

CABINET
16TH NOVEMBER 2021

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 16th November 2021.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Glyn Banks, Chris Bithell, Dave Hughes, Paul Johnson, Christine Jones, and Billy Mullin.

IN ATTENDANCE:

Chief Officer (Governance), Chief Officer (Planning, Environment and Economy), Chief Officer (Education and Youth), Corporate Finance Manager, Revenues and Procurement Manager, Strategic Executive Officer, Revenues and Procurement Manager, Benefits Manager, Housing Strategy Manager, Highways Network Manager, Policy Development Officer – Equalities, Principal Accountant, and Team Leader – Democratic Services.

APOLOGIES

Councillor Derek Butler, Chief Executive and Chief Officer (Social Services).

OTHER MEMBERS IN ATTENDANCE:

Councillor Mike Peers.

60. DECLARATIONS OF INTEREST

Councillor Bithell declared a personal interest in agenda item number 18 – Core Funding Review.

61. MINUTES

The minutes of the meeting held on 19th October 2021 were submitted and confirmed as a correct.

RESOLVED:

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

62. CAPITAL STRATEGY 2022/23 – 2024/25

Councillor Johnson introduced the report which provided an update on the Council's Capital Strategy and sought Cabinet recommendation to Council.

The report explained the need for the Strategy, its key aims, and the content of each of its sections.

Under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), authorities were required to set a range of Prudential Indicators (PI's). The Capital Strategy included details of the Council's Prudential Indicators for 2022/23 – 2024/25.

The Corporate Finance Manager provided details of the tables in the appendix which related to Prudential Indicator: Estimates of Capital Expenditure in £ millions, Capital Financing in £ millions, Minimum Revenue Provision in £ millions, Prudential Indicator: Estimates of Capital Financing Requirement in £ millions, Prudential indicator: Gross Debt & the Capital Financing Requirement in £ millions, Prudential Indicators: Authorised Limit & Operational Boundary for External Debt, and Prudential Indicator: Proportion of Financing Costs to Net Revenue Stream.

RESOLVED:

- (a) That the Capital Strategy be approved and recommended to County Council; and
- (b) That the following be approved and recommended to County Council:
 - The Prudential Indicators for 2022/23 – 2024/25 as detailed within Tables 1, and 4-7 for the Capital Strategy
 - Delegated authority for the Corporate Finance Manager to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (Table 6 of the Capital Strategy)

63. CAPITAL PROGRAMME 2022/23 – 2024/25

Councillor Johnson introduced the report which presented the proposed Capital Programme for the period 2022/23 – 2024/25 for recommendation to Council.

The Council's Capital Programme covered investment in assets for the long term to enable the delivery of high quality and value for money public services. Assets included buildings (such as schools, care homes and day centres), infrastructure (such as highways, IT networks, and waste transfer stations) and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined within the report were closely aligned to portfolio service business plans and the Council Plan.

The report divided the Council Fund Capital Programme into three sections:

1. Statutory / Regulatory – allocations to cover regulatory and statutory works
2. Retained Assets – allocations to fund infrastructure works necessary to ensure service and business continuity
3. Investment – allocations to fund works necessary to remodel services to deliver efficiencies outlined in the portfolio business plans and invest in services as outlined in the Council Plan

Historically much of the Council's programme had been funded from capital receipts and grants. The Council's ability to generate significant capital receipts was challenging as the assets the Council had available for disposal diminished. Wherever possible every opportunity to identify assets for sale and other sources of funding such as specific grants and revenue contributions would be explored. However, the Council would need to use prudential borrowing to finance more of the

programme going forward, in particular, the 21st Century Schools Band B programme, and other schemes included within the investment programme would need to be funded through prudential borrowing.

Given the current position in setting the Capital Programme for the next three years 2022/23 – 2024/25, careful consideration had been given to new schemes proposed for inclusion as, should other sources of funding not materialise, the Council would need to use prudential borrowing to finance the remainder of the programme going forward.

