

CABINET
25TH SEPTEMBER 2018

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 25th September 2018.

PRESENT: Councillor Aaron Shotton (Chair)

Councillors: Chris Bithell, Christine Jones, Billy Mullin, Ian Roberts and Carolyn Thomas.

IN ATTENDANCE:

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

APOLOGIES:

Councillors Attridge and Butler.

OTHER MEMBERS IN ATTENDANCE:

Councillors: Helen Brown and Patrick Heesom.

224. DECLARATIONS OF INTEREST

Councillor Bithell declared a personal and prejudicial interest in agenda item number 13 – Bailey Hill – Tri-Partite Management Agreement and Project Update.

225. MINUTES

The minutes of the meeting held on 17th July were approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

226. MEDIUM TERM FINANCIAL STRATEGY (MTFS) – FORECAST 2019/20

The Chief Executive introduced the Medium Term Financial Strategy (MTFS) – Forecast 2019/20 report which was the first report outlining the financial picture for 2019/20.

Two Member Budget Workshops had been held in July and one in September where Members were provided with updated information on the latest local financial forecast in the context of the national picture.

The Council would need to identify efficiencies of £13.7m to balance the budget for 2019/20, with £13.1m needed on a recurring basis. The strategic budget solutions had been developed in the three areas of corporate, service and national solutions and were summarised in Table 3 in the report.

The Welsh Local Government Association (WLGA) was working with all 22 Councils in Wales to make the case to Welsh Government (WG) for an uplift in Revenue Support Grant (RSG) to meet critical funding needs. After taking into account efficiencies identified to date, and with an estimated hypothetical Council Tax increase of 4.5%, the Council would need a minimum increase in its RSG of 3%. This could rise to an estimated 4% to be able to meet the anticipated shortfall in funding for the additional teachers' pay award and pension costs.

He emphasised the risks associated to the teachers' pay award which would add a further £1.9m to the forecast, which was not included currently included, as it should be a nationally funded cost pressure. The UK Government had recently announced that there would be some funding available to Wales to meet the costs of the teachers' pay award in 2018/109 and 2019/20, however it was estimated that this would only meet approximately half of the estimated costs. Negotiations were ongoing with WG on the funding of the remaining costs.

In addition, there was a likelihood that teacher pension employer contributions could rise significantly in 2019/20 which would further significantly impact on costs. The rise could be up to 7% which would result in a substantial pressure. A solution to fund the pressure was being looked into by the Local Government Association from 2020/21 however that would leave a potential remaining gap of 7 months where funding would be required.

The Provisional Welsh Local Government Settlement would be received on 9th October with the final Settlement on 19th December. The date of the Chancellor's Autumn Statement was to be announced but was expected to be in December.

The Corporate Finance Manager provided full details of the information contained within the tables in the report on the projected gap, pressures included in the forecast and strategic budget solutions.

Members expressed their concerns on the risks relating to teachers' pay award and teacher pension employer contributions, commenting that such things should be funded nationally and not locally.

Councillor Shotton commented on the amount of work that had been undertaken to identify the considerable efficiencies over recent years. However, those local solutions were not enough and national ones were needed. He said it would be a failure of UK Government if it did not meet the teachers' pay award in full and he hoped the collective stance of all local authorities would be listened to.

RESOLVED:

That the detail within the forecast and the range of solutions within scope be noted, and the case to Welsh Government with the latest information be supported.

227. SELF-EVALUATION OF LOCAL GOVERNMENT EDUCATION SERVICES

Councillor Roberts introduced the Self-Evaluation of Local Government Education Services report which had three key purposes. The first was to review

the process and purpose of self-evaluation and how it was at the core of improving services.

The second was to advise of a new framework issued by Estyn for the inspection of Local Government Education Services and the third was to present the current self-evaluation report, based on the new framework.

The inspection areas in the new framework focussed on outcomes, quality of education services; and leadership and management. Judgement would be made on a four point scale: excellent; good; adequate and needs improvement; and unsatisfactory and needs urgent improvement.

The Chief Officer (Education and Youth) said Estyn defined self-evaluation as a process and not a one off event, based on the following three questions:

- How well are we doing and what impact are our services having?
- How do we know?
- How can we improve things further?

Self-evaluation should be continuous and an embedded part of the work of the Council. It would be a cycle that would include planning for improvement, undertaking improvement activity, monitoring the actions taken and evaluating the impact they had.

