

MINUTES OF A MEETING OF THE CABINET HELD AT COMMITTEE ROOM A - COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 4 OCTOBER 2016

PRESENT

County Councillor W B Thomas (Chair)

County Councillors R G Brown, J H Brunt, M R Harris, S M Hayes, E A Jones, W T Jones, W J T Powell and E A York

In attendance: County Councillors KW Curry, SC Davies, DR Jones, GM Jones, G Morgan and WD Powell.

1.	APOLOGIES	C182- 2016
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Apologies for absence were received from County Councillor AW Davies, leader of the Conservative group and County Councillor CJ Gibson-Watt, leader of the Liberal-Democrat group.

2.	MINUTES	C183- 2016
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The Leader was authorised to sign the minutes of the meeting held on 13th September 2016 as a correct record.

3.	DECLARATIONS OF INTEREST	C184- 2016
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There were no declarations of interest reported.

4.	DRAFT ONE POWYS PLAN ANNUAL PERFORMANCE EVALUATION 2015-16	C185- 2016
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Cabinet received the draft One Powys Plan Annual Performance Evaluation for 2015-16. Cabinet felt that the self assessments were very honest and they thanked the officers involved in drafting the document.

RESOLVED	Reason for Decision:
To approve the DRAFT One Powys Plan Annual Performance Evaluation 2015 - 2016 and Summary documents, and recommend to County Council for approval on 19th October 2016.	<p>To ensure the report gives a balanced and open account of the Powys Public Service Boards performance during the 2015-16 financial year, against the commitments and measures that were set out in the One Powys Plan 2014-17.</p> <p>To ensure the Council meets its statutory obligations as outlined in the Local Government (Wales) Measure 2009 and Shared Purpose – Shared Delivery guidance.</p>

5.	PROPOSALS FOR IMPROVEMENT TO PERFORMANCE REPORTING AND EVALUATION	C186- 2016
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Cabinet considered new arrangements for performance reporting and evaluation to offer a 'joined up' view of performance and a clear picture of performance in delivering against the Council's key strategic priorities. The Strategic Overview Board chaired by the Portfolio Holder for Finance and Performance would act as the Council's performance management board. The Chairs of the Scrutiny Committees expressed discontent that the proposal did not offer an external challenge and indicated that they may set up their own arrangements for monitoring performance.

RESOLVED	Reason for Decision:
To agree the proposals set out in section 2 of the report.	To strengthen the Council's performance management arrangements.

6.	FINANCIAL OVERVIEW AND FORECAST AS AT 31ST JULY 2016	C187- 2016
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Cabinet considered the budget outturn report for the period ended 31 July. The report confirmed the serious financial position the Portfolio Holder for Finance had reported at the last meeting. The Chief Executive reported that following the decision taken at the last meeting, services were working on their budget recovery plans. Work was being undertaken to identify what was overspending by services and what was unachieved savings carried forward. Once Management Team had completed this work a report would be brought to Cabinet to consider how to put a stop to ongoing overspends. The Chief Executive also drew members' attention to the projected pupil numbers which estimated a further 400 secondary school pupils lost by 2019 and the impact of this on school finances which would require political decisions to address. The Portfolio Holder for Finance reminded members that despite the financial pressures the Council was facing, it was the 4th best improving council in Wales, with improvements in 26 of 40 measures, while at the same time delivering substantial savings.

RESOLVED	Reason for Decision:
That: 1. the contents of this report are noted by Cabinet; and 2. Cabinet requires services to take all reasonable actions to curtail or reduce the reported forecasted service deficits. 3. the Capital virements set out in paragraph 8.3 are approved, and those over £500k be submitted to full council for approval.	To monitor the Council's financial performance and ensure that spending remains within approved limits and that the 3% minimum general fund reserve is maintained.

7.	ICELAND BANK DEPOSITS	C188- 2016
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Cabinet received details of the final position of the Council's investment of £4,000,000 with two Icelandic banks. The Portfolio Holder advised that taking into account interest received the final amount received was £4,124,713. Cabinet recorded its thanks to the Portfolio Holder for Finance and the officers involved for recovering the Council's investment. In terms of lessons learned, the Treasury Management Strategy was reviewed annually but Members were reminded that there were no risk free investments. The Strategic Director Resources advised that returns were now so low that for the first time next year's budget would not include any cash income from investments.

