

CABINET
18 JUNE 2013

Minutes of the meeting of the Cabinet of Flintshire County Council held at County Hall, Mold on Tuesday, 18 June 2013

PRESENT: Councillor Aaron Shotton (Chairman)

Councillors: Bernie Attridge (Deputy Leader), Chris Bithell, Helen Brown, Christine Jones, Kevin Jones and Billy Mullin

ALSO PRESENT:

Councillors: Ron Hampson, Nigel Steele-Mortimer, Carolyn Thomas and Arnold Woolley

IN ATTENDANCE:

Chief Executive, Director of Community Services, Director of Environment, Director of Lifelong Learning, Head of Legal and Democratic Services, Head of Finance and Head of ICT and Customer Services

Prior to the start of the meeting, a minutes silence was held in memory of the late County Councillor, Peter Macfarlane.

16. DECLARATIONS OF INTEREST

Councillor Chris Bithell declared a personal interest in agenda item number 17 – Response from Lifelong Learning Overview and Scrutiny Committee to a Call In as he was a communicant member of the Church in Wales.

Councillor Christine Jones declared a personal interest in agenda item number 17 – Response from Lifelong Learning Overview and Scrutiny Committee to a Call In as a relative of hers attended a denominational school.

17. MINUTES

The minutes of the meeting held on 21 May 2013 had been circulated with the agenda.

RESOLVED:

That the minutes be approved as a correct record.

18. IMPROVEMENT PLAN 2013/14

The Cabinet Member for Corporate Management introduced the Improvement Plan 2013/14 for submission to County Council for adoption.

Improvement Objectives and an accompanying Improvement Plan was first adopted by the Council in 2011 and those objectives were known as the ten primary priorities supported by a structure of secondary priorities. Those priorities were subsequently re-endorsed by Cabinet and the Council in October 2012 with three additions; social enterprise, apprenticeships and entrepreneurships, and community events.

The Chief Executive explained that the Improvement Priorities of the previous Council had been thoroughly reviewed and challenged to streamline and reset them, to be clear over impacts and how performance would be measured. The Improvement Plan would be presented to County Council on 25 June 2013 for adoption, which was a statutory requirement.

The Improvement Plan was the best strategic plan that the Council had produced to date and had taken into account comments in recent reports from the Wales Audit Office and also from the latest Estyn monitoring report.

The Improvement Plan had been constructed primarily as a web-based document which allowed easy navigation to specific content. Also, the ease of updating the Plan would ensure that any revisions in-year, be they as a result of national policy change or local scrutiny, could be implemented to ensure the most current version was available and the opportunity to hyperlink associated documents also kept the Plan current and 'live'. Although the document was web-based, paper copies could be provided if requested, for example, at Flintshire Connects locations.

The Chief Executive welcomed any feedback on the Improvement Plan prior to it being considered by County Council on 25 June.

The Leader and Cabinet Member for Finance praised the Improvement Plan, including the involvement of the Cabinet Members in determining the priorities which were aligned to the challenges being faced by the Council. Examples of those challenges were the provision of affordable housing, achieving the Welsh Housing Quality Standard (WHQS), regeneration and welfare reform. He particularly welcomed the additional priority of apprenticeships and entrepreneurship.

The Deputy Leader and Cabinet Member for Environment praised the work of the officers involved in the production of the document which was clear and easy to read.

The Cabinet Member for Public Protection, Waste and Recycling also welcomed the document and echoed the comments of the Leader on the addition of the priority on apprenticeships and entrepreneurship.

RESOLVED:

That the Improvement Plan 2013/14 be approved and submitted to County Council for adoption.

Appendix - Improvement Plan

19. MEDIUM TERM FINANCIAL PLAN

The Leader of the Council and Cabinet Member for Finance introduced the updated Medium Term Financial Plan (MTFP) 2014/15 to 2018/19 and sought endorsement on the proposed approach for future development and reporting.

The Chief Executive explained that the Medium Term Financial Strategy (MTFS) and the MTFP were critical aspects of the Council's overall governance arrangements.

Updates to the MTFP had been presented to Members with the budget reports for 2012/13 and 2013/14 with the most recent update provided in the 2013/14 budget report to County Council on 1 March 2013.