From September 2017 all local authorities in Wales would be inspected over the following five years with one local authority per region per annual cycle, receiving eight weeks' notice of the inspection. Two to three weeks prior to the inspection, the team would make a preliminary visit to the local authority to meet with a range of stakeholders to gather evidence to support the development of their lines of enquiry.

Flintshire County Council benefitted from highly effective leadership at all levels of the organisation, with strong corporate support for the Education and Youth portfolio. This was evidenced in the Council Improvement Plan and other strategic documents.

The Chief Executive thanked the Chief Officer and her team for the work undertaken on this, which was an objective and fair assessment.

RESOLVED:

- (a) That the new Estyn framework for the inspection of education services within the Local Authorities in Wales be noted; and
- (b) That the Self-Evaluation Report of Education Services in Flintshire be approved.

228. DRAFT RIGHTS OF WAY IMPROVEMENT PLAN 2018-2028

Councillor Thomas introduced the Draft Rights of Way Improvement Plan 2018-2028 report which assessed the 2018 network and evaluated progress

made since 2008. The current policy was examined, priority areas identified and a new style Statement of Action put forward.

Of the 22 identified tasks identified, seven had been completed or made substantial progress. Seven had made little or no progress and eight had made partial progress.

The public rights of way network in 2018 consisted of approximately 1800 individual public paths. A strategic overview of the network was carried out with reference to relevant legislation, strategies and documents at national and county level. The findings from the review of the consultation responses, the desk review of relevant strategies and plans, and the evaluation of the current condition of the network were outlined in full in the report.

Opportunities identified in the Statement of Action were also outlined in the report. A Policy and Procedure booklet had been developed and would be made available to users of the network and to landowners. This would ensure that there was widespread understanding and transparency on what the authority did and how it did it.

A statutory three month consultation would be held on the draft.

RESOLVED:

- (a) That the draft Rights of Way Improvement Plan and Policy & Procedures booklet be noted; and
- (b) That the Plan and Policy booklet be released for the statutory three month public consultation period.

229. STRATEGIC HOUSING AND REGENERATION PROGRAMME (SHARP)

The Chief Officer (Housing and Assets) introduced the Strategic Housing and Regeneration Programme (SHARP) report which provided details on the number of both Social and Affordable Rent properties completed and proposed schemes, together with a general update on progress and performance against key performance indicators.

The report also provided details of changes in housing need since SHARP was first implemented and the rationale for reviewing and revising the tenure split of the properties to be delivered for the remainder of the programme. Separate future funding streams available to the SHARP for the development of both Social Rented and Affordable Rented properties by the Council and North East Wales (NEW) Homes were also identified.

Phases 1 and 2 of the SHARP had all been completed with construction work on the former Melrose Centre, Shotton, scheduled for completion in November 2018. Construction work on Phase 3 sites would commence in September and Maes Gwern, Mold; Llys Dewi, Penyffordd, Holywell; and the former Council Depot, Dobshell.

Due to policy changes around Welfare Reform which had taken place since the initial planning of the SHARP new build delivery, the Council was seeing a shift in the type of demand of property size compared to what had been provided previously through social housing. This was resulting in a significant demand for properties that were not readily available in the social housing stock or the private rented sector, increasing the waiting times and numbers on the housing register, as well as having an impact on the number of people presenting as homeless to the Council.

The plans for schemes within the next phase of the programme for both Social Rented Properties and Affordable Rent Properties were outlined in the report. If all of those schemes proved viable to move forward to construction phase, they would deliver a further 135 units. Given the increasing demand for Social Rented Housing on the Single Access Route to Housing (SARTH) register, it was proposed that the original tenure split of 200 Council Social Rented properties and 300 Affordable Rent properties be reviewed to reflect the housing need data as follows:

Tenure	Original Target No. of Units	Number of Completed / Council Approved	Projected Number of Additional Units	Projected Total Number of Properties	Variance from Original Target
Council Social Rent	200	173	134	307	+107
Affordable Rent and Lo-Cost Home Ownership	300	120	11	131	-169
Total	500	293	135	428	-72

As good practice the Council had undertaken a review of the arrangements in place to ensure the processes and agreement was being adhered to, and also continued to reflect Value for Money, together with any recommendations for lessons learnt or areas to be further reviewed and improvements made. The Council was already acting upon the key recommendations which had emerged from the final report received and details were provided in the Cabinet report.

Details were provided on the future funding for SHARP, the Affordable Homes Grant and the Housing Revenue Account borrowing cap.

