

CABINET
19TH APRIL 2016

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 19th April 2016

PRESENT: Councillor Aaron Shotton (Chair)

Councillors: Bernie Attridge (Deputy Leader), 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 (Streetscene and Transportation), Chief Officer (Organisational Change), Chief Officer (Organisational Change), Corporate Finance Manager and Team Manager – Committee Services

OTHER MEMBERS IN ATTENDANCE:

Councillors: Hilary Isherwood, Dave Mackie and Nigel Steele-Mortimer

171. DECLARATIONS OF INTEREST

On agenda item numbers 8 and 9, School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Llanfynydd and School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Maes Edwin, the Chief Officer (Governance) explained that any Members who were a School Governor had a personal interest. The interest was not prejudicial as the item was not relating to a particular school. Councillors Brown, Butler, Christine Jones, Kevin Jones and Shotton declared personal interests.

172. MINUTES

The minutes of the meeting held on 22nd March 2016 had been circulated with the agenda.

RESOLVED:

That the minutes be approved as a correct record.

The Chair advised that agenda item numbers 8 and 9 would be considered first.

173. SCHOOL MODERNISATION - SCHOOL STANDARDS AND REORGANISATION ACT 2013 - YSGOL LLANFYNYDD

The Chief Officer (Education and Youth) introduced the report on School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Llanfynydd.

Following consideration of the committee and consultation report at Cabinet on 19th January 2016, a Statutory Proposal was issued for Ysgol Llanfynydd on 29th January 2016 which ran until 26th February 2016.

The areas of concern during the objection period were explained as:

- Concerns on the accuracy of data and evidence in the consultation document (including cost of repair work) and concerns that the Council hadn't followed process
- Impact on the community/future use of the site should the school close
- Opinion that federation was a viable option, concern that the Council was not actively encouraging federation
- Opinion that closing schools should not be about money
- Traffic and transport
- Admission and transition arrangements
- Potential housing developments not taken into consideration
- Impact on children
- Parental preference was being taken away
- Opinion that there was not sufficient places in other schools in the area

The Council had demonstrated in its consultation documents that there was sufficient capacity within the local school network to accommodate pupils from Ysgol Llanfynydd should it close. That view was upheld by Estyn in its response. However, additional places if required could be established at Ysgol Parc Y Llan, Treuddyn for all current pupils of Ysgol Llanfynydd. This would be at either no cost or minimal cost.

Based on the transport eligibility determined by the Authority, 17 pupils who lived in Flintshire and currently attended Ysgol Llanfynydd would be entitled to free home to school transport based on the assumption that those pupils transferred to their nearest school, Ysgol Parc Y Llan.

At the time of writing and presenting the report, the Governing Body of Ysgol Llanfynydd had not been able to identify a willing partnering school or schools with which to pursue a federation. If Cabinet implemented the proposal for school organisational change at Ysgol Llanfynydd, the school would close on 31st August 2016. The Chief Officer explained that in making their decision, Cabinet Members should have an open mind and consider consistency factors such as resourcing of education. The Council needed to ensure that there were sufficient number of school places, of the right type, in the right locations. He added that on spend per pupil at schools, pupils at Ysgol Llanfynydd received £1,569 above the average spend on children at other schools. The proposal would result in fairer and equitable funding to all pupils in the County.

The Council would take all practicable steps to ease the transition for all pupils, particularly for vulnerable learners such as those with Additional Learning Needs (ALNs) and would work alongside pupils, their parents, and the relevant schools to make appropriate transition arrangements.

Councillor Bithell reiterated that all concerns raised during the objection period had been carefully considered, explaining that the School Organisational Code had been followed at each stage of the process. He concurred with the

comments from the Chief Officer on the following: no concerns raised by Estyn; sufficient places in a nearby school; sufficient time being given for proposals of a federation; and the average spend per pupil being £1,569 higher for those at Ysgol Llanfynydd. He explained that on the concern raised on potential housing developments, no large scale developments were detailed in the Council's Unitary Development Plan (UDP). On the reason for the proposal, he explained that the school was above the government target of 10% surplus places, with Ysgol Llanfynydd having 57.5% surplus places. In addition, 44% of pupils at the school were from outside the area. The school had been subsidised for a number of years but because of the cuts made by Central Government, which were passed on to Welsh Government (WG) and then on to local authorities, the subsidy of the school was not possible or sustainable. In concluding, he moved that Ysgol Llanfynydd be closed from 31st August 2016 with pupils transferring to other schools in the area subject to parental preference. This was duly seconded.

