

CABINET
15 DECEMBER 2020

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Webex on Tuesday 15th December, 2020.

PRESENT: Councillor Ian Roberts (Chairman)

Councillors: Glyn Banks, Chris Bithell, Derek Butler, Dave Hughes, Christine Jones, Billy Mullin and Carolyn Thomas.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Corporate Finance Manager, Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Chief Officer (Education and Youth), Chief Officer (Social Services), and Team Leader – Democratic Services.

OTHER MEMBERS IN ATTENDANCE:

Councillor: Patrick Heesom.

54. DECLARATIONS OF INTEREST

None received.

55. MINUTES

The minutes of the meeting held on 17th November were submitted and confirmed as a correct.

RESOLVED:

That the minutes of the meeting were approved as a correct record.

56. EMERGENCY SITUATION BRIEFING (VERBAL)

The Chief Executive provided an update on the current emergency situation. The most recent confidential briefing note had been sent to Members that morning. The information included the latest update from Betsi Cadwaladar University Health Board on the vaccination plan.

If Wales entered into a form of Level 4 post-Christmas, things such as indoor leisure facilities would have to close, but many things would be allowed to remain open, e.g. Household Recycling Centres and a list of those services to remain open would be prepared. Discussions were underway on how schools could reopen safely, and whether that would be through a combination of ways of learning.

Flintshire saw its highest peak the previous day, with the figure slightly reducing today. North Wales remained stable so the risk in North Wales was lower than in the rest of Wales.

The hospital situation was also stable, and the number of Covid-19 related admissions had not increased. However, hospitals were busy with the usual seasonal pressures.

The country was now in the second week of vaccinations being administered. He was pleased to announce that a care home in Flintshire would be the first care home in the country to see residents receiving the Pfizer vaccine.

The traffic management plan was in place to ensure safer access and egress to Ysbyty Enfys Glannau Dyfrdwy once it started to operate as a vaccination centre.

Councillor Thomas welcomed the news that Household Recycling Centres would be allowed to remain open, and said that a booking system was being developed.

The Chief Officer (Education and Youth) provided an update on the situation in schools. All secondary schools had switched to online teaching this week following the instruction from the First Minister. The scientific advice was that the risk was not as high in primary schools, but headteachers had been given advice that they could switch to online learning for Thursday and Friday if they wished. This was a decision to be taken by headteachers and the governing bodies. Provision would be made available for vulnerable children and children of critical key workers.

Councillor Bithell asked what help was given to children who did not have access to electronic devices to do distance learning. The Chief Officer (Education and Youth) explained that a piece of work had been undertaken to identify digitally disadvantaged pupils and those learners were lent devices from the schools. The Chief Officer (Governance) added that this included access to MiFi devices. A MiFi device accessed 3G, 4G or 5G mobile phone networks and used the connection to create a mini wireless broadband cloud or hotspot.

Members thanked the Chief Executive for the update.

RESOLVED:

That the information be received.

57. MEDIUM TERM FINANCIAL STRATEGY AND ANNUAL BUDGET 2021/22

The Chief Executive introduced the report which provided the budget estimate for 2021/22 in advance of the formal budget-setting process. It also provided an update on the national budget position.

The report re-set the budget solutions strategy which was highly dependent on sufficient national funding for local government and was unchanged since last year.

All five Overview and Scrutiny Committees had been consulted on the budget estimate and strategy throughout November, specifically on the cost pressures included in the estimate for their respective portfolios. The Committees, as one, did the following:

- Supported the overall budget strategy;

- Noted and endorsed the individual portfolio cost pressures;
- Supported the expectations of Governments on national funding;
- Noted and accepted the combined efficiency target of £1m - £2m;
- Did not put forward any further efficiency options to explore; and
- Supported the Council's position on local taxation policy i.e. an upper limit of a 5% annual rise in Council Tax.

The Chancellor announced the outcome of the UK Spending Review on 25th November and the key implications for Wales were:

- £1.3bn additional funding to Welsh Government (WG) (£770m for ongoing emergency funding and 560m for core public services funding);
- Public sector pay rises to be suspended other than for designated NHS workgroups and for all those earning less than £24,000 per year; and
- Minimum wage to rise by 2.2% for those aged 23 and over.

The Corporate Finance Managed explained that the contribution required to fund the North Wales Fire and Rescue Authority (NWFRA), the contribution to the North Wales Economic Ambition Board (NWEAB), and the estimates required for additional learning needs – schools/registration services income were outlined in the report.

The strategic funding solutions for balancing the budget were threefold:

- Government funding (Aggregate External Finance);
- Local Taxation and Income; and
- Service Transformation and Efficiencies.

Table 2 in the report set out scenarios to balance the budget for 2021/22 at the minimum budget requirement. The Council Tax estimates were gross. Any impact of the Council Tax Reduction Scheme (CTRS) would need to be built in as costs.

