

Barry Davies LL.B (Hons)
Solicitor/Cyfreithiwr
County Legal and Democratic Services
Officer
Swyddog Gwasanaethau Cyfreithiol a
Democrataidd y Sir



TO: ALL MEMBERS OF THE COUNCIL

Your Ref /
Eich Cyf
Our Ref / *Ein Cyf* NG
Date / *Dyddiad* 15/07/20
08
Ask for /
Gofynner am Mike
Thomas
Direct Dial /
Rhif Union 01352
702324
Fax / *Ffacs*

Dear Sir / Madam,

A **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD** on **THURSDAY, 26 JUNE 2008** at to consider the following items.

Yours faithfully

Assistant Director (Democratic Services)

AGENDA

1. **PRAYERS**

2. **APOLOGIES FOR ABSENCE**

3. **DECLARATIONS OF INTEREST**

4. **MINUTES**

To confirm as a correct record the minutes of the meetings held on:

- (a) Ordinary Meeting - 8 April 2008 (copy enclosed)
- (b) Annual Meeting - 13 May 2008 (copy enclosed).

5. **STATEMENT OF ACCOUNTS 2007/08**

A presentation on the preparation of the statement of accounts will be made to the meeting. Members are asked to bring with them, to the meeting, the

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

report of the County Finance Officer together with the Statement of Accounts submitted to the Audit Committee scheduled for 25 June 2008.

FLINTSHIRE COUNTY COUNCIL
8TH APRIL 2008

Minutes of the Meeting of Flintshire County Council held in County Hall, Mold on Tuesday 8TH April 2008.

PRESENT:

Councillor Mrs A Minshull (Chairman),

Councillor Mrs D Banks

Councillors: J B Attridge, S R Baker, D Barratt , J G Beard, C Bithell, R C Bithell, D Butler, J C Cattermoul, D M D Clayton, D L Cox, P J Curtis, R Davies, A G Diskin, Mrs G D Diskin, Q R H Dodd, R C Dodd, B Dunn, C A Ellis, D Evans, E F Evans, H Gambino, F Gillmore, J J Griffiths, Mrs R Griffiths, R J T Guest, R G Hampson, G Hardcastle, P G Heesom, H T Howorth, N Humphreys, H T Isherwood, J F Jones, R K Jones, Mrs S Jones, R P MacFarlane, Nancy M Matthews, H J McGuill, W Mullin, J Ovens, M J Peers, N Phillips, T Renshaw, K W Richardson, H G Roberts, I B Roberts, A P Shotton, I R Smith, N R Steele-Mortimer, W O Thomas, P J Walkden, T Walker, W M Warburton, G D Williams, D E Wisinger, A Woolley and M G Wright.

APOLOGIES:

Councillors: L A Aldridge, C J Dolphin, M Higham, H D Hutchinson, G A Jones, C Legg, E E Matthews, L A Sharps, C Shone, D R Wilkes, D T M Williams.

IN ATTENDANCE:

Chief Executive, Director of Community Services, County Finance Officer, County Legal and Democratic Services Officer, Acting Director of Environment and Regeneration, Assistant Director Development and Resources, Acting Director of Community and Housing, County Legal and Democratic Services Officer, County Finance Officer, Assistant Director Democratic Services, Head of Committee Members and Electoral Services and Democratic Services Manager.

Mr Graham Creer attended for Minute No 296

270. FORMER COUNCILLOR DAVID MESHAM

The Chairman referred to the sad death of former Councillor David Mesham and the Council stood in silent tribute.

271. LORD LIEUTENANT

The Chairman reported that the Lord Lieutenant Trevor Jones was in hospital and that she had written on behalf of the Council to wish him a speedy recovery.

272. URGENT ITEM

The County Legal and Democratic Services Officer indicated that there was an urgent item to consider in relation to the new Code of Conduct and would be considered under the Agenda item which covered “Executive and Committee Reports”. He explained that the Chairman was satisfied that this was an urgent item as it was only on the previous evening that the Standards Committee had met and made a recommendation on this issue.

273. PRAYERS

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

274. PUBLIC QUESTION TIME

The County Legal and Democratic Services Officer reported that there were no public questions.

275. COUNCIL MINUTES

RESOLVED:

That the following Minutes of the meeting of the Council be approved as a correct record and signed by the Chairman:-

- (a) Ordinary Meeting 29th January 2008
- (b) Special Meeting 19th February 2008
- (c) Special Meeting 4th March 2008

276. DECLARATIONS OF INTEREST

The Monitoring Officer reported that for the item on “Clwyd Pension Fund Update” (minute number 289) it would not be necessary for Members to declare an interest even if they were participants in the fund as the item was for information only. He explained that if it did proceed to a debate it was possible that his advice would have to be reviewed.

Similarly for the item on “School Admission Arrangements 2009” (minute number 290) he explained that the Standards Committee had granted all Members who were school governors’ dispensation to speak and vote on this item.

Councillor N Phillips declared a personal interest in relation to the item on “Local Government Election Fees 2008” (minute number 283).

277. CHAIRMAN’S COMMUNICATIONS

Details of the Chairman’s engagements since the previous meeting had been circulated prior to the commencement of the meeting. The

Chairman also extended her thanks for all the support she had received for her Charity Ball which had raised a total of £3905; the total of the Charity Fund was currently at £6356 which she would shortly be distributing to her three identified charities. As this was the last County Council meeting before the forthcoming elections she congratulated those Members who had been returned unopposed and wished good luck to all those who were standing as candidates. Also on behalf of the Council she extended thanks to those Members who would not be standing for re-election.

The Leader of the Liberal Democrat Group expressed his thanks to the Chairman for the excellent manner in which she had undertaken her duties during the course of her year of office. Similar sentiments were expressed by the Leader of the Non Aligned Independent Group, the Conservative Group and the Plaid Cymru representative. The Leader of the Council extended his own appreciation for the excellent work that she had undertaken and referred in particular to the ambassadorial role she had undertaken on behalf of Flintshire County Council. The Chief Executive, on behalf of all the Council officers, expressed his thanks for the work undertaken by the Chairman during her year of office.

278. PETITIONS

Councillor Q R H Dodd submitted a petition on behalf of the residents of New Brighton in respect of Highway issues.

279. EXECUTIVE AND COMMITTEE REPORTS

NEW CODE OF CONDUCT

Pursuant to minute number 272 above this item was considered as an urgent item.

The report to the Standards Committee was circulated prior to the meeting for Members' information.

The purpose of the report to Standards Committee was to enable it to recommend a new Flintshire Code of Conduct to be adopted by the County Council at this meeting and to recommend that all Town and Community Councils adopt a code based upon the new Flintshire Code.

The County Legal and Democratic Services Officer (Monitoring Officer) indicated that the new code was long awaited and he had reported on a regular basis to the Standards Committee on the position regarding the Model Code of Conduct for Wales over the past two and a half years. He explained that a multi-agency working group chaired by the Assembly Government undertook a review of the existing Code of Conduct and made twenty six recommendations to simplify and clarify the code including a fundamental change in approach to the disclosure and registration of interests. He then explained the subsequent process.

A copy of the proposed new Code of Conduct for Council was attached to the report to the Standards Committee and was based upon the model code previously reported to the Committee at its meeting on the 11th June 2007. The Council was informed that there had not been any significant changes to that draft. The Monitoring Officer explained the major differences in principle between the existing and the new code. The new code retained the provision contained in the existing code relating to the registration of gifts and hospitality. It was left open to individual authorities to specify the value of gifts or hospitality, material benefit or advantage which must be registered. Although representations had been made to the Welsh Assembly Government to fix an amount nationally they had not done so, and the value in the existing code was £10.

The Chief Legal and Democratic Services Officer (Monitoring Officer) reported that the Standards Committee had recommended that this amount should remain unchanged. In response to Members' questions the County Legal and Democratic Services Officer confirmed that there would be training on the new code as part of induction refresher training. The Council was pleased to accept the recommendations of the Standards Committee.

RESOLVED:

That in accordance with the recommendations of the Standards Committee, the new Model Code of Conduct for Wales be accepted, and that in the section relative to the registration of gifts and hospitality, the amount be fixed at £10.

280. EXISTING CODE OF CONDUCT

The Council felt that it was appropriate to consider this item immediately following that relating to the new Code of Conduct. The Council considered the report of the Monitoring Officer previously circulated, the purpose of which was to advise Members of the need to give a further undertaking to abide by existing Code of Conduct.

