

SPECIAL MEETING – FLINTSHIRE COUNTY COUNCIL
19TH FEBRUARY 2008

Minutes of the Special Meeting of the Flintshire County Council held in County Hall Mold held on Tuesday 19th February 2008.

PRESENT:

Councillors: Mrs. D Banks (Vice Chairman in the chair)

Councillors: L A Aldridge, J. B. Attridge, D. Barratt, Colin Bithell, R. C. Bithell, D. Butler, J.C Cattermoul, D.M.D Clayton, D. L Cox, R. Davies, A. G Diskin, Mrs G. D Diskin, Q. R. H Dodd, B. Dunn, C. A Ellis, D Evans, E. F Evans, F Gilmore, J. J Griffiths, Mrs. R Griffiths, R. J. T Guest, R. G Hampson, G Hardcastle, P. G Heesom, M Higham, N Humphreys, H. T Isherwood, R. K Jones, Mrs. S Jones, C Legg, R. P Macfarlane, E. E Matthews, Nancy M Matthews, Mrs. H. G McGuill, W Mullin, J Ovens, N Phillips, T Renshaw, K. W Richardson, H. G Roberts, I. B Roberts, L. A Sharps, A. P Shotton, I. R Smith, N. R Steele-Mortimer, W. O Thomas, Pamela J Walkden, T Walker, W. M Warburton, D. R Wilkes, G. D Williams, D. E Wisinger, M. G Wright.

APOLOGIES:

Councillors: Mrs. A Minshull, S. R Baker, J. G Beard, P. J Curtis, R. C Dodd, C. J Dolphin, H Gambino, H. T Howorth, G. A Jones, J. F Jones, M. J Peers, C Shone, D.T.M Williams, A Woolley

Councillor H. D Hutchinson arrived for the latter part of the meeting.

IN ATTENDANCE:

Chief Executive, County Legal and Democratic Services Officer, County Finance Officer, Acting Director of Community and Housing, Acting Director of Education Children's Services and Recreation, Director of Adult Social Care, Assistant Director ICT and Customer Services, Head of Business and Support (Community and Housing), Interim Director of Environment and Regeneration, Head of Committee, Members and Electoral Services Head of Overview and Scrutiny and Democratic Services Manager.

245. PRAYERS

The meeting was opened with prayers said by Councillor R. C Bithell

246. DECLARATION OF INTEREST

The Monitoring Officer referred to the item scheduled later in the meeting relating to the Welsh College of Horticulture and related discussions in respect of Deeside College. He advised that those Members who were on the boards of the respective colleges should declare an interest. In

accordance with the provisions of the Code of Conduct they were allowed by the Code of Conduct to speak but not vote. Certain Members who were on the Management Committee of the Deeside Stadium, which was linked to the College, indicated that they would make a similar declaration. The following Members declared an interest.

Councillors: Colin Bithell, E.F Evans, M Higham, R.P Macfarlane, J.B Attridge and D Barratt.

247. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

Arising from the discussion in minute number 246 above a Member enquired why the item relative to the Welsh College of Horticulture was to be considered following the consideration of the exclusion of the press and public. He felt that the matter was now being discussed widely in the public arena and felt that there was no reason for the press and public to be excluded. A number of other Members supported this view.

The Chief Executive explained that the recommendation had been made as the item related to the business affairs of another party and that the information provided in the Appendices to the report was confidential.

The Monitoring Officer advised that it was for the Council to make a decision on whether they excluded the press and public.

It was duly proposed and seconded that the press and public be not excluded for the item relating to the Welsh College of Horticulture. Upon being put to the vote this was carried.

RESOLVED:

That the press and public be not excluded when the item on the Welsh College of Horticulture is being discussed (minute number 253 refers).

(The Agenda was adjusted accordingly).

248. HOUSING REVENUE ACCOUNT 2008/09

The Council considered the joint report of the Director of Community and Housing and County Finance Officer which had previously been circulated.

The report was presented by the Acting Director of Community and Housing who used a Powerpoint presentation. The purpose of the report was to determine the Housing Revenue Account for 2008/09 including rent and heating charges.

It was noted that the final proposals for the Housing Revenue Account (HRA) budget for the 2008/09 financial year, including proposed rent and heating charge increases, key areas of income expenditure and the level of balance at the year end has been considered by the Executive earlier in the day who had recommended acceptance of the recommendations.

In making the presentation the Acting Director of Community and Housing, by way of introduction, explained that all Local Authorities which managed their own stock must maintain a Housing Revenue Account (HRA) and that all expenditure on the management and maintenance of the Authority stock must be funded by that account. It was stressed that the Housing Revenue Account could not contribute to, or be funded by, the General Fund and that the Council could not legally budget for the closing balance to be a deficit at the year end.

It was noted that the recommended practice was to budget for a minimum 3% closing balance at year end.

With regard to rent the Welsh Assembly Government intended for all Social Landlords, Councils and Housing Associations, to charge similar rents for similar properties by 2012. He explained that this was known as rent convergence. In this respect the Welsh Assembly Government advised all Local Authorities what their annual rent increase should be and this was known as the "Guideline Rent Increase".

The Council was informed that Local Authorities could decide their own increase but that if they levied an increase below guideline level the Assembly Government would assume that they had levied the full increase and calculate subsidy accordingly, assuming a level of income that the Authority would not be able to achieve.

