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TUESDAY, 16 AUGUST 2016

TO: ALL MEMBERS OF THE EXECUTIVE BOARD

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE **EXECUTIVE BOARD** WHICH WILL BE HELD IN THE **CHAMBER, COUNTY HALL, CARMARTHEN AT 11.00 AM. ON TUESDAY, 23RD AUGUST, 2016** FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA

Mark James

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Kevin Thomas
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Ref:	AD016-001

EXECUTIVE BOARD MEMBERSHIP 10 MEMBERS

Councillor	Portfolio
Councillor Emlyn Dole	Leader (Plaid Cymru) Corporate Leadership and Strategy; Chair of Executive Board; Represents Council at WLGA; Political Advocate for Council; Appoints Executive Board Members; Determines EBM Portfolios; Liaises with Chief Executive
Councillor David Jenkins	Deputy Leader - Resources (Plaid Cymru) Finance & Budget; ICT; Property / Asset Management; Procurement; Housing Benefits; Revenues; Armed Forces Champion; and Chairs Executive Board in Leader's absence
Councillor Pam Palmer	Deputy Leader - Communities (Independent) Council Business Manager; Community Champion; Customer Focus & Policy, Police Liaison; Community Safety; Social Justice / Crime & Disorder Community Planning; Anti-Poverty Champion; Sustainability; Bio-diversity; Youth Ambassador; Rural Affairs and Chairs Executive Board in Leader's absence
Councillor Hazel Evans	Technical Services (Plaid Cymru) Refuse; Street Cleansing; Transport Services; Grounds Maintenance; Building Services; Catering Services; Caretaking; Building Cleaning; Transport Services; Emergency Planning; Flooding
Councillor Linda Evans	Housing (Plaid Cymru) Housing – Public; Housing – Private; Equalities; Older People
Councillor Meryl Gravell	Regeneration & Leisure (Independent) Economic Development; West Wales European Centre; Community Development; Sports; Leisure Centres; Museums; Libraries; Country Park
Councillor Gareth Jones	Education and Children (Plaid Cymru) Schools; Children Services; Special Education Needs; Safeguarding; Respite Homes; Regional Integrated School Improvement Service; Adult Community Learning; Youth Services; Lead Member for Children and Young People; Eisteddfod Ambassador
Councillor Jim Jones	Environmental & Public Protection (Independent) Environmental Enforcement; Litter; Unlicensed Waste; Dog Fouling; Parking Services; Trading Standards; Environmental Health.
Councillor Mair Stephens	Human Resources, Efficiencies & Collaboration (Independent) Human Resources; Training; Simpson Compact; Priority Based Budgeting (PPB); Corporate Efficiencies; Welsh Language Champion; Town and Community Councils Ambassador.
Councillor Jane Tremlett	Social Care & Health (Independent) Adult Social Services; Residential Care; Home Care; Learning Disabilities; Mental Health; NHS Liaison/Collaboration/ Integration; Carers' Champion; Disability Ambassador; Dementia Care Champion; 50+ Champion.

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTEREST.
3. QUESTIONS ON NOTICE BY MEMBERS (NONE RECEIVED).
4. PUBLIC QUESTIONS ON NOTICE (NONE RECEIVED).
5. GOVERNANCE ARRANGEMENTS FOR THE MEMBERS' HOME TO SCHOOL TRANSPORT APPEALS PANEL. 5 - 12
6. LAND HELD ON CHARITABLE TRUST - TRUSTEE CONSENT. 13 - 18
7. ANY OTHER ITEMS OF BUSINESS THAT BY REASONS OF SPECIAL CIRCUMSTANCES THE CHAIR DECIDES SHOULD BE CONSIDERED AS A MATTER OF URGENCY PURSUANT TO SECTION 100B(4)(B) OF THE LOCAL GOVERNMENT ACT, 1972.

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Executive Board Meeting 23rd August 2016

Governance Arrangements for the Members Home to School Transport Appeals Panel

Purpose: **To agree the governance arrangements for decision taking at the Members School Transport Appeals Panel**

Recommendations / key decisions required:

To consider and agree the proposed governance arrangements

Reasons:

In order to clarify the decision making process.

