

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNCIL  
CHAMBER - COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY, 23  
FEBRUARY 2017**

**PRESENT**

County Councillor K F Tampin (Chair)

County Councillors MC Alexander, PJ Ashton, D Bailey, G R Banks, G J Bowker, G Breeze, R G Brown, J H Brunt, L V Corfield, K W Curry, M J B Davies, S C Davies, D E Davies, L R E Davies, E R Davies, S Davies, A W Davies, M J Dorrance, W J Evans, D O Evans, R I George, J Gibson-Watt, P Harris, M R Harris, S M Hayes, J C Holmes, G Hopkins, D C Jones, M J Jones, E M Jones, Eldrydd M Jones, G M Jones, D R Jones, J R Jones, W T Jones, F H Jump, P E Lewis, H Lewis, MC Mackenzie, D Mayor, S McNicholas, P J Medicott, DW Meredith, R H Mills, ET Morgan, JG Morris, W J T Powell, WD Powell, GD Price, D R Price, P C Pritchard, G W Ratcliffe, K M Roberts-Jones, K S Silk, D A Thomas, W B Thomas, A G Thomas, D G Thomas, R G Thomas, T Turner, T J Van-Rees, G P Vaughan, S L Williams, J M Williams and G I S Williams

Apologies for absence were received from County Councillors V E Evans, L Fitzpatrick, E A Jones, G Morgan, J G Shearer and D H Williams

<b>1.</b>	<b>APOLOGIES</b>
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Apologies for absence were received from County Councillors VE Evans, L Fitzpatrick, JG Shearer and DH Williams and from the Chief Executive.

<b>2.</b>	<b>MINUTES</b>
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The Chair was authorised to sign the minutes of the last meeting held on 26 January 2017 as a correct record.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>
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County Councillor TJ Van-Rees declared a prejudicial interest when the County Farms Estate was raised as part of the debate on the budget and left the meeting while it was being discussed.

County Councillor EM Jones declared a personal non prejudicial interest when day centres were discussed as part of the debate on the budget.

<b>4.</b>	<b>CHAIR'S ANNOUNCEMENTS</b>
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The Chair gave details of some of the events he had attended since the last meeting including the Montgomeryshire Sports Awards in Newtown, Powys Cadets Awards in Crickhowell and the Radnorshire YFC drama in the Albert Hall in Llandrindod Wells.

**5. LEADER'S ANNOUNCEMENTS**

The Leader advised that he would make his announcements at the next meeting.

**6. VIREMENTS REQUIRING APPROVAL BY COUNCIL**

Council was asked to consider rolling forward the capital budget for the fleet facility to 2017/18.

The recommendation was moved by the Portfolio Holder for Finance and seconded by County Councillor TJ Van-Rees and passed by 60 votes to 0 with 1 abstention.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>That the Capital Virement to roll forward £1,170K into 2017/18 is approved.</b>	To complete the evaluation of the proposed options, prepare a business case and identify other possible sources of funding in 2017/18 and to comply with the Authority's financial regulations.

**7. MINIMUM REVENUE PROVISION ANNUAL STATEMENT 2017/18**

Council considered the method used to calculate the Minimum Revenue Provision (MRP) for 2017/18. This was the annual charge that local authorities were required to make for the repayment of debt liability.

The recommendation was moved by the Portfolio Holder for Finance and seconded by County Councillor TJ Van-Rees and passed by 55 votes to 6 with 3 abstentions.

<b>RESOLVED</b>	<b>Reason for Decision:</b>
<b>1. To use a 2% straight line calculation for MRP in relation to Supported Borrowing.</b>	<b>Statutory Requirement</b>
<b>2. To use Option 3 Asset Life Annuity Method for the calculation of MRP in relation to Prudential Borrowing.</b>	<b>Statutory Requirement</b>
<b>3. To use a 2% reducing balance for MRP in relation to Historic and the Settlement Debt for the HRA</b>	<b>Statutory Requirement</b>
<b>4. To use Option 3 Asset Life for the calculation of MRP in relation to Prudential Borrowing for the HRA</b>	<b>Statutory Requirement</b>
<b>5. To take advantage of the guidance that allows for MRP to be deferred</b>	<b>To match the cost of MRP to the use of an asset by a service.</b>