In the circumstances if an increase above the guideline level was applied it may have led to a reduction of the Housing Benefits subsidy claimed by way of a Rent Rebate Subsidy Limitation deduction. This deduction had to be charged to the Housing Revenue Account. It was also explained that if Authorities were in a negative subsidy the Welsh Assembly Government would require a greater return from the Housing Revenue Account.

In making his presentation the Acting Director of Community and Housing gave precise information relative to rent and that the Welsh Assembly Government had advised that an increase of £3.74 per property per week on a 50 week basis should be levied for 2008/09. He explained the significance of these figures relative to the amount of rent payable. It was noted the garage rent would be increased by 19 pence per week. It was also noted that communal heating scheme charges would be adjusted to achieve a breakeven position at the end of 2008/09. The Acting Director of Community and Housing also gave a breakdown of the expenditure from the Housing Revenue Account. The Council was also informed on how housing subsidy was calculated whereby the Welsh Assembly Government calculated what Flintshire should be spending each year on housing services and that they

assumed a level of income that Flintshire would generate each year. The Welsh Assembly Government made up the difference between assumed spend required and assumed income. Where this assumed income exceeded the assessed level of spend the Welsh Assembly Government claimed back the difference. This was a negative subsidy and Flintshire was in this position.

For 2008/09 it would be £6.688 million. In effect the negative subsidy calculation meant that each tenant would pay £16.12 per week to the Welsh Assembly Government and that the major repairs allowance (MRA) from the Welsh Assembly Government would offset this. For 2007/08 the major repair allowance had been £5.2 million but the 2008/09 allocation had yet to be advised. Taking these calculations into account, netted off against the negative subsidy and allowing the same major repairs allowance meant that each tenant would effectively pay the Welsh Assembly Government £2.33 per week.

The Acting Director of Community and Housing explained the repairs and maintenance budget was the largest expenditure item on the Housing Revenue Account and the significance of this.

Referring to the Welsh Housing Quality Standard he reported that it covered major maintenance work and environmental work but within and the extent of the curtilage. The Council was informed that efforts were being made to maximise capital investment and it was hoped to continue to increase its revenue – Contribution to Capital (CERA). The Acting Director advised of the Councils need to respond to findings of the Stock Conditions Survey and meet the obligations of the Housing Revenue Account Business Plan.

During the presentation, the Council was advised of the budget pressures and how these would be addressed. The Acting Director of Community and Housing explained that it was the recommendation to seek a balance greater than 3% to be prepared for any contingency against unforeseen commitments and further stock option appraisal activity.

In moving the acceptance of the recommendation the Executive Member for Community and Housing expressed his thanks to all those staff involved in the preparation of the report. He referred to the point made in the presentation regarding the guidance from the Welsh Assembly Government regarding appropriate rent levels. He suggested that it would be irresponsible of the Council to implement an increase lower than that recommended because of the adverse effect it would have in other areas on the financial management of the housing service.

He felt that the proposal would provide protection for the Council tenants for many years to come.

In seconding the proposal, a Member referred to the action taken by the former Delyn Borough Council whereby it implemented a series of rent increases following consultation with tenants, and adopted a policy whereby considerable improvements were made to Council properties which was

appreciated by the tenants. He also commented upon the policy that it had been necessary to implement regarding the equalisation of rents in the early days of Flintshire County Council. He suggested it was now necessary to plan for a level of continuity with a sustainable budget for the benefit of the Council's tenants.

Members also referred to the arrangements of the Welsh Assembly Government whereby the Council contributed financially more to them than they received back in subsidy from the housing service.

Members in support of the proposal felt it was necessary for the level of rent increase to allow investment for the improvement of property. Expanding upon this point another Member felt that representation should be made to the Welsh Assembly Government to let them know clearly that the Council was not happy with the financial arrangements as they currently operated. He suggested that the Council should have more freedom with the money raised from rent to improve the housing service. Other Members supported the report and commented that it was in line with the Welsh Assembly Guidelines and in fact there was little option but to accept the recommendation.

The Acting Director of Community and Housing addressed a number of questions raised on technical issues of the report. The Chief Executive also confirmed that the level of contingency in the reserves was above the minimum guidelines which he felt had addressed the pressure of inflation on budgets.

The Leader also recorded his thanks for the efforts made in the preparation of the report and very much supported the thrust of the comments made regarding what he felt was the unfairness of the method of funding from the Welsh Assembly Government. He indicated that he had already made strong representation to the Assembly Member and directly to the Ministers concerned on this and similar powers.

Pursuing this point a Member suggested that abstaining from voting on the increase could act as a protest to the Welsh Assembly Government. However, the proposal was put to the vote and it was carried.

RESOLVED:

1. That the rent and any applicable heating charge adjustment and the apportionment of resources within the Housing Revenue Account as detailed in the report to the Executive on 15th February 2008 be approved and implemented.
2. That the proposed changes to the budget as set out in Appendices 3 and 4 of the report to the Executive be approved and implemented.

249. FINANCIAL PROCEDURE RULES

The Council considered the report of the County Finance Officer the purpose of which was to provide Members with the proposed updated financial procedure rules following the first annual review, which were agreed at the meeting with the Audit Committee held on 22nd January 2008, for recommendation to the Council. It was noted that a copy of the financial procedure rules had been placed in the Members Services room for Members to access as required.

The report detailed the background to its preparation and identified the proposed changes to the existing rules. The County Finance Officer also advised on the implementation of these rules.

