

CABINET
20TH OCTOBER 2020

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Webex on Tuesday 20th October, 2020.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Glyn Banks, Chris Bithell, Derek Butler, Dave Hughes, Christine Jones, Billy Mullin and Carolyn Thomas. Record

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Corporate Finance Manager, Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Chief Officer (Education and Youth), Chief Officer (Social Services), Democratic Services Manager and Team Leader – Democratic Services.

OTHER MEMBERS IN ATTENDANCE:

Councillor: Patrick Heesom.

20. DECLARATIONS OF INTEREST

None received.

21. MINUTES

The minutes of the meetings held on 15th September and 22nd September were submitted. Councillor Banks asked that it be recorded that, during the 22nd September meeting he was moved to the virtual lobby for agenda item number 5 – Flintshire Local Development Plan – Consideration of Deposit Consultation Representations and Responses and Submission for Public Examination, as he had declared a personal and prejudicial interest in that item. Subject to that amendment, the minutes of both meetings were approved as a correct record.

RESOLVED:

That subject to the above amendment, the minutes of both meeting were approved as a correct record.

22. EMERGENCY SITUATION BRIEFING

Colin Everett provided an update on the current situation, including the involvement of himself and the Leader with the First Minister in the run up to the announcement of the Fire Break.

He explained the rationale on the decisions taken by the First Minister on things like Household Recycling Centres being closed during the Fire Break and children's play areas remaining open.

Discussions were taking place with Welsh Government (WG) on what the exit from the Fire Break would be and no decisions had been taken at that point.

A lot of communication work had been undertaken with a link to the WG frequently asked questions being linked to the Council's public statement. A communication had also been sent to employees and Members.

If Members had specific queries they could send them direct to the Chief Executive. Guidance was being issued to Town and Community Councils later that day on the situation with community centres.

On incidence rates, Flintshire had plateaued and was in a better position than a week ago, however the numbers did fluctuate daily.

Councillor Roberts said he had updated Group Leaders and Cabinet at the end of the previous week and he thanked WG for their accessibility during the difficult time.

In response to a question that had been asked, the Chief Executive explained that Flint and Holywell Connects Centres were able to remain open as they did not have a library facility in their buildings. Connects Centres that did have a library provision were closed. It was important to have the two open as they could still take direct payments from residents.

Councillor Bithell asked for clarification on church services. The Chief Executive explained that worship services could not take place but funerals and weddings could, subject to certain restrictions.

Councillor Butler commended the First Minister for the consistent and considered approach he had taken in dealing with the pandemic.

Councillor Roberts thanked the Chief Executive, the Chief Officer Team and all officers for the tremendous amount of work being undertaken, and also school based staff for meeting the challenges and ensure that essential services continued.

RESOLVED:

That the information be received.

23. RESPONSE TO THE RECOVERY STRATEGY FROM OVERVIEW AND SCRUTINY

The Democratic Services Manager introduced the report and explained that a sequence of special meetings of Overview and Scrutiny Committees were held between 21st and 28th September. At each of those meetings, a full presentation on the Recovery Strategy was given by the Chief Executive, supported by colleagues.

Cabinet had invited each of the Overview and Scrutiny Committees to support recovery in their respective portfolio areas, and specifically to have oversight of:

1. The portfolio risk register(s) and the risk mitigation actions both live and planned;

2. The objectives for recovery for the portfolio(s);
3. The immediate strategic priorities for recovery of the portfolio(s) extracted from the draft Council Plan for 2020/21; and
4. The set of revised performance indicator targets for the portfolio(s) for 2020/21.

At each Committee the Strategy and the four points above were entirely supported. It was recognised that the Committees assuming this important oversight role was in itself part of the recovery strategy for resumption of full democratic governance.

Each Committee agreed to rebuild its Forward Work Programme for the remainder of the municipal year with Recovery Planning and Risk Management at its core. During each of the five meetings, Members asked a number of questions and sought clarification on some issues. No specific risks were identified by the Committees as requiring their particular attention.

