

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: ALL MEMBERS OF THE COUNCIL

CS/NG

13 June 2012

Ceri Owen 01352 702350  
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Dear Sir / Madam

A meeting of the **FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 19TH JUNE, 2012** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

### **1 PRESENTATION**

A presentation will be made to a team of young Flint High School engineers 'The Golden Fleeces', who have been awarded the prestigious Toyota Technology Challenge award.

### **2 APOLOGIES FOR ABSENCE**

### **3 PUBLIC QUESTION TIME**

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

4 **DECLARATIONS OF INTEREST**

To receive any declarations of interests from Members.

5 **COUNCIL MINUTES** (Pages 1 - 44)

To confirm as a correct record the minutes of the meetings held on 1 and 27 March and 15 May, 2012.

6 **CHAIR'S COMMUNICATIONS**

7 **PETITIONS**

8 **NOTICE OF MOTION**

9 **QUESTIONS**

To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).

10 **QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Minute Books, Editions 8 and 9 2011/12 have been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Books. Any questions must have been received by the Democracy and Governance Manager prior to the close of business on 31 May, 2012.

11 **CONSTITUTIONAL CHANGES FOLLOWING THE AGM** (Pages 45 - 58)

Report of Monitoring Officer enclosed.

12 **REVIEW OF POLITICAL BALANCE** (Pages 59 - 66)

Report of Head of Legal and Democratic Services enclosed.

13 **APPOINTMENT OF LAY MEMBER TO THE AUDIT COMMITTEE** (Pages 67 - 72)

Report of Monitoring Officer and Head of Finance enclosed.

14 **SECONDARY SCHOOL - AREA REVIEWS** (Pages 73 - 82)

Report of Chief Executive and Director of Lifelong Learning enclosed.

15 **SEALING OF DOCUMENTS**

- (A) To authorise the Chair and Vice-Chair, the Head of Legal and Democratic Services Officer and Principal Solicitors to affix the Common Seal of the County Council between meetings of the County Council; and
  
- (B) To note the action of the Chair and Vice-Chair, the Head of Legal and Democratic Services and Principal Solicitors in affixing the Common Seal of the County Council as set out in the Seal Register No. 13330 – 13421.

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**FLINTSHIRE COUNTY COUNCIL**  
**THURSDAY 1 MARCH, 2012**

Minutes of the meeting of Flintshire County Council held at County Hall, Mold on Thursday 1 March, 2012

**PRESENT: Councillor H.J. McGuill (Chair)**

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, H. Brown, C.S. Carver, D.L. Cox, R. Davies, A.J. Davies-Cooke, Q.R.H. Dodd, R. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, F. Gillmore, A.M. Halford, G. Hardcastle, N. Humphreys, H.D. Hutchinson, H.T. Isherwood, G. James, C.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, D. McFarlane, A. Minshull, W. Mullin, M.J. Peers, P.R. Pemberton, N. Phillips, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger, A. Woolley and M.G. Wright

**APOLOGIES:**

Councillors: L.A. Aldridge, J.C. Cattermoul, P.J. Curtis, C.J. Dolphin, E.F. Evans, R.G. Hampson, P.G. Heesom, C. Hinds, H.T. Howorth, R. Hughes, N.M. Jones, E.W. Owen, M.A. Reece and D.T. Williams

**IN ATTENDANCE:**

Chief Executive, Director of Lifelong Learning, Director of Environment, Director of Community Services, Head of Finance, Interim Head of Legal and Democratic Services, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

**139. PRESENTATION**

The Chair welcomed Mr. Christopher Rowe, Accommodations Officer to the meeting and thanked him for his hard work within the Homelessness Team.

The Director of Community Services, on behalf of Members, congratulated Mr. Christopher Rowe, who had been awarded a Local Hero Commendation by Business in the Community, which was a UK wide charity organisation marking the 10<sup>th</sup> anniversary of its Business Action on Homelessness programme. He thanked him for his hard work which he said had been greatly recognised across the County.

**140. PUBLIC QUESTION TIME**

The Democracy and Governance Manager confirmed that no questions had been received.

**141. DECLARATIONS OF INTEREST**

The following Members declared a personal interest for Agenda item number 17 – School Admission Arrangements 2013/14:-

Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, D. Barratt, G.H. Bateman, M. Bateman, H. Brown, D.L. Cox, R. Davies, A.J. Davies-Cooke, Q.R.H. Dodd, R. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, F. Gillmore, A.M. Halford, G. Hardcastle, N. Humphreys, H.D. Hutchinson, H.T. Isherwood, C.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, H.J. McGuill, A. Minshull, W. Mullin, M.J. Peers, P.R. Pemberton, N. Phillips, H.G. Roberts, I.B. Roberts, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger, A. Woolley and M.G. Wright

**142. COUNCIL MINUTES**

The minutes of the meeting of Flintshire County Council held on 31 January, 2012 had been circulated with the agenda.

**RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

**143. CHAIR'S COMMUNICATIONS**

The Chair explained that details of her communications would be made available in the Members room. She said that on 27 February, 2012 she had welcomed the children from Chernobyl to County Hall, which she said had been very humbling.

**144. PETITIONS**

Councillor J.E. Falshaw submitted two petitions, seeking a speed reduction on the A541 Afonwen from 60mph to 40mph and also seeking a speed reduction on the A541 through Melin-y-Wern from 60mph to 30mph.

Councillor C. Legg submitted a petition seeking the provision of a safe dry path from the school to pass the bungalows on the B5123.

**145. NOTICES OF MOTION**

The Democracy and Governance Manager confirmed that no notices of motion had been received.

**146. QUESTIONS**

The Democracy and Governance Manager confirmed that no questions had been received.

**147. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Democracy and Governance Manager confirmed that no questions had been received.

#### **148. COUNCIL FUND REVENUE BUDGET 2012/13**

The Head of Finance and Chief Executive jointly presented a report which provided Members with the recommendations of the Executive for the Council Fund Revenue Budget 2012/13.

Prior to the presentation the Chief Executive and Head of Finance expressed their thanks to all the extended Corporate Management and Finance staff who had been involved in the preparation of the budget and for the valuable input from the Overview and Scrutiny Committees. The Chief Executive explained that many Members would have seen much of the information to be presented previously but that it was appropriate for the Council to re-receive this information to inform its decision making.

The Council was informed that at its meeting on 21 February, 2012, the Executive had considered a joint report from the Head of Finance and Chief Executive on the Council Fund Revenue Budget 2012/13 which was attached at Appendix A of the report. The initial budget proposals considered by the Executive on 20 December, 2011 had been referred to Overview and Scrutiny for consideration. A summary of the Overview and Scrutiny Committees' observations and questions, together with comments from officers, was included in the Appendix of the 21 February, 2012 Executive report. The budget proposals had also been discussed with the School Budget Forum and the Flintshire Joint Trade Union Committee.

The Head of Finance and Chief Executive gave a joint presentation and commented upon the following areas:-

- Budget Overview
- Budget Strategy
- Scrutiny Considerations
- Budget Proposals
- Schools Budget
- Estimates & Reserves
- Looking Ahead

The Head of Finance said that she was satisfied that the total level of reserves was adequate to meet currently identified future liabilities and that the Council should maintain the current level of general balances of £5.564m, alongside other specific reserves, to safeguard its position and be in a strong position to plan ahead to meet the continuing period of constraint in public sector funding, the impact of the economic downturn and to be able to invest in its priorities for the future.

Councillor. A. Woolley, Leader of the Council proposed that the Council accept the recommendations of the Executive, as outlined within the report. He explained that this had been a challenging budget and despite the difficult economic climate there would be no compulsory redundancies and no cuts to essential front line services as a consequence. He said that the proposals

provided a balanced budget which reflected the shared priority with Welsh Government (WG) requirements to protect the delivery of Education and Social Services. On Education funding, he commented that Flintshire County Council was one of the highest spenders in Wales as a share of its total budget. In 2012/13 the total amount delegated to schools would increase by £1.112M and the Council's proposed schools budget had been supported by the School Budget Forum at its meeting on 28 February, 2012. Also additional funding of £21,500 had been identified for Play Areas which recognised the response of Town and Community Councils and ensured that the Council's contribution would be an equal amount. He thanked all officers for their hard work in preparing the budget and asked all Members to support his proposal.

In seconding the proposal, Councillor L.A. Sharps, Deputy Leader of the Council concurred that this had been a challenging budget. He outlined the good work of the Environment Directorate and thanked the Director of Environment for the services which had been delivered across the County. He commented on the investment which had been made to Deeside and Flint Leisure Centres and the introduction of the Dog Fouling Policy which had resulted in prosecutions. He said that the Council had fulfilled its obligation to carry out the Housing Ballot with the result of the Ballot to be reported to the County Council at its meeting on 27 March, 2012. He said that there was a modest increase to Council Tax payers but supported the budget which was necessary to ensure that front line services were maintained.

Councillor Eng. K. Armstrong-Braun spoke in support of the recommendations and the increased funding for schools. He also thanked the Director of Environment for the excellent maintenance of roads and thanked officers for the improvements which had been made within the Housing Service.

Councillor A.P. Shotton said that he would be voting against the budget proposals as he did not feel that they were sustainable and would need to be revisited following the County Council Elections in May, 2012. He commented on the amount of money which had been taken out of Reserves over the last four years which needed to be addressed. He commented on the closure of libraries and youth clubs which had resulted from the 2011/12 budget proposals and had been opposed by the Labour Group. He raised concern that the money saved from closing the libraries and youth clubs had not been spent within the 2011/12 financial year and had been identified as efficiencies for the 2012/13 financial year. He thanked the Audit Committee for its work in identifying the cost for the use of consultants which was £3M and said that since being highlighted by the Labour Group last year little had been done to address this matter. He also raised concern that the proposed budget did not allow the Council to deliver on the issues affecting residents in Flintshire. Councillor R.C. Bithell concurred with the comments and said that many residents had been affected by the cuts to social services transport. He said that the money spent on consultants should have been used to protect such services.



In response to the comments made on the cuts to social services transport, Councillor C.A. Ellis, Executive Member for Social Services that this had been a difficult decision to make, but had ensured that cuts had not been made to any front line service. The Director of Community Services explained that each recipient of free social services transport was assessed and personal circumstances were taken into account. Each recipient also received over £50 a week in benefit.

In response to a question on the levels of Education Indicator Based Assessment (IBA) since 2008, the Head of Finance confirmed the following IBA levels:-

- 2008/09 – 98.39%
- 2009/10 – 96.32%
- 2010/11 – 97.3%
- 2011/12 – 97.46%
- 2012/13 – Estimated to be 97.14%

Councillor I.B. Roberts said that when the Labour Group were in Administration many Members had raised concern with the spend of Education IBA, which during this time had been over 98%. Administration Members had promised to increase this spend within their election literature and in four years this was still lower than when the Labour Group had been in administration. If the Administration of the Council had matched the level as was left by the Labour Group this would have created an additional £5M above the increase outlined within the report, for schools in Flintshire.

Councillor N.M. Steele-Mortimer, Executive Member for Education commented on the current economic crises and said that despite this the Administration had succeeded in increasing spend per pupil and the overall budget for schools in Flintshire. The Chief Executive explained that where efficiencies had been found in education, this additional funding was being reinvested. A number of Members welcomed the additional funding for education.

In response to further comments on the schools budget, the Head of Finance said that the indicative budget had been considered by the School Budget Forum on 28 February, 2012. Further work would be carried out on projected future funding to schools based on the increases in the following two years expected by the WG. This had been built into the Medium Term Financial Plan along with projections which would be built upon across all Council services. The Director of Lifelong Learning explained that schools across Flintshire would be informed of their budget within the next week.

Councillor H.G. Roberts thanked the Leader and Deputy Leader of the Council and officers for their work in preparing the budget. He commented on the need to spend up to the Standard Spending Assessment (SSA) to ensure that Flintshire was not penalised for this by the WG in future years. In view of the comments made by Members, he proposed that the Council Tax increase be set at 4%. This amendment was not seconded.

Councillor R.P. Macfarlane raised concern on the new arrangements for managed weekly refuse collections and the affect the savings made within this service area had had on the overall service. In response, Councillor M.J. Peers, as Chairman of the Environment Overview and Scrutiny Committee said that officers had been working hard to alleviate the problems encountered following the introduction of the new managed weekly collections. He thanked the Director of Environment and officers for the workshop on managed weekly collections held on 23 February, 2012 which formed part of the review of the service currently being undertaken.

Councillor A. Woolley, in summing up, said that the Administration had delivered in a number of areas, including School Modernisation, Single Status and the Housing Ballot. He commented on the high education results across Flintshire and said that the proposed budget was sensible and achievable and asked all Members to support it.

**RESOLVED:**

That the County Council approve the recommendation of the Executive from its meeting held on 21 February, 2012 as set out in section 8 of the Executive report attached to the Council report.

**149. COUNCIL TAX SETTING 2012-13**

The Head of Finance introduced a report for Council to agree the statutory and other necessary resolutions for the purpose of administering Council Tax and Non-Domestic Rates for 2012-13. The report identified the figure recommended by the Executive for the General Fund Budget requirement for 2012/13. The results of the resolutions outlined within the report would be that the Council Tax would be levied across all areas of the County as set out in Appendix A of the report and further analyses in Appendix B by amount and percentage increases.

The Head of Finance reported on an amendment to page 82 of the report that the word 'Council' should read 'Executive' in paragraph 1.

Councillor A. Woolley, Leader and Executive Member for Finance and Asset Management proposed the acceptance of the recommendations outlined within Appendix A of the report. This was seconded by Councillor L.A. Sharps, Deputy Leader of the Council.

