

**CABINET**  
**17 MARCH 2015**

Minutes of the meeting of the Cabinet of Flintshire County Council held at County Hall, Mold on Tuesday, 17 March 2015

**PRESENT: Councillor Aaron Shotton (Chair)**

Councillors: Bernie Attridge, Chris Bithell, Helen Brown, Derek Butler, Christine Jones and Kevin Jones

**APOLOGY:**

Councillor Billy Mullin

**IN ATTENDANCE:**

Chief Executive, Chief Officer (Community and Enterprise), Chief Officer (Education and Youth), Chief Officer (Governance), Chief Officer (Organisational Change), Chief Officer (Planning and Environment), Chief Officer (Streetscene and Transportation), Corporate Finance Manager and Team Manager – Committee Services

**ALSO PRESENT:**

Councillors: Veronica Gay, Ron Hampson, Dave Mackie, Tim Newhouse and David Roney

**132. DECLARATIONS OF INTEREST**

Councillors Helen Brown, Kevin Jones, Derek Butler, Aaron Shotton and Christine Jones declared personal interests in agenda item number 17 – School Admission Arrangements, as they were school governors.

**133. MINUTES**

The minutes of the meeting held on 17 February 2015 had been circulated with the agenda.

**RESOLVED:**

That the minutes be approved as a correct record.

**134. VARIATION IN ORDER OF BUSINESS**

The Leader and Cabinet Member for Finance explained that agenda item number 5, Annual Improvement Report and the Corporate Assessment Report of the Auditor General for Wales for Flintshire, would be considered first.

**135. ANNUAL IMPROVEMENT REPORT AND THE CORPORATE ASSESSMENT REPORT OF THE AUDITOR GENERAL FOR WALES FOR FLINTSHIRE**

The Leader and Cabinet Member for Finance introduced the Annual Improvement Report of the Auditor General which incorporated the first Corporate Assessment, and the Council's executive response.

The Chief Executive explained that the report would be considered by the Audit Committee the following day and Corporate Resources Overview and Scrutiny Committee on 16 April 2015.

Mr Huw Lloyd-Jones from the Wales Audit Office (WAO) was welcomed to the meeting and was invited to provide an overview of the key points detailed in the Annual Improvement Report and the Corporate Assessment.

It was noted overall that the Auditor General concluded that the Council's track record suggested that it was likely to respond positively to the internal and external challenges it faced and make arrangements to secure continuous improvement for 2015-16.

The Auditor General had not made any statutory recommendations with which the Council must comply. Instead, seven advisory proposals for improvement were made, which were detailed in the report.

The Cabinet Member for Waste Strategy, Public Protection and Leisure asked if levels of ambition were reduced due to the financial pressures on local government, would that be considered as negative by the WAO. Mr Lloyd-Jones said if the Council provided details on the decision making that had taken place, and the reasons why a target could not be met, it would not be.

The Cabinet Member for Education commented on the reference to budgetary control for out-of-county placements and said this was a volatile area and new placements into the County could not be predicted.

The Chief Executive re-iterated that there were no new statutory recommendations. The seven advisory proposals for improvement were already well advanced and he presented the detailed action plan for adoption.

The Leader and Cabinet Member for Finance said the Council was proud to receive a positive Annual Improvement Report and Corporate Assessment Report, particularly following the challenges the organisation had faced.

**RESOLVED:**

That the Annual Improvement Report be accepted and the response attached for consideration with the Audit Committee and the Corporate Resources Overview and Scrutiny Committee be adopted.

**136. WELSH GOVERNMENT CONSULTATION: REFORMING LOCAL GOVERNMENT: POWER TO LOCAL PEOPLE**

The Leader and Cabinet Member for Finance introduced the report and invited an outline Cabinet response to the Welsh Government (WG) White Paper to inform the debate at County Council on 14 April 2015.

The report provided and initial commentary on the White Paper and Cabinet Members agreed that the debate should take place at County Council, based on that initial commentary.

**RESOLVED:**

That an outline response, based on the points made in 3.01 of the report, be provided to Council on 14 April 2015 for debate. Council will then pass a resolution on the formal consultation response to be made to Welsh Government.

**137. QUARTER 3 IMPROVEMENT PLAN MONITORING REPORT.**

The Leader and Cabinet Member for Finance introduced the Quarter 3 Improvement Plan monitoring reports for the period October to December 2014.