With regard to future changes it was noted, that whilst the financial procedure rules did state that the Chief Finance Officer would undertake an annual review, there was the option for any required urgent changes to be recommended to the Council between annual reviews. The Council was informed that the Corporate Management Team had agreed at its meeting on the 3rd January 2008 that financial procedure rule 19 on mandatory procurement should be revisited in light of the Authorities emerging efficiency agenda and the recent move towards mandatory procurement for certain procurement categories. It was noted that this review would take place within the next 6 months with the report detailing the proposed recommendations being brought to the Council in July 2008.

RESOLVED:

That the updated financial procedure rules as detailed in the report be approved.

250. COUNTY COUNCIL DIARY OF MEETINGS 2008/09

The Council considered the report of the Chief Executive previously circulated the purpose of which was to consider the diary of meetings for 2008/09 which was set out in the schedule attached to the report and recommended by the Executive on 30th January 2008 for approval. The schedule was based on the current 10 week cycle of meetings. The current practice of Planning site inspection meetings on the Monday prior to the Planning and Development Control Committee was recognised and these meetings were entered in the diary. It was noted that the County Legal and Democratic Service Officer, The County Finance Officer and the Head of Overview and Scrutiny have been consulted and their comments incorporated. In presenting the report the Chief Executive advised that the current diary was based on the existing Overview and Scrutiny Committee' names and functions. Following the Council elections on the 1st May 2008 constitutional structures would need to be revised which could necessitate an amendment of the schedule.

Arising from the discussion on this issue a Member raised a concern regarding the submission of late reports to meetings and suggested the Constitution Forum examine this issue with a view to determining deadlines for the submission of reports for consideration by the Council or its Committees.

RESOLVED:

1. That the diary of meetings for 2008/09 be approved subject to any possible amendments necessitated as referred to in the report of the Chief Executive.
2. That the Constitution Forum be requested to examine procedure for the submission of late reports.

251. PROPOSED DESIGNATION OF WEPRE PARK INCLUDING EWLOE CASTLE UNDER CRIMINAL JUSTICE AND POLICE ACT 2001 AND LOCAL AUTHORITY (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007

The Council considered the report of the County Legal and Democratic Service Officer previously circulated, the purpose of which was to invite the Council to consider the making of an order identifying Wepre Park including Ewloe Castle, as a designated public place for the purposes of combating alcohol related disorder under the Criminal Justice and Police Act 2001. The report detailed the provisions of the Act and was noted that the effect of such an Order would be that a Police Officer would be authorised to require any person not to consume intoxicating liquor in that place and to surrender any open containers of intoxicating liquor. Any person who failed without reasonable excuse to comply with the Officers requirements commits an offence punishable in the Magistrates Court by a fine of up to £500. The County Legal and Democratic Service Officer pointed out that the Council had been approached by North Wales Police who had requested the designation of land at Wepre Park including Ewloe Castle which was the property of CADW. Attached to the report was a plan which identified the area subject of the proposed Order. The report also detailed the consultation procedure and the results of those consultations. A Notice had been duly advertised in the local newspaper and no representations had been received. If the Council made such an Order, it was first necessary to publish a further Notice in a newspaper circulated in the area identifying the designated area and setting out the effect of the Order and stating the date in which the Order would take effect. It was also necessary before the Order took effect for the Council to erect in the designated areas such signs as it considered sufficient to draw the attention of the public in that area to the effect of the Order. Members were very much in support of the Order and felt it was a countywide problem, including both urban and rural areas.

Members enquired about the possibility of a wider designation of areas to address this serious anti-social problem. The County Legal and Democratic Service Officer explained the procedure and the need for areas to be designated. However, he reported upon initiative undertaken by Birmingham City Council whereby they intended to designate the whole of the City Centre. He explained that this would be more difficult in rural areas and that it was potentially a very expensive procedure to undertake. He suggested that the matter be taken up generally with other agencies in the Joint Action Group.

RESOLVED:

That an Order be made identifying land at Wepre Park Connah's Quay including Ewloe Castle (as shown edged red on the plan circulated within the report) as a designated public place for the purpose of Part 1 of the Criminal Justice and Police Act 2001 to take effect from 1st April 2008.

252. REQUEST FOR CONFERMENT OF FREEDOM OF THE COUNTY UPON THE REGIMENT OF THE ROYAL WELSH

The Council considered the report of the Chief Executive previously circulated, the purpose of which was to consider a request to confer the freedom of the County upon the Regiment of The Royal Welsh. In presenting the report the Chief Executive reported that The Royal Welsh had approached the Authority seeking to build a close relationship with the County Council leading to the conferment of the Freedom of the County. The Regiment had provided information relative to the request detailing the background of the Regiment and this was fully detailed in the report. It was noted that the former Delyn Borough Council had conferred the Freedom of the Borough on The Royal Welch Fusiliers in 1976. In April 1996 this Council agreed in principle that The Royal Welch Fusiliers receiving the Freedom of the County.

A number of Authorities in Wales had already agreed to confer the honour and these were detailed in the report. The Chief Executive reported that the Council had a statutory power to confer the Freedom of the County on persons of distinction and persons who had, in the opinion of the Council, rendered eminent service to the County. Such conferment must be agreed by Council by resolution passed by not less than two thirds of the Members voting.

