

**MINUTES OF A MEETING OF THE COUNTY COUNCIL HELD AT COUNTY HALL
AND ON ZOOM ON THURSDAY, 7 DECEMBER 2023**

PRESENT

County Councillor Beverley Baynham (Chair)

County Councillors Danny Bebb, Graham Breeze, Jake Berriman, Little Brighthouse, Jeremy Brignell-Thorp, Jackie Charlton, Richard Church, Tom Colbert, Sian Cox, Aled Davies, Angela Davies, Bryan Davies, Bryn Davies, Sandra Davies, Raiff Devlin, Matthew Dorrance, Deborah Edwards, Josie Ewing, Les George, James Gibson-Watt, Claire Hall, Ian Harrison, Kelly Healy, Heulwen Hulme, Amanda Jenner, Claire Johnson-Wood, Adrian Jones, Arwel Jones, Ed Jones, Gareth D Jones, Gareth E Jones, Joy Jones, Adam Kennerley, Corrina Kenyon-Wade, Pete Lewington, Karl Lewis, Peter Lewis, William Lloyd, Iain McIntosh, David Meredith, Gary Mitchell, Geoff Morgan, William Powell, Glyn Preston, Gareth Pugh, Jeremy Pugh, Gareth Ratcliffe, Liz Rijnenberg, Lucy Roberts, Pete Roberts, Carol Robinson, Edwin Roderick, David Selby, Gwynfor Thomas, Elwyn Vaughan, Chris Walsh, Jonathan Wilkinson, Ange Williams, Huw Williams, Michael Williams and Sarah Williams.

1. APOLOGIES

The Chair welcomed three new Councillors, Raiff Devlin, Claire Hall and Chloe Masefield.

Apologies for absence were received from County Councillors Benjamin Breeze, Peter James, Susan McNicholas and David Thomas. Apologies were also received from County Councillor Gareth Morgan because IT issues prevented him from joining the meeting.

2. MINUTES

The Chair was authorised to sign the minutes of the meeting held on 3rd October 2023 as a correct record.

County Councillor Aled Davies queried why the text of his urgent question had not been recorded in the minutes of the meeting of 5th October 2023. The Head of Legal and Monitoring Officer advised that he would look again at the wording of the minute for that item.

Subject to the inclusion of County Councillor Josie Ewing in the list of members present, the Chair was authorised to sign the minutes of the meeting of 5th October 2023 as a correct record. County Councillor Aled Davies advised that he was abstaining as his question had not been included.

County Councillor Gareth E Jones advised that Councillors not yet been given details of the percentage of youth contacts was made up of contacts with the YFC as requested at the meeting on 5th October.

3. DECLARATIONS OF INTEREST

There were no declarations of interest reported.

4.	CHAIR'S ANNOUNCEMENTS
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The Chair expressed sympathy to the family of Anwen Peters, Senior Customer Support Officer in Brecon, who had passed away. Council was also informed of the recent death of former County Councillor Tegwyn Jones, who had represented Llansantffraid from 1989 to 2012.

The Chair gave details of her recent engagements including the presentation of a Nuclear Test Medal to Mr Brian Davies of Llanfair Caereinion, a veteran of nuclear testing in the 1950s. She announced that at the last Council meeting £222 was raised at the last Council meeting for local foodbanks and that she would be making a donation of £100 each to the 13 foodbanks operating in Powys from the Chair's Fund and a further donation of £500 to the Helping our Homeless Wales charity.

She advised that representatives from Foster Wales Powys were in the foyer and she asked her colleagues to try and find at least one new foster family each.

