

CABINET
23rd JANUARY 2018

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 23rd January 2018.

PRESENT: Councillor Aaron Shotton (Chair)

Councillors: Bernie Attridge Chris Bithell, Derek Butler, Christine Jones, Ian Roberts and Carolyn Thomas.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Education and Youth), Chief Officers (Organisational Change), Chief Officer (Planning and Environment), Chief Officer (Streetscene and Transportation), Corporate Finance Manager and Team Leader – Democratic Services.

APOLOGY:

Councillor Billy Mullin.

OTHER MEMBERS IN ATTENDANCE:

Councillors Veronica Gay, David Healey and Tudor Jones.

111. DECLARATIONS OF INTEREST

Councillors Attridge, Butler, Jones and Shotton declared personal interests in agenda item number 4 – Welsh Government's (WG) 21st Century Schools Programme and Education Programme Band B and Mutual Investment Model (MIM), and agenda item number 5 – School Organisation – Area Review, Brynford and Lixwm, as they were School Governors.

112. MINUTES

The minutes of the meetings held on 12th December 2017 and 19th December 2017 had been circulated with the agenda and approved as a correct record.

RESOLVED:

That the minutes be approved as correct records.

113. WELSH GOVERNMENT'S (WG) 21ST CENTURY SCHOOLS PROGRAMME AND EDUCATION PROGRAMME BAND B AND MUTUAL INVESTEMENT MOVEL (MIM)

Prior to introducing the report, Councillor Roberts expressed his apologies for the error in the appendix to the report which indicated that the Council's intention was to amalgamate Ysgol Terrig and Ysgol Glanrafon onto the Glanrafon site in Mold and close the provision in Ysgol Terrig. The report should have outlined the need to review the Welsh medium provision in those areas and try and address underutilised places in Yegol Terrig and oversubscription in Ysgol Glanrafon, both of which presented their own challenges. He thanked the Head Teacher and Chair of Governors at Ysgol Terrig

for accepting the Council's apology and their confirmation that they wished to work constructively with the Council to secure Welsh medium education in the area.

Through the Welsh in Education Strategic Plan (WESP), the Council was committed to increasing the numbers of pupils accessing Welsh medium education to help Welsh Government (WG) achieve its ambitious target of a million Welsh speakers by 2050. Band B included a proposal to build a new school for Ysgol Croes Atti.

The report outlined the projects contained within the Council's Strategic Outline Plan (SOP) submission to WG. It explained the principles used and assumptions made to deliver a programme with as minimal impact on future revenue budgets. Details were also provided on the Mutual Investment Model (MIM).

Band B provided the Council with another exciting opportunity to build more new schools and radically improve the facilities in others. This would ensure that many more Flintshire pupils had access to 'state of the art' facilities which would improve the quality of learning.

For traditional projects funding would be split 50:50 between WG and the Council. However, under the new MIM funding mechanism, WG would fund 75% and the Council would fund 25%.

The SOP was the first stage of a long process to draw down the funding stream from WG and was the Council's statement of intent. Each individual project would be considered by Cabinet.

Councillor Thomas asked for information on the consultation process, on the provision of Welsh medium education and sought reassurance on the MIM model. The Chief Officer (Education and Youth) explained that the proposals were considered initially by the Education and Youth Programme Board and the Capital Asset Programme Board. The report and recommendations were then before Cabinet today and if approved, a detailed public consultation exercise would commence as defined in the School Organisational Code. On MIM, she explained that this was WG's new form of Private Finance Initiative with any MIM projects resulting in a two tier education estate in terms of quality and intensity of the maintenance regime deployed. MIM took into account and learned from previous issues with PFI. Work would be undertaken with key partners in communities to ensure that communities were aware that Welsh medium education was a choice for them.

The Chief Executive added that there would likely be some movement within the proposals but the criteria for bidding was specific.

Councillor Attridge welcomed the report and the MIM funding. It was now important to listen to the views of the communities once the public consultation exercise had ended before receiving a further report to Cabinet.

Councillor Shotton also welcomed the report and gave details of achievements that had been made through Band A of the 21st Century Schools Programme. He concurred with the Chief Executive that the list was not definitive, explaining that there were a number of projects included in the Band A proposals that did not progress.

RESOLVED:

That the content of the report be noted, including the observations from the Education and Youth Overview and Scrutiny Committee meeting.

114. SCHOOL ORGANISATION – AREA REVIEW, BRYNFORD AND LIXWM

Councillor Roberts introduced the School Organisation – Area Review, Brynford and Lixwm report which outlined the progress made since Cabinet in September when a short pause was approved to allow officers to work with the Governing Bodies of Brynford and Lixwm CP Schools. The report also provided further information and options to consider in order to provide a determination on the way forward in the area.