The previous day an interactive document had been put on the Council's website on the Recovery Strategy.

RESOLVED:

- (a) That the support of the Overview and Scrutiny Committees for the Recovery Strategy be welcomed;
- (b) That it be recognised that the Forward Work Programmes of the five Overview and Scrutiny Committees are being rebuilt on the basis of the Recovery Planning and Risk Management at their core, with other issues confined to statutory and cyclical issues; and
- (c) That the Recovery Strategy as outlined in the presentation to the Overview and Scrutiny Committees be published on the Council's website for wider public attention and assurance.

24. MEDIUM TERM FINANCIAL STRATEGY AND COUNCIL FUND REVENUE BUDGET 2021/22

Councillor Banks introduced the report which provided an update on the financial forecast for 2021/22 and the following two financial years.

A full review of the forecast had been undertaken to build an accurate and robust baseline of cost pressures that would need to be funded. The review had taken into full account the ongoing impacts of the emergency situation including the speed of recovery of key income targets.

The main purpose of the report was to set out in detail the forecast cost pressures for 2021/22 prior to referral for review and challenge to Overview and Scrutiny Committee. The report also set out the solutions available to fund those cost pressures. The funding strategy was highly dependent on sufficient national

funding for local government and was unchanged since the budget for 2020/21 was set.

A PowerPoint presentation was delivered by the Chief Executive and Corporate Finance Manager and covered the following areas:

- Financial Forecast 2021/22;
- The Future – What we advised in February;
- Cost Pressures 2021/22;
- Summary Total of Cost Pressures;
- Strategic Solutions;
- Four Part Solutions;
- National and Funding;
- Potential Funding Scenarios;
- Budget Timetable; and
- Next Steps.

Councillor Banks welcomed the working relationship the Council had with Welsh Government and supported the information being submitted to Overview and Scrutiny Committees in November.

Councillor Thomas asked if it was an expectation that Corporate Joint Committees would be funded by existing Council budgets. She commented that strategic transport would form part of that and commented on the many transport schemes delivered by the Council. The Chief Executive said that a lot of the work required could be undertaken by the North Wales Economic Ambition Board and in workshops. On transport, it was the Council's intention to retain the capacity to deliver local transport services. Discussions would need to be undertaken with Transport for Wales on their intentions.

In response to a question from Councillor Thomas, the Corporate Finance Manager explained that Council Tax funded between 27 and 29% of services. The Chief Executive explained this could be shown as a sliding scale against the Revenue Support Grant.

Councillor Bithell asked if there had been any response from WG on the car parking income loss. The Chief Executive explained that following submission of a letter to WG, they confirmed their position as previously reported, that the authority could not reclaim for loss of income other than for the first quarter. However, if the Council could demonstrate that the use of car parks was lower than before the pandemic, an element of quarters 2 and 3 could be claimed for. Estimates were that 75% could be claimed for quarter 2 and 50% for quarter 3.

RESOLVED:

- (a) That the overall forecast for the period 2021/22 – 2023/24 be noted, and the list of cost pressures for 2021/22 be referred to Overview and Scrutiny Committees in November for review and challenge; and

- (b) That the solutions available to meet those cost pressures be noted and the funding strategy for 2021/22 be re-set.

25. ANNUAL PERFORMANCE REPORT 2019/20

Councillor Mullin introduced the report which reviews the Council's progress against the Council Priorities as detailed in the Council Plan 2019/20.

The report reflected the overall progress that had been made against priorities and the level of confidence in achieving the desired outcomes. It also showed the position against the Council's 53 risks, with 4 risks increasing in significance during the year and 16 risks reducing in significance by year end.

The Chief Executive explained that performance against the Council Plan measures was positive with 88% of agreed key activities being assessed as making good progress and 91% likely to achieve the desired outcome. In addition, 78% of the performance indicators met or exceeded the target for the year, whilst 59% showed improvement or remained stable.