The Chief Executive reported it was generally accepted that conferring the Title of Honorary Freeman was the highest honour that a Council could bestow. It was also necessary for the resolution to recite the particular grounds upon which the Council had come to their decision and details of the public service rendered by the recipient should be included.

The Chief Executive indicated that at this stage an agreement in principle was being sought. For the formal freedom Resolution it would be

necessary to call a Special Meeting of the Council and it is suggested that this would be held on a date to be agreed with The Royal Welsh.

The Council very much welcomed this proposal and felt that this was a most appropriate honour to bestow on The Royal Welsh. There was unanimous support for the proposal.

RESOLVED:

1. That the Council agree in principle to confer the Freedom of the County on the Royal Welsh.
2. That a Special Meeting of the Council be arranged to pass the resolution on a date to be agreed with The Royal Welsh.
3. That the Chief Executive be authorised to take the necessary actions to support the recommendations in 4.01 and 4.02 in his report and to make any supplementary arrangements in support of this.

253. WELSH COLLEGE OF HORTICULTURE (WCOH)

Pursuant to minute number 247 above this item was considered in open session.

The Council considered the joint report of the Chief Executive and Interim Director of Education and Children's Services and Recreation, the purpose of which was to seek Members views on the prospective merger between the Welsh College of Horticulture and one or more regional colleges. It was also necessary to advise that Welsh College of Horticulture of the Councils position in time for their Board Meeting scheduled for the 20th February 2008.

In presenting the report the Chief Executive advised that at a Special Meeting held on 5th December 2007 he reported verbally on the current position in relation to the future of the college and the possible merger with one or more regional colleges.

The Leader of the Council and other Members had expressed their concern that the Council had not been consulted on this issue particularly as it could have a very significant effect on the area. The Council therefore agreed to write to John Griffiths AM, The Deputy Minister of Schools of the Welsh Assembly Government, to ask him to directly intervene to ensure that the Council received the necessary consultation opportunity at an adequate time to consider any possible merger arrangement. The full response from the Minister was included in the report, the thrust of which indicated that he felt it was not the matter for his intervention but it was an issue for the Governing Body to address. He also urged the Council to pursue dialogue with the

Governing Body of the college who he felt would be open to receiving the views.

The Chief Executive reported that the Welsh College of Horticulture had commissioned Consultants to review the options for the college to merge with another education institution and recommend the best way forward.

This work had been commissioned to resolve the long period of uncertainty in which the College Board had been unable to agree an appropriate merger party with the Welsh Assembly Government. The Board resolved in 2004 to seek a merger with another education institution to overcome their financial difficulties and ensure the continued existence of the college in its role supporting the horticultural industry.

The potential merger partners for the college had been short listed to Deeside College and the North East Wales Institute Wrexham (NEWI). A critical requirement of the commission was that the process, and as far as possible, with conclusions would be endorsed and accepted by the Welsh Assembly Government (WAG) through their offices, the Department of Children, Education, Lifelong Learning and Skills.

It was noted that the Welsh College of Horticulture could not continue to operate as currently configured. Facilities and resources were dated and failed to attract sufficient students of a suitable calibre to meet the needs of the industries they served. As the college specialised in horticulture and associated land based subject areas the organisation could not generate sufficient income to make the changes required to attract the student numbers needed to make it viable.

It had therefore been decided by the College Board that a merger with a larger financially sound institution was essential for the college to preserve its land based provision and to grow. The Chief Executive reported that as well as being a further educational college the Welsh College of Horticulture had an important role in supporting and developing the horticulture industry in Wales and, in fact, the rest of the United Kingdom. It had an excellent reputation for horticultural teaching and industry support. Whilst horticulture was a relatively small component to the Welsh economy it had a key enabling role in the development of tourism and leisure, the environment sustainability, health, local procurement and the development of the rural economy and thus impacted on priorities of the Welsh Assembly Government. The Chief Executive reported that there was a consensus, backed by research, that the horticultural industry suffered from shortages within the basic vocational skills and entrepreneurial management and similar higher educational level skills. Strategic plans for the industry emphasised the latter as most important to enable changes the industry required. It was noted that the conclusion of the Consultants' findings was that the best option would be the establishment of a three way higher education/further education led merger and although it was recognised that overall ownership of it was an outstanding issue the college had instigated further meetings with the two possible partners to seek a compromise.

The Chief Executive reported that the college had formally requested the views of the Council regarding the proposed merger arrangements in time for consideration of their next Board Meeting on 20th February 2008. At the meeting of the Board held on 21st January 2008 the Board agreed to defer a final decision for 28 days in the hope that an agreement could be reached on a preferred option of a three way merger.

The Chief Executive also reported that at its Board meeting on the 21st January 2008 the college had resolved that:

“if the best option were to fail and taking into account the financial circumstances of the college and the Consultants recommendation the Welsh College of Horticulture would seek to merge with NEWI on the proviso that the merged Organisation would subsequently become involved in the commissioning consortium”.

Attached as Appendix 1 to the report was an analysis of the college’s strengths, weaknesses, opportunities and threats. Particular reference was made of the college’s strategic objectives and broad action plans phased over the next five years which aimed to capitalise on the strengths and opportunities identified. The Chief Executive moved on to discuss the issues related to Deeside College and NEWI.