In response to a question from Councillor Attridge, the Chief Officer explained that he was working with the transport team to assess which families would be entitled to free home to school transport which would be followed by an independent assessment.

The Chief Executive said it was understandable that the process would be challenged but his professional advice was that the required processes had been correctly followed which was in accordance with Welsh Government policy and Flintshire's policy.

Councillor Shotton said the Council was prepared to fight austerity however if the status quo remained there would be an impact on the classroom in pupil / teacher ratios. He called on other Welsh local authorities to join Flintshire in its lobbying campaign against austerity adding that Flintshire was a low funded Council which had an impact on how education was delivered.

On spend per pupil, Councillor Shotton said the higher spend per pupil at Ysgol Llanfynydd resulted in children in other schools in the County receiving less than them which was unfair. Flintshire had increased the budget for schools by £800k but the pressures in schools were beyond that figure. This pressure was not recognised on a national level and was a clear result of the severity of Central Government cuts.

The Chief Officer responded to a question from Councillor Shotton and explained that drop in sessions would be arranged with families to talk about preferences for children at Ysgol Llanfynydd and any siblings. There were sufficient places in the area for all children to be educated in alternative local schools. However children and parents had expressed a preference for the cohort to move as a group and Ysgol Parc Y Llan could accommodate all pupils and their siblings if that was their preference.

Councillor Brown asked how the numbers had been derived at for the number of pupils expected to receive free home to school transport detailed in the report. The Chief Officer explained that it was normal practice for the authority to make projections based on information contained in the Council's database. There were a number of pupils at the school who did not reside in

Flintshire so it would be the responsibility of their local authority to consider school transport.

In response to a question from Councillor Kevin Jones, the Chief Officer explained that if the school closed and pupils moved to alternative schools in the area, this would provide resilience and sustainability to those schools in that local network.

In conclusion, Councillor Shotton reiterated that the Cabinet would have considered any viable proposition for a federation if one had been proposed. He explained that there was evidence of such decisions and referred to a proposal for a school closure at an alternative school which was now moving forward towards a federation following the submission of a workable proposition.

RESOLVED:

That Ysgol Llanfynydd be closed from 31st August 2016 with pupils transferring to other schools in the area subject to parental preference.

174. SCHOOL MODERNISATION - SCHOOL STANDARDS AND REORGANISATION ACT 2013 - YSGOL MAES EDWIN

The Chief Officer (Education and Youth) introduced the report on School Modernisation – School Standards and Reorganisation Act 2013 – Ysgol Maes Edwin, Flint Mountain.

Following consideration of the committee and consultation report at Cabinet on 19th January 2016, a Statutory Proposal was issued for Ysgol Maes Edwin on 29th January 2016 which ran until 26th February 2016.

The areas of concern during the objection period were explained as:

- Concerns about the children's welfare, pupils had already transferred from other schools, bullying, unable to obtain a place in schools of their preference, loss of friendship, did not want a large school, support, large class sizes
- Concern that parental preference was being taken away
- Concerns about the consultation process, data, new housing development, process unsettling to school community
- Impact on the community/future use of site should the school close
- Concerns that money already invested in the school
- Concern the Council did not allow enough time for the Governors to consider federation
- Transport

At the time of writing and presenting the report, the Governing Body of Ysgol Maes Edwn had not been able to identify a willing partnering school or schools with which to pursue a federation. If Cabinet implemented the proposal for school organisational change at Ysgol Maes Edwin, the school would close on 31st August 2016. The Chief Officer explained that in making their decision, Cabinet Members should have an open mind and consider consistency factors such as resourcing of education. The Council needed to ensure that there were sufficient number of school places, of the right type, in the right locations. This

proposal would reduce the number of surplus places in the area. Estyn commented that *'The local authority has given a clear rationale for the proposed expected benefits when compared with the status quo in relation to finance, surplus places and the continuity and progression in pupils' learning'*.

