

CABINET
12TH JULY 2022

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 12th July 2022.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Sean Bibby, Chris Bithell, Dave Healey, Dave Hughes, Paul Johnson, Christine Jones and Billy Mullin.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Social Services), Chief Officer (Planning, Environment and Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Housing and Communities), Chief Officer (Education and Youth), Strategic Finance Manager, Corporate Manager, People and Organisational Development, Senior Manager – Adults, Revenues and Procurement Manager and Team Leader – Democratic Services.

12. DECLARATIONS OF INTEREST

None.

13. MINUTES

The minutes of the meetings held on 31st May and 14th June 2022 were submitted and confirmed as a correct.

RESOLVED:

That the minutes of the meetings be approved as a correct record.

Councillor Roberts led tributes to Susie Lunt for her contribution to the Council over 40 years which had been exceptional. He wished her well for a long and happy retirement. Councillor Jones also expressed her thanks and gratitude to Susie for her help and support since she had become a Cabinet Member. The Chief Executive praised Susie's infectious and enthusiastic personality which was important in the role she had held at the Council. The Chief Officer (Social Services) also expressed his thanks to Susie for all of her hard work in her 40 years at the Council. Susie thanked everybody for their kind words and said it had been a pleasure and a privilege to work for Flintshire.

Councillor Roberts welcomed the Chief Officer for Housing and Communities.

14. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2023/24

Councillor Johnson introduced the item and explained that the Council reviewed and updated the Medium Term Financial Strategy (MTF) annually, and in advance of planning the annual budget for the following financial year.

The MTFs forecasted the resources the Council would need to meet the ever changing cost base for the years ahead. The updated forecast showed that

the Council was likely to have a minimum budget requirement of an additional £16.503m of revenue resources for 2023/24.

During the Autumn, the Overview and Scrutiny Committees would be invited to review the cost pressures, and the opportunities for cost control and efficiency, under their respective terms of reference. Member workshops would be held to explain the forecast position and the budget strategy in more detail and were in the process of being arranged for September.

The report also set out the strategy to achieve a legal, balanced budget, which was based on national funding from Welsh Government (WG) through Aggregate External Finance (AEF), identification of service and corporate efficiencies and annual uplifts in Council Tax.

As part of the 2022/23 Local Government Settlement, the Council was given indicative figures for 2023/24 and for 2024/25. Whilst that was welcome, the next two years of local government settlements would be at a considerably lower level than the previous two years which presented significant challenges and increased the amount that needed to be met from other sources.

Members were aware that whilst some cost savings and efficiencies could be identified as part of the annual budget process, there were no cost savings of any scale remaining following a decade of under-funding of local government and the Council had stood by the principle that the Council would not reduce the budget for any service to the point where the service was unsafe, or to do so would mean failing to meet statutory duties or failing to meet quality standards.

Therefore the need to consider areas of service reform to generate, where possible, a higher level of costs savings, would be an area where the Council would need to undertake a great deal of work over the summer to find solutions that would enable the Council to set a legal and balanced budget.

The budget timeline was outlined in the report.

The Strategic Finance Manager confirmed the arrangements for the Member Workshops which would enable all Members to go through the figures in more detail. In addition, on National Pay Awards, if the figure was above 3.5% that would place a further pressure on the budget for 2023/24. The Chief Executive explained that it was a challenging budget process and emphasised the importance of the Member Workshops. Following requests, he confirmed that an all Member briefing would be held on 22nd July, hosted by John Rae from the Welsh Local Government Association (WLGA), on how the funding formula worked.

On pay awards for teachers, Councillor Roberts said each additional half a percentage would equate to approximately a further £200,000. The same would apply to the whole workforce.

RESOLVED:

- (a) That the additional budget requirement be received and noted;

- (b) That the process and timeline for Member workshops be agreed;
- (c) That the cost pressures be referred to the Overview and Scrutiny Committees in the Autumn; and
- (d) That the solutions available to meet the cost pressures and re-set the funding strategy for 2023/24 be noted.

Councillor Roberts advised there would be a change in the order of agenda items and agenda item number 23: Food Service Plan 2022-23 for Flintshire County Council would be considered next.