Attached as Appendix 2 to his report was a table showing the summary of the key issues for consideration by the Welsh College of Horticulture together with proposals from Deeside and NEWI Colleges to deal with each of them. The Chief Executive expanded upon the key points

Although the Governing Body of the college agreed that the best option for the college industry and learners of Welsh would be the establishment of a three way higher education and further education merging between the Welsh College of Horticulture, Deeside College and NEWI, they also accepted and endorsed a Consultants opinion that further delay in meeting this best option would damage the college in many ways and reduce its potential to be developed. The Chief Executive concluded that the worst possible option was to do nothing or delay unnecessarily.

The Leader of the Council indicated that he was now grateful for the opportunity granted to the Council to be consulted on this but was disappointed that it had not been given the opportunity to see the proposals in detail. He had held meetings with the respective principals of the colleges on this issue. The Chief Executive also clarified that negotiations were still underway and he had not been given a date by when they were to be completed. The Leader also understood the difficulty of the colleges in question and how they had to evolve to meet changing needs. In this respect he felt it was appropriate for the Council to support the North East Wales Institute in its attempt to achieve University status and that this Council made its preference known for the future of the Welsh College of Horticulture and supported the merger of that College with Deeside College.

A Member who was also involved with the Board of Governors gave a summary of discussions at the college and referred to the issue of a tri-partite agreement. Members felt it was now the opportunity for Flintshire to make a stand on these issues because of the importance of the further education establishments within the Authority and its strong links with business organisation and the development of skilled people for those industries. A Member also commented that the Welsh College of Horticulture was a further education college and not a higher education established college. He also referred to the fact that many of the students attending at the Deeside College had special learning needs and in fact Deeside College had just been awarded the highest possible Grade 1 for this aspect of its work. He suggested this was a good opportunity to share this best practice to benefit more people. He further suggested that NEWI had little or no expertise in further education and their involvement would not address these financial difficulties at the Horticultural College. He commented upon their pledge to become a University.

Members shared the view the proposed approach of Deeside College and the Welsh College of Horticulture merger was consistent with the recommendations for North East Wales in the WEBB review which was published last December. They also felt that it was consistent with the direction being proposed by the Department of Children, Education, Lifelong Learning and Skills at the Assembly Government. Members were aware of the difficulties of the Welsh College of Horticulture in the financial aspect and were sympathetic to their efforts to address those problems however they were aware of its status within the area and the valuable service it provided within Flintshire. Deeside College had excellent inspection results and worked closely with the Council as the Local Education Authority and its schools to develop courses to satisfy their needs.

Other Members suggested that it was necessary to keep an open mind as the Council were not aware of all the figures involved in the process. On the same theme another Member felt that Deeside was not under threat and should not be confused with the issue relating to the College of Horticulture. Members also commented on the different interpretation of the comments in the report of the Independent Review of the Mission and Purpose of Further Education in Wales in the context of The Learning Country (WEBB Review) It was also suggested that there was support from within the college to support the tri-partite approach. Subsequently an amendment to the Leader's proposal was duly proposed and seconded whereby the Council should await further developments but be involved in any discussions. A recorded vote was requested and the necessary 10 Members stood in support of this. Members also commented upon the involvement of Llysfasi College and its importance in the agricultural education.

On being put to the vote the amendment was lost by 25 votes to 17 with 3 abstentions. The voting being as follows:-

For the amendment:

Councillors: J.C Cattermoul, D.M.D Clayton, Q.R.H Dodd, B Dunn, C.A Ellis, F Gillmore, J.J Griffiths, R.J.T Guest, P.G Heesom, H.T Isherwood, Nancy M Matthews, H.G. McGuill, N Phillips. H.G Roberts, N.R Steele-Mortimer, W.O Thomas, W.M Warburton

Against the Amendment:

Councillors: L.A. Aldridge, R.C Bithell, D Butler, D.L Cox, R Davies, Mrs G.D Diskin, D Evans, Mrs R Griffiths, R.G Hampson, R.K Jones, Mrs S Jones, W Mullin, J Ovens, T Renshaw, K.W Richardson, I.B Roberts, L.A Sharps, A.P Shotton, I.R Smith, Pamela J Walkden, T Walker, D.R Wilkes, G.D Williams, D.E Wisinger and Mrs D Banks.

Abstentions:

Councillors: H.D. Hutchinson, C. Legg, E.E.Matthews

The Proposal was subsequently put to the count and was carried by 25 votes to 26 with 19 abstentions.

For the proposal:

Councillors: L.A. Aldridge, R.C Bithell, D Butler, D.L Cox, R Davies, Mrs G.D Diskin, D Evans, Mrs R Griffiths, R.D Hampson, R.K Jones, Mrs S Jones, W Mullin, J Ovens, T Renshaw, K.W Richardson, H.G. Roberts, I.B Roberts, L.A Sharps, A.P Shotton, I.R Smith, Pamela J Walkden, T Walker, D.R Wilkes G.D Williams, D.E Wisinger and Mrs D Banks

Abstentions:

Councillors: J.C Cattermoul, D.M.D Clayton, Q.R.H Dodd, B Dunn, C.A Ellis, F Gillmore, J.J Griffiths, R.J.T Guest, P.G Heesom, H.D. Hutchinson, H.T Isherwood, C. Legg, Nancy M Matthews, E.E. Matthews, H.J McGuill, N Phillips, N.R Steele-Mortimer, W.O Thomas, W.M Warburton

RESOLVED:

1. That the Council fully supports North East Wales Institute (NEWI) in its attempt to achieve University status.
2. That the Council makes its preference known for the future of the Welsh College of Horticulture and supports the merger of the Welsh College of Horticulture College with Deeside College.

254. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That the public and press be excluded from the meeting as the following items contained exempt information as identified in paragraphs 12 and 15 of Schedule 12A of the Local Government Act 1972.

255. ADJOURNMENT OF MEETING

The Council agreed to adjourn for 20 minutes to allow Members the opportunity to read, in detail, the further report of the Chief Executive in relation to the Senior Management Structure which had been circulated earlier.

256. SENIOR MANAGEMENT STRUCTURE

Following the resumption of the meeting, the Council considered the reports of the Chief Executive, the purpose of which was to seek the approval of the Council for the finalised proposals for Phase I of the consolidation of the Senior Management Structure of the Council.

The first report of the Chief Executive, which was circulated with the Agenda, gave an overview of the proposals and the second report, which was circulated at the meeting, was detailed and fully reported upon all the proposals. All officers had been asked to leave the meeting with the exception of the Human Resources Operation Manager who was there as the Human Resources Advisor and staff from Democratic Services who remained to record the proceedings of the meeting.

The Chief Executive reported that at the special meeting held on 5th December 2007, the Council endorsed his proposals for structural change for detailed development and for collective and individual consultation. In effect, there was nothing new in the report because all the proposals, as part of the wider consultation, had been discussed and Members had been involved in that process.

The detailed development of the job design for the new post of Directors was nearing completion with sufficient design work on role and job descriptions and person specifications completed for recommendation. The posts had also been evaluated for competitive and affordable market salary rates to be proposed. The Chief Executive explained that this work had been completed with the expert advice and guidance of Hay Consultancy which had been at no cost to the Council as they had been retained with the assistance of a Capacity Building Grant from the Welsh Local Government Association.

The Chief Executive reported that an intensive consultation process had been completed on the initial Structure proposals since the special meeting of the Council held on 5th December 2007 at which the proposals were endorsed. The consultees were detailed in Appendix 2 to the report and it was noted that the report and presentation slides from the earlier special meeting were attached and included in full, the business case for change as Appendices 3 and 4 to that report.

In referring to the detail of the consultation, the Chief Executive reported that the consultees had included the Executive and individual Executive Members, individual Overview and Scrutiny Committee Chairs, Political Groups, Directorate Management Team, selected Operational Management Teams second tier officers as a collective, individual second tier and other officers and the Trade Unions. A number of external consultees had been consulted by letter and these included: the Welsh Assembly, the Statutory Regulators, PricewaterhouseCoopers as the Council's external auditors, the Welsh Local Government Association, North Wales Police and North Wales Fire as statutory partners and neighbouring authorities with whom the Council collaborated.

The Chief Executive continued that the consultation exercise had demonstrated overwhelming support for the business case for structural change and the over-arching management structure of a Chief Executive and a lesser number of Directors. Equally, the consultation exercise had demonstrated overwhelming support for the proposed role definition for the Directors and Heads of Service. The consultation exercise had provided useful feedback on important aspects of organisational design and functioning.

Following the presentation of the background to the proposals, the Chief Executive advised that the proposed Senior Management Structure would be reduced from seven to four Directorates. The number of posts of Director would be reduced from seven to four with the four proposed Directors being as follows:-

- Chief Executive
- Community Services
- Environment
- Lifelong Learning

The Chief Executive then explained that the initial proposals suggested principal service groupings under two possible models as detailed in the report.

The Chief Executive explained that Children's Services and Regeneration were depicted in alternative Directorates in the initial two models. The illustrated diagrams which, were attached as Appendix 1 to the report, showed the proposed new Directorates and the existing second tier posts which would report to the new Directors on service strategy management and performance. The second tier posts and their titles, grading

and salary levels would be subject to review under Phase 2 of the Structural Review.

The Council was informed that the illustrated diagrams did not depict the corporate functions of the policy and performance, corporate health and safety, emergency planning and occupational health or Theatr Clwyd. Management and reporting arrangements for those functions were required to be resolved and temporary management arrangements would be made as the Director of Corporate Strategy ceased to exist as a single entity through the transition.

The consultation exercise demonstrated a widespread support for three public service Directorates with the service groupings as outlined in the initial proposals. On the actual locations for Children's Services and Regeneration, in the initial proposals the consultees were in the majority in support of the location of Children's Services in the Directorate of Community Services and were unanimously in support of the location of Regeneration in the Directorate of Environment.

The Chief Executive went on to explain that the question of location of Children's Services and how to further integrate services to children with adult education, youth, youth justice and other Council services had been a major discussion throughout the consultation on the initial proposals for the structure. The Council was a forerunner local authority in the United Kingdom to co-locate in a management structure, Children's Services with educational services. However, in England it was now a statutory requirement to have a designated Statutory Lead Officer for Children's Services and the introduction of this duty had led to Councils reviewing their management arrangements to integrate Children's Services under principles of corporate parenting with which, he suggested, Elected Members would be familiar. That statutory duty did not apply to Wales although a number of Welsh Councils had structurally integrated Children's Services with Education whereas a larger number had retained Children's Services with adult and other social services.

In presenting his report, the Chief Executive expanded upon the reasons for the location of Children's Services within adult services and the other social services within the structure. It became apparent during the discussions that the key issue was that wherever the services were located it was necessary for an integrated operation of the various services irrespective of the Directorates.

