

CABINET
22ND NOVEMBER 2022

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 22nd November 2022.

PRESENT: Councillor Dave Hughes (Deputy Leader in the Chair)

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

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Social Services), Chief Officer (Housing and Communities), Chief Officer (Planning, Environment and Economy), Corporate Finance Manager, Corporate Manager – Capital Programme and Assets, Corporate Manager, People and Organisational Development, Benefits Manager, Revenues and Procurement Manager and Team Leader – Democratic Services.

APOLOGY: Councillor Ian Roberts

71. DECLARATIONS OF INTEREST

None.

72. MINUTES

The minutes of the meetings held on 18th October 2022 were submitted and confirmed as a correct.

RESOLVED:

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

73. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2023/24

Councillor Johnson introduced the report which provided an update to the additional budget requirement for the 2023/24 financial year in advance of the specific Overview and Scrutiny Committee meetings to be held throughout December, and in advance of the receipt of the Provisional Settlement on 14th December 2022.

Since September a number of changes and significant risks had been identified that were likely to lead to a further increase in the additional budget requirement and they were detailed in the report. The impact of those were still being modelled and some areas would be subject to negotiation over the coming weeks. However, it was projected that the additional budget requirement would rise to around £32m.

The report also provided an update on the budget solutions available to the Council to meet the additional budget requirement which would be brought forward for Member consideration in stages throughout the budget process.

The Chief Executive said that all other Councils were in the same position as Flintshire and the overall view was that Welsh Government (WG) should make money available for the provisions they promised.

The Corporate Finance Manager said that all of the budget solutions outlined in the report were being progressed at pace and the proposals would be considered by each portfolios Overview and Scrutiny Committee.

RESOLVED:

- (a) That the risks that will increase the additional budget requirement for the 2023/24 financial year be noted; and
- (b) That all cost pressures and any available budget reductions be referred to the individual Overview and Scrutiny Committees for review in December.

74. CAPITAL STRATEGY INCLUDING PRUDENTIAL INDICATORS 2023/24 – 2025/26

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

The report explained the need for the Strategy, it's 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 (PIs). The Capital Strategy included details of the Council's Prudential Indicators for 2023/24 – 2025/26.

RESOLVED:

- (a) That the Capital Strategy be approved and recommended to Council; and
- (b) That the following be approved and recommended to Council:
 - The Prudential Indicators for 2023/24 – 2025/26 as detailed within Tables 1, and 4-8 of the Capital Strategy; and
 - Delegated authority be granted 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).

75. CAPITAL PROGRAMME 2023/24 – 2025/26

Councillor Johnson introduced the report which detailed the proposed Capital Programme for the period 2023/24-2025/26 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 and ICT networks) and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined in the report were closely aligned to portfolio service business plans and the Council Plan.

The Council had limited capital resources from Welsh Government (WG) to support Council priorities, needs and liabilities. However, it had the powers to fund capital schemes by borrowing. That was temporary and ultimately, the cost of repayment of any borrowing was charged to the Council's revenue budget. Schemes funded by borrowing were carefully considered due to the long-term impacts on the Council's revenue budget.

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 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 Sustainable Communities for Learning Band B programme, and other schemes included within the investment programme would need to be funded through prudential borrowing.

The Capital Strategy had been updated and was presented separately on the agenda.

The Chief Executive added that the report had been considered at the Corporate Resources Overview and Scrutiny Committee the previous week where concerns had been raised on capital funding and possible impacts on the revenue budget. A level of assurance was given on the capital programme and a robust discussion took place.

RESOLVED:

- (a) That the allocations and schemes in Table 3 of report for the Statutory / Regulatory and Retained Assets sections of the Council Fund Capital Programme 2023/24 – 2025/26 be approved;
- (b) That the schemes included in Table 4 of the report for the Investment section of the Council Fund Capital Programme 2023/24 – 2025/26 be approved;
- (c) That the shortfall in funding of schemes in 2024/25 in Table 5 of the report at this point in the approval process allowing flexibility be noted. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be considered during 2023/24 and included in future Capital Programme reports; and
- (d) That the schemes included in Table 6 of the report for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing be approved.