Councillor Shotton welcomed the report and the review of the tenure mix to better meet demand. Councillor Bithell concurred with that but said he was disappointed that more local people were not employed through the SHARP. The Chief Officer explained that there had been a shortage of skilled local labour which were either available or had the necessary capacity to work on the SHARP. However, whilst the performance did not meet the target for local SME spend and labour within Flintshire, when considering the monitored target for the

locality area, which was within a 40 mile radius, there was a significant improvement and the target had been exceeded. He also provided details of the Building Futures Programme delivered by Wates in partnership with Communities First. The programme was designed to give local people a career kick-start in construction and bridge the gap to employment.

Councillor Shotton suggested a future item for a Cabinet agenda based on the effectiveness of the Building Futures Programme.

RESOLVED:

- (a) That the rationale for changing tenure mix for the SHARP to a proposed 303 Social Rented (HRA) and 197 Affordable Rent and Shared Equity properties (subject to detailed scheme feasibility, appraisal works and increased borrowing capacity) be approved; and
- (b) That the implementation of the Review Report recommendations be approved.

230. SINGLE ACCESS ROUTE TO HOUSING (SARTH)

The Chief Officer (Housing and Assets) introduced the Single Access Route to Housing (SARTH) report and explained SARTH was a partnership project between all the major social landlords in North East Wales, covering the local authority areas of Conwy County Borough, Denbighshire and Flintshire.

The Council managed the housing register on behalf of Denbighshire County Council which included the housing solutions triage as well as managing the social housing register. Demand for the social housing register had grown over the past three years and was putting increasing pressure on the management of the register and leading to increased wait times for properties.

A review of the policy to reflect legislation changes was carried out in 2017. It also allowed any issues raised to be addressed and to develop the policy into a more user friendly document. A review of issues raised at an operational panel and steering group established that there were no significant changes required to any of the key principles of the policy. However, the opportunity was taken to develop a document that was easier to read and understand. The three main sections within the policy were: policy statement; the banding scheme; and allocation of properties.

A key area of work was the need to develop updated and more comprehensive operational guidance and procedure documents that sat beneath the policy for staff involved in the management of the register and housing allocations. A robust implementation process was being rolled out providing small group training sessions for all staff that had any part in managing the register or making allocations. This was mandatory training which would improve consistency, ownership and engagement across the teams.

Councillor Shotton welcomed the report and the training that was to be rolled out to staff to ensure a consistent approach.

RESOLVED:

- (a) That the management of the Single Access Route to Housing (SARTH) policy in Flintshire continue to be supported; and
- (b) That the updated policy document be supported.

231. PHASE 2 SPEED LIMIT REVIEW UPDATE

Councillor Thomas introduced the Phase 2 Speed Limit Review Update report which provided an update on the progress made to date as well as providing details of a number of legal challenges against the proposed process, which had since been overcome.

The report provided information on the revised timelines associated with the progression of a Single Consolidated Order covering the entire highway network, whilst also clarifying proposals to expedite those Member requests that were supported by the Department for Transport (DfE) criteria.

A system of approved templates had been developed which had enabled the completion of a 'Single Order' for which all speed limits were to be advertised. This had streamlined the previous over complicated procedure standardising the order writing process for any given eventuality.

The Chief Officer (Streetscene and Transportation) explained the complex nature of the concerns regarding the objections to the consolidated speed limit order which fell into two categories (1) those that were 30mph by default of a system of Street Lighting for which an Order was not required or those 30mph speed limits that did not possess a system of street lighting for which an Order would be required; and (2) National speed limit roads with lighting which required an order to remove the default 30mph.

Details were provided on the legal challenges that had been made which had delayed the process, details of which were in the report. The Chief Officer referred to a number of comments that had been made at the recent Environment Overview and Scrutiny Committee on the members of the public who had objected to many of the speed limits in the County, despite many of the roads not being in the area where they resided. He said the objectors cared passionately about speed limits in the County and shared a motive to ensure the appropriate speed limits were in place on every road, so as to not undermine the validity of speed limits everywhere. Their role was to protect that and the criteria that the speed limits were based on, and he thanked them for their involvement and stated that the Council were indeed lucky to have such people who gave their own time to ensure the proposals were correct.

Appended to the report was a matrix which detailed local Member speed limit requests. On those that were supported by DfT criteria, it was proposed to expedite the advertisement of the 15 proposed speed limits in November 2018 with the exception of the A5119 Northop Road, Flint Mountain for which had been prioritised for advertisement in September 2018 due to an increasing number of accidents.

Councillor Shotton welcomed the report and thanked the Chief Officer and his team for the work undertaken for the safety of people on the roads in the future.

