

CABINET
13 DECEMBER 2016

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 13th December, 2016

PRESENT: Councillor Aaron Shotton (Chair)

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

IN ATTENDANCE:

Chief Executive, Chief Officer (Education & Youth), Chief Officer (Governance), Chief Officers (Organisational Change), Chief Officer (Planning and Environment), Chief Officer (Social Services) and Corporate Finance Manager

The Leader of the Council advised that agenda item number 8, School Modernisation Update, would be brought forward and considered after the minutes of the last meeting.

105. DECLARATIONS OF INTEREST

Councillor Kevin Jones declared a personal and prejudicial interest in agenda item 4 – Development of 2017/18 - 2019/20 Capital Programme. He also declared a personal interest in agenda item 12 – Alternative Delivery Models – Implementation Plans for Leisure and Libraries, Facilities Management, Social Care Day Care and Work Opportunities.

106. MINUTES

The minutes of the meeting held on 18th October 2016 had been circulated with the agenda.

RESOLVED:

That the minutes be approved as a correct record.

107. SCHOOL MODERNISATION UPDATE

Councillor Bithell introduced the report on the School Modernisation update which informed Cabinet of the responses from the information consultation period for the Area Review.

Recommendations for the initial phase of the School Modernisation Plan were presented and approved by Cabinet in June 2015. At that time, Cabinet agreed to complete an area review of the following schools; Brynford CP School, Lixwm CP School and Ysgol Rhos Helyg, Rhosesmor. This was due to the schools in the area meeting a number of triggers for review in accordance with the Council's School Modernisation Strategy. Consultation opened on 1st July, 2016 and closed on 26th August, 2016 with consultation events for parents/carers/staff and governors. A copy of the consultation report was shown at Appendix 1 of the report.

The Chief Officer (Education & Youth) commented on the sensitivity recognised when dealing with school organisation and thanked the school staff, governing bodies and school council for their thoughtful and active involvement in the consultation process. He spoke of the clear evidence in the potential for school organisation in Brynford and Lixwm bringing increased resilience over time and that this would be tested during the consultation process. The anticipated consultation timeline was shown at Appendix 4 of the report and it was recommended that the consultation document be published in September 2017 with a view of implementing the selected option in September 2018.

Councillor Attridge asked if a proposal for a federation between Brynford CP School and Lixwm CP School was submitted by the governing bodies, could this be considered prior to the formal consultation process beginning in September, 2016. The Chief Officer (Education & Youth) responded that the Schools could submit a proposal for federation at any point in time for Cabinet to consider.

The Chief Executive advised that Cabinet would need to consider making funds available through the Capital Programme for any re-modelling works required.

In response to a question from Councillor Attridge, the Chief Officer (Education & Youth) explained that there was sufficient evidence that Rhos Helyg CP School should stand alone.

RESOLVED:

- (a) That Cabinet commission consultation on statutory proposals for school organisation change for September 2017 based on Option B – Area school on two sites – Ysgol Rhos Helyg, Rhosesmor would remain as it is, retain its name, category, budget, governors, staff and would remain in its community. Brynford CP and Lixwm CP would amalgamate onto one site. The amalgamated school would retain its category but would have a new name, governing body, head teacher and budget and would remain in one of the communities, either Brynford or Lixwm; and
- (b) That if proposals for a federation between Brynford CP or Lixwm CP were to be submitted from both governing bodies prior to consultation on statutory proposals commencing in September 2017, this would be considered by Cabinet at that time.

108. DEVELOPMENT OF 2017/18 - 2019/20 CAPITAL PROGRAMME

The Chief Officer (Organisational Change) introduced the developing Capital Programme for the period 2017/18 – 2019/20. The report built on the Capital Strategy and Asset Management Plan adopted in February 2016 and information contained within the report referred to Council Fund schemes only.

The council funded programme primarily supported infrastructure assets and buildings (e.g. highways and schools) and investment in the new or readopted service models (e.g. leisure and social care). The proposed capital

investments were aligned to the portfolio service business plans and the Improvement Plan. The proposal allocations for 2017/18 – 2019/20 were shown at Table 2 of the report and within the table reference was made to £0.100m being allocated to introduce a programme of toilet upgrades in both primary and secondary schools and an annual allocation to fund the most urgent requirements to play areas and synthetic sports pitches.

