

FLINTSHIRE COUNTY COUNCIL
MONDAY, 24TH AUGUST 2009

Minutes of a Special Meeting of Flintshire County Council held in County Hall, Mold on Monday, 24th August 2009.

PRESENT: Councillor C. Legg (Chairman)
Councillor W.O. Thomas (Vice-Chairman)

Councillors: Eng. K. Armstrong-Braun, S.R. Baker, D. Barratt, G.H. Bateman, R.C. Bithell, C.S. Carver, R. Davies, A.J. Davies-Cooke, Q.R.H. Dodd, C.J. Dolphin, C.A. Ellis, J.E. Falshaw, F. Gillmore, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, Mrs C. Hinds, H.T. Howorth, R. Hughes, H.D. Hutchinson, G. James, Mrs. C.M. Jones, N.M. Jones, S. Jones, D.I. Mackie, Mrs D.L. Mackie, Mrs N.M. Matthews, D. Macfarlane, Mrs H.J. McGuill, Mrs. A. Minshull, W. Mullin, T. Newhouse, 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, D.T. Williams, D.E. Wisinger, A. Woolley and Ms H. Yale

APOLOGIES:

Councillors: L.A. Aldridge, J.B. Attridge, J.C. Cattermoul, E.G. Cooke, D.L. Cox, P.J. Curtis, A.J. Davies-Cooke, A.G. Diskin, Mrs. G. Diskin, R. Dolphin, B. Dunn, E.F. Evans, M. Higham, N. Humphreys, H.T. Isherwood, R. Johnson, R.B. Jones, R.P. Macfarlane, E.W. Owen, C.A. Thomas and M. Wright.

IN ATTENDANCE:

Chief Executive, Director of Lifelong Learning, Head of Legal and Democratic Services, Head of Finance, Assistant Director (Democratic Services), Head of Human Resources, Head of Policy and Information Technology, Project Manager (Single Status), Head of Social Services for Adults and Democratic Services Manager.

ALSO IN ATTENDANCE:

Terence Leetch (GMB)
Sarah Taylor (Secretary of FJTUC)
Liz Lewis (UNITE)
Donna Hutton (Unison FT Official)

54. PRAYERS

The prayers were said by Councillor N. Phillips who asked for Members to remember Councillor M Higham who had lost his mother recently.

55. DECLARATIONS OF INTEREST

The Head of Legal and Democratic Services (Monitoring Officer) explained that as there was an item on the Agenda in relation to :

“Further Consultation by the Independent Remuneration Panel for Wales” and that all Members present would have an interest. All Members present confirmed their interests. He further explained that they were all entitled to speak and vote on the item.

Councillors A.P. Shotton, H. Yale and N. Phillips declared personal but not prejudicial interest in relation to the following item

“Single Status – Outcome and Negotiations”.

Councillor S.R. Baker sought clarification as there was an item on the Agenda for a Notice of Motion in relation to the work as a “Member Champion”. However, he understood that this Motion was to be withdrawn and in the circumstances he would not need to declare an interest.

Councillor A. Woolley confirmed that this was the case and the Notice had been withdrawn.

56. APPOINTMENT OF AN INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE

The report of the Monitoring Officer was submitted, the purpose of which was to seek the approval of the County Council regarding the process for the selection of a nominee to be appointed to the Council’s Standard Committee.

In presenting the report the Monitoring Officer explained that the term of office of one of the independent Members of the Standards Committee had come to an end and it was necessary to advertise for a new Member to replace her as soon as possible.

The Council was informed that in the advertisement it would be necessary to set out the eligibility criteria and this was detailed in the report. It was suggested that the appointments process of persons expressing an interest and eligible for the appointment would be considered against the criteria detailed in his report. In relation to the qualities referred to, consideration should be given to diversity in the light of the balance of the Committee as a whole, for example, did it represent a reasonable reflection of the communities served by the Council and its geographical spread.

The Council was informed that it was necessary for an Appointments Panel to be set up to include a Lay Member and a Member of a Community or Town Council. As the Standards Committee was required to have a majority of independent Members over Elected Members, it was suggested that the Panel was also similarly constituted. It was also suggested that there be a Lay Member, Community Council Member and one Elected Member of Flintshire County Council. He explained that on previous occasions the Chairman of the County Council had been nominated as the Council’s representative. When the Panel had considered all applications received, it would make nominations for

approval by the Council at its next Ordinary meeting if the process had been completed by that time.

The Monitoring Officer clarified certain issues in relation to the process following questions raised by Councillor R.C. Bithell specified in relation to the formal involvement of the County Council.

