

# County Council

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Meeting Venue  
**By Teams**

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Meeting date  
**Thursday, 3 March 2022**

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Meeting time  
**12.00 pm or later on the conclusion of  
the previous Council meeting**

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

25/02/2022

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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 last meeting held on 9 December 2021 as a correct record.  
(Pages 9 - 44)

<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 Chief Executive.

<b>7.</b>	<b>COUNCIL TAX RESOLUTION FOR 2022/23</b>
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To approve the Council Tax resolution and set the Council Tax for 2022/23.

(To Follow)

<b>8.</b>	<b>APPROVING A DELIVERY AGREEMENT FOR THE POWYS REPLACEMENT LOCAL DEVELOPMENT PLAN AND AGREEING ITS SUBMISSION TO WELSH GOVERNMENT</b>
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To consider a report by the Head of Property, Planning and Public Protection.

(Pages 45 - 104)

<b>9.</b>	<b>PAY POLICY STATEMENT 2022/23</b>
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To consider the pay policy statement for 2022/23.

(Pages 105 - 128)

<b>10.</b>	<b>CONSTITUTION</b>
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To consider the report of the Head of Legal and Democratic Services.

(Pages 129 - 334)

<b>11.</b>	<b>PETITIONS SCHEME</b>
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To consider a report by the Head of Legal and Democratic Services.

(To Follow)

<b>12.</b>	<b>APPOINTMENT OF INDEPENDENT (LAY) MEMBERS ON THE GOVERNANCE AND AUDIT COMMITTEE</b>
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To consider the report of the Head of Legal and Democratic Services.

(Pages 335 - 336)

<b>13.</b>	<b>APPOINTMENTS TO THE STANDARDS COMMITTEE</b>
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To consider a report by the Head of Legal and Democratic Services.

(To Follow)

<b>14.</b>	<b>APPOINTMENTS TO COMMITTEES</b>
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County Councillor Graham Breeze appointed to the Employment and Appeals Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor Michael J Jones appointed to the Economy Residents and Communities Scrutiny Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor Edwin Roderick appointed to the Health and Care Scrutiny Committee in place of County Councillor Phil Pritchard by the Independent group.

County Councillor David Evans appointed to the Licensing Committee in place of County Councillor Phil Pritchard by the Independent group.

<b>15.</b>	<b>NOTICE OF MOTION - RESPONSIBLE AFFORESTATION - A NON-EXPLOITATIVE AND SUSTAINABLE APPROACH</b>
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Council expresses its concern about the purchase of family farms in Powys and the wider region by multinational companies to plant trees for the purpose of creating 'carbon credits' which are sold to polluting companies to meet their carbon offset targets.

While accepting that tree planting on a large scale is recognised as one means of combating climate change, Council regrets that carbon offsetting allows these high carbon-emitting companies to continue with their unsustainable conduct.

Furthermore, Council notes that multinational companies have already claimed over £1.3m from Welsh Government funding via the Glastir Woodland Creation fund, which means that Welsh taxpayers are subsidising the carbon offsetting programmes of companies from outside Wales.

Council supports the principle of responsible afforestation but believes this must be done in consultation with local communities, and should not have a detrimental impact on local employment, culture and community viability.

Council calls on the Welsh Government to

- Ensure that multinational companies who purchase farms to plant trees for the purpose of creating 'carbon credits' which are sold to polluting companies to meet their carbon offset targets are not subsidised by Welsh taxpayers.
- Introduce planning development legislation to enable local planning authorities such as Powys to control afforestation projects, and to set a limit on the proportion of land on any farm that can be used for afforestation without the need for planning consent
- Deliver its afforestation plans by developing a publicly owned arms-length company to manage Wales' forestry and help reach the Welsh Government's carbon reduction targets

Council recognises the opinion of environmental campaigners that tree planting is not a silver bullet to averting climate change and agrees that only rapid reduction of burning fossil fuels can halt the ongoing and alarming rise in global temperatures.

Proposed by Cllr Elwyn Vaughan  
Seconded by Cllr Bryn Davies

**S151 Officer comments on cost implications**

There will not be any financial consequence from the proposed motion as it only requests that there is correspondence with Welsh Government about the position set out above. There are no further actions nor costs expected.

