

CABINET
22ND SEPTEMBER 2020

Minutes of the meeting of the Cabinet of Flintshire County Council held virtually via Webex on Tuesday 22nd September, 2020.

PRESENT: Councillor Ian Roberts (Chair)

Councillors: Glyn Banks, Chris Bithell, 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 (Streetscene and Transportation), Chief Officer (Social Services), and Team Leader – Democratic Services.

APOLOGY:

Councillor Derek Butler.

OTHER MEMBERS IN ATTENDANCE:

Councillor: Patrick Heesom.

200. DECLARATIONS OF INTEREST

Councillor Banks declared a personal and prejudicial interest in agenda item number 5 – Flintshire Local Development Plan – Consideration of Deposit Consultation Representations and Responses and Submission for Public Examination.

201. MINUTES

The minutes of the meetings held on 16th June 2020 were submitted and approved as a correct record.

RESOLVED:

That the minutes be approved as a correct record.

202. EMERGENCY SITUATION BRIEFING

The Chief Exec explained that the current situation was fluid. He and his Chief Officer colleagues would be ensuring that Members received short up to date verbal briefings at the start of meetings. He also commented that it may yet be necessary to reinstate the situational briefings which had been delivered to members during the first six months of the emergency.

He provided assurances that business continuity was under constant review.

RESOLVED:

That the information be received.

203. FLINTSHIRE LOCAL DEVELOPMENT PLAN – CONSIDERATION OF DEPOSIT CONSULTATION REPRESENTATIONS AND RESPONSES AND SUBMISSION FOR PUBLIC EXAMINATION

Councillor Bithell introduced the report and explained Cabinet needed to consider and agree the responses to the representations received to the Deposit Local Development Plan (LDP) consultation exercise for recommendation to County Council for agreement and submission of the Plan to Welsh Government (WG) and Planning Inspectorate (for Public Examination by an independent Planning Inspector).

The Chief Officer (Planning, Environment and the Economy) explained that the Deposit LDP was approved for public consultation by County Council on 23rd July 2019. Consultation took place between 30th September and 11th November 2019 and attracted 1281 representation from 657 separate respondents. Following consultation, the Council, as Local Planning Authority (LPA), had a statutory duty under the LDP regulations to make available all the representations received. That had been done by placing them on the LDP consultation portal and in a summary table on the Council's website.

At the last meeting of Planning Strategy Group on 30th July 2020, the group endorsed all of the recommended responses made to representations received to the Deposit LDP and recommended that they be considered by Cabinet and then County Council as part of agreeing to submit the plan to WG and the Planning Inspectorate for Examination in Public. In doing so, some Members understood that responses to the plan had to be considered as a whole in order to move forward and that there would be some Members of the Council who would have issues with parts of the Plan for policy-specific or ward-specific reasons. It was important that all Members had the understanding that the Plan needed to move forward as a whole, and that the Examination in Public was the place where the final independent scrutiny of the soundness of the plan would be carried out.

A hyperlink, which was the summary of the representations, was included in the Cabinet report.

The Chief Officer (Planning, Environment and Economy) thanked Councillor Bithell for his long term support of the LDP process and for his chairing of Planning Strategy Group, and thanked all other Members of that group too. A number of briefing sessions for Members had taken place the previous week where a summary of the situation was presented. The sessions were split into geographical areas and in total, 41 Members attended. There was no evidence to say we should not continue on this path. Many people who had made representations had said they would like to make representations at the Enquiry and that was in the gift of the Inspector. The Enquiry would be in early 2021.

A further report would be submitted to Cabinet to seek delegated authority for any minor changes to the Plan that may be required by the Inspector to be undertaken.

Councillor Roberts also thanked all the Members of Planning Strategy Group and the officers for all of their hard work on the LDP.

RESOLVED:

- (a) That the representations made during the Deposit Local Development Plan consultation be noted, and the proposed responses be endorsed, with agreement they would be forwarded to Welsh Government and the Planning Inspectorate for consideration as part of the examination in Public; and
- (b) That it be resolved that the Flintshire Local Development Plan (2015-2030) be submitted to Welsh Government and the Planning Inspectorate for examination in Public, and that to be recommended to Council for approval.

204. CARE INSPECTORATE WALES (CIW) ANNUAL PERFORMANCE LETTER

Councillor Jones introduced the report which presented the content of the recent Care Inspectorate Wales (CIW) Annual Performance Letter which had been published on 2nd July 2020.

Each year an annual letter was sent to each local authority in Wales and published on the CIW website. Each letter summarised CIW's evaluation of performance in relation to adults and children's services during the financial year and reported against the four core principles of the Social Services and Well-being Act. The letter also set out CIW's individual work programme to review performance over the coming year.

