

# THE EXECUTIVE

## Minutes of the virtual meeting held on 14 February, 2022

- PRESENT:** Councillor Llinos Medi (Chair)  
Councillor Ieuan Williams (Vice-Chair) (until item 8)
- Councillors Richard Dew, Carwyn Jones, R. Meirion Jones, Alun Mummery, R.G. Parry, OBE FRAgS, Dafydd Rhys Thomas, Robin Williams.
- IN ATTENDANCE:** Chief Executive  
Deputy Chief Executive  
Director of Function (Resources) & Section 151 Officer  
Interim Director of Function (Council Business)/Monitoring Officer  
Director of Education, Skills and Young People  
Director of Social Services  
Head of Service (Highways, Waste and Property)  
Head of Housing Services  
Head of Adults' Services  
Head of Profession (HR) and Transformation & Interim Head of Democratic Services  
Housing Strategy, Commissioning and Policy Manager (ELI)  
Fleet & Transport Manager (GO)  
Scrutiny Manager (AGD)  
Committee Officer (ATH)
- APOLOGIES:** None
- ALSO PRESENT:** Councillors Jeff Evans, Glyn Haynes, Kenneth Hughes, Trefor Lloyd Hughes, MBE, Aled Morris Jones, Mr Gethin Jones (Communications Officer)
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### 1. DECLARATION OF INTEREST

Declarations of interest were made under item 8 below.

### 2. URGENT MATTERS CERTIFIED BY THE CHIEF EXECUTIVE OR HIS APPOINTED OFFICER

None to report.

### 3. MINUTES

The minutes of the previous meeting of the Executive held on 24 January, 2022 were presented for the Executive's approval.

**It was resolved that the minutes of the previous meeting of the Executive held on 24 January, 2022 be approved.**

#### **4. THE EXECUTIVE'S FORWARD WORK PROGRAMME**

The report of the Interim Head of Democratic Services incorporating the Executive's updated Forward Work Programme for the period from March to October, 2022 was presented for the Executive's consideration and the following changes were highlighted –

- Item 13 – Council Tax Discretionary Relief Policy which is new item for the Executive's 3 March, 2022 meeting
- Item 15 – Endorsement of the Island's project submission to the Levelling Up Fund which is also a new item for the Executive's 3 March, 2022 meeting
- Items 16 – 20 to be considered at a now confirmed extraordinary meeting of the Executive on 9 March, 2022
- Since the publication of the agenda item 14 – Extension to the delivery of a Joint Planning Policy Service between the Isle of Anglesey County Council and Gwynedd Council – is to be re-scheduled from the Executive's 3 March, 2022 meeting to a date to be confirmed.

**It was resolved to approve the updated Forward Work Programme for the period March to October 2022 with the additional change outlined at the meeting.**

#### **5. DAVID HUGHES CHARITABLE ESTATE AND ANGLESEY FURTHER EDUCATION TRUST ANNUAL REPORT AND ACCOUNTS 2021**

Councillor Robin Williams, Portfolio Member for Finance presented the report by the Director of Function (Resources)/Section 151 Officer incorporating the Annual Report and Accounts for the Anglesey Further Education Trust for the year 2020/21 as attached at Appendix A and he reported on how the Fund had been utilised during 2020/21.

In October, 2019, the Executive resolved to allocate a one off sum of £55,000 to each secondary school to fund the cost of Learning Coaches within each school. The Learning Coaches would support senior pupils undertaking GCSE and A Level courses. It would be for each school to decide over what period the funding would be used. This was to be funded from the Anglesey Further Education Trust Funds 1/3 Restricted Fund the purpose of which is to provide financial assistance to senior pupils of the 5 secondary schools to complete their course. Details of the expenditure incurred by each school is set out in the table at paragraph 5.2 of the report. The Executive also resolved to allocate an additional £8,000 per secondary school to provide grants to assist financially disadvantaged students to obtain places at colleges and universities and/or to help with the purchase of books and equipment required to attend courses in the first year. The total cost of £40,000 was to be funded from the Anglesey Further Education Trust Funds 2/3 Restricted Fund which had a balance of £151, 216 as at 1 April, 2020. The schools themselves would administrate the award of the grants; however due to the pandemic, schools were not in a position to invite applications during the 2020/21 school year and as a result no grants were awarded.

During 2020/21 the first few of the new scholarships being offered through Coleg Cymraeg Cendlaethol were awarded with four former pupils each receiving £500. A grant of £7,452 was also made to a former pupil to enable them to complete their higher education. The balance of £172, 729 is available for distribution either through the schools or through Coleg Cymraeg Cenedlaethol.

