

CABINET
20TH DECEMBER 2022

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 20th December 2022.

PRESENT: Councillor Ian Roberts (Chair)

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

IN ATTENDANCE:

Chief Executive, Head of Legal Services, Chief Officer (Social Services), Chief Officer (Planning, Environment and Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Education and Youth), Chief Officer (Housing and Assets), Corporate Finance Manager, Corporate Manager – Capital Programme and Assets, Corporate Manager, People and Organisational Development, Revenues and Procurement Manager and Team Leader – Democratic Services.

The Leader thanked staff from all departments who had been working particularly hard over the recent cold weather snap, dealing with things such as homelessness, bin collections and boiler issues experienced by tenants. He also thanked staff in advance of the holiday period who would be working to ensure service continuity over that period. Cabinet Members and the Chief Executive echoed the sentiments expressed by the Leader.

89. DECLARATIONS OF INTEREST

None.

90. MINUTES

The minutes of the meeting held on 22nd November 2022 were submitted and confirmed as a correct.

RESOLVED:

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

91. BUDGET 2023/24 AND THE FUNDING STRATEGY

The Chief Executive introduced the verbal item and explained that the overall provisional settlement has been announced which saw an increase in the budget of 8.4% which was better than previously anticipated in the main as a direct result of a 'consequential' flowing in from the Chancellors mini budget. Work needed to take place to determine what that meant for the previously reported gap of £32m as the increase only dealt with a portion of that gap. That work would commence and continue into January.

The Corporate Finance Manager added that the Revenue Support Grant was confirmed as £251.747m with the increase, in cash terms, being £19.568m. Flintshire remained 20th in the funding per capita.

The settlement provided information on estimates on specific grants which was welcomed however three large grants were still to be confirmed.

On capital funding there was very little change from the draft Capital Programme which was to be considered by County Council in January 2023. On indicative revenue for 2024/25 the figure set out in Welsh Governments (WG) three year settlement proposal was originally 2.4%, this amount would increase to 3.1% based on the increased consequential amount.

The increased settlement was welcomed but risks still remained such as pay awards, homelessness and Out of County Placements. It would remain a challenge to set a legal and balanced budget but as explained by the Chief Executive, that work would take place over the coming weeks ahead of presenting options to Members in the New Year.

Councillor Johnson welcomed the clarity on the situation and felt it was a tribute to the strategy the Council had developed, including the work through the Welsh Local Government Association which had been very effective and was evident in the result achieved. It was however still a challenging budget.

Councillor Roberts concurred with the comments of the Corporate Finance Manager on the pay award being a risk which would need to be looked at in the New Year. He expressed his gratitude to the UK Government for the consequential passported to Welsh Government which has resulted in the improved position for Welsh local authorities.

RESOLVED:

That the information be noted.

92. COUNCIL PLAN 2022/23 MID-YEAR PERFORMANCE REPORTING

Councillor Mullin introduced the report and explained that the Council Plan 2022/23 was adopted by the Council in July 2022. The report presented the mid-year out-turn of progress against the Council Plan priorities identified for 2022/23.

The out-turn report showed 59% of activities making good progress, and 70% of the performance indicators having met or exceeded their targets, with 9% being closely monitored. 21% were not meeting target.

The report was an exception based report which concentrated on those areas of performance which were not achieving their target.

The Chief Executive said the report was positive in relation to progress with good/satisfactory categories equating to 94%. The 9% in red status were detailed in the report.

RESOLVED:

- (a) That the levels of progress and confidence in the achievement of priorities as at mid-year within the 2022/23 Council Plan be endorsed and supported;

- (b) That the overall performance against the 2022/23 Council Plan performance indicators as at mid-year be endorsed and supported; and
- (c) That Members be assured by explanations given for those areas of underperformance.

93. REVIEW OF THE VEHICLE PERMIT CRITERIA FOR HOUSEHOLD RECYCLING CENTRES

Councillor Hughes introduced the report and explained that a report had been presented to Cabinet in January 2022 proposing a revised vehicle permit policy, with details of how it would be implemented. The revised policy was approved and subsequently implemented in April 2022.