In presenting the report, the Monitoring Officer explained that the Department of Communities and Local Government had made arrangements for an amendment to legislation governing the Code of Conduct to come into effect on 31st January 2008. The amendment had been introduced to reverse the effects of a High Court Judgement in the Case of Livingstone v The Adjudication Panel for England (2006) and made it clear that the Code of Conduct could now include provision that applied to Members whilst acting in either their official or private capacities. The report expanded upon the significance of this.

The Council was informed that as a result of the amendment now made and the time scales imposed by the UK Government, advice had been received from the Welsh Assembly Government that all elected and co-opted Members were now required by the 1st May 2008 to give an undertaking to observe the existing Code of Conduct. The undertaking was required to

ensure that elected and co-opted Members understood their obligations and were committed to observing the Code of Conduct ie; that once again it covered conduct where Members were acting in their private capacities. The significance of this was that a failure to provide an undertaking resulted in Members not receiving allowances for the four days following election when they would normally cease to hold office. For those who were re-elected on the 1st May and were members of the Clwyd Pension Fund there could be a gap in membership as failure to sign an undertaking would mean that a Member would cease to hold office at the end of that day.

RESOLVED:

That all Members be requested to sign the undertaking, a copy of which was attached to the report of the Monitoring Officer.

281. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

The County Legal and Democratic Services Officer reported that there were no questions.

282. JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS REPORT

The County Legal and Democratic Services Officer reported that there were no questions.

283. LOCAL GOVERNMENT ELECTION FEES 2008

Councillor N Phillips had declared an interest in this item and left the meeting whilst it was being discussed.

The Council considered the report of the Returning Officer, the purpose of which was to advise Council of the revised scale of fees for electoral staff for the Local Government Elections 2008.

The Returning Officer reported that at his meeting held on 10th February 2004, the County Council approved a revised scale of fees for electoral staff for the Local Government Elections for that year. The Council also agreed the principle of increasing electoral fees for Local Government Elections in line with pay inflation and granted the Returning Officer delegated authority to set electoral fees in consultation with Returning Officers in North Wales to ensure uniformity of fees across the region.

A meeting of the Electoral Administrators of the North Wales Authorities was held in November 2007 at the request of Returning Officers to review the scale of fees. A revised scale of fees was shown as Appendix 1 as recommended by the Returning Officers of North Wales for adoption by their respective Authorities. A comparison of the electoral fees for 2004 was shown as Appendix 2. The report detailed the basis upon which the fees had been agreed.

RESOLVED:

- 1) That the action of the Retuning Officer in revising the scale of electoral fees as set out in Appendix 1 for Local Government Elections to be held on 1st May 2008 and for By Elections which may occur during the next twelve months, in accordance with authority delegated by the Council previously, be noted and endorsed.
- 2) That the Council endorse the principle of automatically increasing Electoral Fees annually in line with pay inflation to ensure uniformity of fees paid across the North Wales region.

284. WALES SPATIAL PLAN

The Council considered the report of the Chief Executive which had been previously circulated, the purpose of which was to endorse a response to be made to the Welsh Assembly Government on the Wales Spatial Plan entitled "People, Places, Futures".

The Chief Executive reported that the Welsh Assembly Government had published a revised and updated draft of the Wales Spatial Plan for consultation and responses were invited by 24th April 2008. The plan was presented as an over-all Spatial Plan for Wales and region by region. The Chief Executive explained that the North East Wales region entitled "Border and Coast" comprised the counties of Flintshire, Wrexham, Denbighshire and the eastern part of the county of Conwy. Regional consultation events had been held on the draft Spatial Plan and Flintshire both shared and was represented at the North East Wales event which was held at Wrexham on 5th March 2008. Selective information from the regional event and the introductory and regional extracts on the Spatial Plan were attached to the report for reference.

The Chief Executive reported that the Executive received a report on the Spatial Plan on the 1st April 2008 and endorsed the making of a response to the Welsh Assembly Government based on the points made in 3.01 of his report. The Council noted that the consultation coincided with the Government consultation on the Spatial Plan for North West England and a review by the Parliamentary Welsh Select Committee of cross border issues in Health, Highways and Education in England and Wales. The Chief Executive emphasised that the Welsh Spatial Plan was gaining in importance and had been used to guide Assembly regional policy, priorities and funding decisions, therefore it was important that the Council made a full and considered response to the consultation. Members were advised to comment about the content of and the process for the Spatial Plan with an emphasis on a number of items which were detailed in the report of the Chief Executive.

The Leader of the Council in supporting the report expressed his thanks to the Chief Executive, the Executive Member for Environment and Regeneration and the Chief Regeneration Officer for all their work in developing the plan. He referred to the strong employment links in the plan

which he felt would have significant long term benefits in terms of the creation of jobs in the area and add to the future prosperity of the county.

The Leader of the main opposition group, while supporting the sentiments expressed by the Leader regarding future prosperity, felt there should have been wider Member involvement in the process of the production of the plan. He suggested that there could have been involvement with the Development Plan Panel because of the link between the two plans. The Member suggested that a seminar should be arranged to be open to all Members of the Council to allow them an input.

The Chief Executive reported upon the significant issues contained within the Spatial Plan and that consultation was always open. He indicated that it was his intention to work with the new Council on the Spatial Plan as it was evolving. The Deputy Leader in supporting the views previously expressed indicated that the Plan was an open document and was always available for review to address changing patterns and trends. He explained that this was a working document and was pleased that the link with North West England had been acknowledged as part of the plan process. A number of Members reiterated the point relative to the North West England link. A Member also commented upon the fact that the River Dee was a working river and that economic and environmental considerations needed to be balanced.

Summing up, the Leader reiterated the importance of the plan and commented upon what he felt would be some exciting developments for the area with some commercial developments which would have significant importance throughout the county. He was pleased to support the suggestion for a seminar and Members' involvement which should also involve the Welsh Assembly.

In pursuing this point the Chief Executive indicated that Welsh Assembly Government ministers would be delighted to participate in a seminar and would welcome the initiative of the Council in establishing such an arrangement.

RESOLVED:

- (a) That the Chief Executive be authorised to make a full written consultation response to the Welsh Assembly Government on the Wales Spatial Plan in consultation with the Leader of the Council, reflecting the views of the Council.
- (b) That, in the life of the new Council, the Chief Executive make the necessary arrangements for a seminar in consultation with the Welsh Assembly Government to which all Members of the Council be invited, on the Spatial Plan for Wales.

285. INDUCTION ARRANGEMENTS FOR NEW MEMBERS

The Council considered the report to the Assistant Director (Democratic Services), the purpose of which was to brief Members on the induction arrangements being made for any new Members that joined the Authority following the elections on 1st May 2008.

The report detailed the background to its preparation. Attached as Appendix 1 to the report was a copy of the Council's Member Induction Programme approved by the Member Development Working Group and by the Corporate Management Team. The Assistant Director explained that whilst this training was aimed at new Members of the Authority, it was also open to all returning Members by way of refresher training. The Induction Programme had been designed on the basis that priority be given to those topics of most importance to new Members. The Member Development Work Group approved a Member mentoring policy and it was hoped that through the political groups each new Member would have an experienced Member to act as their mentor. The Assistant Director (Democratic Services) explained that in March 2008 a Member Mentoring Workshop had been held and included contributions by a representative of the Welsh Local Government Association (WLGA) and the Corporate Training Manager and was well received by those Members attending. Members who were unable to attend that workshop but who were interested in acting as a mentor were asked to contact the Corporate Training Manager for further information. The report detailed the information pack which would be provided to Members immediately following the election. The report also detailed the arrangements for Members on the day of the Annual Council Meeting in particular the "Your Council" day at Theatr Clwyd. A copy of the draft programme relating to that was attached as Appendix 2 to the report. It was noted that a conducted tour of Council facilities was also being arranged. In addition to these arrangements being made by the Council, arrangements were being made by the WLGA and by the six North Wales Authorities jointly. Details of these initiatives were included in the report.

RESOLVED:

That the arrangements detailed in the report made by the Council, the six North Wales Authorities and the WLGA for the benefit of new Members, following the elections, be noted and endorsed.