Relevant scrutiny committee to be consulted NO

Exec Board Decision Required YES

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr. Hazel Evans

Directorate

Chief Executive's

Name of Head of Service:

Linda Rees-Jones

Report Author:

Linda Rees-Jones

Designations:

Head of Administration & Law

Tel Nos.01267224010

E Mail Addresses:

LRJones@carmarthenshire.gov.uk

**EXECUTIVE SUMMARY
EXECUTIVE BOARD MEETING
23/8/16**

**GOVERNANCE ARRANGEMENTS FOR THE MEMBERS HOME TO SCHOOL
TRANSPORT APPEALS PANEL**

1. At its meeting of the 13th April 2016 County Council considered a Notice of Motion and an Amendment to the Notice, and resolved “to set up an appeals panel to deal with Home to School Transport with relevant officers in an advisory capacity, alongside voting members – the Executive Board Member for Transport, the Executive Board Member for Education and Children’s Services and the local member for the relevant ward”.

2. Governance arrangements need to be agreed to set out the way in which appeal decisions will be taken, and are attached for the Board’s approval (as such appeals are an executive function).

DETAILED REPORT ATTACHED ?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Linda Rees Jones

Head of Administration & Law

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	YES	NONE	NONE	YES	NONE

1. Policy, Crime & Disorder and Equalities

The Authority has an approved and published Policy on the Provision of Free School Transport.

This proposal will set up a Members Appeal Panel to take the final determination on home to school transport applications.

2. Legal

Decisions of the Members Home to School Transport Appeal Panel will potentially be liable to be Judicially Reviewed in the High Court. It is therefore necessary to set out a clear decision-making process in case of challenge.

3. Finance

Any appeals allowed will be a cost against the Transport Department's Home to School transport budget.

Reintroduction of £30K staffing costs previously taken out of budget when a policy officer's post was released. Plus staffing related costs in relation to staff attendance at appeal hearings.

4. Staffing Implications

Various officers will need to be allocated to deal with the administrative aspects of setting up appeal hearings, and to provide technical and legal advice to the Panel at its appeal hearings.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Linda Rees Jones

Head of Administration & Law

1. Scrutiny Committee - none

2. Local Member(s) - none

3. Community / Town Council - none

4. Relevant Partners - none

5. Staff Side Representatives and other Organisations - none

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Minutes of Meeting of County Council of the 13th April 2016		On the Council's website
Carmarthenshire County Council's general Policy on providing Free School Transport		On the Council's website

Procedure – Free School Transport Applications & Appeals
From 1/9/16 onwards

For the purposes of decisions at first instance, stage 1 and stage 2 appeals
Carmarthenshire County Council’s School transport Policy is as set out in its “School
transport Policy (1st October 2015 edition)

Decisions at First Instance

- Applications for free school transport shall be determined at first instance by the Authority’s Passenger Transport Operations Manager or his / her authorised delegated officer.
- Should an application be refused the decision will be confirmed in writing to the learner/s parent/s / guardian/s and the reasons given for how this decision was reached. If the parent/s / guardian/s are not in agreement with the decision at first instance an application for review will lie to the Authority’s Stage 1 Officers Review Panel.

Stage 1 Officers Review Panel – Application for school transport.

- Applications for a review of a refusal of free school transport made by the decision maker at first instance shall be submitted in writing and received by the Authority on the prescribed review form within 28 days of the date of refusal letter at first instance.
- Such applications for review shall be determined by the Officers Review Panel who will make a decision as to whether the request meets all the criteria set out in Carmarthenshire County Council’s Free School Transport Policy or if it falls within one of the exceptions listed in the Policy.
- If approved, travel arrangements are made and where appropriate a bus pass will be issued, and the applicant notified in writing.
- Should an application for review be unsuccessful, the decision will be confirmed in writing to the parent(s)/guardian(s) and the reasons given for how this decision was reached. If the parent(s)/guardian(s) are not in agreement with the decision, a written appeal will lie to the Authority’s Stage 2 Members Home to School Transport Appeals Panel, if the parent / guardian so elects.