He added that Welsh Government (WG) had set out its legal commitment to achieve net zero emissions by 2050 and work towards a net zero public sector in Wales by 2030. One of the Council's key priorities within the Council Plan was to become a net zero council by 2030 and to support wider decarbonisation actions across the County. The capital works programme played a vital role in accelerating the shift towards achieving the target. Inclusion of that priority within the programme reinforces the commitment to tackling climate change.

The Corporate Finance Manager provided full details of the tables in the report, particularly table 4 which provided details of the proposed allocation 2022/23 – 2024/25. He explained that the annual allocation for the Highways Asset Management Plan (HAMP) had been increased from £600k to £1m. Table 5 provided a summary of the capital programme, detailing how schemes would be funded.

Councillor Roberts welcomed the report, citing schemes such as the provision for leisure and libraries, CCTV replacement, adaptations to foster homes, the joint archive facility, Standard Yard Waste Treatment Station, decarbonisation of the vehicle fleet, Croes Att Residential Care Home and the Council's first carbon neutral school. He also welcomed the investment in other schools detailed in the report. The Council was committed to helping the most vulnerable within the county, and was committed to homelessness and town centres.

Members welcomed the report which provided details of exciting varied future programmes for the residents of Flintshire. CJ – exciting future programme for people of Flintshire. Varied schemes and projects.

RESOLVED:

- (a) That the allocations and schemes in Table 3 for the Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2022/23 – 2024/25 be approved;
- (b) That the schemes included in Table 4 for the Investment section of the Council Fund Capital programme 2022/23 – 2024/25 be approved;
- (c) That it be noted that the shortfall in funding of schemes in 2022/23, 2023/24 and 2024/25 in Table 5 at this point in the approval process allows flexibility. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be

considered during 2022/23 and included in future Capital Programme reports;
and

- (d) That the schemes included in Table 6 for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing be considered and approved.

64. STRATEGIC EQUALITY PLAN ANNUAL REPORT

Councillor Mullin introduced the report and explained that the Council published its equality objectives and four year Strategic Equality Plan (SEP) in April 2020, to meet the requirements of the Public Sector Equality Duties (PSED) as set out in the Equality Act 2010. The aim of the equality objectives was to address the most significant issues and areas of inequality that faced people with protected characteristic (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation).

The Equality Act 2010 specific duties for Wales required an annual report be published by 31st March each year outlining progress on meeting the PSED and achieving the equality objectives. The report highlighted the Council's progress in implementing the SEP and meeting equality objectives during 2020/2021.

The Chief Officer (Governance) explained that this was the first annual report which specifically outlined progress towards fulfilling each of the Council's equality objectives and included specified employment information, including information on training and pay. The Policy Development Officer – Equalities explained that the progress made to meet each of the seven equality objectives was outlined in the appendix to the report. In addition, areas of achievement in meeting the equality duties during 2020/21 were outlined in the covering report.

In response to a question from Councillor Bithell, the Chief Officer (Governance) explained that the Council worked by aiming to encourage employees to provide information such as gender, but it had to be recognised that people had different levels of comfort in relation to providing such information.

Councillor Johnson welcomed the report, in particular the section in relation to procurement detailed in the appendix.

RESOLVED:

- (a) That the progress made during the year to meet statutory duties in relation to equalities be noted; and
- (b) That the progress made against the Strategic Equality Plan 2020/2021, prior to publication of the annual report on the Council's website, be endorsed.

65. FLINTSHIRE HOUSING NEEDS PROSPECTUS

Councillor Hughes introduced the report which provided an overview of the Welsh Government (WG) requirement for Local Authorities to produce a Housing Needs Prospectus that would inform the Social Housing Grant Programme.

The prospectus would inform affordable housing delivery, shape the Social Housing Grant (SHG) programme by setting out what the Local Authority priorities were and provide a guide about what type of housing was needed and in what locations.

It was intended that housing providers would refer to the prospectus when they were progressing new affordable housing development sites so they could plan to deliver schemes that better met the Local Authority priorities and the housing need for the area.