286. PROPOSED DESIGNATION OF GREENFIELD VALLEY HERITAGE PARK UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001 AND THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007

The Council considered a report of the County Legal and Democratic Services Officer which had been previously circulated, the purpose of which was to invite Members to consider the making of an Order identifying Greenfield Valley Heritage Park as a designated public place for the purpose of combating alcohol related disorder under the Criminal Justice and Police Act 2001.

The Report detailed the background to its preparation and the key considerations. The relative procedures for this were also detailed in the report. The County Legal and Democratic Services Officer reported that there had been no representations to the notices which had been displayed relative to this Order.

RESOLVED:

That the County Council make an Order identifying land at Greenfield Valley Heritage Park including Basingwerk Abbey (as shown edged red on the plan attached to the report) as a designated public place for the purposes of Part 1 of the Criminal Justice and Police Act 2001 to take effect from 1st May 2008.

287. PROPOSED DESIGNATION OF MAES BODLONFA RECREATION GROUND AND BAILEY HILL MOLD UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001 AND THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007

The Council considered the report of the County Legal and Democratic Services Officer which had been previously circulated, the purpose of which was to invite Members to consider the making of an Order identifying Maes Bodlonfa Recreation Ground and Bailey Hill, Mold as a Designated Public Place for the purpose of combating alcohol related disorder under the Criminal Justice and Police Act 2001.

The Report detailed the background to its preparation and the key considerations. The relative procedures for this were also detailed in the report. The County Legal and Democratic Services Officer reported that there had been no representations to the notices which had been displayed relative to this Order.

RESOLVED:

That the County Council makes an Order identifying land at including Maes Bodlonfa Recreation Ground and Bailey Hill, Mold as Designated Public Places for the purposes of Part 1 of the Criminal Justice and Police Act 2001 to take effect from 1st May 2008.

288. PROPOSED DESIGNATION OF THE PLAYING FIELD ADJACENT TO WATS DYKE INFANT SCHOOL AND PLAY AREA LLWYN DERW, MYNYDD ISA UNDER THE CRIMINAL JUSTICE AND POLICE ACT 2001 AND THE LOCAL AUTHORITIES (ALCOHOL CONSUMPTION) IN DESIGNATED PUBLIC PLACES) REGULATIONS 2007

The Council considered the report of the County Legal and Democratic Services Officer which had been previously circulated, the purpose of which

was to invite Members to consider the making of an Order identifying the playing field adjacent to Watts Dyke Infant School and the play area Llwyn Derw, Mynydd Isa as a Designated Public Place for the purpose of combating alcohol related disorder under the Criminal Justice and Police Act 2001.

The Report detailed the background to it's preparation and the key considerations. The relative procedures for this were also detailed in the report. The County Legal and Democratic Services Officer reported that there had been no representations to the notices which had been displayed relative to this Order.

The County Legal and Democratic Services Officer reported that the implementation date was in fact 1st May 2008 and not 1st April 2008 as stated in the report.

RESOLVED:

That the County Council make an Order identifying the playing field adjacent to Wats Dyke Infants School and the play area Llwyn Derw, Mynydd Isa as Designated Public Places for the purposes of Part 1 of the Criminal Justice and Police Act 2001 to take effect from 1st May 2008.

289. CLWYD PENSION FUND UPDATE

The Council considered the report of the County Finance Officer (Treasurer and Administrator to the Fund), the purpose of which was to update Members on issues relating to the Clwyd Pension Fund (the Fund).

The County Legal and Democratic Services Officer explained that this was an information report. The County Finance Officer, in her capacity as Treasurer and Administrator to the Fund, reported upon the background to it's preparation and referred to key areas including;-

Market Value, Performance and Funding Position Update
Government and Communication issues
Investment Issues
Pension Administration Issues.

The County Finance Officer clarified a number of points following questions raised by Members.

RESOLVED:

That the report be noted.

290. SCHOOL ADMISSION ARRANGEMENTS 2009

The Council considered the report of the Assistant Director Development and Resources, the purpose of which was to advise Members of the outcome of the statutory consultation exercise on the Admission Arrangements for September 2009.

The report was presented by the Executive Member for Lifelong Learning. The Council was reminded that each year the Local Education Authority was required to undertake a statutory consultation exercise on its admission arrangements for the following year. It was noted that for September 2009 the Local Authority must have determined its admission arrangements by 15th April 2008. Details of the statutory consultation procedure were detailed in the report. Following the introduction of new regulations the Local Education Authority was required to apply new capacity assessment methodology which must be agreed with schools and made available to the Welsh Assembly Government by May 2008 at the latest. Flintshire Local Education Authority had completed all of its new capacity assessments for both primary and secondary schools and all schools had been consulted on their revised capacity assessment and admission numbers and these had been "signed off".

If the capacity of a school changed following the initial calculation the Local Education Authority of Governing Body must advise the Assembly Government of a revised capacity admission number. It was noted that the revised capacity assessment generated a new "admission number" which would replace the previous "standard number" many of which no longer reflected the capacity of a school and the way in which space was utilised. Admission numbers would determine the number of pupils to be admitted in any school year. The report detailed key areas when calculating the relevant admission figures and what was taken into account. It was noted that Authorities would now be able to change admission numbers without having to publish statutory proposal or submit the changes to the National Assembly for Wales. However, if an Admission Authority determined an admission number which was lower than the number indicated by the capacity assessment, this must be published in a local newspaper and parents may object to this lowered admission number.

It was noted that the new capacity assessment had assisted the authority in calculating surplus places and would properly reflect the number of pupils as schools should be able to admit.

In presenting the report the Executive Member referred in particular to the current admissions arrangements which were based on the principle of "local schools for local children" which provided for pupils in the first instance to be offered a place at school which was nearest to their home address. However, the report explained that there was nothing in the existing policy which removed the right of parents to express an alternative preference to nearest school or places at the alternative school would only be offered in accordance with the criteria set out in the policy. It was noted that the current admission arrangements which had been in place since 2003 were implemented to address significant over crowding in some schools and to

increase occupancy in others so that there was a more balanced intake across the Authority's secondary schools. However, it was noted that over time there had been a reduction in pupil numbers as a consequence of a falling birth rate and this was enabling the vast majority of parental preferences to be met. Appeals in Flintshire were still relatively low and related to a small number of secondary schools which were detailed in the report. Details of the appeals were also included.

Referring to the primary sector, it was noted that most children attended their local schools and, generally, there was sufficient capacity to meet the needs of local children across Flintshire. The Council noted that because of available capacity a number of schools were admitting as many as 50% of their pupils intake from "out of the area". The report detailed the significance of this and identified the figures relative to capacity levels in schools.

Planning of school places surplus, capacity and investments and school buildings was currently the subject of an intensive piece of work which was being undertaken by an Official Project Team as part of the Schools Organisation Review. The report expanded upon the work of the group and it was noted that the work was unlikely to be completed until late Spring in view of the level of detail required. Particular reference was made in the report to nursery provision and the arrangements which currently applied. It was noted that some Members had expressed a view in the past that nursery admissions should be more flexible and that parents should have a choice as to which school nursery class their child attended. Whilst it was acknowledged that parents working patterns and child care arrangements had changed over time, to allow free choice would destabilise any forward planning in relation to nursery admissions and result in an increased demand for nursery places in some schools and potentially a reduced take up in others.

Currently parents were only able to admit their children to the nearest nursery to their home address.

It was noted that with the consultation exercise only two responses had been received, one from a secondary school and one from the Church of Wales Diocese and their issues were summarised in the report together with the related response.

A number of Members commented upon the report whereby they felt that the policy did not address issues relating to rural schools particularly when children from the same primary school had to attend different secondary schools. The Leader of the Council responded to a number of points and felt that over a number of years the policy had been developed to make considerable improvements to issues which had been a problem in the past such as the over use of mobile classrooms. He felt that the current system was more equitable and addressed most needs. He was asked a number of questions relating to the calculation of figures particularly in relation to issues regarding the number of sixth formers from other schools being admitted to

secondary schools, and children who transferred primary schools because of better after school club facilities.

The Assistant Director Development & Resources answered the questions raised by Members and indicated that many of the issues had been discussed with them directly over a considerable period. She accepted that there was always going to be difficult situations but the policy was strong and was as fair as possible. Members commented that they would be making comments as part of the school organisation review if they were in a position to do so.