The Chief Executive explained that the monitoring reports gave an explanation of the progress being made towards the delivery of the impacts set out in the Improvement Plan, with narrative supported by measures which evidenced achievement.

**RESOLVED:**

- (a) That the action taken to manage delivery of the Improvement Priority impacts be noted; and
- (b) That the following be noted:
  - The levels of progress and confidence in the achievement of key activities which seek to deliver the impacts of the Improvement Plan;
  - The performance against improvement plan measures and the predicted level of performance for year end; and
  - The current (net) risk levels and trend for the risks identified in the Improvement Plan and the arrangements to control them.

**138. MEDIUM TERM PLAN FOR LIBRARY AND CONNECTS SERVICES**

The Cabinet Member for Education provided details of the future plans for library and Connects Services which included proposals for the development of a new library and Connects in two new locations.

The Council was facing the challenge of delivering services within reduced resources and plans of how to ensure an effective and sustainable network, with a maximum of 70% of current resources, was being considered. The report outlined the significant proposals to change the library network that would provide the best chance of ensuring an effective and sustainable network of library services.

There was a recognition that modern libraries needed to be situated in places that would have maximum footfall and the main library hubs for the future were proposed to be situated in Connah's Quay, Mold, Buckley, Flint and Holywell. In addition, the major attraction of Deeside Leisure Centre provided an opportunity for co-locating a library in a facility with major footfall that could serve three communities: Queensferry, Mancot and Hawarden. The demand for the smaller libraries in Mynydd Isa, Saltney and Hope had reduced significantly and the management of the library buildings and provision of services in those locations was not sustainable. However, the community asset transfer scheme,

developed by the Council, gave communities an opportunity to take on those assets.

It was proposed that plans for linking library and Connects developments be made at Mold and Buckley.

Broughton was a community with a growing population and there was a potential to provide some library services if integrated with another provision, such as Connects and it was proposed that a Connects Lite Service be developed.

The table in the report provided details of a medium term plan for library and Connects provision that had the best chance of providing effective and sustainable provision. The plan could be implemented in stages and at each stage it was critical to consult with communities prior to final consideration of any proposal, with details of the dates and key stages being outlined.

The Leader and Cabinet Member for Finance highlighted the budget savings local authorities were required to make and this report provided a statement of intent, with a formal decision to be taken by Cabinet following consultation with local communities and Overview and Scrutiny.

The Deputy Leader and Cabinet Member for Environment expressed the importance of communication with local Members during the consideration of plans such as this, which was accepted.

The Cabinet Member for Housing welcomed the report and said it was about saving services for local communities through alternative delivery.

**RESOLVED:**

- (a) That developing an effective and sustainable network of libraries and Connects Services based on 6 hub locations in Connah's Quay, Mold, Flint, Buckley, Holywell and Deeside Leisure Centre be committed to;
- (b) That the proposals for the development of a new hub library at Deeside Leisure Centre with services from Hawarden, Mancot and Queensferry libraries being re-located to the new library, as outlined in the report, be consulted on;
- (c) That new Connects services in Mold and Buckley located within the libraries be developed; and
- (d) That specific communities during 2015 be engaged with to:
  - Assess the feasibility of a community asset transfer in Mynydd Isa, Saltney and Hope libraries; and
  - Explore the potential of a community library and some Connects service provision in a community managed building in Broughton

**139. FLINTSHIRE'S STRATEGIC HOUSING AND REGENERATION PROGRAMME (SHARP) - UPDATE**

The Cabinet Member for Housing provided an update on Flintshire's Strategic Housing and Regeneration Programme (SHARP), which sought approval to progress the next key stages of the procurement to appoint a development partner.

Six potential bidders completed and returned a Pre-Qualification Questionnaire (PQQ), with four bidders being invited to participate in the tender process. Details of those bidders were provided in the report, with Cabinet considering a report on 19 May to select the preferred bidder.

Full details of the housing delivery programme, funding solutions, community benefits and proposed timetable revisions were contained in the report.

**RESOLVED:**

That the following be approved:

- Inclusion of new indicative sites as part of the Programme and further prioritisation;
- Prudential borrowing as the 'preferred approach' for Council units;
- Leaseback as the 'preferred approach' for funding affordable to rent units in Chapel Street, Flint;
- Incorporation of the CITB for the Council to achieve CITB accredited employer status; and
- The new timescale to allow incorporation of the above elements

**140. RENEWABLE ENERGY 10 YEAR ACTION PLAN**

The Deputy Leader and Cabinet Member for Environment provided an update on the development of a 10 year Renewable Energy action plan, the reasoning for the plan and specific actions to commence the process of identifying and subsequently developing suitable sites, where approved by Cabinet.

