

## **FLINTSHIRE COUNTY COUNCIL**

**1 MARCH 2016**

Minutes of the meeting of Flintshire County Council held at Council Chamber, County Hall, Mold on Tuesday, 1 March 2016

### **PRESENT: Councillor Ray Hughes (Chairman)**

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Adele Davies-Cooke, Alan Diskin, Glenys Diskin, Rosetta Dolphin, Ian Dunbar, Brian Dunn, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, George Hardcastle, David Healey, Cindy Hinds, Dennis Hutchinson, Joe Johnson, Rita Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Billy Mullin, Tim Newhouse, Sara Parker, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, Sharon Williams, David Wisinger and Arnold Woolley

### **APOLOGIES:**

Councillors: Chris Dolphin, Andy Dunbobbin, Hilary Isherwood, Ann Minshull, David Williams and Matt Wright

### **IN ATTENDANCE:**

Chief Executive, Chief Officer (Governance), Chief Officer (Community & Enterprise), Chief Officer (Planning & Environment), Chief Officer (Streetscene & Transportation), Corporate Finance Manager, Interim Human Resources & Organisational Development Manager, Revenues Manager, Member Engagement Manager, Team Manager - Committee Services and Committee Officers

## **97. COMMENTS FROM THE CHAIRMAN**

The Chairman welcomed Councillor Sara Parker, the newly elected Member for New Brighton, to her first Council meeting. He also welcomed the Council apprentices who were present to observe the meeting.

The Chief Executive advised that the webcast of the previous meeting - the first to be made available on the website - had been accessed by almost 300 viewers.

## **98. DECLARATIONS OF INTEREST**

Councillor Bernie Attridge declared a personal interest on Agenda Item 11 'Proposed Alterations to the Local Resolution Procedure'.

Councillor Sharon Williams declared a personal and prejudicial interest on Agenda Item 7 'Notice of Motion' relating to attendance at meetings and advised that she would leave the room for the debate.

**99. CHAIRMAN'S COMMUNICATIONS**

The Chairman referred to his communications which had been circulated to all Members before the meeting, adding that he had also attended the official opening of Ysgol Tŷ Ffynnon in Shotton.

**100. PETITIONS**

The Chief Officer (Governance) confirmed that none had been received.

**101. PUBLIC QUESTION TIME**

Mr. John Yorke was invited to read out his question which had been included on the agenda.

“Planning Applications refused by this Council’s Planning and Development Committee against the recommendations of officers, often result in appeals by the applicant to the Welsh Planning Inspectorate. If the applicant chooses the written representation appeal process, this Council’s officers make no submission in support of members’ refusal, and simply submit as evidence their original committee report of recommendation.

For appeals via the informal hearing or public inquiry process, the Council’s officers submit a formal report of objection, sometimes prepared by external consultants. Are the Cabinet, Executive and the Council’s elected members aware of this seemingly unfair disparity when the written process is utilised by an applicant. Are they knowledgeable of, and in agreement with the officers’ actions when dealing with a written representation appeal, or do they agree there is a need to resolve that uniform professional protection is afforded to their electorate, regardless of appeal route chosen by the applicant.”

As the Cabinet Member for Environment, Councillor Bernie Attridge provided a response which clarified the appeal process.

When asked if he wished to ask a supplementary question, Mr. Yorke questioned why the response was contradictory to the content of an email from the Chief Officer dated 13 November 2015. Councillor Attridge agreed to respond in writing to Mr. Yorke once he had had the opportunity to read the email.

**RESOLVED:**

That a written response be provided to Mr. Yorke on his supplementary question.

**102. QUESTIONS**

Councillor Tony Sharps was invited to read out his question which had been circulated to Members before the meeting, together with the response from the Cabinet Member for Environment.

“Could the Deputy Leader give a detailed explanation to council following his investigation as to why treatment works were not carried out on the evening of Monday, 11th January, 2016 - the morning of Tuesday, 12th January, 2016.

According to local press reports, over 60 vehicles were involved in accidents including a coach of Flintshire students taking them to college. Weather forecasters informed all North Wales that poor weather was on the way with wind, rain and frost.