The Council would take all practicable steps to ease the transition for all pupils, particularly for vulnerable learners such as those with Additional Learning Needs (ALNs) and would work alongside pupils, their parents, and the relevant schools to make appropriate transition arrangements.

On housing developments, the Chief Officer explained that the Council had fully considered school capacity and potential housing development yield in its consultation documents.

The proposal would result in a fairer and more equal distribution of funding to all pupils in the County. Any transport costs, which would be minimal, would be funded through the savings generated by the reorganisation.

Councillor Bithell concurred with the comments of the Chief Officer and added that the reason for the proposal of closure was as the trigger for the number of surplus places at the school had been hit. There was currently only 10 pupils from the local area attending the school, with 83.6% being from outside the area. He added that all concerns raised throughout the process had been responded to in full.

There were no large scale housing developments identified in the Council's Unitary Development Plan (UDP).

He reiterated his comments from the previous item on the agenda that this proposal was before Cabinet due to the cuts made by Central Government, which were passed on to Welsh Government (WG) and then on to local authorities. Continued subsidy of the school was not possible or sustainable. On concluding, he moved that Ysgol Maes Edwin be closed from 31st August 2016 with pupils transferring to other schools in the area subject to parental preference. This was duly seconded.

Councillor Attridge said that following the Cabinet meeting in January 2016 he had been hopeful that a federation proposal would be submitted however nothing had been received. He reiterated Councillor Shotton's comments on the previous item that had a viable federation proposal been submitted, it would have been considered by the Cabinet.

Councillor Kevin Jones asked if there were sufficient places in the area for those pupils from Ysgol Maes Edwin and any siblings. The Chief Officer explained that there were sufficient places however he was mindful that some families had moved to Ysgol Maes Edwin from nearby schools. They may therefore, in line with parental preference, not want to move their children to the schools with places but discussions would be undertaken with all affected families.

The Chief Executive explained that the correct process had been followed which was compliant with the policies of Welsh Government and Flintshire County Council. The school was not sustainable in its current form.

Councillor Butler said this was another difficult decision for the Cabinet, highlighting that this was due to austerity and cuts made by Central Government.

RESOLVED:

That Ysgol Maes Edwin be closed from 31st August 2016 with pupils transferring to other schools in the area subject to parental preference.

175. THE IMPROVEMENT PLAN 2016-17

Councillor Shotton introduced the report on the Improvement Plan for 2016/17 which had been refreshed and updated to reflect the key priorities of the Council for the next year. The structure of the plan was retained with the eight priorities and the sub priorities. Five of the eight priorities continued with a refresh of longer term projects or ambitions, whereas the remaining three had been reviewed to reflect local circumstances and priorities.

There was also a new section within each sub priority which referenced national issues that had the potential to impact upon achievement of the priorities. Those issues would be referenced in the Medium Term Financial Strategy for 2016-2020.

The Chief Executive explained that the first Improvement Plan and the 'How we Measure' documents would be considered at each of the relevant Overview and Scrutiny Committees prior to final consideration by Cabinet on 14 June and endorsement by County Council later that day. In recent years the Plan had been effective in setting priorities and achieving outcomes which had been validated by the Wales Audit Office (WAO) with an extract of their Corporate Assessment report provided in the Cabinet report.

There was an additional section in the Plan which was on national policy issues which could impact the Council's ability to deliver and achieve.

Councillor Attridge queried the inclusion of Gypsy / Traveller Community on page 3 under the Priority for Housing and was advised that should be removed from the Improvement Plan.

