

CABINET
18 DECEMBER 2018

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 18th December 2018.

PRESENT: Councillor Aaron Shotton (Chair)

Councillors: Bernie Attridge, Chris Bithell, Derek Butler, Christine Jones, Ian Roberts and Carolyn Thomas.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Housing and Assets), Chief Officer (Education and Youth), Chief Officer (Streetscene and Transportation), Corporate Finance Manager and Team Leader – Democratic Services.

APOLOGY:

Councillor Billy Mullin.

OTHER MEMBERS IN ATTENDANCE:

Councillors: David Evans, David Healey, Gladys Healey, and Patrick Heesom.

272. DECLARATIONS OF INTEREST

None.

273. MINUTES

The minutes of the meeting held on 20th November 2018 were approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

274. COUNCIL FUND BUDGET 2019/20 - UPDATED FORECAST AND PROCESS FOR STAGE 3 OF BUDGET SETTING

The Chief Executive introduced the verbal item and provided copies of the presentation slides that had been delivered at County Council the previous week.

There had been no further information received since the details provided at the meeting of Council as the Final Settlement was due the following day. However, some intelligence had been received on the position on some minor grants.

A briefing paper would be available by the end of the week followed by a report to Cabinet on 22nd January and then to County Council on 29th January where a budget would be recommended for approval. Information would also be made available on reserves and balances, and borrowing through the Corporate Loans and Investment Account (CLIA).

A discussion on the budget had taken place at Corporate Resources Overview and Scrutiny Committee the previous week where Members were asked if they wanted to commission Cabinet to undertake any further work before January. They requested information on Out of County Placements and Streetscene as two areas of continued overspend year on year; a report would be presented to the Committee in January. The Chief Executive said he had responded to the comments to explain that it was unreasonable to ask for any detailed work on any new options this far on in the budget setting process. Members of Corporate Resources Overview and Scrutiny Committee accepted that unless there was significant savings to be found in those two areas, there was nothing more that could be done to identify further efficiencies, which Cabinet Members agreed with. The only available options to achieve a balanced budget - aside from an improved Settlement from Welsh Government (WG) - were an increase Council Tax, and limited use of reserves and balances.

The budget for the North Wales Fire and Rescue Authority had been approved the previous day which resulted in an increase on the levy of 5.14%.

Councillor Shotton explained that letters had been sent to Cabinet Secretaries at WG by the Chairs of Overview and Scrutiny at Flintshire and he thanked them for that.

On a comment on borrowing made to other local authorities by Councillor Attridge, the Chief Executive explained that this did take place and generated additional interest for the Council. Details on this and other areas of interest would be placed on the Council's website under the information section on the budget.

Councillor Bithell expressed his concern on the cumulative effect of Council Tax increases due to the unacceptable budget Settlements for local authorities.

On Out of County Placements, Councillor Jones explained that Flintshire did have some high cost placements, as did other local authorities, and alternative ways of working in the future were currently being looked into. This work would not impact on the budget in hand.

In response to a question from Councillor Thomas on the comments made at Corporate Resources Overview and Scrutiny Committee on the Streetscene and Transportation budget, the Chief Executive said he had explained to Members at the meeting that this was a complex budget which was possibly not sufficient for the services it delivered to the standards set by Council as policy. The Portfolio had been successful in achieving high levels of efficiencies over a series of budgets.

RESOLVED:

That the verbal update be received.

275. FLINTSHIRE PUBLIC SERVICES BOARD: WELL-BEING PLAN FOR FLINTSHIRE 2017-2023 - MID YEAR REVIEW

The Chief Executive introduced the Flintshire Public Services Board: Well-being Plan for Flintshire 2017-2023 – Mid Year Review report which provided an overview of the work of the Board following adoption of the Well-being Plan in April 2018.

The report demonstrated that good progress against the delivery of the priorities within the Well-being Plan had been made and partnership working across the organisations remained strong.

When published in May 2018 there were five priority areas within the Plan which were:

- Community Safety;
- Economy and Skills;
- Environment;
- Healthy and Independent Living; and
- Resilient Communities.

For this year, the Public Services Board (PSB) had decided to concentrate on four of the five agreed priorities with the Economy and Skills priority to be put on hold pending clearer regional direction on the Growth Deal and Regional Economic Planning by Welsh Government (WG). The theme would be renewed in the next annual planning phase of the PSB.

Councillor Shotton welcomed the positive report which focused on social values and working together. He commented on the thanks given at a recent Overview and Scrutiny Committee where Councillor Paul Johnson paid tribute to the work that had been undertaken in the Holway on community development.

RESOLVED:

That Cabinet be assured of the level of progress that Flintshire Public Services Board has made to date.