Risks were being successfully managed with the majority being assessed as moderate (68%) or minor/insignificant (17%); 15% of risks showed a high risk status at year-end, mostly due to lack of financial resourcing.

The Plan had to be adopted by 31st October and was being considered at County Council later that day.

RESOLVED:

That the 2019/20 Annual Performance Report for recommendation to Council for adoption be approved.

26. REVENUE BUDGET MONITORING 2020/21 (MONTH 5)

Councillor Banks introduced the report which provided details of the known risks and issues for 2020/21 for the Council Fund and Housing Revenue Account. The report projected how the budget would stand at the close of the financial year if all things remained unchanged. It also took into account the latest position on Welsh Government Emergency Grant Funding announcements.

The projected year end position, without new actions to reduce cost pressures and/or improve the financial return on efficiency planning and cost control was:

Council Fund

- An operating deficit of £0.921M (excluding the impact of the pay award which would be met from reserves)
- A projected contingency reserve balance as at 31st March 2021 of £1.418M

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.364M lower than budget
- A projected closing balance as at 31st March 2021 of £2.537M

To assist in mitigating the overall projected overspend a review of non-essential spend and a vacancy management process had been introduced. This had resulted in a temporary reduction in spend of -£0.316 at Month 5 which had helped to reduce the overall financial overspend position. This was in addition to £0.319M which was identified at Month 4 in total savings to date of £0.635M.

The Corporate Finance Manager provided full details on the projected position by portfolio; significant variances; open risks; new risks; emergency funding; achievement of planned in-year efficiencies; and reserves and balances.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March be noted; and
- (b) That the projected final level of balances on the Housing Revenue Account be noted.

27. BUSINESS RATES – WRITE OFFS

Councillor Mullin introduced the report which sought approval to write off individual bad debts in excess of £25,000,

The Chief Officer (Governance) explained that two Business Rate debts were considered to be irrecoverable for Limited Liability Companies as they were no longer trading. Consequently, there were no assets and successful recovery of the Business Rate debts was no longer possible and a write off was necessary, totalling £55,321.

Councillor Butler said that despite writing off two debts, it was important to note that Flintshire was one of the top authorities in Wales for recovering debt.

Councillor Mullin added that there were no direct financial implications for the Council or local taxpayers by writing off the debts, as Business Rates were borne by the National Collection Pool for Wales.

RESOLVED:

That the write off for the Business Rate debts totalling £55,321 be approved.

28. PUBLIC SERVICES OMBUDSMAN FOR WALES

Councillor Mullin introduced the report which was to share the Public Services Ombudsman for Wales Annual Letter 2019/20 for Flintshire County Council.

The Chief Officer (Governance) explained that the Annual Letter provided details of the annual performance of the Council in relation to complaints against services which were received and investigated by the Public Services Ombudsman for Wales during 2019/20.

A similar report would be submitted to Standards Committee. The number of complaints were relatively high based on the size of the population but that was due to a number of complaints going direct to the Ombudsman rather than to Flintshire first.

In a report considered by Cabinet last year, the Ombudsman had offered to work with local authorities in March 2020 to improve the quality of complaints handling. Due to the emergency situation that was unable to take place but virtual sessions were booked to take place in January 2021 to deal with the issues of early referral of complaints to the Ombudsman.

Members welcomed the commitment to review the Council's internal complaints procedure and the training. A discussion took place on the use of inappropriate means for making complaints such as social media. By complaining in such a way made cases more difficult to handle due to the work required to establish who was then dealing with the complaint.

In response to a question from Councillor Banks, the Chief Officer (Governance) explained that the number of complaints stated in the report was split between service complaints and ethical complaints.

