

County Council

Meeting Venue
Hybrid meeting - Zoom - County Hall

Meeting date
Thursday, 13 October 2022

Meeting time
10.30 am

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

7/10/2022

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

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| 1. | APOLOGIES |
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To receive apologies for absence.

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| 2. | MINUTES |
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To authorise the Chair to sign the minutes of the last meeting held on 22 July 2022 as a correct record.

(Pages 13 - 36)

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| 3. | DECLARATIONS OF INTEREST |
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To receive any declarations of interest from Members relating to items to be considered on the agenda.

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| 4. | CHAIR'S ANNOUNCEMENTS |
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To receive any announcements from the Chair of Council.

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| 5. | LEADER'S ANNOUNCEMENTS |
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To receive any announcements from the Leader.

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| 6. | CHIEF EXECUTIVE'S BRIEFING |
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To receive a briefing from the Chief Executive.

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| 7. | PUBLIC QUESTIONS |
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7.1. **Question to the Cabinet Member for Finance and Transformation from Patrick Edwards**

Is the council going to refund council tax to council tax payers for the greatly diminished services it provided during the Covid-19 pandemic, especially as the Government paid 80% of many council workers' wages through the furlough scheme?

(Pages 37 - 38)

7.2. **Question to the Cabinet Member for a Learning Powys from Catherine Evans**

Schoolchildren have been disproportionately affected by COVID lockdowns and variable provision by schools. Additional PD days to facilitate planning for the new curriculum have further impacted learners.

Will PCC be offering learners their full entitlement to 190 school days per year from now on?

(Pages 39 - 40)

7.3. **Question to the Cabinet Member for Finance and Transformation from Peter Hindley**

Do Powys CC plan to use its discretionary powers to remove the additional council tax liability, that will apply to many farm holiday cottage properties as a result of recent legislation?

BACKGROUND:

Recent Legislation: Purpose designed Farm Holiday Cottages, typically conversions of redundant farm buildings, have been included under the Welsh Governments recent legislation aimed at combatting second homes.

You may be shocked to learn that Welsh Government has the ability to include businesses that by definition are not second homes and not housing. Nonetheless the legislation has now passed.

Many of these long-standing and successful family businesses will have their livelihoods destroyed and be forced to re-purpose their properties to alternative commercial uses as a result of this legislation.

Impact on Housing: In line with the Local Development Plan these properties are prevented by planning conditions from being used as permanent accommodation. As such, these properties actively protect pressures on local housing by accommodating visitors in non-domestic property.

When these properties are re-deployed away from holiday letting all those visitor nights will be displaced to local housing, placing greater demands on house prices and availability of rented accommodation.

No Choice: To illustrate the impact of the legislation on a typical business with 5 Farm-Cottage Holiday lets: The business will face 5 new Council Tax bills, in addition to the owner's current council tax bill on their domestic-use element of the site.

This not only places an additional operating cost on the business, impacting viability and the ability to compete, it also places blight on the property. Their home would have a total of 6 council tax bills making it unsaleable or significantly devaluing their property. Clearly owners will need to avoid that outcome. Hence many of these 'kind to local housing' holiday lets will be lost. Creating no additional domestic housing and transferring visitor demand to place more pressures on local housing.

Removal of the Council Tax Liability: Over 90% of all self-catering properties on the non-domestic rating list in Wales have benefitted from 100% small business rate relief for many years. Therefore removal of council tax liability on farm holiday cottages is not unreasonable.

If required, this can be achieved in a revenue neutral manner by adjustments to Premium Council Tax policy.

Influencing Make-up of Holiday Accommodation in Powys: Please consider Powys CC's ability to influence the future make up of holiday accommodation in the county. After the huge growth in AirBnB style accommodation over recent years the new legislation is likely to cause, perhaps a 30% reduction in self-catering accommodation (that is the aim after all).

