

CABINET
21ST SEPTEMBER 2021

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Zoom on Tuesday 21st September 2021.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Glyn Banks, Chris Bithell, Dave Hughes, Paul Johnson, Christine Jones, and Billy Mullin.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Streetscene and Transportation), Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Corporate Finance Manager, Senior Manager, Senior Manager, School Improvement, and Team Leader – Democratic Services.

APOLOGY:

Councillor Derek Butler.

OTHER MEMBERS IN ATTENDANCE:

Councillor Patrick Heesom.

31. DECLARATIONS OF INTEREST

None.

32. MINUTES

The minutes of the meeting held on 13th July 2021 were submitted and confirmed as a correct.

It was noted that minute number 27 should read Councillor Hughes, and not Councillor Johnson.

RESOLVED:

That subject to the amendment the minutes of the meeting be approved as a correct record.

33. ORGANISATIONAL CAPACITY

Councillor Mullin introduced the report which made urgent proposals to enhance organisational capacity in six areas of the workforce, and to consolidate capacity in one further area due to a combination of (1) pressing service demands (2) the ongoing demands of managing the pandemic/endemic situation and (3) the expectations of meeting the aims and objectives of the newly adopted Council Plan.

The proposals did not require any structural changes and did not place any current employees at risk.

The Chief Executive said each proposal outlined in the report was supported by a business case which were summarised in the report, and were for the following areas of the workforce/functions:

1. Environmental Health
2. Enforcement
3. Regeneration and Town Centres
4. Flood Prevention and Response
5. Occupational Health
6. Legal
7. Social Value (this was a current post with time-limited funding for three years which was recommended to be made permanent)

Other proposals for organisational capacity with less urgency would be considered as part of the draft annual budget for 2022/23.

In response to a comment from Councillor Hughes, the Chief Executive said the Council was looking to extend the number of apprentices and would look at creative ways to recruit.

RESOLVED:

- (a) That the proposals for organisational capacity as set out in the report be approved; and
- (b) That the Chief Executive and Senior Manager, Human Resources and Organisational Development, be given delegated authority to proceed with job design and recruitment/retention in those specified areas of capacity.

34. TARGET 70 – A REVIEW OF FLINTSHIRE COUNTY COUNCIL’S WASTE STRATEGY

Councillor Banks introduced the report and explained that the current recycling performance statutory target was 64%. The Council continued to perform well with the recycling performance for 2019/20 being 65.58%. However, the impact of the pandemic had resulted in significant changes in the volumes of waste and recycling collected from residential properties and deposited at the Household Recycling Centres (HRCs) which had resulted in a downturn in performance to 64.4% for 2020/21. That change was as a result of increased working from home, restrictions on movement and the closure of hospitality venues, along with the periodic closures of the HRCs.

Whilst the current waste strategy did not come to an end until 2025, the next national target to be achieved was 70% by 2024/25 so it was important that the Council started to plan for the future, assess the ongoing impact on waste volumes post the pandemic, and consider what more could be done to increase recycling rates to ensure that the national targets were met.

The Chief Officer (Streetscene and Transportation) said in July 2021, following a report to the Environment and Economy Overview and Scrutiny Committee, two all

Member workshops were held to provide an update on the current position and discuss what changes the Council could implement to achieve the national recycling target of 70%.

The report provided full details of the feedback from the seminars and recommendations on future recycling and waste service provisions.

Councillor Jones and Mullin welcomed the introduction of the AHP collection service which would be well received by many residents.

RESOLVED:

- (a) That the feedback from the Member seminars be welcomed and the work undertaken to date to increase recycling rates be supported; and
- (b) That the recommendations on future recycling and waste service provisions be approved.

35. FLINTSHIRE FINANCIAL SUSTAINABILITY ASSESSMENT FINAL REPORT

Councillor Johnson introduced the report and explained that a Financial Sustainability Assessment across all Welsh Councils had been undertaken by Audit Wales and the report for Flintshire was appended to the report.

The summary and findings in the report outlined a fair reflection of the Council's financial position and there were no new issues to report. Therefore, a formal response had not been prepared as per usual practice.