The publication of the new Improvement Plan with refreshed Improvement Priorities provided an important opportunity to ensure that the financial strategy was focused on enabling resources to be aligned in order to achieve them.

This was the first of two revisions of the published MTFP within 2013/14. The aims of the first revision were:

- To present an updated forecast of the impacts of the changing and worsening national fiscal position, and inflationary trends, on the core resources available to the Council to meet its priorities and maintain its services
- To present a first forecast of the investment needed to support the priorities of the Council
- To present, by combining the above, the updated revenue 'gap' to be bridged by organisational change, efficiencies and choices between services

The second revision of the MTFP would be published by October 2013.

The Welsh Local Government Association (WLGA) had set out three potential scenarios for the immediate future of local government funding in Wales. However, recent communications from Welsh Government (WG) had confirmed that the indicative allocations set for 2014/15 could no longer be relied upon for financial planning. Therefore, a fourth scenario with a greater reduction was being worked on. The position on funding for 2014/15 and beyond would become clearer following the Chancellors Spending Round announcement due on 26 June 2013 and as the WG's response emerged in budget planning discussions.

The Head of Finance explained that, whilst the scale of probable reductions for 2014/15 was not yet known, as an illustration, a 1% reduction in the funding received in 2013/14 would add £1m to the projected gap for 2014/15.

On the newly published Improvement Plan, resources were in place to deliver the priorities for 2013/14. Some of the resources were met from within the base budget but there had been specific and positive investment in the 2013/14 budget as reported to County Council on 1 March 2013.

The MTFP was an ever evolving forecast of the Council's financial position, which was continually updated to take in and / or refine latest forecasts of funding, investment needs and the opportunities to be gained from efficiency of saving measures.

At this stage, there was an estimated shortfall in funding of £8.5m for 2014/15 rising to £28.5m over the 5 year period 2014/15 to 2018/19. This forecast was based on the most recent information available and the key assumptions which were detailed in the appendix to the report.

The Head of Finance explained that the following could change the headline overview:

- Ongoing revision to the forecasts and key assumptions
- Clarity about the level of WG funding
- Clarity from WG on future expectations around the protection of Schools, Social Care or other budget areas
- Local policy decisions, the two most significant being Single Status and School Funding Formula Review

Whilst there were a number of variables, using broad assumptions, there was potential for the gap to increase to over £10m for 2014/15 and £40m over the five year period.

As the programme of legislation of the National Assembly for Wales developed, local government would continue to be given new responsibilities and those responsibilities would need to be planned for.

In conclusion, the Chief Executive said that the development and broadening of the Council's programme for organisational modernisation and change would be central to the Council's protection of key services, the achievement of its priorities and its very survival as a competent unit of local government.

RESOLVED:

- (a) That the Medium Term Financial Plan 2014/15 to 2018/19 be noted;
- (b) That the approach to be adopted for ongoing development and reporting be supported; and
- (c) That the Medium Term Financial Plan 2014/15 to 2018/19 be referred to Corporate Resources Overview and Scrutiny Committee on 11 July 2013 for consideration and to receive verbal feedback at the Cabinet meeting on 16 July 2013 so that feedback can be received prior to the summer recess.

Appendix - Medium Term Financial Plan

20. ANNUAL COUNCIL REPORTING FRAMEWORK

The Cabinet Member for Social Services presented the final version of the Social Services Annual Performance Report for approval.

The Overview report was part of the Welsh Government (WG) performance framework for Social Services and the report was the Director's statement on performance during 2012/13 which highlighted the good performance and areas for improvement.

The report was a summary of the assessment of the Council's overall Social Services performance, benchmarking against the key areas identified in the Strategy for Sustainable Social Services for Wales in anticipation of the Social Services and Well Being Bill and had been prepared by the Council's Mental Health service users 'Double-Click'.

RESOLVED:

That the final version be approved.

21. ROADSIDE MEMORIALS & FLORAL TRIBUTES POLICY

The Deputy Leader and Cabinet Member for Environment introduced the proposed policy on Roadside Memorials and Floral Tributes on the Adopted County Highway Network, which took into consideration their importance for the beliefs of some religious and ethnic groups.