276. REGIONAL HOMELESS STRATEGY AND LOCAL ACTION PLAN

Councillor Attridge introduced the Regional Homeless Strategy and Local Action Plan report which provided details on the regional strategy agreed by North Wales Councils along with a high level action plan which was informed by independent reviews in each county. The regional approach would enable sharing of best practice by developing a better understanding of the issues, and promotion of collaborative working where possible.

The objectives of the homeless strategy were to prevent homelessness and ensure suitable accommodation and satisfactory support was available for those who were homeless. Common themes had been adopted for the region - People, Homes and Services. Within those themes the local review and action plan in Flintshire had identified priority actions to take and prevent homelessness in the County. The key areas identified included youth homelessness; prison leavers; development of housing first approaches; improving access to

accommodation; mitigating welfare reforms; and improved partnerships with health and social care.

Councillor Bithell commented on the possibilities for bringing empty properties back into use, particularly accommodation above shops. He welcomed any future work with landlords to bring such properties into use. Councillor Attridge explained that the Council did work with landlords and attended meetings of the Landlords Forum. There were town centre actions plans in place for this issue and that work was continuing. The Chief Officer (Housing and Assets) commented on the positive work already undertaken by officers and landlords in what was a challenging area.

RESOLVED:

- (a) That the North Wales Regional Homelessness Strategy and high level action plan be adopted; and
- (b) That the priority actions highlighted within the Flintshire Homelessness Local Action Plan be supported.

277. SCHOOL TRANSPORT - CONCESSIONARY SPARE SEATS

Councillor Thomas introduced the School Transport – Concessionary Spare Seats report which considered the costs of the concessionary fares for the 2019/20 school year.

Reports were submitted to Environment Overview and Scrutiny Committee and Cabinet in July 2018 following which Cabinet approved adoption of Option 2 - £300 per year or £100 per term, as the pricing structure for a concessionary bus pass for 2018/19, with a review to be carried out. This rate was still less than 50% of the full cost of providing concessionary seats which created financial pressures for the Authority. The Council's high level aim was to maximise revenue generation and achieve full cost recovery wherever possible.

The impact of the increase in the cost of the concessionary seats had not had a detrimental impact on the numbers requesting concessionary seats however, the number of pupils purchasing those seats were historically low in number. The greatest impact would be on those moving to the school buses from the publically supported bus service, when the subsidies to those routes was to end. Those pupils would be faced with a higher cost of concessionary fares; it was important to note that they were paying fares on the public services and the recommended charge for concessionary passes represented reasonable value, when set against the current charging levels for journeys to school on the public bus services. The options for future concessionary fares were detailed in the appendix to the report.

Whilst the long term aim would be full cost recovery for the service, it was considered unfair to raise the charges to that level over such a short period of time and therefore options 1 and 3 were not recommended at this point in time. Option 2 - £450 per year or £150 per term provided a balanced position against full cost recovery and the affordability of the scheme for parents, particularly those with a number of children travelling to school on those services and was

therefore recommended for the 2019/20 school year. The charge would be introduced from September 2019 and the rate charged for concessionary seats would in future form part of the annual review of fees and charges across all Council services.

Councillor Roberts added that the school admissions form had been amended to include a 'tick box' for parents to indicate that they understood the transport policy and arrangements. He said the policy had been generous in previous years and it was the aim of the education department that all schools perform to the best possible standard and parental choice should be for their nearest school. If the required criteria was still met then transport would be provided.

RESOLVED:

- (a) That the information provided on revenue projections from the various options for concessionary fare prices be noted;
- (b) That Option 2 - £450 per year (£150 per term) as the preferred rate for concessionary seats in 2019/20 be approved.

278. DISCRETIONARY TRANSPORT POLICY REVIEW: POST 16 COLLEGE & SCHOOLS TRANSPORT AND BENEFITS ENTITLEMENT

Councillor Roberts introduced the Discretionary Transport Policy Review: Post 16 College & School Transport and Benefits Entitlement report which outlined the two discretionary areas and a full range of options for consideration to ensure an open and transparent consultation process.

He stressed that no decision was being sought today with a range of options being proposed for a formal consultation process to begin. He provided assurance that there was no pre-determination of any of the options.

Consultation would be carried out with all stakeholders including those likely to be affected by the proposed change.

The Chief Officer (Education and Youth) said all stakeholders would be encouraged to respond and key partners had been informed that a consultation was being recommended to Cabinet. The Chief Executive added that it was important that stakeholders engaged constructively with the consultation exercise.

In response to a question from Councillor Bithell, the Chief Officer (Governance) explained that the Authority was not at risk of a challenge by way of judicial review as no decision was being taken.