Whilst the report recommended proceeding to statutory consultation, Councillor Roberts stressed that this did not automatically mean school closures and he provided examples of other schools that had proceeded to statutory consultation and had federated and not closed.

If proposals for a federation were received, and were viable, this could be an option supported by the Council. Views of the local community would be sought as part of the formal consultation process as outlined in the School Organisational Code.

Councillor Shotton asked that, for the benefit of the public gallery, if the drivers for the proposals could be outlined. The Chief Officer (Education and Youth) explained that under the School Modernisation Strategy, schools that could come under review were those with surplus places and the requirement by Wales Audit Office (WAO) to minimise those. Unfilled places in a school was inefficient for the sustainability of small schools due to the cost, particularly during these austere times. She stressed the importance to move swiftly with the process to enable the schools involved to have certainty on the way forward as soon as possible.

Councillor Shotton commented on the number of letters and emails that had been received from the community which was helpful in being able to take all views into account. He stressed that the proposal to proceed to statutory consultation was not connected in any way to the Council being required to balance a budget.

The Chief Officer said it was the view of the Cabinet Secretary for Education that local authorities should consider all avenues available to schools and that federation should be supported wherever possible. Any further proposals for federation would become known during the consultation period and would be considered.

A timeline for the process was appended to the report however the Chief Officer explained that if a viable proposal for federation was received, that could progress sooner if possible. Following a question from Councillor Attridge, the Chief Officer confirmed that the public consultation exercise would finish before the start of the schools' summer holidays.

The Chief Executive added that following a challenge in WG, the Cabinet Secretary for Education had written to Flintshire County Council to say that the processes followed on school organisation at Flintshire were correct and residents could have confidence in the process.

RESOLVED:

That the Council proceed to statutory consultation on school organisational change with the proposal to amalgamate Brynford and Lixwm primary schools to create one area school.

115. REVENUE BUDGET MONITORING 2017/18 (MONTH 8)

The Corporate Finance Manager introduced the Revenue Budget Monitoring 2017/18 (Month 8) report which provided the current revenue budget monitoring position for 2017/18 for the Council Fund and the Housing Revenue Account. The report presented the position, based on actual income and expenditure, and projected how the budget would stand at the close of the financial year if all things remained equal.

The projected year end position, without mitigation to reduce cost pressures and improve the yield on efficiency planning, was:

Council Fund:

- Net in year expenditure forecast to be £0.846m greater than budget; and
- Projected contingency reserve balance as at 31st March 2018 of £4.236m.

Housing Revenue Account:

- Net in year expenditure forecast to be £0.035m higher than budget; and
- Projected closing balance as at 31st March 2018 of £1.081m.

The most significant projected variances were the underspend on the Council Tax Reduction Scheme (CTRS) and the positive variance on the Council Tax collection fund.

The report covered the latest in year forecast by portfolio; tracking of in year risks and emerging issues; inflation; and reserves and balances.

The Corporate Finance Manager explained that at the recent Corporate Resources Overview and Scrutiny Committee comments were made on the in-year overspend on Out of County Placements however Members were satisfied with the response from officers that a review of that area was to be undertaken.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2018 be noted; and

- (b) That the projected final level of balances on the Housing Revenue Account (HRA) be noted.

116. COMMUNITY ENDOWMENT FUND – ANNUAL REPORT

The Chief Executive introduced the Community Endowment Fund Annual Report which considered a proposal received from the Community Foundation in Wales to manage, administer and invest the Clwyd Tri-partite Welsh Church Act Fund (Clwyd WCAF) which was currently administered by the Council on behalf of Flintshire, Denbighshire and Wrexham Councils.

The proposal had been supported unanimously by Members at the recent Corporate Resources Overview and Scrutiny Committee. An additional recommendation was suggested for there to be more regular reporting on the performance and impact of the Fund, which was supported.

Councillor Bithell said it was encouraging to see the income received from investments.

Councillor Thomas commented on the process for applying for funding and said it would be helpful if applicants could be notified of progress at different stages of the process.

RESOLVED:

- (a) That the work of the Community Foundation in Wales and the award of local grants as part of the Flintshire Community Endowment Fund continue to be endorsed;
- (b) That the transfer of the management and the administration of the Clwyd Tri-partite Welsh Church Act Fund for Flintshire, Denbighshire and Wrexham to the Community Foundation for Wales from 1st April 2018 be approved;
- (c) That the transfer of the management and the administration of Flintshire grants awarded from the Welsh Church Act Fund to be combined with the process already in place for the Flintshire Community Endowment Fund be approved; and
- (d) That there be more regular reporting on the performance and impact of the Fund.