The Leader of the Council indicated that he felt it was significant that as part of a very wide consultation process only two responses had been received, none of which were from Members of the Council. Summing up, the Executive Member for Lifelong Learning indicated there would never be a policy which would please everyone but he felt that the current arrangements were as fair as possible.

In concluding the debate the Chairman referred to the fact that this would be the last Council meeting that the Assistant Director of Development & Resources would be attending before she left the employ of the Authority and thanked her for all the work she had undertaken and wished her success for the future. A number of Members supported this sentiment as did the Chief Executive.

RESOLVED:

That the proposed admission arrangements for September 2009 as detailed in the report to the Executive be improved.

291. FINAL DRAFT HEALTH, SOCIAL CARE AND WELL BEING STRATEGY 2008 – 2011

The Council considered the report of the Director of Community Services, the purpose of which was to commend Flintshire's final draft Health, Social Care and Well Being Strategy for adoption by the County Council. The report detailed the background to its preparation and identified the key consideration. It was noted that at its meeting on 11th March 2008 the Executive had agreed this strategy and recommended its adoption by the County Council. The Report to the Executive, which was attached as an Appendix to the report circulated for this meeting, detailed further background on a wide ranging public consultation on the draft strategy that took place between October and December 2007. It was also noted that at a meeting on 26th March 2008 the Flintshire Local Health Board approved the final draft strategy.

RESOLVED:

That the Social Care and Well Being Strategy for 2008 – 2011 as detailed in the report to the Executive 11th March 2008 be approved.

292. QUESTIONS

The County Legal and Democratic Services Officer reported that the following questions had been submitted and the answers provided by the relevant Officers.

(A) Questions from Councillors Hilary McGuill and Quentin Dodd on Bryn Road, Bryn-y-Baal

Question:-

Why has the Highways Department failed to honour its promise to install two extra street lights on the stretch of road so that the speed limit can be then reduced to 30 miles per hour?

Answer:-

“The Acting Director of Environment and Regeneration provided the following answer.

The scheme to install additional street lights is included in the capital programme remains and is currently at the design stage. The scheme is planned to be implemented in the first six months of the 2008/09 financial year as part of the street lighting capital programme. As soon as the additional street lights are installed the road will become restricted”.

(B) Question from Councillor Quentin Dodd.

Question:-

Why has the Highways Department failed to keep its promises to the residents of Main Road, New Brighton:

- (a) To maintain the gullies so that vehicle noise and vibration is minimised?
- (b) Failed to install the flashing speed warning lights to help reduce the excessive speed of commercial and other vehicles using the road?

Answer:-

The Acting Director of Environment and Regeneration provided the following Answer

- (a) “The Highways Department is aware some of the gully frames are slowly “sinking” but they are regularly inspected and remedial works undertaken as appropriate. An inspection on the 28 March 2008 has shown only one gully in need of attention (not considered urgent as

affecting life or limb) and works will be carried out in the next two weeks. The frames will eventually stabilise.

- (b) By letter dated the 18 March 2008 the Acting Director of Environment and Regeneration explained to Councillor Q Dodd that the reactive speed warning sign remains on the list as a priority and funding will be available in the new financial year. It is anticipated that allowing time for ordering and manufacture it should be installed during the summer. There are already two signs on the Bryn-y-Baal road and such signs are located across the County on the basis of maximum impact”.
- (C) **Questions to County Council – 8th April, 2008 from Councillor N M Matthews**

Question:-

- (1) Why does this Council not seek to support and encourage retailers, businesses and commercial manufacturers in Flintshire to reduce unnecessary and wasteful packaging, in particular the widespread use of plastic bags?

Why does this Council not resolve to take a lead in reducing free plastic bag provision by:

Launching a Flintshire-wide campaign to gain voluntary agreement between the Council, business and other interested parties to end the practice of free plastic bags within the County.

Answer:-

The Chief Executive provided the following answer

“Some towns/villages in Wales are seeking to adopt a zero waste/plastic bag free zone (St Arvans, Abergavenny, Lampeter). There is nothing to prevent a Council from adopting such an approach – a national framework would be beneficial. The Welsh Assembly Government (WAG) intend to create a stronger body in Wales – WRAP Wales (Waste and Resources Action Programme) which will have responsibility for engaging with retailers in Wales. The Welsh Local Government Association (WLGA) is meeting with WAG on waste on Friday 12th April where WRAPs work is to be discussed”.

Questions 2, 3 and 4

2. Instructing the Chief Executive to write to the Assembly Government requesting they declare support for the London Local Authorities (Shopping Bags) Bill and introduce legislation enabling Councils in Wales to introduce such a levy;
3. Calling on Flintshire MPs to support the forthcoming London Local Authorities (Shopping Bags) Bill and also to sign the early day motion (No 188) on excess packaging presented by Jo Swinson M.P.

4. Calling on the eight Assembly Members who represent the interests of Flintshire in the Welsh Assembly to press for similar legislation for Wales.

Combined Answer to Questions 2,3 and 4:-

“The London Local Authorities (Shopping Bag) Bill is a private members bill seeking the prohibition on the distribution of free, throw-away shopping bags by retailers in London and proposes powers for London Local Authorities to enforce this. The UK Government has taken steps to begin to address the “plastic bag” issue with an announcement in the recent budget that unless retailers begin to take voluntary action then the Government will introduce legislation and impose a charge.

The Welsh Assembly Government (WAG) is currently seeking legislative competence over a range of environmental protection and waste management areas. Included in the potential list of measures for WAG would be a levy or charge on plastic carrier bags at the point of sale as it is outside of their legislative competence to ban them. The Assembly has reviewed the Ireland levy where each plastic bag is subject to a charge at the point of sale. Anecdotally this appeared to have raised the profile of not only the environmental damage of plastic bags disposed of incorrectly but the overall recycling agenda at large.

To have legislative competence as referred to above, the Assembly will require a Legislative Competence Order (LCO). LCOs require primary legislation from Central Government and the Assembly is awaiting a decision this summer in this respect.

The Welsh Local Government Association (WLGA) with Local Authorities Co-ordinators of Regulatory Services (LACORS) intend to undertake a study in Wales on excess packaging. Local Authority Trading Standards Officers have powers but it is difficult to prove that packaging is excessive as packaging is allowed to promote the product.

This work needs to be completed this year in order to feed into the overall review of the waste strategy. The Local Government Association (LGA) undertook a supermarket study last year which named and shamed a few retailers but WLGA believes that legislation is key to ensuring that all retailers/manufacturers put on the shelf products which work towards waste reduction and high recycling.

Further information is available (from the Chief Executive's office) as follows:

- Copy of the Minister's letter on the LCO-levy issue which was presented to the National Assembly for Wales Committee on 1st Oct 2007 regarding Environmental Protection and Waste Management LCO Committee.

- UK Parliament – printable early day motions (EDM 188) by Jo Swinson entitled “Jo targets excess packaging in Parliament.
- London Local Authorities (Shopping Bags) Bill”.

293. SEALING OF DOCUMENTS

RESOLVED:

- (i) That the Chairman, Vice Chairman, the County Legal and Democratic Services Officer and Principal Solicitors be authorised to affix the Common Seal of the County Council between meetings of the County Council.
- (ii) That the action of the Chairman, Vice Chairman, the County Legal and Democratic Services Officer and Principal Solicitors in fixing the Common Seal of the County Council set out in the Register Seal number 9068-11027 be noted.

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

RESOLVED:

That the public and press be excluded from the meeting for the following items as they are considered to be exempt by virtue of Sections 12 and 15 of Schedule 12a of the Local Government Act 1972 (as amended).

295. SENIOR MANAGEMENT STRUCTURE

The Chief Executive gave a verbal update on the current situation in relating to the management structural arrangements.

(a) THE DIRECTOR OF COMMUNITY SERVICES

The Chief Executive extended his congratulations to Susan Lewis on her appointment as Director for Community Services in accordance with the matching process supported by the Hay Consultancy. It was noted that the Acting Director of Community & Housing would retain control of housing for the time being.

(b) EDUCATION, CHILDREN’S SERVICES AND RECREATION

The Chief Executive commented on most unfortunate circumstances relating to the reason why the Acting Director of Education, Children’s Services & Recreation could not continue his employment. He also referred to the imminent departure of the Assistant Director of Development & Resources and advised that Mr Elwyn Davies would be acting as Chief Education Officer as an interim

arrangement. The Chief Executive himself was taking managerial responsibility for the leisure and library function.