RESOLVED:

That the range of options for formal consultation in Spring 2019 on the discretionary school transport policy areas of Post 16 provision and Benefits entitlement be approved.

279. ENVIRONMENTAL ENFORCEMENT

Councillor Thomas introduced the Environmental Enforcement report which followed the decision of Cabinet in July 2018 that the contractual arrangement in place for environmental enforcement should not be extended beyond December 2018.

However, since August 2018 Kingdom had withdrawn their services from Flintshire and the residual in-house Enforcement Officer team had undertaken all of the enforcement activities in the County.

The report identified four possible options for delivering County-wide enforcement activities, in line with the Council's approved environmental enforcement policies.

A report had recently been considered at the Environment Overview and Scrutiny Committee where the preferred option was expressed as Option 2 – 'an enhanced in-house enforcement provision' – however, the Committee had recommended that discussions with neighbouring authorities be put on hold to allow the existing arrangement to stabilise following the departure of Kingdom. Informal discussions had taken place with neighbouring authorities which focussed on sharing back office facilities and Enforcement Officers patrolling in designated areas.

Councillor Thomas suggested that the 'zero tolerance' referred to in Option 2 should be changed to 'littering with intent' and that discretion be given to Enforcement Officers to determine whether dropping of litter had been intentional. If there was no intent then a fine would not need to be issued.

The Chief Officer (Streetscene and Transportation) explained that the two vacant Enforcement Officer posts had been filled, taking the team to seven and one supervisor. It was expected that part of the costs for any additional posts would be recovered through the additional revenue generated through issuing Fixed Penalty Notices (FPN's).

Councillor Attridge expressed concern on changing the wording from 'zero tolerance' to 'littering with intent', citing examples of where other forms of zero tolerance applied, such as parking on lines outside schools and dog fouling. The Chief Officer (Governance) commented that by not giving discretion to Enforcement Officers gave them protection as there was no challenge that could be made on the spot. Councillor Shotton suggested that the policy be discussed further and reported back to Cabinet at a future date. This was agreed.

Councillor Bithell said a more relaxed approach was not working and the streets were now not as clean as before. The Chief Officer (Streetscene and Transportation) confirmed that the zero tolerance element of the policy was still in force and any examples of parking outside schools and dog fouling would be actioned.

The Chief Officer (Governance) suggested a form of words for a third recommendation, based on the debate that had taken place, of "That an Enforcement Policy be prepared for Cabinet approval, and that the Policy

explores the possibility and implications of giving Enforcement Officers discretion over when and whether to issue a Fixed Penalty Notice". This was supported.

RESOLVED:

- (a) That Option 2 (an enhanced in-house enforcement provision) for the future delivery of the environmental and car parking enforcement service within the County be approved. The additional cost of the service to be provided from the additional income raised from Fixed Penalty Notices and potential savings accrued from collaborative working opportunities;
- (b) That the request for officers to commence discussions with neighbouring authorities, with the aim of moving towards a collaborative in-house service delivery model, Option 3, be approved; and
- (c) That an enforcement policy be prepared for Cabinet approval and that the policy explores the possibility and implications of giving Enforcement Officers discretion over when and whether to issue a Fixed Penalty Notice.

280. PLANNING ENFORCEMENT POLICY

Councillor Bithell introduced the Planning Enforcement Policy report which set out how the Council intended to deliver the service. The policy provided clarity on the criteria the Council would take into account when considering the circumstances in which it would take enforcement action.

It also gave clarity and transparency to those against whom action could be taken and was a key tool in implementing operational and cultural change in the delivery of Planning Enforcement.

The Chief Officer (Planning, Environment and Economy) explained that the need for a revised Policy was identified in 2016 and also following an audit of Planning Enforcement. Planning Enforcement training would be delivered to all Members.

RESOLVED:

That the publication of the Planning Enforcement Policy be approved.

281. COUNCIL PLAN 2018/19 – MID YEAR MONITORING

The Chief Executive introduced the Council Plan 2018/19 – Mid Year Monitoring report which was an exception based report concentrating on under performance. The report also provided updates on the requests made at a previous meeting for an illustration of the planning cycle for financial, business and performance planning, and information on the range of performance information which was available for Overview and Scrutiny Committees to draw upon for performance reporting.

Flintshire was a high performing Council as evidenced in previous Council Plan monitoring reports and the recent Annual Performance Report. The mid-year monitoring report for the 2018/19 Council Plan showed that 88% of activities

were making good progress with 81% likely to achieve their planned outcomes. 79% of the performance indicators had met or exceeded their targets. Risks were being managed with a minority of 18% being assessed as major.