The draft Flintshire Housing Needs Prospectus had been written in collaboration with Social Services, the Homelessness team and Planning and reflected the Council's current demands on services and the ambitions set out in the Flintshire Housing Strategy 2019/24.

The Housing Strategy Managed explained that this provided a more cohesive way for Housing Associations, Welsh Government and Local Government to work together to ensure the right tpe of homes were delivered for local people. The prospectus provided details of the situation at the moment, including the current housing pressures.

Councillor Bithell welcomed the report which dealt with all aspects of housing need in the county, particularly for vulnerable residents. He was also pleased to see the recognition for the need for larger properties.

RESOLVED:

That the content of the Flintshire Housing Need Prospectus be noted.

66. DISABLED FACILITIES GRANT POLICY

Councillor Hughes introduced the report and explained that the Housing Grants, Construction and Regeneration Act 1996 placed a mandatory duty on Local Authorities to provide Disabled Dacilities Grants. The grant was available for adapting or providing facilities for a disabled person in a dwelling.

As part of the Internal Audit review of the Disabled Facilities Grant service in June 2018, it was identified that the current policy required a review in order to make the process and detail clearer and easier to understand.

Work had been ongoing since then to identify and implement process improvements to further expedite delivery and recommendations for a policy exemption were put forward and approved in September 2020 and the approved changes had been incorporated into the revised policy.

A significant amount of work had also been carried out to ensure that customers, and the professionals who supported them, had all of the relevant information at the earliest opportunity. That work was now reflected in the revised policy and appended to the report.

The Benefits Manager explained that a significant amount of work had also been carried out to ensure that customers, and the professionals who supported them, had all of the relevant information at the earliest opportunity. That work was reflected in the revised policy. She explained that the maximum amount of grant available in Wales was £36,000 per application within a five year period. However, applications could be made within that period if the customer's condition had changed. Where the application was for an adaptation under £10,000, those medium sized cases would no longer require a means test. For other applications, the amount of the grant would vary from zero to the maximum grant depending on the cost of the approved works and the financial circumstances of the applicant.

Councillor Bithell welcomed the revised timescales for delivery of adaptations as outlined in the appendix to the report.

RESOLVED:

That the report and the revised Disabled Facilities Grant Policy be supported.

67. A PLAN FOR SHOTTON

The Senior Executive Officer introduced the report and explained that in February 2021, Cabinet endorsed the development of 'A Plan for Shotton', the production and delivery of which was to be overseen by a multi-agency Steering Group.

The programme of activity in Shotton had already seen some early successes, which were outlined in the report, along with proposals for next steps that would see broader engagement of partner organisations and the community to develop more detailed delivery plans. Risks were also highlighted for consideration and agreement of mitigating actions. The risks related predominantly to resource and capacity; roles and responsibilities; partner organisation and stakeholder engagement to date; and developing a realistic plan whilst managing expectations.

Engagement of wider partner organisations and stakeholders, to include broader representation on the Steering Group, would maximise the opportunity under the Plan to broker partnership relationships for working together to achieve shared aims and pool resources to maximise capacity to deliver local priority outcomes.

RESOLVED:

- (a) That the high level strategic plan 'A Plan for Shotton', to set the strategic direction for work in Shotton from now until 2030, be approved;

- (b) That further work to engage wider partners and stakeholders to develop more detailed underpinning delivery plans focused around action aligned to achievement of the four strategic objectives, as detailed in 'A Plan for Shotton', be endorsed;
- (c) That the risks and mitigating actions be noted; and
- (d) That the proactive communication/publicity to coincide with the report and accompanying plans be supported.

68. REVENUE BUDGET MONITORING 2021/22 (MONTH 6)

Councillor Johnson introduced the report which provided the monthly update for the Council Fund Budget and Housing Revenue Account Budget. The report also forecast the out-turn position for the 2021/22 financial year.

