

County Council

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

Meeting date
Thursday, 10 October 2019

Meeting time
10.30 am

For further information please contact
Stephen Boyd
01597 826374
steve.boyd@powys.gov.uk



County Hall
Llandrindod Wells
Powys
LD1 5LG

4 October 2019

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.

AGENDA

1.	APOLOGIES
-----------	------------------

To receive apologies for absence.

2.	MINUTES
-----------	----------------

To authorise the Chair to sign the minutes of the last meeting held on 11th July 2019 as a correct record.
(Pages 11 - 70)

3.	DECLARATIONS OF INTEREST
-----------	---------------------------------

To receive any declarations of interest from Members relating to items to be considered on the agenda.

4.	CHAIR'S ANNOUNCEMENTS
-----------	------------------------------

To receive any announcements from the Chair of Council.

5.	LEADER'S ANNOUNCEMENTS
-----------	-------------------------------

To receive any announcements from the Leader.

6.	PUBLIC QUESTIONS
-----------	-------------------------

6.1. Question to the Portfolio Holder for Education from Katherine Lewis

Assuming that you were both aware and approved of the content of Dr Caroline Turner's recent letter to all Headteachers regarding the Global climate strike on Friday 20th September 2019, I would like to know on what grounds an issue that has been taught as part of both Science & Geography curricula for at least the past three decades could be deemed "Political"?

(Pages 71 - 72)

7.	DRAFT VISION 2025 OUR CIP UPDATE AND ANNUAL PERFORMANCE REPORT 2019
-----------	--

To receive and consider the Draft Vision 2025 Our CIP Update and Annual Performance Report 2019.

(Pages 73 - 224)

8.	BUDGET VIREMENTS
-----------	-------------------------

8.1. Virements for Highways, Transport and Recycling

(Pages 225 - 228)

8.2. Virement for Gwernyfed High School

(Pages 229 - 232)

8.3. Virements for 21st Century School Projects

(Pages 233 - 236)

9.	CHANGES TO THE FINANCIAL REGULATIONS FOR VIREMENTS
-----------	---

To consider the report of the Head of Finance.

(Pages 237 - 238)

10.	EFFICIENCY SAVINGS REPORT AS AT 31ST AUGUST 2019
------------	---

To consider the report of the Portfolio Holder for Finance, Countryside and Transport.

(Pages 239 - 246)

11.	RECOMMENDATIONS FROM THE DEMOCRATIC SERVICES COMMITTEE
------------	---

To consider the recommendations of the Democratic Services Committee.

12.	APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES
------------	--

12.1. Powys Community Health Council

To appoint a member from Montgomeryshire to Powys Community Health Council to replace County Councillor Heulwen Hulme.

12.2. Brecon and Radnor Sports Partnership

To appoint a member from Radnorshire to fill a vacancy.

12.3. Community Chest Sportlot

To appoint a member from Radnorshire to fill a vacancy.

12.4. Appointments made by political groups and approved by the Monitoring Officer

To note the following appointments made to committees by political groups and approved by the Monitoring Officer under the general power of delegation granted by Council on 16th May 2013:

County Councillor Iain McIntosh appointed to the Standards Committee in place of Sarah Lewis.

13.	NOTICE OF MOTION - WHITE RIBBON CAMPAIGN
------------	---

That Powys County Council supports the White Ribbon campaign.

The White Ribbon campaign encourages men to:

- engage other men to talking about violence against women and girls;
- wear a white ribbon;
- pledge never to commit, excuse or remain silent about male violence against women.

Proposed by County Councillor Matthew Dorrance

Seconded by County Councillor Michael Williams

14.	NOTICE OF MOTION - NATIONAL DEVELOPMENT FRAMEWORK
------------	--

This Council strongly objects to the acceptance of significant landscape change as a consequence of the cumulative impact of major wind and solar development, and grid connection, associated with the Priority Areas for Wind and Solar Areas in the Welsh Government Draft National Development Framework. This Council seeks assurance that in any response due reference is paid to Renewable Policy RE1, Landscape Policy DM4 and the respective Supplementary Planning guidance for these policies.

Proposed by County Councillor Jonathan Wilkinson
Seconded by County Councillor Amanda Jenner

15.	NOTICE OF MOTION - POWYS PENSION DISVESTMENT FROM FOSSIL FUELS
------------	---

This council calls for support for the Powys County Council Pension Fund Committee to consider the following:

- Continue the ongoing support for the principle of divestment in companies engaged in fossil fuel extraction, in order to divest from direct ownership of equities and corporate bonds, as well as any comingled funds, of companies engaged in fossil fuel extraction
- The Adoption of the United Nations Sustainable Development Goal 13:-
“To take urgent action to combat climate change and its impact”
- And; to request and actively encourage that members of the Wales Pension Partnership consider divestment within a period of five years

If you are thinking harder about the impacts of fossil fuels – then vote for this motion today. Fossil fuel companies are subsidised at the expense of the climate, our health and our future.