**RESOLVED:**

That the resolutions within Appendix A of the report be approved subject to Council being Executive on the first line of paragraph 1.

**150. COUNCIL FUND CAPITAL PROGRAMME 2012/13 TO 2021/22**

The Council received the joint report which presented to the Council the recommendations of the Executive on the Council Fund Capital Programme 2012/13 to 2021/22.

In response to concerns raised by Councillor W.O. Thomas on the figures presented for the cost of milk for schools, the Head of Finance said that she would speak to Councillor Thomas following the meeting.

**RESOLVED:**

That the County Council approve the recommendations of the Executive from its meeting held on 21 February, 2012 as set out in Appendix 1 of the report to Executive attached to the Council report.

**151. TREASURY MANAGEMENT POLICY & STRATEGY STATEMENT 2012/13**

The Council received the report of the Head of Finance which presented to Council the recommendations of the Executive on the Treasury Management Policy Statement for 2012/13.

Councillor A. Woolley, Leader and Executive Member for Finance and Asset Management proposed the acceptance of the recommendations as outlined within the report. This was seconded by Councillor R.C. Bithell.

**RESOLVED:**

- (a) That the adoption of The Chartered Institute of Public Finance (CIPFA) Treasury Management in the Public Services: Code of Practice 2011 be approved; and
- (b) That the Council's Treasury Management Policy and Strategy Statement 2012/13 be approved.

**152. PRUDENTIAL INDICATORS 2012/13 TO 2014/15**

The Council received the report of the Head of Finance which presented to Council the recommendations of the Executive in relation to the setting of a range of prudential indicators.

Councillor A. Woolley, Leader and Executive Member for Finance and Asset Management proposed the acceptance of the recommendations as outlined within the report. This was seconded by Councillor R.C. Bithell.

**RESOLVED:**

- (a) That the prudential indicators as detailed in Section 3 of the Executive report dated 21 February, 2012 be approved; and

- (b) That delegated authority be given for the Head of Finance to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (section 3.11 and 3.12 of the Executive report dated 21 February, 2012).

**153. MINIMUM REVENUE PROVISION 2012/13**

The Council received the report of the Head of Finance which presented to Council the recommendations of the Executive in relation to the setting of a prudent minimum revenue provision for the repayment of debt.

Councillor A. Woolley, Leader and Executive Member for Finance and Asset Management proposed the acceptance of the recommendations as outlined within the report. This was seconded by Councillor R.C. Bithell.

**RESOLVED:**

- (a) That the Council accept the recommendations of the Executive, being that:-
- (1) Option 1 (Regulatory Method) be used for the calculation of the minimum revenue provision in 2012/13 for all supported borrowing.
  - (2) Option 3 (Asset Life Method) be used for the calculation of the minimum revenue provision in 2012/13 for all unsupported (prudential) borrowing.

**154. SCHOOL ADMISSION ARRANGEMENTS 2013/14**

The Director of Lifelong Learning presented a report to advise Members of the outcome of the statutory consultation exercise on the admission arrangements for September, 2013 following Executive approval.

Councillor N.M. Steele-Mortimer proposed the School Admission Arrangements for September, 2013 be approved. This was seconded by Councillor R.C. Bithell.

Councillor W.O. Thomas spoke against the proposal. He questioned the need for an oversubscription criterion as there were no oversubscribed schools in Flintshire and that the school admission arrangements did not tackle schools where there were surplus places. He proposed an amendment that the arrangements be reviewed. This was seconded by Councillor C.A. Thomas who also spoke against the proposal. She said that the School Governors of Ysgol Parc-Y-Llan had written to the Director of Lifelong Learning and the Chair of the Council to outline their concerns on the school admission arrangements. She asked if consideration would be given to including an additional criteria for the admission arrangements for schools within a consortium.

The Director of Lifelong Learning explained that each year the Council was required to undertake a statutory consultation exercise on its admission arrangements and the consultation exercise for 2013/14 was carried out between 25 October and 16 December, 2011 and no comments had been received. The Chief Executive explained that it was an annual requirement for the Council to approve the admission arrangements and following this they could be reviewed.

A number of Members spoke in support of the admission arrangements. Councillor R.C. Bithell said that amendments to the admission arrangements could impact the cost of travel arrangements across the County.

**RESOLVED:**

- (a) That the proposed admission arrangements for 2013/14 be approved; and
- (b) That, for clarification, the following be added to the admissions policy after criterion (d) for primary and secondary and after criterion (f) for junior schools:-

“If the authority is unable to comply with the parental preference(s) expressed then the parent will be offered a place at the next nearest appropriate school with an available place”.

**155. BUCKLEY COMMON BYELAWS**

The Interim Head of Legal and Democratic Services introduced a report to recommend that the County Council approve the making of new byelaws in respect of Buckley Common.

Councillor J.B. Attridge proposed that the amended Buckley Common Byelaws be approved. This was seconded by Councillor A.P. Shotton.

A number of Members spoke in support of the new byelaws. Councillor M.J. Peers said that there was a need to ensure that Buckley Common was protected and enhanced for the enjoyment of residents in Buckley. Councillor C.A. Ellis welcomed the new byelaws and said that further enforcement action was needed to stop heavy good vehicles using the area.

**RESOLVED:**

That the amended Buckley Common Byelaws be approved.

**156. SEALING OF DOCUMENTS**

**RESOLVED:**

- (a) That the Chair and Vice-Chairman, the Interim Head of Legal and Democratic Services and Principal Solicitor be authorised to affix the Common Seal of the County Council between meetings of the County Council.
- (b) That the action of the Chair and Vice-Chairman, the Interim Head of Legal and Democratic Services and Principal Solicitor in affixing the Common Seal of the County Council as set out in the seal register numbers 13221 - 13278 be noted.

**157. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 4.18 p.m.

**158. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were two members of the public and three members of the press present.

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**Chair**

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

<b>FLINTSHIRE COUNTY COUNCIL</b>	<b>1 MARCH, 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillors: Eng. K. Armstrong-Braun, J.B. Attridge, D. Barratt, G.H. Bateman, M. Bateman, H. Brown, D.L. Cox, R. Davies, A.J. Davies-Cooke, Q.R.H. Dodd, R. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, F. Gillmore, A.M. Halford, G. Hardcastle, N. Humphreys, H.D. Hutchinson, H.T. Isherwood, C.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, H.J. McGill, A. Minshull, W. Mullin, M.J. Peers, P.R. Pemberton, N. Phillips, H.G. Roberts, I.B. Roberts, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger, A. Woolley and M.G. Wright	School Admission Arrangements 2013/14	154.

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**FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY 27 MARCH, 2012**

Minutes of the meeting of Flintshire County Council held at County Hall, Mold on Tuesday 27 March, 2012

**PRESENT: Councillor H.J. McGuill (Chair)**

Councillors: L.A. Aldridge, Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, H. Brown, C.S. Carver, J.C. Cattermoul, D.L. Cox, P.J. Curtis, R. Davies, A.J. Davies-Cooke, G.D. Diskin, Q.R.H. Dodd, C.J. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, C. Hinds, H.T. Howorth, H.T. Isherwood, G. James, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, D. McFarlane, A. Minshull, W. Mullin, E.W. Owen, M.J. Peers, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger and A. Woolley.

**APOLOGIES:**

Councillors: E.G. Cooke, A. Diskin, R. Dolphin, P.G. Heesom, N. Humphreys, H.D. Hutchinson, R. Johnson, C. Legg, P.R. Pemberton, D.T. Williams and M.G. Wright

**IN ATTENDANCE:**

Chief Executive, Director of Community Services, Director of Environment, Head of Human Resources and Organisational Development, Head of Streetscene, Head of Planning, Democracy and Governance Manager, Member Engagement Manager and Committee Officer

Stephen Martin, Improvement Assessment Lead and Alan Morris, Group Director of the Wales Audit Office for minute number 167.

Prior to the commencement of the meeting the Chair paid tribute to the late Ken Richardson and read out the following statement:-

“Last Friday it was my sad duty to attend the funeral of a former Chairman of the Council, Ken Richardson. Many of you also attended and will know just how many people turned out to say goodbye to Ken. He was clearly a very popular man, not just in Leeswood but also in Flintshire.

As you may remember, Ken was elected to Flintshire County Council on 14 November, 2002 as the Member for the Leeswood Electoral Division. His amiable approach to Council work and evident fair mindedness meant that he was quickly identified as a potential Chairman for the Council. He held that office in 2004/05, without having first served as Vice-Chairman. Such was his ability in the role that he was a ‘first citizen’ of whom we and the County could be rightly proud.

Ken, who had worked for many years in the licensed trade, was a long standing Member of the Labour Party. He held his seat on the County Council

at the 2004 elections but was not re-elected in 2008. However, he had continued to be an active and popular member of Leeswood Community Council.

Would you all now please stand for a minute silence in tribute to Ken Richardson”.

Following the minute silence, the Chair thanked a number of Members, who would be retiring before the County Council elections in May, 2012. She thanked them all for their hard work and contribution to the Council over a number of years.

Councillor S.R. Baker thanked the Chair for her comments and thanked colleagues, officers and staff for their advice and support over a number of years. Councillor D. Barratt also thanked officers for their advice and support and wished all Members the best of luck in the County Council elections.

#### **159. PRESENTATION**

The Chair welcomed to the meeting Lesley Bailey, Alan Williams and Dawn Ashton who were in attendance representing the Flintshire Young Peoples Drug and Alcohol Team.

The Director of Community Services reported that the Flintshire Young Peoples Drug and Alcohol Team had received a Highly Commended ‘Where its at’ Award from the High Sheriff in recognition of their good work promoting drug and alcohol education and good citizenship. He thanked the Team for their hard work and praised Dawn Ashton who had devised an innovative event for young people which would be continued in future years.

#### **160. PUBLIC QUESTION TIME**

The Democracy and Governance Manager confirmed that no questions had been received.

#### **161. DECLARATIONS OF INTEREST**

The following Members declared a personal interest for Agenda item number 11 – Result of the Housing Ballot:-

Councillors: V. Gay, R.J.T. Guest, H.T. Isherwood, D. MacFarlane and E.W. Owen.

The following Members declared a personal interest for Agenda item number 18 – School Modernisation Interim Report:-

Councillors: L.A. Aldridge, Eng. K. Armstrong-Braun, J.B. Attridge, D. Barratt, G.H. Bateman, M. Bateman, H. Brown, J.C. Cattermoul, D.L. Cox, P.J. Curtis, R. Davies, A.J. Davies-Cooke, G.D. Diskin, Q.R.H. Dodd, C.J. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, R.G.

Hampson, G. Hardcastle, C. Hinds, H.T. Howorth, H.T. Isherwood, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, A. Minshull, W. Mullin, E.W. Owen, M.J. Peers, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger and A. Woolley.

## **162. COUNCIL MINUTES**

The minutes of the meetings of Flintshire County Council held on 15 and 21 February had been circulated with the agenda.

### 15 February, 2012

Councillor V. Gay referred to page 1 of the minutes and asked that her name be included under the list of Members who had declared an interest.

Councillor D. McFarlane asked that the draft minutes be amended to include his questions on whether the Welsh Housing Quality Standard (WHQS) was a legal requirement and what penalties would be faced if the WHQS was not met and the responses given to the questions of no and none.

### **RESOLVED:**

That subject to the amendments listed above, the minutes be approved as a correct record and signed by the Chair.

### 21 February, 2012

Councillor A.P. Shotton referred to his comments shown on page 10 of the minutes and said that the communal heating charges had reduced at Glan-Y-Morfa and not Chapel Court, Connah's Quay and asked that this be amended.

### **RESOLVED:**

That subject to the amendment listed above, the minutes be approved as a correct record and signed by the Chair.

## **163. CHAIR'S COMMUNICATIONS**

Copies of the Chair's communications from 12 May, 2011 to 27 February, 2012 had been circulated with the agenda. The Chair explained that she had asked for a copy of her communications to be circulated to all Members to provide Members with an idea of what was expected of them as future Chair's of the Council.

## **164. PETITIONS**

Councillor L.A. Aldridge submitted a petition to keep the Flint Civic Amenity site open.

## 165. NOTICE OF MOTION

The following Notice of Motion had been received from Councillor Q.R.H. Dodd:-

“Whilst recognising that there is a need for no interference in a farmer’s ability to contain his livestock, particularly sheep, within his fields, this Council acknowledges that there is a problem for the elderly, infirm and disabled when exercising their dogs. This issue is the inability of the Dog and/or walker to cross some stiles. It calls upon the Council to examine the problem and bring forth a policy to alleviate the problem”.

Councillor Dodd formally proposed the motion and this was duly seconded.

In speaking to his motion, Councillor Dodd commented on the good work of the Ramblers Association who worked hard to ensure that footpaths throughout Flintshire were kept clear. He also commented on the issue of the inability of dogs and walkers crossing some stiles and asked that the Council engage with the Highways Department to ensure that dog friendly stiles and kissing gates were installed where possible to ensure that the Council became more proactive than it was at present.

Councillor H.T. Howorth said that he was a member of the Ramblers Association and that the elderly, infirm and disabled were disadvantaged in crossing some stiles, whether they were walking a dog or not. He said that when an issue was reported to the Council, kissing gates were installed where possible.

Councillor Eng. K. Armstrong-Braun spoke in support of the motion and said that as a footpath inspector he recognised the problems faced by dog walkers in crossing some stiles in Flintshire. He commented on sliding gates which were more accessible for dogs which he felt should be considered as an alternative to kissing gates and stiles. He proposed an amendment to the motion that the words ‘all walkers, especially’ be included before the word ‘elderly’. This amendment was seconded by Councillor V. Gay.