Membership of Stage 1 Panel:

- Head of Transport & Engineering or his nominated representative (1 vote, and casting vote in event of equality of votes)
- Representative from the Legal Department (1 vote)
- Representative from the Education and Children’s Services Department (1 vote)
- Any application form(s)/documentation received will be presented to the School Transport Review Panel by the Learner Travel Policy & Development Officer and/or the Operations Manager (Passenger Transport) (no vote)
- There will be a minute taker present who will record all decisions

- Parent(s)'s/Guardian(s)'s representations to the Panel will be by way of their written representations, as outlined above, and will not be by way of their attendance at the Panel

Stage 2 – Appeal against refusal of Free School transport

- Appeals against refusal of free school transport by the Stage 1 Officers Review Panel shall be submitted in writing and received by the Authority by the date specified in the original stage 1 Review Panel decision letter and must state the reasons why the appellant disagrees with the Stage 1 Officers Review Panel's decision. The only available grounds are as specified in the Policy.
- The appeal shall be against the decision of the Stage 1 Review Panel and shall not plead any new grounds (in that any new grounds would require a fresh application for stage 1 determination)
- The School Transport Member Appeal Panel will consider any appeals received at its next scheduled meeting.
- The decision of the Stage 2 Appeal Panel shall be final.

Membership of Stage 2 Members Home to School Appeals Panel

- The Executive Board Member for Technical Services and the Executive Board Member for Education & Childrens Services together with the local member (or both members in a 2 member ward) (ie. "local" member for the appellant learner/s ward). On a day when multiple appeals are considered the "local" member/s shall only remain in the appeal hearing during consideration of their own ward learner/s appeals.
- Any local ward member who is unable to attend the Panel meeting may submit representations in writing.
- The Chair of the Members Appeal Panel shall be the Executive Board Member for Technical Services (or in his or her absence the Executive Board Member for Education and Childrens Services)
- The quorum for the stage 2 panel shall be 2 of which at least one must be an Executive Board Member
- Each member shall have a vote, save that the Chair of the Appeals Panel shall have the casting vote in the event of equality of votes
- Representative from the Legal Department to provide legal and procedural advice (no vote)
- Representatives from the Environment Department and / or Education and Childrens Services Departments to provide technical and education advice and information (no vote)
- Minute taker (no vote)
- The usual provisions regarding declarations of interests etc. will apply.

- Parent(s) / Guardian(s) representations to the Panel will be by way of written representations and no provision is made for attendance in person before the Panel.
- The Panels will be held on a monthly basis (unless the volume of appeals requires otherwise)

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EXECUTIVE BOARD 23RD AUGUST, 2016

LAND HELD ON CHARITABLE TRUST– TRUSTEE CONSENT

Recommendations / key decisions required:

- To grant a licence to Trimsaran Forum consenting to the grant of a sub-lease for the installation of solar panels at Trimsaran Leisure Centre.

Reasons:

- The Carmarthenshire County Council in its capacity as trustee of Trimsaran Recreation Ground has been requested pursuant to a lease dated the 25th July 2000 to grant consent for sub-letting part of Trimsaran Leisure Centre to a community energy charity to enable solar panels to be installed thereon.

Relevant scrutiny committee to be consulted : **NO**

Exec Board Decision Required YES - 23rd August, 2016

Council Decision Required NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:-

Cllr. Emlyn Dole

Directorate - Communities

Designations:

Tel No:- 01267 228309

Name of Head of Service:

Head of Leisure

E Mail Addresses:

Ian Jones

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Tel. No:-

Report Author:

Ian Jones

EXECUTIVE SUMMARY EXECUTIVE BOARD 23RD AUGUST, 2016

LAND HELD ON CHARITABLE TRUST– TRUSTEE CONSENT

By way of background information a substantial area of land situated at Trimsaran was acquired by the former Llanelli Borough Council from the Trustees of Trimsaran Welfare Association by virtue of a Conveyance dated the 22nd February 1995 ('the 1995 Conveyance'). Part of the land thereby acquired encompassed the Village Hall but the building itself was specifically excluded from the acquisition. The Carmarthenshire County Council is successor in title to the former Llanelli Borough Council by virtue of The Local Government (Wales) Act 1994 and pursuant thereto the Local Government Reorganisation (Wales) Property etc) Order 1996.

