

**MINUTES OF A MEETING OF THE CABINET HELD BY TEAMS ON TUESDAY, 8
FEBRUARY 2022**

PRESENT

County Councillor M R Harris (Chair)

County Councillors MC Alexander, B Baynham, P Davies, A W Davies and H Hulme

In attendance: County Councillors J Gibson-Watt and H Lewis

1.	APOLOGIES
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Apologies for absence were received from County Councillor R Powell.

2.	MINUTES
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The Leader was authorised to sign the minutes of the meetings held on 18th and 25th January 2022 as correct records.

3.	DECLARATIONS OF INTEREST
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County Councillor B Baynham declared a personal and prejudicial interest in item 4 Llanfihangel Rhydithon School as she had family members employed at the school and involved in the campaign to save the school.

4.	LLANFIHANGEL RHYDITHON C.P. SCHOOL
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Cabinet considered responses received during the objection period following the publication of the Statutory Notice. The Leader and Portfolio Holder thanked the staff and governors for the very cordial reception given to the Cabinet when they visited the school. She also acknowledged the large amount of correspondence received by the Cabinet.

284 objections had been received during the statutory period. A summary of the objections was contained in an appendix to the report. Having considered the objections received, it was officers' recommendation that the Council proceed with implementation of the proposal to close Llanfihangel Rhydithon C.P. School from the 31st August 2022, as outlined in the Statutory Notice.

The Portfolio Holder for Education outlined the reasons for the recommendation:

- To address the issue of low pupil numbers.
- To reduce the Council's overall surplus capacity in primary schools.
- To realise a financial saving to the Council.
- To enable pupils to attend larger schools, which would be better equipped to meet the requirements of the new curriculum.
- To enable pupils to attend larger schools, which could provide a wider range of educational and extra-curricular opportunities.

- To enable pupils to attend schools with better quality accommodation.
- The proposal meets all the Critical Success Factors.

The Director of Education noted that the Council had set out a clear ambition for schools service following an extensive engagement exercise with the schools community and this strategy was now being implemented. The Director reminded the Cabinet of the guiding principles underpinning the transforming education strategy, not least the development of a world class rural education system with learning entitlement at its core. The realisation of the strategy required the reorganisation of the school infrastructure which went beyond the closure of small schools. Estyn had noted that the authority had a purposeful and ambitious vision to ensure that its education provision met the needs of all learners. The Director advised that developing and implementing the new curriculum would be a challenge for all schools particularly small schools due to the workload.

The Head of Transformation and Communications advised that if the proposal was approved pupils would transfer to larger schools of at least equivalent quality that would be able to offer a wide range of extra-curricular activities. It was Estyn's view that the proposal was likely to at least maintain the current standards of education provision. The quality of accommodation at the alternative schools was at least equivalent to that in Llanfihangel Rhydithon School. There were sufficient school places available within a 10 mile radius. Journey times would be less than 45 minutes each way. There would be a reduction in the number of surplus places, better strategic management of the school estate and a saving to the Council. It was not anticipated that the proposal would have a negative impact on the educational attainment of any pupils from economically deprived backgrounds or that it would raise any equality issues. Support would be provided to any pupil with additional learning needs to ensure a successful transition to an alternative school. The Head of Transformation and Communications advised that although a community impact assessment concluded that there would be a negative impact on the community by closing the school, on balance it was considered that this was the most appropriate response to the issues identified for formulating the proposal. She noted that Llanfihangel Rhydithon was identified as a rural school and there was a procedural presumption in the School Organisation Code 2018 against closure. However, the closure of the school was seen as the most appropriate response to address reasons for the recommendations as outlined by the Portfolio Holder.

County Councillor Hywel Lewis spoke as the local member. He felt that it was misleading to suggest that small schools would have difficulty in delivering the curriculum and he noted the comments of Jeremy Miles the Minister for Education that the curriculum was appropriate for small rural schools. He argued that clustering would be a far more transformative approach. He felt that these options should have been considered and that by not doing so the Council was acting contrary to the Rural Schools Policy. He noted that the school had collaborated successfully with Llanelwedd Church in Wales School for seven years and that the Head teacher was a non-teaching head. He argued that the impact on Llanelwedd had not been thought out. He advised that there would be an application for a judicial review if the Cabinet went ahead with the decision.