15. FOOD SERVICE PLAN 2022-23 FOR FLINTSHIRE COUNTY COUNCIL

Councillor Bithell introduced the item which provided an overview of the Food Service in line with The Framework Agreement on Official Feed and Food Controls by Local Authorities April 2010. The plan set out the aims and objectives for the Service for the forthcoming year and how those were to be achieved.

The Service Plan had been produced by officers of the Food Safety and Standards Team and Animal Health Team within the Planning, Environment and Economy portfolio in line with the model format contained within the Framework Agreement. It outlined the proposals for service delivery for the period 1st April 2022 to 31st March 2023. It also contained a review of the service performance for 2021-22 with overall performance for 2021-22 detailed in Appendix 3 within the Service Plan.

Key achievements for 2021-22 and targets for 2022-23 were outlined in the report.

The Chief Officer (Planning, Environment and Economy) explained that it was a statutory plan and the report had also been submitted to Environment and Economy Overview and Scrutiny Committee where it had been supported.

RESOLVED:

That the Food Service Plan 2022-23 be approved.

16. COUNCIL PLAN 2021/22 END OF YEAR PERFORMANCE REPORT

Councillor Roberts introduced the item which presented the annual out-turn of progress against the Council Plan priorities identified for 2021/22. It had been a challenging year for staff and he thanked everybody for their efforts during the difficult times, including their flexibility.

The Chief Executive explained that the out-turn report for the 2021/22 Council Plan showed 73% of activities were making good progress with 74% likely to achieve their planned outcomes. 73% of the performance indicators had met or exceeded their targets, 9% were being closely monitored and 18% were currently not meeting target.

The report was an exception based report and concentrated on those areas of performance which were not currently achieving their target.

Councillors Mullin and Healey echoed the thanks to all staff for their work undertaken.

RESOLVED:

- (a) That the levels of progress and confidence in the achievement of priorities with the 2021/22 Council Plan be endorsed and supported;
- (b) That the overall performance against the 2021/22 Council Plan performance indicators be endorsed and supported; and
- (c) That Cabinet be assured by explanations given for those areas of underperformance.

17. COUNCIL PLAN 2022/23

Councillor Roberts introduced the item and explained that the Council Plan for 2017-23 was adopted by County Council to show the key priorities of the Council for the five-year term of the new administration. The Plan was subject to annual review.

The 2022/23 Draft Plan had been reviewed and refreshed for content following on from the response to the pandemic and the Recovery Strategy. The themes and priorities remained the same to 2021/22 however there were some developments with sub-priorities.

The 'super-structure' of the Plan continued to be aligned to a set of six Well-being Objectives. The six themes continued to take a long-term view of recovery, ambition and work over the next year.

The outline of the Council Plan for 2022/23 including the six themes, their priorities and actions was appended to the report.

The Chief Executive expressed his thanks to each of the Overview and Scrutiny Committee's for their help in shaping and developing the document. Councillor Healey welcomed the additions to the Plan, particularly climate change adaptation. He added that there needed to be awareness of other extreme conditions, such as high temperatures and heat waves which could also affect services. The Chief Officer (Streetscene and Transportation) echoed the concerns on such weather conditions, and explained that measures were being put in place to divert resources to assist essential services over the coming days for the predicted heat wave. Councillor Johnson welcomed the priority relating to poverty, in particular noting the challenges facing the authority in the coming year.

RESOLVED:

That the Council Plan 2022/23 Part 1 be approved and recommended to Council for adoption.

18. **RESULTS OF THE CONSULTATION ON THE DIGITAL STRATEGY**

Councillor Mullin introduced the item and explained that the revised strategy incorporated learning experiences, growth and ambition since Digital Flintshire was first published in 2016. It also featured, as a separate theme, the objective to help reduce the exclusion that could be suffered without access to the skills, devices or connectivity needed to take advantage of digital services.

The Chief Officer (Governance) said consultation had been open to all and was undertaken by engaging with members of the public, the workforce and specific user groups that had been identified and it was published on the website. 179 responses were received, all of which indicated support for the strategic aims and ambitions of the Council.

Feedback indicated four main areas of focus for respondents, which were largely being addressed as part of cross-cutting projects or themes within the Digital Strategy and would be prioritised as work progressed. The areas were:

- Planning and information;
- Inclusion and accessibility;
- Connectivity; and
- Website and service provision.