Table 3 in the report set out the revised budget estimate incorporating the pressures for Schools Funding, Additional Learning Needs and Reserves as directed by Cabinet, and illustrated the level of funding required from WG.

The budget timeline was noted as:

15th December 2020 – Cabinet – Budget Estimate and Strategy
 21st December 2020 – WG Draft Budget
 22nd December 2020 – Provisional Local Government Settlement
 23rd December 2020 – Special Cabinet (AM) and all Member Briefing (PM)
 19th January 2021 – Cabinet – Budget Review
 16th February 2021 – Cabinet and Council – Budget Setting
 2nd March 2021 – WG Final Budget/Settlement

A verbal update would be given at the special Cabinet meeting on 23rd December.

An amendment was required in Table 3, at the bottom of the first column. £12.357m should read £2.902m.

Councillor Banks thanked the five Overview and Scrutiny Committees for being supportive throughout the budget process.

In response to a question from Councillor Bithell, the Chief Executive explained that it remained the view that national pay awards should be funded nationally.

RESOLVED:

- (a) That the updated budget estimate for 2021/22 be approved;
- (b) That the feedback from the five Overview and Scrutiny Committees be received; and
- (c) That the strategy to set a legal and balanced budget for 2021/22 be re-set.

58. WELSH GOVERNMENT CONSULTATION ON COMBINED JOINT COMMITTEES (CJCS)

The Chief Executive introduced the report and explained that Welsh Government (WG) had issued a consultation paper on its proposals to create a new legal vehicle for regional working, called Corporate Joint Committees (CJCs). The power to pass regulations creating to CJCs was included in the Local Government and Elections (Wales) Bill that had recently been passed in the Senedd. WG was consulting on the draft regulations for CJCs.

There would be four CJCs corresponding to the Growth Deal areas within Wales, with an initial membership of all the Leaders of Council within the areas covered. They would exercise functions which WG believed were best exercised regionally. At present, the proposal was for them to undertake economic development, transport and strategic planning. The CJCs would share a core of common rules but could be tailored to take account of existing regional arrangements and to suit the needs of each region.

North Wales as a whole, and the Council in particular, had a well-established and effective pattern of co-operation and regional working. The Council therefore could support the creation of CJCs as a means of furthering regional collaboration.

The region has an established North Wales Economic Ambition Board (NWEAB) and was currently part way through the process of approving the final Growth Deal with the UK and Wales Government. It was essential therefore that the North Wales CJCs should add value to the work of the NWEAB.

It appeared, from the consultation document, that CJCs would have powers that overlapped with the functions of the principal councils in North Wales and greater clarity was required on the precise scope of the functions.

CJCs would appoint their own officers and would be required to appoint key statutory officers such as a Head of Paid Service, Monitoring Officer and Section 151 Officer. The costs of these roles could be kept to a minimum by assigning the responsibilities to a host authority and using existing personnel to absorb the roles

In addition, WG had published a consultation proposing that the CJCs would take on responsibility for preparing Strategic Development Plans. Planning Strategy Group (PSG) had prepared a detailed response to the consultation questions which was appended to the report.

Finally, WG were also proposing that CJCs take on the role of preparing the Regional Transport Plan and developing policies for transport in the region. The proposal was discussed at Environment and Economy Overview and Scrutiny Committee on 8th December 2020 who supported the basis of the response.

The outline of a response was included within the report as well as the response to the production of SDPs which had been endorsed by PSG.

Members expressed concern on the costs that could result from the implementation of CJCs, with officer posts needing to be back filled and the misconception that the proposals would bring efficiencies. They commented on areas where regional collaboration already successfully took place.

In response to a question from Councillor Roberts, the Chief Officer (Planning, Environment and Economy) explained that the Strategic Development Plan would be unlikely to prescribe sites for development, but may stipulate the number of houses that each local authority would need to provide. The Local Development Plan would then determine where those houses should be built.

The Chief Executive said two responses would be prepared, one on CJCs and one on the Strategic Development Plan and they would be shared with the relevant Cabinet Members. Discussions had taken place on how bureaucracy and costs could be reduced.

RESOLVED:

- (a) That the outline of the proposed response to the consultation on CJCs be approved, and delegated authority be granted to the Chief Executive to finalise a detailed response in consultation with the Leader and the respective Cabinet Members;
- (b) That the response prepared by the Planning Strategy Group on the preparation of Strategic Development Plans be endorsed; and
- (c) That the response to the proposals in respect of Transport, as recommended by the Environment and Economy Overview and Scrutiny Committee, be endorsed.

59. REVENUE BUDGET MONITORING 2020/21 (MONTH 7)

Councillor Banks introduced the report which provided the latest detailed revenue budget monitoring position for the Council Fund and Housing Revenue Account for the financial year, and presented the position, based on actual income and expenditure, as at Month 7. The report projected how the budget would stand at the close of the financial year if all things remained unchanged. It also took into account the latest position on Welsh Government Emergency Grant Funding announcements.