The Trustees of Trimsaran Welfare Association originally acquired the land from the National Coal Board by virtue of a Conveyance on the dated the 25th June 1966 ('the 1966 Conveyance').

The 1995 Conveyance stipulated that Llanelli Borough Council as the Grantee named therein should hold and maintain the land for the purpose specified in the 1966 Conveyance upon the trusts more particularly referred to in a Declaration of Trust dated the 10th April 1973 made by the Trustees of Trimsaran Welfare Association.

In the year 2000 there was a proposal to grant a Lease of a parcel of land comprised in the 1995 Conveyance to Trimsaran Forum (a registered charity no. 1081441). Investigations at the time confirmed that a previous Agreement for the management of the land was defective and to remedy the position two new Charitable Schemes were created; one relating to the Trimsaran Recreation Ground which affected the land comprised in the 1995 Conveyance and of which **the Carmarthenshire County Council is the Trustee** whilst the other related specifically to the Trimsaran Village Hall of which **the Trimsaran Community Council is the Trustee**. These two new Charitable Schemes replaced the trusts previously created by the Trimsaran Recreation Ground and Village Hall Charity.

The Trimsaran Recreation Ground is a charity registered with the Charity Commission under charity no. 1085975 and the pertinent scheme which governs this charity was made by the Charity

Commission on the 14th July 2000 and marked Case No: 15040a. The objects of the Trimsaran Recreation Ground Charity are described as follows:

'in the interests of social welfare, to improve the conditions of life for the inhabitants of the area of benefit without distinction of political, religious or other opinions by the provision and maintenance of a recreation ground.'

Following the creation of the two Charitable Schemes and after consultation with the Charity Commission and the Coal Industry Social Welfare Organisation (CISWO) a lease of part of the land contained in the 1995 Conveyance was granted to Trimsaran Village Forum (a registered charity) on the 25th July, 2000 for a term of 99 years ('the Lease') and upon which the present sports/welfare hall ('the Premises') was constructed.

The Lease contains an express provision which prohibits assigning, charging or under letting the whole or part only of the demised premises.

The Trustees of Trimsaran Village Forum have been in discussion with Awel Aman Tawe, a community energy charitable organisation, for the installation of solar panels on the roof of the Premises so that it may benefit from a feed in tariff. To achieve this there would be requirement to grant a sub-lease of the roof space to Awel Aman Tawe. Under the terms of the Lease this is prohibited but such provision does not preclude Carmarthenshire County Council, as trustee, from granting specific consent for a sub-letting to a third party when the circumstances are deemed appropriate, having regard to the permitted user and objectives of the charity. The terms of the Lease were originally agreed in consultation with CISWO and by granting consent to sub-let there is no intention to vary the terms of the Lease. Having consulted Corporate Property on the proposal to install solar panels on the Premises it was confirmed that there was no objection to doing so.

Recommendations

Having regard to the purposes for which the sub-letting is required and subject to you being satisfied that the objectives of the charity along with the permitted user specified in the Lease, which reflect those of the charitable scheme, are not compromised it is recommended that Carmarthenshire County Council as trustee be granted consent to issue a licence to Trimsaran Forum to sub-let the roof space for the purpose of installing solar panels.

DETAILED REPORT ATTACHED?

No

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Ian Jones

Head of Leisure

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	YES	NONE	NONE	NONE	NONE	NONE

2. Legal

There is a requirement to issue specific consent to the tenant of a lease to enable the granting of a sub-lease of part of the premises subject of the demise.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: . Ian Jones

Head of Leisure

1. Scrutiny Committee

N/A

2. Local Member(s)

N/A

3. Community / Town Council

N/A

4. Relevant Partners

N/A

5. Staff Side Representatives and other Organisations

N/A

Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

Yes

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Charitable Scheme relating to Trimsaran Recreation Ground	PLSP- 023	County Hall, Carmarthen SA31 1JP
Correspondence by e-mail received from Awel Aman Tawe and Trimsaran Forum	PLSP- 023	County Hall, Carmarthen SA31 1JP

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