The report projected how the budget would stand at the close of the financial year, without new actions to reduce cost pressures and/or improve the financial return on efficiency planning and cost control was:

Council Fund

- An operating surplus of (£0.227m) (excluding the impact of the pay award which would be met by reserves) which was a favourable movement of (£0.045m) from the surplus figure of (£0.182) reported at Month 5
- A projected contingency reserve balance as at 31st March 2022 of £6.322m

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.755m higher than budget
- A projected closing balance as at 31st March 2022 of £3.717m

There continued to be significant pressure of Out of County Placements, arising from the full year impacts of new placements made during 2020/21, including several new high cost placements which were agreed in March after the budget for 2021/22 had been set. A contribution of £0.500m had been made from the Social Care Recovery Fund which left a projected overspend of £0.851m for the remainder of the year. However, that was likely to increase with another 6 months of the year remaining.

Further details were awaited from Welsh Government (WG) following an additional funding announcement for Social Care and Health totalling £42.72m across Wales. The grant would support Children's Services, Integrated Health and Social Care, unpaid carer direct payments, early intervention and prevention, along with improved advertising and recruitment for social care. The funding could be assigned to existing cost pressures within the Portfolio which would have a positive impact on the outturn.

The Corporate Finance Manager explained that the report also detailed the position by portfolio; significant variances that month; achievement of planned in-year efficiencies; emergency funding, unearmarked reserves and earmarked reserves.

He explained the reasons for the favourable movement in the projected overspend, all of which were detailed in the report.

RESOLVED:

That the report and the estimated financial impact on the 2021/22 budget be noted.

69. CAPITAL PROGRAMME MONITORING 2021/22 (MONTH 6)

Councillor Johnson introduced the report which summarised changes made to the Capital Programme 2021/22 since it was set in December 2020 to the end of Month 6 (September 2021), along with expenditure to date and projected outturn.

The Capital Programme had seen a net decrease in budget of £2.174m during the period which comprised of:

- Net budget increase in the programme of £2.435m (Council Fund (CF) £6.200m, Housing Revenue Account (HRA) (£3.765m))
- Carry Forward to 2022/23, approved at Month 4 of (£4.099m) (all CF)
- Identified savings at Month 6 of (£0.510m) (CF).

Actual expenditure was £37.698m.

Capital receipts received in the second quarter of 2021/22, along with savings identified, totalled £1.352m. That gave a revised projected surplus in the Capital Programme at Month 6 of £4.147m (from a Month 4 funding position surplus of £2.795m) for the 2021/22 – 2023/24 Capital Programme, prior to the realisation of additional capital receipts and/or other funding sources.

The Corporate Finance Manager provided details of each of the tables outlined in the report.

RESOLVED:

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

70. COUNCIL TAX BASE FOR 2022/23

Councillor Mullin introduced the report and explained tht setting of the Council Tax Base was integral to the revenue budget and Council Tax setting process for 2022/23 and allowed the Council, Police & Crime Commissioners Office for North Wales and Town and Community Councils to calculate next year's Council Tax precept.

The Revenues and Procurement Manager said the Base had been calculated at 65,194 Band 'D' equivalent properties, after taking into account the total number of

properties that would be subject to Council Tax, less those which were exempt from Council Tax or where statutory household discounts applied.

Setting in the Tax Base at 65,194 Band 'D' equivalents also represented marginal growth in the Tax Base of 0.26% compared to the previous year, equivalent to an increase of 168 Band 'D' equivalent properties after taking into account the natural movement in discount and exemption levels.

RESOLVED:

- (a) That the Tax Base of 65,194 Band 'D' equivalent properties for tax setting purposes for the financial year 2022/23 be approved;
- (b) That a 'nil' discount continue to be set for properties falling within any of the Prescribed Classes (A, B or C) and for this to apply to the whole of the County area; and
- (c) That a 50% Premium continue to be set for 2022/23 on long term empty properties and second homes falling into the Council Tax Premium scheme.