Table 3 contained within the report detailed proposed investment schemes for 2017/18 – 2019/20. The Chief Officer (Organisational Change) provided detailed information on each of the proposed investment schemes, as outlined within the report including a summary of the generally funded capital programme and estimated available specific funding for 2017/18 – 2019/20 as shown at Table 4 and 5 within the report.

In response to a question from Councillor Butler, the Chief Officer (Organisational Change) explained that details of many capital grants have not been released by the Welsh Government (WG). As they become available they would be reported to Cabinet via the quarterly 2017/18 Capital Programme monitoring reports.

Councillor Attridge welcomed the proposed investment at Glan Aber Primary School, Bagillt and Castell Alun High School as detailed within the report. He commented on the use of capital receipts and sought assurance that schemes would only be proposed once capital receipts had been received. The Chief Officer (Organisational Change) gave an assurance that only capital receipts that have been received to date were included in the total funding available, shown in Table 1 of the report.

In response to a further question from Councillor Attridge around prudential borrowing, the Chief Officer (Organisational Change) explained that it was anticipated that there would be no need for prudential borrowing given the potential for significant capital receipts to be generated during the remainder of 2016/17.

Councillor Christine Jones welcomed the proposal to replace the learning disability day care facility at Glanrafon.

The Chief Executive advised that the proposed Capital Programme for 2017/18 – 2019/20 saw an investment in service models to ensure sustainable services during times of financial pressures.

Councillor Shotton thanked officers for the report and explained that the proposed Capital Programme would be referred to the all Member Corporate Resources Overview & Scrutiny Committee meeting scheduled for 20th January, 2017 for comment prior to being discussed at Cabinet and County Council on 14th February, 2017.

RESOLVED:

- (a) That the allocations and schemes in Table 2 (paragraph 1.07) for Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2017/18 - 2019/20 be approved;

- (b) That the schemes included in Table 3 (paragraph 1.20) for the Investment section of the Council Fund Capital Programme 2017/18 - 2019/20 be approved;
- (c) That it be noted that the shortfall in funding of schemes in 2018/19 and 2019/20 (paragraph 1.30) at this point in the approval process is flexible. Options including a combination of future capital receipts, alternative grants, prudential borrowing or phasing schemes over several years will be considered during 2017/18, and included in future capital programme reports; and
- (d) That the development of a more longer term Capital Strategy and Asset Management Plan be noted.

109. WELSH IN EDUCATION STRATEGIC PLAN

Councillor Bithell introduced the Welsh in Education Strategic Plan (WESP) which had been written in accordance to Welsh Government (WG) guidance and which had to be submitted to WG by 20th December, 2016. The Plan was in its final draft stage before being issued for an eight week consultation with a prescribed list of stakeholders.

The WG launched a draft national strategy to achieve a million Welsh speakers by 2050. WG acknowledges that in order to meet its ambitious target and secure the use of the language in the longer term, children and young people in Wales must be given the change to improve and extend their use of Welsh. Key to this is improving learners' outcomes in Welsh and increasing the number of children accessing their education through the medium of Welsh where children will become totally bilingual.

Councillor Bithell made reference to the recommendation for local authorities following the recent Estyn thematic review as outlined within the report. He also outlined the action plan within the WESP which detailed how it would achieve the seven key outcomes determine by WG.

The Chief Officer (Education & Youth) outlined the vision statement, principles and commitment of the local authority in supporting the Welsh language and Welsh medium education, as detailed within the report. He also advised that based on the consultation responses received and any feedback from WG, the Plan would be amended. Once final approval had been receive from WG, the Plan would be operation from 1st April, 2017.

Councillor Shotton reported that the Plan would be considered by the Education & Youth Overview & Scrutiny Committee on 15th December, 2016. He also commented on the successful increased provision in Welsh medium education at Ysgol Glannau Dyfrdwy.

Councillor Christine Jones commended the work of Cylch Meithrin, Garden City which through Mudiad Meithrin and Flying Start Programmes provided free quality Welsh medium childcare provision to parents in the area.

Councillor Kevin Jones said that WG had set a very ambitious target in achieving such a high number of Welsh speakers but raised concerns that in order to achieve this additional resources would be required which were not being passported from WG to local authorities.