A website group had been re-established to ensure that the website was improved, for example updating online content and maintaining links. In addition, the website would continue to be streamlined and updated, have an improved search functionality and it would be accessible across all devices, noting that the majority of website hits were from smart phones.

Following the consultation, additional wording had been proposed to incorporate some elements of feedback and a draft response had been prepared for publication.

The Digital Strategy Project Plan contained a list of all projects within the Digital Strategy which were assigned to a theme and reported against. It also collated the costs of the projects for the purposes of financial planning. The revised strategy was appended to the report.

RESOLVED:

- (a) That the consultation results be welcomed;
- (b) That the refreshed Digital Strategy for 2021-2026 be approved with the additional amendments suggested in the report; and
- (c) That the Chief Officer (Governance) be given authority to finalise the policy in consultation with the Cabinet Member for Governance and Corporate Services including Health and Safety and Human Resources.

19. **SHARED PROSPERITY FUND**

Councillor Healey introduced the item and explained that the Shared Prosperity Fund would deliver £2.5bn of investment until March 2025 across the UK. The aim of the programme was “to build pride in place and increase life chances”. UK Government had allocated £126m to North Wales to deliver the programme between 2022/23 and 2024/25 with £10.8m allocated to Flintshire for the core programme.

UK Government had set a challenging 16 week timescale to develop and submit a high-level Investment Strategy for the programme. The deadline was 1st August 2022 and delivery of the programme was estimated to need to start in September 2022.

The Chief Officer (Planning, Environment and Economy) explained that the report provided an outline of the programme, a summary of the work done to date to prepare for it and the next steps required to meet the UK Government’s requirements to allow the funding to be drawn down. The investment priorities set out by UK Government were:

- Community and Place
- Supporting Local Businesses
- People and skills

A regional budget allocation had been made available by the UK Government and was detailed in the report. In response to a comment, the Chief Executive said he would draw attention to UK Government on the allocation of funding, with a neighbouring authority receiving twice as much as Flintshire per head.

RESOLVED:

- (a) That approval be given to further develop the Shared Prosperity Fund programme within Flintshire and regionally, through officer input, in line with the principles set out in the report;
- (b) That delegated authority be given to the Chief Officer (Planning, Environment and Economy) and the Cabinet Member for Climate Change and Economy to develop and submit Flintshire’s priorities for inclusion in the regional Investment Strategy to enable the programme funding to be drawn down;
- (c) That the proposal to ask Gwynedd County Council to act as the lead body to submit the regional Investment Strategy to UK Government and to lead subsequent programme delivery be supported; and
- (d) That UK Government be written to on the allocation of funding, with a neighbouring authority receiving twice as much as Flintshire per head.

20. WELSH GOVERNMENT'S CONSULTATION ON PROPOSALS FOR NEW BUS LEGISLATION

Councillor Hughes introduced the item and explained that Welsh Government (WG) were seeking views on the proposal to introduce new legislation to fundamentally change the way bus services were planned and operated in Wales and had launched a 12-week public consultation on how the new bus system would be designed. That consultation closed on 24th June 2022.

Flintshire had sought an extension to the consultation to allow the new administration and ensure that newly elected Members were afforded the opportunity to learn about the proposals and provide a response. Accordingly, WG had agreed to a small window beyond the consultation deadline, which would ensure that Flintshire Members were given the opportunity to respond to the proposals.

The Chief Officer (Streetscene and Transportation) added that the legislative proposals sought to essentially change the way that bus services were governed, co-ordinated and operated in Wales. WG was intent on achieving a bus system that boosted social equality and was capable of delivering the scale of modal shift required by the climate emergency, which was governed and designed to serve the public interest, with the widest possible geographic coverage, fully integrated connections between different services, the highest possible service frequencies, and simple unified easy-to-use ticketing and information under the banner: 'One Network, One Timetable, One Ticket: planning buses as a public service for Wales'.

The report outlined the proposals for the new bus legislation and highlighted some of the benefits and risks.

In response to a comment from Councillor Healey, the Chief Officer (Streetscene and Transportation) explained that the formal response was a lengthy document but it was summarised within the report. She added that a regional response was also being submitted, along with ones from the Mersey Dee Alliance and the Welsh Local Government Association (WLGGA), all of which reflected the risks outlined in her report.

