

**MINUTES OF A MEETING OF THE CABINET HELD AT COUNCIL CHAMBER -  
COUNTY HALL, LLANDRINDOD WELLS, POWYS ON TUESDAY, 28 FEBRUARY  
2017**

**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 A G Thomas

In attendance: County Councillors MJ Dorrance, CJ Gibson-Watt, DW Meredith, GD Price, DR Price, DG Thomas

<b>1.</b>	<b>APOLOGIES</b>	<b>C34- 2017</b>
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Apologies for absence were received from County Councillor Sandra Davies, leader of the Labour group.

<b>2.</b>	<b>MINUTES</b>	<b>C35- 2017</b>
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The Leader was authorised to sign the minutes of the meeting held on 7<sup>th</sup> February and reconvened on 14<sup>th</sup> February 2017 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>C36- 2017</b>
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County Councillor WJT Powell declared a personal non-pecuniary interest in item C37 – 2017 as an LEA appointed governor of Llandrindod High School.

The Chief Executive declared a personal non-pecuniary interest in item C37 – 2017 as the parent of a child attending Llandrindod High School.

County Councillor RG Brown declared a personal non-pecuniary interest in item C39 – 2017 Schools Major Improvement Programme as an LEA appointed governor of one of the schools mentioned in the report.

County Councillor MJ Dorrance declared a personal non-pecuniary interest in C40 – 2017 Brecon High School Financial Management as his partner was a governor of the school.

<b>4.</b>	<b>SECONDARY SCHOOL REORGANISATION PROGRAMME BUILTH WELLS AND LLANDRINDOD HIGH SCHOOLS OBJECTION REPORT</b>	<b>C37- 2017</b>
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Cabinet considered responses received to the consultation on proposals to close Builth Wells High School and Llandrindod High School on 31<sup>st</sup> August 2018, and to establish a new dual-stream 11 – 18 secondary school that would operate across the current sites of the two schools from 1<sup>st</sup> September 2018. Cabinet was advised that a total of 1788 objections had been received during the

statutory objection period, including 78 individual written responses and 1695 responses that were a copy of a single objection template signed by individual objectors. It was confirmed that there were no responses received in support of the proposal. Appended to the report were copies of the objections received and the authority's responses.

County Councillor David Price spoke as a local member representing the catchment of Builth Wells High School. He did not feel that there was anything in the proposals to merge the schools that would lead to standards being improved nor was there any guarantee that larger schools were necessarily better. He argued that the objections received showed that there was no support for the proposal and he urged the Cabinet to listen to the public.

County Councillor Gary Price spoke as a local member for Llandrindod Wells. He questioned why the Cabinet was pursuing the option of merging the schools given the large public response against the proposal. He noted that when proposals for the merger of Brecon and Gwernyfed High Schools had been abandoned the Cabinet had cited the large public response as a reason, yet there had been a larger response in opposition to the proposals for Builth Wells and Llandrindod High Schools.

Cabinet sought and received confirmation that any decision taken did not predetermine the proposals for the Welsh medium stream in Brecon High School due to be considered at the next meeting.

In reply to comments about Estyn's response that it was not possible to establish whether standards would be at least maintained by the proposal, Cabinet was reminded that both schools were currently in special measures. The proposals offered the opportunity of improved leadership at all levels, leading to improved teaching, improved mentoring and coaching opportunities for staff and economies of scale leading to greater investment in teaching and learning all of which would help improve standards.

Cabinet did not feel that there was anything in the responses received that was new or would lead to them to changing their view that the two schools should merge.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p><b>To confirm the decision of Cabinet made on 27<sup>th</sup> September 2016 to close Builth Wells High School and Llandrindod High School on 31<sup>st</sup> August 2018, and to establish a new dual-stream 11 – 18 secondary school that will operate across the current sites of the two schools from 1<sup>st</sup> September 2018.</b></p>	<p><b>To establish a sustainable model of secondary education in Mid Powys that would be able to deliver high-quality education.</b></p>

Councillor MR Harris did not vote having been absent for the start of the debate.

Cabinet considered the Schools Service Asset Management Plan. The Portfolio Holder for Finance noted that schools sometimes received funding for works from other sources and argued that if that was the case then that should be taken into consideration in the calculation.