117. INTEGRATED TRANSPORT SOLUTION FOR THE DEESIDE AREA

Councillor Thomas introduced the Integrated Transport Solution for the Deeside Area report.

Deeside Industrial Park (DIP) was one of the largest industrial estates in Wales with approximately 400 businesses employing approximately 9,000 people and the Park had become one of the key economic driving forces within the region. The immediate area had been the subject of a number of recent studies, all of which

concluded that one of the main factors limiting further growth was the poor transport links into and around the Park. In order to provide a long term sustainable transport solution, it must successfully integrate all modes of transport and cater for the demands of each whilst maintaining and promoting at its heart, a sustainable, affordable and environmentally friendly Public Transport Service.

The report outlined the main drivers for change and key interventions for cycleway and active travel, highway improvements, bus network and rail improvements.

The overall proposals provided a platform which could be widened in scope to provide a transport solution for other local key areas of employment, particularly Broughton and the nearby Airbus site.

In response to a comment from Councillor Attridge, the Chief Officer explained that it was about providing seamless access for people wishing to work in the area whilst living in other Counties in North/Mid Wales and North West England.

Councillor Shotton welcomed the report and the progress made which was the result of Cabinet promoting, campaigning and lobbying for a solution for DIP for a number of years. He commented on the number of opportunities this would open up for the County, North/Mid Wales and North West England.

Councillor Roberts asked that any proposed changes to stopping patterns on the North Wales Coast railway line and proposals for car parking charges at railway stations be submitted to Cabinet.

Councillors Butler and Bithell also welcomed the report which would help with retention of employees on the Park. Councillor Jones said she was pleased to see the improvements planned for Zone 3, the cycle path improvements and the proposed truck stop which was much needed in the area.

RESOLVED:

That the work on the Deeside Integrated Transport solution and its links to the wider North East Wales Metro plans by Welsh Government (WG) be supported.

118. SECOND PHASE CAPITAL INVESTMENT IN THE STREET LIGHTING INFRASTRUCTURE AND UPDATE TO LED LANTERNS

Councillor Thomas introduced the Second Phase Capital Investment in the Street Lighting Infrastructure and Upgrade to Light Emitting Diode (LED) Lanterns report and explained that following the success of the initial programme to replace units, Welsh Government (WG) had indicated that further funding may be available to complete the project.

If approved by WG further funding would result in all of the Council street lighting infrastructure operating entirely on energy efficient LED lanterns. The second phase bid would be approximately £1.6m and this would allow the remaining 6,500 lights, which were not included in the initial project, to be replaced.

RESOLVED:

- (a) That Phase 2 Wales Funding Programme submission for Capital Funding to replace the remaining Street Lighting Lanterns with new and more energy efficient LED lighting units be approved; and
- (b) That, subject to funding being awarded by Welsh Government (WG), that a contract for the replacement LED lighting units be let under the All Wales Highways Lighting Framework to procure the lanterns.

119. PLANNING ENFORCEMENT POLICY

Councillor Bithell introduced the Planning Enforcement Policy report which recommended a revised Policy for consultation.

The revised Policy had been considered at Environment Overview and Scrutiny Committee in September 2017 where it was supported with the inclusion of three minor changes which had been incorporated into the body of the Policy.

The Chief Officer (Planning and Environment) explained that Section 9 of the Policy provided the Council with a defensible position as to why some enforcement matters were pursued.

In response to a question from Councillor Thomas, the Chief Officer explained that the consultation would take place via the Flintshire website with the final document also being available on that site. Following a question from Councillor Attridge, the Chief Officer said a summary of the responses to the consultation would be submitted to a future Cabinet meeting.

RESOLVED:

That the revised Planning Enforcement Policy be approved for consultation.

120. ADOPTION OF A DEVELOPER ADVICE NOTE AND SUPPLEMENTARY GUIDANCE RELATING TO NEWT MITIGATION

Councillor Bithell introduced the Adoption of a Developer Advice Note and Supplementary Guidance Relating to Newt Mitigation report which sought final approval to formally adopt two Planning Guidance notes.

The Developer Guidance Note on Speculative Development had previously been adopted, but without full public consultation. It has now been subject to public consultation and could be formally adopted as an Advice Note. The Newt Mitigation Note was a new Note, which had been produced to accompany the existing Supplementary Planning Guidance Note no 8 Nature Conservation, to add greater detailed advice on mitigation measures associated with Great Crested Newts. That Note could be adopted as formal Supplementary Planning Guidance.

RESOLVED:

That the adoption of the Speculative Development Advice Note and the Newt Mitigation Supplementary Planning Guidance Note be approved so that they can be given weight as material planning considerations when considering relevant planning applications.

