

CABINET
19TH SEPTEMBER 2023

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 19th September 2023.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Sean Bibby, Chris Bithell, Mared Eastwood, Dave Healey, Paul Johnson, Christine Jones and Billy Mullin.

IN ATTENDANCE:

Chief Officer (Governance), Chief Officer (Streetscene and Transportation), Chief Officer (Education and Youth), Chief Officer (Planning, Environment and Economy), Corporate Finance Manager, Corporate Manager – Capital Programme and Assets, Corporate Manager, People and Organisational Development, Highway Network Manager, Senior Manager – Safeguarding and Commissioning, Internal Audit, Performance and Risk Manager, Democratic Services Manager and Team Leader – Democratic Services.

OTHER MEMBERS IN ATTENDANCE:

Councillor Bill Crease.

At the start of the meeting Councillor Roberts explained that an urgent report would be considered following agenda item number 16, titled Procurement of Fleet Contract Extension, which was a confidential Part 2 report. A revised agenda had been despatched to all Members the previous day.

40. DECLARATIONS OF INTEREST

None.

41. MINUTES

The minutes of the meeting held on 18th July 2023 were submitted and confirmed as a correct record.

RESOLVED:

That the minutes of the meeting be approved as a correct record.

42. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2024/25

Councillor Johnson introduced the report which provided an update on the Council's revenue budget position for the 2024/25 financial year.

Following the meetings of Cabinet and Corporate Resources Overview and Scrutiny Committee in July, budget workshops had been held for Members on 31st July to allow Members the opportunity to request any further detail on the overall budget position and timeline for formal budget setting.

The latest budget position for 2024/25 was reflected in the report including an update on the work undertaken by Portfolios over the Summer. The Council still had a major challenge to identify solutions that would enable it to agree a legal and balanced budget by March next year which it needed to address with urgency.

The Corporate Finance Manager explained that two Member workshops had been arranged and would take place on 5th and 10th October where details of the latest position would be shared. Jon Rae, Director of Resources at the Welsh Local Government Association (WLGA) would also be in attendance.

The details of the Settlement were likely to be received towards the end of December.

The Democratic Services Manager explained that the report had been submitted to Corporate Resources Overview and Scrutiny Committee the previous week where a detailed discussion took place. Members recognised that difficult decisions would be required and asked questions on what radical proposals would be forthcoming.

RESOLVED:

- (a) That the revised additional budget requirement for the 2024/25 financial year be received and noted and referred to the relevant Overview and Scrutiny Committees; and
- (b) That the ongoing work on budget solutions that would need to be urgently considered to enable the Council to set a legal and balanced budget in February 2024 be noted.

43. STRATEGIC CAPITAL PLAN PRIORITISATION

Councillor Jones introduced the report and explained that The North Wales Regional Programme Board (NWRPB), and all regions in Wales, had been tasked by Welsh Government (WG) to develop and implement a Strategic Capital Plan (SCP). The plan should reflect a ten-year view of the proposed capital investment needs of its community infrastructure for the provision of social care and primary and community healthcare. The plan was the only mechanism to release external capital funding to the Council.

The report provided an update on the development of a ten-year SCP by the North Wales Regional Partnership Board, in collaboration with all local authorities, health teams and other service delivery partners.

The report was seeking approval for Flintshire County Council's participation in the plan and its strategic intent, noting that individual projects would need to be brought back to Cabinet for approval and considered in line with the Council's Medium-term Financial Strategy (MTFS) and Capital Programme.

Councillor Johnson welcomed the information on the impact assessment and the mitigation of the risks.

Councillor Jones said the report had been debated at Social and Health Care Overview and Scrutiny Committee the previous week.

RESOLVED:

- (a) That the requirement for a ten-year Strategic Capital Plan for North Wales and the associated prioritisation and business case processes required to secure Welsh Government funding be noted; and
- (b) That participation in the regional programme, the proposed projects, and the plan's strategic intent be approved.

44. COUNCIL PLAN 2022/23 END OF YEAR PERFORMANCE REPORT

Councillor Mullin introduced the report and explained that the Council Plan 2022/23 was adopted by the Council in July 2022. This report presented a summary of performance of progress against the Council Plan priorities identified for 2022-23 at year end (Q4) position.