RESOLVED	Reason for Decision:
<p>(i) That approval is given to a budget of up to £50k per annum from the Major Improvements budget being included in the 2017-18 and 2018-19 financial years within the Major Improvements Capital Programme for the development of a number of Stage 1 designs for Business Justification Cases (BJCs);</p> <p>(ii) That officers undertake work to quantify the impact of the 21<sup>st</sup> Century Schools and Major Improvement Programmes on the level of backlog maintenance works for consideration by Cabinet in Autumn 2017;</p> <p>(iii) That any identified works required following the change to the age of admission to school are included and ranked within the Major Improvement Programme 2017-2019;</p> <p>(iv) That approval is given to minor changes to the scoring matrix used to prioritise investment in the Major Improvements Programme, to ensure that all projects are ranked fairly based on the risk to the Authority and to ensure Service continuity;</p> <p>(v) That the Authority commence discussions with schools identified in Appendix E around the removal of mobile classrooms due to surplus capacity in readiness for the</p>	<p>(i) To prioritise Band B projects under the 21<sup>st</sup> Century Schools Programme;</p> <p>(ii) To identify the level of backlog maintenance works for inclusion in the Schools Service Asset Management Plan;</p> <p>(iii) To ensure funding is identified to meet any works required;</p> <p>(iv) To ensure a transparent and fair allocation of capital funding;</p> <p>(v) To reduce the level of surplus capacity in schools</p>

<p><b>2018-19 financial year;</b></p> <p><b>(vi) That the cost of removal is funded using funding currently delegated to schools through the premises elements of the formula; removal to be considered on a case by case basis through Portfolio Holder report.</b></p> <p><b>(vii) That those schools who have not spent 80% of their delegated Repairs and Maintenance budget on repairs and maintenance over a 5 year rolling period are required to make a contribution of up to 80% of their unspent delegated repairs and maintenance funding towards the cost of any project, including major improvement works. If Schools have received funding from other sources and providing it has been spent on the building it is to be included in the calculation.</b></p>	
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County Councillor Rosemarie Harris did not vote having missed part of the debate.

<b>6.</b>	<b>SCHOOLS MAJOR IMPROVEMENT PROGRAMME</b>	<b>C39- 2017</b>
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Cabinet considered the Schools Service Major Improvements Programme for 2017-2020. The Portfolio Holder for Education noted the concern expressed by the Leader of the Liberal Democrat group at the capital spend required in some relatively new schools.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p><b>1. That the Major Improvements Programme for financial year 2017-18 as set out in Sections 1.4, 1.8, 2.1 and Appendix A be approved.</b></p> <p><b>2. That the Portfolio holder for education in consultation with the Head of Schools has delegated authority to make changes to the Major Improvements Programme</b></p>	<p><b>To progress the School Modernisation Programme and meet Welsh Government fit for purpose objectives</b></p>

<b>that are within budget.</b>	
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County Councillor Rosemarie Harris did not vote having missed part of the debate.

<b>7.</b>	<b>BRECON HIGH SCHOOL - FINANCIAL MANAGEMENT</b>	<b>C40- 2017</b>
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Cabinet considered a report on the budget position of Brecon High School. There was a substantial and unsustainable potential deficit £1.357m by 2018/19 in addition to the outstanding loan of £216k. The school had concluded that reductions required to produce a balanced budget for 2016/17, which would require a reduction of 10 members of staff, was not an acceptable option as it would have considerable impact across the school and would be detrimental to the progress made in improving standards and maintaining progress against the Estyn recommendations which had led to the school being removed from special measures.

County Councillor David Meredith spoke as the Chair of Governors. He advised that the school had already taken steps to reduce costs leading to increased class sizes and the Governors took the view that further reductions in staffing levels would leave the school unable to deliver the curriculum and risk putting it in special measures. He also noted that uncertainty created by school reorganisation proposals had led to the loss of Welsh medium pupils and consequent loss of funding. He asked the Leader and Portfolio Holder and senior officers attend a meeting of staff and parents to explain the decision.

County Councillor Matthew Dorrance spoke as a local member. He questioned whether the school was adequately funded noting that two independent reviews had concluded that savings could not be delivered without negatively impacting on learner outcomes. He asked if the reorganisation policy should be revisited and he called for meaningful discussions with the school and local members about what could be done in partnership.

County Councillor Gillian Thomas spoke as a local member. She noted that the budget issues in the school went back to 2010 when the LEA was slow to respond. She argued that reorganisation proposals had led to pupils leaving and the Welsh medium pupils moving to Builth at a cost of £100k per annum in transport.

Cabinet noted that Brecon was not the only high school facing financial pressures with projected deficits in the secondary sector of £2.5m by 2018/19. The Portfolio Holder for Finance cautioned that this was a problem that threatened the financial viability of the Council and was a consequence of not taking forward the schools reorganisation programme. It would not be equitable to put additional money into just one school, but to put Brecon High School on the same footing as other schools, payments on the loan would have to be set-aside for the time being.