**16. NOTICE OF MOTION - FUEL POVERTY**

This Council notes that its own Well-being Assessment of 2017 records that approximately 9,500 households in Powys (17%) are in fuel poverty.

This Council notes research by the Resolution Foundation think-tank which reveals the number of UK households suffering from 'fuel stress' – those spending at least 10% of their family budgets on energy bills – is set to treble to 6.3m when the new energy price cap comes in on 1 April 2022.

This Council agrees with the well-respected '*Money Saving Expert*' Martin Lewis that *'it is not an exaggeration to say there are people in the country who will be choosing between heating and eating come April.'*

This Council notes and welcomes the Welsh Government's Winter Fuel Support Scheme which provided eligible households with a one-off £200 payment towards paying winter fuel bills.

This Council calls on the UK Government and our local Members of Parliament to end the dither and delay on tackling the cost-of-living crisis facing Powys families and take immediate and substantive action to support households who are struggling with the recent sharp increases in household energy costs and the increases to come in the weeks and months ahead.

This Council resolves to call on the UK Government to take immediate action to support families in Powys by at least: removing VAT on energy bills for at least one year; increasing the Warm Home Discount from £140 to £400 per year and expanding the number of eligible households to 9.3 million; and introducing a year-long increase to corporation tax for North Sea oil and gas producers in order to secure a £1.2 billion windfall from their increased price rise profits to help mitigate household energy bills.

Proposer: Cllr Matthew Dorrance

Seconder: Cllr Sandra Davies

**S151 Officer Comments on Resource Requirement**

The motion proposed requests council to write to the national government to ask for some nationwide changes that improve household fuel poverty. There does not seem to be anything further required from this motion, therefore there is minimal financial impact, although there may need to be officer time to help prepare the letter, which is likely to be feasible if it is planned into their diary.

<b>17.</b>	<b>NOTICE OF MOTION - ARMED FORCES ACT 2021</b>
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This Council:

- Stands firmly behind our UK Armed Forces and fully supports the aims of the Armed Forces Covenant.
- Welcomes the new Armed Forces Act but sees the legislation as a missed opportunity to improve the lives of veterans in Powys.
- Notes with disappointment that the Act, which makes Powys County Council and local public bodies legally bound to have “due regard” to the Covenant when providing support to Forces communities, exempts central government from any such duty, creating a two-tier Covenant for veterans.
- Notes with further disappointment that Conservative MPs voted down Labour-led proposals, backed by the Royal British Legion and ex-Service chiefs, to enshrine the Covenant fully into law and improve Armed Forces accommodation, employment support and pensions and to end the scandal of visa fees for Commonwealth and Gurkha personnel.
- Resolves to continue campaigning with Forces charities to get the UK Government to strengthen the Covenant and improve vital services to veterans.

Proposer: Cllr Matthew Dorrance

Seconder: Cllr David Meredith

<b>S151 Officer Comments on Resource Requirement:</b>
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The motion requests an action to call on government to do more and share the responsibility, which could be done by writing and expressing views about national governments' commitment to support this – which is financially minimal in terms of ongoing cost, although there may need to be officer time to help prepare the letter, which is likely to be feasible if it is planned into their diary

There are wider implications of this covenant and act, and we may already undertake or may have to provide additional support from education, housing and social care committing to specific improvements / changes that support the veterans - the full nature of what we already provide and what may be required in future has not been investigated at this stage.

<b>18.</b>	<b>NOTICE OF MOTION - SCHOOL TRANSFORMATION</b>
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Council notes

- 1 The focus of Estyn on concerns about the performance of the authority in delivering for Powys Secondary Schools in its 2019 report
- 2 The consultation and briefing sessions that were undertaken prior to Feb 2020 to establish the current schools transformation programme
- 3 The presentation by the Headteacher from Dolgellau as part of the transformation consultation conference on the benefits of cluster schools in rural areas
- 4 The major changes to the way schools have worked during the Covid pandemic

5 The recent comments at a Members' Briefing on Schools Transformation by a Powys Secondary Head of an all-through school reflecting that whilst an all through school was working he wished he could have extended the benefits by including all primary schools in the cluster

6 That the Council is about to embark on developing a new Local Development Plan as the current one has failed to bring forward the number of properties in urban areas that it was expected to

Council Believes

1 Successful transformation programmes are ones that take stock of their direction if there are major societal or business changes which may change the model of proposed service delivery

2 That the Covid pandemic represents such a fundamental change whose impact is only now starting to become clear in the Powys housing market with a resultant demographic impact.