76. RENTING HOMES WALES ACT 2016

Councillor Bibby introduced the report and explained that the Renting Homes Act was the biggest change to housing law in Wales for decades. From 1st December 2022 the Renting Homes (Wales) Act 2016 would change the way all landlords in Wales rented their properties.

The Act aimed to simplify the process of renting a home in Wales and to provide parties with more information about their rights and obligations. The Act was partially in force, for the purpose of making regulations and issuing guidance.

The report provided an overview of the new Act and the changes that would be brought into effect from 1st December 2022.

The report had been considered at the Community and Housing Overview and Scrutiny Committee on 16th November with concerns raised on: what consultation was carried out; changes to Introductory Tenancies; changes to Abandonment Notices; and Enhanced Succession Rights.

In response to a comment made on the termination of tenancies, the Benefits Manager had made enquires with Welsh Government and the Council's legal partners and a response would be provided to Members once received.

Councillor Bibby said he would take the comments made at the Overview and Scrutiny Committee to WG and he was seeking a meeting with the Minister, and that action be recorded as an additional resolution.

RESOLVED:

- (a) That the proposed changes to the way all landlords in Wales rent their properties for implementation from 1st December 2022 be noted; and
- (b) That the use of discretion provided in the Act to remove the use of introductory tenancies from the policy be noted; and
- (c) That the representations made at the Community and Housing Overview and Scrutiny Committee be shared with the Minister by the Cabinet Member for Housing and Regeneration.

77. REVENUE BUDGET MONITORING 2022/23 (MONTH 6)

Councillor Johnson introduced the report which provided the latest revenue budget monitoring position for 2022/23 for the Council Fund and the Housing Revenue Account.

The projected year end position was:

Council Fund

- An operating deficit of £0.033m (excluding the impact of the pay award which would need to be met by reserves), which was a favourable movement of (£0.647m) from the deficit figure reported at Month 5
- A projected contingency reserve available balance as at 31st March 2023 of £8.071m (before the impact of final pay awards)

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £3.324m higher than budget
- A projected closing balance as at 31st March 2023 of £3.150m

Hardship Funding from Welsh Government (WG) helped secure £16m of direct financial help the previous year and the authority would continue to claim for payments in 2022/23 for Self-isolation and Statutory Sick Pay Enhancement payments, along with Free School Meals direct payments within their eligible periods.

Members congratulated the Corporate Finance Manager and his team for all the work undertaken on the budget.

RESOLVED:

That the report and the estimated financial impact on the 2022/23 budget be noted.

78. CAPITAL PROGRAMME MONITORING 2022/23 (MONTH 6)

Councillor Johnson introduced the report which summarised the changes made to the Capital Programme 2022/23 since it was set in December 2021 to the end of Month 6 (September 2022) along with expenditure to date and projected outturn.

The Capital Programme had seen a net decrease in budget of £0.154m during the period which comprised of:

- Net budget increase in the programme of £1.639m (Table 2 – Council Fund (CF) (£2.647m), Housing Revenue Account (HRA) £4.286m;
- Carry Forward to 2023/24 approved at Month 4 of (£1.543m) (all CF);
- Identified savings at Month 6 of (£0.250m) (CF)

Actual expenditure was £22.471m.

No capital receipts had been received in the second quarter of 2022/23. Savings identified totalled £0.250m. That gave a revised projected surplus in the Capital Programme at Month 6 of £3.376m (from a Month 4 funding position surplus of £3.126m) for the 2022/23 – 2024/25 Capital Programme, prior to the realisation of additional capital receipts and/or other funding sources.

RESOLVED:

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

79. COUNCIL TAX BASE FOR 2023/24

Councillor Mullin suggested deferral of the item pending further work to be undertaken, which was supported.

RESOLVED:

That the report be deferred until December.

80. CONSULTATION ON THE REFORM OF BUSINESS RATES

Councillor Mullin introduced the report which provided information on a Welsh Government (WG) consultation seeking views on a wide range of improvements to Business Rates.