The policy had been produced in response to the increasing number of memorials being placed within the public highway following a fatal road traffic collision or other sudden death. There was an acceptance nationally for the desire to place a tribute in the vicinity of the incident, particularly in the immediate aftermath and before funerals had been held. In common with other Councils and the Welsh Government (WG), the policy sought to manage the situation, rather than prohibit such placements.

In response to questions from the Cabinet Member for Education, the Director of Environment said that if adopted, the policy would be implemented with sensitivity.

RESOLVED:

That the policy for Roadside Memorials and Floral Tributes be approved.

22. FLINTSHIRE LOCAL DEVELOPMENT PLAN DELIVERY AGREEMENT

The Deputy Leader and Cabinet Member for Environment introduced the Flintshire Local Development Plan (LDP) Delivery Agreement for approval which included being sent out for stakeholder and public consultation.

The preparation of a Delivery Agreement was one of the first formal stages in the LDP process. It was a public statement that contained a timetable for the LDP production and the Community Involvement Scheme, setting out how and when stakeholders and the community could contribute to the preparation of the LDP and its Sustainability Appraisal/Strategic Environmental Appraisal.

Once agreed, the Delivery Agreement committed the Local Planning Authority to produce its LDP according to its stated timescales and consultation processes.

Ongoing discussions had been held with Welsh Government (WG) in respect of the preparation of the Delivery Agreement to date, as recommended in the LDP Manual.

The Delivery Agreement had been considered by the Planning Strategy Group on 16 May 2013 and their positive response and feedback to the Delivery Agreement raised no fundamental issues.

RESOLVED:

- (a) That the Local Development Plan Delivery Agreement be approved;
- (b) That the Delivery Agreement be made available for stakeholder and public consultation; and
- (c) That delegated authority be given to the Director of Environment, following consultation with the Deputy Leader and Cabinet Member for Environment, to make minor corrections and editorial changes to the Delivery Agreement prior to its publication for consideration.

23. COUNCIL (PLAN) GOVERNANCE FRAMEWORK REVIEW

The Cabinet Member for Corporate Management presented the reviewed Council (Plan) Governance Framework following annual review.

The Council (Plan) Governance Framework was subject to annual review and was a statement which described the current governance arrangements in Flintshire which was based around 6 sections: The Council and Democracy; Organisational Vision and Values; Resources; Business Processes; Customer Services and Citizenship; and Partnerships.

The Head of Legal and Democratic Services added that a summary of the amendments made to the Council (Plan) Governance Framework following the annual review was appended to the report.

RESOLVED:

That the revised Council (Plan) Governance Framework be adopted.

Council (Plan) Governance Framework Appendix

24. OUTCOME AGREEMENT WITH WELSH GOVERNMENT - ASSESSMENT OF 2012/13

The Cabinet Member for Corporate Management presented the end of year position of progress against the Outcome Agreement for 2012/13.

The Outcome Agreements were introduced by Welsh Government (WG) to identify how the Council worked towards improving outcomes for local people against the Government's National priorities. In addition, Outcome Agreements had to have a strong collaborative content and evidence of partnership working to have the greatest impact.

The Head of ICT and Customer Services added that the Outcome Agreement was a three year agreement based on ten strategic themes.

For 2011/12 and 2010/11, the Council received full payment of the grant (£1.48m). Payment was based on a pro rata scoring system which measured achievement of the authority's performance. Full payment was made to scores of 25 and over and last year, the Council received a score of 25/30. Full payment of the grant could only be achieved if collaborative action was demonstrated and was successful in at least nine of the ten outcomes.

The final year's performance (2012/13) of the Outcome Agreement was complete and a self assessment of performance against the actions and measures had been undertaken and showed six fully successful themes, three partially successful themes and one unsuccessful theme. Given that assessment, it was expected that the Council would achieve 25 points, the minimum required to receive the full grant of approximately £1.467m.

A new model to replace the current Outcome Agreement was being introduced by WG for 2013/14 and would be shaped during the next few months prior to Cabinet approval being sought in the autumn.