Powys CC has the ability to influence whether Farm Holiday Cottage accommodation is part of the 30% reduction or whether it is saved. Common sense would suggest these types of property should be advantaged by legislation, due to their community benefit, rather than impacted. If you would like a better understanding of why many of these businesses will not meet the new criteria, information is available here: <https://www.responsiblecottages.co.uk/protect-welsh-farm-cottages-white-paper>

Note a similar argument also exists for all planning restricted properties and for many annexes.

Fair Play: It is plainly unfair to sweep Farm Holiday Cottage businesses into the same pot as second homes. Welsh Government has placed the responsibility to address this squarely onto Local Authorities through the use of your discretionary powers.

(Pages 41 - 44)

(Pages 45 - 120)

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| 9. | CONSTITUTION - SECTION 4 - SPEAKING ON MOTIONS |
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To consider the report of the Head of Legal and Monitoring Officer.

(Pages 121 - 154)

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| 10. | BROADCASTING COUNCIL MEETINGS |
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To consider the report of the Head of Legal and Monitoring Officer.

(Pages 155 - 156)

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| 11. | NOTICE OF MOTION - AIR AMBULANCE |
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The air ambulance has provided an essential and valuable service to Mid Wales for a number of years.

The proposed transfer of the base from Welshpool is therefore a retrograde step and one of great concern to our residents.

It is imperative that an equally efficient service that takes into consideration the rurality of the area, the difficulty of getting an ordinary ambulance and fewer health options is kept

We therefore call on the air ambulance base to be kept at Welshpool and to look into the option of extending the hours of service.

Proposed by County Councillor Elwyn Vaughan

Seconded by County Councillor Gary Mitchell.

Finance Comment

There will not be any financial consequence from the proposed motion as it only requires correspondence with Wales Air Ambulance. There are no further actions nor costs expected.

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| 12. | NOTICE OF MOTION - SCHOOL TRANSPORT |
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In recent months there have been a number of appeals made to the School Transport Team with regard to access to free home to school transport. Residents have been in touch with their County Councillors and Senedd representatives asking for support. The appeals have most frequently arisen from changes to catchment allocations, historical precedents and reduced flexibility but include:

- Younger siblings only provided free transport to a school which is different to the one their older sibling attends because the catchments have been changed.
- Problems with the way GIS is used to identify the closest school with some school buses travelling through another catchment on route to school.

- The system used to calculate the shortest route from home to school does not consider the route that the school bus travels, or even the most practical, driveable route by car.
- Pupils who are neighbours and/or close friends being forced to attend different schools because the boundary between catchments is being very strictly enforced with no room for overlap.

The effect of this has been to create unnecessary stress for pupils and their parents and will in some cases, where parents have the time and financial resource, result in parents following the bus into school, unnecessarily increasing carbon footprints.

The Council calls on the School Transport and Education Services to ensure that the current review of the Home to School Transport Policy not only delivers greater clarity for pupils/student's entitlement to free transport but also supports greater parental choice of school, where this can be done without increasing the total school transport budget.

Proposed by County Councillor Lucy Roberts
Seconded by County Councillor Adrian Jones

Finance Comment

The Service has confirmed, as part of the review of the home to school transport policy, it will provide clarity for parents to allow them to make an informed choice about the school in which the Council will provide transport for from the learners normal place of residence.

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| 13. | NOTICE OF MOTION - DRAINAGE AND FLOODING |
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Having seen increased adverse weather and flooding in recent years, it is apparent that the current conditions of our drains and gullies are not able to cope when we have increased and or severe rainfall. This is exacerbated by the lack of routine drain clearance due to the limited resources in Powys. Feedback from our residents, other councillors and community councils indicates that people feel that our other road maintenance problems are made worse by the increased amount of water running down the roads which should be going into the drains and gullies.

Earlier this year we saw severe flooding across Powys. Whilst flood risk cannot be eliminated when such extreme rainfall occurs, and flooding was also caused by rivers overflowing, in some areas properties were flooded potentially due to the lack of regular drain clearance. These are homes which are not adjacent to rivers or streams but flooded from road surface water which had no where else to go.