The County owned a number of "brownfield" sites and once identified, these would be among the first to be assessed for their suitability for renewable energy generation. One of the most promising being the opportunity to identify suitable land holdings to plant trees which would provide an ongoing supply of biomass for as long as the woodland was maintained and looked after.

There were also large amounts of waste wood collected at Council Civil Amenity Sites which had the potential to be used to provide power generation and be used to heat and light County buildings.

Timing was critical to maximise the financial benefits to the Council. Approval of the Renewable Energy action plan would be a good step in the right direction and would enable suitable sites to be identified and submitted to future Cabinet meetings for approval. It was anticipated that proposals for some

potential schemes may be sufficiently developed to be submitted to Cabinet in April 2015 for consideration.

Cabinet Members welcomed the report which would see an enhanced environment and a reduction in fossil fuels and carbon emissions. They also welcomed future reports to Cabinet with the identification of possible sites.

**RESOLVED:**

- (a) That the “Large Scale Renewable Energy Action Plan” attached to the report be approved;
- (b) That the undertaking of a public consultation exercise, to gain public support/comment to the aims and objectives and to provide feedback that can help shape the Renewable Energy Action plan in future be approved; and
- (c) That investigating ways of utilising the waste wood collected at Flintshire County Council C.A. sites, as a potential fuel, be approved.

**141. FORMAL RESPONSE TO THE DRAFT NATIONAL TRANSPORT PLAN**

The Deputy Leader and Cabinet Member for Environment provided details of the Council’s response to the Welsh Government’s (WG) consultation documentation for the Draft National Transport Plan (NTP).

The Taith Board had agreed to provide a regional response to the Draft NTP which was agreed at a meeting on 13 February 2015. In addition to the regional response, Flintshire County Council had prepared an individual County response, given its geographical position as one of the gateway authorities to North Wales.

The response detailed the Councils view on the national transport priorities required to address the increasing local demands brought about by large scale development and the future proposed economic growth in the County and the North Wales region. A summary of the key issues and transport priorities Flintshire provided in its consultation response were detailed in the report.

Members commented on the importance of the responses made by the Council, in particular the need for an upgraded interchange at Broughton to serve Broughton Retail Park and Airbus and to provide access to the Trunk Road Network, and the potential trunking of the A548.

**RESOLVED:**

That Flintshire County Council’s response to the Draft National Transport Plan be noted.

**142. REVENUE BUDGET MONITORING 2014/15 (MONTH 9)**

The Leader and Cabinet Member for Finance introduced the latest revenue budget monitoring information for 2014/15 for the Council Fund and

Housing Revenue Account based on actual income and expenditure as at Month 9 and projected forward to year-end based on the most up to date information available.

The Corporate Finance Manager explained that the year-end position, as estimated at Month 9 was:

Council Fund

- Net in year expenditure forecast to be £1.978m lower than budget
- Projected contingency reserve balance at 31 March of £4.919m

Housing Revenue Account

- Net in year expenditure forecast to be £0.304m less than budget
- Projected closing balance as at 31 March 2015 of £1.470m

The table in the report showed the projected position by portfolio which reflected the Council's new Operating Model, and showed a projected in year expenditure to be £1.978m less than budget.

The report provided details on the significant budget movement between Month 8 and Month 9, corporate and functional efficiencies, workforce efficiencies, inflation, monitoring budget assumptions and risks and changes to previously reported risks.

On un-earmarked reserves and current projected outturn, the projected balance on the contingency reserve at 31 March 2015 was £4.919m, full details of which were contained in Appendix 4 to the report.

The position at Month 9 on the Housing Revenue Account (HRA) was an overall projected underspend of £0.304m and a projected closing balance of £1.470m, which at 4.89% of total expenditure satisfied the prudent approach of ensuring a minimum level of 3%. Appendix 5 to the report provided details of the reasons for significant variances.

**RESOLVED:**

- (a) That the report be noted;
- (b) That the projected Council Fund contingency sum as at 31 March 2015 be noted; and
- (c) Note the projected final level of balances on the Housing Revenue Account.