In response to the proposed amendment, the Chief Executive explained that if the motion was supported the policy would ensure that footpaths would be accessible to all walkers as per the sentiment behind the motion. In view of this, the Chair did not accept the proposal as a valid amendment.

Councillor M.J. Peers raised concern on the suggestion of using sliding gates as he had received complaints from residents within his ward that they could be dangerous. He also reported that he had contacted the Countryside Service following complaints he had received from residents around kissing gates and stiles and had received a reply on 16 March 2012.

Councillor L.A. Aldridge thanked Councillor Dodd for bringing the motion to Council and also the Director of Environment and the Senior Coastal Ranger for the improvements that had been made to the coastal footpath. He said that the Council should acknowledge the level of accessibility which had been increased.

Councillor A.P. Shotton suggested that the motion should be presented to the Flintshire Local Access Forum as the appropriate Forum to consider and provide recommendations on this matter.

Councillor L.A. Sharps, Executive Member for Environment reported that there was approximately 600 metres of footpath across Flintshire and thanked Councillor L.A. Aldridge for his comments on the improvements that had been made to accessibility of the footpaths. He agreed that the Flintshire Local Access Forum should consider the motion and gave a commitment that the Council would examine the problem and bring forth a policy to alleviate the problem.

**RESOLVED:**

Whilst recognising that there is a need for no interference in a farmer's ability to contain his livestock, particularly sheep, within his fields, this Council acknowledges that there is a problem for the elderly, infirm and disabled when exercising their dogs. This issue is the inability of the Dog and/or walker to cross some stiles. It calls upon the Council to examine the problem and bring forth a policy to alleviate the problem.

**166. QUESTIONS**

The Democracy and Governance Manager confirmed that no questions had been received.

**167. ANNUAL IMPROVEMENT REPORT 2011 BY THE AUDITOR GENERAL FOR WALES**

The Chief Executive presented a report to advise Members of the Council's Annual Improvement Report 2011 published by the Auditor General for Wales and the Council's response.

He welcomed Mr. Alan Morris, Group Director and Mr. Stephen Martin, Improvement Assessment Lead from the Wales Audit Office to the meeting who gave a presentation which covered the following areas:-

- The Improvement Assessment Report
- Planning for and making arrangements to deliver improvement
- Delivering improvement in priority areas
- Evaluating and reporting on performance
- Actions by the Auditor General, recommendations and proposals for improvement
- Annual Improvement Report – next steps

The Chief Executive outlined the Council's response to the recommendations, copies of which had been circulated to all Members. The Executive had recently received a full review of the People Strategy with quarterly review reports being made available to the Executive. Also the Single Status project plan, objectives, timelines and decision-making steps and requirements had been reported to the Executive and Overview & Scrutiny in March, 2012.

Councillor A. Woolley, Leader of the Council proposed that the Council note the Annual Improvement Report 2011 which had previously been presented to Executive, Audit Committee and Overview & Scrutiny. The Administration welcomed the report but did not agree with the statement on the political fragility of the Council which he felt was able to address the needs of the Council. The proposal was seconded by Councillor N. Phillips.

Councillor A.M. Halford commented on the discussions at the Audit Committee held on 26 March, 2012 around the high number of Workshops and the burden this posed on Members who were unable to attend them. She commented on the criticism of the maintenance and repairs of Council housing and said that the Housing Overview and Scrutiny Committee had worked hard over the past 4 years to improve the repairs and maintenance and also to free up the fixed asset of Canton Depot. She raised concern on the comments of inappropriate behaviour by a small number of Councillors and sought clarification on the term 'inappropriate behaviour' and how this would be addressed.

Councillor R.B. Jones welcomed the presentation which he felt gave a balanced report in outlining the positive work of the Council. On the recommendation to complete the Council's work in quantifying the financial benefits he outlined the work which had been undertaken as part of the Medium Term Financial Strategy Plan which was nearing completion. He also felt that the Workshops provided Members with an opportunity to consider changes to policy in order to better inform Overview and Scrutiny Committees. Councillor Eng. K. Armstrong-Braun supported the use of Workshops to enable Members who were not Members of any Overview and Scrutiny Committee the opportunity to inform Policy making decisions.

Councillor A.P. Shotton commented on the critique of the leadership of the multi-party Administration of the Council as reported to the Corporate Resources Overview and Scrutiny Committee and outlined within the report. He reported that Councillor J.B. Attridge had requested a copy of the draft report under a freedom of information request but this had been denied but he felt it would have been useful for Members to be given the opportunity to read the draft report. He agreed the Coalition had not taken responsibility for key decisions and referred to a newsletter from a Member of the Coalition which supported this view. The Group Director explained that it was standard practice not to present draft versions of the Annual Improvement Report.

The Improvement Assessment Lead responded to the questions and comments from Members and explained that the comments on the inappropriate behaviour of a small number of Councillors had been raised with the Wales Audit Office during interviews with Members and officers where it was felt that it had affected the business of the Council. He also said that the high number of Workshops could impact the work of Members who had other commitments. There had not been a recommendation to reduce the number of Workshops.

The Chief Executive reported that significant progress had been made on a number of Human Resources Strategies which had been recognised and the Council had been commended on.

**RESOLVED:**

That the Council's Annual Improvement Report 2011 published by the Auditor General for Wales and the Council's response be noted.

**168. RESULT OF THE HOUSING BALLOT**

The Chief Executive introduced a report to inform Council of the result of the Housing Ballot.

The result of the Ballot had been announced on the evening of 20 March, 2012. The tenants of Flintshire had decided to stay with the Council with 88% of tenants voting in the ballot voting no to a transfer and 12% of tenants voting yes. This was the highest turnout in a housing ballot in Wales with 71% of tenants using their vote. The next steps included closing down the Dee Housing Board and securing the £1M project costs from the Welsh Government (WG) which had not been put at risk. Business on the repairs and maintenance of Council homes would continue as approved by the Council on 21 February, 2012. Discussions would commence with the WG on future funding, in conjunction with the 5 other Local Authorities where there had been a no vote.

In conclusion, the Chief Executive thanked the Executive Member for Housing, the Project Director, the Housing Project Board and the External Advisors for their hard work.

Councillor H. Brown, Executive Member for Housing proposed that the Council accept the outcome of the Housing Ballot and commits to early engagement with the WG. She said that tenants had given the Council a strong message and that this message had to be taken to the WG in order for the Council to receive the additional funding required. This proposal was seconded by Councillor A. Woolley.

Councillor A.P. Shotton thanked tenants for taking part in the Housing Ballot and for supporting the campaign of the Labour Group, tenants and Unions to remain under the ownership of the Council. The tenants had given the Council a clear mandate which needed to be progressed through

discussions with the WG. He commented on the level of Management and Maintenance Allowance which over the last 10 years had been higher than the percentage criteria set by the WG. He also commented on the opportunity for prudential borrowing in order to find additional funding to meet the Welsh Housing Quality Standard (WHQS) and the need to open discussions with the Welsh Local Government Association (WLGGA) who were looking at changes to housing subsidy as piloted in England. He said that this Council should be at the forefront of this.

Councillor D. McFarlane said that the Council was being encouraged to collaborate and future funding for housing provided the opportunity to collaborate with neighbouring Authorities. The Chief Executive said that discussions with other Local Authorities in the region would provide an opportunity to consider sharing resources.

Councillor J.B. Attridge sought clarification on the Council's neutral stance and whether Members of the Administration could have influenced tenants on whether to transfer or remain with the Council. The Chief Executive explained that there was no formal WG guidance on a Council maintaining a neutral stance and Flintshire had been the first to do so. WHG had provided specific guidance on request and Members who could not influence tenants were Executive Members with any responsibility for Housing, Project Board Members and Members on the Dee Housing Board.

**RESOLVED:**

That the Council accepts the outcome of the Housing Ballot and commits to early engagement with the Welsh Government following the County Council election in May, 2012.

**169. REVIEW OF THE NEW WASTE COLLECTION SERVICE**

Councillor N.M. Matthews, Executive Member for Waste Management introduced a report to update Members on the review of the Council's new waste collection service, following the resolution made at the County Council meeting held on 31 January, 2012.

The approval process for the new collection scheme required that a review be undertaken to assess the success of the new service. The timetable for the review had been set out in the Executive report, shown at Appendix A of the Council report, together with the impact on waste collections since the introduction of the new full service on 7 November, 2011. A number of surveys had been carried out across a range of groups, including Members, Customers, Town & Community Councils and Employees. The responses to the surveys were shown in the Executive report.

In conclusion, Councillor Matthews said that the review would make the service even better and proposed that the Council support the recommendation as outlined within the report. This was seconded by Councillor L.A. Sharps.



Councillor R.C. Bithell thanked Councillor Matthews and the officers for undertaking the review which had been brought forward following the notice of motion submitted by Members of the Labour Group. He outlined instances where problems with the collections of black and brown wheelie bins continued but welcomed the action plan as set out within the report. Councillor N.M. Matthews asked that any Members who continued to experience problems report them to her at the end of the meeting so that they could be resolved as soon as possible.

Councillor A.P. Shotton welcomed the review but had hoped that as part of the review details of how the new service had been strategically introduced and the affect the financial savings made were having on the new service would have been provided to Members. He also raised concern on assisted collections and asked when the tracking system would be operational. The Head of Streetscene reported that all new vehicles had been fitted with trackers and the relevant information would be uploaded onto the trackers on a ward by ward basis. The deadline for completion of this work was December, 2012.

Councillor M.J. Peers, as Chairman of the Environment Overview and Scrutiny Committee, reported that following the County Council meeting on 31 January, 2012 a Workshop had been held on 7 March, 2012. He thanked Members for their ideas and suggestions and the officers contributions during the Workshop. He also reported that during the Audit Committee meeting officers agreed to undertake an audit of the Streetscene service in 2012/13.

Councillor R.P. Macfarlane asked where the food waste collected across the County was being disposed of and also how the Council proposed to deal with side waste. Councillor A. Minshull also commented on side waste and said that there was a need for the Council to take enforcement action in the future against residents who did not comply with the new service.

The Director of Environment reported that food waste was being transported to North Shropshire and treated by anaerobic digestion with a net saving of £40 per tonne over landfill. The Councils policy was not to collect side waste but it had been decided to collect side waste while residents adjusted to the new waste collection service. Members and residents would be fully informed when the decision to stop collecting side waste would be made. Officers were also engaging with residents to advise them on recycling in an effort to reduce side waste.

In summing up, Councillor Matthews thanked all employees who had worked hard during the introduction of the new waste collection service.

**RESOLVED:**

That the Executive report appended to the Council report, together with the Improvement Action Plans, which gave an assurance that the Council would

deliver high performing collection services when they were implemented, be noted.

**170. BOUNDARY COMMISSION 2013 REVIEW OF PARLIAMENTARY CONSTITUENCIES IN WALES**

The Chief Executive introduced a report to invite the Council to make a response to the current consultation of the Boundary Commission on the Review of Parliamentary Constituencies in Wales.

During a meeting of Group Leaders, it had recommended that there should be no corporate response to consultation and that it be left to Political Group Leaders and others to respond on an individual basis to the consultation on the Review of Parliamentary Constituencies in Wales.

Councillor N. Phillips proposed that the Council support the recommendation of the Group Leaders. This proposal was seconded by Councillor A. Woolley.

**RESOLVED:**

That there be no corporate response to consultation and that it be left to Political Group Leaders and others to respond on an individual basis to the consultation on the Review of Parliamentary Constituencies in Wales.

**171. FLINTSHIRE ARMED FORCES DAY AND THE CREATION OF AN ARMED FORCES COMMUNITY COVENANT**

The Chief Executive presented a report to inform Members of the possibility of Flintshire hosting an Armed Forces Day and the adoption of an Armed Forces Community Covenant.

A report had been submitted to the Executive, a copy of which was attached at Appendix 1. The report had been approved by the Executive who had noted the Council's intention to submit a bid to host the 2013 event and endorsed the approach to create an Armed Forces Community.

Councillor A. Woolley proposed that the Council note the Executive report. This proposal was seconded by Councillor A.P. Shotton who said that he was pleased with the progress that had been made on this matter.

**RESOLVED:**

That the Executive report shown at Appendix 1 of the Council report be noted.

**172. COMMENCEMENT ORDER FOR LOCAL DEVELOPMENT PLAN**

The Head of Planning introduced a report to formally complete work on the Unitary Development Plan (UDP), and to request that the Welsh

Government (WG) prepare secondary legislation authorising the Council to commence preparation of a Local Development Plan (LDP).

Following the adoption of the UDP in September, 2011, work associated with preparing the UDP ended. Therefore, the Council was now in a position to request the WG to prepare a Local Commencement Order for preparing the LDP. Whilst essentially a purely procedural matter, this was an important step as the Council could not undertake any formal work or make any formal decisions in accordance with its duty to prepare a LDP until the Order was in place.

Councillor A. Woolley proposed that the Council support the recommendations as outlined within the report. This proposal was seconded by Councillor Eng. K. Armstrong-Braun who spoke in support of moving towards preparing the LDP.

**RESOLVED:**

- (a) That the Director of Environment be authorised to inform the Welsh Government that the Council had completed using its powers to prepare a UDP under the Town and Country Planning Act (as amended) 1980; and
- (b) That the Director of Environment be authorised to ask the Welsh Government to prepare the secondary legislation (Local Commencement Order), authorising the formal commencement of preparing the LDP.

**173. UNITARY DEVELOPMENT PLAN SUPPLEMENTARY PLANNING GUIDANCE**

The Head of Planning introduced a report which sought approval for supplementary planning guidance (SPG) relating to the adopted Unitary Development Plan (UDP).