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 £0.196m (excluding the impact of the pay award which would be met by reserves), which was a favourable movement of £0.373m from the deficit figure reported at Month 6
- A projected contingency reserve balance as at 31st March 2021 of £1.415m

Housing Revenue Account

- Net in-year expenditure forecast to be £0.460m lower than budget
- A projected closing balance as at 31st March of £2.633m.

The Corporate Finance Manager provided details on the projected position, the projected position by portfolio, significant movements from Month 6, open risks, new emerging risks, achievement of planned in-year efficiencies and reserves and balances.

The Chief Executive said this was a positive position to be in at this stage.

Members complimented the finance team for all of their work.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2021 be noted; and
- (b) That the projected final level of balances on the Housing Revenue Account be noted.

60. TREASURY MANAGEMENT MID-YEAR REVIEW 2020/21

Councillor Banks introduced the report and presented the draft Treasury Management Mid-Year Report for approval and recommendation to Council.

The report had recently been considered and endorsed at Audit Committee.

RESOLVED:

That the Treasury Management Mid-Year Report 2020/21 be approved and recommended to Council.

61. FAMILIES FIRST - FUNDING ELEMENT

Councillor Roberts introduced the report which sought approval to extend existing Families First funded prevention and support services for up to 12 months, subject to the Welsh Government (WG) approving further funding. This would enable:

- Ongoing provision of key services for Flintshire parents, young people and families with disabled children that benefitted most from early support to build resilience and well-being;
- Effective operation of the Early Help Hub; and
- Work with partners to evaluate, develop and commission prevention and support services for Flintshire children, young people and families.

Members fully supported the report and commented on critical early intervention which this service provided.

RESOLVED:

That an extension, subject to Welsh Government approving further funding for a period of six months, with the option of a further six months if required, be approved.

62. COMMISSIONING OF LEARNING DISABILITY (AUTISM) DAY SERVICE PROVISION

Councillor Jones introduced the report and explained that the Council purchased bespoke autism specific Learning Disability day services for thirteen individuals on a 'spot' purchase basis.

There was no relevant framework agreement in place that covered the commissioning of equivalent services and no contractual agreement reflecting the services currently purchased.

The current service provider had indicated that the present 'spot' purchasing arrangement required replacement with a more formal contractual agreement to enable future service continuity.

An Exceptions Report seeking a direct award for the services currently purchased was submitted in September 2020. The rationale was based primarily on the need to ensure continued service continuity for the individuals who attended the day services. Advice received from the Procurement Team indicated that there were grounds within the Public Contract Regulations 2015 for a short-term direct award not for a long-term direct award. Due to the estimated annual costs of services, sanction of any longer-term direct award required a Cabinet decision.

The Chief Officer (Social Services) said staff would ensure that the needs of the individuals continued to be met.

In response to a question, the Chief Officer said the specialist company were based on the Wirral.

RESOLVED:

That the direct award of a contract to the present service provider for the Community and Voluntary Services, as detailed in the report, be approved.

63. JOINT CORPORATE PROCUREMENT UNIT ANNUAL REPORT 2019/20

The Chief Officer (Governance) introduced the report and explained that the Council had a joint procurement service with Denbighshire County Council, which acted as the host authority. The joint service had been in place since 2014 and Cabinet agreed to renew the Service Level Agreement (SLA) for that service with Denbighshire in 2018.

The service produced an annual report on activity and performance against targets which were derived from the Procurement Strategy. The second annual report was appended to the report. It showed a small improvement against most key performance indicators, a positive trend which could be amplified and accelerated.

RESOLVED:

That the annual performance report be noted, and the proposed actions to improve performance, where required, be endorsed.

64. ANNUAL REVIEW OF THE MODERN SLAVERY STATEMENT

The Chief Officer (Governance) introduced the report and explained that the Council spent approximately £197m each year purchasing goods, services and works. The Council sought to ensure that its spend was with organisations that shared similar ethical values and, in particular, with organisations that did not seek to exploit or impose unfair conditions on their workers. The Council's commitment and activity to that end were set out in its Modern Slavery Statement.

The Council had made some progress in implementing the actions promised in last year's statement and had now established the key processes such as contractual and procurement clauses prohibiting unethical employment practices within the supply chain. Inevitably due to demands on officer time it had not been possible to carry out all of the training and awareness raising that was anticipated and it would therefore form the focus for activity over the coming 12 months.

Members welcomed the report and recognised the importance of the subject. Councillor Jones said she had attended three training sessions, along with Councillor Mullin, and recommended that other Members also attend such training.

In response to a question from Councillor Bithell, the Chief Officer (Governance) said that where purchases extended beyond a UK contract, it was a requirement to also establish what those companies had within their supply chains.