for assets under construction.	
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<b>8. REPORT OF THE FINANCE SCRUTINY PANEL</b>
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County Councillor JG Morris, Chair of the Finance Scrutiny Panel, presented the Panel's response to the proposed budget. The Panel had raised a number of concerns including the effects of missed savings targets in the current budget impacting on the 2017/18 budget and the use of reserves. The Panel sought an assurance that the overspend in Adult Social Care would not be repeated. The Panel were unsure if the proposed budget was cash limited or demand led. The three year approach to the budget was welcomed but the Panel was concerned at the impact when decisions were made outside that framework. Finally Councillor Morris noted that the late change to the proposed Council Tax made it difficult to scrutinise.

In response the Portfolio Holder for Finance thanked the Panel for their work and challenge. He would be making a formal response at Cabinet on 14 March. He explained that there would always be adjustments to a three year budget including the Pension Fund actuarial valuation, the deteriorating situation in schools' budgets and the overspend in Adult Social Care. He agreed that it was very costly to reinstate budgets in the MTFP.

<b>9. BUDGET FOR 2017-18, MEDIUM TERM FINANCIAL STRATEGY 2017-2020 AND CAPITAL PROGRAMME FOR 2017-2021</b>
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Council considered the budget for 2017/18, the Medium Term Financial Strategy 2017/2020 and Capital Programme 2017/2021. (Copy filed with the signed minutes).

In presenting the budget the Portfolio Holder for Finance advised that although the budget settlement was better than expected, it was still the worst in Wales, a 0.5% cut in funding from the previous year. He acknowledged that the Cabinet Secretary for Finance and Local Government had listened to the Council's representations on the extra costs of delivering services in a rural area, allocating an extra £1.5m. He reminded Members that the Council was only halfway through the programme of savings having already made £65m of cuts and that austerity would continue until 2027.

The Portfolio Holder outlined the Cabinet's strategy explaining the policy decisions which required adjustments to the budget. He explained the approach taken to de-risk the budget and to address the overspend in the Adult Social Care budget with the establishment of a reserve. He also highlighted the additional amounts put in the budget to avoid having to introduce a 4 weekly residual waste collection, to retain the 5 Household Waste Recycling Centres, to save Knighton and Llanfair Caereinion Leisure Centres and to keep day care centres open for another year while alternative ways of delivering the service were established. He advised Council that a sub group of Cabinet had examined impact assessments for each of the savings proposed, sending back those which did not mitigate identified risks.

The Portfolio Holder for Finance explained that since the Cabinet had met on 7 February to make its recommendations to Council, work had continued to refine the budget resulting in a further reduction of £400k in the budget meaning that the Cabinet was recommending a lower Council Tax of 3.90%.

The Portfolio Holder for Finance and Cabinet members answered questions from Members. The Leader confirmed that he had discussions with the Cabinet Secretary and local Assembly Members on the Council's settlement. The leaders of the Liberal Democrats, Labour and Conservative groups advised that their groups would not be supporting the budget proposals. The Portfolio Holder for Finance did not accept the comments from leader of the Liberal Democrat group that the Cabinet were not managing the budget properly, noting that there had been a £3m surplus in the last 2 years. The leader of the Labour group while welcoming the improvement in the impact assessments, said that the ongoing austerity programme would mean the demise of local government services. The leader of the Conservative group argued that Powys had the least affordable Council Tax in Wales.