RESOLVED:

That the progress made against the Outcome Agreement for 2012/13 be noted and a further report following the evaluation by Welsh Government be received.

25. COMMUNITY ENDOWMENT FUND

The Cabinet Member for Corporate Management advised of the final arrangements of the Flintshire Community Endowment Fund prior to the agreed launch.

On 20 November 2012, approval had been given by Cabinet for the closedown and transfer of existing moribund and ineffective education trust funds to a newly established Flintshire Community Endowment Fund to be managed and administered by the Community Foundation in Wales.

The Head of Finance explained that Cabinet also agreed that any transfer of trust funds would be subject to the Head of Finance in her Section 151 statutory officer role being satisfied that the investment strategy of the new Fund did not pose a significant risk to achieving a satisfactory return on funds and value for money.

Since the last report, further information had been requested from the Community Foundation in Wales. As a result, no fundamental matters had been identified that should prevent going ahead with the transfer of those funds to the Community Endowment Fund. However, that was not to say that there were no risks, as set out in the report.

In response to a question from the Cabinet Member for Education, the Head of Finance explained that as the Fund grew, there would be potential to divest additional funding for other purposes, in addition to the original trust funds which were donated for educational purposes, which reflected the County Vision aims and were in accordance with the 'objects' of the transferred fund.

RESOLVED:

- (a) That the closedown and transfer of existing moribund and ineffective education trust funds to a newly established 'Flintshire Community Endowment Fund' to be managed and administered by the trustees of the Community Foundation in Wales, be approved, given the assurances provided by the Head of Finance in her Section 151 statutory officer role, but noting the potential risks which remain; and
- (b) That the Flintshire Community Endowment Fund be launched with the working arrangements as set out in the report.

26. QUARTERLY PERFORMANCE REPORTS (Q4/END OF YEAR)

The Cabinet Member for Corporate Management introduced the Quarter 4 / Year End service performance reports which had been produced at divisional level. The reports covered the period January to March 2013 and contained a summary of the year end position.

Appendix 1 to the report contained an overall RAG status for each of the ten Council Priorities and identified the RAG status for the 66 secondary priorities for both 'progress' and 'outcome'.

RESOLVED:

- (a) That it be noted that enough action had been taken to manage performance; and
- (b) That the following within the performance reports be noted:
 - The level of confidence that the outcomes of the Council's Improvement Priorities will be achieved and the progress being made towards them;
 - The update of the Strategic Assessment of Risks and Challenges (SARC) contained within the performance reports;
 - The progress being made against the Improvement Target Actions Plans contained within the performance reports;
 - The progress made against the service plans; and
 - The assessment of any regulatory reports in relation to the work

27. REVENUE BUDGET MONITORING 2012/13 (MONTH 12)

The Leader and Cabinet Member for Finance introduced the most up to date revenue budget monitoring information (Month 12) for the Council Fund and the Housing Revenue Account (HRA) in 2012/13.

A debate had taken place the previous week at Corporate Resources Overview and Scrutiny Committee on the £2m increase in the underspend on the Council Fund. Whilst it was positive that further savings had been identified, he stressed the importance of the timely reporting of financial information.

The Head of Finance explained that the projected year end position was estimated at Month 12 was a net underspend of £4.313m on the Council Fund and a net underspend of £1.047m on the HRA, however £0.329m of that underspend was committed for specific items in 2013/14.

The significant in-year projected variances to date were detailed in the appendices to the report, including reasons for the variances and the actions required to address each variance. The significant changes for the Council Fund from Month 11 were detailed in Appendix 1 to the report.

There was a total improvement of £1.979m on the projected underspend reported within the Month 11 report to Cabinet on 21 May 2013. There were four major influences on the total movement which amounted to £1.497m (75.6%) of the total increase of £1.979m, which were detailed in the report.

In response to the Leader and Cabinet Member for Finance's comments, the Head of Finance explained that the further improvement in the projected underspend reflected the outcome of planned activities and positive budget management and the utilisation of external funding where possible. It did illustrate however the need for more discipline in strengthening financial controls, forecasting and timelier reporting. A detailed review of the interaction between service managers and actions to establish the early identification and reporting of variances was being carried out.

