

THE EXECUTIVE

Minutes of the meeting held on 29 October 2018

- PRESENT:** Councillor Llinos Medi Huws (Chair)
Councillor Ieuan Williams (Vice-Chair)
- Councillors Carwyn Jones, R Meirion Jones, Alun Mummery,
R G Parry, OBE, FRAgS, Robin Williams
- IN ATTENDANCE:** Chief Executive
Assistant Chief Executive (Partnerships, Community and
Service Improvement)
Head of Function (Resources) & Section 151 Officer
Head of Function (Council Business)/Monitoring Officer
Head of Learning (for item 11)
Interim Head of Highways, Waste and Property (for items 8 & 9)
Chief Waste Management Officer (ME) (for item 8)
Solicitor (Corporate Governance & Contracts (MY) (for item 7)
Committee Officer (ATH)
- APOLOGIES:** Councillors Richard Dew, Dafydd Rhys Thomas
- ALSO PRESENT:** Councillor Glyn Haynes, Eric Jones, Dylan Rees
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1 DECLARATION OF INTEREST

No declaration of interest was received.

2 URGENT MATTERS CERTIFIED BY THE CHIEF EXECUTIVE OR HIS APPOINTED OFFICER

None to report.

3 MINUTES

The minutes of the previous meeting of the Executive held on 17 September, 2018 were presented for confirmation.

It was resolved that the minutes of the previous meeting of the Executive held on 17 September, 2018 be confirmed as correct.

4 MINUTES - CORPORATE PARENTING PANEL

The draft minutes of the meeting of the Corporate Parenting Panel held on 10 September, 2018 were presented for adoption.

It was resolved that the draft minutes of the meeting of the Corporate Parenting Panel held on 10 September, 2018 be adopted.

5 THE EXECUTIVE'S FORWARD WORK PROGRAMME

The report of the Head of Democratic Services incorporating the Executive's Forward Work Programme for the period from November, 2018 to June, 2019 was presented for the Executive's consideration.

The Head of Democratic Services updated the Executive as follows –

- That item 8 (Local Full Fibre Network (LFFN) Project) is new to the Work Programme and will be considered by the Executive at its 26 November, 2018 meeting.
- That since the publication of the report the Children's Services have requested that two items be considered by the Executive at its 17 December, 2018 meeting relating to Small Group Homes – Care Options for the Future and Fostering packages for Foster Carers.

It was resolved to approve the updated Forward Work Programme for the period November, 2018 to June, 2019 subject to the additional changes outlined at the meeting.

6 AUDIT AND GOVERNANCE COMMITTEE – UPDATED TERMS OF REFERENCE

The report of the Head of Audit and Risk incorporating revised Terms of Reference for the Audit and Governance Committee was presented for the Executive's consideration.

The Portfolio Member for Finance reported that it is good practice for committees to review their terms of reference for appropriateness - the Audit and Governance Committee last reviewed its terms of reference in May, 2015. In May, 2018 the Chartered Institute of Public Finance and Accountancy (CIPFA) fully revised and updated its guidance to take into account the legislative changes and professional developments that have affected the public sector. The new guidance updates the core functions of the audit committee with regard to governance, risk management, internal control and also updates the audit committee role in relation to counter fraud to reflect the Code of Practice on Managing the Risk of Fraud and Corruption. Members of the Audit and Governance Committee attended a workshop to discuss the updated guidance on 13 June, 2013 and have endorsed the updated Terms of Reference.

The Head of Function (Resources)/Section 151 Officer clarified that the CIPFA guidance has been mostly incorporated into the new terms of reference apart from the requirement that Full Council approves the appointment of the Committee's lay members. Currently, the Audit and Governance Committee carries out this function and it is proposed that this arrangement should continue because of the risk that due to committee scheduling any delay in the appointment of the lay members until the meeting of the Full Council would mean that the Audit and Governance

Committee could not meet which could affect the approval of the draft statement of the accounts in accordance with deadlines.

The Executive supported the proposal that the process whereby the Lay Members are appointed by the Audit and Governance Committee is retained; the Head of Function (Council Business)/Monitoring Officer confirmed that the proposal is legally acceptable.

It was resolved to recommend to the Full Council that the Audit and Governance Committee's new draft Terms of Reference be adopted.

7 CHANGES TO THE CONSTITUTION - AMENDMENT TO THE OFFICERS' CODE OF CONDUCT / LOCAL GUIDANCE TO THE OFFICERS' CODE OF CONDUCT

The report of the Head of Function (Council Business)/Monitoring Officer incorporating amendments to the Officers' Code of Conduct and the Local Guidance to the Officers' Code of Conduct was presented for the Executive's consideration.