(c) **THE DIRECTOR OF CORPORATE STRATEGY**

The Chief Executive confirmed that the post of Director of Corporate Strategy had been made redundant and Julia Lorkin would be continuing to serve out her employment working with the Acting Director of Environment & Regeneration on the introduction of Streetscene Services.

(d) **FILLING OF POSTS**

The Chief Executive gave an update on the current situation relating to advertisement of vacant posts which were key to the direction and management of the Authority.

RESOLVED:

The position be noted.

296. APPOINTMENT OF INVESTIGATING COMMITTEE

(Councillors J.F. Jones and T. Renshaw were not present for this agenda item)

The County Finance Officer referred to her report containing exempt information, copies of which were tabled. The purpose of the report was for the Council to consider the appointment of an Investigation Committee in relation to an allegation of misconduct against two Officers and as a Statutory Officer she had taken a leading role on this matter with the support of the Head of Internal Audit, Assistant Director (Human Resources and Organisational Development), HR Operations Manager and Assistant Director (Democratic Services). In addition, she had obtained external legal advice from Weightmans Solicitors and their representative was Mr. Graeme Creer who was present at the meeting to advise Council on procedures.

The Council needed to consider and agree the terms of reference of an Investigation Committee and these were set out in a paragraph 3.01 (i), (ii) and (iii) of the report. The prescribed procedure required that the Committee must consist of a minimum of three Members of the Council, be politically balanced and meet within one month of its appointment, consider the allegation of misconduct and decide whether it should be further investigated.

The Leader of the Council moved the recommendations of the report and that the Committee should comprise five members politically balanced. The proposal was seconded by Councillor P.G. Heesom.

RESOLVED:

- (a) That an Investigation Committee be appointed to consider the allegation against two Officers identified in the report.
- (b) That the size of the Committee be a politically balanced Committee of five Members.
- (c) That the membership of the Committee comprises Councillors P. Curtis, Mrs. G. Diskin and T Walker (Labour nominations), A Woolley (Alliance nomination) and Nancy Matthews (Liberal Democrats).
- (d) That the replacement members for each group be Councillors P. Macfarlane (Labour), J.J. Griffiths (Alliance) and Carolyn Cattermoul (Liberal Democrats).
- (e) That a quorum of three Members for meetings of the Committee be agreed.
- (f) That the terms of reference of the Investigation Committee as set out in paragraph 3.01 of the report be agreed and
- (g) That the County Finance Officer be given delegated authority to deal with all related and consequential matters.

297. DURATION OF MEETING

The meeting commenced at 10.30 am, adjourned at 11.15 am, recommenced at 2.00 pm and finished at 4.20 pm.

298. MEMBERS OF THE PUBLIC

There was one member of the public present.

.....
Chairman

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

FLINTSHIRE COUNTY COUNCIL	DATE:	19th DECEMBER 2006
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MEMBER	ITEM	MIN. NO. REFERS
Councillor N Phillips	Local Government Election Fees 2008	283

FLINTSHIRE COUNTY COUNCIL
13th MAY 2008

Minutes of the Annual Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday 13th May 2008.

PRESENT:

Councillor Mrs A Minshull (Chairman),

Councillors: L A Aldridge, K Armstrong-Braun, J B Attridge, S R Baker, D Barratt, G H Bateman, R C Bithell, C S Carver, Mrs J C Cattermoul, E G Cooke, D L Cox, P J Curtis, R Davies, Ms A J Davies-Cooke, A G Diskin, Mrs G D Diskin, Q R H Dodd, C J Dolphin, Mrs R Dolphin, B Dunn, Mrs C A Ellis, E F Evans, J E Falshaw, Mrs H Gambino, Mrs E V Gay, F Gillmore, R J T Guest, Ms A M Halford, R G Hampson, G Hardcastle, P Heesom, M Higham, Mrs C Hinds, H T Howorth, R Hughes, Ms N Humphreys, H D Hutchinson, Mrs H T Isherwood, G James, Mrs R Johnson, Ms C M Jones, Ms N M Jones, R B Jones, Mrs S Jones, C Legg, R P Macfarlane, D I Mackie, Mrs D L Mackie, Mrs N M Matthews, D Macfarlane, Ms H J McGuill, W Mullin, E W Owen, M J Peers, P R Pemberton, N Phillips, M A Reece, H G Roberts, I B Roberts, L A Sharps, A P Shotton, N R Steele-Mortimer, Mrs C A Thomas, W O Thomas, D T Williams, D E Wisinger and A Woolley.

Mrs D Banks attended the earlier part of the meeting during which she was the Vice-Chairman of the Council.

APOLOGY:

Councillor M G Wright.

IN ATTENDANCE:

Chief Executive, County Legal and Democratic Services Officer, County Finance Officer, Acting Director of Environment and Regeneration, Director of Community Services, Chief Education Officer, Interim Director of Community and Housing, Head of Improvement and Information Technology, Interim Assistant Director of Human Resources, Assistant Director of Democratic Services, Head of Committee, Member and Electoral Services, Head of Overview and Scrutiny and Democratic Services Manager.

1. PRAYERS

At the commencement of the meeting the Reverend Brian Taylor conducted prayers.

2. CHAIRMAN'S REVIEW OF THE YEAR

In presenting her review of the year, the Chairman said how honoured she had been to serve as Chairman of the Council. During her year of office

she felt that the Authority had continued to move forward in a very positive way for the benefit of the people of Flintshire.

She referred to the first ever Flintshire Business Week which proved to be a great success demonstrating the Council's commitment to working with the business community to maintain the development of the County's economy.

The Chairman also referred to the continuing commitment to ensure that the best educational opportunities for the County's young people remained high on the Council's Agenda and that the impressive GCSE pass rate continued to be maintained.

The Council also received a very encouraging ESTYN report on School Improvement Services. The report identified a number of outstanding features including strategic planning and joint working between School Improvement and the Inclusion Service.

The Chairman was also delighted that the construction of the new special schools at Flint High and Flint Gwynedd continued at a pace. She referred to the fact that the Council continued to work closely with the Police and Town and Community Councils to ensure the safety of Communities and the imminent introduction of more alcohol free zones would help to reduce anti-social behaviour in a number of areas across the County.

The Council agreed with her that the care of older citizens was a high priority and shared her delight that work had started on a new extra care scheme in Shotton which would provide 50 apartments and a range of communal facilities.

She commented that the care of the environment concerned everyone and she was pleased when Flintshire was named as one of the top three Councils for recycling in Wales once again, underlying the excellent support from the public for recycling in Flintshire.

It was also particularly satisfying that Flintshire was the only Council in North Wales to be awarded a Level 2 Green Dragon Environmental Standard and was commended on its approach to environmental issues.

She referred to one of the key highlights of the year of her office which was the hosting of the National Eisteddfod and she was honoured to represent the Council at this prestigious event which had proved to be such a success.

On the economic front, she referred to her delight when Airbus won the £20b contract from the US Airforce and similarly when Toyota invested £88m in their plant in Flintshire.

She referred to the departure of the Acting Chief Executive, Mr Chris Kay, and wished him well for the future, with the subsequent

appointment of Mr Colin Everett who she indicated was already doing an excellent job.

At the same time there had been positive changes within the organisation with a management re-structure, a new and effective approach to budgeting and importantly a fresh and improved approach to strategic planning and officer leadership.

However, the Chairman referred to the fact that the year was tinged with sadness with the sad loss of colleague Arthur Hannah, former colleagues Eddie Hall and David Messham and of Stuart Brown, a candidate in the recent Elections.

Significantly this was the year of the local Elections and she welcomed new colleagues and said farewell to others. This period was a particularly busy time for the Returning Officer and she indicated how well the Elections had been managed.

She referred to the fact that her charity had raised £7,320 which was divided equally between the three chosen charities, Alzheimer's Society, Anthony Nolan Trust and Papyrus.

The Chairman indicated that being the Civic Head of the County had provided herself and her Consort, Keith, with the opportunity to meet people from a variety of walks of life both within the County and elsewhere. During her civic year she, and her Consort, had had support from many Members and Officers from the Council for which she was always grateful and she would take away many happy memories. She made particular reference in the support she had received from her Vice-Chairman, Councillor Dolly Banks, and her Consort, Pamela.

