

County Council

Meeting Venue
Hybrid meeting - Zoom - County Hall

Meeting date
Thursday, 7 December 2023

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

1/12/2023

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 meetings held on 3rd October and 5th October 2023 as correct records.
(Pages 9 - 36)

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.	CHIEF EXECUTIVE'S BRIEFING
-----------	-----------------------------------

To receive a briefing from the Chief Executive.

7.	PUBLIC QUESTIONS
-----------	-------------------------

7.1. Question for Cabinet Member for Finance and Corporate Transformation from Nigel Williams

What sanctions are placed on the head of departments that year after year fail to meet the budget requirements they have proposed and yet annually fail to achieve? It seems pointless setting these targets, as for some heads of department, they are meaningless and are ignored on an annual basis.

(Pages 37 - 38)

7.2. Question for Cabinet Member for a Greener Powys from Peter Foulkes

Why are PCC so reluctant to convert the Byway Open to all Vehicles (BOAT) status of the Monks Trod, as it crosses Powys' section of the Elenydd, into a Bridleway? This updating of the route's Public Right of Way (PROW) status is the stand out solution to the terrible damage still being inflicted on this ancient route, part of which crosses a National Nature Reserve (NNR).

(Pages 39 - 40)

7.3. Question for Cabinet Member for a Greener Powys from John Williams

Given the evidence provided, and the overwhelming support for changing these 2 roads back to 30mph, when can this be implemented? (please see the background attached as an enclosure).

(Pages 41 - 46)

7.4. Question for Cabinet Member for a Greener Powys from Ian and Jane Whyte

We run a small but busy glamping site between Llansaintffraid and Llanfechain attracting campers from all over the country and Europe.

Time after time we are given negative feedback about the poor state of the public footpaths in our surrounding area, specifically with the lack of signage, padlocking of access gates, overgrown paths and aggressive

landowners.

Surely we need to attract as many tourists as possible to our beautiful area and encourage them to return. I'm also sure all local walkers would love to be able to have more access our countryside footpaths.

Simple question..... why is there no basic maintenance of these footpaths and how could this problem be remedied?

(Pages 47 - 48)

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

To consider budget virements requiring Council approval.

(Pages 49 - 50)

9.	CONSIDERATION OF SINGLE TRANSFERABLE VOTING SYSTEM
-----------	---

To consider a report by the Leader, County Councillor James Gibson-Watt.

(Pages 51 - 128)

10.	REVIEW OF POLLING DISTRICTS AND POLLING PLACES
------------	---

To consider a report by the Head of Legal Services and Monitoring Officer.

(Pages 129 - 132)

11.	APPOINTMENTS TO OUTSIDE BODIES
------------	---------------------------------------

To consider making appointments to

1. Powys Community Endowment Fund

This panel, made up of two Councillors from each of the historic shire areas, meets twice a year to make grants to groups and individuals from funds formerly managed by the Council. There is a vacancy for a Radnorshire member – County Councillor Geoff Morgan has been nominated.

2. Friends of St Mary's Church Brecon

The Council has been asked to appoint a member. County Councillor Chris Walsh has been nominated.

12.	NOTICE OF MOTION - FARM SALES
------------	--------------------------------------

We call on the Council to ask Cabinet to immediately refrain from considering any future proposals in the current financial year for farm sales pending approval by Full Council of a County Farms Policy that has been properly scrutinised and includes a

transparent and specific disposal/sales policy in respect of farms and farm property owned by the council.

We are calling on this due to:

- The ongoing uncertainty being caused to all County Farm tenants which is impacting their ability to effectively plan for their future business, livelihoods and housing needs;
- The concern that without such a transparent policy, the progression of farm sales is bringing the Council into disrepute; and
- The concern that without such a transparent and scrutinised policy, decisions are being made which may not be best value for the Council nor the best use of public resources.