RESOLVED	Reason for Decision:
That the Icelandic Banks Final Update Report be received	Update report agreed by Portfolio member

County Councillor RG Brown abstained having missed part of the debate.

8.	HOUSEHOLD WASTE RECYCLING CENTRE REVIEW - CONSULTATION ON FUTURE OPTIONS	C189- 2016
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The Portfolio Holder for Environment and Sustainability reminded Cabinet that Council agreed in principle in February 2015 to close two of the five Household Waste Recycling Centre sites from April 2017 to realise a saving of £700,000. It was proposed to consult on a range of options from reducing opening hours to closure of two of the sites. Cabinet questioned why some options were being consulted upon when they would not deliver the required level of savings and the Portfolio Holder explained that the service may have to consider a combination of options to make the required savings. The consultation would make it clear that £700,000 savings would have to be found. Members asked that consideration also be given to the introduction of a nominal charge for the use of the HWRCs.. A number of Members raised concerns over the potential of flytipping if centres closed.

RESOLVED	Reason for Decision:
To carry out a full consultation exercise on options for HWRCs including the options outlined in paragraph 3 of the report with a view to achieving £700k savings.	To inform the decision making process for HWRC options from April 2017

9.	ACTIONS IN RESPONSE TO WEAKNESSES IDENTIFIED DURING AN INVESTIGATION INTO THE INAPPROPRIATE USE OF A SCHOOLS DELEGATED BUDGET	C198- 2016
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Cabinet considered a report on lessons learned and actions taken to respond to weaknesses identified during the investigation of inappropriate use of delegated

budgets and non-compliance of policy by governing bodies. Members welcomed the report.

RESOLVED	Reason for Decision:
To note the actions taken and being taken to respond to the weaknesses identified during the investigation of inappropriate use of delegated school budgets.	To improve the assurance arrangements surrounding the compliance of school budgets with the Scheme for the Financing of Schools

10.	YSGOL BRO HYDDGEN AND USE OF DELEGATED FUNDS FOR SCHOOL TRANSPORT	C190- 2016
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Cabinet considered a report on the transport of approximately 10 pupils from out of the county to Ysgol Bro Hyddgen that was contrary to the Council’s policy. Cabinet was advised that an investigation would be carried out in-house as the previous inquiry carried out by the independent barrister had set the parameters and these did not have to be gone over again. The Chief Executive advised that he had met the Chair of Governors and the Headteacher who had confirmed that they would take steps to comply with the policy. The Solicitor to the Council advised that he had now received details of the barrister’s costs of the Llanfyllin High School investigation and that he would forward these to Councillor Sandra Davies as previously requested.

RESOLVED	Reason for Decisions:
<p>1.That Ysgol Bro Hyddgen will have a two year transition period to comply with Regulation 5.2 and during the intervening period the charges for transport will be at least in line with the council’s vacant seat scheme from the beginning of next term. From September 2018 the position will be on a full cost recovery basis.</p> <p>2.That Cabinet agrees to an appropriate investigation as suggested in paragraph 5.2 of the report. A further report will then be brought back to Cabinet.</p> <p>3.That monthly meetings be held between council officers and school representatives to review expenditure and income to ensure compliance with the Scheme for the Financing of Schools. Regular reports of these meetings be submitted to Cabinet and Audit Committee.</p> <p>4. The school provide documentary</p>	To ensure compliance with agreed policy and act in a manner consistent with the actions taken to address the breach identified at Ysgol Bro Hyddgen

evidence to demonstrate compliance with financial regulations and/or EU procurement procedures in relation to the procurement of transport at the school in general, but in particular in relation to home to school transport arrangements made by the school.	
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11.	LLANIDLOES HIGH SCHOOL AND USE OF DELEGATED FUNDS FOR SCHOOL TRANSPORT	C191- 2016
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Cabinet considered a report on the transport of approximately 31 pupils from Newtown to Llanidloes High School in contravention of the Council's policy.