5.	LEADER'S ANNOUNCEMENTS
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The Leader referred to the signing of the Marches Forward Partnership with Shropshire Council, Herefordshire Council, Monmouthshire County Council and Powys. The authorities would work with UK and Welsh Governments to progress cross border collaboration. He was also pleased to note that £17.7 million levelling up funding had been received. He commended the Council's Procurement and Commercial Services team on winning the Sustainable Procurement category at the GO Awards Wales 2023/24. The award was in recognition of the team's work to cut the Council's carbon footprint by changing the way it buys in goods and services has been rewarded with a national award. He further congratulated the Builth Wells Events Safety Group on winning the public safety category at the inaugural Safer Communities Awards, hosted by the Wales Safer Communities Network in recognition of its work at the Royal Welsh Show. The Leader noted that the consultation on the budget would run until 5 January and he encouraged members to engage in the process and help explain the difficult financial position the council was in. Finally, he thanked the Highways staff who had dealt so efficiently with the road closure on the A470 at Talerddig following the collapse of part of the road.

6.	CHIEF EXECUTIVE'S BRIEFING
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There was no briefing from the Chief Executive.

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

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

Response

The Council operates within its Constitution, which sets out how the council conducts its business, including the roles and responsibilities of officers and who makes decisions. There is a set of Procedure Rules including Section 15 Budget Procedure Rules and Section 16 which sets out the Councils Financial Regulations. These cover the financial framework and procedures for managing the Councils' financial affairs. [Council constitution and corporate governance - Powys County Council](#)

The Section 151 Officer ensures these arrangements are effectively complied with across the Council by all Services, all staff and councillors. Included within the Financial Procedure Rules are rules that set out how the budget is set and how the budget is managed through the year.

The annual budget is approved each year after Service Heads provide assurance that they are setting a sound deliverable budget, thus allowing the Section 151 Officer to confirm that the overall budget proposal is robust and achievable. Service Heads set out their known risks and possible issues that may occur in delivering their budget, and this highlights where services may be unable to deliver all their savings, or unforeseen cost pressures may materialise.

The Service Head has some flexibility to move their budgets around to accommodate budgets that are well above or below forecast provided they remain within their overall budget. The Council addresses overspending budgets as soon as they materialise, ensuring services take action to mitigate the overspend and submit a plan to recover their position. A recovery plan is not always feasible, especially if those services are facing increasing demands which cannot be stopped or reduced, therefore a mitigation plan that includes drawing from the centrally risk budget may be needed. The use of this budget can only be used after the Service Head has explained the circumstances about the pressure creating that overspend and why it cannot be addressed within other budgets in that service, this has to be approved by Cabinet.

Heads are then expected to realign budget pressures as part of the next budget planning process to ensure they address the budgets issues so they do not reoccur every year.

Performance against budget is routinely reported and budget managers are challenged on their financial performance through their individual performance reviews. Any issues or concerns around financial management would be addressed through the disciplinary procedure.

To gain a further understanding of budget issues we also rely upon the challenge and support from Scrutiny Committees and Internal Audit who will also review Service spend, actions being taken and controls that are in place.

There was no supplementary question.

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

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

Response

The Monk's Trod is an ancient route that traverses over a fragile landscape and we are working towards finding a way forward that will allow for its sustainable use, through a collaborative approach, across the various stakeholders and user groups.

It is the local authority's view that a legal restriction or status change alone is highly unlikely to resolve the issues. This is open, unfenced country; which makes managing, monitoring and enforcing any form of restriction extremely challenging.

To achieve a positive outcome, we consider we must continue to engage with the user groups who access this area and increase awareness of the reasons why we need to protect it. The Countryside and Recreation team are also exploring funding options; for the Monks Trod is an iconic cross-border route that does have very significant potential for tourism.

In summary, work is ongoing to look at all options and particularly, to achieve collaboration with all of those with an interest, as no solution will be effective without that.

In response to Mr Foulkes' supplementary question on the number of permissions granted by the council for off-road motorcyclists to use the temporary TRO section of the Trod, the Cabinet Member for a Greener Powys advised that no permissions had been sought or granted in the last year.