The guidance for approval related to SPG covering policy S11 Retention of Local Facilities and a development brief for the UDP housing allocation HSG1(19) Compound Site Broughton. A further development brief relating to UDP housing allocation HSG1(38) Former Sewage Works, Sychdyn would be brought to a future meeting once matters relating to the consultation on the draft brief had been fully resolved.

Councillor W. Mullin thanked the Head of Planning Policy and the Planning Team for their work in preparing the development brief for the housing site at Broughton. He raised concern that a planning application for 24 houses had been submitted for this site and if another planning application for a similar amount of houses was submitted in the future the Council could not ensure that affordable housing was provided in this area. He proposed an amendment to the development brief, that the wording 'including any retained section of the bund' be added to the penultimate paragraph under section 5.5. Councillor D. MacFarlane endorsed the comments of Councillor W. Mullin and

said that it was important that the village of Broughton did not lose out on affordable housing. All Members supported the proposed amendment.

Councillor M.J. Peers said that issues around the level and specification of affordable housing had been considered by the Planning Protocol Working Group and asked whether the Council should be doing more to ensure that developers were not providing affordable homes at a lower specification than other homes on the same development as a condition of the application. The Head of Planning said that there would be issues around the enforceability of such a condition.

In response to a question on assistance to businesses, the Head of Planning said that further information and guidance would be shown on the Council's website together with examples of best practice.

**RESOLVED:**

- (a) That the Council approve the Supplementary Planning Guidance shown in Appendix 1 of the report, relating to policy S11 Retention of Local Facilities, as supplementary planning guidance for use as a material planning consideration in determining planning applications;
- (b) That subject to the above amendment of Councillor Mullin, the Council approve the Supplementary Planning Guidance shown in Appendix 2 relating to guidance for the development of UDP housing allocation HSG1(19) Compound Site, Broughton, as supplementary planning guidance for use as a material planning consideration in determining planning applications; and
- (c) That the Council give the Director of Environment delegated authority, following consultation with the Executive Member for Environment, to format (and where necessary typographically correct) the wording of each Supplementary Planning Guidance above into the appropriate house style for subsequent publication.

**174. PAY POLICY STATEMENT**

The Head of Human Resources and Organisational Development introduced a report to seek approval of the Council's Pay Policy Statement, to be effective from 1 April, 2012.

Pay Policy Statements must be produced and published on an annual basis in advance of the beginning of each financial year. The first Pay Policy Statements were required to commence on 1 April, 2012 for the forthcoming financial year 2012/2013. The provisions of the Localism Act 2011 bring together the need for increasing accountability, transparency and fairness in the setting of local pay which would enable the tax payer to understand and access information on remuneration levels across all groups of Council employees. If approved, the Pay Policy Statement would be made available on the Council's website.

Councillor A.P. Shotton asked whether the Pay Policy could be affected by changes to regional pay by the National Government. He also questioned the ratio between the highest earner and lowest earner. The Chief Executive indicated that regional pay was a complex constitutional issue. The Head of Human Resources and Organisational Development explained that the ratio between the highest earner and the lowest earner was 12 to 1, but in line with the Localism Act 2011 this was calculated against the medium earner which gave a ratio of 6 to 1.

**RESOLVED:**

That the Council approve the Pay Policy Statement for 2012/2013, acknowledging that there is work in progress to achieve a complete set of pay and reward arrangements which will be reflected in subsequent Pay Policy Statements.

**175. SCHOOL MODERNISATION INTERIM REPORT**

The Chief Executive introduced a report to provide an interim update on the progress of the consultations for the three area schools reviews.

The series of nine public and various private meetings had been concluded. The special sessions within schools for students and pupils were continuing to take place and the deadline for comments was 27 April, 2012. The meetings had been well attended and well conducted and trust and confidence in the consultation process had been restored. The meetings had all been recorded and the database of preferences for the options set out in the consultation was being built up.

Councillor N.R. Steele-Mortimer, Executive Member for Education thanked the Chief Executive for the update and said that at the end of the consultation process there would be a detailed set of options to be considered. He proposed that the Council support the recommendation as set out in the report. This was seconded by Councillor A. Woolley.

Councillor D.L. Mackie said that the words 'Connah's Quay High' should be replaced with 'Connah's Quay' in bullet point three of section 3.02 of the report.

Councillor R.B. Jones sought clarification on whether additional options to those being considered during the consultation process could be put forward for consideration. The Chief Executive explained that additional evidenced options over and above those published could be proposed for consideration.

Councillor Q.R.H. Dodd asked if options previously considered and dismissed could be proposed again. The Chief Executive said that all evidenced options would be considered after the consultation process had ended.

**RESOLVED:**

That the progress report be noted.

**176. SEALING OF DOCUMENTS**

**RESOLVED:**

- (a) That the Chair and Vice-Chairman, the Interim Head of Legal and Democratic Services and Principal Solicitor be authorised to affix the Common Seal of the County Council between meetings of the County Council; and
- (b) That the action of the Chair and Vice-Chairman, the Interim Head of Legal and Democratic Services and Principal Solicitor in affixing the Common Seal of the County Council as set out in the seal register numbers 13279 - 13329 be noted.

**177. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 5.28 p.m.

**178. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were two members of the public and three members of the press present.

.....  
**Chair**

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

<b>FLINTSHIRE COUNTY COUNCIL</b>	<b>27 MARCH, 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillors: V. Gay, R.J.T. Guest, H.T. Isherwood, D. MacFarlane and E.W. Owen.	Result of the Housing Ballot.	168.
Councillors: L.A. Aldridge, Eng. K. Armstrong-Braun, J.B. Attridge, D. Barratt, G.H. Bateman, M. Bateman, H. Brown, J.C. Cattermoul, D.L. Cox, P.J. Curtis, R. Davies, A.J. Davies-Cooke, G.D. Diskin, Q.R.H. Dodd, C.J. Dolphin, B. Dunn, C.A. Ellis, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, C. Hinds, H.T. Howorth, H.T. Isherwood, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, A. Minshull, W. Mullin, E.W. Owen, M.J. Peers, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.E. Wisinger and A. Woolley.	School Modernisation Interim Report.	175.

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**ANNUAL MEETING OF FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY 15 MAY, 2012**

Minutes of the Annual Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday 15<sup>th</sup> May, 2012

**PRESENT: Councillor H.J. McGuill (Chairman)**

Councillors: L.A. Aldridge, J.B. Attridge, G. Banks, G.H. Bateman, M. Bateman, R.C. Bithell, A. Bragg, H. Brown, D. Butler, C.S. Carver, D.L. Cox, P.J. Curtis, R. Davies, A. Davies-Cooke, A.G. Diskin, G. Diskin, C.J. Dolphin, R. Dolphin, I. Dunbar, B. Dunn, C.A. Ellis, D. Evans, E.F. Evans, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, C. Hinds, H.T. Howorth, R. Hughes, H.D. Hutchinson, H.T. Isherwood, J. Johnson, C.M. Jones, K. Jones, R.B. Jones, S. Jones, C. Legg, P. Lightfoot, B. Lloyd, M. Lowe, R.P. Macfarlane, D.I. Mackie, N.M. Matthews, A. Minshull, W. Mullin, M.J. Peers, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, P. Shotton, I. Smith, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.M.T. Williams, S. Williams, D.E. Wisinger, A. Woolley and M.G. Wright

**APOLOGIES:**

Councillors: E.F. Evans, R. Johnson, R. Lloyd and T. Newhouse

**IN ATTENDANCE:**

Chief Executive, Director of Lifelong Learning, Director of Environment, Director of Community Services, Head of Legal and Democratic Services, Head of Customer Services and ICT, Head of Human Resources and Organisational Development, Democracy and Governance Manager and Member Engagement Manager and Committee Officers

**1. DECLARATIONS OF INTEREST**

Councillor L.A. Aldridge declared a personal interest on items which covered joint authority agreements where financial and policy impact as a Commissioner for Anglesey Council.

**2. CHAIR'S REVIEW OF THE YEAR**

The Chair presented her review of the year and highlighted the achievements of the Council. Copies of her review had been circulated to all Members. She welcomed all Members to the Annual Meeting and paid tribute to the Members who were no longer part of the Council. She also thanked her brother who had acted as her consort, Fred Gillmore and his wife for their sterling work as Vice-Chair and Consort and also the Reverend Sally Baird who had been her chaplain.

In closing, she thanked the Corporate Management team and all of the Council's employees who deliver the Council services and welcomed the new Head of Legal and Democratic Services, Gareth Owens to his first meeting of the Council. She also thanked the Civic & Members' Services team who had

ensured that she had been at the right place at the right time and suitably briefed throughout her busy year.

**3. ELECTION OF CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2012/13 - INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor D. Evans and seconded by Councillor J.B. Attridge that Councillor A. Minshull be elected Chair of the Council for the municipal year 2012/13. Councillors Evans and Attridge spoke in support of their nomination.

The motion was put to the meeting and it was:

**RESOLVED:**

That Councillor A. Minshull be elected Chair of the Council for the municipal year 2012/13.

Councillor Minshull was invested with the Chain of Office by the retiring Chair and signed her Declaration of Acceptance of Office in the presence of the Chief Executive.

(At this point Councillor Minshull chaired the remainder of the meeting)

The Chair then presented Councillor H.J. McGuill with her retiring Chair's Badge of Office and her Consort's retiring Badge of Office.

The Chair responded and thanked Members for their support in electing her as Chair for the year ahead. She took the opportunity to pay tribute to the manner in which Councillor H.J. McGuill had carried out her role as Civic Leader with the support of her Consort. They had both been exemplary ambassadors for the County and proposed a formal vote of thanks to Councillor McGuill for her term of office.

Councillor M.J. Peers, on behalf of the Independent Alliance Group, congratulated Councillor Minshull on her appointment and paid tribute to the out-going Chair, who he said had held the position with great professionalism and integrity and had raised an impressive amount of money for her named charities. He also paid tribute to the out-going Vice-Chair, Councillor F. Gillmore and his consort who he said had also held the position with great professionalism during his term of office.

Councillors R.J.T. Guest, C.S. Carver and L.A. Sharps also congratulated Councillor Minshull and paid tribute to the out-going Chair and Vice-Chair on behalf of the other political groups, as did Councillor H.G. Roberts.

The Chief Executive, on behalf of the officers, thanked the out-going Chair, Vice-Chair and their consorts and said that it had been a pleasure working with them during their term of office.

4. **APPOINTMENT OF VICE-CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2012/13 – INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF THE DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor S. Jones and seconded by Councillor R.C. Bithell that Councillor C.A. Thomas be appointed Vice-Chair for the municipal year 2012/13. Councillors Jones and Bithell spoke in support of their nomination.

The motion was put to the meeting and it was:

**RESOLVED:**

That Councillor C.A. Thomas be appointed as Vice-Chair of the Council for the municipal year 2012/13.

Councillor Thomas was invested with the Chain of Office by the Chair and signed her Declaration of Acceptance of Office in the presence of the Chief Executive.

5. **COUNTY COUNCIL ELECTIONS – 3<sup>RD</sup> MAY, 2012**

The Returning Officer presented a formal report to the County Council on the results of the whole Council elections held on 3<sup>rd</sup> May, 2012.

The 2012 combined County Council and Town and Community Councils had been managed effectively and to a high standard with many agents and candidates complementing the efficiency and professionalism in which the elections and the elections count had been conducted. The Electoral Commission would be reviewing the performance of elections across Wales and England and would produce a national review report. Flintshire will also complete a self-assessment to improve further our performance including ensuring access to all polling stations and count venue facilities.

**RESOLVED:**

That the report be noted.

6. **APPOINTMENT OF LEADER OF THE COUNTY COUNCIL**

It was proposed by Councillor L.A. Aldridge and seconded by Councillor L.A. Sharps that Councillor A.P. Shotton be appointed Leader of the Council for the municipal year 2012/13.

Councillor Aldridge spoke in support of his proposal and said that he was confident that Councillor Shotton would provide the leadership needed for a stable Council in the best interests of the residents of Flintshire. Councillor Sharps said that it was his pleasure to second the proposal. He commented on the work of the previous administration and paid tribute to the previous

Executive Members and their accomplishments. He explained that through supporting Councillor Shotton the Independent Members would remain independent of group control.

A recorded vote was requested and the requisite number of Members stood in support of this. On being put to the vote the proposal was carried.

**For the proposal:-**

Councillors: L.A. Aldridge, J.B. Attridge, G. Banks, G.H. Bateman, M. Bateman, R.C. Bithell, H. Brown, D. Butler, D.L. Cox, P.J. Curtis, R. Davies, A.G. Diskin, G. Diskin, I. Dunbar, C.A. Ellis, D. Evans, R.G. Hampson, G. Hardcastle, C. Hinds, H.T. Howorth, R. Hughes, H.D. Hutchinson, J. Johnson, C.M. Jones, K. Jones, S. Jones, C. Legg, P. Lightfoot, B. Lloyd, M. Lowe, R.P. Macfarlane, A. Minshull, W. Mullin, M.A. Reece, I.B. Roberts, L.A. Sharps, A.P. Shotton, P. Shotton, I. Smith, C.A. Thomas, S. Williams and D.E. Wisinger.

**Against the proposal:-**

Councillors: A. Bragg, C.S. Carver, A. Davies-Cooke, C.J. Dolphin, R. Dolphin, B. Dunn, J.E. Falshaw, V. Gay, R.J.T. Guest, A.M. Halford, H.T. Isherwood, R.B. Jones, D.I. Mackie, N.M. Matthews, H.J. McGuill, M.J. Peers, N. Phillips, H.G. Roberts, N.R. Steele-Mortimer, W.O. Thomas, D.T. Williams, A. Woolley and M.G. Wright

**RESOLVED:**

That Councillor A.P. Shotton be appointed Leader of the Council for the municipal year 2012/13.