RESOLVED:

- (a) That the proposals to introduce new legislation for bus services in Wales be welcomed, whilst noting some of the risks and challenges highlighted in the report; and
- (b) That the proposed response put forward by Flintshire to the White Paper Consultation be supported.

21. REVENUE BUDGET MONITORING REPORT 2021/22 (OUTTURN)

Councillor Johnson introduced the item which provided the revenue budget final outturn position for the financial year 2021/22 for the Council Fund and the Housing Revenue Account.

The Accounts for 2021/22 were closed and the Council was on schedule to submit the formal Statement of Accounts and supporting notes to Audit Wales within the framework set by Welsh Government (WG).

The Strategic Finance Manager added that the COVID-19 pandemic had continued to provide challenges for the Council, with the financial impact over the last 12 months being significant. The final position reflected additional grant funding received from WG which had significantly contributed to the level of operating surplus. That included additional Social Care funding for winter pressures of £2.167m together with additional grant funding for Children's Services from WG of £0.292m.

The final year end position was:

Council Fund

- An operating surplus of (£5.711m) which was a favourable movement of (£1.107m) from the surplus figure of (£4.604m) reported at Month 10
- The operating surplus of (£5.711m) which equated to 1.9% of the Approved Budget, which was above the target MTFS KPI for a variance against budget of 0.5%
- A projected contingency reserve balance as at 31st March 2022 of £7.098m

Housing Revenue Account

- Net revenue expenditure £1.404m higher than budget
- A closing balance as at 31st March 2022 of £3.616m

The Chief Executive explained that it was important to note that the majority of positive movements provided a one-off benefit only and would not have been material to the budget setting process for 2022/23.

RESOLVED:

- (a) That the overall report and the Council Fund contingency sum as at 31st March 2022 be noted;
- (b) That the final level of balances on the Housing Revenue Account be noted; and
- (c) That the carry forward requests be approved.

22. CAPITAL PROGRAMME MONITORING 2021/22 (OUTTURN)

Councillor Johnson introduced the item which summarised the final outturn position for 2021/22 together with changes made to the Capital Programme during the last quarter.

The Capital Programme had seen a net reduction in budget of £10.146m during the last quarter which comprised of:

- Net budget reduction in the programme of £7.008m (see Table 2 – Council Fund (CF) (£6.293m), Housing Revenue Account (HRA) (£0.715m))
- Net Carry Forward to 2022/23, approved at Month 9 of (£0.667m), switch of additional capital grants for Primary Free School Meals (£1.262m) and Integrated Care Fund (£0.839m) (all CF)
- Identified savings at outturn (£0.370m) (all CF)

Actual expenditure for the year was £67.907m.

The Strategic Finance Manager explained that the final outturn funding surplus from the 2021/22 – 2023/24 Capital Programme was £6.296m. The 2022/23 – 2024/25 Capital Programme was approved on 7th December 2021, utilising £4.147m of the current year surplus towards the programme and leaving a projected funding deficit of £0.081m, following the final local government settlement. The final outturn for 2021/22 had the impact of a revised opening funding position surplus of £2.068m, prior to the realisation of additional capital receipts and/or other funding sources.

The Chief Executive added that the outturn expenditure, across the whole of the Capital Programme, was £67.907m. The breakdown of expenditure was analysed in table 3 of the report, along with the percentage spend against budget. It showed that 95.5% of the budget had been spent which was a good level.

RESOLVED:

- (a) That the report be approved;
- (b) That the carry forward adjustments be approved; and
- (c) That the additional allocations be approved.

23. PRUDENTIAL INDICATORS – ACTUALS 2021/22

Councillor Johnson introduced the item and explained that under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), as updated in 2017, Councils were required to set a range of Prudential Indicators for 2021/22 compared with the estimates set for:

- Prudential Indicators for Prudence
- Prudential Indicators for Affordability

The Strategic Finance Manager explained that the framework established by the Prudential Code was intended to support local strategic planning, local asset management planning and robust option appraisal. The objectives of the Code were to ensure, within a clear framework, that the capital investment plans of local authorities were affordable, prudent and sustainable, and that treasury management decisions were taken in accordance with good professional practice.

RESOLVED:

That the report be approved.

24. REVENUE BUDGET MONITORING 2022/23 (INTERIM)

Councillor Johnson introduced the item which provided the first overview of the budget monitoring position for the 2022/23 financial year. Significant variances which could impact the financial position in 2022/23 were reported by exception.