In its written response, the Welsh Assembly Government advised protection of the statutory role of "Director of Social Services" and therefore favoured co-location statutory social services including Children's Services within a Management Structure. The Council was informed that Estyn, the regulatory body for education, offered no preference and in the circumstances it was proposed that Regeneration would be located within the new Environment Directorate. With regard to the Children's Services, it was proposed that it was located within the new Community Services Directorate.

The Chief Executive explained that this would allow the Council to have three equally balanced public service directorates, the consultation exercise had been beneficial in raising the successes and the limitation of the integration of Children's Services within the Authority, the issues of further integration required to be addressed irrespective of the structural reform proposed in the paper. The Chief Executive stressed that the strategic and operational integration of Children's Services would be given priority in Phase 2 of the structural change as listed in 3.49 of his report.

It was proposed that Regeneration was located in the new Environment Directorate.

With regard to the federated corporate function, a number of consultees questioned how this would be led and managed and whether the Chief Executive would have the capacity to line manage three directors and also head the corporate function and whether the addition of a post of the Director of Resources was desirable.

The Chief Executive explained the finalised proposed arrangements for the management and supervision of senior officers included the corporate functions and detailed in the report. He explained how he would operate and line manage this area. With regard to the redefined roles of directors, these were summarised in 3.29 of the report. He also detailed the reasons why a Director of Resources was not proposed.

Referring to the role of the Corporate Management Team, he explained that they would take full and collective responsibility for the development and over-sight of finance, human resources and information technology and management strategies and would be advised by the specialist corporate heads of function in their respective fields. The Corporate Management Team would show a far greater level of collectivity and leadership and advise and support the Council. Each of these three strategies would be led by one of the new Directors with the Chief Executive taking overall leadership for the governance and management of the Council under the direction of the Elected Membership.

There were key areas in the effective management of the corporate functions and this would be assured by a number of initiatives which were fully detailed in the report. He explained that prudent management theory demonstrated that an individual manager, i.e. the Chief Executive, could effectively manage a number of line reports (i.e. Directors and Heads of Corporate Functions and Heads of Corporate Functions who would report directly to the Chief Executive) in single figures. This was the case in these proposals where there would be up to seven senior line reports to the Chief Executive. The report summarised the principle roles of the Chief Executive and he stressed that he had confidence in the workability of the arrangements being proposed without any of his principal roles being compromised.

The budget preparatory process for 2008/09 was a successful example of this new method of corporate working and practice in the absence of a Corporate Director of Resources.

The Chief Executive also summarised the proposal for the structure balance the Council required. He further explained that the core Corporate Management Team would combine the Chief Executive and the three Service Directors. The extended Corporate Management Team would include the Corporate Heads of Function. He stressed that the Statutory Section 151 and Monitoring Officers would have unfettered rights of reporting and access to the Corporate Management Team, the Chief Executive, the Political Leadership, the Executive, the Audit Committee, Overview and Scrutiny Committees and the Full Council. The finalised service groupings and line management and reporting arrangements for the new post of Director were illustrated in the diagrams detailed in Appendix 1 to the report.

With regard to the statutory role of officers, he explained that they would be discharged as follows:

Statutory Role	Assigned Office
Head of Paid Service	Chief Executive
Section 151 Officer	Head of Finance
Monitoring Officer	Head of Democracy & Legal
Director of Education	Director of Lifelong Learning
Director of Social Services	Director of Community Services

The Head of Finance would have line management responsibility for the Head of Internal Audit. The Head of Internal Audit would have unfettered rights of reporting and access to the Corporate Management Team, the Chief Executive, and the Audit Committee.

The proposals for statutory officers were consistent with the comments of consultees, most notably the protection of the statutory role of Director of Social Services in a single post at Director level.

The Chief Executive in his report detailed the mechanics of proceeding with the implementation of the structures under the headings of:-

- The New Roles of Director and Salary Evaluation
- Revisions to the Current Establishment and Efficiencies
- The Appointments Process to the Posts of Director

With regard to interim and transition arrangements, the Chief Executive explained it was critically important that the transition process and period was carefully managed to minimise disruption to service continuity and performance and to prevent the morale of the organisation from being damaged. He explained the management strategies which would be continued to address this.

The report detailed issues relating to interim management arrangements that a number of key Head of Service (second tier) posts were either the subject of interim appointments, stood vacant or would become vacant. The Chief Executive indicated that permanent appointments should be made to these posts without delay, once the revised Management Structure had been adopted by the Council, to protect service continuity and these posts were identified in the report but would require re-titling in order that the Council had a consistency of titles at second tier level. Job descriptions and personal specifications would need to be reviewed and revised in line with the revisions to those to the posts of director. He explained the principles relating to the salary bandings for these posts. Detailed in the report was the implementation timetable for the revisions to the structure together with the persons relative responsibility.

With regard to Phase 2 of the revised Management Structure which would follow Phase 1 and would begin in full from the summer of 2008. The Council was invited to provide guidance to the Chief Executive on the priorities for attention in Phase 2. Priorities by the Chief Executive were as detailed in the report with the intention that further efficiencies would be achieved. He further explained that at this stage only the top level of management was being considered and the second stage would be Phase 2 and that would be considered later.

The Chief Executive reiterated the point relative to Children's Services.