Councillor Shotton thanked Members for their support and said that it was an honour to be appointed Leader of the Council for the next 12 months. He said that he was committed to protecting and improving key public services through cross party working and outlined improvements which he would like to see such as greater numbers of apprenticeships through working with the private sector to create employment opportunities for the people of Flintshire including young people.

**7. APPOINTMENT OF THE CABINET BY THE LEADER**

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

**RESOLVED:**

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

<u>Cabinet</u>	<u>Portfolio</u>
Aaron Shotton	Leader of the Council & Cabinet Member for Finance
Bernie Attridge	Deputy Leader of the Council & Cabinet Member for Environment
Chris Bithell	Cabinet Member for Education
Helen Brown	Cabinet Member for Housing
Christine Jones	Cabinet Member for Social Services
Kevin Jones	Cabinet Member for Public Protection, Waste & Recycling
Peter Macfarlane	Cabinet Member for Regeneration, Enterprise & Leisure
Billy Mullin	Cabinet Member for Corporate Management

## 8. CONSTITUTIONAL MATTERS: COMMITTEES AND OUTSIDE BODIES

The Council considered the report of the Head of Legal and Democratic Services which dealt with matters that required decision at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii) – (xiii). Those matters were set out in separate sections of the report.

### (A) Appointment of Committees

The Head of Legal and Democratic Services explained that the Council's Procedure Rules required the Annual Meeting to appoint at least one Overview and Scrutiny Committee, a Standards Committee, a Licensing Committee and such other Committees as the Council considered appropriate to deal with matters which were neither reserved to the Council nor were Executive functions.

Councillor A.P. Shotton, Leader of the Council proposed that the County Council confirm the appointment of the Committees as outlined in section 2.01 of the report with the following amendments:-

- That the Democratic Services Committee be added to the list of standing Committees; and
- That the function of the Overview & Scrutiny Co-ordinating Committee be carried out by the Constitution Committee.

Councillor A. Woolley raised concern on the small number of Licensing Committee meetings which had been held during the 2011/12 municipal year and proposed an amendment that the function of the Licensing Committee be combined with the function of the Standards Committee. This was seconded by Councillor H.G. Roberts and when put to the vote was lost.

**RESOLVED:**

That the County Council confirm the appointment of the Committees as outlined in section 2.01 of the report with the following amendments:-

- That the Democratic Services Committee be added to the list of standing Committees; and
- That the function of the Overview & Scrutiny Co-ordinating Committee be carried out by the Constitution Committee.

**(B) Determination of the size of Committees**

The Head of Legal and Democratic Services reported that the Annual Meeting must decide upon the size of each of the Committees it had appointed. The Constitution made provision for the size of the Committees which were detailed in the report. He suggested that the newly appointed Democratic Services Committee be the same size and have the same membership as the Constitution Committee.

**RESOLVED:**

That the County Council confirm the size of the Committees as outlined in section 3.01 of the report with the addition that the Democratic Services Committee has 21 seats.

**(C) Terms of Reference of Committees**

The Head of Legal and Democratic Services 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.

At recent meetings of the Audit and Constitution Committee, two minor changes to the Audit Committee's terms of reference had been recommended, as shown in Appendix A of the report. Further amendments to the Audit Committee's terms of reference were required as part of the Local Government Measure and it was recommended that the Head of Legal and Democratic Services be given delegated authority to make the necessary amendments following receipt of statutory guidance due to be issued by the Welsh Government.

The Democratic Services Committee's terms of reference need to cover the functions as set out in section 2.04 of the report and again it was recommended that the Head of Legal and Democratic Services be given

delegated authority to make the necessary amendments following receipt of statutory guidance due to be issued by the Welsh Government.

In conclusion, the Head of Legal and Democratic Services reported that at the last meeting of the Constitution Committee it resolved to recommend to Council that its terms of reference be amended to enable the Committee to examine and consider the creation of and amendment of byelaws for Flintshire. It was recommended that the terms of reference be amended.

Councillor A.P. Shotton proposed that the Council support the recommendations as detailed in the report including an amendment that the position of Chair of the Licensing Committee not be given to the largest opposition group. This was seconded by Councillor J.B. Attridge.

Councillor C.S. Carver proposed an amendment that the terms of reference of the Licensing Committee be amended to include the wording 'that the meetings would not be held in a licensed premises'. This amendment was seconded by Councillor N.R. Steele-Mortimer. When put to the vote the amendment was lost.

Councillor R.J.T. Guest proposed an amendment that no change be made to how the Chair of the Licensing Committee be allocated. This was seconded by Councillor R.B. Jones. When put to the vote the amendment was lost.

**RESOLVED:**

- (a) That the revised terms of reference for the Audit Committee, as set out in the report, be agreed;
- (b) That delegated authority be given to the Head of Legal and Democratic Services to devise the precise wording of the terms of reference for the Audit Committee, and Democratic Services Committee in light of the statutory guidance due to be issued by the Welsh Government;
- (c) That delegated authority be given to the Head of Legal and Democratic Services to revise the terms of reference for the Constitution Committee;
- (d) That the terms of reference for the Constitution Committee be amended to enable the Committee to examine and consider the creation of and amendment of byelaws for Flintshire; and
- (e) That the existing terms of reference for all other Committees be confirmed.

**(D) Political Balance – Annual Review**

The Head of Legal and Democratic Services 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 and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

Councillor A.P. Shotton proposed that the County Council confirm the allocation of seats as outlined in Option 1 of the report and the Committees as follows:-

- A = Lifelong Learning Overview and Scrutiny Committee
- B = Housing Overview and Scrutiny Committee
- C = Corporate Resources Overview and Scrutiny Committee
- D = Social and Health Care Overview and Scrutiny Committee
- E = Environment Overview and Scrutiny Committee
- F = Community Profile and Partnerships Overview and Scrutiny Committee

The proposal was seconded by Councillor J.B. Attridge.

The Head of Legal and Democratic Services explained the need for the Council to determine the allocation of Committee places to the non-aligned Members.

Councillor H.G. Roberts proposed an amendment that the allocation of a Non-Aligned Member on the Lifelong Learning Overview and Scrutiny Committee be removed and that a Non-Aligned Member position be added to the Housing Overview and Scrutiny Committee. This amendment was seconded by Councillor R. Dolphin. When put to the vote the amendment was lost.

**RESOLVED:**

(a) That the County Council confirm the allocation of seats as outlined in Option 1 of the report and the Committees as follows:-

- A = Lifelong Learning Overview and Scrutiny Committee
- B = Housing Overview and Scrutiny Committee
- C = Corporate Resources Overview and Scrutiny Committee
- D = Social and Health Care Overview and Scrutiny Committee
- E = Environment Overview and Scrutiny Committee
- F = Community Profile and Partnerships Overview and Scrutiny Committee

(b) That Councillor H.G. Roberts be appointed to the Planning Committee; and

(c) That Councillor H.D. Hutchinson be appointed to the remaining Committees granted to non-aligned Members.

(E) **Appointment of Chairs and Vice-Chairs of Standing Committees**



The Head of Legal and Democratic Services reported that Council Procedure Rule 1.1 required the appointment of Chairs and Vice-Chairs of Standing Committees with the exception of the Standards Committee.

Councillor A.P. Shotton proposed that the County Council suspend Council Procedure Rule 1.1 for the meeting and also that the following Members be appointed Chairs of the Standing Committees:-

- **Housing Overview and Scrutiny Committee**  
Chairman – Councillor R.G. Hampson
- **Lifelong Learning Overview and Scrutiny Committee**  
Chairman – Councillor I.B. Roberts
- **Social and Health Care Overview and Scrutiny Committee**  
Chair – Councillor C.A. Ellis
- **Licensing Committee**  
Chairman – Councillor L.A. Sharps
- **Planning and Development Control Committee**  
Chairman – Councillor D.E. Wisinger

Councillor Shotton also proposed that the Chair of the Corporate Resources Overview and Scrutiny Committee be allocated by the Liberal Democrat Group. That the Chair of the Community Profile and Partnerships Committee be allocated by the Independent Alliance Group. That the Chair of the Environment Overview and Scrutiny Committee be allocated by the Conservative Group. That the Chair of the Audit Committee be determined by the Audit Committee and that the Vice-Chairs of the Standing Committees be determined at the first meeting of each of the Committees. The proposals were seconded by Councillor J.B. Attridge.

Councillor H.J. McGuill proposed that Councillor R.J.T. Guest be appointed Chair of the Constitution Committee and Democratic Services Committee. This was seconded by Councillor C.J. Dolphin.

**RESOLVED:**

- (a) That the County Council suspend Council Procedure Rule 1.1 for the meeting;
- (b) That the following Members be appointed Chair of the Standing Committees as indicated below:-
  - **Housing Overview and Scrutiny Committee**  
Chairman – Councillor R.G. Hampson
  - **Lifelong Learning Overview and Scrutiny Committee**

Chairman – Councillor I.B. Roberts

- **Social and Health Care Overview and Scrutiny Committee**

Chair – Councillor C.A. Ellis

- **Licensing Committee**

Chairman – Councillor L.A. Sharps

- **Planning and Development Control Committee**

Chairman – Councillor D.E. Wisinger

- **Constitution Committee**

Chairman – Councillor R.J.T. Guest

- **Democratic Services Committee**

Chairman – Councillor R.J.T. Guest

- (c) That the Chair of the Corporate Resources Overview and Scrutiny Committee be allocated to the Liberal Democrat Group;
- (d) That the Chair of the Community Profile and Partnerships Committee be allocated to the Independent Alliance Group;
- (e) That the Chair of the Environment Overview and Scrutiny Committee be allocated to the Conservative Group;
- (f) That the Chair of the Audit Committee be determined by the Audit Committee; and
- (g) That the Vice-Chairs of the Standing Committees be determined at the first meeting of each of the Committees.

**(F) Local Choice Issues**

The Head of Legal and Democratic Services reported that the Council was required to agree such parts of the Scheme of Delegation which related to those local choice functions which could be decided either by the Council or the Executive and/or delegated to Officers.

Councillor A.P. Shotton proposed that the existing Local Choice Issues as detailed in the report be confirmed. This was seconded by Councillor J.B. Attridge.

**RESOLVED:**

That the existing Local Choice Issues as detailed in the report be confirmed.

**(G) Nomination to Internal Bodies**

The Head of Legal and Democratic Services reported that the existing Scheme of Delegation provided for an Appointments Committee for First and Second Tier Officers comprising of 7 Members. This was not a Standing Committee and was convened when required by seeking nominations from Group Leaders. Previously it had been usual for Committee Members to be politically balanced including the relevant Executive Member. At last year's Annual Meeting it was agreed that the Chair or Vice Chair of the relevant Overview and Scrutiny Committee be one of the Members of the Committee. It was recommended that the Council continue the previous practice.

In light of the recent implementation of the Local Government (Wales) Measure 2011 it was also recommended that the various internal bodies be reviewed by the Head of Legal and Democratic Services in consultation with Group Leaders with a report to be submitted to the Constitution Committee and Council in due course.

Councillor A.P. Shotton proposed that the Council support the recommendations as detailed in the report. This was seconded by Councillor J.B. Attridge.

**RESOLVED:**

- (a) That the appointment of an Appointments Committee, as detailed in section 8.01 of the report, be agreed; and
- (b) That a review of internal bodies be undertaken by the Head of Legal and Democratic Services in consultation with Group Leaders, with a further report to be submitted to the Constitution Committee and Council in due course.

**(H) Nominations to Outside Bodies**

The Head of Legal and Democratic Services reported that the current list of appointments or vacancies to outside bodies was set out in Appendix B to the report. The Council was recommended to delegate to the Chief Executive in consultation with Group leaders and Non-Aligned Members the appointments to these bodies.

Councillor A.P. Shotton proposed that the appointment of outside bodies be delegated to the Chief Executive in consultation with Group Leaders and non-aligned Members. This was seconded by Councillor J.B. Attridge.

**RESOLVED:**

That the appointment of outside bodies be delegated to the Chief Executive in consultation with Group Leaders and non-aligned Members.

**(I) Standards Committee**

The Head of Legal and Democratic Services reported that the Standards Committee included five independent members, a Community Council member and three Councillors not to be the Council Leader or Cabinet Members. Council was asked to determine the three Members.

**RESOLVED:**

That the following three Members be appointed to the Standards Committee:-

- Councillors: D.L. Cox, H.J. McGuill and A. Woolley.

**(J) Programme of Ordinary Meetings**

The Head of Legal and Democratic Services advised that a programme of ordinary meetings had been approved at the County Council meeting held on 21 February, 2012.

**RESOLVED:**

That the programme of ordinary meetings of the County Council be noted.

**9. APPOINTMENT TO THE POLICE AUTHORITY, THE POLICE AND CRIME PANEL AND THE SAFER COMMUNITIES REGIONAL BOARD**

The Chief Executive introduced a report to establish a Joint Committee with the upper North Wales Councils to select two representatives to serve on a Joint Committee that would appoint the Police Authority. The report also provided Members with an update on the transition to the new Police and Crime Panel and the Safer Communities Regional Board.

Councillor A.P. Shotton proposed that the Council support the recommendations as outlined within the report and that Councillor G.D. Diskin be appointed to the Joint Committee. Councillor M.J. Peers proposed that Councillor A. Woolley be appointed to the Joint Committee and Councillor C.S. Carver proposed that Councillor N.R. Steele-Mortimer be appointed.

Following discussion, Councillor A. Woolley withdrew his name.