Recommendation 1 in the report was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and passed by 35 votes to 22 with 1 abstention.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>That the Medium Term Financial Strategy for 2017 to 2020 as set out in Appendix 1 to the report be agreed in principle.</b>	<b>To aid business planning and development of the budget over a three year period</b>

Recommendation 2 in the report was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and passed by 37 votes to 25.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>That the proposed Revenue Budget for 2017/18 shown in the Financial Resource Model in Appendix 2 is approved.</b>	<b>Statutory requirement</b>

Recommendation 3 in the report was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and passed by 49 votes to 11.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>The proposed Capital Strategy for 2017/18 shown in Appendix 4 in the report is approved.</b>	<b>Statutory requirement</b>

Recommendation 4 as amended by the notification of change to the budget proposal contained in the supplementary agenda was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and was passed by 35 votes to 26.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>That a Council Tax increase of 3.90% is approved.</b>	<b>There is a Statutory Requirement to set Council Tax but the level is a matter for local determination.</b>

Recommendation 5 in the report was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and passed by 49 votes to 11.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>The authorised borrowing limit for 2017/18 as required under section 3(1) of the Local Government Act 2003 be approved at £452.7m as set out in paragraph 9.9 of the report.</b>	<b>Statutory requirement</b>

Recommendation 6 in the report was moved by the Portfolio Holder for Finance and seconded by County Councillor Tony Thomas and passed by 48 votes to 10.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>The Prudential Indicators for 2017/18 are approved as set out in section 9 of the report and Appendix 5.</b>	<b>Statutory requirement</b>

Council adjourned at 13.26 and reconvened 14.15.

PRESENT

County Councillor K F Tampin (Chair)

County Councillors MC Alexander, PJ Ashton, D Bailey, G R Banks, G J Bowker, G Breeze, R G Brown, J H Brunt, L V Corfield, K W Curry, M J B Davies, S C Davies, D E Davies, L R E Davies, E R Davies, S Davies, A W Davies, M J Dorrance, W J Evans, D O Evans, R I George, J Gibson-Watt, P Harris, M R Harris, S M Hayes, J C Holmes, G Hopkins, D C Jones, M J Jones, E M Jones, Eldrydd M Jones, G M Jones, D R Jones, J R Jones, W T Jones, F H Jump, P E Lewis, H Lewis, MC Mackenzie, D Mayor, S McNicholas, P J Medicott, DW Meredith, R H Mills, ET Morgan, JG Morris, W J T Powell, WD Powell, GD Price, D R Price, P C Pritchard, G W Ratcliffe, K M Roberts-Jones, K S Silk, D A Thomas, W B Thomas, A G Thomas, D G Thomas, R G Thomas, T Turner, T J Van-Rees, G P Vaughan, S L Williams, J M Williams and G I S Williams

<b>10.</b>	<b>NOTICE OF MOTION - COUNTY COUNCILLOR PETER MEDLICOTT AND COUNTY COUNCILLOR MICHAEL WILLIAMS</b>
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Council debated the following motion proposed by County Councillor PJ Medicott and seconded by County Councillor JM Williams

We, the undersigned, call upon Powys County Council to object to the closure of HSBC bank in Knighton and to the closure of other banks and similar institutions in small towns and communities.

Councillors in supporting the motion noted the impact of the loss of such facilities on small towns and communities in the county.

The motion was put to the vote and passed by 51 votes to 0.

**RESOLVED that the County Council to object to the closure of HSBC bank in Knighton and to the closure of other banks and similar institutions in small towns and communities.**

<b>11.</b>	<b>NOTICE OF MOTION - COUNTY COUNCILLOR STEPHEN HAYES AND COUNTY COUNCILLOR KATH ROBERTS-JONES</b>
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Council debated the following motion proposed by County Councillor SM Hayes and seconded by County Councillor KM Roberts-Jones

That Council consider whether, and if so how, it wishes to promote or support appropriate events to mark the 750<sup>th</sup> anniversary in September 2017 of the historic Treaty of Montgomery.

Councillor Hayes explained the historic and national significance of the Treaty as the only time a Welsh born Prince of Wales was formally acknowledged by an English king. He asked that Council staff be allowed to engage with Montgomery Tourism Partnership in support of events. The Portfolio Holder for Regeneration and Planning confirmed that he was happy for staff from the Regeneration staff to assist.

The motion was put to the vote and passed by 50 votes to 0.