RESOLVED:

- (a) That the substantial content of the Improvement Plan and 'How we Measure' document be approved; and
- (b) That any changes in the documents be agreed with Portfolio leads and Members prior to consideration by Overview and Scrutiny Committees

176. MEDIUM TERM FINANCIAL STRATEGY 2016/17 - 2018/19 AND THE COUNCIL FUND REVENUE BUDGET 2017/18

Councillor Shotton introduced the report on the next version of the Medium Term Financial Strategy (MTFS) which would be set for the period 2016/17-2018/19. Republication of the strategy for the period would both meet the agreed three-year planning cycle and forward plan the Council financial strategy to 2019.

The Chief Executive explained that the Council had adopted a three part strategy of addressing the financial 'gap' each year which was: service reform; corporate financial stewardship and working with Welsh Government (WG). He recommended that the three part strategy be continued.

Flintshire was a low funded Council and had made the case that it was particularly exposed to the impacts of the significant annualised reductions in public sector funding to meet current and new cost burdens. The risks to Council performance posed by the financial position would be set out clearly before new Government Ministers once the new Government was appointed following the National Assembly for Wales elections on 5 May 2016.

The original forecast for the 2017/18 financial year set a likely 'gap' between the total spending requirement, and anticipated income, of £13.7M. That forecast had been revised based on more recent budget developments. A first iteration of the revised budget forecast for 2017/18 was detailed in Table 1 in the report which was explained in detail by the Corporate Finance Manager with the projected gap revised to £12.20M.

Councillor Kevin Jones commented that the Single Environment Grant should be included in the document which the Chief Executive responded to say this would be covered in the third part of the strategy, Working with WG.

Councillor Shotton explained that progress against the approved budget 2016/17 would be monitored and reported through the monthly budget monitoring reports to Cabinet and Corporate Resources Overview and Scrutiny Committee. The initial forecast as shown in Table 1 would be the subject of ongoing professional review, consultation with Group Leaders and Overview and Scrutiny Committees, consultation with external advisors and representative bodies such as the Welsh Local Government Association (WLGA).

The business plan proposals would be reported to Overview and Scrutiny Committees for consultation in May and June which was earlier than in previous years. He commented on the need to continue lobbying WG and seek early discussions with Ministers following the election in May.

RESOLVED:

- (a) That the framework for the revision of the Medium Term Financial Strategy 2016/17-2018/19 be adopted; and
- (b) That the developing portfolio business plans and corporate financial stewardship plans for early consideration with the Overview and Scrutiny Committees be endorsed.

177. INDEPENDENT COMMISSION ON LOCAL GOVERNMENT FINANCE IN WALES

The Chief Executive introduced the report on the Independent Commission of Local Government Finance in Wales. The Welsh Local Government Association (WLGA) had appointed the commission to examine the sustainability of the local government finance system in Wales, recommending improvements for the future.

As part of the process the Commission called for evidence and Flintshire made a written submission following a debate at County Council on 20 October 2015.

The recommendations made by the Commission were outlined in full in the report.

Councillor Shotton welcomed the report with most of the Commission's recommendations being consistent with the lobbying and demands for localism that Flintshire had been at the forefront in requesting. He suggested that the report be submitted to County Council following the National Assembly for Wales elections on 5 May which was agreed.

RESOLVED:

- (a) That the report and recommendations of the Independent Commission be welcomed; and
- (b) That the Welsh Local Government Association be supported in advocating that the new Welsh Government adopt the recommendations of the Commission as a priority post-election.

178. PROPOSED REVIEW OF THE WASTE COLLECTION AND HOUSEHOLD RECYCLING CENTRE SERVICES

Councillor Kevin Jones introduced the report on the proposed review of the Waste Collection and Household Recycling Centre Services.

Welsh Government (WG) had set each Council in Wales challenging recycling targets and failure to achieve those targets would result in significant financial penalties being served. To achieve the more challenging targets, more waste needed to be recycled.

The majority of residents in Flintshire had embraced the current recycling service since it was launched in 2012 with most residents recycling the bulk, if not all of their recyclable waste. There remained however a sizeable minority of residents who did not participate fully with the system and in some cases, did not recycle any of their waste. That was unfair on the residents who did support the service and there needed to be a way of ensuring that everybody contributed to the efforts to achieve the targets and avoid the fines that would result if those targets were not met.