The Powys Conservative Group believe that there needs to be an annual routine drains maintenance schedule for county roads. However, we appreciate that this needs to be supported with sufficient resources. That is why we have already urged Powys Council to make use of the UK Government Shared Prosperity Levelling up Funds to bid for funding for at least two more drain jettors in Powys. Whilst that SPF process is still underway, there needs to be urgent action put in place, before the Winter sets in, in order to identify and clear those drains and gullies which are in the most high risk places that are likely to cause localised flooding of properties.

This Council calls on the Powys Council administration to:

1. Direct managers of the highways teams, at the earliest opportunity before Winter months, to work with Local Members to identify drains and gullies which need to be cleared in order to help prevent localised flooding.
2. Direct resources accordingly to ensure that those drains identified are cleared and unblocked urgently before the Winter months.

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

Financial/Service Assessment

1. Depot meetings are being scheduled between October and December 2022 to meet with all members to discuss all highway matters including drain and gully emptying. The Council has 4 machines throughout the County to support county and trunk roads. We will take on board members concerns as part of this engagement and ensure the 4 machines are prioritised accordingly to ensure the critical gullies are cleared. This will still leave other gullies that have historically be cleaned when the service was operating with 8 Gully machines.
2. Whilst every effort will be made to cover the critical gullies throughout the County based on the 4 machines, in order to cover all gullies we would need to revert back to 8 machines across the County, which would be an additional revenue cost of £400k per year.

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| 14. NOTICE OF MOTION - NATURE EMERGENCY |
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Preamble

For the purposes of this motion 'nature' shall mean all living organisms and the ecological complexes (including non-living elements (such as air, water, soil) and processes) of which they are part. It includes diversity within species, between species and of ecosystems; the resilience of ecosystems; the services they provide to society and the way in which humans interact with nature.

Professor [Sir Partha Dasgupta's review into The Economics of Biodiversity](#), commissioned by Her Majesty's Treasury in 2019 and updated just last year, highlighted that humanity does not exist in isolation from nature but sits within it. Nature is an asset on which all aspects of our society depend and with biodiversity declining faster than at any time in human history, we are undermining the productivity, resilience and adaptability that nature lends our society. In a county like Powys our nature loss is undermining the productivity, resilience and adaptability of our agricultural and forestry sectors alongside the inter-dependent tourism industry. Put simply, Powys depends on nature.

We are in the middle of a nature crisis. Almost half of all UK wildlife is in long term decline and 15% of species are at risk of extinction. The climate emergency is only hastening this destruction of the natural environment, damaging habitats and disrupting ecosystems. Yet it is these very habitats that have the potential to lock up carbon and fight back against rising global temperatures. It is essential that we not only protect these spaces but let them thrive – for the benefit of people, planet and nature. As we recover from the COVID-19 crisis, the need for nature-rich green spaces where we live and work is clearer than ever and will help health, education and the economy build back stronger.

We recognise that action must be taken now to remedy this and to put nature into recovery at a local level, in support of regional, national and international work to do the same.

Section 6 under Part 1 of the Environment (Wales) Act introduced an enhanced duty (the S6 duty) for public authorities. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.

Powys County Council has already done much including appointing a Biodiversity Officer under the Local Places for Nature funding from Welsh Government and whose principal duty is to distribute grants in support of nature to groups in Powys. Within its own services the Council is undertaking projects such as managing roadside verges for nature by changing their management regimes to cut and collect.

The Biodiversity Officer post – externally funded – lends some support to the current Local Nature Partnership in Powys, a forum that brings together a number of organisations interested in nature recovery and has recently published a Nature Recovery Action Plan for Powys.

The Council has already submitted a proposal to the Shared Prosperity Fund to seek external funding for an additional post for the period from 2022 – March 2025. This would effectively be a Nature Recovery Officer, to carry out wider biodiversity work, particularly oversight and reporting for Section 6 duties, engagement with Council services and communities and identifying projects for funding applications that sit outside Local Places for Nature.