**RESOLVED that the Council promotes and supports appropriate events to mark the 750<sup>th</sup> anniversary in September 2017 of the historic Treaty of Montgomery.**

<b>12.</b>	<b>QUESTIONS IN ACCORDANCE WITH THE CONSTITUTION</b>
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**12.1 Question to the Portfolio Holder for Regeneration and Planning from County Councillor Matthew Dorrance**

The Welsh Labour Government has announced that as part of the third phase of the Vibrant and Viable Places Town Centre Loans Fund a loan of £1,000,000 for proposed activities in Brecon, Llandrindod Wells and Newtown has been offered to the Council.

**Will the Cabinet provide details to Council on how it will use the funding, what projects in Brecon will be supported and how it will engage with local members to identify priorities?**

Answer from County Councillor Tony Thomas, Portfolio Holder for Regeneration and Planning

*The Council already administers a Town Centre Loan scheme through the Vibrant and Viable Places Scheme. This scheme is funded by the Welsh Government. The loans are used by private businesses based in town centres to improve the properties that they own and so aid the regeneration of the three town centres. This new announcement is to “top up” an existing initiative which has proved to be very successful. The loans are administered by the Council’s Housing Department.*

*This scheme was originally only available for businesses in Llandrindod Wells and Newtown, but the Welsh Government have now extended it to Brecon which is good news for the County and is welcomed. In addition, this latest funding allows property within the ownership of the local authority to be targeted, giving us greater overall flexibility. There will be a number of schemes in Brecon where this loan scheme can be used to enhance the town’s regeneration.*

In answer to Councillor Dorrance’s supplementary question about what schemes in Brecon had been allocated funding, the Portfolio Holder for Regeneration and Planning advised that no schemes had yet been allocated funding but that he would welcome discussions with local members about potential schemes.

## **12.2 Question to the Portfolio Holder for Finance from County Councillor Matthew Dorrance**

**A fund to enable local authorities to provide free parking in town centres has been agreed by Welsh Labour Government. Will the Cabinet detail how it plans to deliver free parking to Powys?**

Answer from County Councillor Wynne Jones, Portfolio Holder for Finance.

*It is not correct to state that a fund has been established by Welsh Government to provide free car parking and there is obviously some confusion relating to the Welsh Local Government funding settlement for 2017/18 year. Within the overall Welsh Local Government settlement there was £3m of funding included (and here I quote from the statement made by the Cabinet Secretary for Finance and Local Government Mark Drakeford) ‘to support town centre parking’. However the funding, like all the funding included in the settlements for Councils in Wales, was NOT hypothecated.*

*Moving therefore to the Powys County Council situation, the amount in the settlement was £138k (not hypothecated) in a funding award that represented a 0.5% cut in overall funding. In addition there were cuts to other specific grants including a 6.7% cut to the Single Environment Grant (SEG) which goes to support our recycling service.*

*Like all Councils in Wales, Powys County Council does not spend its funding allocation in accordance with the Standard Spending Assessment(SSA) and it is a matter of local priorities that determine the spend in each area. In Powys we*

*currently spend in excess of the SSA in several key priority areas such as Education and Adult Social Care.*

*The Cabinet made a decision, previously supported by Council, to develop an income stream, to bring in additional funding which would be important to safeguard front line and much valued services in this period of on-going austerity (an approach that is also supported by a recent Welsh Audit Office report). Car parking charges play a significant part in supporting the Council's overall funding. As a result Cabinet felt that it made very little sense to allocate £138k towards making a very small reduction in car parking charges at a time when there were much greater priorities, such as Education and Adult Social Care. In addition Cabinet felt that there were also other matters should be given a much higher priority; these include trying to save Household Waste Recycling Centres and alleviating the cut to the SEG, where the £240k cut in grant would otherwise have almost certainly led to forcing the consideration of moving to a 4 weekly residual collection from the current 3 weekly.*

*With regards to Car Parking charges, they were last raised in 2015, and on the agreed 3 year cycle are due to be reviewed again in 2018. As part of the consideration outlined above, Cabinet have not brought forward any proposals to increase car parking charges for 2018 in this budget (not withstanding and previous decisions currently in the process of being implemented).*

In reply to Councillor Dorrance's supplementary question as to whether the Portfolio Holder would consider different charging rates, including not charging for the first hour, the Portfolio Holder for Finance explained that the Cabinet took a political decision not to apply this sum to car parking as it only equated to 10p off current charges when there were greater priorities in Education and Adult Social Care to address.