Based on the high level assumptions in the report, the potential variations to budget identified by Portfolios equated to a minimum net additional expenditure requirement of around £0.300m.

The Council's ability to mitigate financial risks in the recovery phase from the pandemic in the first half of the year, following the loss of the hardship and income loss Grant from Welsh Government (WG), would centre on review and challenge of delayed and deferred spend, maximising income streams following a return to normal operations.

An amount of £2.066m remained available from the £3m emergency ring-fenced fund. The 2022/23 budget approved in February included a top up of £3.250m to the reserve to provide a prudent safeguard against any ongoing impacts of the pandemic.

The Strategic Finance Manager explained that a full detailed monitoring report would be provided in September which would update on the overall financial position.

Councillor Roberts thanked Flintshire residents for payments of Council Tax and said if any residents found themselves in any financial difficulty that they should make contact with the Council who could either help, or signpost them to the appropriate place.

RESOLVED:

That the report and the estimated financial impact on the 2022/23 budget be noted.

25. ANNUAL REVIEW OF FEES AND CHARGES 2022

Councillor Johnson introduced the item and explained that the 2022 review of fees and charges had been completed in line with the Council's Income Generation Policy, which set out the rationale and process for an annual review of fees and charges. The outcome of the review was set out in the appendix to the report and would apply from 1st October 2022.

The Strategic Finance Manager added that the Income Generation Policy had been updated to provide greater clarity around roles and responsibilities following recommendations from Internal Audit in 2022. A revised version three of the policy was also appended to the report and recommended for approval.

The report also outlined the ongoing requirements of the annual review of fees and charges for 2023, particularly for those fees and charges who were still to demonstrate that they achieved full cost recovery.

RESOLVED:

- (a) That the schedule of fees and charges outlined in appendix A for implementation on 1st October 2022 be approved;
- (b) That the revised Income Generation Policy version three be approved; and
- (c) That a customer friendly version of the schedule of fees and charges be produced and published.

26. COMMUNAL HEATING CHARGES 2021/22

Councillor Bibby introduced the item and explained that the Portfolio operated eight communal heating schemes within Flintshire. The Council negotiated fuel costs in advance and tenants benefitted from the Council's Industrial and Commercial Contract rate.

New communal heating charges were based on the previous year's energy use ensuring an accurate assessment of costs and impacts on the heating reserve account.

The proposed recharges for 2022/23 were set out in the report and were pending Cabinet approval. In the majority of cases, the recharge to tenants had reduced for 2022/23, which as in other years, would allow Flintshire to recover the projected costs of the heating charges whilst still passing on the benefit of reduced energy costs to tenants.

The Chief Executive added that tenants were currently benefitting from preferential unit rates due to the Council having secured a fixed rate for fuel until March 2023. It was very likely that Communal Heating Charges would increase from 2023/24 when the Council had to renegotiate new energy tariffs.

The report had been submitted to Community, Housing and Assets Overview and Scrutiny Committee on 6th July. Members supported the recommendations but noted concerns on the impacts of any future energy price increase, particularly when the current fixed contract term came to an end.

RESOLVED:

That the heating charges at Council properties with communal heating schemes be approved to take effect from 5th September 2022.

Councillor Roberts advised there was a further change in the order of the agenda with agenda item number 18: Social Services Annual Report being considered next.

27. SOCIAL SERVICES ANNUAL REPORT

Councillor Jones introduced the item and explained that the Statutory Director of Social Services was required to produce an annual report summarising their view of the local authority's social care functions and priorities for improvement as legislated in the Social Services and Wellbeing (Wales) Act 2014 and the Regulations and Inspections Act (Wales) 2015.

The purpose of the Social Services Annual Report was to set out the improvement journey and evaluate Social Services' performance in providing services to people that promoted their wellbeing and supported them to achieve their personal outcomes.

The Chief Officer (Social Services) added that the report was intended to provide the public, the regulator and wider stakeholders with an honest picture of services in Flintshire and to demonstrate a clear understanding of the strengths and challenges faced. He commented on the successes of Project Search, Ty Nyth, Marleyfield House and Glan Y Morfa.

RESOLVED:

That the Social Services Annual Report be noted, including the key developments of the past year and priorities for next year.