Many people respect Sir David Attenborough who has said:

“Our planet may be home to 30 million different kinds of animals and plants. Each individual locked in its own life-long fight for survival. Everywhere you look, on land or in the ocean, there are extraordinary examples of the lengths living things go to to stay alive.

Ever since we [humans] arrived on this planet as a species, we’ve cut them down, dug them up, burnt them, and poisoned them. Today we’re doing so on a greater scale than ever.”

Or if you prefer Jeremy Clarkson:

“Forget climate change, if insects disappear so does all life on this Planet”.

The Council notes that:

- 1) Nature provides the life support systems enabling all organisms, including humans, to survive and to thrive.
- 2) Nature is essential to our economic, social, environmental, and cultural well-being. Nature provides us with a range of ecosystem services such as insects pollinating our food crops, wetlands purifying water and preventing flooding, peatlands storing carbon and woodlands purifying the air we breathe. Nature provides us with products that support our economies, for example, the means for food production, wood for building and fuel and providing the backdrop to our tourism industry.

- 3) Nature loss is well documented and reported:
 - a) Nature is declining at an unprecedented rate. The **IPBES (Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services) [Global Assessment of Biodiversity](#)**, the **[UN Global Biodiversity Outlook](#)** and the **[WWF's Living Planet Report](#)** show that levels of biodiversity across continents are plummeting with no sign of stopping, around one million animal and plant species across the globe are threatened with extinction.
 - b) The **[2019 State of Nature Report from the UK JNCC \(Joint Nature Conservancy Council\)](#)** report estimated that 1 in 6 of Wales' species are at risk of extinction and that over the past 50 years 73 species have already become extinct with a further 666 under threat of extinction.
 - c) The **[2020 State of our Natural Resources Report from Natural Resources Wales](#)** also shows that Wales' species and habitats are in serious decline and the resilience of our ecosystems is in decline too.
- 4) There is no single cause of nature loss. Contributory factors are many, individually complex and often interacting with each other, but they include:
 - a) Climate change.
 - b) Intensification of land management - driven by wider economics - on both our farmed and forested land.
 - c) Development pressures.
 - d) Pollution.
 - e) Hydrological change.
- 5) In **[2021 the Senedd declared a nature emergency](#)**, one of the first parliaments in the world to declare such an emergency. This requires Welsh Government to introduce a legally binding requirement to reverse biodiversity loss through statutory targets.

The Council believes that:

- 1) That nature is fundamentally important to the people and prosperity of Powys. One small but high profile 'marker' of this is our very own use of the red kite in the Council's logo. The red kite is also an example of a recovery success now urgently needed by so many species and habitats in Powys.
- 2) The ongoing decline in nature will impact directly on the residents, communities and businesses of Powys across many areas including the viability of our rural economies and the livelihoods they support, the provision of affordable food to our residents, the ability to manage flooding and the well-being of our communities to name just a few.
- 3) Despite the threats to nature there are many reasons to be hopeful:

- a) The Welsh legislative and policy structure and action planning directly considers the natural environment, including the way we manage it, and its links to our health and well-being. Specifically:
 - i) The **Environment (Wales) Act (2016)** places an enhanced duty on all public bodies to seek to maintain and enhance biodiversity (THE section 6 duty).
 - ii) The **Wellbeing of Future generations (Wales) Act (2015)** states that all public bodies must maximise their contribution to all the wellbeing goals.
 - iii) Wales being the first country to introduce the UN sustainable development goals into national policy and, as all sustainability goals are intertwined, this helps to put us in a position to create an environment for nature to thrive.
 - b) A **Nature Recovery Action Plan for Wales** now with a Powys focussed and recently published equivalent in the form of the **Powys Nature Recovery Action Plan**, the aim of which is to halt and reverse the declines in biodiversity across Powys.
 - c) The public – in no small part thanks to the work of David Attenborough – has a growing awareness and understanding both of the importance of nature and of the threats it is under. With this comes an increasing appetite to act directly and to support the action of others.
- 4) Here within Powys, we have substantial resources that can help us stem and reverse the loss of nature. It begins with talented and experienced land managers in our farming and forestry industries, an environmental NGO sector (specifically our Wildlife Trusts which the Welsh Government have recognised as playing a pivotal role in delivering a nature recovery), a higher education system with the infrastructure to support skills development, a local nature partnership and plan for action in the newly published Powys Nature Recovery Action Plan and a public that is increasingly supporting action to preserve nature.