RESOLVED	Reason for decisions:
<p>1. That Cabinet notes Llanidloes High School will be compliant with Regulation 5.2 from September 2017 and during the intervening period the charges for transport will be at least in line with the council's vacant seat scheme.</p> <p>2. That Cabinet agrees to an appropriate investigation as suggested in paragraph 5.2 of the report. A further report will then be brought back to Cabinet.</p> <p>3. That monthly meetings be held between council officers and school representatives to review expenditure and income to ensure compliance with the Scheme for the Financing of Schools. Regular reports of these meetings be submitted to Cabinet and Audit Committee.</p> <p>4. To ensure future compliance with Scheme for the Financing of Schools, the School will use the Council's financial system as its primary accounting system</p> <p>5. The school provide documentary evidence to demonstrate compliance with financial regulations and/or EU procurement procedures in relation to</p>	<p>To ensure compliance with agreed policy and act in a manner consistent with the actions taken to address the breach identified at Llanfyllin High School</p>

the procurement of transport at the school in general, but in particular in relation to home to school transport arrangements made by the school.	
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12.	CORRESPONDENCE	C192- 2016
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There were no items of correspondence reported.

13.	DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING	C193- 2016
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Cabinet received for information details of delegated decisions taken since the last meeting.

14.	FORWARD WORK PROGRAMME	C194- 2016
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Cabinet noted the forward work programme.

15.	EXEMPT ITEMS	C195- 2016
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RESOLVED to exclude the public for the following items of business on the grounds that there would be disclosure to them of exempt information under categories 1, 15 & 16 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

16.	POWYS LIBRARY SERVICE - OPTIONS FOR A SUSTAINABLE FUTURE AND ACHIEVEMENT OF FINANCIAL TARGETS UNDER MEDIUM TERM FINANCIAL PLAN	C196- 2016
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Cabinet considered a report on the library service and the need to meet the savings targets of £100,000 in 2017/18 and £150,000 in 2018/19. The report set out details of negotiations undertaken with Town Councils to see whether local communities would be willing to take on the running of branch libraries, or contribute towards their direct costs on a 50% basis. Firm proposals had been received from Crickhowell High School, Presteigne & Norton Town Council and Knighton Community Centre and Knighton Town Council and partial agreement had been reached with the majority of the others.

It was proposed that in those cases where confirmation had not been received by 31st October 2016, consultation on closure now takes place, and the offer of 50% funding from the library service withdrawn. Further discussion would be around complete community delivery or closure only. However, should a clear and viable

proposal be put forward up to 31st October 2016, it was proposed that Portfolio Holder be given delegated authority to determine its viability, in consultation with the service and Strategic Director, and subject to an adequate business case being presented. "One off costs" to deliver these options would be funded from reserves or management of change funding, to be determined by the Section 151 Officer. The length of the deal with community partners would be commensurate with Community Delivery, i.e. 5 years, subject to break clauses and reviews.

Members paid tribute to the Leisure and Recreation Services Manager and Principal Librarian for all their work in trying to reach agreements with Town Councils.

RESOLVED	Reason for Decision:
<p>That Option 2 is pursued in relation to the business cases received or in their absence, as commensurate with the option details.</p>	<p>1. To ensure a sustainable and equitable library service for residents in the future, and in providing bespoke solutions to be achieved at a local level.</p> <p>2. To ensure maximum benefit for residents both now and in the future, under the Wellbeing of Future Generations Act</p> <p>3. To protect the reputation of the council, and the potential for judicial review challenges.</p>

17.	EQUAL PAY SETTLEMENT	C197- 2016
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Cabinet considered a confidential report on equal pay claims.

RESOLVED	Reason for Decision:
<p>That Cabinet:</p> <p>a) agree the proposed settlement to be offered to Thompsons claimants on the terms attached in the draft proposed Memorandum of Understanding, filed with the signed minutes and attached as Appendix1 to the report filed with the signed minutes</p> <p>b) agree that these terms may also be offered to the Slater and Gordon Claimants in an attempt to resolve</p>	<p>To address the Council's existing equal pay claims as at 5 May 2016</p>

<p>all the current claims;</p> <p>c) subject to the approval of (a) and (b) above, note the implementation arrangements and delegate authority to the Chief Executive, Chief Finance Officer and Monitoring Officer to conclude any outstanding matters that may arise.</p>	
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County Councillor W B Thomas (Chair)