### **12.3 Question to the Portfolio Holder for Education from County Councillor Gary Price**

**In answer to this recently submitted question**

**Can the Portfolio Holder for Education clarify if a schools Pupil Deprivation Grant is included as part of its Delegated Budget and therefore must comply with the Powys Scheme for the Financing of Schools?**

**The Portfolio Holder for Education has given the following answer:**

**“The Pupil Deprivation grant is included as part of a schools delegated budget, the school is bound by the terms and conditions of the grant and the Scheme for Financing schools which contains the following guidance on grants :**

#### **2.12 Grants and central funds**

**The Authority is authorised to make sums available to schools from central funds, in the form of allocations which are additional to and separate from the schools' budget shares. Such allocations will be subject to conditions setting out the purpose or purposes for which the funds may be used and,**

while these conditions need not preclude virement (except where the funding is supported by a specific grant which the Authority itself is not permitted to vire), this should not be carried to the point of assimilating the allocations into the school's budget share.

Schools are required to maintain their accounting records in such a way as to be able to demonstrate that where appropriate the requirement to spend only on the purpose for which funding is given, and not to vire into the budget share, has been complied with."

Can I therefore ask the Portfolio Holder for Education to clarify that because the Pupil Deprivation Grant is included as part of a Schools delegated budget it must also comply with regulation 5.2 of the scheme of financing schools and therefore cannot use funds to provide a means of transport for a school?

*Answer from County Councillor Arwel Jones, Portfolio Holder for Education*

*As stated in the scheme for financing schools the section shown below, 2.12 Grants and central funds, states that monies received through the delegated budget in respect of grants should comply with 2.12 of the scheme, the delegated grant funds should be spent in line with the terms and conditions of the grant. Section 5.2 of the scheme for financing schools and the terms and conditions of pupil deprivation grant allows spend on school activity transport in some cases but not on services which would normally be provided by the authority such as home to school transport.*

*"2.12 Grants and central funds*

*The Authority is authorised to make sums available to schools from central funds, in the form of allocations which are additional to and separate from the schools' budget shares. Such allocations will be subject to conditions setting out the purpose or purposes for which the funds may be used and, while these conditions need not preclude virement (except where the funding is supported by a specific grant which the Authority itself is not permitted to vire), this should not be carried to the point of assimilating the allocations into the school's budget share.*

*Schools are required to maintain their accounting records in such a way as to be able to demonstrate that where appropriate the requirement to spend only on the purpose for which funding is given, and not to vire into the budget share, has been complied with.*

*Schools are required to account for any grant funding at the end of the financial year and/or at the conclusion of the specific funding allocation. Grant funding must be returned to the Authority if not spent in-year or within the period over which schools are allowed to use the funding, if different.*

Councillor Price's supplementary question was "Is the Portfolio Holder content that the delegated decision he made on 8 November to allow a school in the north of the county to use some of its pupil deprivation grant to purchase a minibus with the scheme of the deprivation grant and the scheme for financing school?" In the absence of the Portfolio Holder for Education the Leader would arrange for a response to be prepared and circulated to all members.

## 12.4 Question to the Portfolio Holder for Finance from County Councillor Gary Price

Can the Portfolio Holder for Finance please tell me what the combined percentage increase in Council Tax and Band D average increase has been for this Council Term?