Appendix 7 detailed movements to date on unearmarked reserves and the level of contingency sum available. As a result of the movements the current projected level of the contingency reserve at the end of March 2013 was £1.301m.

On the Housing Revenue Account there was an overall projected underspend of £1.047m and the projected closing balance at Month 12 of £1.902m, which at 6.9% of total expenditure satisfied the prudent approach of ensuring a minimum level of 3%.

There were two requests for a carry forward of underspend, details of which were in the report.

RESOLVED:

- (a) That the report be noted;
- (b) That the Council Fund contingency sum as at 31 March 2013 be noted;
- (c) That the projected final level of balances on the Housing Revenue Account be noted; and

- (d) That the request for carry forwards of underspends to 2013/14 be approved.

28. WELSH GOVERNMENT BUSINESS RATES CONSULTATION - RATE RELIEF FOR CHARITIES, SOCIAL ENTERPRISES AND CREDIT UNIONS

The Cabinet Member for Corporate Management provided information on a Welsh Government Consultation which sought views on a number of recommendations on Business Rate Reliefs that were available to charities, social enterprises and credit unions.

The Head of Finance added that the recommended responses to the consultation document were appended to the report. She outlined that the purpose of the consultation was to seek to strike a balance between supporting the charity sector and the development and regeneration of town centres.

RESOLVED:

- (a) That the principals of the proposals be supported and senior officers be authorised to respond appropriately to the consultation; and
- (b) That the responses to the proposals be approved as detailed in appendix 1 to the report.

29. FOOD SERVICE PLAN

The Cabinet Member for Public Protection, Waste and Recycling introduced the Food Service Plan which the Constitution Committee had determined should be approved at Executive level in January 2011, as per The Framework Agreement on Official Feed and Food Controls by Local Authorities (Amendment 5 April 2010).

The key achievements for 2012/13 were highlighted as were the key targets for 2013/14.

The Leader and Cabinet Member for Finance, and the Cabinet Member for Public Protection, Waste and Recycling congratulated the teams on the key achievements for 2012/13, where all targets had either been met or exceeded.

RESOLVED:

That the Food Service Plan 2013/14 be approved.

30. CROSS WARRANTING OF OFFICERS IN PUBLIC PROTECTION

The Cabinet Member for Public Protection, Waste and Recycling provided an update on the joint working arrangements between the Council and Wrexham County Borough Council.

Flintshire County Council and Wrexham County Borough Council were undertaking collaborative work where mutual benefits were considered to be achievable. There was potential for some joint working across Animal Health,

Licensing, Environmental Health and Trading Standards with links to Community Safety, Public Safety and Health.

The report would be considered at County Council on 25 June 2013 as both groups of Members had responsibility for authorising officers to carry out different elements of the Public Protection Services.

RESOLVED:

That delegated authority be given to the Director of Environment, following consultation with the Cabinet Member for Public Protection, Waste and Recycling to:

- Authorise officers from Wrexham's Public Protection Service to allow these officers to legally undertake duties in Flintshire County Council
- Allow officers employed by Flintshire County Council to undertake work in Wrexham as and when required
- Authorise officers from the Public Protection Services of other authorities in North Wales to allow those officers to legally undertake duties in Flintshire County Council when similar cross warranting arrangements have been agreed
- Allow officers employed by Flintshire County Council to undertake work in other North Wales authorities as and when required when similar cross warranting arrangements have been agreed.

Appendix 1 - Cross Warranting of Officers

Appendix 2 - Cross Warranting of Officers

31. RESPONSE FROM LIFELONG LEARNING OVERVIEW & SCRUTINY COMMITTEE TO A CALL IN

The Cabinet Member for Education provided details of the result of the Call In meeting on Home to School Transport Policy Changes – Denominational Transport.