The Leader of the Council indicated that he would be moving a motion to accept the recommendations detailed in the report but indicated that he would do then when more questions had been asked.

The Executive Member for Education and Children's Services and Recreation expressed his concern at the proposal for Children's Services being relocated away from the Education function. He recognised that in terms of balance why the suggestion had been made but he felt that in terms of childrens' interests in the wider sense, that the Education Department would be the correct location because of the strong links with the services within that area. He felt that since the Council took the innovative step to locate the service in that area considerable progress had been made and to reverse this now would be a retrograde step.

The Chairman of the Lifelong Learning Overview and Scrutiny Committee who, like the Executive Member for Education, Children's Services and Recreation had teaching experience, shared the concerns relative to the relocation of that service. He expanded upon the role of the teacher in the schools and the discussions that it was necessary for them to undertake at case conferences involving a number of services. He felt the effect of these would be diminished if Children's Services was taken away from the Education function.

Other Members supported these views and felt that at present the services were working well and that they should be left alone, sharing the view that it would be a retrograde step to return to the previous arrangements. Members commented that children required care outside of the school attending years. Alternatively other Members felt that it was not the issue of where the service was located but the management of that service and there should be an appropriate management structure to allow the areas to work in harmony and with an integrated approach. As the discussion progressed it was apparent that the only real area of contention in the Chief Executives report related to the location of Children's Services.

The Leader of the Council indicated that it was necessary for a decision to be made on the principle of the restructuring as detailed in the Chief Executive's report at this meeting but enquired from the Chief Executive if it would cause problems if the issue of Children's Services was deferred until the scheduled meeting of the Council in two weeks time. The Chief Executive explained that it would not obstruct the mechanics of the implementation of the report and in view of the comments of Members he indicated that he would willingly undertake further detailed consultations and report back to the Council.

Other Members did say that all the Groups had the opportunity to look at the proposals and had an opportunity to comment thereon and felt that the report should be approved in their entirety as it was in line with what the Council had previously requested.

The discussion progressed to other proposals in the report and in the wider sense, Members commented upon the future democratic structure of the Council and expressed a view that the role of the Overview and Scrutiny function would have to alter in view of the revised structural arrangements.

The Chief Executive accepted this point and suggested that it could be described as a "silo mentality" in the way in which the Committees operated as they discussed individual topics where he felt there could be a more cross-cutting approach to those issues.

Members shared their concern when there appeared to be duplication with regard to the Overview and Scrutiny function with more than one Committee discussing the same topic at a given time and Members and officers attended to address them separately. Following questions from Members, the Chief Executive explained the situation relating to Occupational Health and its location whereby it was a self-contained unit similar to Emergency Planning and that they were not high risk areas in terms of management.

The Leader of the main opposition group indicated that if the Council were minded to support the recommendations in the report, then with regard to 4.07 and 4.08 that Group Leaders were in the wider consultations.

The Leader again referred to the issue on Children's Services and wished to seek a consensus from the Council and suggested that the recommendation of the Chief Executive be moved with the exception that part of paragraph 4.02 relating to the location of the Children's Services and that this be deferred until the next scheduled meeting. This was subsequently put to the vote and AGREED.

RESOLVED:

1. That the final proposals for phase one of the consolidation of the Senior Management Structure be approved for implementation. The new revised management structure will comprise the post of Chief Executive and three posts of director managing three consolidated public service directorates.
2. That the Senior Management Structure as proposed be adopted with Regeneration being locally within the new directorate of Environment.
3. That the post titles, role definitions and salary gradings for the new posts of director be adopted.
4. That the Chief Executive be given delegated authority to finalise the detail of the job design of the three posts of director in consultation with the Leader of the Council and appropriate Executive Members and with the advice of retained consultants Hay Consultancy.
5. That the Chief Executive be authorised to (1) proceed and conclude the 'matching' process for existing directors according to the assimilation policy of the Council and with the advice of retained consultants Hay Consultancy and (2) begin the advertisement process for any posts not filled through the matching process to culminate in an Elected Member panel interview selection process in late May/early June 2008.
6. That the personnel implications of the proposals and the financial efficiencies to be realised be noted.
7. That the Chief Executive be authorised to review the head of service posts which are vacant or the subject of interim arrangements, as listed in section 3.45, for immediate recruitment in consultation with the Leader of the Council and appropriate Executive Members and with the advice of retained consultants Hay Consultancy. This Authority should extend to any further head of service posts which might fall vacant during the transition period.
8. That authority be given to continue existing interim management arrangements (combining 'acting up' and external interim appointment arrangements) until the posts affected are permanently appointed.

9. That the initial proposals for Phase 2 of the consolidation of the Senior Management Structure be noted for further development and Members offer guidance on further areas of the organisation to be given priority.
10. That a decision be deferred until the meeting of the County Council on 4th March 2008 on the Senior Management Structure in relation to the location of Children's Services being located within the new directorate of Community Services.

257. DURATION OF MEETING

The meeting commenced at 3.00 p.m. and ended at 6.40 p.m.

258. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE

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

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

FLINTSHIRE COUNTY COUNCIL COMMITTEE	DATE: 19th FEBRUARY 2008
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MEMBER	ITEM	MIN. NO. REFERS
Councillors: Colin Bithell, E.F. Evans, M. Higham, P. Macfarlane, J.B. Attridge and D. Barratt	Welsh College of Horticulture (WCOH)	253