A small number of complaints had been received from residents who were no longer permitted access to the Household Recycling Centres (HRCs) with their vehicles and a commitment was given to undertake a review of the policy to ensure that it met the original objectives set out, and review whether the criteria required further amendment.

The report provided an overview of the impact of the revised policy along with details of the review undertaken and proposals for amending the policy. Further considerations were also presented on the broader operations for HRCs with a view to introducing further service improvements and efficiencies.

The Chief Officer (Streetscene and Transportation) said it had been through a rigorous process, with the most recent being all Member workshops and a report being submitted to Environment and Economy Overview and Scrutiny Committee. She provided details of the amendments requested by Members, which were outlined in the report.

Councillor Bithell welcomed the opportunities afforded to Members to express their views in the workshops. In response to a question, the Chief Officer said there were height limits on all vehicles, which included trailers, going into HRCs. Dimensions were included in the policy although the height dimension was not detailed and would be added.

RESOLVED:

- (a) That Cabinet supports the review undertaken and the proposed amendments to the Vehicle Permit Policy for Household Recycling Centres be endorsed;
- (b) That the proposed amendment to the Vehicle Permit Policy to introduce an annual permit (allowing a maximum of 12 visits) to allow certain sign written vehicles access to the Household Recycling Centres on condition that the vehicle is registered to a Flintshire residential address for Council Tax, the trade is not associated with any trade waste; the waste deposited at the HRC has not been or is unlikely to have been produced by the

activity of that business or associated businesses; and the only waste presented at the HRC is domestic household waste, be supported;

- (c) That the inclusion of tyres as an additional waste stream in the HRC booking system in order to ensure waste minimisation and control be supported; and
- (d) That the additional proposals to improve HRC operational controls be supported and endorsed and the proposed extension to opening times be reviewed in light of existing and future budgets and resources be noted.

94. CONSULTATION ON THE FLINTSHIRE AND WREXHAM PUBLIC SERVICES BOARD (PSB) DRAFT WELL-BEING PLAN 2023-28

Councillor Roberts introduced the report and explained that the Well-being of Future Generations (Wales) Act 2015 required specific public bodies to work together under a Public Services Board (PSB) to improve local economic, social, environmental and cultural well-being.

Responsibilities of PSBs included periodically preparing and publishing an assessment of local well-being, which was used to inform the setting of local well-being objectives that were contained within a five year local Well-being plan.

Prior to publishing a new Well-being Plan, the PSB was required to consult a number of statutory consultees, including the Local Authority Overview and Scrutiny Committee.

The draft Well-being Plan 2023-28 was appended to the report for consideration.

A team of officers drawn from partner organisations involved in the work of both Flintshire and Wrexham's PSBs have worked together to produce a draft Well-being Plan for 2023-28.

Based on the evidence and insight highlighted by the well-being assessment; existing priorities of the PSB; and the learning and reflection from joint PSB working on community resilience over the last two years, the team of officers had produced a draft Well-being Plan that identified the key actions needed to deliver two well-being objectives for 2023-2028:

- Build flourishing communities by reducing inequalities across environment, education, employment, income and housing.
- Improve community well-being by enabling people of all ages to live healthy and independent lives.

The Chief Executive added that the plan needed to be adopted before 4th May. The draft plan was appended to the report for any comments which would be fed into the plan.

Councillor Johnson explained that the report had been submitted to Corporate Resources Overview and Scrutiny Committee the previous week and Members were asked to submit any comments outside of that meeting.

RESOLVED:

That the draft Flintshire and Wrexham Well-being Plan for 2023-28 be supported.

95. MEMBERSHIP OF THE RIVER DEE NUTRIENT MANAGEMENT BOARD

Councillor Bithell introduced the report which sought approval to formally participate in a newly-formed partnership in North Wales, the 'Dee Catchment Nutrient Management Board'.

Participation would be alongside Wrexham Council and other North Wales and adjoining English councils, Natural Resources Wales, Welsh Government and Dwr Cymru/Welsh Water and others including developers, landowners and the agricultural sector, to oversee the co-ordination and implementation of a strategy and action plan to tackle phosphorus pollution in the River Dee.

The report set out the reasons for creating the Co-ordinating Board and the draft terms of reference.