At the Lifelong Learning Overview and Scrutiny Call In meeting the previous week, the issues raised by the signatories of the Call In were:

- The expectation of the Overview and Scrutiny Committee that the item would be referred back to it with alternative proposals. The Cabinet Member explained that responses had been considered in detail.
- That Cabinet ignored the response to consultation where 85% of the respondents did not agree with the proposals. The Cabinet Member said this was one-sided as many of the 85% did not agree with the proposals because they felt all free denominational school transport should cease.
- Comparison was made to free transport provided to Welsh medium schools and therefore it was discriminatory not to provide it to denominational schools. The Cabinet Member explained that the

provision of free school transport to Welsh medium schools was statutory which it was not for denominational schools.

- Reference was made only to free transport, not the admissions policy. The Cabinet Member explained that denominational schools were responsible for their own admissions policy and they would admit pupils based on their own admissions criteria.
- Those who choose denominational schools but are not members of that faith should receive free transport. The Cabinet Member explained that it would not be their nearest school.
- The sibling rule. The Cabinet Member explained that the sibling rule was applied to admissions and not transport.
- Spaces on buses. The Cabinet Member explained that if there were spare places on a bus going to a denominational school, parents could apply for a place and pay the set fare.
- The policy had not been well thought through. The Cabinet Member explained the background to the item which commenced several years previous with work then being undertaken by the Task and Finish Group prior to being reported to Executive when it did not progress. The children of the same denomination of the school would continue to be supported in their choice of school. The policy was previously biased which could not continue. The policy was not solely about saving money but efficiencies did need to be made where possible.

In conclusion, the Cabinet Member for Education recommended that the decision of the Cabinet on 21 May 2013 be confirmed.

The Director of Lifelong Learning provided details of other local authorities with the same policy as that being proposed, others with more restrictive policies and some that had completely removed denominational entitlement.

The Director acknowledged that the original report could have made more direct references to recent and previous scrutiny work and discussion on the issue. However, the issues debated had been addressed both in the report and in the “frequently asked questions” documentation. He also affirmed the importance of elected Members monitoring and evaluating the impact of any policy changes.

The Leader and Cabinet Member for Finance said he had recently received 30 letters from members of the public, 21 of which were from outside of the county. He reiterated the point that the objectors to the policy were not all objecting on the same grounds and that a number of those objectors wanted free transport to be removed in totality.

The decision was emotive but strong decisions needed to be taken based on priorities.

The Cabinet Member for Public Protection, Waste and Recycling said he had also been contacted by a number of people who felt that fairness was the most important issue in that if you chose a school that was not your nearest school, free transport should not be provided.

RESOLVED:

That the decision of 21 May 2013 be confirmed, which was that the proposed changes to the Home to School Transport Policy as detailed in paragraph 3.01 of the report be approved.

32. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED:

That the press and public be excluded from the remainder of the meeting for the following items by virtue of exempt information under paragraph 15 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

33. RESTRUCTURE OF HOUSING SERVICE SENIOR MANAGEMENT TEAM

The Cabinet Member for Housing outlined the proposed restructure of the Housing Service Senior Management Team.

RESOLVED:

That the proposed restructure of the Housing Services Senior Management Team be approved.

34. STRUCTURE IN LEGAL SERVICES

The Cabinet Member for Corporate Management outlined the proposed amendment to the structure in Legal Services.

RESOLVED:

- (a) That the results of the review be noted; and
- (b) That the change in the staff structure be approved.

35. ICT SERVICE REVIEW

The Cabinet Member for Corporate Management outlined the proposed revised structure for the Corporate IT Service following completion of the first phase of the service review. Approval was also sought for the scope of the review to be extended with a second phase to review other IT related business units including the Schools ICT Unit within Lifelong Learning.

RESOLVED:

- (a) That the outcome of the service review be endorsed and the new structure for the Corporate IT Service be approved; and

- (b) That the scope of the review be extended as a second phase with priority given to the Schools ICT Service in light of the changing requirements and increased expectations of IT to improve standards within our schools.

36. SHELTERED HOUSING IMPROVEMENT PROJECT

The Cabinet Member for Housing outlined the restructure of the Community Based Accommodation Support Service for approval.

RESOLVED:

- (a) That the progress of the Sheltered Housing Improvement Project be noted; and
- (b) That the revised staffing structure be approved.

37. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was 1 member of the public and 3 members of the press in attendance.

(The meeting started at 9.30 am and ended at 12.10 pm)

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Chairman