County Councillor James Gibson-Watt speaking as the leader of the opposition asked the Cabinet to pause and reflect on what it was trying to achieve. He argued that if the Cabinet took the decision to close the school it would set it on a path of closing all small schools. He argued that schools had a wider role in rural communities and that they became less vibrant when schools closed. He noted that the school was a feeder school to Calon Cymru and that the Cabinet had not yet decided to what to do with that school.

The Portfolio Holder challenged the idea that a head teacher could develop the curriculum on two sites given the work involved. He noted that the strategy for transforming in Powys was a commitment to 13 secondary catchments. He noted that there was surplus capacity in the catchment and the Council had been charged by Estyn to address this. The Director of Education responded to the comments about misleading councillors and the curriculum. She reported that challenge adviser reports had highlighted that the development of the curriculum was placing a significant workload on all schools, particularly smaller schools. The Council was committed to work with all schools to ensure they were able to deliver the curriculum for Wales and to providing support to staff to undertake the professional learning required. The Director noted that the Cabinet had to be mindful of the long term sustainability of schools and giving time and space for teachers to develop and succeed. The challenges of teaching mixed age groups were also noted.

The Head of Legal and Democratic Services advised that judicial reviews were about process and that the Council had engaged a barrister to advise the Council and ensure that the code had been followed at every stage. Responding to the point made by County Councillor Gibson-Watt about setting a precedent he advised that each decision would be made on its own merits. The Portfolio Holder for Education reiterated this point noting that in some areas catchment reviews would be required and in some areas they would not.

The Head of Transformation and Communications confirmed that there wasn't a blanket approach taken to schools transformation. She refuted the suggestion that officers were misleading members.

Cabinet was advised that of the 36 pupils at the school, just under half were closer to other schools. If the school closed, 29 pupils would be eligible for free home to school transport if they chose to attend their closest schools, 7 would not. All pupils could be accommodated on existing routes.

It was confirmed that federation with Llanelwedd had been considered but ruled out as it was not possible to federate a Community Primary School and a Church in Wales School. The local member advised that the school was willing to become a Church in Wales School. With regard to the point made about Ysgol Calon Cymru, Cabinet was advised that an informal engagement had been carried out on options but that was focused on the school in the first instance and not on primary schools in the catchment which would be looked at in a second phase.

Having considered the objections and the comments made at the meeting it was

RESOLVED

- 1. To receive the Objection Report in respect of closing Llanfihangel Rhydithon C.P. School.**
- 2. To approve the proposal to close Llanfihangel Rhydithon C.P. School from the 31st August 2022, with pupils to attend their nearest alternative schools.**
- 3. In accordance with the Scheme for Financing Schools, to introduce the following restrictions on Llanfihangel Rhydithon C.P. School:**
 - Spend at the school is restricted to that included in its approved budget plan and no virement of funds between budget headings is permitted unless approved by the Authority;**
 - Any staffing changes are subject to approval by the Authority;**
 - Any contracts awarded for the supply of goods or services are subject to approval by the Authority.**

5.	YSGOL CEDEWAIN SPECIAL SCHOOL - TRANSFORMING EDUCATION PROGRAMME
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The Cabinet was asked to approve the submission of a Full Business Case to the Welsh Government for capital investment to replace the existing Ysgol Cedewain building in Newtown.

The case for change was based on the need to improve facilities for pupils at Ysgol Cedewain. The school was in a very poor condition and had significant site constraints. The requested investment would deliver a brand new, purpose-built school with 108 places in age-appropriate environments. The total cost associated with the project was £19,717,670 with Welsh Government providing 75% of the total cost of the project, with Powys County Council responsible for the remaining 25%. The cost of the project was £3 million less than budgeted and this sum would be reallocated to other projects in the Schools capital programme. The Planning Taxi Licensing and Rights of Way Committee had granted planning permission the previous week and it was hoped that contractors would be on site in March.

The Section 151 Officer confirmed that funding to support the project was included within the Council's Capital Programme and the financing of the borrowing was considered within the Council's revenue budget.