28. ADOPTION OF DISCRETIONARY COST OF LIVING SUPPORT SCHEME AND POLICY FRAMEWORK

Councillor Mullin introduced the item and explained that Welsh Government (WG) had recently announced a 'Cost of Living Support Scheme' (COLSS) which provided grants to households to help with the rising cost of energy bills. The package of measures included £6.99m within the main scheme to provide £150 grants to circa. 46,670 qualifying households in Council Tax Bands A to D along with those households in Council Tax Bands A to I that received Council Tax Reduction.

In addition to the £6.99m, £1.15m was available to the Council to provide discretionary assistance and to support other households it considered to also be in most need of financial support or who might also be excluded from help within the main scheme. Local authorities had complete autonomy to target the funds to best support residents considered to be in need of assistance with their living costs.

The Revenues and Procurement Manager said the report set out the proposed discretionary scheme criteria to provide some support to households who were currently not eligible for a grant within the main scheme as well as providing targeted 'top-up' grants of £125 to households whose children were in receipt of Free School Meals.

A small part of the Discretionary Funding was also earmarked to supporting wider anti-poverty measures and to help the Council meet one of its key well-being objectives (*Protecting people from poverty by supporting them to*

meet their basic needs) by supporting ongoing development of the “Well Fed” food hub to allow all resident to access fresh meals at affordable prices.

RESOLVED:

That the Discretionary Policy Framework and funding distribution be approved.

29. NORTH WALES REGIONAL ECONOMIC FRAMEWORK

Councillor Healey introduced the item which presented the final draft Regional Economic Framework (REF) for North Wales and sought Cabinet’s endorsement of its content.

The REF for North Wales promoted collaborative economic development across the region through an agreed and shared set of priorities for delivery amongst regional partners.

The Memorandum of Understanding (Memorandum of Understanding Working Together to deliver a stronger North Wales Economy) set out how the Welsh Government (WG), the North Wales Economic Ambition Board (NWEAB) and other partners would work in partnership to develop and deliver against a single common North Wales Regional Economic Framework.

In addition to the co-production that took place through the various NWEAB groups, two cross-sector stakeholder events took place. The first in May 2022 provided background and discussion on strengths and opportunities for the region. The second was a series of eight workshops which sought views on priorities for the region.

RESOLVED:

That the ‘Regional Economic Framework for North Wales’ be recommended for endorsement by Council.

30. WELSH GOVERNMENT (WG) PROGRAMMES – SUMMER OF FUN, WINTER OF WELLBEING

Councillor Roberts introduced the item and explained that during the spring of 2021 the Children’s Commissioner for Wales initiated a discussion with Welsh Government (WG) and local authorities about the need to make provision for children and young people to have access to fun activities to try and mitigate the impacts of the pandemic on their emotional, social and physical wellbeing.

The Chief Officer (Education and Youth) added that WG made funding available to local authorities and other national organisations to deliver a ‘Summer of Fun’. This was successfully delivered in Flintshire alongside play schemes and reported to Education Overview & Scrutiny Committee in

December 2021. The success of the scheme, which was independently evaluated, resulted in WG providing more funding for a 'Winter of Wellbeing programme over the winter of 2021-2022 and had recently confirmed additional funding for another 'Summer of Fun' this year.

The report provided an overview of the Council's delivery of those programmes and the WG evaluation report. Locations were being collated at the request of Education, Youth and Culture Overview and Scrutiny Committee and would be shared with all Members when complete.

Councillors Johnson and Bithell welcomed the wide range of activities being made available to children and young people over the summer period.

RESOLVED:

That Cabinet be reassured that children and young people in Flintshire have benefitted from Welsh Government funding through the Winter of Wellbeing Programme.

31. THE SCHOOL STANDARDS AND ORGANISATION (WALES) ACT 2013, SCHOOL ORGANISATION CODE FOR AN ENLARGEMENT OF THE PREMISES OF A SCHOOL FOR DRURY C.P. SCHOOL AND PENYFFORDD C.P. SCHOOL

Councillor Roberts introduced the item which sought approval to issue a statutory notice through 'The School Standards and Organisation (Wales) Act 2013, School Organisation Code' for an enlargement of the premises at two schools - Drury C.P. School and Penyffordd C.P. School.