Councillor Bithell advised that allocated commuted funding could be set aside for the purchase of land. As part of the revised WESP for 2017-2020 the Council would undertake a consultation with all of its English medium primary and secondary schools to raise awareness of the language categorisation model and to test whether there was capacity for schools to consider changing their language status. The outcome of this consultation would then inform any future plans for changes to the Flintshire schools' profile of language categorisation.

RESOLVED:

- (a) That the changes in the guidance on Welsh in Education Strategic Plans be acknowledged;
- (b) That the Flintshire's Welsh in Education Strategic Plan be approved; and
- (c) That the recommendations from the Estyn Thematic Review in Welsh in Education Strategic Plans be noted.

110. QUARTER 2 IMPROVEMENT PLAN 2016/17 MONITORING REPORT

Councillor Mullin introduced the Quarter 2 Improvement Plan Monitoring Report which showed positive levels of achievement. The majority of activities were assessed as making good progress (98%) and likely to achieve the desired outcome (54%). 70% of the performance indicators (PIs) met or exceeded targets for the quarter. Risks were also being successfully managed with the majority being assessed as moderate (70%) or minor/insignificant (18%).

The Chief Executive explained that the report was an exception based report and therefore detailed areas of under-performance:-

- 10 PIs which showed a red RAG status for quarter two
- six major red risks

In conclusion the Chief Executive explained that overall the position was positive with 77% having a green or amber RAG status. Individual priority reports would be submitted to the respective Overview and Scrutiny Committees.

RESOLVED:

- (a) That the following be agreed:
 - The levels of progress and confidence in the achievement of high level activities which seek to deliver the impacts of the Improvement Plan;
 - The performance against Improvement Plan performance indicators; and
 - The current risk levels for the risks identified in the Improvement Plan

- (b) That Cabinet Members be assured by plans and actions to manage the delivery of the 2016/17 Improvement Priority, subject to Overview and Scrutiny Committee review.

111. REVENUE BUDGET MONITORING 2016/17 (MONTH 7)

The Corporate Finance Manager introduced the Revenue Budget Monitoring 2016/17 (Month 7) report which provided the latest revenue budget monitoring position for 2016/17 for the Council Fund and Housing Revenue Account based on actual income and expenditure. The report projected how the budget would stand at the close of the financial year if all things remained equal.

The projected year end position, without any further action to reduce cost pressures or to identify new efficiencies was:

Council Fund

- Net in year expenditure forecast to be £1.771m higher than budget
- Projected contingency reserve balance of £1.434m

The overall projected in year position was an increase of £0.218m on the position reported in November 2016. The Council was awaiting a decision from Welsh Government (WG) for an additional in-year transport grant which would reduce the underlying forecast overspend.

Housing Revenue Account

- Net in year expenditure forecast to be £0.037m higher than budget
- Projected closing balance as at 31 March 2017 of £1.061m

The report covered significant budget movements; programme of efficiencies; inflation, reserves and balances; and an overview of the Housing Revenue Account.

The Chief Executive reported that the Revenue Budget Monitoring 2016/17 (Month 7) had been considered by the Corporate Resources Overview & Scrutiny Committee on Thursday 8th December, 2016. The Scrutiny Committee were concerned around the significant portfolio variances as detailed within the report which included the increase in the projected outturn for Out of County Placements in Children's Services due to an increase in the number of Child and Parent placements. The main influence on this increase was the new Social Services and Wellbeing Act which had led to a higher number of court outcomes and placements. This matter needed to be raised with Welsh Government (WG) who when introducing the Act assured local authorities that there would be no negative financial impact.

Councillor Shotton said that there was a need for continued focus on the implications of financial overspend. He said that it had been pleasing to hear the Cabinet Secretary for Economy and Infrastructure had praised Flintshire County Council for the action undertaken in securing the school and public transport

subsidised routes when GHA Coaches went into liquidation, as opposed to neighbouring local authorities.

In response to comments from Councillor Kevin Jones, the Chief Executive advised that the Council was awaiting a decision from WG for an additional in-year transport grant to part fund the costs incurred in procuring a full replacement service provider. The Council expects to recover at least a proportion of the additional cost.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2017 be noted and further work be commissioned on options for mitigating action in the future; and
- (b) That the projected final level of balances on the Housing Revenue Account be noted.

