

CABINET
18th JUNE 2019

Minutes of the meeting of the Cabinet of Flintshire County Council held in the Clwyd Committee Room, County Hall, Mold on Tuesday, 18th June 2019.

PRESENT: Councillor Ian Roberts (Chair)

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 (Streetscene and Transportation), Chief Officer (Education and Youth), Chief Officer (Housing and Assets, Chief Officer (Social Services), Chief Officer (Planning, Environment and Economy), Corporate Business and Communications Executive Officer, and Team Leader – Democratic Services.

APOLOGIES:

None.

OTHER MEMBERS IN ATTENDANCE:

Councillors: Bernie Attridge and Patrick Heesom.

11. DECLARATIONS OF INTEREST

Councillors Banks, Jones and Thomas declared personal interests in agenda item number 5 – Discretionary Transport Policy Review – Outcome of Consultation.

Councillor Mullin declared a personal interest in agenda item number 13 – NEWydd Catering and Cleaning Ltd – Progress Review and Revised Business Plan for 2019-2022.

Councillor Banks declared a personal and prejudicial interest in agenda item number 16 – North East Wales (NEW) Homes Business Plan 2019/2048.

Councillors Banks and Butler declared personal interests in agenda item number 17 – Theatr Clwyd Trust Model.

12. MINUTES

The minutes of the meeting held on 14th May 2019 were submitted and approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

All Cabinet Members paid tribute, and expressed their thanks, to all staff who had worked tirelessly the previous week during the bad weather to ensure service provision continued and that the County's most vulnerable were cared for.

13. **COUNCIL PLAN 2019/20**

Councillor Roberts introduced the Council Plan – Part 1 which was the guiding priorities for the Council’s remaining term. He thanked all officers involved in the production of the Plan.

The Chief Executive explained that the Plan was reported to County Council in June each year for adoption – it was a five year plan which was subject to annual review.

Workshops had been held for Members and the Corporate Resources Overview and Scrutiny Committee had provided feedback on the structure, format and content of the draft Plan. The main outcomes from the Member workshops were outlined in the report. Other more specific suggestions had been made to inform the content of the Plan and where agreed at the workshops, or in discussion, they had been incorporated into the Plan.

The Corporate Business and Communications Executive Officer explained that a new, seventh theme had been added to the Plan - ‘*Safe and Clean Council*’.

The Council Plan was published in two documents. Part one set out the intent. Part two would set out the performance measures, targets and milestones against which achievement would be measured and evaluated. Part two would be presented in July.

Councillor Thomas welcomed the timing of the workshops which had been held earlier in the process and the format of the document which she felt was easier to understand for members of the public.

Councillors Banks and Bithell commented on the importance of the new 7th Theme which was welcomed. On ‘*Serving Council*’, Councillor Jones was pleased to see the inclusion of ‘Measures to support and maintain a safe and healthy working environment’.

RESOLVED:

That Part 1 of the Council Plan 2019/20 be recommended to Council for adoption.

14. **DISCRETIONARY TRANSPORT POLICY REVIEW – OUTCOME OF CONSULTATION**

Councillor Roberts introduced the report which summarised the outcome of the consultation on discretionary school and college transport policy areas of post 16 provision and benefits entitlement which took place in December 2018.

Full details of the consultation were outlined in the report; the report had also been submitted to the Education and Youth Overview and Scrutiny Committee and the feedback from that meeting was also included in the report. Councillor Roberts read out the following statement:

“Members, I believe that the decision we are faced with is extremely challenging. We, as a council, have prided ourselves on making post-16 education accessible to all and in having one of the lowest ‘Not in Education, Employment or Training’ (NEET) rates in Wales. However, we know that as a local authority and following 10 years of austerity, we spend far more, in net cost, than other local authorities on transport including transport to schools and colleges. We must recognise that the results of the consultation were a call for no change to the current policy as people were inevitably reluctant to pay more for local services if it could be avoided.

Unfortunately, there is no such thing as free school or college transport – free for the user means that the council tax payer in general has to foot the bill. I recognise that there is school transport which we are required to pay for and the many anomalies on transport policy in practice which have grown up over the years. Unfortunately, post-16 transport is one of these free services, phased out in many other local authorities, which is no longer sustainable. It currently costs about £750,000 per academic year to maintain.