We can no longer afford to ignore the fiscal cost of subsidising and investing in fossil fuels.

We further accept that the Welsh Pension Partnership is committed to ethical investment but is not clear on divestment from global businesses which seek to continue to extract fossil fuels and deplete the natural environment of important resources.

Proposed by County Councillor Emily Durrant
Seconded by County Councillor Jackie Charlton

We ask that this Council notes:-

Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) for public bodies. The duty requires that public bodies must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in doing so promote the resilience of ecosystems. This not only protects but enhances conditions for biodiversity to thrive and flourish and makes a major contribution to reducing climate damage.

Climate change is a major threat and investment in fossil fuels and continued massive, unnecessary subsidies by large Pension Funds and government ensures continued extraction of finite fossil fuels which add to carbon emissions and the

climate change crisis. It is widely acknowledged that we have entered a 'CLIMATE CRISIS'.

We should, as councillors, further note the conclusions of the Intergovernmental Panel on Climate Change that *"we are already seeing the consequences of 1°C of global warming through more extreme weather, rising sea levels and diminishing Arctic sea ice"*.

We ask that councillors note the Intergovernmental Panel's finding that *"warming of 1.5°C or higher increases the risk associated with long-lasting or irreversible changes, such as the loss of some ecosystems,"* and that *"limiting global warming to 1.5°C would require 'rapid and far-reaching' transitions in land, energy, industry, buildings, transport, and cities. Global net human-caused emissions of carbon dioxide (CO2) would need to fall by about 45 percent from 2010 levels by 2030, reaching 'net zero' around 2050."*

We also ask that councillors note that by divestment we send a message to government that subsidising fossil fuel companies is becoming unsustainable for the future of our planet.

We understand that work has been undertaken to consider a move towards divestment for the Powys County Council Pension fund which is paid in to by employees and councillors alike. We can as a Council, move a motion to enable the Pension Committee to free itself of any investment into damaging our environment further, by approving this motion to reduce to nil investment into fossil fuels within 5 years.

Guardian – Jillian Ambrose 6 September 2019

"Major oil companies have invested £40.6 billion in fossil fuel projects that undermine global efforts to avert a runaway climate crisis, according to a report."

This includes investing in developing *"high-cost plans to extract oil and gas from tar sands, deepwater fields and the Arctic despite the risks to climate and shareholder returns."*

The report further challenges the *".....many oil executives who claimed to support the Paris goals and vowed to invest in renewable energy projects."*

The report was commissioned for UN Environment Programme and is outlining the constructive increases in investment of renewable energy projects.

16.	NOTICE OF MOTION - CONSERVATION AND REWILDING
------------	--

Council notes the project led by Rewilding Britain in the area from Machynlleth and Llanidloes to Aberystwyth, called 'Summit to Sea' that covers 38,000 hectares.

Whilst the Council states its support for conservation work within our communities it is opposed to the activities of Rewilding Britain in Mid Wales.

It furthermore calls on the 'Summit to Sea project' to cut ties with Rewilding Britain and for any future management structure to be rooted within the communities, be led

by those communities it serves, and include such partners as the farming unions, Mentrau Iaith and local authorities as a fundamental starting point.

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

17. QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION
--

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

The Portfolio Holder has recently dismissed appeals by parents from the Brecon High School catchment area applying for school transport for their children to Ysgol Calon Cymru Builth Wells campus to study through the medium of Welsh, on the grounds that the Welsh medium provision at Brecon High School is comparable to the provision at Ysgol Calon Cymru, despite the fact that Welsh medium provision at Brecon High School is demonstrably not as extensive as at Ysgol Calon Cymru, especially in Years 10 and 11.

Given the above how does the Portfolio Holder justify her decision to dismiss the appeals in circumstances in which Powys County Council is still providing school transport to some learners from the Brecon High School catchment area to Welsh medium provision at Ysgol Calon Cymru Builth Wells campus; and can she confirm that her decision to dismiss these appeals is compliant with current Equalities legislation and the provisions in Powys County Council's Welsh Education Strategic Plan?

(Pages 287 - 288)

17.2. Question to the Leader from County Councillor William Powell

Given the likelihood of either a General Election or a Confirmatory Vote on Brexit in the coming weeks – and concerns around anomalies in the recent General Election - what is the Leader doing, in liaison with the Returning Officer to review guidance on Purdah, as it affects Powys County Council Officers, Members and County Council assets, to ensure that it is consistent, lawful and proportionate?