The Director of Function (Resources)/Section 151 Officer referred to the composition of the Anglesey Further Education Trust which includes three funds – the David Hughes Endowment Fund, the Anglesey Further Education Fund 1/3 and the Anglesey Further Education Fund 2/3 both of which provide specific educational benefits. A quarter of any net surplus income on the Endowment Fund is paid to The David Hughes Charity for the Poor which is unconnected to the Council and the remaining income is then transferred to the

Anglesey Further Education Fund (sub-divided into the two funds above). The Value of the David Hughes Charitable Estate (Endowment Fund) as at 31 March, 2021 was £4.276m which is made up of the value of properties, investments and net current assets. This is an increase of £26,194 on the value as at 21 March, 2020. The Further Education Trust Fund as at 31 March, 2021 was £339,347 with the value of the 1/3 Fund standing at £166,618 and the value of the 2/3 Fund standing at £172,729. £108, 173 was utilised for charitable purposes.

Councillor R. Meirion Jones, Portfolio Member for Education, Libraries, Youth and Culture welcomed the report and the positive utilisation of the Trust Fund for the benefit of Anglesey students which it reflected. He thanked everyone who had been involved in the task of reviewing and restructuring the Trust Fund which process had enabled the Fund to be used effectively for the charitable purposes for which it was intended, saying that he regarded this achievement as one of the successes of the current Administration.

**It was resolved to approve the Annual Report and Accounts for the Anglesey Further Education Trust for the year 2020/21 as set out in Appendix A to the report.**

## **6. HOUSING RENT HRA AND HOUSING SERVICE CHARGES 2022/23**

Councillor Alun Mummery, Portfolio Member for Housing and Supporting Communities presented the report by the Head of Housing Services which sought the Executive's approval for rent and service charges increases for 2022/23.

In recognising that it was difficult to be proposing a rent increase in the current economic climate the Portfolio Member highlighted that all local authorities as instructed by the Welsh Government are required to implement the Rent Policy. Rejecting this policy would ultimately mean a loss of income for the Authority and inevitably affect the services provided. Rejecting the policy could also jeopardise the annual Major Repairs Allowance of £2.66m received from Welsh Government as it could be seen that the Authority is not maximising its income generation opportunities.

The Head of Housing Services confirmed that on the 29 December, 2021 a letter was received from the Welsh Government confirming that as the Consumer Price Index for September 2021 falls outside the range of 0% to 3%, the Minister for Housing would determine the appropriate change for Social Housing Rents for 2022/23. The Minister has determined that all local authorities should use the CPI only with the value of the CPI in September being 3.1%. The Welsh Government has again decided to suspend the Target Rent Bands for 2022/23 and the overall increase of 3.1% would generate approximately £574k of additional rental income for the Authority. The Head of Housing Services clarified how the annual rent increase would be applied to ensure fairness and equality amongst tenants without exceeding the annual increase threshold whilst continuing to work towards achieving rent convergence with other social housing providers as outlined under paragraph 2.4 of the report. For tenants who might face financial hardship as a result of the increase in their weekly rent cost, the Service's Financial Inclusion Officers are available to provide information, advice and support. It should also be noted that the 2,765 Council tenants who are currently in receipt of full or part Housing Benefit or Universal Credit will face no additional hardship as a result of the proposed rent and service charges increase.

In response to a question about the implications of not implementing the proposed rent increase, the Head of Housing Services advised that the level of rent increase is being used as the base model for the Housing Business Plan. If this method is not followed, alternative methods may be required to finance the business plan. Also the Authority is expected to maintain its housing stock to the Welsh Quality Housing Standard (which it achieved in 2012) on an ongoing basis and receives a major repairs allowance from Welsh Government

to help with its council houses. Not implementing the rent increase could raise questions about the Authority's need for this extra allowance. The Authority is also working toward the decarbonisation of its housing stock by 2030 which makes the generation of additional rent income all the more important.

The Director of Function (Resources)/Section 151 Officer advised that the rent increase formula applies in the same way to other social housing providers as it does to local authorities with housing stock and that not implementing the rent increase would therefore widen the gap between the Council's rent levels and those of other social housing providers on Anglesey.