The Chief Officer (Social Services) said it was a positive report with recognition for progressive projects. Some challenges were outlined in the report and the executive response was appended to the report.

The Chief Executive commented that this was consistent feedback received from CIW which gave the Council confidence.

RESOLVED:

- (a) That the content of the Annual Performance Letter and Care Inspectorate Wales assessment of the authority's performance during the year 2019/20 be noted and Cabinet be assured by it; and
- (b) That it be noted that the Care Inspectorate Wales Performance Review Plan 2020/21 has been paused, and that the Council will be notified once the programme of inspection re-commences.

205. REVENUE BUDGET MONITORING 2020/21 (MONTH 4)

Councillor Banks introduced the report which provided details of the known risks and issues for 2020/21 for the Council Fund and Housing Revenue Account.

The position was based on actual income and expenditure as at Month 4, and projected forward to year-end.

Potential risks and cost pressures ranged between £2.8M and £5.4M (excluding the impact of the pay award). 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 £0.983M (excluding the impact of the pay award which would be met by reserves)
- A projected contingency reserve balance as at 31st March 2021 of £1.418M

Housing Revenue Account

- Net in-year revenue expenditure forecast to be £0.295M lower than budget
- A projected closing balance as at 31st March 2021 of £2.468

The Corporate Finance Manager provided full details on the projected position by portfolio; major variances; open risks; emergency funding; achievement of planned in-year efficiencies; and reserves and balances.

A budget virement was recommended to address changes in service delivery within Social Services, for the amount of £0.300M to be transferred within Adults Services from the Localities budget, within the Older People Service, to Resources and Regulated Services (also within the Older People Service). Both budget headings encompassed care delivery services for older people such as residential care and home care. However, one budget was for care commissioned from independent care providers whereas the other budget was for care provision delivered directly by the Council. Over time the in-house provision of care had increased in complexity whereas the commissioned care had decreased.

It was also recommended that an amount of £0.134M be allocated from the Contingency Reserve for Social Services for known pressures in 2020/21. The funding would bring additional capacity to business support arrangements and compliance with safeguarding requirements within Children's Services.

A discussion took place on car park charges and the Corporate Finance Manager explained that WG had advised that where a Council had taken the decision to cease car parking charges, which was a recommendation in a report for consideration at this meeting, they would not reimburse costs from Quarter two. The net car parking income loss was £0.550M. Members discussed the fact that the loss was not just because charges were being ceased, but that less people were visiting town centres at the moment. It was agreed that the claims for Quarters two and three would be pursued with WG.

RESOLVED:

- (a) That the overall report and the projected Council Fund contingency sum as at 31st March 2021 be noted;
- (b) That the projected final level of balances on the Housing Revenue Account (HRA) be noted;
- (c) That a budget virement of £0.300M between Older People's Purchasing budget (Localities) and the Older People provider budget (Resources and Regulated Services) be approved;
- (d) That an allocation of £0.134M from the Contingency Reserve for the resourcing of the Children's Services 'Front Door Pressures' within Social Services be approved; and
- (e) That the claims for car parking income loss for Quarter two and Quarter three be pursued with Welsh Government.

206. CAPITAL PROGRAMME MONITORING 2020/21 (MONTH 4)

Councillor Banks introduced the report which summarised changes made to the Capital Programme 2020/21 since it was set in January 2020 to the end of Month 4 (July 2020), along with expenditure to date and projected outturn.

The Capital Programme saw a net increase in budget of £6.829M during the period which comprised of:

- Net budget reduction in the programme of £12.287M (Council Fund (CF) £0.837M, Housing Revenue Account (HRA) £13.124M)
- Introduction of Carry Forward from 2019/20 of £19.766M (CF £19.766M, HRA £0.000M)
- Identified savings at Month 4 (£0.650M (CF)).

Actual expenditure was £9.512M.

The Corporate Finance Manager explained that the final outturn funding surplus from the 2019/20 – 2021/22 Capital Programme was £1.145M. The 2020/21 – 2022/23 Capital Programme was approved on 28th January 2020, with a funding deficit of £2.264M. The surplus carried forward led to an opening funding position deficit of £1.119M.

Capital receipts received in the first quarter of 2020/21, along with savings identified totalled £0.948 M. A request for an additional allocation of £0.217M towards the Queensferry Campus project put the current funding deficit, for the three year period, at £0.388M. That was in advance of any capital receipts or other funding being realised.

The Chief Executive added that information was still being awaited from Welsh Government (WG) on the timeline on the economic stimulus package. That could have a positive impact on the Capital Programme.

Councillor Thomas said she would pursue WG on the funding for Standard Waste Transfer Station.