The Chair reported that the current Code of Conduct and Guidance have been amended in response to recommendations made in the Internal Audit Report on Ethical Culture the relevant extract from which is included in Enclosure 1 to the report. The Code of Conduct itself has been updated in accordance with legislation with the changes being reflected in Enclosure 2. The Guidance has been updated so that it is more user-friendly as well as incorporating the new legislative requirements and is included at Enclosure 3. Both the Code and Guidance have been consulted upon with the Senior Leadership Team, the Heads of Service and the Head of Audit and Risk; the original guidance has been amended to incorporate the comments made during that consultation. If the Code and Guidance are both approved by Council they will be published on the Council's Policy Portal and will be the subject of the Acceptance of Corporate Polices exercise whereby officers are required to click to accept and correctly answer questions in relation to the amended documents.

It was resolved to recommend that the Full Council –

- **Adopts the Officers' Code of Conduct included in Enclosure 2 to the report.**
- **Adopts the Local Guidance to the Officers' Code of Conduct included in Enclosure 3 to the report.**
- **Authorises the Head of Function (Council Business)/Monitoring Officer to make the necessary changes to the Constitution, including any consequential amendments, to reflect the adoption of Enclosures 2 and 3.**

8 FUNDING FOR FLOODING WORK IN LLANGEFNI

The report of the Interim Head of Service (Highways, Waste and Property) seeking the Executive's approval for capital funding of £85k for the Highways, Waste and Property Service to cover the cost of repairs to a flood prevention wall at the rear of Glandwr, Llangefni was presented for consideration.

The Portfolio Member for Highways, Waste and Property reported that Anglesey experienced an extreme rainfall event on 22 November, 2017 with the result that 6 residential and 27 commercial properties in Llangefni were internally flooded. Following the flooding, the Local Assembly Member hosted a community drop-in session in Llangefni to discuss what had happened and this was attended by Natural Resources Wales (NRW), Welsh Water, IoACC Councillors and staff, local businesses and residents. There was a strong community desire that urgent action be taken before winter, 2018. NRW subsequently arranged river clearing work and flood modelling work. However, it was noted at the time that it was not possible to confirm when any work arising from the modelling process would be done.

The Portfolio Member said that in Llangefni the Council had inspected those of its assets that it considered could have an influence in the event of a reoccurrence of extreme rainfall of the magnitude experienced in November 2017 and identified a length of boundary walling in its ownership near the Afon Cefni to the rear of Glandwr Terrace. The walling had in places started to collapse and it was considered that repairing this length of walling would act to reduce the flood risk at Glandwr Terrace and reduce the risk of flood water flowing along Ffordd Glandwr and into Church Street. The alternative to repairing the wall was to wait for NRW to complete the flood modelling work with the risk of damage to properties and businesses again should flooding occur in the interim. Some residents still remain affected by the damage caused by the November, 2017 flooding and some businesses have not re-opened. Delaying the work would risk further flooding and reputational damage to the Authority.

The Executive was supportive of the capital funding request subject to assurance being given that the funding is available.

The Head of Function (Resources)/Section 151 Officer confirmed that it is expected that the capital budget will be underspent at the end of the year and that £85k of unutilised capital funding can therefore be allocated to this scheme.

The Executive also acknowledged the work undertaken by the Highways, Waste and Property Service in response to the flooding and ensuing damage in Llangefni and in the other areas of the Island also affected by the flood event in November, 2017.

It was resolved that the Highways, Waste and Property Service receives £85k of capital funding to cover the costs of carrying out repairs to a flood prevention wall at the rear of Glandwr, Llangefni.

9 WASTE MANAGEMENT - APPOINTMENT OF A TEMPORARY PROJECT MANAGER

The report of the Head of Service (Highways, Waste and Property) seeking the Executive's approval to appoint a temporary Project Manager up to 31 March, 2021 was presented for consideration.

The Portfolio Member for Highways, Waste and Property reported that the Council has a statutory duty to collect waste, to keep relevant land free of litter and to meet

statutory recycling targets. The total cost of this service in 2017/18 was approximately £3.8m. The current 14 year contract with Biffa Municipal ends on 21 March, 2021 and plans have to be developed to ensure viable options are in place when the current contract ends. The process of re-procuring the contract will be a major task and given its size and complexity, significant resources will be required to deliver the project. As shown in section 2 of the report several specialisms have to be brought together as part of the procurement process to ensure the different streams are managed and implemented in a timely way. It is the opinion of Officers and the Senior Leadership Team that a Project Manager should be appointed on a relatively short-term contract to ensure the procurement project is delivered to a high standard to ensure risks are minimised, deadline dates are met and value for money is obtained for the Council.

The Executive considered the information presented and in recognising the magnitude and complexity of the new contract undertaking, it made the following points –

- That everything possible must be done to ensure the contract procured is fit for purpose.
- That a short-term additional project management resource is considered necessary because of a lack of capacity within the Council due to many years of cutbacks. It was noted that the appointee however will work with staff at the Council's Waste Management Section who will provide the majority of the time, expertise and resources to support the procurement process.
- Whether there is scope to consider working jointly with a neighbouring local authority thereby sharing capacity.
- Whether there is scope for the Council to consider in-house delivery of the waste collection and cleansing service.
- How would the Project Manager's spare days (1-2 days per week in the first 2 financial years and 3 days per week in the final year) be apportioned between the other transformation projects noted in the report.
- Whether recruiting the right individual with the required expertise on a temporary basis is likely to prove difficult.