**It was resolved to approve the following –**

- **The rent increase in line with the Welsh Government rent policy on collection over 51 weeks.**
- **That all rents below current target rent bands be increased by 2.25% +£2.00 per week to continue working towards rent convergence.**
- **That all rents on target be increased by 2.25%.**
- **That the rent for the 226 properties that are above target rent should remain at their current level.**
- **An increase of 27p per week for the rent of all garages.**
- **That the service charges set out in section 3.3 of the report be applied to all tenants who receive the relevant services.**

## **7. RESPONDING TO THE LOCAL HOUSING CHALLENGE – HOUSING STRATEGY 2022/27**

Councillor Alun Mummery, Portfolio Member for Housing and Supporting Communities presented the report by the Head of Housing Services incorporating the Housing Strategy for 2022/27 as part of the Service's response to the local housing challenge.

The Portfolio Member for Housing and Supporting Communities commended the document as a positive response to the local housing challenge focusing on six key themes that will provide a basis for identifying what the issues are and how the Strategy intends to address those issues in the short term of 1 to 2 years and medium term to long term over the course of the Strategy. He thanked all the Officers who has been involved in developing the Strategy for the work that had gone into producing a thoughtful and farsighted document which he was pleased to say had caught the attention of the local press reflecting the measures that have and are being taken by the Authority to respond to the local housing challenge.

The Housing Strategy Commissioning and Policy Officer said that the Housing Strategy has been brought to the Executive for approval after a period of consultation and collaboration; it introduces six themes which show what the Authority is going to do under each theme and how it will do it. The Authority will now consider how it will monitor the achievement of the Strategy's objectives and bring its partners into that process.

Councillor Aled Morris Jones, Chair of the Corporate Scrutiny Committee presented Scrutiny's perspective on the Housing Strategy from its meeting on 24 January, 2022 and reported that the Committee had noted that the issues of second homes and property market pressures had featured prominently in the consultation responses. The Committee in noting also that an internal task and finish group had been established to respond to Welsh Government's consultation on the second homes issue, recognised that intervention and positive action by Welsh Government is needed to help ensure the availability of local homes

for local people. The Committee also raised concerns about the impact of rising energy costs on households in driving more people into fuel poverty. Councillor Aled Morris Jones confirmed that having considered the documentation presented and the responses to matters raised the Corporate Scrutiny Committee was supportive of the Housing Strategy and had recommended its approval to the Executive.

The Executive welcomed the strategy as a key component of the approach to meeting the local housing challenge and addressing housing issues on the Island recognising also the interface with the Local Development Plan and Place Shaping Plan and the importance of having the right houses in the right places. That the strategy also takes account of the input by the wider public was considered important and the consultation process was acknowledged. The Chair said that ultimately the Strategy is about putting a roof over people's heads and because it is wide-reaching, the strategy seeks to help people in a range of circumstances as well as recognising that people want to live within their communities on Anglesey.

**It was resolved to approve the Housing Strategy for 2022 to 2027.**

#### **8. THE EFFECT OF THE PUBLIC SERVICE VEHICLE ACCESSIBILITY REGULATIONS 2000 ON SELLING VACANT SEATS ON SCHOOL/COLLEGE TRANSPORT**

Councillor R.G.Parry, OBE, FRAGS, Portfolio Member for Highways, Waste and Property presented the report by the Head of Highways, Waste and Property regarding the impact of the Public Service Vehicle Accessibility Regulations 2000 (PSVAR) on the sale of vacant seats on school and college transport. The report set out how the Authority proposes to address the impact of the regulations on its home to school transport provision.

Section 40 of the Disability Discrimination Act (DDA) 1995 grants the Secretary of State the power to make regulations to ensure that Public Service Vehicles are accessible to people with disabilities. The National Government used these powers to establish the Public Service Vehicle Accessibility Regulations 2000 (PSVAR). From 1 January, 2020 the PSVAR have been relevant to coaches with more than 22 seats and the vehicle needed to be accessible to people with disabilities. However, the Department of Transport was offering an exemption certificate providing exemption from the regulations until 1 January, 2022. Most of the Authority's existing agreements for school transport are with local coach carriage companies and their vehicles do not meet the new specifications. The Executive previously approved the decision not to charge Anglesey non-statutory pupils and further education students for the 2021/22 academic year which meant that the regulations did not apply after 1 January, 2022; the proposal is to continue with this approach. Requiring operators to provide such vehicles would give pupils with disabilities the option of travelling by bus, but in similar situations this Authority and other authorities throughout Wales, provide suitable taxi transport directly from pupils' home to the yard of the educational establishment. Offering free bus transport is also in line with the Government's transport vision – Y Llwybr Newydd – as it will lead to fewer vehicles on roads and make school bus transport a more attractive option. Whilst not charging may mean more pupils wanting to use the provision, there has been very little increase in demand in the 2021/22 academic year and steps are in place to manage the risk of misuse.