RESOLVED:

- (a) That the overall report be approved;
- (b) That the carry forward adjustments set out in the report be approved; and
- (c) That the additional allocations as set out in the report be approved.

207. TREASURY MANAGEMENT ANNUAL REPORT 2019/20

Councillor Banks introduced the report which presented the draft Treasury Management Annual Report 2019/20 for recommendation for approval to Council.

As required by the Council's Financial Procedure Rules, the Annual Report was reviewed by Audit Committee on 23rd July 2020 and it would be presented to County Council on 20th October 2020, subject to Cabinet recommendation for approval.

RESOLVED:

That the Treasury Management Annual Report be approved and recommended to Council.

208. REVISED CONSULTATION PROCESS FOR THE PROGRESSION OF TRAFFIC REGULATION ORDERS AND WELSH GOVERNMENT GRANT FUNDED SCHEMES

Councillor Thomas introduced the report which sought approval for the revised consultation process associated with local transport schemes as a result of the restrictions due to the emergency situation.

The current social distancing restrictions from the pandemic had led to concerns over the Council's ability to fulfil its statutory duty of consultation, both for the progression of Welsh Government annual grant schemes and also the implementation of Traffic Regulation Orders.

The report set out a revised method of consultation which would allow interested parties and stakeholders the opportunity to comment and provide input to the scheme design, prior to their implementation.

RESOLVED:

That the restrictions associated with conducting consultation events during the Covid 19 pandemic be acknowledged, and the implementation of the revised consultation process for the 2020/21 Welsh Government Transport Schemes be approved.

209. SUSPENSION OF TOWN CENTRE CAR PARKING CHARGES

Councillor Thomas introduced the report which sought approval to extend the suspension of town centre car parking charges until 31st December 2020.

The Council resolved to suspend all Pay and Display car parking charges across the County from 25th March 2020. That decision was taken to reduce personal contact and the risk of surface transmission of the COVID-19/coronavirus from machines, and to assist key workers and essential shopping during the emergency situation. Following Welsh Government's (WG) announcement to allow non-essential shops to open from 22nd June 2020, the car parking charges had remained suspended to support town centre recovery post lockdown.

The report sought approval to continue with the suspension of charges until 31st December 2020 to further support town centre regeneration.

The Chief Officer (Streetscene and Transportation) said the proposal was intended to support the cross Council work to reopen the town centres and encourage shoppers and visitors to return to the town centres. The approach would also allow for free parking in the run up to the Christmas period which would also support an upturn in shopper footfall.

It was recommended that short stay parking continue to be controlled by way of displaying a valid Pay and Display ticket in the window of the vehicle to ensure the turnover of vehicles in spaces closest to the town centre and all other restrictions, such as displaying a blue badge in a disabled space, would still apply.

The earlier discussion on Welsh Government's (WG) decision not to reimburse for car parking charges from Quarter two was reiterated with the same recommendation that the claims for car parking income loss for Quarter two and Quarter three be pursued with Welsh Government.

Members welcomed the report which they said would be well received by local businesses.

RESOLVED:

- (a) That the suspension of car parking charges in Flintshire's town centre car parks until 31st December 2020 be approved; and
- (b) That the claims for car parking income loss for Quarter two and Quarter three be pursued with Welsh Government.

210. BUS NETWORK REVIEW UPDATE

Councillor Thomas introduced the report and explained that the Council had no legal obligation to provide local bus services or any other form of public transport. However, the Council did have a statutory duty to keep the bus network under review and to intervene where it feels appropriate.

It had been a priority of Flintshire Council to endeavour to maintain a public bus transport service as the impact of losing them would affect the most vulnerable in society. In July 2018, Cabinet approved a new transport model for bus services comprising of a core bus network supported by sustainable Local Transport Arrangements (LTA). The Core Network included a number of key destinations also known as hubs, such as towns or public transport interchanges and railway stations with direct, high frequency bus services operating between the hubs to link passengers to other key destination hubs for access to education, employment, shopping, health, social and leisure opportunities. The core network predominantly consisted of commercial bus services; however, some support had continued to be provided to ensure that connections were maintained and that regular, high quality services continued to link the key hubs along the network. That core network was supported by sustainable LTAs which had been successfully introduced in several areas of the county.

As more commercial services have been withdrawn by operators a review of the existing LTA services became necessary to ensure those services could be better used to provide vital transport links for residents impacted by the loss of these commercial services. The Covid-19 situation had greatly hindered the review of the LTAs. Since lockdown ended, there had been a need to mitigate reduced passenger numbers on vehicles and issue revised timetables to accommodate passenger requirements, which appeared to be working well. Although in the recovery stage, operators had reported a rise in confidence among transport users.