I thank our Head teachers and College representatives who spoke on behalf of the Secondary Heads Federation, and the colleges for recognising the financial challenge we face as a council and for reluctantly supporting a charge, with some mitigation measures. I also thank the Members of the Education and Youth Overview and Scrutiny Committee for the debate they had and decisions that they took which again recognised that there would have to be a charge with some mitigation measures. This leaves the decision for us today. I would therefore move the following:

- That from September 2020 the termly charge for post-16 transport should be set at a maximum of £150 per term;
- All students entitled to free school meals should receive free transport to school or college. This measure should be paid for by Council funds – not from the charge for transport – as a discretionary benefit;
- That during the year between now and the introduction of the charge, the Council should examine the possibility of operating a hardship fund for supporting families where access to education is denied due to the charge through extenuating circumstances, noting the continuation of free transport entitlement under the free school meal criterion; and
- That during the year between now and the introduction of the charge, as suggested by the Liberal Democrat group, the Council should examine the possibility of a form of ‘Oyster’ type pre-payment card which would allow residents who cannot pay the termly charge to top up their card on a regular basis.

I would hope that during the year before the introduction of the charge that we work with Coleg Cambria to maintain their share of the transport costs. I would further propose that post-16 is defined to be years 12 and 13 in school year terms, and only extended in exceptional circumstances.”

The Chief Officer (Education and Youth) concurred that this was not an easy decision for Members but the status quo was not sustainable in the current financial

climate. She stressed the importance of learners being treated with equity and reiterated the proposals that children who received free schools meals would continue to receive free transport to school or college.

The Chief Officer (Governance) added that the inability to pay should not be a barrier to education and the retention of providing free transport to those who received free school meals, plus the hardship fund, would ensure that all learners were treated the same. In addition to the exploration of a pre-payment card, the Council could also explore whether direct debit could be an option as part of 'My Account'.

The Chief Executive added that the Council would still be required to pay for a discretionary element for both free transport entitlement and for any hardship fund. Any such fund would need to be applied consistently and would be challenging for the Authority to administer. He said if Welsh Government (WG) wanted to ensure learners had access to education then transport should be fully funded by WG under a statutory instrument.

All Members agreed with the proposals by Councillor Roberts, recognising that this was a decision required due to the extremely challenging financial climate that the Council was in, and had been for a number of years.

RESOLVED:

- (a) That:
- I. From September 2020 the termly charge for post-16 transport should be set at a maximum of £150 per term;
 - II. All students entitled to free school meals should receive free transport to school or college. This measure should be paid for by Council funds – not from the charge for transport – as a discretionary benefit;
 - III. That during the year between now and the introduction of the charge, the Council should examine the possibility of operating a hardship fund for supporting families where access to education is denied due to the charge through extenuating circumstances, noting the continuation of free transport entitlement under the free school meal criterion;
 - IV. That during the year between now and the introduction of the charge, as suggested by the Liberal Democrat group, the Council should examine the possibility of a form of 'Oyster' type pre-payment card which would allow residents who cannot pay the termly charge to top up their card on a regular basis;
 - V. That post-16 is defined to be years 12 and 13 in school year terms, and only extended in exceptional circumstances; and
- (b) That negotiations be re-opened with Coleg Cambria on the level of recharged cost for the discretionary transport service.

15. THE COUNCIL'S CLOSED CIRCUIT TELEVISION SERVICE AND A SHARED SERVICE WITH WREXHAM

Councillor Mullin introduced the report and explained that issues surrounding CCTV could be emotive. Members of the public generally felt comforted by the camera

installations, however, austerity had forced many local authorities to seriously consider the role and funding of CCTV systems.

The report set out a number of options relating to CCTV installation. Relocation of the service to Wrexham had continued to be explored for some time. This option would provide a joint CCTV service managed by Wrexham, with Flintshire remaining responsible for fibre costs and camera maintenance and replacement.

The Chief Officer (Housing and Assets) believed the option to merge services would provide the necessary resilience for both partners and would manage costs more effectively.

North Wales Police derived the most benefit from the service despite contributing the least financially. This needed to be addressed.

Members welcomed the proposals which demonstrated a good example of collaboration with a neighbouring authority and aligned with the Theme '*Safer Communities*' in the Council Plan.

RESOLVED:

That the merging of the CCTV monitoring function with Wrexham County Borough Council be supported.

16. CHILDCARE SUFFICIENCY ASSESSMENT

Councillor Jones introduced the report which provided an overview of an Annual Progress Report that had been produced to assess progress against the actions, priorities and milestones identified in the Childcare Sufficiency Assessment (CSA).