*Answer from County Councillor Wynne Jones, Portfolio Holder for Finance.*

*I hereby provide the answers requested and have also included for information, the Welsh Average figures.*

### 1. Council Tax Increases.

	2012/13	2013/14	2014/15	2015/16	2016/17	Total 5 years.
Powys	2.25%	2.75%	4.5%	4.00%	4.25%	17.75%
Wales av.	1.92%	2.90%	4.24%	4.35%	3.65%	17.06%

### 2. Increases relating to Band D properties.

Powys	£20.60	£25.75	£43.29	£40.22	£44.44	£174.30
Wales av.	£18.24	£28.06	£42.28	£45.33	£39.38	£173.29

### 3. Total Council Tax for Band D Properties.

Powys	£936.36	£962.11	£1005.40	£1045.62	£1090.06
Wales av.	£972.24	£1000.40	£1042.58	£1087.91	£1127.40

There was no supplementary question.

## 12.5 Question to the Portfolio Holder for Libraries from County Councillor Gareth Ratcliffe

There is a great deal of local concern and confusion regarding the future funding of the Library services by the Council.

Regardless of who is to run them and where they are housed can you confirm the level of financing the library service will receive in the future from the Council relative to the present position, and for how long this will be sustained? This is particularly important if Town Councils and community groups are being encouraged to contribute to the running of the libraries as they need guarantees that Powys is committed to maintaining this statutory and vital local provision.

*Answer from County Councillor Graham Brown, Portfolio Holder with responsibility for Libraries*

*Members will be aware that in working across 2016, the Library Service were looking to find new ways of working, based upon having to meet a budget reduction of £250k, spread across 2017-18 and 2018-19. In setting out possible ways of achieving this, Cabinet endorsed a community-delivery style approach to retaining branch libraries. As a result, the Library Service worked with town and community councils, and others, throughout 2016 to secure the long-term future of these local libraries, with local solutions now secured for almost all branches.*

*In receiving regular feedback on the difficulties and protracted timescales in concluding such local initiatives, Cabinet were mindful that to conclude changes and co-locations, etc. of all 11 branch libraries was a very significant challenge to meet by April 2017.*

*The current budget proposals now reflect the need to both make savings but also ensure the Service can be achieved and sustained, and as such the targets reflect £0 budget reduction in 2017-18 and £125k budget reduction in 2018-19.*

*As to the sustainability of joint commitments between Town and Community Councils and the County Council, the new budget proposals very much seek to make this more sustainable, but the matter of long-term funding will now be a matter for the new Council and Cabinet to conclude after May.*

Councillor Ratcliffe's supplementary question was to ask if the Portfolio Holder would consider reviewing the libraries budgets so that all communities contributed to the savings and not just those affected by the current proposals. The Portfolio Holder explained that this would entail undoing the last 2 years of negotiations. He noted that it was open to councils to co-operate and cited the example of Llanfyllin Town Council agreeing financial contributions from neighbouring community councils.

## **12.6 Question to the Portfolio Holder for Finance from County Councillor Gareth Ratcliffe**

**As a council we have to pay non-domestic rates on our buildings and under the present rules as well as town and community councils we are not able to apply for rate relief on our properties: this only applies to charities and not for-profit organisations.**

**Non-domestic rates are collected on behalf of Welsh Government. The figures for 2016/17 (current year) are that we will collect £28.1m and we will receive a redistribution amount of £40.5million.**

**I have been approached by resident raising concerns over the council's proposals to move buildings over to Town and Community Councils and have asked for clarification on the non-domestic rates.**

**The County Council will identify savings in the budget line for running costs by moving the non-domestic rates over to Town and Community Councils. Whilst doing this the Council is still receiving redistribution of the fund from WG thus having another budget line supported giving the perception that PCC are having 2 savings lines within the budget.**

**This is at the expense of local communities that are expected to fund the non-domestic rates through their town or community council precept. Thus the perception that this is double taxing local communities who take over local services in rural areas as they have to pay council tax and community tax. This is when the council centralise services to the major towns in our county such as Library services etc and not asking their community councils to contribute leaving it to the smaller communities.**

**Can the portfolio holder please brief the council on how the council could assist communities that wish to take over services that are subject to Non-Domestic rates?**

*Answer from County Councillor Wynne Jones, Portfolio Holder for Finance*

*The responsibility for setting of Non-Domestic Rates (NDR) in Wales falls to Welsh Government. County Councils collect the NDR in their area on behalf of Welsh Government, and subsequently a portion of the NDR is redistributed to Local Authorities as a component of the annual funding settlement. In Powys we currently collect £28.1m and receive back within our settlement as part of the redistribution £40.5million, making Powys County Council a considerable 'net gainer' under the current system.*