The Chief Executive added that the report was submitted to Corporate Resources Overview and Scrutiny Committee the previous week where it was well received. The report was highly reassuring and complimentary.

The Corporate Finance Manager said the tables within the report evidenced the Council spending within budget. In addition, there were no proposals from Audit Wales in North Wales.

Councillor Roberts commented on Flintshire being 21st out of 23 on the reserves table which demonstrated the reliance on Welsh Government funding.

Members welcomed the report and that there was no action plan needed due to no proposals being made. The report was a good capture of the situation in Flintshire.

RESOLVED:

That the report from Audit Wales be noted.

36. REVENUE BUDGET MONITORING 2021/22 (MONTH 4)

Councillor Johnson introduced the report and explained that this was the first detailed update and took into account grant funding being claimed through the Welsh Government Hardship Fund.

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 £0.739m (excluding the impact of the pay award which would be met by reserves)
- A projected contingency reserve balance as at 31st March 2022 of £5.057m

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.495m higher than budget
- A projected closing balance as at 31st March 2022 of £3.978m

The Corporate Finance Manager explained that the report also detailed the position by portfolio; significant variances that month; achievement of planned in-year efficiencies; unearmarked reserves and earmarked reserves. Claims were continuing to be made to the Welsh Government Hardship Fund.

The Chief Executive added that specific in year grants might be received and the Council would look to boost reserves wherever possible. On pay, the NJC negotiations were ongoing so could increase. On Teachers pay, national negotiations were also ongoing and representations would continue to be made for further funding to meet additional costs, although if unsuccessful and based on a 1.7% uplift, 0.7% would be funded via a grant with the remaining 1% being split equally between the Council and schools.

In response to a question from Councillor Bithell, the Chief Officer (Social Services) explained that the facility in Mold to help with Out of County placements would be available by summer 2022.

Members requested that a report be brought to the next meeting of Cabinet on the impact to residents due to the upcoming removal of the additional £20 Universal Credit payment.

RESOLVED:

- (a) That the report and the estimated financial impact on the 2021/22 budget be noted and
- (b) That a report be brought to the next meeting of Cabinet on the impact to residents due to the upcoming removal of the additional £20 Universal Credit payment.

37. CAPITAL PROGRAMME MONITORING 2021/22 (MONTH 4)

Councillor Johnson introduced the report which summarised changes made to the Capital Programme 2021/22 since it was set in December 2020 to the end of Month 4 (July 2021), along with expenditure to date and projected outturn.

The Capital Programme had seen a net increase in budget of £29.595m during the period which comprised of:

- Net budget increase in the programme of £14.360m (Council Fund £21.975m, Housing Revenue Account £7.615m)
- Introduction of Carry Forward from 2020/21 of £15.635m (Council Fund £15.635m, Housing Revenue Account £0.000m)
- Identified savings at Month 4 (Council Fund) (£0.400m)

Actual expenditure was £25.355m.

Capital receipts received in the first quarter of 2021/22, along with savings identified, totalled £0.683m. That gave a revised projected surplus in the Capital Programme at Month 4 of £2.795m (from an opening funding position surplus of £2.112m) for the 2021/22 – 2023/24 Capital Programme, prior to the realisation of additional capital receipts and/or other funding sources.

RESOLVED:

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

38. TREASURY MANAGEMENT ANNUAL REPORT 2020/21

Councillor Johnson introduced the report which presented the draft Treasury Management Annual Report 2020/21 which was appended to the report.

As required by the Council's Financial Procedure Rules, the Annual Report was reviewed by the Governance and Audit Committee on 28th July 2021 where officers responded to questions to the satisfaction of the Committee and there were no specific issues to bring to the attention of Cabinet.

In a change to the printed recommendation, it was recommended that the report be presented to Council on 7th December 2021 for final approval.

RESOLVED:

That the draft Treasury Management Annual Report 2020/21 be recommended to Council on 7th December 2021 for final approval.