3 That the close working developed within school clusters over the past 24 months means that large parts of the basis for change that underpins the current transformation programme, particularly in relation to delivery of the new curriculum, may have been superseded by changes to ways of working on the ground

4 That the cluster school model as outlined at the transformation conference, which received cross party support as the basis for change, has not been properly tested as a way forward in any of the current transformation proposals, leaving the Council vulnerable to Judicial Review in respect of the Welsh Government's Rural Schools policy within the Schools Organisation Code

5 That in the absence of this information Cabinet may have made decisions which with additional briefings they would wish to reconsider.

Council therefore requests Cabinet to

1 Implement a 1 year delay to the implementation of all current closure proposals that have been approved by Cabinet over the past 18 months.

2 To request the transformation team to undertake a comprehensive review of the assumptions underpinning the programme in respect of changes made to ways of working within clusters during the Covid Pandemic

3 To request the transformation team to undertake a comprehensive review of the cluster school model that was proposed at the transformation conference, which will assist in the development of secondary and post-19 provision, but which has not been considered in any of the subsequent proposals.

4 That both reports are published before the end of the summer academic term and are made available for discussion by full council and scrutiny before existing decisions are either reconfirmed or abandoned during the autumn term 2022 for implementation at the end of the academic year.

Cost implications

The proposers of the motion believe that whilst the relatively modest savings identified by the closures of several schools will be deferred by one academic year, these savings will be more than offset by the Council foregoing the expenses involved in preparing for and defending either of the proposed Judicial Reviews, even if they are rejected at an early stage in the process

Proposer: Cllr James Gibson-Watt

Secunder: Cllr Jake Berriman

**S151 Officer Comments on Resource Requirements**

Although you are suggesting delaying the existing closures there is a wider impact on the whole transformation agenda, so all the schemes will slip a year then on. Thus far we have not had a judicial review and incurred no cost, so these legal costs could not be used to offset additional resource needs

Set out below are some of the main consequences:

- Temporary staff on fixed term contracts would be asked to leave as not needed – could be a saving but this is potentially negated by redundancy costs that some will be eligible for. We may then struggle to recruit to fill vacancies when the programme gets back on track.
- We have a number of staff on permanent contracts who are funded from capital there may not be new activities for them to undertake and possibly more redundancy. Currently we have approval from Welsh Government until 2025/26 to fund staff from capital, and this means we would lose a year of this funding source when we get back on track, and need an alternative budget source as this becomes a cost pressure.
- Savings expected from closures would be deferred a year - £400k net of additional outlay say for transport, and includes the £288k in this years FRM that will be approved as part of budget setting
- For every year that we defer the Transformation agenda we increase the backlog maintenance by over £4m per annum which is a full cost to the council, this figure is before the rising inflation – these costs are just to keep the buildings safe and at the moment we do not have enough capital to deliver the basic R & M activities – some school may need to close for safety reasons. Any future capital costs will then rise by at least 8.5% making the Band B programme unaffordable within the original plans

Other factors to consider include:

- Welsh Government (WG) and access to Band C funding which follows on from Band B (WG fund 65% of the programme we have to pick up 35%). WG are likely to be disappointed that we are putting the transformation programme on hold and deferring completing Band B schemes – so access to Band C funding will be delayed until we can evidence that we have a true commitment
- There may be further Estyn intervention because we have put the transformation strategy on hold and this was a fundamental part of our longer term action plan
- Staff retention and morale in schools that are in poor condition and need to close – negative impact and may affect pupil take up etc e.g. a safer more modern school. Pupil attainment / curriculum outcomes becomes more challenging in poor quality buildings
- Further disruption and uncertainty for pupils Parents and staff at schools already confirmed for closure and for the receiving schools.