71. WELSH GOVERNMENT CONSULTATION ON LOCAL TAXES FOR SECOND HOMES AND SELF-CATERING ACCOMMODATION

Councillor Mullin introduced the report and explained that Welsh Government (WG) was consulting on potential changes to the local tax system, with the aim of supporting local authorities to manage the impact of second homes and self-catering accommodation on the communities in which they were located.

The Revenues and Procurement Manager added that WG were also seeking views on:

- How effective had the use of the premium scheme been in addressing housing issues
- How could local authorities best use the premium to help bring empty or underused properties back into use
- How funds raised from the premium should be used and whether local authorities should be more transparent about how funds raised from the premium had been spent
- Was the current maximum premium of 100% appropriate? If not, what would be considered to be appropriate and fair
- What were the positive and negative impacts on self-catering accommodation
- The current criteria and thresholds for defining property as self-catering accommodation and liable for Business Rates instead of Council Tax
- The eligibility of self-catering accommodation for 100% Small Business Rates Relief once owners were subject to Business Rates.

In response to the consultation, officers had reviewed the consultation paper and the responses to each of the above were detailed in the report for Cabinet approval.

RESOLVED:

That the responses to the consultation be supported.

72. AUDIT WALES REVIEW OF TOWN CENTRE REGENERATION

The Chief Officer (Planning, Environment and Economy) introduced the report and explained that in September 2021 Audit Wales published a review of town centre regeneration. The report set out recommendations for all levels of government to respond to and in accordance with the Council protocol, the formal responses were to proceed through the Committee system before being submitted to Audit Wales.

The report set out six recommendations, three of which it asked local government to respond to. The response to each recommendation was set out in the report.

The report was considered at Environment and Economy Overview and Scrutiny Committee on 9th November 2021, Cabinet on 16th November 2021 then it would be considered at Governance and Audit Committee on 17th November.

RESOLVED:

That the Audit Wales recommendations be noted and the proposed response to Audit Wales be approved.

73. REVIEW OF LOCAL TOILETS STRATEGY

Councillor Banks introduced the report and explained that the Public Health (Wales) Act 2017 provided specific timescales that must be followed in relation to the preparation and review of local toilets strategies. The statutory timetable must be followed, even if a local authority decided, for operational reasons, to voluntarily publish a review or update the strategy document between key reporting points in the statutory timetable.

Flintshire's local toilet strategy was approved and published in May 2019. National guidelines state that the policy should be reviewed every two years from when the local authority last published or last reviewed its strategy, and within one year of every ordinary local government election.

The report provided an update on progress against the local toilets strategy action plan in line with the statutory requirements, and to set out the approach for further review in 2022/2023.

The Highways Strategy Manager explained that participating locations, detailed in the appendix to the report, would display a toilet logo sticker at entrances to identify toilets were available at that location for use by the public.

RESOLVED:

That the review be supported and progress to date against the local toilets strategy action plan be noted.

74. SCHOOL MODERNISATION – CONSULTATION ON ENLARGEMENT OF PREMISES AT DRURY C.P. SCHOOL AND PENYFFORDD C.P. SCHOOL

Councillor Roberts introduced the report which sought approval to consult through 'The School Standards and Organisation (Wales) Act 2013, School Organisation Code' for an enlargement of the premises at two schools – Drury C.P. School and Penyffordd C.P. School.

The Code set out Regulated Alterations to Community, Foundation and Voluntary Schools requirements in relation to the enlargement of school premises.

The proposed investment projects at Drury C.P School and Penyffordd C.P School met the triggers that required consultation on increased capacity for each school through the Welsh Government's legal framework.

At Drury C.P. School, capacity would be increased to 180 pupils. At Penyffordd C.P. School, capacity would be increased to 375 pupils.

RESOLVED:

The consultation through 'The School Standards and Organisation (Wales) Act 2013, School Organisation Code' be approved for an enlargement of the premises at Drury C.P School and Penyffordd C.P. School.