She concluded by extending her wishes to former Councillor Ken Richardson who had been taken seriously ill during the election period but was now on the road to recovery. This sentiment was very much shared.

Councillor H D Hutchinson, on behalf of the Independent Group, paid tribute to the manner in which Councillor Minshull had undertaken her duties as she was an excellent ambassador for the County and had undertaken all aspects of her post in a highly credible manner.

The Leader of the Labour Group supported the sentiments expressed and recorded his own thanks for her efforts. He also referred to the excellent support she had received from her Consort, Keith, and also to the efforts of the Vice-Chairman, Councillor Dolly Banks.

Similar views were expressed by the Leaders of the Liberal Democrat and Conservative Groups and the Member for Plaid Cymru.

3. **ELECTION OF CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2008/09 – INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor A Woolley and seconded by Councillor N Phillips that Councillor QRH Dodd be elected Chairman of the Council for the municipal year 2008/09. Councillors Woolley and Phillips spoke in support of their nomination.

The motion was put to the meeting and was:

RESOLVED:

Unanimously that Councillor QRH Dodd be elected Chairman of the Council for the municipal year 2008/09.

Councillor QRH Dodd was Invested with the Chain of Office by the retiring Chairman.

(At this point in the meeting Councillor QRH Dodd, as Chairman, chaired the remainder of the meeting).

The Chairman then presented Councillor A Minshull with her retiring Chairman's Badge of Office and her Consort with his retiring Consort's Badge of Office.

The Chairman responded and thanked Members for their support in electing him as Chairman for the year ahead. He took the opportunity to pay tribute to the manner in which Councillor A Minshull had carried out her role as Civic Leader and thanked Keith for the wonderful support he had given during the year of office. They had both been exemplary ambassadors for the County.

The Chairman indicated that Councillor Minshull would be a very hard act to follow but he would do his best to carry on the excellent work. The Chairman felt that the Council had a very challenging year ahead and hoped that Members would work together to achieve success for the residents of the County.

4. **APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2008/09 – INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF THE DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor P G Heesom and seconded by Councillor A Woolley that Councillor Colin Legg be appointed Vice-Chairman for the municipal year 2008/09. Councillor Legg expressed his sincere appreciation to the Council for bestowing such an honour on him and he indicated that he would endeavour to do all he could to benefit the inhabitants of Flintshire. He explained the particular circumstances relating to his Consort.

RESOLVED:

Unanimously, that Councillor C Legg be appointed as Vice-Chairman of the Council for the municipal year 2008/09.

Bouquets were then presented to the retiring Chairman and the Chairman's Consort.

5. COUNTY COUNCIL ELECTIONS – 1ST MAY 2008

The Council considered the report of the Returning Officer, the purpose of which was to report formally to the County Council on the results of the whole Council elections held on 1st May 2008.

In reporting on the background to the elections, the Returning Officer commented that planning and management of the elections was a major undertaking for the Council. Election management was highly procedural involving a large volume of work in a short and pressurised timescale and had to be done with precision and accuracy. He indicated that the 2008 County Council and Town and Community Council elections were managed effectively and to a high standard. Many Agents and Candidates had been appreciative and complimentary over the efficiency and professionalism in which the elections and the election count were conducted. He took the opportunity to express his appreciation of the dedication and professionalism of the electoral and count management teams and to the co-operation to all involved in the election process including the many local organisations who had made their premises available as Polling Stations.

As Returning Officer, he made a number of observations on the elections and these were fully detailed in the report. The report also detailed in full, the election results for the County Council and advised that the overall turnout for the election was 40.67% with approximately 12,000 postal votes being issued and approximately 7,000 returned. He also referred in his report to the political balance of the Council according to the Affiliations of Elected Candidates as disclosed on the nomination papers for the election.

Earlier in the meeting a Member expressed his gratitude for the excellent manner in which the elections had been run, commenting that it was not just on the day of the poll but the considerable build up to that date and afterwards.

RESOLVED:

That the report be noted.

6. APPOINTMENT OF LEADER OF THE COUNTY COUNCIL

It was proposed by Councillor P G Heesom and seconded by Councillor H D Hutchinson, that Councillor A Woolley be appointed Leader of

the Council for the municipal year 2008/09. The motion was put to the meeting and it was

RESOLVED:

That Councillor A Woolley be appointed Leader of the Council for the municipal year 2008/09.

7. APPOINTMENT OF THE EXECUTIVE BY THE LEADER

The Leader of the Council, Councillor A Woolley, in accordance with the Constitution referred to his choice of Councillors who would serve on the Executive.

RESOLVED:

That the choice of Councillors to serve on the Executive and their portfolios detailed below, be noted.

<u>Executive</u>	<u>Portfolio</u>
Arnold Woolley	Leader & Finance and Asset Management
Tony Sharps	Deputy Leader and Environment
Carol Ellis	Social Services
Nigel Steele-Mortimer	Education and Youth
Nancy Matthews	Waste Strategy and Management
Mel Higham	Regeneration and Tourism
Neville Phillips	Corporate Governance and Strategy
Patrick Heesom	Housing Strategy and Planning
Helen Gambino	Estate Management (Housing Industrial/ Commercial and Agricultural)
Dennis Hutchinson	Leisure and Public Protection

8. CONSTITUTIONAL MATTERS RELATING TO COMMITTEES AND OUTSIDE BODIES

The Council considered the report of the Monitoring Officer, the purpose of which was to deal with those matters which required decisions at the Annual Meeting of the County Council in accordance with Council Procedure Rules 1.1(viii) – (ix), the matters were set out in separate sections within the report.

(A) Appointment of Committees

The Monitoring Officer reported that the Council's Procedure Rules required the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee and such other

Committees as the Council felt appropriate to deal with matters which were neither reserved to the Council nor were Executive functions. The Constitution presently provided for the appointment of a number of Committees which were detailed in the report.

The Monitoring Officer went on to explain that the two Fora had not met on a regular basis for sometime. Accordingly, it was suggested that the Fora not be re-appointed and that their Terms of Reference be incorporated into the appropriate Overview and Scrutiny Committees as determined by the Co-ordinating Committee. This constitutional change would broaden and strengthen all of the Overview and Scrutiny Committees.

At the same time, it was suggested that the Overview and Scrutiny Co-ordinating Committee increase its membership to 21 Members. It was also suggested that two new Committees be appointed, the Constitution Committee to replace the existing Constitution Forum with the same Terms of Reference which were set out at Appendix B to the report. It was recommended that the Constitution Committee be politically balanced, ideally including the Leaders or Deputy Leaders of each political group. It was noted that the existing Constitution Forum had 17 Members and suggested that this be increased to 21 members.

The Monitoring Officer reported that his report referred to the establishment of a Clwyd Theatre Cymru Committee. However, although its present constitution permitted the Council to review arrangements it was suggested, for the time being, that it be left in its current form as a Board of Governors pending consultation with the Board, the Arts Council and other organisations. He suggested that the review would take place in the near future. However, in the meantime it was suggested that the Chair of the Governing Body receive an appropriate special responsibility allowance. He explained that this would not apply to the Vice-Chairman of the Board because the Constitution allowed for that person to be elected by the Board and required it not to be a County Council Member.

It was further recommended that a new Pensions Committee be appointed later in the municipal year to comply with Best Practice guidance that had been released. The Committee would replace the existing Advisory Panel.

The Monitoring Officer reported that with regard to the Standards Committee and Licensing Committee it was a statutory requirement to have these Committees and the Council had no discretion except to confirm their appointments.

In the case of the Standards Committee, the Council was able to decide upon the distribution of the three available seats for Elected Members and, at present, the three Elected Members came from each of the largest political groups on the County Council.