The Annual Progress Report identified the action/milestones that had been achieved during 2018/19 to respond to the gaps and areas for development which were detailed in full in the report. It also identified core strengths including an assessment that:

- Childcare was well located and met the needs of the majority of parents;
- Childcare was generally reliable; and
- The majority of respondents believed childcare was of good quality.

The Chief Officer (Social Services) explained that the next full CSA was due by 2022 and work was already taking place to improve provider and parental involvement and feedback in the assessment to ensure a deeper understanding of the issues to enhance the assessment of demand, sufficiency and areas for development.

Councillor Jones expressed her thanks to the team for their work in this area which saw children cared for from birth into primary school. She also recognised the development of the database used which had been designed by the team and was now being sought after by other local authorities. Members concurred with the comments of the Cabinet Member and said Flintshire recognised the importance of such care and had become a market leader in the field.

RESOLVED:

- (a) That the effectiveness of the Council's strategic response to securing sufficient, sustainable, and high quality childcare within the county that is responsive to the needs of children and their families be noted; and
- (b) That the on-going work and commitment to the delivery of the Childcare Sufficiency Assessment every five years and the annual Progress Report be supported.

17. SOCIAL SERVICES ANNUAL REPORT

Councillor Jones introduced the Social Services Annual Report which set out the improvement journey and evaluated Social Services' performance in providing services to people that promoted their wellbeing and supported them to achieve their personal outcomes.

The format was closely aligned to the National Outcomes Framework and demonstrated the Council's performance in meeting the wellbeing outcomes of the people of Flintshire. All improvement priorities sat under one of the six National Quality Standards which were detailed in the report.

The Chief Officer (Social Services) added that the Report would form an integral part of Care Inspectorate Wales' (CIW) performance evaluation of Flintshire Social Services. The evaluation also informed the Wales Audit Office's assessment of Flintshire County Council as part of the annual improvement report.

The Chief Officer thanked Cabinet for the support received for significant capital projects in the care sector which the Council could be proud of.

RESOLVED:

That following review, the draft Annual Report be approved ensuring it provides an accurate and clear account of Social Services for Adults and Children in Flintshire.

18. REVIEW OF THE CORPORATE DEBT RECOVERY POLICY

Councillor Mullin introduced the report which sought approval for a refreshed Corporate Debt Recovery Policy which was a single policy document with well established procedures and regulations for the collection of Council Tax, Business Rates, Sundry Debt, Housing Rents and overpayment of Housing Benefit.

The Chief Officer (Housing and Assets) said the revised policy took into account changes mainly associated with:

- Bailiff reform and the introduction of new Regulations;
- The removal of committal as a sanction for the non-payment of Council Tax;

- Revised internal working practices for the collection of sundry debt involving the development of a more robust escalation process for disputed invoices;
- Changes to the minimum monetary threshold when taking Bankruptcy action; and
- Revised working practices for the recovery of unpaid housing rent.

The Chief Officer (Governance) explained that the decision of Welsh Government (WG) to remove committal action could lead to increased losses in Council Tax in the future. As justification for the removal of committal, WG referenced that the Scottish Government had removed committal and despite that, collection rates in Scotland were still similar to those in Wales. The average Council Tax collection rates in Scotland for 2017/18 were 96.0% compared to an average of 97.4% for Wales and 98.2% for Flintshire.

RESOLVED:

That the Corporate Debt Recovery Policy, as amended, be re-approved for the collection of Sundry Debt, Council Tax, Business Rates, Housing Rents and overpayments of Housing Benefit.

19. COMMUNAL HEATING CHARGES 2019/20

The Chief Officer (Housing and Assets) introduced the report which proposed revised recharges for communal heating to avoid a deficit building on the heating reserve account. This was due to prices increasing by more than was anticipated when the charges were agreed by Cabinet in June 2018.

The table in the report set out recommended heating charges based on actual usage in 2017/18 and 2018/19, the assumption that costs increased by 18% in 2019/20, and that usage would remain at similar levels for the next 12 months. Revised charges would be introduced in August 2019 to help spread the increased cost to tenants over a longer period.

RESOLVED:

That the changes to the current heating charges at Council properties with communal heating schemes as outlined in the report be approved – all changes will take effect from 1st August 2019.

20. RIGHTS OF WAY IMPROVEMENT PLAN 2018-2028

Councillor Thomas introduced the report which sought approval of the Rights of Way Improvement Plan (RoWIP) and policy and procedures booklet.