RESOLVED:

- (a) That the annual performance of the Council be noted, including the percentage of complaints that are premature, out of jurisdiction or closed after initial consideration by the Ombudsman;
- (b) That the actions to improve complaints handling across the Council be supported; and
- (c) That the actions to review the Council's complaints policy by 31st March 2021 be supported.

29. OFFICE OF THE PUBLIC GUARDIAN REPORT

Councillor Jones introduced the report which provided details of the content of the Office of the Public Guardian (OPG) Assurance Visit undertaken in January 2020.

The OPG used Assurance Visits as a means of supervising and supporting Professional and Public Authority deputies. Assurance Visits look at specific client management and administration of their deputyship caseload.

This year the OPG Assurance Visit reviewed seven of the Council's deputyship clients and performance was measured against:

- Secure the clients finances and assets;
- Gain insight into the client to make decisions in their best interests;
- Maintain effective internal office processes and organisation; and
- Have the skills and knowledge to carry out duties of a deputy.

The visit concluded that the Council met all the standards and noted that the deputyship officers worked closely with Social Workers to ensure the individual was supported to make their own decisions as much as possible. It was also noted from the cases reviewed that the deputyship officers had a good understanding of the Mental Capacity Act 2005 and its five statutory principles.

The Chief Officer (Social Services) paid tribute to the small team of three who had received a very positive review of the work of the Deputyship Officers within the Financial Assessment and Charging Team of Social Services. He added that in response to the Visitor's assessment and comment on under-resourcing, the service was in the process of appointing an additional Deputyship Officer.

Councillor Banks applauded the team for the excellent work they undertook.

RESOLVED:

- (a) That Cabinet note and be assured by the content of the Assurance Visit feedback letter and assessment of the authority's performance; and
- (b) That the Assurance Visits Overall Summary and the Council's response be noted.

30. RENEWAL OF PUBLIC SPACE PROTECTION ORDERS

Councillor Thomas introduced the report and explained that Public Spaces Protection Order (PSPOs) were an intervention to prevent individuals, or groups, committing anti-social behaviour in a public space.

The current PSPOs would expire on 19th October 2020. Cabinet had approved commencement of consultation on 14th July 2020 and this report provided details of the process and outcome of the consultation.

Councils could make a PSPO after consultation with the Police, the Police and Crime Commissioner and appropriate Community representatives. They could be enforced by Council officers, Police Officers or Police Community Support Officers.

Under provisions of the Act, Flintshire's Alcohol Designated Public Place Order transitional automatically into a PSPO. This order allowed Police Officers the power to ask members of the public to surrender alcohol if a member of the public was believed to be causing a nuisance in a public place. This was not a total alcohol ban in public area, and was not applicable to licensed premises, but encouragement of sensible drinking.

Since the implementation of the dog control PSPO over 1,100 dog walkers had been approached and provided with information and advice on the prohibitions of the Order. A total of three Fixed Penalty Notices (FPN's) had been issued for dog fouling and 45 for dogs entering the boundaries of marked sports pitches. The Council had adopted a high profile approach in order to act as a deterrent and enforcement officers entered into dialogue with dog walkers during their patrols to

ensure that they were aware of the PSPOs. As officers were in uniform it was less likely that dog walkers would not comply with the local rules and it should be noted that a high number of FPNs was not the only measure by which PSPOs should be measured and overall cleanliness of the county and public awareness of the FPN process should also be considered.

Four representations had been received following the closure of the consultation. Two comments on the exclusion of dogs on school grounds in relation to Buckley Elfed High School, with a request to walk dogs along pathways that cross that schools grounds. Following discussions with the Headteacher, it was recommended that the representation should not be considered further.

The third representation was on the Ornamental Gardens in Mold, requesting that this area be included in the 'exclusion of dogs' category. At present gardens were not included in PSPOs, therefore it was not recommended that this area alone be included at this time. However, a review could be undertaken of all garden areas to assess an appropriate dog control method to suit the needs of residents.