RESOLVED:

- (1) That the Monitoring Officer be authorised to advertise for applicants for the place that has become vacant on the Standards Committee.
- (2) That the eligibility and evaluation criteria set out in the report be approved.
- (3) That an Appointments Panel be set up consisting of a Lay Member, a Community Council Member and an Elected Member.
- (4) That the Monitoring Officer be given delegated powers to appoint an appropriate Lay Member to Chair the Appointments Panel in consultation with the Chairman or Vice-Chairman of the County Council.
- (5) That the Community Council Member be a Community Council Member presently appointed to the Standards Committee, if this becomes inappropriate due to any conflict of interest, the Monitoring Officer be given delegated authority to appoint a Community Council Member in consultation with the Chairman or Vice-Chairman of the County Council.
- (6) That the County Council appoint the Chairman, or in his absence the Vice-Chairman, to sit on the Appointments Panel; and
- (7) That the recommendations of the Appointments Panel be reported to the next Ordinary meeting of the County Council if the process has been completed.

57. FURTHER CONSULTATION BY THE INDEPENDENT REMUNERATION PANEL FOR WALES

The report of the Head of Legal and Democratic Services was submitted, the purpose of which was to inform Members of further consultation being undertaken by the Independent Remuneration Panel for Wales and to consider a response on behalf of the Council. The report was presented by the Assistant Director (Democratic Services) and it explained how the Independent Remuneration Panel for Wales had been established.

The Panel's initial report had been issued in July 2008 and its supplementary report in December 2009, both of which had been considered by the Council. The Panel was currently undertaking a comprehensive review of the range and levels of allowances available to Councillors and Co-opted Members. It was noted that Members of the Independent Remuneration Panel

had visited all the authorities in Wales as part of the consultation exercise and following these visits the Panel had issued a Consultation Paper and response form, seeking observations by the 4th September 2009.

It indicated that the consultation formed the final part of the Panel's "root and branch" Review of the framework for allowances for Members of County and County Borough Councils.

The Panel sought views on its emerging thoughts which would determine the framework and maximum levels of allowances payable for the financial year 2010/11 and thereafter.

The Assistant Director (Democratic Services) explained that copies of the Consultation Paper and the Response Form had been sent to all Members to make individual responses by the requested date of the 4th September 2009. The report to this meeting was to enable a corporate response on behalf of the Council.

The Consultation Paper and response form had been considered at a meeting to which the Leader, Group Leaders and Senior Officers had been invited on 12th August 2009. There was a large degree of agreement at that meeting as to the responses to the 47 questions raised in the response form. The Assistant Director (Democratic Services) indicated that whilst each Member was free to make an individual response to the Panel, a corporate response on behalf of the Council would carry weight with that Panel.

The report then went on to comment on the key issues in the Consultation Paper. In each case the report contained an explanation and the reason for the recommended response. The Assistant Director (Democratic Services) explained that whilst the paragraphs in the report dealt with important issues that were raised by the Consultation document, a suggested complete corporate response to all the questions raised was attached as Appendix 1 to the report. He advised that if, during consideration, there was not a significant majority view on a point, it may be decided that there should be no corporate response on that particular point and that it be left to individual Members to respond.

In opening the discussion, Councillor A.P. Shotton who advised that he was unable to attend the Group Leaders meeting to discuss the response, acknowledged the work undertaken by that Group. However, he felt it was important that Members should reply as individuals because there was considerable differing views amongst Members, including from within his own Group, on how the response should be formulated. Therefore he felt that it was important for individual Members to make their responses. For this reason he indicated that he would abstain from voting on this issue, as he did not feel it was possible for a corporate response upon which all Members were agreed to be submitted.

Pursuing this point, Councillor R.C. Bithell indicated that his comments related to his own personal view. He paid tribute to the excellent work

undertaken by the Group Leaders and the Officers in preparing the Corporate Response. However, he had a number of points upon which he disagreed and he expanded on each of those.

Councillor S.R. Baker, who sat on the Group Leaders meeting, advised on why certain of the responses had been formulated he did not agree with all the responses but as a corporate response felt it was reasonable.

Councillor P.G. Heesom also expressed his thanks to the Assistant Director (Democratic Services) and those involved in preparing the response which he felt was a balanced view.

The Leader of the Council, Councillor A. Woolley, moved that the response as attached to the report, be submitted. In doing so asked that all Members make their own individual representations. The proposal was duly seconded by Councillor L.A. Sharps.

Councillors Q.R.H. Dodd and R.J.T. Guest expressed a similar view to Members earlier that it should not be a Corporate Response but it was down to individual Members to submit their comments.