The Code set out Regulated Alterations to Community, Foundation and Voluntary schools requirements in relation to the enlargement of school premises.

The proposed investment projects at Drury C.P. and Penyffordd C.P. met the triggers that required consultation on increased capacity for each school through the Welsh Government's legal framework.

RESOLVED:

That Cabinet approve to proceed to issue statutory notice through 'The School Standards and Organisation (Wales) Act 2013, School Organisation Code' for an enlargement of the premises at Drury C.P. School and Penyffordd C.P. School.

32. PLAY SUFFICIENCY ASSESSMENT 2022

Councillor Roberts introduced the item and said Flintshire County Council and its partners were committed to ensuring that all children and young people resident in the county had access to time, space and permission to play as part of their everyday lives which benefitted families and their communities. Children living in Flintshire had a 'right to play' as enshrined within Article 31 of the United Nations Convention on the Rights of the Child (UNCRC).

The Council recognised that play was central to children and young people's enjoyment of life and was essential to their physical and emotional wellbeing and their healthy development. It was recognised that some aspects of our modern society could limit children's time, space and permission to play. The Council was committed to the continuation of creating effective partnerships to enable play sufficiency.

The aim was to help to create rich play environments where children could freely play and encourage our communities to be as play-friendly as possible to support children's play. By increasing opportunities for play within local communities, children's and young people's experience of growing-up in Flintshire would be enhanced.

The report provided an overview of the Play Sufficiency Assessment process, the development of a Play Sufficiency Action Plan and the draft Assessment for 22-23 prior to submission of the completed assessment to Welsh Government by 30th June 2022.

RESOLVED:

- (a) That the content of the draft Play Sufficiency Assessment (PSA) 2022 and the draft Action Plan 2022/23 be noted prior to submission to Welsh Government; and
- (b) The continued development of a strategic Flintshire Play Sufficiency Implementation Group be supported, to provide a multi-agency forum to monitor the PSA Action Plan 2022/23.

33. ARMED FORCES ACT 2021

Councillor Mullin introduced the item and explained that Flintshire County Council signed the Armed Forces Covenant (AFC) in July 2013. The Covenant was a promise from the nation to those who currently served, or had served, in the armed forces to ensure they were treated fairly, along with their families.

The Armed Forces Act 2021 enshrined the AFC into law, placing a legal obligation of public bodies to prevent services personnel, reservists, veterans and their families being disadvantaged when accessing public services.

The Chief Executive explained that Section 8 of the Armed Forces Act 2021 was expected to come into force in Autumn 2022 and introduced a duty in Housing and Education to have "due regard" to the principles of the AFC.

RESOLVED:

That the forthcoming legislation and implications for Housing and Education be noted.

34. SUSTAINABLE COMMUNITIES FOR LEARNING – MUTUAL INVESTMENT MODEL (MIM) – FINANCIAL CLOSE FOR THE 3-16 CAMPUS PROJECT, MYNYDD ISA

Councillor Roberts introduced the item which followed previous updates to Cabinet on Welsh Government's (WG) Sustainable Communities for Learning (formerly 21st Century Schools Investment Programme, Band B) Mutual Investment Model (MIM) for the proposed 3-16 Campus project at Mynydd Isa.

The report provided the background to MIM and progress the project had made through the WG business case process and the design development process to cost certainty.

Details of the capital and revenue liabilities were outlined in the report and approval was sought for the annual Service payment, and to enter into a Project Agreement for the construction phase, finance and maintenance of the buildings and associated infrastructure for the years 3-6 campus project. It was based on a maximum financial cap set by WG to overcome the challenges the construction sector/supply chain were currently experiencing, the complexities of MIM and in order to keep the project timeline on track.

Given the nature of the Public Private Partnership (PPP) the report was written in part to endure funders' requirements were met, as a consequence the report contained technical and legal wording which had been simplified as much as possible.

Subject to Cabinet approval, the anticipated construction start was August 2022, with building occupation planned for the start of the new academic year, September 2024, thereafter external works would follow, starting with the demolition of the existing Argoed High School. Any delay to the anticipated start could result in a significant project delay and associated cost increases. Cabinet approval of the recommendations would allow completion of the funding package for the project and enable the Agreements to be entered into and works to commence in line with the programme.