RESOLVED:

- a) That the Social Inclusion Forum and Sustainability Forum be not appointed and their Terms of Reference be incorporated into the appropriate Overview and Scrutiny Committee as determined by the Co-Ordinating Committee.
- b) That a new Constitution Committee be appointed to replace the existing Constitution Forum on the same Terms of Reference and to be politically balanced to include the Leaders or Deputy Leaders of each Political Group.
- c) That the status quo remain for the Board of Governors of the Clwyd Theatr Cymru for the time being but that its status be reviewed in the future.
- d) That the Chair of the Board of Governors receive a special responsibility allowance in line with that previously applicable to a Forum Chair.
- e) That, if necessary, a new Pension Committee be appointed later in the municipal year to comply with best practice guidance that had been released, that Committee to replace the existing Advisory Panel.
- f) That the Standing Committees and Overview and Scrutiny Committees be confirmed as follows:
 - i) Corporate Management Overview and Scrutiny
 - ii) People & Performance Overview and Scrutiny
 - iii) Lifelong Overview and Scrutiny
 - iv) Social and Health Overview and Scrutiny
 - v) Community & Housing Overview and Scrutiny
 - vi) Environment and Regeneration Overview and Scrutiny
 - vii) Planning and Development Control
 - viii) Audit
 - ix) Scrutiny Co-Ordinating
 - x) Constitution
- g) That the Council representation on the Standards Committee remain with the three available seats for Elected Members with one each from the largest political groups on the County Council.
- h) That the arrangements for Standards and Licensing Committees be confirmed

(B) Determination of the Size of Committees

The Monitoring Officer reported that the Annual Meeting must decide upon the size of each of the Committees it had appointed. The report detailed what the Constitution presently made provision for and the size of the Committees were detailed in the report.

RESOLVED:

That subject to increases in membership of the Overview and Scrutiny Co-ordinating Committee, and the Constitution Committee to 21, the membership of the other Committees remain as detailed in the report.

(C) Terms of Reference of Committees

The Monitoring Officer reported that the Annual Meeting was required to decide the Terms of Reference of the Committees that it had appointed. The suggested Terms of Reference of the Committees were set out in Section A of Part 3 of the Constitution (Appendix B), and reflected the position agreed at the Annual Meeting in 2007, and incorporated the recommendations made by the Constitution Forum on 21st November 2007 to extend the Terms of Reference of the Licensing Committee to enable it to have an overview of all the licensing functions listed but not appeals.

RESOLVED:

That the Terms of Reference of each of the Committees as detailed in the report, be approved.

(D) Political Balance – Annual Review

In presenting this report, the Monitoring Officer referred to the fact that there was one vacancy on the Council and this had been taken into account in the calculations. It was noted that Councillor K Armstrong-Braun and H G Roberts were the non-aligned Members and included as numbers 1 and 2 in the breakdown circulated at the meeting.

The Monitoring Officer reported that the Annual Meeting was required to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

The report and appendix circulated at the beginning of the meeting detailed the allocation of seats on Committees to the political groups in accordance with political balance. It was necessary for the Council to allocate seats on Committees to the non-aligned Members before allocations were made to political groups.

RESOLVED:

That the report and the allocation of seats, subject to the amendments referred to above, be approved.

(D) Appointment of Chairs and Vice-Chairs of Standing Committees

The Monitoring Officer reported that the Chairs and Vice-Chairs of Standing Committees were required to be appointed with the exception of the Standards Committee. It was noted that the Constitution made special arrangements in relation to the Chairs and Vice-Chairs of the Audit and Licensing Committees. In the case of the Audit Committee, the Chair and Vice-Chair were required to be selected from amongst the Main Opposition Group(s) on the Council. In relation to the Licensing Committee, the Chair and Vice-Chair were required to be chosen from amongst the Main Opposition Group on the Council. Any departure from this practice would accordingly require an amendment to the Constitution.

Circulated at the meeting was a list of nominees for Chairs and Vice-Chairs.

RESOLVED:

That the following Members be appointed Chair and Vice-Chair of the Standing Committees as indicated below:

Corporate Management Overview & Scrutiny Committee

Chairman - Councillor Brian Dunn
Vice Chairman - Councillor Clive Carver

People & Performance Overview & Scrutiny Committee

Chairman - Councillor Fred Gillmore
Vice Chairman - Councillor Richard Jones

Lifelong Learning Overview & Scrutiny Committee

Chairman - Councillor Peter Macfarlane
Vice Chairman - Councillor Carolyn Cattermoul

Environment and Regeneration Overview & Scrutiny Committee

Chairman - Councillor Matt Wright
Vice Chairman - Councillor Mike Peers

Community and Housing Overview & Scrutiny Committee

Chairman - Councillor Ron Hampson
Vice Chairman - Councillor George Hardcastle

Social and Health Overview & Scrutiny Committee

Chairman - Councillor Hilary McGuill
Vice Chairman - Councillor Adele Davies-Cooke

Co-Ordinating Committee

Chairman - Councillor Hilary McGuill
Vice Chairman - Councillor Jim Falshaw

Planning and Development Control Committee

Chairman - Councillor Owen Thomas
Vice Chairman - Councillor Patrick Heesom

Audit Committee

Chairman - Councillor Ian Roberts
Vice Chairman - Councillor Billy Mullin

Licensing Committee

Chairman - Councillor Bernie Attridge
Vice Chairman - Councillor Alan Diskin

Constitution Committee

Chairman - Councillor Robin Guest
Vice Chairman - Councillor Alison Halford

Clwyd Theatr Cymru

Chairman - Councillor Hilary Isherwood

Pensions Panel

Chairman - Councillor Brian Dunn
Vice Chairman - Councillor Ted Evans

A D Waste - Councillor Ron Davies

(E) Local Choice Issues

The Monitoring Officer reported that the Council was required to agree such part of the scheme of delegation as the Council had determined it was for it to agree. This related to those Local Choice Functions which could be decided either by the Council or the Executive and/or delegated to Officers. A copy of the table of Local Functions included in the Constitution was attached as Appendix C to the report.

RESOLVED:

That the Local Choice Functions as detailed in Appendix C to the report, be confirmed.

(G) Nomination to Internal Bodies

The Monitoring Officer reported that the existing scheme of delegation provided for an Appointments Committee for Deputy Chief Officers and above comprising seven Members.

A recruitment exercise was underway for two Directors and four Heads of Service with a prescribed timetable for selection and appointment. It was proposed that several separate Appointment Committees would be set for these appointments. In the past it had been usual for Committee Members to be politically balanced including the relevant Executive Member. It was also proposed that the Chair or Vice Chair of the relevant Overview and Scrutiny Committee be one of the senior Members of the Committee.

RESOLVED:

That the arrangements for nominations to internal bodies, be approved.

(H) Nominations to Outside Bodies

The Monitoring Officer reported that the list of outside bodies to which nominations were required, were detailed in Appendix D to the report. Appointments were an Executive function by virtue of paragraph 18 of the Local Choice Functions.

It was noted that the only exceptions were in relation to appointments to the Welsh Local Government Association, North Wales Police Authority and North Wales Fire Authority which had in the past, through custom and practice, been determined by the Council.

It was noted that the Local Health Board representatives were also initially determined by the full Council. It was suggested that representatives to the Taith Consortium also be appointed at the Annual Meeting.

The procedure adopted previously had been for all other appointments to be delegated by both the Executive and the County Council to the Chief Executive in consultation with Group Leaders. This procedure appeared to operate satisfactorily the previous year. The Monitoring Officer explained that where there was a failure to agree, the appointment would have to be made by the Executive. The Council also noted that there were four representatives on the Welsh Local Government Association.

RESOLVED:

- a) That the Council's nominations to the Welsh Local Government Association be Councillors P G Heesom, A Woolley, S R Baker and N R Steele-Mortimer.
- b) That the Council's nomination to the Taith Consortium be Councillors P G Heesom and L A Sharps.

- c) That the Council's nominations to the Local Health Board be Councillors C A Ellis and Mrs H McGill.
- d) That the Council's representatives on the Regional Waste Procurement Joint Committee be Councillors P G Heesom and Mrs N Matthews.
- e) That the Council's representatives on the North Wales Fire Authority be Councillors G Hardcastle, B Dunn, D Barratt, G James, Mrs A Minshull and Ms N M Jones.
- f) That the delegation to the Chief Executive to make appointment in consultation with the Group Leaders in respect of the North Wales Police Authority and the remaining nominations required to outside bodies, be approved.

(l) Standards Committee

The Monitoring Officer reported that the three outgoing Members of the Standards Committee, Councillor N Phillips and former Councillors T Renshaw and J J Griffiths had all served two consecutive terms of office and could not be re-appointed to serve a third.

Due to the non-political nature of the Committee, political balance rules did not apply but the Council had previously appointed one Member from each of the three main political groups. Members were requested to confirm that they wished to follow previous practice and therefore nominations were requested so that the Standards Committee could meet as soon as possible.