39. BUSINESS RATES – WRITE OFFS

Councillor Mullin introduced the report and explained that Financial Procedure Rules (section 5.2) required Cabinet to approve any recommendation to write off debts in excess of £25,000.

A £103,150 Business Rates debt was considered to be irrecoverable for the Arcadia Group Plc. The company was placed into Administration in December 2020 with debts in excess of £800m owed to creditors and with a £510m deficit in the company pension fund.

The company entered into Liquidation from July 2021. Consequently, there would be few or no assets available for non-preferential creditors. Successful recovery of the business rate debt was no longer possible and a write off was necessary.

The Chief Officer (Governance) explained that there were no direct financial implications for the Council or local taxpayers by writing off this debt as business rates losses were borne by the National Collection Pool for Wales. As the Collection Pool was supported by Welsh Government, non-payment of rates did though have a wider impact on the Welsh taxpayer.

RESOLVED:

That the write off of the £103,150 business rate debt for the Arcadia Group Plc be approved.

40. MUTUAL INVESTMENT MODEL (MIM) 21ST CENTURY SCHOOLS WELSH EDUCATION PARTNERSHIP – DEED OF ADHERENCE

Councillor Roberts introduced the report which provided details on the background and process of a proposed change, a “Deed of Adherence” to the existing agreed Strategic Partnering Agreement (SPA). The SPA facilitated the delivery of education and community facilities through the Welsh Government’s Mutual Investment Model (MIM) and to seek approval to enter into the Deed of Adherence.

Subject to appropriate agreement from Continuing Participants (Welsh Councils and Further Education Institutes) the Deed of Adherence would be completed by Welsh Government later in 2021.

RESOLVED:

In noting the recommendation below it is worded quite specifically by Bevan Brittain the legal advisors to Welsh Government and WEPCo to ensure that all partners to that agreement have a regularised and formally agreed set of wording. This is to ensure consistency across the partnership, who will be submitting broadly similar reports to their respective organisations at or around the same time period:

That the execution, delivery and performance of a supplemental agreement to the Welsh Education Partnership (WEP) Strategic Partnering Agreement (SPA) dated

30th September 2020 (the “Deed of Adherence”) be approved, in order that from the date of execution of the Deed of Adherence the Joining Partnerships are able to give effect to and be bound by the terms of the WEP Strategic Partnering Agreement dated 30th September 2020 as a party to it, to facilitate the delivery of a range of infrastructure services and the delivery of education and community facilities.

41. ESTYN THEMATIC REVIEW UPDATE

Councillor Roberts introduced the report and explained that during the autumn term of 2020, Welsh Government (WG) asked Estyn to undertake a thematic review of the work undertaken by the education departments of each council in Wales to support their learning communities in schools and pupil referral units during the period from March to October 2020. Estyn made five key recommendations for the WG and councils to address.

Flintshire’s first review letter was very positive and was included as part of the documentation relating to the Education Portfolio’s annual self-evaluation process. During the summer term of 2021, Estyn conducted follow up reviews to consider the progress being made against their initial recommendations in the national thematic review. That review had culminated in a second letter to the Chief Executive which provided a high degree of assurance that the Portfolio had continued to work effectively through its own resources, and through its support for schools in partnership with GwE, to ensure quality educational provision for learners, particularly those who were considered to be the most vulnerable.

The feedback from Estyn did not need an official response from the Council as the work undertaken was a thematic review, not an inspection under the normal regulatory frameworks.

The Senior Manager, School Improvement, commented on the positive letter which provided a high degree of assurance that the Portfolio had continued to work effectively in providing support for schools and vulnerable learners, to ensure quality educational provision was delivered through the second stage of the pandemic. She also commented on the work undertaken to improve digital provision in schools which was welcomed.

RESOLVED:

- (a) That the effective work of the Education Portfolio, in conjunction with the regional school improvement service GwE, in ensuring Flintshire learners continued to receive effective educational provision through the Covid-19 pandemic, be acknowledged;
- (b) That the positive progress made against each of the five Estyn recommendations in the national thematic review by the Education Portfolio and schools be noted; and
- (c) That the assurance letter be considered by the Education, Youth and Culture Overview and Scrutiny Committee.