The overspend in the current year was £353k equivalent to 7 teachers and projected deficit for next year was £529k equivalent to 10 teachers and the Head

of Schools advised that if these staffing cuts were implemented he doubted the school would be able to deliver the learning measure and there would be a significant impact on standards.

The Strategic Director Resources (Section 151 Officer) cautioned that projected schools deficits were a serious risk for the authority and that the Council could not afford to run the number of schools on the funding available.

Cabinet felt that with continued reductions in pupil numbers the secondary school reorganisation programme and the funding formula needed to be looked at again.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<p data-bbox="229 618 592 654"><b>That the report is noted</b></p> <ol style="list-style-type: none"> <li data-bbox="277 696 887 958">1. <b>Within 10 working days i.e. the 14<sup>th</sup> March 2017, the governing body of Brecon High School is required to submit a budget recovery plan which as a minimum brings the school budget into a balanced in-year position in 2017-18.</b></li> <li data-bbox="277 1003 887 1458">2. <b>Should the above not be received, or should the budget recovery plan be unacceptable in the opinion of the section 151 Officer, the Director of Education will issue a warning notice to the governing body in accordance with the <i>School Standards and Organisation (Wales) Act 2013 and Welsh Government Statutory Guidance Document (202/2016) Schools Causing Concern.</i></b></li> <li data-bbox="277 1503 887 1845">3. <b>Officers are instructed to review plans and timetable for Secondary School reorganisation throughout Powys taking full account of falling pupil numbers and the requirement of Welsh medium and Post 16 Education and report to Cabinet no later than the end of Autumn term 2017.</b></li> <li data-bbox="277 1890 887 2033">4. <b>That an in-depth review of the funding formula is carried out by early autumn 2017 for implementation in April 2018.</b></li> </ol>	<p data-bbox="911 618 1377 725"><b>That an appropriate budget plan is submitted by the school;</b></p> <p data-bbox="911 770 1377 994"><b>And to ensure that the school has a financial basis on which to ensure that the school continues to progress the recommendations for improvement.</b></p>

Councillor Arwel Jones left the meeting at 15.28.

<b>8.</b>	<b>FINANCIAL OVERVIEW AND FORECAST AS AT 31ST JANUARY 2017</b>	<b>C41- 2017</b>
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Cabinet received the financial overview and forecast for the period ended 31 January 2017. The projected overspend of £4,357k against the approved budget was an improvement of £493k on the December position. The Portfolio Holder for Finance advised that the Strategic Overview Board would be looking in further detail at the service budgets at its meeting on 21 March.

The Chair of the Audit Committee noted that 25% of the budget savings still had to be delivered and that the use of reserves needed to be kept under review.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>1. The contents of this report are noted by Cabinet; and 2. Cabinet supports appropriate action by services to curtail or reduce the reported forecasted service deficits. 3. The Capital virements set out in paragraph 14.2 are approved, and those over £500k be submitted to full council for approval.</b>	<b>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.</b>

<b>9.</b>	<b>ADULT SOCIAL CARE OVERSPEND</b>	<b>C42- 2017</b>
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County Councillor John Morris, the Chair of the Finance Scrutiny Panel, presented the Panel's report on the overspend in Adult Social Care. He thanked the members of the Panel and scrutiny officers for their work on the report and outlined the methodology used.

He welcomed the recovery plan and action plan which the Panel would report back on at a later meeting. However it was the Panel's view that there had been a historical failure to achieve transformational, and cultural change in the service. The Panel was concerned about the strain on reserves and the impact on other Council services. The Panel wanted to see robust financial management introduced. The Panel felt that if not addressed, the current situation had the potential to overwhelm the whole Council. Any unforeseeable expenditure should be met from a budgeted, general contingency and should not be met from reserves which are at an unacceptably low level. A proper business case must be evidenced before any funds are accessed.

The Leader thanked the Panel for the report and its Chair for keeping him briefed.

## Response from the Portfolio Holder for Adult Social Care

The Portfolio Holder for Adult Social Care gave a personal response to the Finance Scrutiny Panel report. A formal response would be given at a future meeting.

The Portfolio Holder expressed disappointment at the report. He felt that there had been no analysis of the pressures on the service and he regretted that no recognition had been given to the actions taken by the service to address the overspend.