The fourth representation concerned the alcohol control PSPO and questioned the enforcement of the PSPO. Councillor Thomas explained it was about having the PSPO in place so if needed it could be enforced.

Further representations had been made by Connah's Quay Angling Club, outlining the problems the club encountered with uncontrolled dogs swimming in the lakes. Work was being undertaken with Streetscene, Public Protection and Countryside officers to erect a fence as a boundary to create a dog exclusion zone.

A review of all signage would be undertaken and metal signs would be introduced with the most contentious sites receiving them first.

Councillor Bithell welcomed the PSPOs, commenting that it would assist with dealing with people congregating in hot spot areas consuming alcohol, becoming unruly and causing anti-social behaviour to the point where other people then avoided those areas. The measures introduced three several years ago had helped to tackle those problems and the renewal of the PSPOs would enable continuation of enforcing PSPOs.

The Chief Officer (Planning, Environment and Economy) said the report had been submitted to Overview and Scrutiny the previous week where it had been well received. He emphasised the report was not seeking to extend the powers of the order, but to renew it.

RESOLVED:

- (a) That the extension of a Public Space Protection Order for dog control with only existing restrictions included be approved;
- (b) That the extension of a Public Space Protection Order for alcohol control be approved; and

- (c) That a review be undertaken of all signage at all sites subject to the Public Space Protection Order arrangements.

31. EXERCISE OF DELEGATED POWERS

None received.

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 and 15 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

32. THEATR CLWYD TRANSFER PROPOSAL REPORT

Councillor Roberts introduced the report which summarised the latest position on the Theatr Clwyd Transfer Proposal, and proposed the terms and timescale of the transfer to an independent charitable trust for both theatre operations and music services.

The Chief Executive explained that the work was on track for a transition to the recommended governance model on time.

RESOLVED:

- (a) That the transfer of Theatr Clwyd and the Music Service to a new charitable body at 31st March 2021, be approved, and the Shadow Board of the new body be invited to enter into a formal agreement for transfer;
- (b) That the principles of transfer as set out in the report be approved;
- (c) That the specific proposals for transfer as a framework for a service contract agreement as set out in the report be approved;
- (d) That a full and final report on due diligence be received, and the resolution of any remaining service contract agreement detail, once feedback has been received from the Education, Youth and Culture Overview and Scrutiny Committee along with a formal proposal from the Shadow Board.

33. THEATR CLWYD REDEVELOPMENT AND THE WIDER MOLD CAMPUS

Councillor Mullin introduced the report and explained in relation to stage 4, Arts Council for Wales (ACW), through Welsh Government (WG), had allocated funding of £3M in order to take the project to the end of stage 4 with a contribution of £110K required from the Count Councils own capital resources.

Neal Cockerton provided full details of the background to the funding requirements and the funding position, explaining that the estimates were robust and had been verified. There was no binding decision on capital funding for the Theatre being made at this point. A later decision would be required to be made once a sufficient funding package had been agreed at a national level.

The Chief Executive explained that there was no obligation on the Council at this point in the process. A decision would be required when details of the funding were known.

Councillor Roberts said when a decision was required it would be for the County Council to make, not Cabinet.

RESOLVED:

- (a) That Cabinet support the move to stage 4 (Technical Design) of the Theatre refurbishment project; and
- (b) That the project is not progressed beyond stage 4 until the funding package is confirmed by all stakeholders.

34. YSGOL GLANRAFON, MOLD – CAPITAL INVESTMENT PROJECT

Councillor Roberts introduced the report which sought approval to enter into a contract for the construction phase of the capital improvement project at Ysgol Glanrafon, Mold.

In response to comments from Councillor Thomas on car parking, the Chief Officer (Education and Youth) confirmed that work was ongoing on car park issues.

RESOLVED:

That entering into a contract for the construction phase of the capital investment project at Ysgol Glanrafon, Mold, be approved.

35. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting commenced at 9.30 a.m. and ended at 11.50 a.m.)

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Chair