The RoWIP was a plan for the local authority to manage and improve its rights of way network over a 10 year period. This second RoWIP assessed the 2018 network and evaluated progress made since 2008. The current policy context was examined, priority areas were identified and a new style Statement of Action proposed.

Part of the plan was a booklet containing a suite of policies and procedures associated with Rights of Way.

RESOLVED:

That the Rights of Way Improvement Plan and policy and procedures booklet be approved.

21. EXERCISE OF DELEGATED POWERS

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

Streetscene and Transportation

- **The Flintshire County Council – A5104 Corwen Road, Ffordd Y Rhos Treuddyn) (40mph and 50mph Speed Limit) Order 201x**

To advise Members of an objection received for the proposed 40mph and 50mph speed limit on the A5104 Corwen Road, Ffordd Y Rhos, Treuddyn.

Housing and Assets

- **Bistre Youth and Community Centre, Buckley Community Asset Transfer of the Building and Demised Area**

The Community Asset Transfer of the building and surrounding land known as Bistre Youth and Community Centre to be developed to provide sports coaching, indoor training facilities for year round use and a cafeteria. Specific fitness classes will be added to the current hall areas when not in use by current occupying parties. Former classrooms would be converted into meeting and educational/briefing rooms.

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).

22. NEWYDD CATERING AND CLEANING LTD – PROGRESS REVIEW AND REVISED BUSINESS PLAN FOR 2019-2022

Councillor Mullin introduced the report which provided details of progress to date of NEWydd Catering and Cleaning Ltd.

The report allowed Cabinet the opportunity to review how the transition to an arm's length trading company had developed and the intended direction of the business over the next two years during the next phase of the project.

RESOLVED:

- (a) That the progress of NEWydd Catering and Cleaning Limited during the first year of trading be noted; and
- (b) That the future Business Plan for the service be supported and endorsed.

23. AURA ANNUAL BUSINESS PLAN

Councillor Roberts introduced the report which presented the annual report of Aura and the Council's response. Overall the objectives and targets of the Business Plan had been met with a number of mutual challenges to meet to sustain performance over the coming years.

Organisational Change Overview and Scrutiny Committee considered the Plan at their recent meeting which was received positively and supported the response of the Council as detailed in the report.

RESOLVED:

That the Business Plan with Aura be supported and endorsed noting the comments of the Organisational Change Overview and Scrutiny Committee.

24. PAY MODEL AND PAY POLICY

Councillor Mullin introduced the report which provided an update on progress made on pay modelling review work for the implementation of the second year of the two year National Joint Council (NJC) pay agreement (2018/19 – 2019/20), and the changes made as part of the maintenance of the Single Status Agreement (2014).

RESOLVED:

That the progress made in adopting a new Policy Model be welcomed, noting the actions taken in using the delegated authority to agree with the Trade Unions, and the new Model be implemented.

25. NORTH EAST WALES (NEW) HOMES BUSINESS PLAN 2019/2048

Having earlier declared a personal and prejudicial interest in this item, Councillor Banks left the room prior to the debate.

The Chief Officer (Housing and Assets) introduced the report, explaining that the Business Plan set out key elements of the company's proposed Development Strategy to increase the number of Affordable Rent Properties delivered over the next three years to 207 units.

There was an obligation on NEW Homes to seek Cabinet's approval in respect of any Business Plan that provided the strategic objectives of the company. Each year the company must comply with, and implement, the Business Plan with prior approval from Cabinet.

RESOLVED:

- (a) That the NEW Homes Business Plan 2019/2048 be approved; and
- (b) That the increase in future Prudential Borrowing through the Council (up to a maximum of £20m) for on-lending to NEW Homes for the purposes of developing or purchasing affordable homes subject to NEW Homes meeting agreed lending parameters be approved.

26. THEATR CLWYD TRUST MODEL

Councillor Butler introduced the report which considered a timely review of the options for governance at Theatr Clwyd.

The Chief Executive explained that the Board of Governors of Theatr Clwyd had met on 4th June 2019 and recommended a preferred governance model with a transition ready for the start of the 2021/22 financial year. This was supported by Cabinet Members.

RESOLVED:

- (a) That the recommendation of the Theatr Clwyd Board of Governors for the preferred governance model for the future be supported; and
- (b) That a full and final report on due diligence for the preferred model be brought back to Cabinet, for a final decision to be made, no later than December 2019.

27. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting commenced at 9.30 a.m. and ended at 11.35 a.m.).

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Chair