121. EARLY HELP HUB

Councillor Jones introduced the Early Help Hub report which explained that the Hub had been designed to enable the delivery of more timely and appropriate early intervention and support for families with greater needs.

Over the summer the Hub undertook a 'soft launch' to test proposed procedures and joint working arrangements. During this time referrals from partner agencies, that did not meet thresholds for children's social services, were referred to the Hub. A review of the soft launch had taken place which had identified positive outcomes as well as areas of process that could be refined and strengthened. The Hub now accepted direct referrals from partner agencies and professionals and it was proposed that the Hub was formally launched to provide public access in April 2018.

The Chief Officer (Social Services) added that the key aim of the Early Help Hub was to provide the greatest level of knowledge and analysis of all known intelligence and information across the multiagency partnership to ensure all children, young people and families had access to advice and information about relevant early support to build coping skills and address any problems before they became entrenched.

Councillor Shotton suggested that the Early Help Hub be brought to the attention of the Future Generations Commission for Wales to demonstrate how the work of the Hub aligned to the Future Generations Act, which was agreed. He also requested a report back to Cabinet with an evaluation of the work which was also agreed.

RESOLVED:

- (a) That the Early Help Hub be endorsed to be formally launched which will accept direct referrals from the public in April 2018; and
- (b) That a formal evaluation of the Early Help Hub be endorsed within 12 months of operation. The evaluation will provide an analysis of the resources offered by agencies, how effective they are, and the outcomes that are being delivered.

122. PROPOSALS FOR INTEGRATION OF THE ARTS DEVELOPMENT AND MUSIC SERVICES WITH THEATR CLWYD

Councillor Roberts introduced the Proposals for Integration of the Arts Development and Music Services with Theatr Clwyd report.

Part of the 2018/19 Stage 2 budget proposals included £0.075m to be used from Theatr tax relief funding to reduce the current Music Service subsidy from £0.035m

and to subsidise the Arts Development Service by £0.040m. That approach protected current service provision in each of the services.

RESOLVED:

That the integration of the Arts Development (Arts, Culture and Events) and Music Service with Theatr Clwyd as outlined in the report be agreed, and delegated authority be granted to the Chief Officers (Organisational Change) and Chief Officer (Education and Youth) in consultation with the relevant Cabinet Member to implement these changes.

123. EXERCISE OF DELEGATED POWERS

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

Chief Executive

- **Welsh Church Act Fund 2017/18 – Round 5**

In Round 5, 9 applications were considered at the panel meeting on 29/11/17 and eight applications were approved to the value of £2,229.99. With Round 5 completed the remaining budget stands at £1,168.22 for allocation.

Community and Enterprise

- **Corporate Debt Write Off**

Financial Procedure Rules (section 9.6) – Income and Expenditure, stipulate that any individual debt between the values of £5,000 and £25,000 shall be reported to the Corporate Finance Manager for consideration to write off, in conjunction with the Cabinet Member for Finance. The write off request relates to one debt totalling £5,390.31 for Care Home Fees. The customer did not have any equity in the estate as they did not own the home they lived in prior to moving to the care home. Although the debt is valid as Care Home Fees were covered by the authority it is irrecoverable after the customer passed away.

RESOLVED:

That the actions taken under delegated powers be noted.

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 14 Of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

124. 21ST CENTURY SCHOOLS PROGRAMME – PENYFFORDD PROJECT – CONTRACT COMMISSIONING

The Chief Officer (Organisational Change) introduced the report which sought approval to contract for the Capital improvement project at Penyffordd School, funded through the Band A Welsh Government’s (WG) 21st Century Schools Programme.

The project had Full Business Case (FBC) approval from WG and planning approval would be sought at the Planning Committee in February 2018. The indicative cost of the project was slightly above the agreed WG funding envelope for the Band A programme.

A discussion took place on the cost of the project, including the options available to the Council should the funding remain at a shortfall. Information was awaited from the contractor on verification of actual costs from its supply chain, which was expected by the end of January. In response to a comment from Councillor Attridge, it was agreed that the recommendation would be amended to remove the words ‘and financial tolerances outlined within the report’.

The Chief Executive suggested that WG be contacted to seek assistance to utilise any underspend in other Band A projects as the WG methodology was based on size alone, which was supported.

RESOLVED:

- (a) That Cabinet support and approve the contract to enable the construction and delivery phase of the capital improvement project at Penyffordd School to proceed subject to Planning approval; and
- (b) That officers discuss with Welsh Government utilising any underspend in other Band A projects to help fund this project.

121. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were 11 members of the public and one member of the press in attendance.

(The meeting commenced at 9.30 a.m. and ended at 11.45 a.m.)

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Chair