RESOLVED:

- (a) That the following be endorsed and noted:
- The overall levels of progress and confidence in the achievement of activities within the Council Plan;
 - The overall performance against Council Plan performance indicators; and
 - The current risk levels within the Council Plan
- (b) That Cabinet be assured by plans and actions to manage the delivery of the 2018/19 Council Plan; and
- (c) That a further report be received in January with an illustration of the planning cycle for financial, business and performance planning, and information on the range of performance information which is available for Overview and Scrutiny Committees to draw upon for performance reporting.

282. ARMED FORCES COVENANT - ANNUAL REPORT

The Chief Executive introduced the Armed Forces Covenant – Annual Report which was the second annual report for Flintshire.

The Armed Forces Covenant was a promise from the nation that those who served or had served in the armed forces, and their families, were treated fairly. The Covenant was a national responsibility involving government, businesses, local authorities, charities and the public, encouraging local communities to support the Armed Forces in their area and to promote understanding and awareness.

The Council was committed to supporting the Armed Forces community by working with a range of partners who had signed the Covenant, including Flintshire Local Voluntary Council and the Royal British Legion. The purpose of the Flintshire Covenant was to encourage support for the Armed Forces community who worked and/or lived in Flintshire and to recognise and remember the sacrifices made by members of the Armed Forces community.

The report would be submitted to County Council on 29th January.

Councillor Attridge welcomed the report and thanked the Leader of the Council for the opportunity given to Councillor Dunbobbin to be the Champion for the Armed Forces Covenant which was positively recognised locally and nationally.

RESOLVED:

- (a) That the positive progress made in meeting the Armed Forces Covenant be endorsed and the commitments for further improvement supported; and
- (b) That the Armed Forces Covenant Annual Report be approved, prior to publication on the Council's website.

283. REVENUE BUDGET MONITORING 2018/19 (MONTH 7)

The Corporate Finance Manager introduced the Revenue Budget Monitoring 2018/19 (Month 7) report which provided the latest revenue budget monitoring position for 2018/19 for the Council Fund and the Housing Revenue Account. The report presented the position, based on actual income and expenditure, as at Month 7 of the financial year if all things remained unchanged.

The projected year end position, without new actions to reduce cost pressures and/or improve the financial return on efficiency planning and cost control was:

Council Fund

- An operating deficit of £0.325m (£0.222m at Month 6)
- A projected contingency reserve balance as at 31st March 2019 of £7.347m which reduced to £5.447m when taking into account agreed contributions for the 2019/20 budget

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.067m lower than budget; and
- A projected closing balance as at 31st March 2019 of £1.165m.

The report covered the Council Fund projected position; projected position by portfolio; out of county placements; disability services – health contributions; employers contribution to the Pension Fund; tracking of in-year risks and emerging issues; achievement of planned in-year efficiencies; other tracked risks; independent inquiry into child sexual abuse; income; recycling income; schools – risks and impacts; other in-year issues; reserves and balances and earmarked reserves.

Other than the information detailed in minute number 274 (information on Out of County Placements and Streetscene as two areas of continued overspend year on year), there were no further comments from Corporate Resources Overview and Scrutiny Committee to report.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2019 be noted; and

- (b) That the projected final level of balances on the Housing Revenue Account be noted.

284. TENDER FOR COLLECTION AND SALE OF HOUSEHOLD GOODS THROUGH SOCIAL ENTERPRISE

Councillor Thomas introduced the report and explained that Financial Regulations required the Council to tender the work to ensure best value, even if the provider chosen as a result of the tender process were to be a charitable or third sector organisation.

Operatives at Household Recycling Centres (HRC's) reported that items were being disposed of which could be recovered for reuse. It was therefore proposed that the successful company of the tender process work more closely with individual local charities at each HRC to encourage reuse and provide some shared benefit to charitable organisations.

The proposal was for nominated charities to be associated to the particular HRC's listed below, and each site would be branded to match the charity supported at the site:

- Greenfield;
- Rockcliffe, Oakenholt;
- Mold;
- Buckley; and
- Sandycroft.

RESOLVED:

That a single competitive tender be approved for advertisement of both the bulky waste collection service and the deconstruction service. The procurement process should be ring fenced to all capable and suitable social enterprises, to ensure social value as well as value for money.

285. EXERCISE OF DELEGATED POWERS

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

Housing and Assets

- **Council HRA Rents – Write off of Former Tenancy Arrears**
Financial Procedure Rules (section 5.2) stipulates that individual bad and irrecoverable debts in excess of £5,000 are considered for write off in conjunction with the relevant Cabinet Member.

The write off of unpaid rents in respect of three separate tenancies/cases has resulted in a requirement to write off a total balance of £19,691.78 against the Housing Revenue Account.

286. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was 1 member of the press and no members of the public in attendance.

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Chair