112. CHANGES TO DEVELOPER GUIDANCE NOTES – SPECULATIVE HOUSING DEVELOPMENT PROPOSALS

Councillor Attridge introduced the report to update the Developer Guidance Note relating to Speculative Housing Development, to reflect the status of the Unitary Development Plan (UDP) now that it was time expired, as well as tighten some of the requirements on developers to both fully justify their proposals and to ensure delivery if permission was granted. A copy of the amended Developer Guidance Note with tracked changes was shown at Appendix 1 of the report.

Councillor Attridge reported that, together with officers, he would be meeting with Lesley Griffiths AM, Cabinet Secretary for Environment and Rural Affairs in January, 2017 to voice concerns around the methodology of demonstrating a five year supply of housing and to seek that the matter be reviewed as a matter of urgency.

The Chief Officer (Planning and Environment) reported that the proposed changes had been considered by the Planning Strategy Group.

The proposed changes to the Developer Guidance Note were welcomed. Councillor Bithell suggested that North Wales Assembly Members be lobbied in order to ensure Welsh Government review policy TAN1.

RESOLVED:

That the amended Developer Guidance Note be approved so that it becomes immediately operational for use for Development Management purposes.

113. TO CHANGE THE DELEGATION FOR THE SCRAP METAL DEALERS ACT 2013 AND MOBILE HOMES (WALES) ACT 2013

Councillor Kevin Jones introduced the change to delegation for the Mobile Homes (Wales) Act 2013 report which sought approval to delegate decisions in

relation to the fitness and propriety of any application for a licence under the Mobile Homes Wales Act 2013 to a Public Protection Service Manager.

On 21st April, 2015, a report was submitted to Cabinet, which included a recommendation that any application for a site licence where the fitness and propriety of the applicant was questioned, it be referred to and determined by a Licensing Sub-Committee. It has since become apparent that the Mobile Homes Wales Act 2013 was an executive function, and delegation should not have been passed to the Licensing Sub-Committee as this was a committee of the Council. Therefore, the report seeks approval for any application for a licence under the Mobile Homes Wales Act 2013 to be delegated to a Public Protection Service Manager, in consultation with the Cabinet Member.

Councillor Kevin Jones advised that no decisions had been made in relation to 'fit and proper person' under the legislation so far, therefore no decision had been compromised.

RESOLVED:

That delegated decisions in relation to the grant of a licence in respect of this legislation be given to a Public Protection Service Manager.

114. EXERCISE OF DELEGATED POWERS

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

Community and Enterprise

- **Transfer of 4 No. Properties (Plots 47-50) Inclusive off High Street, Saltney Flintshire from Edwards Homes Saltney Ltd**
In accordance with the Section 106 Agreement dated 19th August, 4 No. dwellings to be used as affordable housing.
- **Leased Accommodation – Homeless Prevention**
Entering into private sector lease agreements to prevent homelessness.

Organisational Change

- **The Sale of Oak Tree Farm, Padeswood CH7 4JF**
The subject comprises farmhouse, buildings and land extending to 28.34 acres (11.47ha) shown edged red on the plan. In addition the purchaser will take up a new tenancy on the land edged blue on the plan extending to 38.51 (15.58 ha).
- **Leisure Services Tariff 2017**
The average price increase for 2017 across all Leisure Services' activities is 2.0%. Spa charges are not included in the revised tariff; they are revised as necessary in line with industry norms. Leisure Services' Tariff runs in accordance with the calendar year rather than the financial year.

Streetscene and Transportation

- **The Flintshire County Council (A550 Wrexham Road and Roads Adjacent, Hope to Penyffordd) (Restricted Road, 30mph, 50mph and De-Restriction Speed Limit) Order 20--**

To advise Members of six objections received, following the advertisement of the proposed A550 Wrexham Road and Road adjacent, Hope to Penyffordd (Restricted Road, 30mph, 50mph and De-Restriction Speed Limit) Order 20--.

RESOLVED:

That the actions taken under delegated powers be noted.