RESOLVED:

That the Modern Slavery Statement be approved and published.

65. NORTH WALES REGIONAL PARTNERSHIP BOARD ANNUAL REPORT 2019/20

Councillor Jones introduced the report and explained that there was a requirement within Part 9 of the Social Services and Well-Being (Wales) Act 2014 that each Regional Partnership Board prepared, published and submitted its annual report to Welsh Government (WG). Due to the emergency situation, the submission date of the annual report was the end of October 2020.

The report provided information to partners with regard to the North Wales Regional Partnership Board and its activities during 2019/20. The report showed the progress made on the work streams of the Board during the year.

The Chief Officer (Social Services) said the Board's priority for 2019/2020 had been the delivery of its four ambitious transformation programmes for "A healthier Wales" which were designed to see the rapid development of integrated community based services across the region. In what had been an incredibly challenging year for Health and Social Care, our teams across North Wales had worked diligently throughout to service our residents during this time.

RESOLVED:

- (a) That it be confirmed that Cabinet has read, understood and taken into account the work that is required to be undertaken by the Regional Partnership Board; and
- (b) That the work and progress in 2019/20 on the work areas that are being taken forward regionally through the North Wales Regional Partnership Board be noted.

66. 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

- **To declare the garaging site at Princess Avenue, Buckley, surplus to requirements**

To declare the garaging site at Princess Avenue, Buckley, surplus to requirements in order to allow the disposal of the asset to Clwyd Alyn Housing Association to facilitate the development of affordable housing.

Education and Youth

- **Ysgol Penyffordd – Junior Site**

To request that the Ysgol Penyffordd junior site be declared surplus to the requirements of Education and Youth Services.

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(s) 14 and 15 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

67. **THEATR CLWYD ALTERNATIVE DELIVERY MODEL (ADM) FINAL TRANSFER DUE DILIGENCE REPORT**

Councillor Butler introduced the report and explained that Cabinet had agreed to transfer Theatr Clwyd to a new governance model as part of the Council's Alternative Delivery Model (ADM) Programme. Theatr Clwyd and the Music Service were to be managed by independent charitable companies, limited by guarantee, from 1st April 2020.

The report set out the (1) arrangements for transfer (2) due diligence (3) the draft service contract which was being compiled with legal advice and (4) the offer from the Theatr Clwyd Trust Ltd to take over the management of the Theatre and Music Services.

RESOLVED:

- (a) That Cabinet is satisfied with the arrangements for the transfer of Theatr Clwyd and the Music Services, and is assured that due diligence has been exercised;
- (b) That the offer from the new Trust Shadow Board to take over the management of Theatr Clwyd – based on the principles and proposals as set out in the previous report to Cabinet – be accepted;
- (c) That the Chief Executive be given delegated authority to enter into a formal agreement for the transfer between the Council and the Trust based on the principles and proposals as set out in the previous report to Cabinet;
- (d) That the transfers of Theatr Clwyd, Theatr Clwyd Productions Ltd and the Music Services to Theatr Clwyd Trust Ltd ownership take effect on 1st April 2021; and

(e) That the revised pay scale for the Music Service be approved.

68. SALE OF MORRISTON FARM, SEALAND

Councillor Mullin introduced the report and explained that the Council owned the freehold to Morriston Farm and the land shown in the appendix to the report.

The sale of the house and the acres would be subject to the usual overage clause.

RESOLVED:

That the sale of Morriston Farm, Sealand, be supported.

69. APPROVAL OF COSTS FOR PURCHASE AND REFURBISHMENT OF PROPERTIES AT MEADOWBANK HOLYWELL

Councillor Hughes introduced the report which sought Cabinet approval for the purchase of properties at Meadowbank Holywell.

The report detailed information on the proposed purchase, including location, proposed property types and projected build costs.

RESOLVED:

That the purchase and refurbishment of five properties at Meadowbank, Holywell for £292,000 be approved.

70. FFORDD HIRAETHOG AND FFORDD PANDARUS, STRATEGIC HOUSING AND REGENERATION PROGRAMME (SHARP) SCHEMES COST PLAN

Councillor Hughes introduced the report which sought Cabinet approval for the funding plan relating to the development of 30 new Social Rent homes on Ffordd Hiraethog and Ffordd Pandarus in Mostyn.

The report provided information on the proposed schemes and funding envelope, including the projected build costs.

RESOLVED:

- (a) That the funding plan for the development of 30 new Social Rent homes at Ffordd Hiraethog and Ffordd Pandarus, Maes Pennant, Mostyn be approved; and
- (b) That prudential borrowing to the value of £3,758,569 (subject to final approval and verification) to fund the development be approved.

71. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting commenced at 10.00 a.m. and ended at 11.55 a.m.)

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Chair