**143. CAPITAL PROGRAMME 2014/15 (MONTH 9)**

The Corporate Finance Manager provided Members with the Month 9 (end of December) capital programme information for 2014/15.

Changes to the programme since approval of the budget, with cumulative information relating to each programme area, was provided in Appendix A and summarised in the report.

Early Identified Rollover of £2.225m had been identified which reflected reviewed spending plan across all programme areas and those committed amounts had been identified as now required to meet the cost of programme works in 2015/16.

Actual expenditure at the end of September (Month 9) across the whole of the programme was £23.037m. The breakdown of expenditure was analysed in the table in the report, along with the percentage spend against budget, which showed that 54.04% of the budget had been spent across the programme (County Fund 51.84% and Housing Revenue Account (HRA) 64.58%).

**RESOLVED:**

- (a) That the report be noted and approved; and
- (b) That the rollover adjustments in paragraph 3.05.2 of the report be approved.

**144. COMMUNITY CHEST GRANT FUNDING**

The Leader and Cabinet Member for Finance provided details of the new procedures for payment of Grants to Third Sector Organisations from the Council's Community Chest Fund.

Members of the Voluntary Sector Grants Panel had agreed that in future its role would be transferred to the Flintshire Local Voluntary Council (FLVC) who with one Councillor and one Officer would make recommendations on Grants to the Chief Executive.

The Leader's Scheme of Delegation of Executive Functions contained in the Constitution would need to be updated to reflect transferring the work of the Voluntary Sector Grants Panel to the FLVC supported by one Member and one Officer and there was also a need for the Leader or Cabinet to appoint the Flintshire Member to form part of the new arrangements. The Leader and Cabinet Member for Finance suggested Councillor David Wisinger, who was Chair of the existing Panel, as the Member to serve on the Panel which was supported.

**RESOLVED:**

- (a) That the applications for funding by Third Sector Organisations from the Council's Community Chest Fund be processed by Flintshire Local Voluntary Council (FLVC);
- (b) That decisions on funding be made by the Chief Executive after considering recommendations from a Panel comprising two representatives of FLVC together with a Member and an Officer of the Council; and
- (c) That Councillor David Wisinger be the Member to serve on the new Panel.



**145. THE FUTURE OF THE RIGHT TO BUY AND RIGHT TO ACQUIRE**

The Deputy Leader and Cabinet Member for Environment provided details on the Welsh Government (WG) consultation currently open concerning the Right to Buy and Right to Acquire and sought support for the proposed response to the consultation.

Social housing tenants had the ability to purchase their homes under the Right to Buy for Council tenants, or the Right to Acquire for tenants of a Registered Social Landlord (RSL).

The Right to Buy Scheme in Wales gave tenants a discount of up to £16,000 on the market value of their home and the longer the person had been a tenant, the greater discount they could receive up to the maximum limit.

During the last 5 years the Council had sold 33 properties under the Right to Buy, generating a capital receipt of £549,325 from the 25% it was permitted to retain once the remainder had been returned to the treasury. The capital receipt was a one off payment the Council received. By comparison the 33 sold properties reduced income to the Council by £132,000 each year.

There was currently a provision for councils to apply to WG to suspend the Right to Buy in specific areas for an initial five years and an application would be submitted over the coming months for that suspension, given that there was an intention to build 200 new Council homes over the next 5 years.

**RESOLVED:**

- (a) That the Welsh Government consultation currently open concerning the Right to Buy and the Right to Acquire be noted; and
- (b) That Flintshire County Council respond positively to the consultation and supports early implementation of the reduction to the discount, followed by the ending of the Right to Buy and Right to Acquire.

**146. HOUSING ACT 2014 (WALES) - HOMELESSNESS AND POWER TO DISREGARD THE TEST OF INTENTIONALITY**

The Cabinet Member for Housing introduced the report which explained the powers of applying the test of intentionality.

From April 2015 local housing authorities would be able to disregard the assessment of whether an applicant, approaching the authority as homeless, had been responsible for the actions that resulted in the loss of their previous accommodation.

Under regulation 78 of the Housing (Wales) Act 2014, rather than be under a legal duty to do an assessment, the Council would have the power to decide whether it applied the intentionality test for any category of homeless applicant.

The Welsh Government (WG) had recognised that disregarding the homelessness intentionality test was a significant decision for a local housing

authority to take and could have financial implications. Therefore, it would be prudent for the authority to maintain the use of the homelessness intentionality test.