For reasons only known to management, the gritters of Flintshire County Council failed to turn out. I should like to point out there was no shortage of grit or salt.”

Councillor Bernie Attridge drew attention to his detailed written response, which would also be made available alongside the agenda papers on the Council’s website. Councillor Sharps indicated that he had no supplementary questions.

### **103. NOTICE OF MOTION**

(i) The following Notice of Motion was received from Councillor Aaron Shotton

“Flintshire County Council notes:

- The UK Government has set out plans in its Trade Union Bill that specifically impact on Local Authorities and our relationships with our employees and trade unions.
- The UK Government intends to grant ministers the power to cut so - called "facilities time" in the public sector. This is paid time-off, mutually agreed between employers and unions, for union reps to represent their members and negotiate with their employer.
- The UK Government also proposes to prohibit public sector employers assisting unions to collect their membership subscriptions through payroll (check-off) - even though this is used for a variety of other staff benefits such as cycle-to-work schemes and childcare vouchers, and even though unions often meet the costs of this.

Flintshire County Council believes:

- All workers should have the right to belong to, and be active in, an effective trade union.
- Trade unions play an essential role in ensuring good industrial relations.
- The facilitation of trade union representatives to carry out their roles and duties, and the collection of union dues by “check-off” are useful tools in ensuring good industrial relations.

Flintshire County Council resolves: Immediately to support the Union’s efforts to move members onto direct debit subscriptions, through:

- Allowing union officials access to workers.
- Allowing additional facility time to Union representatives to visit their members to achieve this aim.
- Allows the distribution of union material through our email, intranet, payslips, internal mail and other communication systems.”

Councillor Shotton spoke about increasing opposition to the UK Government’s proposed Trade Union Bill and described this as a threat to democracy across the country, paying tribute to the campaigning efforts of Unite, Unison Cymru and Welsh TUC amongst others. He explained that his Motion sought to address this by allowing Trade Union colleagues to continue to operate in a free and fair manner in organising and recruiting Trade Union members. He cited the significant work undertaken with Trade Unions on implementing the Single Status Agreement, adding that that it was in the interests of the employer to recognise the benefits of allowing Trade Unions to recruit and access members, and to enable employees to express their views. The Motion was seconded by Councillor Bernie Attridge.

In support of the Motion, Councillors David Healey, Ian Dunbar and Paul Shotton highlighted the importance of having a mechanism for negotiation on industrial relations as recognised in the local steel industry, the negative impact of the Trade Union bill on local authorities and the need to protect good working conditions and relationships with Trade Unions for the benefit of local government workers.

Whilst Councillor Alison Halford praised the work of Trade Unions, she felt unable to make a decision until information was shared on facilities time allocated to Trade Union representatives to fulfil their roles, including that on Single Status, as this was not currently made available. She also felt it was important to seek the views of Group Leaders and therefore asked for the item to be deferred. Councillor Mike Peers voiced his support for Trade Unions but also welcomed a deferment of the item pending further information to assist the debate.

Councillor Arnold Woolley agreed with Councillor Halford’s view that details of the associated costs should be shared. In response to a comment on wording in the final paragraph of the Notice of Motion, the Chief Executive explained that this was intended to apply to all recognised Trade Unions.

In supporting the Motion, Councillors Peter Curtis and Dennis Hutchinson highlighted the involvement of Trade Unions in helping to resolve problems at an early stage and stressed that the Motion did not seek anything new but to continue with the current arrangements. Councillors Chris Bithell and Kevin Jones both referred to the potential negative impacts from the proposed Bill and welcomed continued appropriate levels of support for Trade Union colleagues to enable them to support the employer and employees.

Councillor Clive Carver agreed with Councillor Halford’s comments for clarity on the costs involved in facilities time and seconded the proposal to defer the item.

The Chief Officer (Governance) provided guidance on procedural rules, stating that the item could be adjourned rather than deferred, however the

Chairman would need to decide whether or not the item had been sufficiently debated without the information requested. The Chairman agreed to the Chief Executive's suggestion to allow other Members the opportunity to speak whilst officers considered the request for information.