The Chief Executive explained that over the past 24/30 months, various global issues had been impacting prices in the construction market which were as a result of Brexit, the COVID-19 pandemic and the war in Ukraine. Those had conflated with the impact being:

- An increase in demand for construction (post COVID)
- Supply chain disruption and an ongoing energy crisis. The consequences of that were the lack of construction materials
- High inflation and price volatility
- High raw material prices
- High energy prices and increased uncertainty

To allow the project to progress, the WG MIM team, with their commissioned experts, had set a funding cap, which set the estimated maximum annual service charge. The estimate maximum cap was a direct result of the

current market, inflation and supply chain issues faced by the construction industry presently and was a reflection of where the project currently sat in the granular market testing/cost certainty process. However, it was anticipated that the project figure would be confirmed as lower as the project moved towards financial close in July/August 2022.

The Full Business Case to WG also sought agreement from WG to cap the Council's annual service charge contribution to a maximum value of £1,000,000 per annum. Should the project figure be lower than the maximum capped figure, as anticipated, that would reduce the annual service charge figure accordingly to the benefit of both WG and the Council.

The legal considerations and resource implications were outlined in full in the report.

RESOLVED:

- (a) That the execution, delivery and performance of the MIM Project Agreement with Project Co (to be established by the Welsh Education Partnership Co Limited) be approved, together with the Funders' Direct Agreement, the Collateral Agreements, the Independent Tester Contract and the Insurance Proceeds Account Agreement, Clerk of Works Appointment, Independent M&E Commissioning Manager Agreement (together the "**Agreements**") (and any documents to be delivered by the Agreements pursuant thereto) to facilitate the delivery of the Project;
- (b) That the Project Agreement at Appendix 1a be approved, together with Appendix 1b Schedule 14 Payment Mechanism which shall be incorporated into the Project Agreement, and which is summarised in Appendix 2 and 3 of this report; so as to give effect to recommendation (c), subject to recommendation (f)
- (c) That the Funders' Direct Agreement be approved, the Collateral Agreements, the Independent Tester Contract, and the Insurance Proceeds Account Agreement (also as Schedules of the Project Agreement), and other legal documentation at Appendix 4a – 4f of this report so as to give effect to recommendation (a), subject to recommendation (d)
- (d) That it be noted that the Monitoring Officer shall complete the Agreements for execution and is approved to:
 - i. Complete all information gaps including but not limited to confirmation of financial obligations (including the Annual Service Charge and Monthly Service Payment) and commitments of the Council and programme dates; and
 - ii. Make any further genuine project specific drafting changes to the Agreements, as may be required

and that by the act of execution any final changes are approved:

- (e) That delegated authority be given to the Monitoring Officer to approve any further deeds and documents for execution by the Council which are ancillary to the Agreements approved here; and
- (f) That it be noted that the Chief Executive, the S151 Officer, or the Monitoring Officer will complete and sign the certificates under the Local Government (Contracts) Act 1997 and agree to indemnify this officer in the act of doing so.

35. 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 Communities

- **Council Rent – Write Off of Housing 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 decision to write off is in respect of two separate council house cases where tenants are subject to Debt Relief orders (DRO's). In the first case, rent arrears of £9,232.42 are included in the DRO. In the second case, rent arrears of £5,552.95 are included in the DRO. The arrears are no longer recoverable in either case.
- **Community Asset Transfer, Former Civic Amenity Site, Dock Road, Connah's Quay, Flintshire**
The report relates to the Community Asset Transfer of Former Civic Amenity Site, Dock Road, Connah's Quay, Flintshire.

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 item by virtue of exempt information under paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

36. CAPITAL WORKS – VARIATION TO CONTRACT, WELSH HOUSING QUALITY STANDARDS (WHQS) WHOLE HOUSE EXTERNAL (WHE) PROGRAMME

The Chief Executive introduced the item and explained that the report sought approval to increase the P2P order value for the contract to allow payment for additional properties, works and costs for the 2021/22 Welsh Housing Quality Standard (WHQS) Whole House External (WHE) programme.

The contract was still ongoing and the increase would allow for the works to continue to proceed.

RESOLVED:

That Cabinet approve the contract sum increase by £1,000,000 as set out within the report.

37. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting commenced at 10.30 a.m. and ended at 1.27 p.m.)

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Chair