This out-turn report for the Council Plan 2022/23 showed 77% of activities were making good progress and 62% of the performance indicators had met or exceeded their targets for the year.

This was an exception-based report which concentrated on those areas of performance which were not currently achieving their target.

Councillor Hughes welcomed the document which had been well received at Corporate Resources Overview and Scrutiny Committee the previous week. He commented on the 100% percentage complete on "Making the processes for claiming free school meals as simple and straightforward as possible to increase the percentage of take-up against entitlement" and asked about figures for the 2023 summer. The Chief Officer (Education and Youth) explained that the information was currently being collated from the 14 schools who delivered the "food and fun" programme and that information would be shared with Members once available.

RESOLVED:

- (a) That the levels of progress and confidence in the achievement of priorities as detailed within the Council Plan 2022/23 be endorsed and supported;
- (b) That the overall performance against Council Plan 2022/23 performance indicators/measures be endorsed and supported; and
- (c) That Cabinet be assured by explanations given for those areas of underperformance.

45. REVENUE BUDGET MONITORING REPORT 2023/24 (MONTH 4)

Councillor Johnson introduced the report which provided Members with the first detailed overview of the budget monitoring position for the 2023/24 financial year.

The projected year end position was as follows:

Council Fund

- An operating deficit of £2.644m (excluding the impact of the pay award which would need to be met by reserves – currently estimated as £2.727m)
- A projected contingency reserve available balance as at 31st March 2024 of £4.043m (after the estimated impact of pay awards)

Housing Revenue Account

- Net in-year revenue expenditure was forecast to be £0.065m lower than budget
- A projected closing balance as at 31st March, 2024 of £3.262m

The economic outlook remained challenging due to inflation levels remaining high. The impacts of that, together with continued increases in service demand was becoming increasingly hard to deal with as the Councils funding failed to keep up with the scale of those pressures. To assist with managing those risks and mitigating the overall projected overspend, a moratorium through the review of non-essential spend and a vacancy management process continued.

There was a significant and growing demand within the Homelessness Service. The Council had a statutory duty to provide suitable temporary accommodation for Homeless persons and families who meet the Welsh Government eligibility criteria which were less stringent than in England. The growth in demand commenced in the second half of 2022/23 and had accelerated markedly since the start of 2023. An in-depth discussion took place at a recent Community and Housing Overview and Scrutiny Committee on the pressures being faced in homelessness. A meeting would take place on 4th October with Cabinet Members to discuss how the risks could be faced and a further report would be submitted to Cabinet.

RESOLVED:

- (a) That the report and the estimated financial impact on the 2023/24 budget be noted;
- (b) That a budget virement of £0.400m from Localities within Older People's Services to the Residential Placements budget within Adults of Working Age be approved; and
- (c) That a separate report from the Housing and Communities Portfolio on the reasons for the significant projected overspend within the Homelessness Service and the mitigations being put in place be requested.

46. CAPITAL PROGRAMME MONITORING 2023/24 (MONTH 4)

Councillor Johnson introduced the report which summarised changes made to the Capital Programme 2023/24 since it was set in January 2023 to the end of Month 4 (July 2023), along with expenditure incurred to date and the projected outturn at this early stage of the year.

The Capital Programme had seen a net increase in budget of £36.586 during the period which comprised of:-

- Net budget increase in the programme of £18.557m – Council Fund (CF) £16.066m, Housing Revenue Account (HRA) £2.491m;
- Introduction of Carry Forwards from 2022/23 of £18.029 (all CF)

Actual expenditure was £16.215m.

Capital receipts received in the first quarter of 2023/24 totalled £0.651m.

That provided a revised projected surplus in the Capital Programme at Month 4 of £1.953m (from an opening funding surplus of £1.302m) for the 2023/24 – 2025/26 Capital Programme, prior to the realisation of additional capital receipts and/or other funding sources.

RESOLVED:

- (a) That the overall report be approved;
- (b) That the carry forward adjustments be approved; and
- (c) That the additional allocations be approved.

47. TREASURY MANAGEMENT ANNUAL REPORT 2022/23

Councillor Johnson introduced the report which presented the draft Treasury Management Annual Report 2022/23 which was appended to the report.