Councillor Attridge requested a recorded vote on the substantive issue.

Councillors Carol Ellis and Alex Aldridge spoke in support of the Motion, commenting on the involvement by Trade Unions in empowering and supporting employees and the need to continue with the current arrangements.

Although Councillor Robin Guest agreed with the principle of the Motion, he felt that more detail should have been shared on the financial implications for the Council.

The Chief Executive reminded Members of the Council's legal obligations as the employer and gave a brief overview of the recognised Trade Unions currently working with the Council, adding that arrangements in Flintshire were consistent with other councils. In response to the comments made, he advised that the distribution of Trade Union materials incurred no cost to the Council and that Trade Unions paid for their own separate communications. The long-standing arrangement for the collection of monthly subscriptions from Trade Union members through the Council's payroll was facilitated by a charge recovered from Trade Unions. In respect of facilities time, it was noted that Unison (the largest Trade Union working with the Council) had 2.8 FTE (full-time equivalent) employees paid to carry out their duties, at no significant cost to the Council; information on the other Trade Unions could be provided if requested. The facilities agreement included the core capacity required by Trade Unions, however this was proportionate to the activity being undertaken. It was difficult to quantify the full cost of recognised work by the Trade Unions due to the range of activities over and above the core agreement, for example from assisting a Union member put at risk through to a greater level of input above the core capacity level, on the Single Status Agreement. In moving forward, there was a need to agree on an appropriate facilities agreement which should incur less costs through major activities. The Chief Executive referred to the stance taken by the Welsh Local Government Association (WLGA) in supporting a continuation of the current arrangements and the implications for the Council if the Bill were to be implemented.

The Chairman stated that the matter had been thoroughly debated and gave Councillor Aaron Shotton the right of reply before moving to the vote. In responding, Councillor Shotton stated his respect for the positions taken.

Councillor Halford repeated her request for a deferral based on the outstanding information she had requested.

Following his earlier comments, Councillor Peers stated that Notices of Motion submitted to the Council should include all the necessary supporting information. Having previously supported an adjournment, he indicated his support for the substantive Motion in light of the information provided by the Chief Executive.

In conclusion, Councillor Aaron Shotton urged Members to support the Motion to protect the value of good Trade Union relationships, pointing out the implications of the Bill in restricting engagement between Unions and their respective members.

The Chairman indicated to proceed to the recorded vote based on the adequacy of the debate and information given by the Chief Executive. The requisite number of Members indicated their support for the recorded vote. On being put to the vote, the Notice of Motion was carried.

**For the proposal:**

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Alan Diskin, Glenys Diskin, Rosetta Dolphin, Ian Dunbar, Brian Dunn, Carol Ellis, David Evans, Veronica Gay, Robin Guest, Ron Hampson, George Hardcastle, David Healey, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Joe Johnson, Rita Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Billy Mullin, Tim Newhouse, Sara Parker, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Carolyn Thomas, Sharon Williams, David Wisinger and Arnold Woolley

**Abstentions:**

Councillors: Clive Carver, Adele Davies-Cooke, Jim Falshaw, Alison Halford, Nigel Steele-Mortimer and Owen Thomas

Prior to the start of the next item, Councillor Sharon Williams left the room and returned following the debate.

(ii) The following Notice of Motion was received from Councillor Tim Newhouse

“Council notes the provisions of the Local Government Act 1972 section 85 and resolves that attendance by a member at a meeting of any committee or sub-committee of the Council as defined in section 85 (2) of the Act requires the attendance to be as a member of the committee, sub-committee or as appropriate or a substitute for a member. The fact of being a County Councillor and in attendance at such a meeting as an observer is not interpreted as attending as a member for this purpose, and that this is established as a convention in place of that approved by the Constitution Committee on 27 January.”

In support of his Motion, Councillor Newhouse asked Members to consider whether they felt it appropriate for Flintshire to be the only council in the UK where Members were entitled to their allowance if they attended two meetings per year, for a matter of minutes.

Prior to the debate, the Chairman asked that Members refrain from making comments that were personal to other Members, as this was a sensitive,

constitutional issue that would set a convention for all Members and not any one individual.