The Dee Catchment Phosphorus Reduction Strategy (November 2021) was appended to the report and had been prepared jointly by Flintshire and Wrexham Councils because they had to address the issue of phosphorus in the Examinations in Public into their respective Local Development Plans (LDP).

Phosphorus was a nutrient and pollutant derived from wastewater, primarily originating from agriculture, but also from existing and new human development (housing etc.). Historically, it had been removed from wastewater at water treatment works (WWTWs) before the treated water was discharged into the main rivers (in Flintshire's case, the River Alyn which then flowed into the River Dee).

In January 2021, Natural Resources Wales (NRW) introduced much more stringent limits on discharges of phosphorus into the River Dee to protect the River Dee and Bala Lake Special Area of Conservation (SAC). The new standard had been applied to all other river SACs in Wales.

The new board was non-statutory and would not have decision-making powers. Any recommendations, such as the final strategy and action plan, would need to be endorsed by the respective Councils' Executive Boards (or their equivalent).

The Chief Officer (Planning and Environment) explained the high-level breakdown of the proposed board and sub-groups which would input into and co-ordinate the delivery of the Strategy and Action Plan.

The terms of reference of the board and sub-groups were appended to the report and were based on the approach used in the River Wye board. It would be for the proposed board to agree their final form.

Councillor Healey proposed an amendment to recommendation number 2 to provide for a substitution should the Cabinet Member be unavailable to attend.

RESOLVED:

- (a) That the establishment of, and Council involvement in, the River Dee Nutrient Management Board be supported;
- (b) That the Cabinet Member for Planning, Public Health and Public Protection be nominated to represent the Council on the new board and if they are unable to attend that a substitute should attend to represent the Council; and
- (c) That in-principle approval of the Dee Catchment Phosphorus Reduction Strategy (November 2021) (appended to the report) be given, subject to considering further versions for approval as the new Board develops and refines the strategy and associated action plan.

96. REVENUE BUDGET MONITORING 2022/23 (MONTH 7)

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 £0.094m (excluding the impact of the pay award which would need to be met by reserves), which was an adverse movement of £0.061m from the deficit figure reported at Month 6
- A projected contingency reserve available balance as at 31st March 2023 of £4.055m (after the impact of the final pay awards)

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £3.321m higher than budget
- A projected closing balance as at 31st March 2023 of £3.153m

The report had been submitted to Corporate Resources Overview and Scrutiny Committee the previous week where it was supported.

The Corporate Finance Manager explained that the 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.

RESOLVED:

- (a) That the estimated financial impact on the 2022/23 budget be noted; and

(b) That the carry forward requests be approved.

97. TREASURY MANAGEMENT MID-YEAR REVIEW 2022/23

Councillor Johnson introduced the report which presented the draft Treasury Management Mid-Year Report 2022/23 for approval and recommendation to Council.

The draft Treasury Management Mid-Year Report was appended to the report for review. As required by the Council's Financial Procedure Rules, the review had been reported to Governance and Audit Committee on 14th November 2022 and would be reported to County Council on 24th January 2023.

RESOLVED:

That the Treasury Management Mid-Year Report 2022/23 be approved and recommended to Council.

98. COUNCIL TAX BASE 2023/24

Councillor Mullin introduced the report and explained that setting of the Council Tax Base was integral to the revenue budget and Council Tax setting process for 2023/24 and allowed the Council, Police & Crime Commissioners Office for North Wales and Town/Community Councils to calculate their own precept for the following year.

The Revenues and Procurement Manager explained that the Base had been calculated at 65,815 Band 'D' equivalent properties, after considering 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 the Tax Base at 65,815 Band 'D' equivalent included an up-lift in the Council Tax Premium rates to 75% for Long Term empty properties and 100% for Second Homes from April 2023. Overall, that represented growth in the Tax Base of 0.95% compared to the previous year, which represented an extra 621 Band 'D' equivalent properties after considering the natural movement in new builds, discounts, exemptions and premium rates.

Following the meeting of Cabinet contact would be made with each Town and Community Council to inform them of the agreed Tax Base.

In response to a request, the Revenues and Procurement Manager provided full details of when exemptions would apply.