42. COUNCIL TAX PREMIUM SCHEME FOR SECOND HOMES AND LONG-TERM EMPTY PROPERTIES

Councillor Mullin introduced the report and explained that Section 12 of the Local Government Finance Act 1992 provided Local Authorities in Wales with discretionary powers to charge, or vary, a Council Tax premium of up to 100% above the standard rate of Council Tax on certain classes of second homes and long-term empty properties. Council made a determination in March 2016 to introduce a scheme in April 2017 and to raise a Premium of 50% on both second homes and long-term empty properties.

Since then Council had resolved each year to continue with the scheme but with no change to the Premium levels. The report set out the key considerations if Cabinet considered it appropriate to vary the levels of the premium from 2022/23.

The Chief Officer (Governance) drew Members attention to the tables in the report which showed the number of long term and empty properties and second homes by Band, and the analysis of the premium levels that had been charged across Wales for second homes and/or long term empty properties.

He added that by using the Council Tax system to incentivise owners to bring properties back into permanent use did continue to offer limited capability to address local demand for housing.

A full public consultation exercise would be undertaken to gain feedback, including feedback from taxpayers directly impacted by the changes. Feedback would then be considered by Cabinet and by Corporate Resources Overview and Scrutiny Committee prior to any final recommendation and adoption at Cabinet and County Council.

Councillor Bithell supported the premium on the basis of it helping to bring homes back into use for local people which would assist with the housing waiting list.

In response to a question from Councillor Banks, the Chief Officer explained that details of the consultation would be made available on the Council's website and the owners of the properties in question would be contacted directly to inform them of the consultation.

Councillor Hughes suggested that a progressive increase could be used, which the Chief Officer said could be taken into consideration.

RESOLVED:

- (a) That a further review be undertaken to determine whether the Council Tax premium level for second homes and long-term empty properties should be amended, and if so, at what level; and
- (b) That a full public consultation exercise be carried out prior to recommending any changes to full Council.

43. ADOPTION OF DEFINITIONS OF ANTI-SEMITISM AND ISLAMOPHOBIA

Councillor Roberts introduced the report and explained that many governments and UK local authorities had adopted the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism.

The All-Party Parliamentary Group on British Muslims' definition of Islamophobia was being formally adopted by a number of councils and other public institutions, such as universities.

It was recommended that Cabinet, on behalf of the Council adopts the definition of anti-Semitism and Islamophobia, to be used as part of the working culture and in fostering greater Diversity in Democracy – recognising the importance of a tolerant and inclusive society within Flintshire.

Councillor Johnson welcomed the report and expressed the importance of supporting the definitions.

RESOLVED:

That on behalf of the Council the following be adopted:

- (i) the International Holocaust Remembrance Alliance (IHRA) working definition of anti-Semitism and;
- (ii) the All-Party Parliamentary Group on British Muslims' definition of Islamophobia.

44. 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 Housing Rent – Write Off Of Former Tenancy Arrears Following Eviction**
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 cases of unpaid rent in circumstances where the tenant abandoned the property during legal proceedings. Following the steps taken, the former tenancy arrears in each case are considered to be irrecoverable and there is no prospect of securing payment. The total amount of unpaid rent associated with the two cases is £15,586.85.
- **Emergency Bed Provision**
The extension of homeless support services contract at the homeless hub. The homeless hub has been a vital service during the COVID pandemic, housing some very challenging people who come through the homeless route and required accommodation and support. During the pandemic the Welsh

Government removed priority need and all people had to be accommodated. Due to the extended nature of the pandemic and no immediate alternative location or service delivery model being available, a continuation of the current provision is necessary to ensure sustainability of housing and support services for our most vulnerable residents.

- **Council Rent – Application to Write Off 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 one tenant who is subject to a Debt Relief Order (DRO). Rent arrears on £5,758.79 are included in the order which are now irrecoverable as a result of the award of the order.
- **Housing Benefit**
Request to write off Housing Benefit Overpayment of £11,222.41.
- **Housing Benefit**
Request to write off Housing Benefit Overpayment of £16,484.59 for the period 11.11.13 – 11.07.21.
- **Housing Benefit**
Request to write off Housing Benefit Overpayment of £6,394.69 and a DHP Overpayment of £987.85.

