation of Heart of Wales Property Services with Kier Group. At the time of writing this question, the financial accounts for this company are overdue (due date 23/12/18) so it is unclear as to the success or otherwise of this venture.

How successful has this initiative been (given the reports of Keir Groups Financial Difficulties) and do you have plans to go into partnership with other private companies such as Veolia for the delivery of waste management?

(Pages 101 - 102)

<b>8.</b>	<b>BUDGET VIREMENTS</b>
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To consider budget virements.

8.1. **Abermule Business Park**

(Pages 103 - 106)

8.2. **Relocation to Cwrt-y-Plyffin**

(Pages 107 - 110)

8.3. **Strategic Salt Reserve**

(Pages 111 - 114)

<b>9.</b>	<b>STATUTORY RESPONSIBILITIES OF THE CHIEF EXECUTIVE</b>
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To consider a report by the Solicitor to the Council.

(Pages 115 - 116)

<b>10.</b>	<b>SCRUTINY COMMITTEE STRUCTURE</b>
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To consider a report by the Head of Democratic Services.

(Pages 117 - 184)

<b>11.</b>	<b>APPOINTMENT OF A SCRUTINY CO-OPTED MEMBER</b>
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To consider a report by the Solicitor to the Council.

(Pages 185 - 186)

<b>12.</b>	<b>APPOINTMENTS TO OUTSIDE BODIES</b>
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12.1. **Appointment to the Powys Community Endowment Fund Panel**

To appoint a member from Montgomeryshire to the Powys Community Endowment Fund Panel to replace County Councillor Peter Lewis who has resigned from the Panel.

12.2. **Appointment to the Community Health Council**

To appoint a Brecknockshire member to the Community Health Council to replace County Councillor Huw Williams.

12.3. **Appointment to the Bryn Titli Wind Farm Trust**

To appoint a Radnorshire member to the Bryn Titli Wind Farm Trust.

<b>13.</b>	<b>NOTICES OF MOTION</b>
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13.1. **Notice of Motion: Lucy's Law National Campaign**

This Council adds its support to Lucy's Law National Campaign to ban and outlaw third party puppy farming. This Council will add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County. This Council requests that the leader of the Council writes to UK Government, supporting the call for urgent action on this matter.

Proposer: County Councillor Sandra Davies  
Seconder: County Councillor Sarah Williams

13.2. **Notice of Motion: Green Heart of Wales**

This Council in seeing Powys as the Green Heart of Wales;

1. acknowledges the Climate Change Emergency and thus:
2. Asks the pension trustees to develop a strategy of divestment from fossil fuels
3. Supports the principles of Zero Carbon Britain and the work done by CAT (Centre for Alternative Technology)
4. Encourages the development of Hydrogen production and technologies in Powys utilising the clean environment, water and energy supply
5. Highlights that green technologies and the new economic opportunities as part of environmental sustainability should be a fundamental part of the Mid Wales Growth deal thus giving us a USP (Unique Selling Point)
6. That the authority should put in place a strategy for net zero carbon of its activities and develop best environmental practice in

its buildings

7. That the authority should look at best practice from other authorities such as robinhoodenergy.co.uk with Nottinghamshire Council and theleccy.co.uk/about/ with Liverpool City Council, in not only developing local energy ownership and supply chains but also assisting tackling fuel poverty.

Proposed by County Councillor Elwyn Vaughan  
Seconded by County Councillor Bryn Davies

<b>14.</b>	<b>QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>
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**14.1. Question to the Portfolio Holder for Highways, Recycling and Assets from County Councillor Elwyn Vaughan**

In recent months we have seen a major outsourcing company, Carillion, going to the wall. In recent weeks we have seen another company, Interserve, in severe difficulty.

At the same time a listed government contractor has been hit by delays and cost overruns on a major NHS project. Its average net debt is rising and the reported number does not include hundreds of millions of pounds of supply-chain finance just to pay the bills. It has been making acquisitions and booking the goodwill at a higher value than the price paid. Yet it keeps increasing its dividends for shareholders.