*We have transferred a number of buildings to organisations such as local trusts or charitable organisations and because of their non-profit making status these organisations qualify for relief from NDR. This means this is not a cost that they have to meet. A good example of such buildings are the many transfers of Community Centres that have taken place under the Community Asset Transfer (CAT) policy.*

*However, Town or Community Council are precept raising authorities and therefore do not qualify for NDR relief. As a result the NDR costs (and other relevant costs) need to be taken into account when considering a possible property transfer. These buildings, often of considerable capital value, are mostly transferred by the County Council for a nominal monetary amount. Therefore it would need extraordinary circumstances in which to warrant the award of a grant towards running costs as well.*

*In some circumstances Town/Community Councils can place transferred buildings into a trust, or create a registered charity, and then relief from NDR liability can be claimed.*

Councillor Ratcliffe's supplementary question was can the Portfolio Holder confirm that Non Domestic Rates are counted in two lines of the budget, in the outgoings for Council Tax and the other as a return in the Welsh Government redistribution and that Communities and Town Councils who take on services will have to fund through their council tax? The Portfolio Holder for Finance explained that Town and Community Councils taking on facilities would have to have due regard for the costs they would incur in running the facilities

**12.7 Question to the Portfolio Holders for Adult and Children's Services from County Councillor Gemma Bowker**

**Could the portfolio holders for Adult and Children's Services please provide details as to the statutory level of staff cover out of hours and the staffing patterns used by PCC for out of hours cover; and provide information as to whether there have been any occasions over the past 12 months when that cover has fallen below statutory or safe levels?**

*Answer from County Councillor Graham Brown, Portfolio Holder for Children's Services and County Councillor Stephen Hayes, Portfolio Holder for Adult Social Care*

*Powys County Council have a statutory duty to provide and Out of Hours Service however there is not a specified statutory requirement in respect of the capacity of that service other than the Council would need to be able to meet the local need.*

*Service users, members of the public and representatives of other agencies are be able to contact the Emergency Duty Team via Powys County Council's Careline between:*

- *4.45pm to 8.30am Monday to Thursday*
- *4.15pm to 8.30am Friday*
- *8.30am to 8.30am Saturdays, Sundays and Bank Holidays*

*Each shift is staffed by approved mental health professional/social workers one covering the North and the other the South of the county. Workers will cover each other as necessary, based on the demand/priorities in any given shift. If additional cover is needed this is generally found within the existing team or if additional resources are required for specific planned tasks or activities which would not normally fall in the remit of the EDT then this resource would be identified from elsewhere. Should there be an instance when the EDT worker(s) consider the service does not have the capacity needed at any given time and there is an identified risk to the delivery of the service then this would be escalated immediately to Head of Service/Senior Managers (Children's & Adults) who are on call for advice and support out of hours on a rota basis.*

*The service has not had any instances in the last 12 months where it would have been deemed as unable to deliver as per requirements resulting in an unsafe service.*

The Portfolio Holder said he would arrange for an answer to Councillor Bowker's supplementary question on what was being done to enhance out of hours care as a result of integration with Powys Teaching Health Board and are Health and Social Care already working together on out of hours services to be drafted and circulated to members.

## **12.8 Question to the Leader from County Councillor Gwynfor Thomas**

**In June 2014 a report was commissioned by the education department into secondary school financial viability.**

**This report was compiled by PWC.**

**Appendix 1 – Individual school commentary – contains tables outlining specific financial information on each school from 2011/12 through to 2017/18.**

**There is a clear line showing transport costs and the use of school budget by each school in providing transport for pupils attending the school.**

**It is very clear what each school was currently and predicted to spend their budgets on.**

**As Leader you read and understood this report I am sure.**

**With the appendix outlining how school budgets were being used by each school on transport why did you not raise concerns about Llanfyllin High schools use of their budget on school transport post 2011/2012 - post full implementation of Regulation 5.2?**