**RESOLVED:**

- (a) That the Council appoint a Joint Committee with the six other authorities within the North Wales Police area which will allocate the seats on the North Wales Police Authority;
- (b) That Councillors: G.D. Diskin and N.R. Steele-Mortimer be appointed to the Joint Committee;
- (c) That the Council note that the Councillors appointment to the North Wales Police Authority, if at all possible, also be the representatives on

the Police and Crime Panel, with the Chief Executive bringing back a further report if new representatives were required;

- (d) That the Council appoint one Member to the Regional Safer Communities Board delegated to the Chief Executive or Cabinet; and
- (e) That any consequential amendments to the Constitution be made by the Head of Legal and Democratic Services.

**10. REPRESENTATIVES ON THE WELSH LOCAL GOVERNMENT ASSOCIATION (WLGA) CO-ORDINATING COMMITTEE AND WLGA COUNCIL AND VOTING**

Councillor A.P. Shotton proposed that the following Members be appointed to represent Flintshire County Council on the WLGA Council:-

- Councillors: A.P. Shotton, J.B. Attridge, R.C. Bithell and L.A. Sharps.

He also proposed that he represent Flintshire County Council on the WLGA Co-ordinating Committee and that Flintshire County Council representatives opt for the method of one person one vote. The proposals were seconded by Councillor J.B. Attridge.

**RESOLVED:**

- (a) That the following Members be appointed to represent Flintshire County Council on the WLGA Council:-
  - Councillors: A.P. Shotton, J.B. Attridge, R.C. Bithell and L.A. Sharps.
- (b) That Councillor A.P. Shotton represent Flintshire County Council on the WLGA Co-ordinating Committee; and
- (c) That Flintshire County Council representatives opt for the method of one person one vote.

**11. SCHEDULE OF MEMBER REMUNERATION**

The Head of Legal and Democratic Services presented a report to seek Council's approval of the schedule of Member remuneration.

At the Council meeting held on 31 January, 2012 it had been decided that the appropriate mileage rate for travel by car should remain at 40p per mile, that this should not be payable for constituency mileage and that the maximum reimbursement for London hotel expenditure should be £150 per night. These decisions had been incorporated into the schedule of Member remuneration attached at Appendix A of the report.

One of the issues outstanding was to determine the posts that would be eligible for senior salaries. The number of such posts had been limited to a

maximum of 18 excluding the civic allowances paid to the Council's Chair and Vice-Chair. The posts eligible for senior salaries were shown in Appendix 2 of the schedule of Member remuneration.

Councillor A.P. Shotton proposed that the schedule of Member remuneration be approved and that the following posts be eligible for senior salaries at the amounts shown in the report:-

- Leader of the Council
- Deputy Leader of the Council
- Cabinet Members x 6
- Chairman of the Planning and Development Control Committee
- Chair of the Audit Committee
- Chairman of the Licensing Committee
- Chairs of Overview and Scrutiny Committees x 6
- Chair of the Clwyd Pension Fund Panel

The proposal was seconded by Councillor J.B. Attridge.

**RESOLVED:**

- (a) That the schedule of Member remuneration shown in Appendix A of the report be approved; and
- (b) That the following posts be eligible for senior salaries/special responsibility allowances at the amounts shown in the report :-

- Leader of the Council
- Deputy Leader of the Council
- Cabinet Members x 6
- Chair of the Planning and Development Control Committee
- Chair of the Audit Committee
- Chair of the Licensing Committee
- Chairs of Overview and Scrutiny Committees x 6
- Chair of the Clwyd Pension Fund Panel

**12. DURATION OF MEETING**

The meeting commenced at 11.00 a.m. and ended at 1.17 p.m.

**13. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were four members of the press and ten members of the public present.

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**Chair**

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

<b>ANNUAL MEETING OF FLINTSHIRE COUNTY COUNCIL</b>	<b>15<sup>TH</sup> MAY, 2012</b>
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<b>MEMBER</b>	<b>ITEM</b>	<b>MIN. NO. REFERS</b>
Councillor L.A. Aldridge	Constitutional Matters: Committees and Outside Bodies; and	8.
	Appointment to the Police Authority, the Police and Crime Panel and the Safer Communities Regional Board	9.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**

**DATE:** **TUESDAY, 19 JUNE 2012**

**REPORT BY:** **MONITORING OFFICER**

**SUBJECT:** **CONSTITUTIONAL CHANGES FOLLOWING THE  
AGM**

### **1.00 PURPOSE OF REPORT**

- 1.01 To propose amendments to the Constitution to reflect changes approved by Flintshire County Council at its annual general meeting on the 15 May 2012.

### **2.00 BACKGROUND**

- 2.01 At its AGM on the 15 May County Council agreed a number of changes to the Constitution set out in the table below. I have drafted suggested amendments to reflect those changes. These are reported in the appendices using the “tracked changes” facility so that it is possible to see what has been changed and what is proposed. Where those amendments are not ready for consideration at present I have again noted this and the reason in the table below.

<b>Change Required</b>	<b>Progress</b>
1. Create terms of reference for the new Democratic Services Committee	Awaiting the statutory guidance from the WAG which is due in June 2012
2. Transfer the functions of the Overview & Scrutiny Coordinating Committee to the Constitution Committee and to enable the Constitution Committee to review and make bye-laws	To be reported to the Constitution Committee for comment
3. Minor amendment to the terms of reference of the Audit Committee to comply with the Local Government (Wales) Measure 2011	Attached at appendix A. N.B Other changes may be necessary should guidance be issued from WAG.
4. Change to the terms of reference for appointing the Chair of the Licensing Committee	Attached at appendix B

5. Amend Council procedure rule 1.1 and procedure rule 6 on the appointment of Chairs and Vice Chairs of Committee.	Attached at appendix C N.B Other changes may be necessary should WAG prescribe a process for appointing the Chairs of the O&S Committees
6. Amendments to the terms of reference for the Audit Committee allowing it to appoint its own Chair	Attached at appendix A
7. Review of internal bodies and working groups	Awaiting statutory guidance from WAG in June 2012. A comprehensive list of all such internal bodies is being drawn up in preparation for the review
8. Determine appointment process for the Police & Crime Panel	Awaiting further guidance from the Home Secretary.

### **3.00 CONSIDERATIONS**

- 3.01 With respect to the proposed amendment to Council procedure rule 1.1 I have added a requirement that the Council should have regard to any statutory guidance issued under the Local Government Measure 2011, which is in any case our statutory duty to do so.
- 3.02 At this year's AGM on the 15 May it was decided that the committees themselves should appoint their own Vice Chairs. If that practice is to continue in future then the CPR 1.1 will have to be amended. I have reflected this by suggesting a change to procedure 6.
- 3.03 With respect to the Audit Committee I have made it clear that each Chair must be appointed from one of the non Cabinet groups by including the definition of a Cabinet group. I have also made a little more detailed provision for the appointment of the lay member by suggesting their term of office to run from the first full Council meeting after the AGM in the year when we have elections until the first Council meeting after the AGM in the year of the next elections. Alternatively, Council may prefer for the lay member to be appointed for a period of just one year.
- 3.04 I noted that the Constitution Committee was granted power to review, create or amend bye-laws. That however, omits the power to revoke bye-laws which can be important when seeking to carryout a wholesale review. I would therefore recommend that that power is granted to the Constitution Committee as well and reported to it along with the amendments from the AGM.

**4.00 RECOMMENDATIONS**

4.01 To approve the changes at appendices A, B and C

4.02 That the Constitution Committee be given power to revoke bye-laws as well as to review, amend and create bye-laws.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None

**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 The draft report has been circulated to Group Leaders

**12.00 APPENDICES**

12.01 Appendix A - Terms of reference for the Audit Committee  
Appendix B - Terms of reference for the Licensing Committee  
Appendix C - Council procedure rules 1.1 and 6

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

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## Article 7 - The Audit Committee

### 7.01 Role

The Audit Committee's role and functions will be to:

- (a) Review the effectiveness of the Authority's systems of corporate governance, internal control and risk management systems, and to make reports and recommendations to the County Council on the adequacy and effectiveness of those arrangements;
- (b) Oversee the financial reporting process to ensure the balance, transparency and integrity of published financial information, and to review the financial statements prepared by the authority;
- (c) Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.
- (d) Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them.

#### A. Internal Control

- Evaluate whether management is setting the appropriate "control culture" by communicating the importance of internal control and risk management.
- Understand the internal control systems implemented by management for the approval of transactions and the recording and processing of financial data.
- Understand the controls and processes implemented by management to ensure the financial statements derive from the underlying financial systems, comply with relevant standards and requirements, and are subject to appropriate management review.
- Evaluate the overall effectiveness of the internal control and risk management frameworks and consider whether recommendations made by the internal and external auditors have been implemented by management.
- Consider how management is held to account for the security of computer systems and applications, and the contingency plans for processing financial information in the event of a systems breakdown or to protect against computer fraud or misuse.
- Consider the annual draft statement on internal control and make appropriate recommendations/observations to the Cabinet prior to its submission to the Council's Regulators.

**B. Compliance with Law and Regulations**

- Keep under review the Council's financial regulations and contract standing orders and all other corporate directions concerning financial control.
- Receive reports on all fraud identified and any other special investigations, and action taken.
- Obtain regular updates from management and legal advice regarding compliance matters, and be satisfied that all compliance matters have been considered in preparing the financial statements.

**C. Financial Reporting**

- Consider the draft annual Statement of Accounts, together with the underlying accounting policies prior to their submission to the Wales Audit Office and again afterwards prior to recommending their approval to the Council.
- Gain an understanding of the current areas of greatest financial risk and how these are being managed.
- Meet with management and external auditors to review the financial statements, the key accounting policies and judgements, significant accounting and reporting issues and their impact on financial reports, and the results of the audit.
- Ensure that significant adjustments, unadjusted differences, disagreements with management and critical accounting policies and practice are discussed with the external auditor.
- Review the other sections of the Annual Report and the Statements of Accounts and consider whether the information is understandable and consistent with members' knowledge of the Authority and operations and lacks bias.

**D. External Audit**

- Ensure that the annual audit is undertaken in compliance with statutory requirements.
- Review the external auditors' proposed audit scope and approach for the current year in the light of the Authority's present circumstances and changes in regulatory and other requirements arising from Government, Assembly or Council initiatives.
- Receive all audit reports, and the annual audit letter, issued by the external auditor, and ensure that all agreed recommendations are implemented.
- Review on an annual basis the performance of external audit and co-ordinate any feed back requested from the Audit Commission.
- Discuss with the external auditor any audit problems encountered in the normal course of audit work, including any restriction on audit scope or access to information.

- Meet separately with the external auditors to discuss any matters that the committee or auditors believe should be discussed privately. Ensure the auditors have access to the chair of the audit committee when required.

#### **E. Internal Audit**

- Promote the role of internal audit within the Council, as a key element of its control environment.
- Review, approve and monitor the delivery of the internal audit plan and the risk assessment exercise on which the plan is based, and ensure it considers changes arising from Government, Assembly or Council initiatives.
- Receive summaries of all internal audit reports issued, highlighting key recommendations and recommendations of reports with corporate control implications.
- Monitor the implementation of agreed recommendations contained within internal audit reports.
- Ensure that no management restrictions are placed in the scope of audit's examinations.
- Meet separately with the Head of Internal Audit to discuss any matters that the committee or internal auditors believe should be discussed privately.
- Keep under review the organisational structure and resource requirements of the Internal Audit Section.
- Discuss with the external auditor the standard of work of internal audit staff.
- Evaluate on an annual basis the performance and effectiveness of internal audit and its compliance with best practice.

#### **F. General**

- Request the attendance at the Committee of any Director, or the submission of a report from any Director, to provide further explanation in connection with any of the above terms of reference.
- Arbitrate in the event of any failure to agree between a Director and internal audit.
- Keep under review the joint working arrangements of the Council's internal and external auditors.
- Evaluate the committee's own performance, both of individual members and collectively, on a regular basis.

The Audit committee will keep the above terms of reference under annual review and propose any amendment to the County council.

## **7.02 Form and Composition**

The Chair and Vice-Chair of the Audit Committee will be chosen by the Committee itself at its first meeting following each annual general meeting. The Chair and Vice Chair of the Audit Committee will be chosen from amongst the opposition group(s), non aligned Councillors or lay member on the Council (that is to say from amongst the group(s) none of whose members are included in the Cabinet).

The County Council shall appoint one person who is neither a serving Councillor nor an officer of the County Council or any other Council to serve as a lay member of the Committee with full voting rights. The lay member's term of office shall be from the first County Council meeting following the annual general meeting after the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections.

It is the express wish of the Council that there should be continuity of membership of the Audit Committee so as to build up a body of expertise and maintain a consistency of approach.

In recognising the express wish of the Council, but observing the requirements of the legislation for political balance, the Audit Committee will comprise 7 Members with the seats allocated in accordance with the legislation to the appropriate political groups. Any proposed substitution shall comply with Council Procedure Rule 22.4 and the proposed substitute shall have attended relevant training. Substitutes will only be permitted where the Audit Committee at the commencement of its meeting agrees that good reasons exist for substitution.



## Article 11 – The Licensing Committee

### 11.01 Licensing Committee

The Council is required by the Licensing Act 2003 to establish a Licensing Committee.

### 11.02 Composition

The Licensing Committee will consist of between 10 and 15 Members and be politically balanced. The Chair and Vice-Chair of the Licensing Committee may be chosen from any group or non-aligned councillors. ~~will be chosen from amongst the main opposition group on the Council.~~

### 11.03 General Role

The role of the Licensing Committee will be as follows:-

1. To draft, consult upon and recommend to the County Council a Licensing Policy and Gambling Policy every three years and keep such Policies under review, recommending any revisions necessary to the County Council.
2. To determine applications for licensable activities under the Licensing Act 2003 including premises licenses, personal licences and club premises certificates.
3. To determine applications under the Gambling Act 2005 for premises licences and permits.