On being put to the vote, the recommendation was CARRIED by a comparatively narrow margin. It was therefore suggested that the covering letter, when the response was submitted, should include a reference to the level of voting.

In summarising, the Chief Executive stressed that it was important for Members to make individual responses.

RESOLVED:

- (1) That the Corporate Response, as detailed in Appendix 1 to the report, be submitted; and
- (2) That Members be encouraged to make individual representations.

58. NOTICE OF MOTION

Councillor A. Woolley confirmed that the following Notice of Motion had been withdrawn:-

“That work as a Member Champion be added in the list of approved duties in the Members Allowance Scheme with effect from 1st April 2009”

RESOLVED:

That the withdrawal of the Notice of Motion be noted.

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

RESOLVED:

That the public and press be excluded as the following item was considered to be exempt by virtue of paragraphs 15 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended.

60. SINGLE STATUS – OUTCOME OF NEGOTIATIONS

The Chairman formally introduced the Union representatives who had attended the meeting for this item:

Donna Hutton	(Unison Full-time Officer)
Sarah Taylor	(Secretary F.J.T.U.C.)
Liz Lewis	(UNITE)
Terence Leetch	(GMB)

The report of the Chief Executive was submitted and he advised the purpose of which was to report upon the outcome of the completed negotiations with the Trade Unions on a provisional Single Status Agreement, to seek approval of the provisional Agreement from the Council as the employer, to report on the timetable for clearance of the provisional Agreement with the national offices of the Trade Unions and the timetable for communication with the workforce, the ballot and implementation.

The report detailed the background to its preparation and contained significant information in the following areas:-

- Task One : Finalisation and Validation of Calculations
- Task Two : Conclusion of Negotiations with Trade Unions
- Use of the Equal Pay/Single Status Reserve
- Timetable for Clearance of the Provisional Agreement, Workforce Communications and the Ballot
- Managing the Risks of Implementation

In presenting the report the Chief Executive gave a resumé of the situation and paid tribute all those who had been involved in the negotiations and the excellent working relationship that had been established with the Trade Unions.

He then asked the Project Manager for Single Status to expand upon the report and the key areas contained therein together with details of the negotiations. The Project Manager then gave a full and detailed report.

The Head of Finance reported upon the financial implications and how these would be addressed.

Each of the Union Officers was then invited to express their views, which they did. They acknowledged the work undertaken and the excellent working relationship established with Annette Facer, the Project Manager for Single Status, and commented upon the difficulty of the task. It was also pointed out that although agreement had been reached locally, it was necessary for it to be filed with the National Offices of the Trades Union for approval by legal and equality advisors.

Councillor N. Phillips, as the Executive Member for Corporate Governance and Strategy, moved the recommendation, and was duly seconded, of acceptance of the proposals and commented upon the excellent and detailed work that had been undertaken by all parties to reach this stage. He commented that the recommendation was based on legality and affordability and that the Council had a duty to ensure that it had an equal Pay Policy. He indicated that there was still considerable work to be done and referred in particular to the workforce ballot which would be undertaken when the Agreement had been cleared by the national Offices of the Trades Union.

The Project Manager for Single Status reported upon the importance of communication with the workforce and in this respect expanded upon the procedure following acceptance of the recommendations.

Councillor A.P. Shotton had reservations upon the recommendation and expanded upon his concerns in that area. His views were supported by a number of other Members.

The Chief Executive indicated that he was satisfied that the deal reached in these negotiations was the best that could be achieved in all the circumstances.

On being put to the vote the recommendation was CARRIED.

RESOLVED:

- (1) That the conclusion of the local negotiations with the Trade Unions on the Provisional Single Status Agreement, be noted.
- (2) That the Council, as the employer, approve and adopt the Single Status Agreement as set out in the report.
- (3) That the timetable for the proposed clearance of the Provisional Single Status Agreement with the National Offices of the Trade Unions communications with the workforce, the ballot, and implementation of the Agreement, be noted.
- (4) That the Council agreed to the disclosure of an outline of the Provisional Local Agreement with the workforce, as set out in section 3.04 of the report.

61. **ATTENDANCE BY THE PRESS AND PUBLIC**

There was one member of the press in attendance.

62. **DURATION OF THE MEETING**

The meeting commenced at 2.00 pm and finished at 3.45 pm.

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Chairman

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

FLINTSHIRE COUNTY COUNCIL	DATE: 24th AUGUST 2009
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MEMBER	ITEM	MIN. NO. REFERS
Councillors: A.P. Shotton H. Yale N. Phillips	Single Status – Outcome of Negotiations	60
All Members	Further Consultation by the Independent Remuneration Panel for Wales	57