The Monitoring Officer also reported that the term of office of the Independent Non-Elected Member of the Standards Committee, Mr John Gatrell, who was also the Committee's Chairman had expired. Mr Gatrell had now served two terms as an Independent Member of the Committee and could not be appointed for a third term. The Council was informed that the guidance for the appointment of a new Member required advertising the vacancy and setting up an Appointments Panel and the report detailed how the Panel had previously been established.

The Monitoring Officer recommended that the Panel be appointed comprising:-

- Retiring Member of the Standards Committee representing Town and Community Councils
- The Chairman or Vice-Chairman of the Council
- The Chairman or Vice-Chairman of the Standards Committee of a neighbouring Authority

The Council endorsed this suggestion.

RESOLVED:

- a) That the Council re-affirm the existing arrangement for the appointment of their three representatives, with one from each of the main political groups, be approved
- b) That the nominations be Councillors D Cox, D Mackie and S R Baker.
- c) That a Panel be appointed as detailed in the report for the appointment of a new Member, be approved.
- d) That the Monitoring Officer be given delegated authority to make all necessary arrangements.

(J) Programme of Ordinary Meetings

The Monitoring Officer advised that a Programme of Ordinary Meetings had been submitted to a previous meeting of the County Council and approved.

(K) Scheme of Delegation

The Monitoring Officer reported that the Leader's Scheme of Delegation enabled the Leader to appoint bodies to either undertake or advise upon Executive functions. The bodies which had so far been created were purely advisory in nature and intended to assist either the Executive or Directors in undertaking their functions or delegated powers. The Scheme of Delegation was set out in Section B of part 3 of the Constitution. The report detailed the existing Boards and Panels. However in view of the current circumstances this would have to be addressed at a later date.

As a result of the ongoing restructure of Directorates a number of amendments were now required to the Delegation Scheme and these were included in the report.

The Monitoring Officer also recommended that the functions of the Appeals Committee be extended to determine appeals against the dismissal of Chief Officers and Deputy Chief Officers as defined within the Council's Standing Orders relating to appointments and dismissal of officers.

RESOLVED:

- a) That it be noted that the situation in relation to Boards and Panels is to be reviewed by the Leader.
- b) i) That delegated powers, previously given to the Director of Corporate Strategy be re-allocated to the relevant second tier officer responsible for the function in question in consultation with the Chief Executive.

- ii) The delegated powers previously given to the Director of Education, Children's Services and Recreation be re-allocated to the relevant second tier officers responsible for the function in question, in consultation with the relevant Director or Chief Officer or Chief Executive (i.e. with the Director of Community Services in the case of Children's Services, with the Acting Chief Education Officer in the case of matters relating to schools and education and with the Chief Executive in relation to libraries and leisure etc).
- c) That the functions of the Appeals Committee be extended to determine Appeals against the dismissal of Chief Officers and Deputy Chief Officers as defined within the Council's Standing Orders relating to Appointments and Dismissal of Officers, including dismissal on grounds of redundancy.

(L) Other Constitutional Issues – Future Work of the Constitution Committee

The Monitoring Officer reported that the following issues required consideration by the Constitution Committee at an early meeting.

- The parameters for motions to Council in relation to non-Council functions.
- Anomalies concerning the call-in procedure
- A recommendation that there be no substitutes on the Planning and Development Control Committee
- The deferral procedure for situations where Members were minded to approve or refuse applications against Planning Policy

(M) Conclusion

Following the completion of the presentation of the report by the Monitoring Officer and the confirmation of the actions taken for the sake of clarity it was duly proposed, and seconded, that the report in its entirety, be approved and incorporate the specific agreed amendments.

RESOLVED:

That the report of the Monitoring Officer on constitutional issues, be approved as amended.

9. MEMBERS' SCHEME OF ALLOWANCES

The Council considered the report of the Assistant Director (Democratic Services), the purpose of which was to amend the Members' Scheme of Allowances to reflect changes to posts attracting Special Responsibility Allowances.

The report detailed the background to its preparation and it was noted that the Welsh Assembly Government had issued guidance on the maximum levels of allowances for all Local Authorities according to population bands. The guidance set out levels of special responsibility allowances for the different levels of responsibility. It was noted that the Council had implemented the Welsh Assembly Government guidance on allowances on a phased basis between 2003 and 2007. Whilst the basic allowance paid to each Member was almost at the guidance figure, the majority of Flintshire's special responsibility allowances remained significantly less than the maximum allowable under the National guidance.

The report attached a recent letter from the Welsh Assembly Government recommending Authorities maintain existing rate of allowances until the Independent Remuneration Panel for Wales had made its findings known. The Council was informed that it would be consistent with previous practice if it were to accept this recommendation. The Council would then have the opportunity to amend the rates of the various allowances backdated to the start of the current financial year.

The Assistant Director reported that in view of the decisions made earlier in the meeting to change the Council's standing Committees by not reappointing the Social Inclusion and Sustainability Fora but appointing a Constitution Committee the Members' Allowances Scheme should be updated to reflect such changes.

RESOLVED:

- a) That the rate of all allowances remains at the current rates.
- b) That the Chair and Vice Chair of the Constitution Committee receive special responsibility allowances at the same rate as was previously paid to the Chair and Vice Chair of the fora.
- c) That the Chair of Clwyd Theatr Cymru receives a special responsibility allowance at the same rate as was previously paid to the Chair of the fora.

10. FORMER COUNCILLOR ELVET MATTHEWS

A Member referred to former Councillor Elvet Matthews who had not stood for re-election at the recent elections but who had been an active Council Member for many years and asked if the Chairman would be able to acknowledge this in some way and he confirmed that he would do so.

11. **DURATION OF MEETING**

The meeting commenced at 11.00 am and ended at 11.50 am.

12. **MEMBERS OF THE PUBLIC**

There were 10 members of the public and 3 press present.

.....
Chairman

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

FLINTSHIRE COUNTY COUNCIL	DATE:	13TH MAY 2008
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MEMBER	ITEM	MIN. NO. REFERS
NO DECLARATIONS WERE MADE		

FLINTSHIRE COUNTY COUNCIL

AGENDA ITEM NUMBER: 5

REPORT TO: SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL

DATE : 26 JUNE 2008

REPORT BY: COUNTY FINANCE OFFICER

SUBJECT : STATEMENT OF ACCOUNTS 2007/08

1.00 PURPOSE OF REPORT

1.01 To advise of the process for Council to receive a recommendation from the Audit Committee in relation to the Statement of Accounts 2007/08.

2.00 BACKGROUND

2.01 The terms of reference of the Audit Committee state that it shall'consider the annual Statement of Accounts, together with the underlying policies prior to their submission for audit and recommend their approval to the Council'.. .

2.02 The terms of reference also include a responsibility to'consider the draft annual Statement on Internal Control and make appropriate recommendations on it prior to its submission to the Council's regulators'.... . The Council's Statement on Internal Control has been subsumed by the Annual Governance Statement on a discretionary basis, with effect from 2007/08.

3.00 CONSIDERATIONS

3.01 A report on the 2007/08 Statement of Accounts (subject to audit) is to be presented to the Audit Committee on 25th June 2008. **Members are requested to bring these papers with them to County Council.**

3.02 The Audit Committee is asked to recommend approval of the 2007/08 Statement of Accounts (subject to audit) by the Council at the meeting to be held on 26th June 2008.

3.03 The outcome of the Audit Committee's consideration of the Statement of Accounts will be tabled at the Council meeting.

4.00 RECOMMENDATIONS

4.01 Members are requested to note the process for the Statement of Accounts 2007/08.

5.00 FINANCIAL IMPLICATIONS

Date: 19/06/2008

5.01 As set out in the report to the Audit Committee on 25th June 2008.

6.00 ANTI POVERTY IMPACT

6.01 None.

7.00 ENVIRONMENTAL IMPACT

7.01 None.

8.00 EQUALITIES IMPACT

8.01 None.

9.00 PERSONNEL IMPLICATIONS

9.01 None.

10.00 CONSULTATION REQUIRED

10.01 None

11.00 CONSULTATION UNDERTAKEN

11.01 None.

12.00 APPENDICES

12.01 None

LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985
BACKGROUND DOCUMENTS

Report to Audit Committee 25th June 2008 (Subject:Statement of Accounts 2007/08)

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