In response to the question why a permanent TRO had been put in place for four wheeled motor vehicles, but only a series of temporary TROs for off-road motorcycles, the Cabinet Member explained that the permanent TRO had been in place since the 1990s. Before it could make a new TRO, the Council would have to demonstrate that this course of action would resolve the issues highlighted or whether other actions could help the Council meet its legal duty to assert the public rights of way over the route. Officers were liaising with colleagues at NRW and Ceredigion County Council and assessing the feasibility of several options.

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

In Early October, a poll was carried out within 3 of the more popular community Facebook groups in Newtown, to determine how people felt about the imposition of 20mph zones on Pool Rd and Kerry Road in Newtown. In just 2 days, the overwhelming majority of recipients were in favour of returning both Pool and Kerry road to 30mph.

Given the evidence provided, and the overwhelming support for changing these 2 roads back to 30mph, when can this be implemented?

Response

The new legislation which changed the default speed limit on 'restricted roads' from 30mph to 20mph in Wales came into force on 17th September 2023. In advance of this date, all highway authorities, identified a number of locations where it was considered that the new 20mph speed limit should not apply and the current 30mph limit should remain in place.

The criteria, set by Welsh Government, was based on the density of adjacent residential and retail premises fronting a road and the proximity of facilities such as educational establishments, community centres and hospitals as well as active travel routes. Whilst this was not an explicit procedure and is open to interpretation it is acknowledged that some areas may require reassessing.

We are currently awaiting the publication of Welsh Government's update to the 'Setting Local Speed Limits in Wales' guidance document. This document is anticipated to be published in 2024 and will encompass updated guidance on what roads should be 30mph or 20mph.

Since the introduction of the new 20mph restrictions there has been considerable discussion amongst highway authorities across Wales about the process of reviewing its exception sites. The consensus is that the new 20mph restrictions should be allowed to settle for around 12 months and in the meantime, authorities are collating all requests and comments received for consideration in the future. Those reviews will then be conducted after a period of 12 months has elapsed and the WG revised guidance has been produced.

In his supplementary question, Mr Williams asked how much money was left from the allocation to put right some of the limits. The Cabinet Member advised that there had been some slippage and she would let Mr Williams know the sum. She also advised that Welsh Government would be issuing further guidance on setting local speed limits.

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

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

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

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

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

Response

Powys County Council is responsible for a Rights of Way network extending over 9250km, and the core budget to support its maintenance is extremely limited which presents its own challenges. These challenges are acknowledged in our Rights of Way Improvement Plan at: [Rights of Way: Improvement Plan - Powys County Council](#)

Budgetary pressures are reviewed each year by the local authority, however there continues to be significant pressures across the Council in delivering statutory and important services, and there is a present and future financial gap that the authority needs to manage by prioritising its resources. This financial picture is unfortunately not likely to improve over the short to medium term, however the dedicated Countryside and Recreation team continue to seek funding opportunities where possible, to try and ease the strain on core funding and support our local communities.

Recent grant successes include the Welsh Government Access Improvement Grant 2022-25, Shared Prosperity Funding and more recently provisional levelling up funding.

The team will continue work tirelessly with local communities endeavouring to support them in looking for potential funding sources and they will also continue to encourage and work alongside our strong network of volunteers. Anyone who would like to get involved with volunteering for this type of activity, please feel free to contact the Countryside and Recreation team.

The Cabinet Member for a Greener Powys noted the additional comments made by the questioners.

8.	BUDGET VIREMENTS
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Council considered a recommendation from the Cabinet for a budget virement to fund the additional costs of the pay award for 2022-23. The budget would be transferred from the centrally held borrowing budget that funds the financing costs for the Capital Programme. This budget was underspent due to borrowing costs being lower than projected with capital schemes being re-profiled into future years. It was confirmed that as this was slippage it would not impact on the current capital programme.

The recommendation was moved by County Councillor Gareth E Jones and seconded by County Councillor Jake Berriman and by 52 votes to 0 with 10 abstentions it was

RESOLVED to approve the virement as set out in the report.