Proposed by County Councillor Amanda Jenner

Seconded by County Councillor Gareth D Jones

Financial Assessment

The majority of the sales to date have come from vacant properties that were not viable to relet in their current condition and the amount of land to create a viable business opportunity. Where possible land has been reallocated to neighbouring farms to increase the viability, whilst reducing the maintenance liability of the council and still maintaining a regular rental stream from the remaining farms estate.

Over the last three years the rationalisation of farms and farmland has generated £2,875,500 in sales with a further £406,000 received so far in 2023/24. These sale receipts (capital receipts) are utilised to support the Councils capital expenditure reducing the need to borrow and saving revenue costs.

	Land & Building	Land only	Total
2020/21	715,000	15,000	730,000
2021/22	-	400,000	400,000
2022/23	1,008,500	737,000	1,745,500
Total	1,723,500	1,152,000	2,875,500
2023/24 to 31/10/23	350,000	56,000	406,000
Grand total	2,073,500	1,208,000	3,281,500

Using the £3,281,500 of capital receipts above instead of borrowing to fund the council capital programme, will save an estimated £197,000 per year to the revenue budget in reduced borrowing costs, over 50 years the total saving is £9,850,000. The councils farm estate currently includes holdings already approved for disposal of £5,725,000.

Other vacant holdings of £600,000 (which require investment of an estimated £100,000 before they can be relet) and further additional opportunities for rationalisation which, if released, would generate additional capital receipts estimated at £2,757,000. These include a farm where the tenant has recently passed away, other separate pieces of land and a specific piece of land required to

support the Levelling Up project in Montgomery.

If approved this motion will prevent the release of the estimated £3,357,000 of capital receipts (outlined above) from currently unoccupied farms, whilst maintaining and in some cases increasing the council's liability for these properties as a number are not in a condition to be relet or would not make viable businesses going forward due to their size. This would also impact any further properties that become vacant due to various reasons, e.g. surrender of lease by tenant, death of tenant, tenants lease terms ending (where a further term does not form part of the existing agreement).

Having vacant/surplus properties unoccupied incurs costs to the Council to maintain them. Insurance, council tax and regular inspections to ensure they remain safe and secure would continue if sales cannot be progressed. There is also the risk of damage to vacant properties, vandalism, leaks and other damage, especially during the winter months.

Using the estimated £3,357,000 of capital receipts instead of borrowing to fund the council's capital programme will save an estimated £201,000 per year to the revenue budget in reduced borrowing costs, over 50 years the total saving is £10,050,000.

It should be noted that this motion goes against the council's **The Corporate Asset Policy (CAP)** which states:

"To assist the Council in delivering the priorities of the Corporate Improvement Plan, the Council is committed to prompt and ongoing rationalisation of its buildings and land." (3-A 1.1)

The motion also ties the council's hands in making further decisions as tenancies that are due to end shortly become subject to review.

The financial challenge facing the Council in the next few years cannot be underestimated and to change policy independently now without considering the wider implications of the full budget proposal is not advised.

13.	NOTICE OF MOTION - PLANNING FEES
------------	---

Background

In my capacity as the Portfolio Holder responsible for Planning at Powys County Council I have written three times to Julie James, the Minister responsible for planning, without reply.

I am now seeking the added gravitas, which comes with the support of this Council, to once again request that the Powys Planning Service be allowed to set its own fees to put it on a course for full cost recovery.

The precarious financial situation facing the U.K. economy and public finances in Wales is much publicised and clear for all to see. Powys Council is transforming itself in an attempt to place service delivery on a sustainable footing and yet increased

fee income, in a range of services including planning, is not an option without positive intervention from Cardiff.

The effect of phosphates on a range of planning applications, and the rules governing developments of national significance; being handed over to PEDW, have severely impacted on Powys' planning fee income and yet non-fee earning work, such as planning enforcement, has remained buoyant, contributing to severe budgetary pressure.