The Procurement and Revenues Manager explained that the proposals included:

- More frequent revaluation cycles
- Improving the flow of information between government and ratepayers
- Proving WG with more flexibility to amend reliefs and exemptions
- A review of reliefs and exemptions
- Providing greater scope to vary the multiplier
- Improving the administration of valuation functions
- Further measures to tackle rate avoidance

The report provided a series of recommended responses on the improvement proposals, which were appended to the report, to specific questions posed by WG.

RESOLVED:

That the proposals of the Welsh Government consultation be considered and the Revenues and Procurement Manager, in consultation with the Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources, be authorised to respond to the consultation questions as outlined in the report.

81. LEVELLING UP FUND

Councillor Healey introduced the report and explained that, announced at the Spending Review in 2020, the Levelling Up Fund (LUF) contributed to the United Kingdom (UK) Government levelling up agenda by investing in infrastructure that improved everyday life across the UK, including regenerating town centres and high streets, upgrading local transport, and investing in cultural and heritage assets.

The £4.8 billion fund was designed to realise a visible and tangible impact on people and place and support economic recovery.

The report provided an update on the development and submission of two bids in line with the bidding strategy agreed at Cabinet on 18th January 2022 and on a third strategic transport bid. The report also provided an update on the programme as a whole and requested an allocation of match funding from the capital programme of £1,106,915 (£630,467 Alyn and Deeside bid, £476,448 Delyn bid) in order to draw down the UK Government funding.

The Chief Officer (Planning, Environment and Economy) said the report had been considered at the recent meeting of Environment and Economy Overview and Scrutiny Committee where the recommendations were supported. On the resubmission of the Transport Bid, he confirmed that the element which was not supported in the first round had been removed.

RESOLVED:

- (a) That the progress in developing and submitting bids to round two of the UK Government Levelling Up Fund be noted;
- (b) That the risks and mitigations associated with the package of products be noted; and
- (c) That match funding of up to £1.107m is made available from the capital programme in 2024/2025.

82. BIODIVERSITY DUTY UPDATE

Councillor Healey introduced the report which provided details on how the Council was making progress in delivering its biodiversity duty under Section 6 of the Environment (Wales) Act 2016.

Flintshire County Councils Biodiversity Duty Delivery Plan 2020-2023, titled 'Supporting Nature in Flintshire', was explained and the progress of action to deliver objectives was reviewed, highlighting key areas of biodiversity work within the County. The report included the statutory Section 6 report which would be submitted to Welsh Government (WG) in January 2023 at the end of the second 3-year reporting round.

The Chief Officer (Planning, Environment and Economy) said the report had been submitted to the recent Environment and Economy Overview and Scrutiny Committee where the recommendations were supported. Some positive suggestions were made at that meeting on how biodiversity was monitored from a planning perspective, which could be built into the monitoring report of the Local Development Plan (LDP). The connection was made between biodiversity and the climate change agenda, and the Climate Change Committee would be requesting that biodiversity was placed on their forward work programme.

RESOLVED:

That the content of the report be noted and support for officer in their ongoing work associated with improving biodiversity be confirmed.

83. SHARED PROSPERITY FUND

Councillor Healey introduced the report and explained that the Shared Prosperity Fund (SPF) would deliver £2.5bn of investment until March 2025 across the UK. The aim of the programme was "to build pride in place and increase life chances". United Kingdom (UK) Government had allocated £126m to North Wales to deliver the programme between 2022/2023 and 2024/2025, with £10.8m allocated to Flintshire for the core programme.

The report provided an update on the development of the programme management infrastructure, both locally and regionally, and set out recommended priorities for the programme, as well as criteria by which projects seeking funding through the programme would be assessed.

The report also provided a broad update on the strategic Council projects that were under development in readiness for the programme.

Gwynedd County Council had been nominated as the lead accountable body for the programme in North Wales. In advance of the UK Government approval for the programme, officers from the six authorities had been preparing the systems needed to allocate and manage funds from the programme.

The Chief Officer (Planning, Environment and Economy) said the report had been considered at the recent Environment and Economy Overview and Scrutiny Committee where it was supported.