9.	CONSIDERATION OF SINGLE TRANSFERABLE VOTING SYSTEM
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Council considered a report by the Leader on the possible introduction of a Single Transferable Voting (STV) system for the 2027 local elections. This would require consultation with the public and for Council to consider the results of the consultation with at least a 2/3 majority of the total number of Members in full

Council. Council was asked to give approval for a consultation exercise to be carried out.

The Chair of the Democratic Services Committee reported that the Committee had been unanimous in opposing the proposal to go out to consultation. The Committee's observations were set out in an appendix to the report.

The recommendation was moved by County Councillor James Gibson-Watt and seconded by County Councillor Richard Church and by 34 votes to 26 with 2 abstentions it was

RESOLVED to allow the matter to be considered further following a statutory consultation process and to reach a final decision before 15th November 2024.

10. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Council considered a request to commence a statutory review of polling districts and polling places. The Council had a duty to undertake a review within a 16-month window between 1 October 2023 and 31 January 2025. There would be a six week consultation period with a report brought to Council on 11 July for consideration. It was proposed by County Councillor Beverley Baynham and seconded by County Councillor William Powell and by 53 votes to 1 with 3 abstentions it was

RESOLVED

- 1. That Council approve the commencement of the compulsory polling district and places review in accordance with the timetable in paragraph 13 of the Report.**
- 2. That a Consultation Report is brought back to Council in July 2024 for decision following completion of the review process.**

11. PRESENTATION BY THE CHIEF FIRE OFFICER

Roger Thomas the Chief Fire Officer and Sarah Mansbridge the Treasurer of Mid and West Wales Fire and Rescue Service gave a presentation on the work of the service and answered questions from Members.

Council adjourned at 13.43 and reconvened at 14.30.

PRESENT

County Councillor Beverley Baynham (Chair)

County Councillors Danny Bebb, Graham Breeze, Jake Berriman, Little Brighthouse, Jeremy Brignell-Thorp, Jackie Charlton, Richard Church, Tom Colbert, Sian Cox, Aled Davies, Angela Davies, Bryan Davies, Bryn Davies, Sandra Davies,

Matthew Dorrance, Deborah Edwards, Josie Ewing, Les George, James Gibson-Watt, Claire Hall, Ian Harrison, Kelly Healy, Heulwen Hulme, Amanda Jenner, Claire Johnson-Wood, Adrian Jones, Arwel Jones, Ed Jones, Gareth D Jones, Gareth E Jones, Joy Jones, Adam Kennerley, Corrina Kenyon-Wade, Pete Lewington, Karl Lewis, Peter Lewis, William Lloyd, Iain McIntosh, Gary Mitchell, Geoff Morgan, William Powell, Glyn Preston, Gareth Pugh, Jeremy Pugh, Gareth Ratcliffe, Liz Rijnenberg, Lucy Roberts, Pete Roberts, Carol Robinson, David Selby, Gwynfor Thomas, Elwyn Vaughan, Chris Walsh, Jonathan Wilkinson, Ange Williams, Huw Williams, Michael Williams and Sarah Williams.

12. APPOINTMENTS TO OUTSIDE BODIES

Powys Community Endowment Fund Panel

County Councillor Geoff Morgan was nominated.

RESOLVED that County Councillor Geoff Morgan be appointed to the Powys Community Endowment Fund Panel.

Friends of St Mary's Church, Brecon

County Councillor Chris Walsh was nominated.

RESOLVED that County Councillor Chris Walsh be appointed to the Friends of St Mary's Church, Brecon.

13. NOTICE OF MOTION - FARM SALES
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Council debated the following motion proposed by County Councillor Amanda Jenner and seconded by County Councillor Gareth D Jones

“We call on the Council to ask Cabinet to immediately refrain from considering any future proposals in the current financial year for farm sales pending approval by Full Council of a County Farms Policy that has been properly scrutinised and includes a transparent and specific disposal/sales policy in respect of farms and farm property owned by the council.”