Any other matters delegated to the Committee from time to time.

### 11.04 Sub-Committees

The Committee may delegate its functions to one or more Sub-Committees established by it, or in a limited number of circumstances to an officer of the Authority. A Sub-Committee must comprise 3 Members and a number of Sub-Committees or officers with delegated powers can, if required to do so, operate at the same time. The following delegations have been granted:-

Licensing Act Matters	Full Committee	Sub-Committee	Health, Safety and Licensing Manager
Application for personal licence		If Police objection	If no objection made
Application for personal licence with unspent		All cases	

convictions			
Application for premises licence/club premises certificates		If relevant representation made	If no relevant representation made
Application for provisional statement		If relevant representation made	If no relevant representation made
Application to vary premises licence/club premises certificate		If relevant representation made	If no relevant representation made
Application to vary designated premises supervisor		If a Police objection	All other cases
Request to be removed as designated premises supervisor			All cases
Application for transfer of premises licence		If a Police objection	All other cases
Applications for interim authorities		If a Police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local Authority is a consultee and not the relevant Authority considering the application		All cases	
Determination of a Police objection to a temporary event notice		All cases	
<b>Gambling Act Matters</b>	<b>Full Council</b>	<b>Licensing Sub-Committee</b>	<b>Officers</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn

Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Application for transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provision statement		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/ club machine permits		Where representations have been received and not withdrawn	Where no representations received / representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as to whether a representation is frivolous, vexatious or repetitive			X

### 11.05 **Procedures**

The Committee may regulate its own procedure and that of its Sub-Committees, subject to any regulations, in relation to the conduct of hearings, access to the public and publicity. Any procedures adopted must comply with Human Rights Legislation.

1. **ANNUAL MEETING OF THE COUNCIL**

1.1 **Timing and business**

In a year when there is an ordinary election of Councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Councillors. In any other year, the annual meeting will take place in March, April or May.

The annual meeting will:

- (i) elect a person to preside if the Chair of Council is not present;
- (ii) elect the Chair of Council;
- (iii) elect the Vice Chair of Council;
- (iv) receive any announcements from the Chair and/or Head of the Paid service;
- (v) elect the Leader;
- (vi) receive and note the Leader's choice of Councillors to serve upon the Cabinet;
- (vii) appoint at least one Overview and Scrutiny Committee, a Standards Committee, a Democratic Services Committee, an Audit Committee, a Licensing Committee and such other Committees as the Council considers appropriate to deal with matters which are neither reserved to the Council nor are Cabinet functions (as set out in Part 3, Table 1 of this Constitution);
- (viii) decide the size and terms of reference for those Committees;
- (ix) decide the allocation of seats to political groups in accordance with the political balance rules; and appoint to Committees those Members, if any, who are not Members of any political group. It will be noted that Group Leaders appoint Members from within their Groups to fill the seats available to their respective Groups on Committees.
- (x) appoint the chairs ~~and vice chairs~~ of the standing Committees appointed under (vii) above with the exception of the Standards Committee, the Overview & Scrutiny Committee(s) and the Audit Committee

- (xi) determine which political group shall nominate the Chair of each Overview & Scrutiny Committee appointed under (vii) above, having regard to any guidance issued under the Local Government (Wales) Measure 2011.
- (xii) agree such part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 Table 3 of this Constitution);
- (xiii) approve a programme of ordinary meetings of the Council for the year; and
- (xiv) appoint to those outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Cabinet.

## **6. CHAIR OF MEETING**

- 6.1 Each Committee shall appoint one of its members as Vice Chair at the first meeting following the annual general meeting.
- 6.2 The person presiding at the meeting may exercise any power or duty of the Chair. Accordingly, if it appears appropriate, the Chair may, at his/her sole discretion waive compliance with the rules of debate set out in Rule 13.4 and 13.5 to facilitate the transaction of business at the meeting. Where these rules apply to Committee and Sub-Committee meetings, references to the Chair also include the Chair of Committees and Sub-Committees.
- 6.3 The decision of the Chair of the meeting on all points of procedure and order and the Chair's interpretation of any Procedure Rule shall be final and no debate may ensue thereon.
- 6.4 In the case of Committees:-
  - (a) The Committee's Chair when present shall chair the meeting except where the Committee Chair decides otherwise.
  - (b) Where the Committee Chair does not Chair the meeting or a part of it the Vice-Chair of the Committee when present shall take the Chair except where the Vice-Chair decides otherwise.
  - (c) In the absence of a Chair for the meeting or a part of it a Chair for the meeting shall be appointed by the Committee from those Members present for the meeting.

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**  
**DATE:** **TUESDAY, 19 JUNE 2012**  
**REPORT BY:** **HEAD OF LEGAL AND DEMOCRATIC SERVICES**  
**SUBJECT:** **REVIEW OF POLITICAL BALANCE**

### **1.00 PURPOSE OF REPORT**

1.01 To undertake a review of the allocation of seats to political groups as a result of a change in the membership of two groups.

### **2.00 BACKGROUND**

- 2.01 The Local Government & Housing Act 1989 and the Local Government (Committees & Political Groups) Regulations 1990 require the council to allocate seats on the various committees to political groups insofar as practical in the same proportion as those groups have to the total membership of the council.
- 2.02 Following the allocation determined at the annual meeting on the 15 May there has been a change in the numbers of two of the political groups which has led to a need to recalculate the previous calculations that were made.
- 2.03 At the time of the annual meeting Councillor Owen Thomas was a member of the Independent Alliance Group but following the annual meeting he left that group and joined the Conservative Group thereby altering the numbers in those two groups.
- 2.04 At the annual meeting the council decided that seven of the eight committee places allocated to the three non-aligned members should be filled by Councillor Dennis Hutchinson and that the place on the Planning Committee be allocated to Councillor Gareth Roberts. This meant that the third non-aligned member, Councillor Tim Newhouse had no committee places. These decisions do not comply with the requirements of the legislation where the seats to the non-aligned members should have been allocated as evenly as practical.

### **3.00 CONSIDERATIONS**

3.01 Section 15 of the Local Government & Housing Act 1989 prescribes the following principles to be followed in determining the allocation of seats:-

- a) That not all the seats on a committee are allocated to the same political group.
- b) Where there is a majority group on the council it is entitled to the majority of the seats on each committee.
- c) The total number of seats allocated to each political group should be (insofar as it is practicable) in the same proportion as that group's strength upon the full council.
- d) Each committee should (so far as it is practicable) have the same proportional division between political groups as is represented upon the full council.

3.02 In relation to the Audit and Democratic Services Committees the Local Government (Wales) Measure 2011 limits the number of cabinet members on those committees to a maximum of one and that one to not be the Council Leader. At its last meeting the Audit Committee was of the view there should be no cabinet members on it.

3.03 Attached as appendix 1 to this report is a table showing the political balance calculations. There have been no changes to the places allocated to the Labour, Liberal Democrat, New Independent and Independent groups. A place on the Lifelong Learning Overview & Scrutiny Committee has been gained by the Conservative group at the expense of the non-aligned members. The Conservative group has gained an additional seat on both the Constitution and Democratic Services Committee at the expense of the Independent Alliance group.

#### **4.00 RECOMMENDATIONS**

4.01 To agree the political balance calculations shown in appendix 1.

4.02 To determine which places should be filled by which of the three non-aligned members.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.



**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 None as a result of this report.

**12.00 APPENDICES**

12.01 Appendix 1 - political balance calculations

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None

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## APPENDIX 1

	Total No. of Cttee Places	No. of Committee Places Group Entitled To
Labour 31 Members	172	$\frac{31}{70} \times 172 = 76$
Independent Alliance 9 Members	172	$\frac{9}{70} \times 172 = 22$
Conservatives 8 Members	172	$\frac{8}{70} \times 172 = 20$
Liberal Democrats 7 Members	172	$\frac{7}{70} \times 172 = 17$
New Independents 6 Members	172	$\frac{6}{70} \times 172 = 15$
Independent 6 Members	172	$\frac{6}{70} \times 172 = 15$
Non-aligned 3 Members	172	$\frac{3}{70} \times 172 = 7$

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## POLITICAL BALANCE

	Labour 31 Members	Independent Alliance 9 Members	Cons 8 Members	LD 7 Members	New Independents 6 Members	Independent 6 Members	N/A 3 Members	Total on Committee
O&S Cttee A	6	2	2	2	2	1		15
O&S Cttee B	7	2	2	1	2	1		15
O&S Cttee C	7	2	2	1	1	2		15
O&S Cttee D	7	2	1	1	1	2	1	15
O&S Cttee E	7	2	1	2	1	1	1	15
O&S Cttee F	7	2	1	2	1	1	1	15
Planning	9	3	3	2	2	1	1	21
Licensing	5	2	1	1	1	1	1	12
Audit	3	1	1	1	0	1		7
Constitution	9	2	3	2	2	2	1	21
Democratic	9	2	3	2	2	2	1	21
<b>Total to Group</b>	76	22	20	17	15	15	7	172

A = Lifelong Learning O&S Committee

B = Housing O&S Committee

C = Corporate Resources O&S Committee

D = Social & Health Care O&S Committee

E = Environment O&S Committee

F = Community Profile & Partnerships O&S Committee

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**

**DATE:** **TUESDAY, 19 JUNE 2012**

**REPORT BY:** **MONITORING OFFICER, HEAD OF FINANCE**

**SUBJECT:** **APPOINTMENT OF LAY MEMBER TO THE AUDIT COMMITTEE**

### **1.00 PURPOSE OF REPORT**

1.01 To inform the County Council of the process used to recruit a lay member to the Audit Committee and to recommend a candidate for appointment.

### **2.00 BACKGROUND**

2.01 The Local Government (Wales) Measure 2011 requires that the County Council appoints lay members up to one third of the membership of the Audit Committee (with the minimum of one member). At the Council AGM on 15<sup>th</sup> May 2012 the County Council decided to appoint the statutory minimum of one lay member.

2.02 The legislation requires the Council to take into account any statutory guidance when appointing lay members, that guidance has not yet been published and is not due until June 2012 (at the earliest). The Measure also provides that actions taken by the Audit Committee are invalid if its membership does not comply with the legislation. It was therefore decided to proceed to recruit prior to the publication of the statutory guidance in order to enable the Committee to meet and take lawful decisions.

### **3.00 CONSIDERATIONS**

3.01 Adverts were placed in the Chester Chronicle and Daily Post on the 10 May 2012. Attached as appendix A is an information note sent to those who expressed an interest. In total 22 applications were received. Candidates were short-listed by the Head of Finance and the Head of Legal & Democratic Services using the following criteria:

- Experience and/or understanding of audit, accounting practice and/or financial procedures
- Knowledge and/or experience of local government
- Perceived political and operational independence
- Has not been a Councillor or officer of Flintshire County Council
- Has not been a Councillor or officer of another Council (See 3.02 below)

- 3.02 Although the guidance is not yet available on what constitutes political and operational independence, independent members are of course appointed to the Standards Committee. The legislative requirements for membership of that Committee are that no-one who has been a Councillor or officer of this Council may be deemed independent and likewise no-one who has been an officer or a Councillor in another Council within the last 12 months is deemed independent. It therefore seemed prudent to apply the same criteria to establish independence for appointment to the Audit Committee.
- 3.03 An interview panel consisting of Councillor Ian Roberts (as immediate past Chair of the Audit Committee), the Head of Finance and the Head of Legal & Democratic Services were due to interview 5 candidates on the 6 June. One candidate withdrew and another was unable to attend at the last moment. A further interview date was therefore arranged for the 13 June, so that, at the time of publication, the interview process has not been concluded. Therefore the name of the recommended candidate will be submitted at the meeting.
- 3.04 The role of the lay member on the Audit Committee is similar to that of a Councillor, insofar as the person will be required to have oversight of Council functions and processes and to give assurance that the internal control framework is operating properly. The role differs from that of a Councillor at least in two important respects:
- The lay member has no political affiliation;
  - The lay member can be recruited specifically because of potential valuable skills and/or experience within the field.
- 3.05 Given the sometimes sensitive nature of reports considered by the Audit Committee it is also essential that any lay person is able to exercise both discretion and diplomacy. The short-listing and interview process was designed to ensure that any potentially successful candidate possessed all of these qualities.
- 3.06 At its meeting on 20 March the Audit Committee delegated authority to officers in case there was insufficient time to confirm the appointment of a lay member at a meeting of the full County Council. A preliminary offer of appointment will be made, subject to ratification by the County Council, in order to enable the successful candidate to attend the compulsory induction day on the 15 June.

#### **4.00 RECOMMENDATIONS**

- 4.01 The name of the preferred candidate will be submitted at the Council meeting for ratification.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 An attendance fee is payable for attendance at the Committee.



**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 By the time of the meeting, the name of the preferred candidate will have been circulated to all Group Leaders and to the members of the Audit Committee.

**12.00 APPENDICES**

Appendix A - Information note given to candidates

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None

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**Information about being a lay member of Flintshire's Audit Committee**

The Local Government (Wales) Measure 2011 requires the 22 unitary authorities in Wales to each have an Audit Committee and for at least one member of that Audit Committee to be a lay person. This came into effect on the 30 April 2012.

Flintshire County Council has for many years had an Audit Committee but at present it solely comprises 7 County Councillors. The Council proposes to add one lay person to the existing Committee membership.