75. EXERCISE OF DELEGATED POWERS

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

Streetscene and Transportation

- **The Flintshire County Council – Ffordd Owen, Ffordd Gwynedd, Ffordd Glyndwr, Ffordd Edwin High Street, St Peters Park and Connah's Quay Road, Northop – Proposed Prohibition of Waiting at any Time**
To advise Members of the objections received following the advertisement of the proposed Prohibition of Waiting on the roads listed above.
- **Amendment to Flintshire County Councils Cemetery Regulations**
Flintshire County Council's Cemetery Regulations govern the operations undertaken within all its cemeteries and provides guidance on the requirements expected from visitors to the cemeteries and those people who own graves within the cemeteries. Periodically these Regulations are required to be reviewed to ensure that they are up to date and in line with industry standards and still fit for purpose. The amendments outlined will ensure that this is the case for the period 2021 to 2025.

Revenues

- **Council Rent – Application to Write Off Housing Tenancy Arrears**
Individual bad debts in excess of £5,000 needing to be written off are considered by the Corporate Finance Manager and the Cabinet Member for Housing and Assets.

A decision to write off a housing rents case has been taken in respect of one tenant who is subject to a Bankruptcy Order. Rent Arrears of £7,268.89 are included in the Bankruptcy Order and as a result of the judgement the arrears are no longer recoverable.

- **Council Rent – Write Off of Former Tenancy Arrears Following Eviction**
Financial Procedure Rules (Section 5.2) stipulates that individual bad and irrecoverable debts in excess of £5,000 are written off through delegated powers in conjunction with the relevant Cabinet Member.

The decision to write off is in respect of 1 case of unpaid housing rent in circumstances where the tenant abandoned the property prior to an eviction taking place to bring the tenancy to an end. Following the legal steps taken to end this tenancy the rent arrears of £10,100 are deemed to be irrecoverable and there is no prospect of securing payment.

Planning, Environment and Economy

- **Planning Performance Agreement**
Delegated powers sought to enter into a planning performance agreement to cover costs incurred by the Council for the provision of pre-application advice for a Development Consent Order and Planning Application for a Nationally Significant Infrastructure Project.

Housing and Assets

- **Proposed Dedication of Council-Owned Land as a Public Footpath on a Section of the Disused Railway Line Between Public Footpath No 5 & 6 in the Community of Buckley Retrospectively**
To dedicate land as a Public Footpath which is currently within the ownership of Flintshire County Council, as shown as a black dashed line between point A and B on the plan.
- **Community Asset Transfer, Penyffordd Youth Centre and Scout Hut**
The Community Asset Transfer of Penyffordd Youth Centre and Scout Hut, Hawarden Road, Penyffordd, Flintshire.

Education and Youth and Housing and Assets

- **Disposal of Surplus Building**
Joint declaring Surplus to Requirements – Flintshire County Council buildings known as Penyffordd Youth Centre (E&Y) and Scout Hut, Hawarden Road,

Penyffordd (H&A) Flintshire prior to transfer as a Community Asset Transfer to Penyffordd and Penymynydd Community Group (CIC) on a 27 year lease.

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

76. CORE FUNDING REVIEW

Councillor Mullin introduced the report and explained that the Council had, historically, provided funding to some third sector organisations via Core Funding Agreements.

The majority of organisations receiving core funding had done so for many years and as such a review of the funding arrangements and their suitability in aiding the Council to achieve its priorities and objectives was timely. The Core Funding Review commenced in 2019 and had now been completed. The outcomes of the review were presented in the report.

RESOLVED:

- (a) That renaming the fund “Strategic Funding” be endorsed to reflect the changing use of the fund to commission services;
- (b) That the allocation of funding as set out in Appendix 3 and the withdrawal of funding to one organisation be agreed;
- (c) That the current and future underspend of the fund be retained to provide flexibility to support the third sector, including making one-off payments as and when appropriate; and
- (d) That a further in-depth review of this fund and the Community Chest be supported, to be undertaken within a three year timeframe to ensure both funding streams continue to be viable in meeting the Council’s needs.

77. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting commenced at 10.00 a.m. and ended at 11.12 a.m.)

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Chair