<b>10.</b>	<b>CORPORATE IMPROVEMENT PLAN 2016/20 - 2017 UPDATE</b>	<b>C43- 2017</b>
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The Leader advised that the Corporate Improvement Plan would be considered by Council on 7 March. He said that he would prefer to see it come forward earlier in the year.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
That the Corporate Improvement Plan 2016/20 - 2017 Update is recommended for approval at full council on 7 <sup>th</sup> March 2017.	This CIP clearly defines the council's vision, priorities and intended outcomes, clearly making links to the One Powys Plan, the MTFS and emerging workforce strategy. To facilitate effective engagement with staff, elected members, the public and stakeholders such as regulators.

<b>11.</b>	<b>REGIONAL PARTNERSHIP BOARD - POPULATION ASSESSMENT</b>	<b>C44- 2017</b>
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Cabinet received the population assessment produced for the Regional Partnership Board. Members noted that this was an important piece of work that services needed to have due regard when planning future delivery. It was suggested that it should be included in new Members' induction packs and given a wider circulation.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<ol style="list-style-type: none"> <li>1. The Population Assessment in Appendix attached to the report is recommended for approval at full council on 7<sup>th</sup> March 2017.</li> <li>2. That the population assessment be included the new Members' induction pack and given wider distribution.</li> </ol>	<p>The population assessment provides an essential foundation for developing the statutory area plan by 31<sup>st</sup> March 2018.</p> <p>Approval by full council is a statutory requirement of the Act.</p>



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<b>12.</b>	<b>USE OF SITE FOR DEVELOPMENT OF BUSINESS UNITS AND RECYCLABLES BULKING CENTRE</b>	<b>C45- 2017</b>
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Cabinet considered proposals for a site purchased by the Council in Abermule to be shared between the Commercial Property portfolio, which would develop around 53% of the site for new Business units, whilst approximately 47% of the site would be utilised by Highways Transport and Recycling (HTR) as a new Material Recycling Facility (MRF) for the northern part of the County. Approximately 15% of the site would be utilised as highway infrastructure, electricity substation and sewerage pumping station.

County Councillor Wynne Jones speaking as the local Member sought an assurance that capital funding allocated to Regeneration for the project would be retained and used to invest in the development of the site. The Head of Regeneration Property & Commissioning said that this would be subject to the capital programme agreed by Council but that she anticipated that it would be retained.

He asked for the timeframe for starting development of the site. The Head of Regeneration Property & Commissioning advised that the workshops would be developed at the same time as the recycling facility. Planning permission needed to be obtained and during this time the design for the site would be developed. It was confirmed that Welsh Government wanted to see the start of development on Plot B adjacent to Court Farm within two years.

Councillor Jones also asked for and received an assurance that no residual waste would be handled on the site.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>That approval is given to use and develop the site for both business units and a Material Recycling Facility.</b>	<b>To enable a site to be developed as a prestige business park, and a new bulk recycling facility for the north of the County.</b>

<b>13.</b>	<b>TREASURY MANAGEMENT REPORT QUARTER 3</b>	<b>C46- 2017</b>
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Cabinet considered the Treasury Management report for quarter 3.

<b>RESOLVED</b>	<b>Reason for decision:</b>
<b>That the Treasury Management Quarterly Report be received</b>	<b>To ensure Cabinet remains informed about current Treasury Management performance</b>

<b>14.</b>	<b>POWYS SAFEGUARDING CHILDREN AND ADULTS QUARTERLY UPDATE</b>	<b>C47- 2017</b>
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Cabinet considered the safeguarding report for the second quarter. The Portfolio Holder with responsibility for Children's Services noted criticism from the leader of the Liberal Democrat group that the information was 6 months old and did not contain any figures for Children's Services. He explained that the Corporate Parenting Group saw the detailed figures. Future reports would incorporate data from the quality assurance performance framework that would show much more detail.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>That Cabinet accepts the safeguarding update in line with its safeguarding responsibilities.</b>	<b>Safeguarding is everyone's business and this report provides assurance to Cabinet of work that is underway both locally and regionally on important safeguarding matters.</b>

<b>15.</b>	<b>JOINT PARTNERSHIP BOARD</b>	<b>C48- 2017</b>
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Cabinet received the minutes of the Joint Partnership Board meeting held on 19 January 2017.

<b>16.</b>	<b>CORRESPONDENCE</b>	<b>C49- 2017</b>
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There were no items of correspondence reported.

<b>17.</b>	<b>DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING</b>	<b>C50- 2017</b>
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The Cabinet received details of delegated decisions taken since the last meeting.

<b>18.</b>	<b>FORWARD WORK PROGRAMME</b>	<b>C51- 2017</b>
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The Leader asked Portfolio Holders to make sure that the forward work programme was kept up to date at least 8 months in advance.

**County Councillor W B Thomas (Chair)**