The Portfolio Member for Highways, Waste and Property said that it is envisaged that the temporary Project Manager will perform the tasks listed in Appendix 1 to the report including conducting an options appraisal to assess what services should be delivered and how. The Portfolio Member referred to possible avenues of recruitment e.g. the construction of the Parc Adfer energy recovery facility in Flintshire is nearing completion which might lead to a project management resource becoming available.

The Chief Waste Management Officer advised that a great deal of collaborative work in waste management is already taking place e.g. with Flintshire and other North Wales authorities as part of the North Wales Residual Waste Management Project of which Parc Adfer forms a part; there is also dialogue with Gwynedd on a day to day basis. However a joint commitment is unlikely because of issues of need and timing in relation to going out to tender. The in-house route will be considered as part of a comprehensive options appraisal exercise which will review what services should be provided, how they should be delivered and managed, and at

what cost. Whilst the Project Manager's key task will be to project manage the procurement of the new waste collection and cleansing contract, it is not envisaged that the requirements of this work will occupy all of the appointee's time and that spare days as outlined in the report will be available to be spent on other priority projects where project management support is required; this will be arranged in consultation with the Transformation Service.

It was resolved to authorise the appointment of a temporary Project Manager up to March, 2021 to –

- **Carry out an options appraisal to assess how waste should be collected and cleaned in future.**
- **Project manage the procurement of a new waste collection and cleansing contract which will start on 1 April, 2021.**
- **Project manage additional one-off projects across the Council as required.**

10 EXCLUSION OF THE PRESS AND PUBLIC

It was considered and resolved under Section 100(A) (4) of the Local Government Act 1972, to exclude the press and public from the meeting during the discussion on the following item on the grounds that it involved the disclosure of exempt information as defined in Paragraph 14 of Schedule 12A of the said Act and in the Public Interest Test as presented.

11 ANGLESEY SCHOOLS MODERNISATION - STRATEGIC OUTLINE CASE / OUTLINE BUSINESS CASE - NEW PRIMARY SCHOOL TO REPLACE YSGOL BODFFORDD AND YSGOL CORN HIR

The report of the Head of Learning incorporating the combined Strategic Outline Case and Outline Business Case (SOC/OBC) for a new primary school instead of Ysgol Bodffordd and Ysgol Corn Hir was presented for the Executive's consideration and approval. The report set out the strategic, economic, commercial, and financial and management grounds for the new school in line with the 21st Century Schools Business case process for capital funding for the project.

The Portfolio Member for Education, Libraries, Culture and Youth reported that the Corporate Scrutiny Committee at its meeting held on 24 October, 2018 had considered the SOC/OBC for the new school and having sought clarification on points in relation to highway safety, affordability, contract terms, build scheduling and overruns, the Committee had endorsed the Strategic Outline Case and Outline Business Case with a recommendation to the Executive that it be submitted to Welsh Government. The Portfolio Member thanked the Scrutiny Committee for a constructive discussion on the matter.

The Head of Learning gave an overview of the SOC/BOC referring to the specifications for the new school and its status as a community asset, the estimated project costs, the processes followed for site evaluation and tendering and the proposed project plan and delivery timetable.

Councillor Dylan Rees, a Local Member and Vice-Chair of the Corporate Scrutiny Committee confirmed that the Committee in considering the SOC/OBC had raised issues in relation to highways and parking sufficiency, traffic conditions and road safety in the vicinity of the new school site, adherence to timetables; ensuring that contractual terms are sufficiently robust to deliver value for money for the Council and continuing the dialogue with Bodffordd community in relation to the community resource at Ysgol Bodffordd.

With regard to the project's affordability, the Head of Function (Resources)/Section 151 Officer said that the extent of the savings which school modernising schemes deliver can vary depending on the number of schools closed as part of the process in a specific area. In this case the savings generated are not significant and the project will lead to additional costs to the Council. However the availability of a capital funding contribution by Welsh Government as part of the 21st Century Schools Programme provides a once only opportunity for the Authority to modernise its school stock bearing in mind also that it would otherwise have to fully fund the backlog maintenance costs at its schools which are substantial.

It was resolved –

- **To approve the combined Strategic Outline Case (SOC) and Outline Business Case (OBC) for the new primary school to replace Ysgol Bodffordd and Ysgol Corn Hir.**
- **That the combined SOC/OBC be submitted to Welsh Government.**
- **That capital receipts for the construction of the new primary school be ring-fenced, subject to no problems arising with selling the sites.**

**Councillor Llinos Medi Huws
Chair**