In moving the motion, Councillor Jenner argued that there was no clear process for the sale of farm sales in place. By 49 votes to 5 with 2 abstentions it was

RESOLVED to ask Cabinet to immediately refrain from considering any future proposals in the current financial year for farm sales pending approval by Full Council of a County Farms Policy that has been properly scrutinised and includes a transparent and specific disposal/sales policy in respect of farms and farm property owned by the council.

14. NOTICE OF MOTION - PLANNING FEES

Council debated the following motion proposed by County Councillor Jake Berriman and seconded by County Councillor Karl Lewis:

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

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

Councillor Berriman argued that fees had fallen behind costs and that full cost recovery was required to help sustain the planning service.

By 54 votes to 0 it was

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

- **Planning application fees based on full cost recovery, amended annually in line with inflation.**
- **Free “second go” applications following withdrawal or refusal should be removed and replaced with a 50% fee.**

This would promote pre-application engagement and better-quality initial planning application submissions, whilst addressing the financial cost of processing re-submissions.

- **Where a landowner is in breach of planning control, doubling the fee for retrospective applications, where development has taken place without any planning permissions being sought.**
- **Where a landowner is in breach of planning control but refuses to submit a retrospective application and enforcement action is not expedient, the local Planning Authority be given powers to fine the transgressor, possibly double the relevant planning application fee.**
- **Remove the requirement to advertise individual planning applications in the print media or transfer the cost of doing so to applicants.**
- **Unless properly funded, Local Planning Authorities should not be required to submit a Local Impact Report for Developments of National Significance, (Planning performance agreements with developers do not provide for full cost recovery) nor should they be “required” to attend an Examination in Public.**
- **Landowners promoting sites within the LDP be required to pay an appropriate fee. This will not only assist the Council financially but will hopefully ensure that those putting sites forward are serious about their delivery and the benefits the allocations, for affordable housing etc. bring to our communities.**

Councillor Berriman said he work with Councillor Aled Davies on the wording of an additional bullet point to add to the letter to Welsh Government. The following wording was subsequently agreed:

Local Planning Authorities be accountable for service improvements commensurate with sustainable fee increases and promote appropriate use of Planning Performance Agreements to ensure additional resources are matched with performance improvements.

15. NOTICE OF MOTION - NEW NATIONAL PARK DESIGNATION

Council debated the following motion proposed by County Councillor Elwyn Vaughan and seconded by County Councillor Bryn Davies:

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

Councillor Vaughan argued that it was not sustainable to create a new authority in Wales. By 34 votes to 4 with 16 abstentions it was

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

The Chair agreed that the following items could be taken as a matter of urgency as a Corporate Leadership Team needed to be established as soon as possible and such appointments could only be made by Council in January 2024 if the recruitment process was approved by Council at this meeting.

16. EXEMPT ITEMS

RESOLVED to exclude the public for the following item of business on the grounds that there would be disclosure to them of exempt information under category 1 of The Local Authorities (Access to Information) (Variation) (Wales) Order 2007).

17. SENIOR MANAGEMENT STRUCTURE
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The Chief Executive briefed Council on the senior management structure.

18. RECRUITMENT PROCESS FOR DIRECTORS
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Council considered the confidential report of the Chief Executive.

RESOLVED

- 1. To approve the Job Descriptions and Person Specifications as set out in Appendices A- E of the report.**
- 2. To approve the remuneration for the following positions as set out in paragraph 3.1 of the report.**
- 3. To approve the arrangements for advertising for the posts as set out in paragraph 3.2 of the report along with any additional media or networks deemed appropriate and approved by the Leader of the Council.**
- 4. That an interactive recruitment pack is designed and promoted containing material as highlighted in 3.3, plus any additional relevant information deemed appropriate by the Leader of the Council.**
- 5. To approve the recruitment process set out in paragraph 4.3 of the report.**

- 6. That £25,000 is vired from the corporate contingency budget to cover the recruitment costs.**

County Councillor B Baynham (Chair)