A review of LTA services in Holywell and the surrounding communities was due to start soon, including trialling the Fflecsi Demand Responsive Transport service which was also being trialled in neighbouring Denbighshire and other areas of Wales.

Councillor Thomas was pleased to report that the Council had been successful in securing Welsh Government (WG) funding for two electric buses to be used on the LT7 and LT4 services. They would be stationed at Buckley and those vehicles would be powered by the Council's own solar energy source.

The Council's review of LTAs continued to be an ongoing process and further proposals were currently being explored for the coming months. It was also a changing and concerning situation as more operators were struggling to make routes work commercially and were terminating contracts.

WG were looking at Transport for Wales overseeing public bus services as a single controlling mind, and had been supporting bus operators with a bus emergency scheme, but it was not sustainable and an alternative solution was being sought.

RESOLVED:

That the outcome of the review of Local Travel Arrangements which had been necessary due to the pandemic be approved, and the further loss of local commercial bus services be noted.

211. CHILDCARE CAPITAL GRANT UPDATE

Councillor Jones introduced the report which provided details on the progress in delivering the Childcare Capital Programme, including the rationale used to prioritise projects.

Welsh Government (WG) made available Capital grant funding to support childcare provision. Projects had been prioritised to align with the funding allocation from WG. A co-ordinated approach was being taken to bring together a range of capital funding packages into a single programme to maximise investment. The programme co-ordinated the following funding streams: WG Childcare Grant; WG Welsh Medium Grant; 21st Century Schools; Flying Start and Flintshire County Council's own capital funding.

The Chief Officer (Education and Youth) said the Council welcomed the investment from WG in the capital projects that would positively support children and their families by ensuring there was increased access to high quality early years provision. She confirmed that Ysgol y Llan VA School, Whitford, could move from the 'reserve' list into the 'projects approved' list and it was agreed that this form part of the resolution.

Councillor Roberts suggested an additional recommendation, that a decision on Trelawnyd VA School and Ysgol yr Esgob, Caerwys be deferred until the following month to allow them time to submit any new evidence, which was supported.

RESOLVED:

- (a) That the contents of the report be noted and support be confirmed for the criteria used to prioritise projects within the programme;
- (b) That a programme-based approach which aligned funding streams to co-ordinate and maximise funding opportunities be endorsed;
- (c) That a decision on Trelawnyd VA School and Ysgol yr Esgob, Caerwys be deferred until the following month to allow them time to submit any new evidence; and
- (d) That Ysgol y Llan VA School, Whitford, be moved from the 'reserve' list to the 'projects approved' list.

212. 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 – Carmel Road, Allt-Y-Golch and Carmel Hill, Carmel. Proposed Prohibition of Waiting at Any Time**

To advise Members of the objections received following the advertisement of the proposed Prohibition of Waiting at Any Time and Limited Waiting on Carmel Road, Allt-Y-Golch and Carmel Hill, Carmel.

Housing and Assets

- **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. Rent arrears of £5,361.56 are included in the DRO which are now irrecoverable as a result of the award of the DRO.

Chief Executives

- **Introduction of a New Charge**

A new charge, set on a cost recovery basis, is to be introduced for external graphic design 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 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

213. QUEENSFERRY CAMPUS – CAPITAL INVESTMENT PROJECT

Councillor Roberts introduced the report which sought approval of a scheme, to bridge a funding gap through additional Council capital allocation, and to enter into a construction contract with Kier construction for the capital investment project at the campus, subject to Welsh Government (WG) approval of the full business case.

The 21st Century School investment project was valued above the funding available, and the report sought Cabinet approval to bridge the affordability gap of £217K.

RESOLVED:

- (a) That the Full Business Case be submitted to Welsh Government on the basis the project shortfall of £216,588 is met from an additional allocation in the Council’s capital programme; and
- (b) That subject to Welsh Government approval of the Business Case that the Council enter into a construction contract with Kier Construction (North West).

214. YSGOL CASTELL ALUN – CAPITAL INVESTMENT PROJECT

Councillor Roberts introduced the report which sought approval to enter into a construction contract with Wilmott Dixon construction for the capital investment project at the school funded through the Council’s capital programme.

The Capital Investment project at Ysgol Castell Alun was included in the Council’s capital programme, and procurement rules required projects over a certain value had to have Cabinet approval to proceed.

RESOLVED:

- (a) That Cabinet approves entering into a contract with Willmott Dixon construction for the construction phse of the investment project at Ysgol Castell Alun;
- (b) That the amendment of the project scope to bring it in line with the available budget be approved; and
- (c) That the inclusion of the removed items from the project as costed options within the contract for potential reinstatement if funding becomes available be approved.

215. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

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

(The meeting commenced at 9.30 a.m. and ended at 11.30 a.m.)

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Chair