No, it is not Carillion, the outsourcer that collapsed. It is Kier. Kier also reported a 17 per cent rise in average net debt to £375m — which excluded £185m of supply-chain finance owed at the year end, and reported separately as “trade creditors”. Carillion’s net debt figure of £900m excluded £500m of similar financing to pay suppliers.

Kier’s most recent acquisition, the building group McNicholas, had a price of £26m but the company booked £43m of goodwill in its accounts. Carillion also bought businesses and wrote up goodwill of more than 100 per cent of the purchase price, building up its intangible assets.

In view of this consistent pattern, can we as an Authority which has a joint venture with Kier, have:

- the assurance that Kier is still a viable entity?
- what risk assessment has been done to minimize the liabilities to Powys Council?
- clarification of the steps that would be undertaken should Kier follow the path of Carillion and Interserve?

(Pages 187 - 188)

14.2. **Question to the Portfolio Holder for Learning and Welsh Language from County Councillor James Gibson-Watt**

Could the Portfolio Holder outline what measures she is currently taking, other than the current review of the Fair Funding Formula for Schools, to address the rapidly worsening delegated schools budget position in Powys schools?

(Pages 189 - 190)

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

Now that we have the new Fairer Funding formula for Schools what percentage of total education funding is delegated to schools under LMS?

(Pages 191 - 192)

14.4. **Question to the Portfolio Holder for Young People and Culture from County Councillor Matthew Dorrance**

Will the Cabinet Member make a statement on the delivery of Flying Start in St John Ward?

(Pages 193 - 194)

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

How effective does the Cabinet Member for Housing think the Heart of Wales Property Service is and does he think it provides residents in Powys with value for money?

(Pages 195 - 196)

14.6. **Question to the Portfolio Holder for Learning and Welsh Language from County Councillor Elwyn Vaughan**

How many meetings of the Welsh Education Forum, a partnership with schools and external organisations, and which forms an integral part for the delivery of the current WESP (Welsh Education Strategic partnership) as approved by Welsh Government Ministers; have been held since its approval by Ministers and Powys Cabinet?

(Pages 197 - 198)

14.7. **Question to the Portfolio Holder for Highways, Recycling and Assets from County Councillor John Morris**

I have just received an email from you (8/01/19) which states the decision to remove the waste bins was made by cabinet last year and the consultation just finished was on how PCC implements the replacement green waste collections.

Many of my fellow councillors and members of the community of Powys will quite rightly be surprised and annoyed by this. Certainly in my ward we all felt that the consultation was about the whole future of green waste

collection including the status quo. Many residents and councillors have responded to the consultation requesting the retention of the large bins.

Do you consider that you have misled members and the people of Powys who during the consultation have contacted the council to request the retention of the large bins and should you have informed residents of your earlier decision to withdraw the bins as part of the consultation detail?

(Pages 199 - 200)

**14.8. Question to the Portfolio Holder for Young People and Culture from County Councillor Gareth Ratcliffe**

Can the portfolio holder please provide a breakdown of running costs for all 18 libraries across the county for the last 3 years?

(Pages 201 - 204)

**14.9. Question to the Portfolio Holder for Adult Social Care from County Councillor Iain McIntosh**

Can the portfolio holder and cabinet member for adult services please let me know if there were any plans to close the Arosfa Day Centre in Camden Road, Brecon, before the 13<sup>th</sup> December 2018?

(Pages 205 - 206)

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

**BACKGROUND**

Llangattock Church in Wales Primary School has been having extensive alterations and an extension to the school. It has been ongoing since July 2018. The project has cost just over £500,000 of which £120,000 has been contributed by the Church in Wales and an Education Trust in Llangattock.

The project discussions started six years ago, the build has taken over 6 months, it was 3 months late in starting after numerous other expectations of a start date during 2017.