RESOLVED:

- (a) That the progress made in developing the Shared Prosperity Fund programme both regionally and locally be noted; and
- (b) That the broad outline of the structures and processes to be used to deliver the programme be approved, and delegated authority be given to the Chief Officer (Planning, Environment and Economy) and the Cabinet Member for Climate Change and Economy to amend and finalise those as needed, once the approval for the programme had been received from UK Government and final terms and conditions were available.

84. PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2021-22 AND COMPLAINTS MADE AGAINST FLINTSHIRE COUNTY COUNCIL DURING THE FIRST HALF OF 2022-23

Councillor Mullin introduced the report which shared the Public Services Ombudsman for Wales (PSOW) Annual Letter 2021-22 for Flintshire County Council.

The Ombudsman's Annual Letter provided an overview of the annual performance of the Council in relation to complaints investigated in 2021-22.

The Chief Officer (Governance) welcomed Matthew Harris, Head of Complaints Standards Authority, who was in attendance to provide an overview of the Ombudsman's role and Annual Letters.

The report also provided an overview of complaints received by each portfolio of the Council between 1st April – 30th September 2022.

The Customer Contact Service Manager explained that in 2021/22, 99 complaints had been made against Flintshire which was an increase from the previous year, which was 59 complaints received. The figure reflected the Ombudsman's findings that complaints against local authorities had increased by 47%. However, whilst a higher than average figure, it should not be viewed unfavourably because 80% of the complaints to the Ombudsman were closed because they were out of jurisdiction, premature or closed after initial consideration.

Complaints were a valuable source of information which enabled the Council to improve its services.

Matthew Harris complimented the authority on engaging with their complaint's standards work and utilising the training offered by the Ombudsman. It demonstrated that the Council was committed to continuing to improve processes in the future. There was good practice which had originated in Flintshire, in relation to social media, that had been shared around Wales.

RESOLVED:

- (a) That the annual performance of the Council in respect of complaints made to the Public Services Ombudsman for Wales during 2021-22 be noted;
- (b) That the 2022-23 half year performance of the Council in respect of complaints made to services in line with its complaints procedure be noted; and
- (c) That the actions outlined in the report to further improve complaints handling across the Council be supported.

85. NEW RESIDENTIAL CARE FACILITY IN FLINT – ‘CROES ATTI 2’

Councillor Jones introduced the report and explained that, as part of its ambitious plans, and Welsh Governments (WG) agenda to rebalance care, the Council was committed to increasing the in-house residential care capacity across the authority. Following from the success of the Marleyfield House new build in Buckley, the next stage in this work was to look at increasing capacity in the Flint area.

Currently, Flint had the provision of Croes Atti, a 31-placement residential care home located in Prince of Wales Avenue.

Over the last 12 months work had been underway to explore appropriate options to increase the capacity of residential care in Flint and the surrounding area through a number of options appraisals and site designs. This had resulted in the Council bringing forward the site on Cornist Road where Flint Community Hospital previously stood in early 2022. Since that time a full feasibility study had been completed exploring options of how a new 56 placement home could be situated on the site.

The Chief Officer (Social Services) gave an overview of progress to date on the design as well as detailing key milestones as the detailed design of the home was finalised, including the delivery of the operating model of the home.

RESOLVED:

- (a) That support for the ‘Croes Atti 2’ project as a strategic priority for Social Services be confirmed; and
- (b) That the key upcoming project activities including developing and implementing the operational model with the Health Board be noted.

86. EXERCISE OF DELEGATED POWERS

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

Revenues

- **Council Tax Write Offs**

Financial 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 £5k and £25k.

Three companies/individuals have outstanding Council Tax debts totalling £23,196.35 which are deemed irrecoverable due to the liable individuals or companies becoming insolvent and a write off is considered necessary.

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).

87. MANAGED STORES CONTRACT

Councillor Bibby introduced the report which sought approval for the future supply of building materials and associated services to be provided through a managed stores by way of a direct award contract via the ADRA All Wales Materials framework.

RESOLVED:

- (a) That the award of the managed stores contract be done via the ADRA All Wales Materials framework; and
- (b) That the award of a four year contract with the option to extend for a further four years subject to performance be noted.

88. 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 12.13 p.m.)

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Chair