*Answer from the Leader for Council 19 October 2016*

*In light of issues raised at the LEA Governor Appeal Hearings in connection with the PWC report, I have arranged for Mr Jonathan Walters, the Independent Investigator, to consider the relevance to his investigation, if any, of the PWC report. In the circumstances, I do not consider that it is appropriate to provide you with a response to your question until such time as the item of further investigations by Mr Walters are to hand.*

*I shall arrange for your question to be incorporated to the Agenda for the first Full Council meeting after the further report from Mr Walters is available.*

*Answer from the Leader for Council 23 February 2017*

*I received the report, as did all County Councillors, via e-mail in October 2014. This was for information.*

*I attach a copy of page 23 of the PWC report which states:-*

*“Home to school transport for all pupils is funded directly by the Council, with schools only funding in-school transport for educational and extra-curricular trips. However, there is an inconsistent cost recovery of school trips amongst the schools. Some schools do not charge pupils, whilst others ask for donations”.*

*At that time I did not appreciate the implications of the line in the PWC showing increased transport costs in Llanfyllin High School. The report from Jonathan Walters concludes that no-one picked the matter up at the time, not even yourself or the other LEA Governors at the school. Neither did you or the other LEA Governors become aware of the potential significance of the PWC report until after the date of his first report, even though you and your fellow LEA Governors were fully aware of the breach of regulation 5.2.*

*To answer your questions directly, I did not raise concerns about Llanfyllin High School’s use of their budget on school transport because I, like everyone else did not appreciate the potential significance of the PWC report until it was brought to my attention at the LEA Governor appeal hearing.*

*In any event, the PWC report was looking at the financial viability of Secondary Schools in Powys and not on school transport and I would say that there is a very big difference between missing something and actually knowing it has happened.*

*I find it interesting that you have tabled this question to me whilst you were a Governor of the school and would have known by approving the budget that the school was not complying with 5.2 of the schools policy. Also, two other Governors, one being Chair at one stage of the Audit Committee which you serve on as well. I am extremely surprised that you did not raise it as an item to be discussed at Audit Committee. There was a Cabinet member who also had the opportunity to raise this issue and at no time did he inform us as I am aware in our discussion concerning budget issues.*

*One must get into perspective that the PWC report came in October 2014 and I was made aware of the breach in 5.2 policy just before Christmas 2015. So if someone had picked up as you suggest this knowledge would have come to the rest of us Councillors who were not Governors at Llanfyllin High School information some 14 months earlier as the school had not been compliant with policy since its introduction in 2010.*

*The PWC report was not focussing on school transport.  
I am sure you also read and understood this report.*

In answer to Councillor Gwynfor Thomas' supplementary question as to whether the Leader should have had a reasonable expectation that a breach of regulation was highlighted to him, the Leader acknowledged it was not picked up but neither was it drawn to his attention by a then Cabinet member who was on the school's governing body. Councillor Mayor challenged the notion that he had withheld information, as he had the clear impression that officers were aware that the school was in breach of Regulation 5.2.

### **Urgent Business**

The Chair agreed to take the following item as urgent business as there was a need to put arrangements in place before the next meeting.

### Pay Policy

The Solicitor to the Council sought dispensation from the Council to allow an officer to remain in debate on pay policy to answer any questions from members and for a second officer to remain to operate the congress system. It was proposed by County Councillor AW Davies and seconded by County Councillor CJ Gibson-Watt and passed by 48 votes to 0.

<b>RESOLVED</b>	<b>Reason for Decision</b>
<b>1. That at the annual council debate on the Pay Policy, Full Council hereby gives dispensation for an officer nominated by the Section 151 Officer to be present during the course of the debate to answer any matters raised by members in the debate. Dispensation is also given for an officer to be present during the course of the debate to run the congress system.</b>	<b>For the efficient conduct of business.</b>
<b>2. The Monitoring Officer is hereby authorised to amend the Constitution to give effect to Recommendation 1 above.</b>	

**County Councillor K F Tampin (Chair)**