The works were due to finish September 2018 in time for the new school year when the promised build start date in May 2018 was agreed. This had to be extended to July because of administrative mishaps. The issues are far too numerous to go in to here and the school Governors are at present trying to work through the problems, keep the school open and ready to educate for 2019.

I was given assurances by the portfolio holder in the July 2018 County Council meeting that the work would be duly completed even though children were expected to have a late start to the term due to building works. This had to be negotiated with parents and the education department. Nursery children have been taught in the Community Hall adjacent to the school since last September as their new build extension was not completed. On the 8 January 2019 it was still not ready.

The biggest issue for Llangattock Governors is the lack of accountability, no line of responsibility and shambolic project management with no-one knowing who takes on the role of these important tasks. During the build the building workforce has had full site access through the school, there have been days when the school has had to remain closed and days when the school was closed due to health and safety risks at short notice. The Head Teacher is there to run the school but in the light of poor project management has been expected to manage some aspects of the project, particularly in terms of health and safety and safeguarding, which has taken up an inordinate amount of time and put excessive pressure and stress on all members of the school community.

This project has been a shambles from beginning to end and no one is taking responsibility. There could be long term implications for Powys County Council partnerships with builders and contractors on school premises.

#### QUESTION

Do you as portfolio holder know if there is a clear process for project management, accountability and responsibility for joint build projects in our schools where Kier and HOWPS work in partnership with our Education Department here in Powys?

(Pages 207 - 208)

14.11. **Question to the Portfolio Holder for Corporate Governance, Housing and Public Protection and Portfolio Holder for Highways Recycling and Assets from County Councillor Pete Roberts**

In a recent report by the Huffington Post (1) the claim was made that over 25000 fire doors of the same type that failed to prevent the Grenfell fire from spreading were still in use in Council and housing association property in the UK.

Can the Portfolio holder confirm how many of these doors are still in use in Powys and if there are any what steps and timeframes he has for their replacement?

(Pages 209 - 210)

14.12. **Question to the Portfolio Holder for Highways Recycling and Assets from County Councillor Pete Roberts**

Given it is over 6 months since the end of the consultation period in respect of Blue Badge Charging proposals can the portfolio holder explain why there has not been a publication of the official response given that the proposal now appears not to be deferred to the parking review as stated at last Full Council but has been included in the set of budget efficiencies bought forward for his portfolio?

(Pages 211 - 212)

14.13. **Question to the Portfolio Holder for Finance from County Councillor Jackie Charlton**

Brexit will have been voted on in Parliament by the meaningful vote, can the Portfolio Holder update the Council on the impact this will have on service delivery and all the EU funded projects or development that the Council is aware of? This should include any partnership projects or LEADER II funding threats which to date would be covered under the final payment to the EU or transitional arrangements.

In addition, can you outline all of the projects the Council has delivered in the past five years where some or all of the funding was obtained from EU grants?

(Pages 213 - 216)

14.14. **Question to the Leader from County Councillor Gareth Ratcliffe**

With the County Council facing further cuts to non-statutory and delegated functions it is more and more looking to communities to run these services where possible. Communities such as Hay-on-Wye have been trying for over 3 years to agree a transfer of assets with the County Council and take on functions, but has been unable to do so, due to factors that include the recent unilateral decision by the current Cabinet to change the agreement made with the previous County Council Cabinet. This has resulted in Hay Town Council budgeting the precept and making commitments, which it may not now be able to implement, to keep the services within the community. This is not the only community to have had difficulty in working with the County Council on the transfers of assets. There are ongoing concerns being raised from many communities about the lack of flexibility and the County Council being restrictive in the name of "fairness to all".

Can the Leader brief the full Council on how the Cabinet is planning to work with local councils and communities over the next round of cuts, with the further expectations from UK and Welsh Governments that communities will need to run more services within the community using volunteers?

(Pages 217 - 218)

14.15. **Question to the Portfolio Holder for Economy and Planning from County Councillor Heulwen Hulme**

Are you satisfied that the Authority is enforcing the conditions as set out in the planning approval for Hendy windfarm?

(Pages 219 - 220)