As required by the Council's Financial Procedure Rules, the Annual Report was reviewed by the Governance and Audit Committee on 26th July where officers responded to questions to the satisfaction of the Committee and there were no specific issues to bring to the attention of Cabinet.

It was recommended that the report be presented to County Council on 24th October for final approval

RESOLVED:

That the draft Treasury Management Annual Report 2022/23 be recommended to County Council on 24th October for final approval.

48. SELF-EVALUATION REPORT OF EDUCATION SERVICES 2022-23

Councillor Eastwood introduced the report and explained that the Education and Youth Portfolio undertook a rigorous annual self-evaluation of its performance and services to provide assurance to the Council on the quality of education services in Flintshire.

The report identified strengths and areas for further improvement and those areas for improvement were then reflected in the Council Improvement Plan and the Portfolio's own Business Plan.

With the resumption of all inspection activity by Estyn from April 2022 onwards, the Portfolio's evaluation report this year reported against the Estyn framework for Local Government Education Services. The report was structured to provide assurance to the Council across the three inspection areas of:

- Outcomes
- Quality of Education Services (including Youth Services)
- Leadership and Management

Each inspection area was evaluated in detail for the period 2022-2023 and concluded with a summary of further areas identified for improvement to ensure the continued provision of quality education services to the residents of Flintshire. The report also contained a summary of progress against the four recommendations from the Estyn inspection of Flintshire's Education Services in 2019.

The overall conclusion of the self-evaluation report was that education services in Flintshire were strong, effectively supported children and young people and provided good value for money.

The report had been submitted to Education, Youth and Culture Overview and Scrutiny Committee the previous week where it was welcomed and supported.

RESOLVED:

- (a) That the outcome of the Education Portfolio's annual self-evaluation report on the quality of education services for the period 2022-23 be received; and
- (b) That any observations be provided to the Portfolio Team.

49. BUSINESS RATES – WRITE OFFS

Councillor Mullin introduced the report and explained that for individual bad debts more than £25,000, Financial Procedure Rules (section 5.2) asked Cabinet to approve recommendations to write off debts.

A Business Rates debt totalling £36,798.60 for Outsourced Fulfilment Services Limited was deemed to be irrecoverable as the ratepayer was registered as an overseas company.

The company was not a UK listed company on Companies House and was registered in Hong Kong. The business liability ended from 23rd April 2023.

The Chief Officer (Governance) explained that the proposals, as set out in the consultation, did not have any direct resource implications for the Council.

RESOLVED:

That the Business Rates write off totalling £36, 798.60 for Outsourced Fulfilment Services Limited be approved.

50. A NEW TRIBUNAL SYSTEM FOR WALES

Councillor Mullin introduced the report and explained that Welsh Government (WG) had published a white paper on proposed reforms to the devolved tribunals to create a unified tribunal system comprising of the First-tier Tribunal for Wales and the Appeal Tribunal for Wales.

The devolved tribunals in Wales had developed piecemeal over the years spanning the pre and post devolution periods. The consultation sought views on reforms to devolved tribunals in Wales to create a unified system.

The Chief Officer (Governance) explained that the proposal to create a free route to school admission appeals placed a risk on the organisation at a time when significant budget pressures were already being faced and the response to that would be strong and say that unless Welsh Government (WG) funded the handling of appeals in relation to education then that part of the proposal should not proceed.

RESOLVED:

That the draft response to the consultation be approved.

51. REVIEW OF WINTER MAINTENANCE POLICY

Councillor Hughes introduced the report which provided an overview of the winter maintenance service over the last season and responsibilities of the Council, as well as seeking approval for a review of the winter maintenance policy.

Winter service operations played a fundamental role in ensuring that highway networks were safe and available during adverse weather conditions from around October through to April each year. The winter maintenance service was recognised as one of the most important functions that the highway authority provided. Maintaining access to the network was crucial for emergency services, businesses, social services, education, and the public.

The report outlined the current winter maintenance policy, the legislative requirements for providing such a service, and the actions taken by the Streetscene and Transportation portfolio to support winter service operations. In addition, the report outlined the County's response to other adverse weather events, such as heavy rainfall and high winds.

A commitment had been given to review the winter maintenance policy every two years and the report explained winter maintenance operations and sought approval of the proposed winter service plan and winter maintenance policy for the next two years 2023-2025.