(Pages 289 - 290)

17.3. Question to the Portfolio Holder for Environment from County Councillor Elwyn Vaughan

What is the portfolio holder's proposed action following the independent report obtained by Abermule residents which suggest that the ecology survey undertaken by PCC was both sub-standard and not in accordance with good practice or the legislation and that consequently the presence of great crested newts on site cannot be properly discounted? Specifically, will the portfolio holder offer categorical assurance that no works will commence on site until the legislation in this respect has been fully complied with?

(Pages 291 - 292)

17.4. Question to the Portfolio Holder for Economic Development, Housing and Regulatory Services from County Councillor James Gibson-Watt

Could the Portfolio Holder outline the efforts made by Powys County Council to promote Welsh Government's 'Targeted Regeneration Investment' grants to town centre retail shop owners and long-term tenants in Powys's market towns?

(Pages 293 - 294)

17.5. Question to the Portfolio Holder for Education from County Councillor Jon Williams

When Tesco built their new store in Llandrindod, they gave £700,000 to build a new Scout hut. This was built with extra money added from PCC to add a youth centre on the side. For many years the scouts have had to deal with other users of the building using their space and causing damage. There was an agreement over the use of the building and the formulation of a management committee to run the building. These have not been honoured even though the scouts have tried over many years to get PCC to deal with the issues. A few weeks ago, PCC called a meeting with the users of the building to tell them they had applied for grant funding to make part of the building an office and drop in centre. This is obviously a safeguarding issue for the youth groups who use the building. There are still many unresolved issues over ownership and management of the building, which the scouts have had no reply from PCC since January 2019 when it was stated "we will get back to you shortly". Can the portfolio holder please tell me, why they have not received a reply, why PCC have not honoured the agreement to form a management committee and why they have gone against the original agreement which states "It is proposed that use of the new facility by other organisations shall be restricted to youth groups, only. Any future proposal to allow use by non-youth groups will be subject to agreement by the management committee and ultimate approval by the Council's Board following consultation with existing user groups including the Scouts."

(Pages 295 - 296)

17.6. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor Gareth Ratcliffe

Over the last couple of years Powys County Council has looked to remove services and place them in control of the communities. Hay Swimming pool was taken over by a dedicated group of volunteers and presently provide the service over 450 people. This service would have been lost and is vital to the community as without it the local school would not be able to support the level of provision and would result in a minimum of lessons each year just to meet the national curriculum. This comes at a cost to the local community who are working hard to keep the service going but at times there are large maintenance bills or development that are needed to bring them to a legal and safe standard. For example Hay swimming pool is having to renew its pool lining at a

cost in the region of £18k inc VAT the community have raised with support from residents and local community organisations just over £11k. With this in light will the portfolio holder look at forming a budget to allow community groups that have taken over service to apply for loans to support the service within their community that have been adopted?

(Pages 297 - 298)

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

Can the portfolio holder please provide an update on the consultation with communities and user groups on the future of libraries across Powys County Council in line with the budget proposals for this year's budget and also the work planned for the budget round for 2020/21?

(To Follow)

17.8. Question to the Portfolio Holder for Finance, Countryside and Transport from County Councillor Karen Laurie-Parry

Powys County Council being such a large rural area, has a large expenditure on Contracted Coach costs, be it public transport or school transport.

I understand that a former Director did ask Cabinet, for All Coach Transport Costs, be it public or school, to be reviewed to ascertain where any savings could be made and I too, did highlight concerns I had, regarding empty coaches operating at certain times of the day. There are probably logical reasons, but as we are expecting a further squeeze on budgets, do you consider that the former Director's professional request should be undertaken?

Whilst realising that again this is a sensitive area, could the Portfolio Holder explain and confirm, whether or not such a Full Public and School Transportation Cost Review has taken place or will be undertaken?

(Pages 299 - 300)

17.9. Question to the Portfolio Holder for Young People and Culture from County Councillor Karen Laurie-Parry

In March, 2019, I was assured by a former Director, that there would be a final financial analysis, as to who might be responsible for the delay in the construction of Y Gaer, Brecon and therefore increased costs.

All reasons would be forensically examined, to consider where fault lies and the former Director even offered to remain available, to Powys County Council to assist with any background information, for as long as is required.

A detailed file was being kept, on all aspects of the construction. This file was to be analysed towards the end of the contract, to identify if claims against any party can be pursued fruitfully. The risks of pursuing a claim, will need careful analysis because Powys County Council knows, that the legal process can be costly, without any guarantee of success.

Whilst appreciating that this is a sensitive area, can the Portfolio Holder explain and confirm, what is the position regarding the forensic analysis? Also, will Powys County Council be able to enforce Court Procedures for reimbursement of payments made, to both the contracted Construction Company and contracted Project Management Company / Quantity Surveyors, if the Contract was not delivered on time and within the Contract budget?

(To Follow)

18.	DIRECT PAYMENTS
------------	------------------------

To view a video on direct payments. The video can be viewed here
<https://www.youtube.com/watch?v=5xhLhmS1sSY>