**RESOLVED:**

That following implementation of the Housing Act 2014 (Wales), the Authority should still have regard to the homelessness intentionality test and this will be reviewed regularly.

**147. ENFORCEMENT OF THE ENVIRONMENTAL POWERS UNDER THE ANTI-SOCIAL BEHAVIOURS, CRIME AND POLICING ACT 2014**

The Cabinet Member for Waste Strategy, Public Protection and Leisure introduced the report which provided details on the enforcement of the environmental powers under the Anti-Social Behaviour, Crime and Policing Act 2014.

The implications of the new legislation has been considered by the Environment Overview and Scrutiny Committee in January 2015 and as a result, the Housing Department's Anti-Social Behaviour Policy had been amended to accommodate those changes.

The reforms set out in Parts 1-6 of the Act were intended to ensure that officers had effective powers that were quick, practical and easy to use to provide better protection to victims and communities and act as a deterrent to perpetrators. 19 existing powers were replaced with six more flexible ones.

Two of the new powers that had been conferred upon local authorities were the Community Protection Notice and the Public Space Protection Order (PSPO). Full details of both powers were provided in the report.

In order that the powers were exercised it was recommended that the Chief Officer (Planning and Environment) and the Chief Officer (Community and Enterprise) be given delegated authority to authorise the appropriate officers to undertake those duties.

Also, as the PSPO was solely a local authority power, delegated authority was recommended for the Chief Constable of North Wales Police to discharge the enforcement powers to police officers.

**RESOLVED:**

- (a) That the Chief Officer (Planning and Environment) and the Chief Officer (Community and Enterprise) be given delegated authority to authorise officers to serve Community Protection Notices and Fixed Penalty Notices in the event of a breach, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014;
- (b) That the Chief Officer (Planning and Environment) be given delegated authority to designate and approve Public Space Protection Orders on behalf of Flintshire County Council, and authorise officers to enforce

identified prohibited activities in areas designated by such orders, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014;

- (c) That power to enforce PSPO's be delegated to the Chief Constable of North Wales Police to discharge the enforcement powers to police officers; and
- (d) That the new tools and powers available to social landlords, and the amendments made to the Housing Anti-Social Behaviour Policy to enable the Council to make effective use of legislation, be supported.

#### **148. SCHOOL ADMISSION ARRANGEMENTS 2016/17**

The Cabinet Member for Education provided details of the outcome of the statutory consultation exercise on the school admission arrangements for September 2016.

There were no changes proposed to the current admissions policy or oversubscription criteria. The policy supported the principle of pupils attending their nearest school and following consultation with Headteachers, there were also no changes proposed to any admission numbers.

#### **RESOLVED:**

That the admission arrangements for 2016/17 be approved.

#### **149. WORKFORCE INFORMATION REPORTS QUARTER 3 2014/15**

The Leader and Cabinet Member for Finance introduced the report which provided an update on the third quarter for 2014/15 and covered the following areas:

- Headcount and full time equivalent
- Organisational age profile
- Employee turnover and stability
- Attendance
- Performance appraisals and development
- Resource management
- Equality and diversity

The Deputy Leader and Cabinet Member for Environment said the new dashboard style of reporting had been well received at Corporate Resources Overview and Scrutiny Committee.

#### **RESOLVED:**

That the Workforce Information Report for Quarter 3 be noted.

#### **150. EXERCISE OF DELEGATED POWERS**

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

Organisational Change

- **Alternative Delivery Models – Investment Requirements**

The provision of specialist commercial and technical support to assist in the delivery of Alternative Delivery Models (ADM). Essentially the delivery of commercial and cultural change support such as finance, human resources, procurement, legal and governance

Children's Services

- **Action for Children Exemption**

To advise Members of the intention to exempt Action for Children from the formal OJEU procurement rules. To request Members support for this action to be taken forward. Action for Children are a well-respected National Charity who have been providing services in Flintshire for over 10 years. They provide two main services to vulnerable children and young people and their families living in Flintshire.

Flintshire is required to ensure that we are fair and equitable in carrying out the procurement process. The current value of the two contracts with Action for Children is £517,206. Due to this high value the OJEU procurement rules would be followed. However these services fall within Part B social care exemption category of the procurement rules which enables us to negotiate with the current provider for efficiencies to be saved over the next 3-5 years during the lifetime of a further contract.

**151. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press in attendance.

(The meeting started at 9.30 am and ended at 12.15 pm)

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**Chairman**