RESOLVED:

- (a) That the progress made to date be noted and both the legal challenges and subsequent changes in approach, which have led to a delay in the process, be acknowledged; and
- (b) That the amended legal process in order to progress the delivery of a Single Consolidated Order be supported.

232. SUSTAINABLE DRAINAGE (SuDS) APPROVAL BODY (SAB)

Councillor Bithell introduced the Sustainable Drainage (SuDS Approval Body (SAB) report which highlighted that the implementation of Schedule 3 of the Flood and Water Management Act 2010 had a start date of 7th January 2019. From this date Flintshire County Council would be required to undertake the role of a 'Sustainable Drainage (SuDS) Approving Body' (SAB).

Under the statutory function the SAB was required to undertake a technical review and approval of surface water management systems serving new developments to ensure compliance with new mandatory National Standards. Those affected by the change would include developers and their designers, consulting engineers, local authority planners, highways and drainage engineers, statutory consultees and those responsible for green space management.

The Chief Officer (Planning, Environment and Economy) explained that the SAB would be an independent body within the local authority. Whilst the process would be separate from the planning application function a lack of adequate integration between the two could lead to the conflicting scenarios of a SAB approval not being granted where planning permission had been, or vice versa.

The full extent of the risk of not having a functioning SAB on 7th January 2019 remained largely unknown and would be likely to leave the Authority open to legal challenges and appeals from developers with associated cost implications. It was therefore recommended that a letter be sent to the relevant Cabinet Secretary to seek an extension to the implementation date.

Members expressed their concerns on the risks outlined in the report and supported the request for an extension to the implementation date. The Chief Officer said he had no objections to the principle of the SAB, but more details were needed. He responded to a comment on capacity and said that a fee was generated for each scheme. He would share the letter to the Cabinet Secretary with other local authorities to encourage common support.

RESOLVED:

- (a) That approval be given to establish the SuDS Approving Body (SAB) to undertake this new statutory function upon commencement of Schedule 3 of the Flood and Water Management Act on 7th January 2019, and authority is delegated to the Chief Officer (Planning, Environment and Economy) to issue decisions in respect of applications for approval made to the SAB;
- (b) That a letter is sent to the relevant Cabinet Secretary to seek an extension to the implementation date and to properly resource Local Authorities to enable them to successfully plan and implement effective SABs;
- (c) That the letter is circulated widely amongst other Local Authorities to encourage common support for such an extension of time; and
- (d) That a Member and Officer seminar/workshop is undertaken in addition to a Developer Forum to raise awareness of the upcoming changes.

233. REVENUE BUDGET MONITORING 2018/19 (MONTH 4)

The Corporate Finance Manager introduced the Revenue Budget Monitoring 2018/19 (Month 4) report which provided the latest revenue budget monitoring position for 2018/19 for the Council Fund and the Housing Revenue Account. It was the first full detailed monitoring report for the new financial year and presented the position, based on actual income and expenditure, as at Month 4 of the financial year. It projected how the budget would stand at the close of the financial year if all things remained unchanged.

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 £0.660m (the actual net in-year expenditure forecast showed a £2.680m surplus once the positive impact of a £1.400m contribution due to the agreed change to the accounting policy for Minimum Revenue Provision (MRP) and receipt of a VAT rebate for £1.940m were included, noting that both sums were recommended for allocation to the Contingency Reserve to support the Medium Term Financial Strategy); and
- A projected contingency reserve balance as at 31st March 2019 of £8.145m

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.007m higher than budget; and
- A projected closing balance as at 31st March 2019 of £1.165m

The report covered the Council Fund projected position; projected position by portfolio; tracking of in-year risks and emerging issues; National Joint Council (NJC) pay award; out of county placements; achievement of planned in-year efficiencies; other tracked risks; income; recycling income; schools pressures; other in-year issues; reserves and balances; earmarked reserves; and carbon reduction commitment.

The Chief Executive added that the risks on teachers' pay award and pension contributions, as reported at agenda item number 4, would be included in the next budget monitoring report.

RESOLVED:

- (a) That the overall report and projected Council Fund contingency sum as at 31st March 2019 be noted;
- (b) That the projected final level of balances on the Housing Revenue Account be noted;
- (c) That an allocation of £1.084m from the Contingency Reserve be approved to meet the additional budget pressure in 2018/19 for the agreed pay award over and above the 1% included in the Council Fund budget for 2018/19;
- (d) That an allocation of £0.100m from the Contingency Reserve for the ongoing resourcing of the Victim Contact Team within Social Services be approved;
- (e) That a transfer to the Contingency Reserve for the amount of £1.400m recovered from the change in accounting policy for the Minimum Revenue Provision be approved;
- (f) That a transfer to the Contingency Reserve for an amount of £1.940m due to the amount received from the VAT rebate be approved;
- (g) That the earmarking of £0.296m from the Carbon Reduction Commitment budget for consideration of funding costs associated with the solar farm project agreed at Cabinet in July be approved.