RESOLVED:

(a) That the Tax Base of 65,815 Band 'D' equivalent properties for tax setting purposes for the financial year 2023/24 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) For the purposes of setting the Tax Base, the Base incorporates planned changes to the Council Tax Premium Rates from April 2023 and reflects an up-lift from 50% to 75% for Long Term Empty properties and 100% for Second Homes.

99. COUNCIL TAX CONSULTATION ON DRAFT REGULATIONS TO EXTEND EXCEPTIONS TO SECOND HOME PREMIUMS

Councillor Mullin introduced the report which provided information and a recommended response to a Welsh Government consultation seeking views on draft regulations which were designed to ensure that second home properties were subject to Council Tax at the standard rate, and not charged at a premium rate, where properties were subject to a planning condition that specified a dwelling may only be used for short-term holiday lets or that residents occupancy of the property from use as a person's sole or main residence.

The Revenue and Procurement Manager explained that the proposed application date for introducing the changes would be from 1st April 2023.

RESOLVED:

That the proposals of Welsh Government as set out in the consultation be endorsed and senior officers be authorised to respond positively to the consultation.

100. VICTIM SUPPORT HATE CRIME CHARTER

Councillor Mullin introduced the report and explained that Welsh Government (WG) was committed to tackling hate crime, as set out in their Anti-racist Wales Action Plan. As part of their commitment WG has funded Victim Support to deliver the Wales Hate Support Centre, which provided support and reporting services across Wales for victims and witnesses of hate crime.

The Corporate Manager, Capital and Assets explained that Victim Support had introduced a Hate Crime Charter for Wales and was asking all organisations, public and private, to sign up to the Charter. The Charter set out the rights of victims and the commitments of organisations in playing a part in tackling hate crime.

Organisations adopting the Charter made a commitment to ensuring that employees and volunteers abided by the Charter's promises whenever they came into contact with those affected by hate crime, and to work to build strong and inclusive communities. The Hate Crime Charter was appended to the report.

The Council had already taken steps to tackle hate crime in Flintshire, including the Be Kind on-line initiative. Adopting the Charter would build on the work and would contribute to the Council's Strategic Equality Plan and Welsh Government's (WG) Well-being goal "A Wales of More Cohesive Communities".

RESOLVED:

That Cabinet endorse the Council adopting Victim Support's Hate Crime Charter.

101. THE SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013, SCHOOL ORGANISATION CODE FOR AN ENLARGEMENT OF THE PREMISES OF A SCHOOL FOR DRURY C.P. SCHOOL AND PENYFFORDD C.P. SCHOOL

Councillor Roberts introduced the report which provided information on the responses from the Statutory Objection period, under section 49 of '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.

Cabinet was requested to determine on the Statutory Proposals put forward for the enlargement of those two schools.

Statutory consultation on the proposals for Drury C.P School commenced on 1st March 2022 and ended on 11th April 2022. 42 responses were received including a formal response from Estyn and the school's Pupil Council. 90% of responders supported the proposal.

Statutory consultation on the proposals for Penyffordd C.P School commenced on 1st March 2022 and ended on 11th April 2022. 84 responses were received including a formal response from Estyn and school pupils. 73% of responders supported the proposal. One objection had been received, details of which were outlined in the report.

The Chief Officer (Education & Youth) said if approved by Cabinet, decision letters would be issued in January.

RESOLVED:

That the responses from the Statutory Objection period for Ysgol Penyffordd and Drury C.P be noted and that proposals to increase the capacity of the schools be approved.

102. EXERCISE OF DELEGATED POWERS

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

Governance

- **Temporary Change to Opening Hours**
Flintshire Connects continues to face severe staffing challenges. A combination of sickness and vacancies means that the service is missing 33% of its employees. Due to this the service cannot currently operate 3 full-time Centres and 2 part-time Centres until staff return to work, which is

anticipated will be in January. During December the Connects Centres in Connah's Quay and Flint will open part time. If employees return to work sooner than expected, then the service will revert to full time opening as soon as it is able to do so. The part time opening hours previously agreed for Mold and Buckley Connects Centres will continue until the end of March pending a decision on whether to permanently reduce opening hours at those centres as part of the budget process.

103. 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 11.20a.m.)

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Chair