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

RESOLVED:

That the press and public be excluded for the remainder of the meeting for the following items by virtue of exempt information under paragraph 15 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

115. ALTERNATIVE DELIVERY MODELS - IMPLEMENTATION PLANS FOR LEISURE AND LIBRARIES, FACILITIES MANAGEMENT, SOCIAL CARE DAY CARE AND WORK OPPORTUNITIES

The Chief Officer (Organisational Change) introduced the report which updated Cabinet on work undertaken to establish an Alternative Delivery Model for Leisure and Libraries, Facilities Manager and Social Care Day and Work Opportunities.

The Chief Officer (Organisational Change) and Chief Officer (Social Services) provided an update on the implementation plans for each service as detailed within the report. A further report on the proposed Alternative Delivery Model for Social Care Day and Work Opportunities would be presented to Cabinet in January, 2017.

Members thanked officers, the workforce and trade unions for actively engaging in the process and for the work undertaken.

Councillor Attridge commented on the recommendations of the report and said that it was unclear at the current time if the estimated savings could be met through the procurement of a contract with the recommended provider for Social Care Day and Work Opportunities. He asked that this be discussed when considering the further report in January, 2017.

RESOLVED:

- (a) That the establishment of a Community Benefit Society to deliver Leisure, Library and Museum Services from 1st July 2017 be agreed and that delegated authority be given to the Chief Officer for Governance to enter

into the necessary legal agreements to establish this organisation, transfer services to, and contract with the organisation;

- (b) That prior to completion of transfer of services to this organisation a number of conditions need to be met, as detailed below, and that delegated authority be given to the Chief Officer Organisational Change in consultation with the Cabinet Portfolio Holder for Waste Strategy, Public Protection and Leisure and the Portfolio Holder for Education to sign these conditions off.
- That the staff vote supports the establishment of the new organisation;
 - Successful appointment of a senior management team and the Board;
 - Finalisation of work and diligence on Transfer of Undertaking Protection of Employment (TUPE) and pensions;
 - Finalisation of work on state aid exemption to ensure a grant aided contract is legally compliant;
 - Finalisation of work on the Tax position to ensure the estimate position in the business plan can be delivered;
 - Planned configuration of the financial system (Masterpiece) to address the requirements of the company;
 - That after diligence the final plans show the estimated financial benefits can be delivered;
- (c) That the establishment of a Local Authority Trading Company (LATC), using a TECKAL exemption to deliver Facility Management Services (Catering and Cleaning), from 1st April 2017 be agreed and that delegated authority be given to the Chief Officer for Governance to enter into the necessary legal agreements to establish the organisation and contract with it;
- (d) That prior to completion of transfer of these service to this organisation a number of conditions need to be met, as detailed below, and that delegated authority be given to the Chief Officer Organisational Change in consultation with the Deputy Leader of the Council and Cabinet Member for Environment to sign these conditions off.
- Successful appointment of the Board
 - Finalisation of work and diligence on Transfer of Undertaking Protection of Employment (TUPE) and pensions;
 - Finalisation of work on the Tax position to ensure the estimate position in the business plan can be delivered;
 - Planned configuration of the financial system (Masterpiece) to address the requirements of the company.
 - That after diligence the final plans show the estimated financial benefits can be delivered
- (e) That subject to approval of the recommended provider by Cabinet in January 2017 to agree to contract Day Care and Work Opportunities to a social provider of such services from 1st April 2016, that delegated authority be given to the Chief Officer for Governance to enter into the

necessary legal agreements to contract with, and transfer services to the organisation; and

- (f) That prior to contracting with the organisation a number of conditions need to be met, as detailed below, and that delegated authority be given to the Chief Officer Social Services in consultation with the Portfolio Holder for Social Services to sign these conditions off.
- That the savings estimated can be met through the procurement of this contract with the recommended provider.
 - That the recommended provider is able to clearly demonstrate how they will work with the Council to maximise the delivery of social value and community benefits and that this process engages key stakeholders including members, staff, users and trade unions.
 - That a robust contract monitoring process is put in place to ensure quality of service is maintained and improved.
 - Finalisation of work and diligence on Transfer of Undertaking Protection of Employment (TUPE) and pensions;

116. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was five members of the public and one member of the press in attendance.

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Chairman