234. CAPITAL PROGRAMME 2018/19 (MONTH 4)

The Corporate Finance Manager introduced the Capital Programme 2018/19 (Month 4) report which summarised the changes made to the Capital Programme 2018/19 since it was set in February 2018 to the end of Month 4 (July 2018), along with expenditure to date and projected outturn.

The Capital Programme had seen a net increase of £16.125m during the period, which was comprised of:

- Net increases in the programme of £8.420m (CF £9.676m, HRA (£1.256m)); and
- Introduction of Carry Forward from 2017/18 of £7.705m.

Actual expenditure was £13.728m

The final outturn for 2017/18 was a minor funding deficit of £0.068. There had been a small number of capital receipts in year which, together with a projected shortfall of £8.216 in the Capital Programme 2018/19 to 2020/21 and a request for an additional allocation of £0.500 towards the relocation of services to Unity House, put the current funding deficit, for the 3 year period, at £8.719. This was in advance of any capital receipts or other funding being released.

The Chief Executive added that the report had been submitted to Corporate Resources Overview and Scrutiny Committee the previous week where no challenges were made.

RESOLVED:

- (a) That the overall report be approved;
- (b) That the carry forward adjustment set out in the report be approved; and
- (c) That the additional allocation of £0.500m for the relocation of services to Unity House be approved.

235. BAILEY HILL – TRI-PARTITE MANAGEMENT AGREEMENT AND PROJECT UPDATE

Councillor Bithell, having earlier declared a personal and prejudicial interest, left the room during the debate on this item.

Councillor Thomas introduced the Bailey Hill – Tri-Partite Management Agreement and Project Update report which provided the background to the agreement, the delivery of the project over the next three years and the Council's position and liabilities.

The approved elements of the Bailey Hill project were outlined in the report alongside the project funding breakdown. She paid tribute to the previous Chief Officer, Ian Bancroft, for his work on this project. The Chief Officer (Planning, Environment and Economy), concurred with the comments of the Cabinet Member and said the work undertaken had resulted in the successful application and a grant of £963,700.

RESOLVED:

- (a) That delegated authority to enter into a grant agreement with the Heritage Lottery Fund for £963,700m be approved;
- (b) That delegated authority to progress the Bailey Hill Project with authority to spend (funding from HLF) and Tourism Amenity Investment Support (TAIS) be approved, and authority to procure lead consultant and subsequent contractors.

- (c) That a legal agreement be entered into for the development and management of Bailey Hill with Mold Town Council and the Friends of Bailey Hill and to have delegated authority to facilitate minor changes to the document.

236. CAPITAL WORKS – PROCUREMENT OF WELSH HOUSING QUALITY STANDARD (WHQS) KITCHEN AND BATHROOM PROGRAMME FOR INTERNAL WORKS

The Chief Officer (Housing and Assets) introduced the Capital Works – Procurement of Welsh Housing Quality Standard (WHQS) Kitchen and Bathroom Programme for Internal Works report which sought approval to procure a contractor to continue to deliver the programme through the Procure Plus framework.

They were the properties that met the Acceptable Fail criteria which the team planned to revisit and upgrade to the WHQS Standard.

RESOLVED:

- (a) That the procurement of a new contractor to complete the WHQS bathroom and kitchen programme through the Procure Plus framework be approved; and
- (b) That delegated authority be given to the Chief Officer (Housing and Assets), in consultation with the Deputy Leader and Cabinet Member for Housing, to negotiate and accept the contract once finalised.

237. 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

- **Street Lighting LED Lantern Replacement**
Replacement of a further 6,500 lanterns under the Salix programme to save on energy and carbon output.
- **The Flintshire County Council. Main Road, Llys Derwen, Meadow Croft and Springfield Court, Higher Kinnerton. Proposed Prohibition of Waiting At Any Time**
To advise Members of an objection received following the advertisement of the proposed Prohibition and Restriction of Waiting At Any Time Traffic Regulation Order on Main Road, Llys Derwen, Meadow Croft and Springfield Court, Higher Kinnerton.

RESOLVED:

That the actions taken under delegated powers be noted.

238. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was 1 member of the press and no members of the public in attendance.

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

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Chair