POSW, the Planning Officers Society Wales has similarly lobbied civil servants for a fee increase and further steps towards cost recovery, but to no avail. A review in England has led to a fee increase from April 2024 and the overdue review in Wales is now needed to rebalance the charging regime to ensure that transgressors pay their way, as well as applicants, rather than the costs of enforcement falling on hard-pressed taxpayers, thereby promoting greater fairness within our communities.

This Council Therefore

Invites the Minister to urgently review the fees regulations for Planning Services to allow for local fee setting and the delivery of the full cost recovery principle for Development Management, and to consider the following propositions:

- Planning application fees based on full cost recovery, amended annually in line with inflation.
- Free “second go” applications following withdrawal or refusal should be removed and replaced with a 50% fee. This would promote pre-application engagement and better-quality initial planning application submissions, whilst addressing the financial cost of processing re-submissions.
- Where a landowner is in breach of planning control, doubling the fee for retrospective applications, where development has taken place without any planning permissions being sought.
- Where a landowner is in breach of planning control but refuses to submit a retrospective application and enforcement action is not expedient, the local Planning Authority be given powers to fine the transgressor, possibly double the relevant planning application fee.
- Remove the requirement to advertise individual planning applications in the print media or transfer the cost of doing so to applicants.
- Unless properly funded, Local Planning Authorities should not be required to submit a Local Impact Report for Developments of National Significance, (Planning performance agreements with developers do not provide for full cost recovery) nor should they be “required” to attend an Examination in Public.
- Landowners promoting sites within the LDP be required to pay an appropriate fee. This will not only assist the Council financially but will hopefully ensure that those putting sites forward are serious about their delivery and the benefits the allocations, for affordable housing etc. bring to our communities.

Proposed by County Councillor Jake Berriman

Seconded by County Councillor Karl Lewis

Financial assessment

This motion proposes lobbying Welsh Government and can be managed within existing resources. Officers will be able to accommodate supporting this activity as part of their role.

14. NOTICE OF MOTION - NEW NATIONAL PARK DESIGNATION

Council Notes

1. The existence of the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty already exists.
2. The commitment in the LB/PC programme of Government to create a new National Park in NE Wales
3. The publication on 18th July 2023 of guidance documents for the North East Wales National Park Designation Project with NRW asked to look at the case for a new National Park.

Council expresses concern that

1. The consultation boundary has been extended well beyond what is in the Programme of Government to include a large area of Montgomeryshire as far south as Llangadfan and Llanerfyl on the A458.
2. This new proposed designation has the potential to increase pressures on house prices, increased tourism pressures with the creation of honey pots and congestion in an area of limited road infrastructure, and further uncertainty for the farming community.
3. With the existing National Parks already face cuts and financial pressures, it is inevitable therefore that the creation of a extra local authority in essence will draw from the same ever diminishing pot of money to the detriment of residents and businesses located within Bannau Brycheiniog.

Council believes that

1. In view of the immense financial pressures on local government with Powys having to save circa £18m next year it is difficult to justify the creation of another authority which will increase the demand for resources in future years.
2. The relatively small representation from Powys on committees will lead to a democratic deficit in respect of planning and economic development decisions.

Council resolves to

Formally oppose the inclusion of areas of Powys within the new National Park area and recommends a maximum southern boundary based on the county boundary and the summit ridges of the Berwyn Hills.

Proposed by County Councillor Elwyn Vaughan

Seconded by County Councillor Bryn Davies

Finance Assessment

The motion being proposed requests the exclusion of any parts of Powys from the new national park in North East Wales. There does not seem to be any further action required from this motion, therefore there should be no additional financial cost.

The following item will be taken at 12.00 p.m.

15. PRESENTATION BY THE CHIEF FIRE OFFICER

To receive a presentation from the Chief Fire Officer, Roger Thomas.

Following the meeting the Chief Executive will brief Councillors on the Corporate Leadership Structure