The Council resolves to:

- 1) **Declare a Nature Emergency** as demonstration of the Council’s commitment to protecting and rejuvenating Powys’ natural environment for its inherent value, for the role nature plays in achieving a vibrant and viable economy and for the benefits nature provides to the wellbeing of our county’s residents.
- 2) **Establish meaningful supportive structures** that embed nature in decision making including:
 - a) **Establish a cross-party Nature Emergency Working Group** within the Council to help embed biodiversity in Council decision making, it’s engagement in partnerships and its ambitions for county-wide nature recovery.
 - b) **Appointment of a Council Member as a champion for nature** as allowed for by this Council’s constitution.

- c) **Actively seek to secure the funding from external new resources for a dedicated and permanent Nature Recovery Officer**, between them to help drive nature recovery within the Council and to animate action amongst stakeholders, seeking new external funds to help enable the delivery of nature recovery.
 - d) **Reaffirm the Council's support for the Local Nature Partnership** and to actively encourage and enable its development as an independent stakeholder group to represent those who manage nature alongside those who use and / or benefit from nature.
- 3) **Take meaningful action** to help achieve a net increase in nature county-wide including:
- a) **To draw up a response – outlining the Council's role – to the recently published Powys Nature Recovery Plan** produced by Powys Local Nature Partnership and which sets out actions needed to protect and conserve existing systems and to restore nature at a scale and pace commensurate with the threats it faces.
 - b) **To show meaningful leadership** by reviewing how the Council's assets and services can be more fully harnessed for reversing our county's loss of nature. **An immediate priority to be the County Farm Estates**. To then extend this as resources allow to review all services the Council provides such as Planning (exploring opportunities afforded by the review of the LDP to implement the motion for example), Procurement (a lot of nature's recovery can be aided by what and how we consume for example), Highways (further adoption of roadside verges as nature reserves), Education Services (skills development, school grounds), Countryside (parks management for example) etc.
 - c)

Proposed by County Councillor Adam Kennerley
 Seconded by County Councillor Angela Davies

Financial Assessment - Section 151 Officer

Some of the actions proposed will require support through officer time and where this can be accommodated within existing resources available to the service, the proposals will not incur any additional cost.

Other elements of the proposals will require additional resource at additional cost. This is recognised in part with reference to the need to secure additional funding, or as resources allow, and it is on this basis that the proposed actions must be considered/supported. Where this is the case further approvals will be required through the annual budget setting or virement process before they can proceed.

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| 15. | QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION |
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15.1. **Question to the Cabinet Member for a Learning Powys from County Councillor Elwyn Vaughan**

How many Powys pupils from outside the Swansea valley area, travel to Ysgol Ystalyfera for their education?

(Pages 157 - 158)

15.2. **Question to the Cabinet Member for a Connected Powys from County Councillor Elwyn Vaughan**

In view of the impending energy crisis and the increased costs for all, can I draw your attention to the German proposals –

- Public buildings heated to max. 19° C
- No heating in communal spaces of public buildings (e.g. corridors)
- Monuments and public buildings won't be illuminated.
- Shop doors can't be kept permanently open
- No lighting in shop windows or on billboards from 10 pm
- Private pools can't be heated with energy from the grid.

Can we as an authority implement the relevant elements of these proposals thus not only cutting down on energy waste but also making a positive environmental contribution?

(Pages 159 - 160)

At the end of the formal meeting there will be a briefing on Children's Services and Education