The Head of Service (Highways, Waste and Property) highlighted that a timely decision is advisable so as to ensure that tender and contract specifications are accurate ahead of the implementation of new school bus contracts in September, 2022. He advised that it is doubtful whether in the current uncertain bus market local operators would be able to afford to adapt their existing vehicles or purchase new vehicles to meet the needs of pupils with disabilities should the Authority require them to do so with the resulting risk that the Authority may not be able to offer transport provision for pupils. Since the Executive's decision last

year not to charge a travel fee for Anglesey's non-statutory pupils and further education pupils for the current academic year the estimates of what it would cost to upgrade an operator's bus has risen from £5,000 to £7,000 annually to in the region of £10,000 to £15,000 per year per contract meaning that the difference between the cost of providing buses that meet the regulations for over 50 contracts per annum and the loss of ticket income is significant as evidenced in the report.

*Councillor Carwyn Jones and Llinos Medi declared a personal interest at this point on the basis that the decision could affect their own households in the next school year and said that they would not therefore vote on the matter.*

The Head of Service (Highways, Waste and Property) advised that since the Authority provides free transport for secondary school pupils who live at least 3 miles from their nearest suitable school, the decision in this matter only affects those secondary school pupils who live at a distance of less than 3 miles from their nearest suitable school and for primary school pupils, less than 2 miles. Based on this advice the Interim Head of Function (Council Business)/ Monitoring Officer confirmed that the two Members could vote on the matter if they believed they met the criteria. Councillors Carwyn Jones and Llinos Medi indicated that they preferred not to vote.

**It was resolved that the Authority should not charge a travel fee for Anglesey's non-statutory pupils and further education students -**

- **until the start of October, 2025 with the option of extending for a further two years (if the PSVAR regulations were to change during this period, it could be reconsidered);**
- **that the Authority continue with the vacant seats scheme based on capacity for those years. For this academic year the Authority has offered the Vacant Seats Scheme on school buses (which is the scheme prior to this academic year, which sold empty seats on school transport to non-statutory pupils) for free.**

*(Councillors Carwyn Jones and Llinos Medi did not vote on the matter)*

## **9. THE RENTING HOMES (FEES ETC.) (WALES) ACT 2019 – IMPLEMENTATION ARRANGEMENTS**

Councillor Richard Dew, Portfolio Member for Planning and Public Protection presented the report by the Head of Regulatory and Economic Development which sought the Executive's support to make a recommendation to Full Council that the Scheme of Delegation in the Constitution be amended to ensure that the relevant statutory enforcement powers under the Renting Homes (Fees etc.) (Wales) Act 2019 are used appropriately.

The Renting Homes (Fees etc.) (Wales) Act 2019 makes it an offence to require a tenant or contract holder to make a payment that is not specified as permitted payment in the legislation. Local Authorities will have the ability to enforce the requirements of the Act along with Rent Smart Wales – a service hosted by Cardiff Council as the Welsh Government's designated licensing authority for the area; the legislation authorises the licensing authority for the area to undertake enforcement work. This legislation is currently outside the scope of the existing delegation hence the recommendation to amend the Scheme of Delegation to allow the Head of Regulatory and Economic Development to exercise the Act's functions as exercisable by the Isle of Anglesey County Council and to also delegate to the Head of Regulatory and Economic Development the right to delegate further to Cardiff Council through its service known as Rent Smart Wales the Council's enforcement provisions under the Act. Although the option of the Council itself enforcing the provisions of the Act was

considered, it was felt that sharing the enforcing duty with Rent Smart Wales enables the Council to work more collaboratively and efficiently. Rent Smart Wales has received delegated powers on behalf of other authorities in Wales and would only take enforcement action on behalf of the local authority in limited circumstances.

**It was resolved to recommend to Full Council –**

- **That the Head of Regulatory and Economic Development be given delegated authority so as to authorise relevant officers to exercise as and when required, the carrying out of those statutory enforcement powers under the Renting Homes (Fees etc.) (Wales) Act 2019 on behalf of this Council.**
- **That the Head of Regulatory and Economic Development be given the right to delegate to officers of the County Council of the City and County of Cardiff to take appropriate action on behalf of this Council for enforcing the provisions of the Renting Homes (Fees etc.) (Wales) Act 2019, through its service known as Rent Smart Wales.**

**Councillor Llinos Medi  
Chair**

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