The Audit Committee is required by the Local Government Measure to have the following functions:-

- a) To review and scrutinise the authority's financial affairs;
- b) To make reports and recommendations in relation to the authority's financial affairs;
- c) To review and assess the risk management, internal control and corporate governance arrangements of the authority;
- d) To make reports and recommendations to the authority on the adequacy and effectiveness of those arrangements;
- e) To oversee the authority's internal/external audit arrangements; and
- f) To review the financial statements prepared by the authority.

The Audit Committee is supported by the senior officers of the Council who attend to present reports and answer questions from Committee members. In the last year there were 7 meetings of the Audit Committee. The Audit Committee meetings are presently held on a Monday morning. The agendas and reports to be considered at the meeting are sent out approximately a week in advance of the meeting. The lay person will be entitled to claim £99 for attending each half day meeting. In the event of the meeting lasting over 4 hours, the payment is £198.

Agendas and reports of previous Audit Committee meetings are available on the Council's website ([www.flintshire.gov.uk](http://www.flintshire.gov.uk)). The successful applicant will receive induction training and training for all Audit Committee members has been arranged for Friday, 15<sup>th</sup> June 2012. The 7 Councillor members of the Committee will be known shortly after the Council's annual meeting on 25<sup>th</sup> May 2012.

It is intended to hold interviews for the appointment of the lay person on the morning of Wednesday, 6 June 2012. Applicants will be informed whether or not they have been successful shortly after this date. When submitting an application, please could you indicate whether or not you will be available to attend an interview on this date.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**

**DATE:** **TUESDAY, 19 JUNE 2012**

**REPORT BY:** **CHIEF EXECUTIVE, DIRECTOR OF LIFELONG  
LEARNING**

**SUBJECT:** **SECONDARY SCHOOL - AREA REVIEWS**

### **1.00 PURPOSE OF REPORT**

1.01 To provide the Council with an update on the consultation process for the Secondary School area review that was held in March and April 2012.

### **2.00 BACKGROUND**

2.01 The Flintshire School Modernisation Strategy provides a policy framework under which schools and communities can engage in discussions to help identify solutions to address demographic change and options for local educational change.

2.02 In December 2011 County Council approved renewed consultation on a range of options in each area which had been formulated by members of the Council in workshops.

2.03 A subsequent informal public consultation was undertaken during March and April 2012, a summary of which is attached at Appendix 2 of the report.

### **3.00 CONSIDERATIONS**

3.01 The latest full reports from consultation responses have been placed in the Members' Library and on the Council's website. Additional correspondence and petitions that were received during the consultation period, and did not fit against the set criteria for the response forms, are also located in the Members' Library and available for inspection at entrance 3 reception, County Hall. The combined responses identify issues and questions to be addressed in detail in the next phases of the review work.

### **4.00 RECOMMENDATIONS**

4.01 To note the consultation responses received and receive a further report outlining the next steps required in each area review.

**5.00 FINANCIAL IMPLICATIONS**

5.01 As contained in the financial implications at Appendix 2.

**6.00 ANTI POVERTY IMPACT**

6.01 None directly.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None at this stage of the consultation.

**8.00 EQUALITIES IMPACT**

None at this stage of the consultation.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None at this stage of the consultation.

**10.00 CONSULTATION REQUIRED**

10.01 None at this stage of the consultation.

**11.00 CONSULTATION UNDERTAKEN**

11.01 As set out in Appendix 2.

**12.00 APPENDICES**

12.01 Appendix 1 – Media Statement issued at Cabinet on 12<sup>th</sup> June 2012.  
Appendix 2 – Cabinet Report on Secondary Schools – Area Reviews  
dated 12<sup>th</sup> June 2012.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

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## **SECONDARY SCHOOL ORGANISATION**

A report will be presented to the meeting of Flintshire County Council's Cabinet on Tuesday 12 June. For information, here is a summary of the report:

The informal public consultation was a 'live' discussion where it became clear as the meetings and discussions went on that:-

- certain options are more supportable for local communities, schools communities and local members than others
- certain options are more likely to be beneficial in achieving educational and community objectives than others
- certain options are more likely to meet Council and Welsh Government policy than others
- certain options are more likely to be affordable than others

Whilst the Council is yet to consider in full the detailed and rich feedback in the supporting paper to this report, and we should avoid pre-determining the outcome, a summary of a first position is as follows.

### **Holywell**

An option to bring together local infant and junior schools as a new purpose built primary school co-located with the High School is an emerging preference for this area review. This would provide better continuity for learners throughout the full Primary School age range. Key consultation responses identify that Holywell also has a "once in a generation" opportunity to develop a new secondary school to serve local communities. The challenge remains over how to meet the expectations of Welsh Government to transform sixth form education for learners from the area.

### **Deeside**

There is a high level of public opposition to amalgamation of John Summers High School with Connah's Quay High School. Consultees have presented a range of practical challenges and difficulties that make such an option difficult to support. There is strong interest in the creation of new Sixth Form centre at Connah's Quay to benefit learners from Deeside, for which there is funding available from the Welsh Government. There is also a creative option put forward by John Summers' High School Governors to work more closely with local primary school provision in a new community 3-16 arrangement. These options are the emerging preference for this area review.

### **Buckley, Mynydd Isa and Mold**

Governors at Buckley's Elfed High School have requested reconsideration of options to federate or amalgamate with Mynydd Isa's Argoed High School; the views of the governors of Argoed have not changed since last year. The governors at Argoed High School are not supportive of either federation or amalgamation with Elfed High School. The views expressed in first community consultation in 2011 and the continuing view of the Argoed High School Governing Body represent major obstacles to pursuing such an option. Further consideration needs to be given to the options for secondary provision in the Buckley area.

There is a positive vision to develop and enhance Westwood Primary School on its current site together with a willingness to consider possible relocation of the Westwood Centre. There is an emerging preference for this option.



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **CABINET**

**DATE:** **12 JUNE 2012**

**REPORT BY:** **DIRECTOR OF LIFELONG LEARNING**

**SUBJECT:** **SECONDARY SCHOOL – AREA REVIEWS**

### **1.00 PURPOSE OF REPORT**

To present responses relating to the consultations for Secondary School area reviews held in March and April 2012.

### **2.00 BACKGROUND**

**2.01** The Flintshire School Modernisation Strategy provides a policy framework under which schools and communities can engage in discussions to help identify solutions to address demographic change and options for local educational change.

**2.02** In the 2009 report on the strategic management of education in Flintshire, Estyn identified tackling school modernisation as a key recommendation. This recommendation was made again in the latest Estyn report on the quality of local authority education services in October 2011. In addition, Estyn has recently produced a national report identifying key issues relating to local authorities' responsibilities to manage the supply of school places.

**2.03** The Flintshire School Modernisation Strategy contains a number of criteria for the review of schools including the percentage of surplus places. The three secondary schools having significant surplus places of over 25% are:

	<b>No. of Surplus Places (PLASC Jan 2012)</b>	<b>% Surplus</b>	<b>Annual cost of surplus places £ (£510 per place)</b>
Elfed High School, Buckley	393	38	200,430
Holywell High School	453	43	231,030
John Summers High School	181	32	92,310
<b>Total</b>	<b>1027</b>	<b>37.7%</b>	<b>£523,770</b>

*Cost based on Estyn report 'How do Surplus Places affect the resources available for expenditure on improving outcomes for pupils?' (May 2012)*

**2.04** Initial consultations relating to options in the three areas were carried out in May and June 2011. In August 2011, the Council agreed to halt

the process and hold a series of workshops in the Autumn. All elected members of the Council, together with Parent and Diocesan representative members of the Lifelong Learning Overview and Scrutiny Committee were invited to participate in workshops focused on:

- understanding and collective ownership of the options appraisal process;
- elected member involvement and support;
- validation of the information base behind the options;
- collective ownership of the consultation process;
- relations with partner organisations; and
- project timetable and resources.

**2.05** In December 2011 the full County Council approved renewed consultation on a range of options in each area, which had been formulated by members of the Council in workshops.

**2.06** The subsequent consultation process was a combination of:

- public meetings for parents and students both for individual schools and for schools consortia;
- private meetings for teachers and school based employees;
- private meetings for governing bodies;
- special in-school consultation events for students and pupils:  
and
- an open invitation for responses through published documents, the Council website and the local media.

### **3.00 CONSIDERATIONS**

**3.01** Consultation meetings have been well attended and recognised by most school representatives as well conducted. The improved process has not attracted the criticism of the earlier consultations held in mid-2011 and the objective of restoring trust and confidence in the consultation process has been met.

**3.02** The meetings have all been recorded and the database of preferences for the options set out in the consultation, and the qualitative comments which underpins the preferences of individuals, is being built up. All preferences and feedback received before the end of April have been included in the database ready for consideration by elected members from June 2012.

**3.03** A separate consultation process for Children and Young People in the relevant schools has been undertaken by staff of the Children and Young People Partnership. The responses to this phase of consultation are also included in the document attached to this report. The large volume of responses to the Children and Young People consultation has meant that the process of collating and analysis is continuing, but will be completed shortly.

**3.04** The latest full reports from consultation responses have been placed in the Members' Library. Additional correspondence and petitions that were received during the consultation period, and did not fit against the set criteria for the response forms are also located in the Members' Library. The combined responses identify issues and questions to be addressed in detail in the next phases of review work.

Summarised responses are as follows:

**3.05 Buckley, Mynydd Isa and Mold**

- There is local interest in exploring the options for the retention and development of Elfed High.
- There is local concern about the co-location of Westwood Primary with Elfed High.
- There is interest in transfer of the Westwood Centre and further development of Westwood Primary School to meet any future needs for primary provision within Buckley.
- There is some local interest in Buckley in reopening an option to amalgamate Elfed High and Argoed High School. Earlier consultation showed high levels of concern about such an approach in the Argoed High School community.
- None of these options have been approved in principle for funding via the 21st Century Schools programme.

**3.06 Holywell**

- There is strong local interest in exploring further the co-location and new build options for Holywell High School, Ysgol Perth y Terfyn and Ysgol y Fron.
- There remain local concerns about Holywell High School being designated as a 11-16 school. This option has been approved in principle for funding from the 21 Century School programme, as part of the local and national transformation of 14-19 education.

**3.07 Queensferry, Shotton and Connah's Quay**

- There is a high level of local concern about the option to amalgamate John Summers High and Connah's Quay High.
- There is local interest in exploring the options for a sixth form 'hub' in Connah's Quay.
- There is strong local interest for exploring further the development of John Summers High/Queensferry campus as an all-through 3-16 provision, but also a need for further work on developing how it would work.

**3.08** The establishment of a Post -16 Hub at Connah's Quay has been approved in principle by the Welsh Government for funding from the 21st Century Schools Programme. Some of the important criteria in the initial approval of projects for Capital investment by the Welsh

Government include the transformation of post-16 education to improve learner opportunities and outcomes, and increase efficiencies through integration. Education and training providers are challenged to 'set aside traditional, narrow, institutional arrangements and plan provision collectively across a geographic area' (Transforming Education and Training provision in Wales September 2008).

**3.09** Initial stages of consultation are intended to provide Members with information to assess whether criteria for issuing a statutory proposal for school organisational change are met. The criteria within local policy are the likelihood of securing:

- positive effect on the standard of education to be provided in the area, including provision for pupils with additional learning needs, delivery of the Foundation Phase and the 14-19 Transformation Programme Educational Impact);
- positive effect on having the right number and type of school places, for example meeting the levels of parental demand for particular types of provision (e.g. pre 16, post 16, Welsh and Faith);
- positive effect on accessibility to schools, particularly in rural areas and on the journey times to school (Sustainability);
- positive effect on compliance with equality legislation such as the Disability Discrimination Act 2002 and the Sex Discrimination Act 1975, and the Welsh Government's strategy for tackling child poverty (Equalities);
- positive effect on the Welsh language, its maintenance in the community and the extent to which proposals would enhance provision (Welsh Language);
- positive effect of additional community focused facilities or preserves existing community service provision offered by a school, together with the impact on the local community and on social cohesion (Community);
- positive impact towards achieving the County Council's agreed strategy for making all its school buildings fit for purpose and securing better use of buildings (Asset Management); and
- cost-effective proposals (e.g. has consideration been given to the extent of refurbishment or new build requirements and modular options) (Cost Effectiveness).

#### **4.00 RECOMMENDATIONS**

**4.01** That members receive the reports (in the Members' Library) relating to the consultation process.

**4.02** That members commission a further report with regard to the next steps in each area review.

#### **5.00 FINANCIAL IMPLICATIONS**

**5.01** Projects that have been put forward, and approved in principle by the

Welsh Government will need to be developed into a more detailed Outline Business Case, in accordance with the Five Case Business model which has been adopted by the Welsh Government as a standard means of submitting bids for capital funding for schools.

**5.02** The Welsh Government will also require evidence of the affordability and commitment of the Council to meet the balance of 50% of the overall costs. Likely sources for this would be Prudential Borrowing, release of Capital Receipts, and the use of Revenue funding for the development of new ICT provision. Capacity to deliver a large programme in the agreed timescale would also be a requirement.

**6.00** **ANTI POVERTY IMPACT**  
None at this stage of consultation

**7.00** **ENVIRONMENTAL IMPACT**  
None at this stage of consultation

**8.00** **EQUALITIES IMPACT**  
None at this stage of consultation

**9.00** **PERSONNEL IMPLICATIONS**  
None at this stage of consultation

**10.00** **CONSULTATION REQUIRED**  
None at this stage of consultation

**11.00** **CONSULTATION UNDERTAKEN**  
Consultation is set out at Section 2.06.

**12.00** **APPENDICES**  
Report relating to the consultations with Parents, Governors and Staff of the affected schools – available from Member Library

Report relating to the consultation with Pupils and Young People in the affected schools – available from Member Library

Additional Responses – available from Member Library

## **LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS**

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