In future, all non-recyclable waste must be contained within the Council supplied black wheeled bin and any material presented in addition to this would be classed as side waste. From 1st June 2017 no side waste would be collected. The normal bin would be emptied and the side waste placed back in the container and a sticker placed on the bin to inform the resident of the new arrangements. From 1st September 2017 any side waste material presented for collection would be subject to enforcement action and a fixed penalty notice would be issued to the resident in the first instance.

The current arrangement would remain in place prior to June 2017 which was that if any excess side waste was presented it would be noted by the crews and staff from the service would call on the resident to investigate the level of waste being produced by the property.

Following a question from Councillor Attridge, the Chief Officer (Streetscene and Transportation) explained that during the 12 month period prior to implementation staff would work with the public to educate them on the recycling requirements and a period of intense public consultation would take place.

In addition, WG was undertaking a review of the Council's Household Recycling Centre (HRC) provision. Early indications from the study showed that the Council had more HRC sites than necessary, and that the facilities offered at each site did not match the minimum requirements for the high quality sites which achieved the high levels of recycling elsewhere in Wales. The WG study would make a final recommendation on the most effective solution in terms of numbers and locations for the future of HRC site provision and would make a recommendation on the optimum configuration and location of sites.

The revised Waste Collection and Household Recycling Centre Policy would be presented to Cabinet in May 2016, which would allow feedback from the current consultation process to be considered and included in the revised policy.

RESOLVED:

That the ongoing consultation be supported and Welsh Government (WG) review work in order to deliver the 2016-18 Business Plans for the waste service and that a further report be presented to Cabinet in May 2016 once WG review and the public consultation period have been completed.

179. REVENUE BUDGET MONITORING 2015/16 (MONTH 10)

The Corporate Finance Manager introduced the Revenue Budget Monitoring 2015/16 (Month 10) report which provided details on the latest revenue budget monitoring position for 2015/16 for the Council Fund and the Housing Revenue Account and reported that no specific issues had been raised when considered at the recent Corporate Resources Overview and Scrutiny Committee meeting. The position was based on actual income and expenditure as at Month 10 and projected to the year-end. The projected year-end position, as estimated at Month 10 was as follows:

Council Fund

- Net in year expenditure forecast to be £1.110m lower than budget
- Projected contingency reserve balance at 31 March 2016 of £4.746m

Housing Revenue Account

- Net in year expenditure forecast to be £0.092m lower than budget
- Projected closing balance as at 31 March 2016 of £1.329m

The report provided details on the programme of efficiencies, inflation, unearmarked reserves and earmarked reserves.

The report also outlined details on a number of risk areas as follows:

- Municipal Mutual Insurance (MMI)
- Recycling
- Out of County Placements

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2016 be noted; and
- (b) That the projected final level of balances on the Housing Revenue Account be noted.

180. EXERCISE OF DELEGATED POWERS

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

Organisational Change

- **Community Asset Transfer of Connah's Quay Swimming Pool, Connah's Quay**
The transfer of Connah's Quay Swimming Pool including the land shown in the plan, to Cambrian Aquatics.
- **Community Asset Transfer of Argoed Community Centre Including Library**
The transfer of Argoed Community Centre and Library including the land shown on the plan, to Café Isa.
- **The Disposal of Land for Development of a use as a Medical Resource Centre**
The disposal of an area of the former Leas housing site in Flint Town Centre to Betsi Cadwaladr University Health Board (BCUHB) for the development of a Medical Resource Centre.

- **The Disposal of Land for Development of a use as an Extra Care Facility**

The disposal of an of the former Leas housing site in Flint Town Centre to Pennaf Housing Group for the development of an Extra Care facility.

Streetscene and Transportation

- **Street Works Fees and Charges**

The fees and charges levied for various licences and applications issued within Street Works have been reviewed and the proposed charges for 2016/17 are set out in the table in the delegated powers form.

RESOLVED:

That the actions taken under delegated powers be noted.

181. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the press and 16 members of the public in attendance.

(The meeting started at 9.30 am and ended at 12.05 pm)

.....

Chairman