RESOLVED

- 1. To approve the submission of the Full Business Case, as set out in Appendix A to the report, to Welsh Government's 21st Century Schools Programme for capital investment to replace the existing Ysgol Cedewain building in Newtown.**

- 2. To note that the estimated cost of the overall project is £19,717,670 with Welsh Government funding 75% of the costs, and the Council funding 25%.**

6.	21ST CENTURY SCHOOL PROGRAMME GATEWAY REVIEW FINDINGS
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Cabinet noted the Delivery Confidence Assessment rating of the Welsh Government Gateway Review of 21st Century Schools Programme in Powys. The Delivery Confidence Assessment rating was Amber Green which put the programme in the top 10% in Wales. The review team had made a number of recommendations that officers would implement. Cabinet was pleased to note the findings of the independent regulators which provided reassurance that the Strategic Outline Programme (SOP) was well crafted and there was high confidence in its deliverability. Officers in the Schools Transformation Team were thanked for their work.

RESOLVED that the recommendations within the Gateway review report are noted.

7.	HOUSING REVENUE ACCOUNT RENT AND RELATED CHARGES CHANGES FOR 2022-23
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Cabinet considered changes to Council Housing Rents, Garage Rents and all property and tenancy related Service Charges, for the financial year 2022-23 to ensure the HRA Business Plan remained both sustainable and viable. The recommendations took into account compliance with the Welsh Government's Policy for Social Housing Rents (Rent Policy).

Cabinet noted that the proposed 3.1% rise was below inflation. Cabinet also noted that the rise was necessary in order to invest in maintaining existing homes and develop new homes to address the needs of more than 4,000 households on the waiting list for affordable homes, and 200 households in temporary accommodation awaiting availability of permanent accommodation. The Powys Tenants Scrutiny Panel had expressed concerns at the rise but had also acknowledged that getting the balance between keeping rents affordable and being able to invest in current and new homes was challenging. Cabinet was advised that the proportionate and pragmatic approach to the collection of rent during the Covid pandemic would remain and that tenants facing unavoidable financial challenges linked to Covid would continue to be offered support to secure additional income.

RESOLVED

- 1. That with effect from April 5th, 2022 the average rent in Powys will increase by 3.1% (the average rent being £96.37 per week) for all 5,446 Council owned homes, excluding service charges.**
- 2. That service charges charged to HRA tenants are amended with effect from April 5th, 2022 to allow the Council to recover the cost incurred in providing these services.**

3. That the weekly cost effect from April 5th, 2022 for Careline in 2022-2023 is £1.10 per week.
4. That HRA garage rents in Powys with effect from April 5th, 2022 for 2022-2023 are increased by £0.39 per week.
5. That garage plot charges effect from April 5th, 2022 for 2022-2023 increase by £4.93 per annum.
6. That the weekly occupation charge from April 5th, 2022 charges for Gypsy and Traveller pitches in 2022-2023 will be increased by 3.1% the average rent being £108.60.
7. That all other rental and service charges, not detailed above, effect from April 5th, 2022 will increase by 3.1%.

8.	ADOPTION OF THE POWYS EMPTY PROPERTY ENFORCEMENT ACTION PLAN
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Cabinet considered an Empty Property Enforcement Action Plan. The Plan had been developed in collaboration with Welsh Government, which had requested all local authorities in Wales to set out a clear plan of action to bring into productive use, long term empty properties in their area. The plan set out how the Council could both improve and develop its approach to bringing into use empty properties. It also highlighted a number of challenging properties that needed urgent attention, but which were also an opportunity to develop in 'real-time' the techniques, resources and capacity needed to enhance the Council's future ability to bring more empty properties into productive use.

The Section 151 Officer confirmed that the Plan could be delivered within existing resources.

RESOLVED that the Powys Empty Property Enforcement Action Plan is adopted by the Council.

9.	PROCUREMENT STRATEGY 2022 -25
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Cabinet was asked to endorse a Procurement Strategy for the purchase of all the Council's goods, and services to cover the period from 2021 to 2025. The strategy set out the Council's ambitions for procurement for the next 4 years and had been aligned closely to Vision 2025 objectives for all services. It also took cognisance of other Welsh Government key legislative and policy documents and attempted to anticipate some change such as the arrival of the new intended Transform Procurement legislation due to replace the current regulations.

RESOLVED to approve the procurement strategy in Appendix 1 to the report and task the Head of Finance with developing an implementation plan for the next 3 years to realise the benefits including the development of measures and outcomes to demonstrate progress.

10.	DELEGATED DECISIONS TAKEN SINCE THE LAST MEETING
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Cabinet noted the delegated decisions taken by Portfolio Holders.

11.	FORWARD WORK PROGRAMME
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Cabinet noted the forward work programme.

County Councillor M R Harris (Chair)