The Chief Officer (Streetscene and Transportation) added that the review had highlighted that there was an opportunity to reconsider the structure for winter maintenance decision making, as well as the format for the weather forecast, which was currently based on two weather stations located in Hendre and Brynford. Officers had been exploring the use of route-based forecasting or domain-based forecasting instead of the current approach. Work would be undertaken during 2023-2024 with MetDesk to analyse the results collected over the forthcoming winter season, to determine whether this weather forecasting modelling may offer any savings and could be adopted by Flintshire in the future. It was proposed that a further report would be presented to Cabinet in the summer of 2024 once the work had been completed.

At the meeting of Environment & Economy Overview & Scrutiny Committee held on 12th September 2023, the Winter Maintenance Policy 2023-25 was considered. Members of the Committee queried the prioritisation of bus routes at section 3.2. Priority 1 routes referred to routes with eight bus services or more an hour and Priority 2 routes referred to four bus services or more an hour. The Committee felt that too many crucial services would not meet either category. Members of the Scrutiny Committee suggested changing Priority 1 and 2 to less prescriptive criteria to reference the 'Core Bus Network' and 'the remaining routes' respectively. Those changes were reflected in the document presented to Cabinet.

RESOLVED:

- (a) That the refreshed winter maintenance service policy be approved;
- (b) That the portfolio's response to adverse weather events over the Winter season 2022-2023 be noted;
- (c) That the continued need to maintain the revenue budget at present levels along with earmarked reserves of £250k be supported; and
- (d) That a further report be presented to Cabinet in 2024 following a review of the 2023-2024 season by the weather forecasting provider in relation to geographically specific treatment decision making.

52. EXERCISE OF DELEGATED POWERS

An information item on the actions taken under delegated powers was submitted. The actions were as set out below:-

Revenues

- **Business Rate Write Off**

Finance Procedure Rules requires the Corporate Finance Manager and the Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources to write off debts between £10k and £25k.

A Business Rates debt totalling £12,591.20 has been written off for Cytori Ltd, a company formerly trading from Unit 68, Deeside Industrial Estate. Liquidators were appointed to the company in February 2021 and a dividend will not be declared to non-preferential unsecured creditors as no assets were realised. All recovery options have been exhausted and following the liquidation the company has now been dissolved from the Companies House Register.

Streetscene and Transportation

- **Prince of Wales Avenue, Park Avenue, St Catherine's Close and Allt Goch, Flint – Proposed Prohibition of Waiting and Waiting at Any Time Restrictions**

To advise Members of the unresolved matters received following the advertisement of the proposed Prohibition of Waiting at Any Time on the roads listed above.

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following items by virtue of exempt information under paragraph(s) 14, 15 and 16 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

53. APPROACH TO HOLIDAY PAY

Councillor Mullin introduced the report which was in response to the case of Harpur Trust v Brazel and followed legal advice given to the council and the options available.

RESOLVED:

That Cabinet delegate authority to the Chief Executive in conjunction with the Corporate Manager, People and Organisational Development to negotiate a settlement in lieu of back payments of holiday pay for all those in scope to ensure fairness and parity, settle the grievance submitted by UNISON and avoid the inevitable negative impact on long-term relationships between the Council and its employees, and the recognised Trade Unions.

54. CROES ATTI RESIDENTIAL HOME CAPITAL DEVELOPMENT

Councillor Jones introduced the report which provided an update on the work underway at Croes Atti and details of the final contract submission.

RESOLVED:

That Cabinet give authority to the Chief Officer (Social Services) and Chief Officer (Governance) to enter into a contact with the supplier names in the report to begin construction of the new development, subject to approval of the full funding amount requested from Welsh Government.

URGENT ITEM OF BUSINESS

55. PROCUREMENT OF FLEET CONTRACT EXTENSION

Councillor Hughes introduced the report and explained that a full extension period for an interim period of six months was required, which would allow the full procurement process to be concluded.

RESOLVED:

- (a) That the award of an interim six-month extension to the existing Fleet Contract from 2nd October 2023 be approved; and
- (b) That it be noted that a further report would be presented for approval of the full extension terms once the procurement process had concluded.

59. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the public in attendance.

(The meeting commenced at 10.00 a.m. and ended at 11.47 a.m.)

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Chair