Corporate Finance

- **Council Tax Write Offs**
Financial Procedure Rules (section 9.6 – Income and Expenditure) stipulate that any individual debt between the values of £5,000 and £25,000 shall be reported to the Corporate Finance Manager/Section 151 Officer for consideration to write off, in conjunction with the Cabinet Member for Corporate Management and Assets. The schedule, which is summarised by the category of write off involve 3 Council Tax accounts totalling £18,607.97 where the overall debt for each individual is greater than £5,000 and all recovery options available to us have been taken. The debts are deemed irrecoverable and therefore the write off of these debts is recommended.
- **Business Rates Write Offs**
Financial Procedure Rules (section 9.6 – Income and Expenditure) stipulate that any individual debt between the values of £5,000 and £25,000 shall be reported to the Corporate Finance Manager/Section 151 Officer for consideration to write off, in conjunction with the Cabinet Member for Corporate Management and Assets. The schedule, which is summarised by the category of write off involve 2 Business Rates accounts totalling £24,597.62 where the overall debt for each individual or company is greater than £5,000 and all recovery options available to us have been taken. The debts are deemed irrecoverable and therefore the write off of these debts is recommended.

- **Business Rates Write Offs**

Financial Procedure Rules requires the Corporate Finance Manager and the Cabinet Member for Corporate Management and Assets to write off debts between £5k and £25k. The outstanding debt for 2010/11 and 2011/12 relates to historical Business Rates owed by J White and Sons Ltd, totalling £19,622.33. The debt is now deemed irrecoverable and the 'statue barred' and a write off is considered necessary.

Social Services

- **Deed of Variation**

The Council has entered into a contract with Hft to deliver Learning Disability Services on behalf of the Council. A variation to this contract is required to:

- Update the sites which the service operates from
- Make provision for any future changes in service locations
- Amend the provision for leases to permit, as an alternative 'Tenancy at Will' (in addition to standard Fixed Term Tenancies)

Streetscene and Transportation

- **The Flintshire County Council – Plymouth Street, Kingsway, Woodland Street, Queensway, Taliesin Avenue, Pippins Close, Griffiths Court, Garden Way, Mostyn Street, Gladstone Street, Llewellyn Street, Mill View Road, King George Street, Rowleys Drive, Health Street, Bridge Street, Henrietta Street, Rowden Street, Shotton Lane, Shotton. Proposed Prohibition of Waiting, Prohibition of Waiting at any Time, No Stopping, Limited Waiting and Removal of Waiting at any Time.**

To advise Members of the objections received following the advertisement of the proposed Prohibition of Waiting, Prohibition of Waiting At Any Time and Limited Waiting. No stopping and removal of Waiting At Any Time on the roads as listed above.

- **The Flintshire County Council – (Various Roads) (20MPH, 30MPH, 40MPH, 50MPH Speed Limits and Derestricted Roads) Order 201-**

To advise Members of the objections received following the advertisement of the proposed various roads (20MPH, 30MPH, 40MPH, 50MPH Speed Limits and Derestricted Roads) Order 201-

Education and Youth

- **Former Caretakers House, Ysgol Bryn Coch, Mold**

To request that the former Caretaker's house at Ysgol Bryn Coch, Mold be declared surplus to the requirements of the Education and Youth Service.

**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 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

45. PROCUREMENT OF DOMESTIC ENERGY GOODS AND SERVICES

Councillor Roberts introduced the report which sought approval to procure a new Families First funded prevention and support services for up to two years, with an option to extend for one year, subject to Welsh Government (WG) approving further funding.

RESOLVED:

That a re-procurement of the Families First Programme (funded by the Welsh Government) for a period of two years (April 2022 – March 2024) with an option to extend for a further year should it be required.

46. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting commenced at 10.00 a.m. and ended at 11.20 a.m.)

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Chair