In opposing the Motion, Councillor Aaron Shotton clarified that there had been no changes to the Council's Constitution or the Local Government Act 1972 Act. He expressed concern that the Motion sought to overturn the democratic decision taken by the Constitution Committee some weeks earlier, pointing out that Section B of the Act referred to Members attending meetings of external bodies to represent their local authority. He referred to the detailed debate on this matter by the Constitution Committee resulting in agreement to support the Monitoring Officer's recommendation to interpret wording in the Act as including meetings where Members attended as observers, noting the common practice for Chairs to allow those individuals to participate if they wished.

Councillor Chris Bithell referred to the pilot of remote attendance which had been undertaken in recognition of Members' various commitments and felt that the Act had not been updated to take account of such commitments in changing times. He pointed out that a high proportion of Members' work took place outside committees including attending informal meetings on a regular basis which, although not recorded, were important elements of the role. Councillor Peter Curtis also spoke against the Motion, pointing out that the role of an elected Member involved more than attending meetings.

As Chairman of the Constitution Committee, Councillor Robin Guest pointed out that recommendations to the Committee could be overturned at Council by Members exercising their right to vote. He explained that there was no issue on timing as this was the first available Council meeting following the decision by the Constitution Committee where a number of strong views had been heard. In response to comments made, he agreed that there was an issue with interpretation of the legislation but pointed out that there had been previous opportunity to make changes to the legislation, which applied to all councils. He felt it was not a challenge to attend a meeting within six months to avoid disqualification.

In seconding the Motion, Councillor Peers referred to Section 85 (2a) of the Act on the requirement for Executive Members' attendance which demonstrated that the legislation had been updated. He spoke about the expectation for Members to participate at meetings, as opposed to just observing, adding that there was a statutory provision for the Council to consider the reasons for a Member's non-attendance before the expiry of six months.

Councillor Clive Carver concurred, saying that the minimum attendance should be achieved and involve the respective Member signing in and taking part in the debate. He pointed out that the second resolution of the Constitution Committee was that the Council confirm the authority of the Monitoring Officer to decide whether a Member had complied with the six month rule and proposed the following amendment to be added to the Notice of Motion: "For the avoidance of any doubt, this new convention shall be used to determine the recent case which was referred to at the Constitution Committee on 27 January 2016." This amendment was seconded by Councillor Nigel Steele-Mortimer.

The Chief Officer (Governance) advised that Councillor Newhouse could alter his Motion accordingly or put the amendment to the vote before the substantive Motion. Councillor Newhouse declined to adopt the amendment as part of his Motion. Following comments, the Chief Executive clarified that the outcome of the vote would apply to all Members including the case originally referred to.

Following procedural guidance from the Chief Officer (Governance), Councillor Carver indicated his willingness to withdraw the amendment as the original Motion would have the same effect. The Chief Officer confirmed that this was the case.

Speaking in support of the substantive Motion, Councillor Rosetta Dolphin alluded to the work of Town and Community Councillors and said there was an expectation for Council Members to attend the requisite number of meetings. Her request for a recorded vote was duly supported by the necessary number of Members.

Councillor Alison Halford spoke about the integrity of Members in representing their constituents. Councillors Richard Jones and Neville Phillips felt that this was a moral issue as Members were unable to represent their constituents by observing meetings. Councillor Hilary McGuill agreed that there was a moral issue and a need to clarify the meaning of the legislation.

The Chief Officer (Governance) clarified that the six month rule was contained in legislation and not the Council's Constitution. The aim was not to change the Constitution but to give Members the opportunity to comment on this sensitive issue arising from a gap in the caselaw and provide guidance for him to carry out his functions. For reference, he read out extracts from Section 85 of the Act relating to the six month rule and provision for Council to excuse non-attendance by a Member in advance of the end of that period. This also included provision for the six month rule to apply to Members of sub-committees, joint boards, working groups etc or Members representing outside bodies, however the examples given at the Constitution Committee had indicated the need for clarity on a 'voting member'.

Following queries raised by Members, the Chief Officer explained that his recommendation to the Constitution Committee was to seek confirmation on the proposed stance. The Chief Executive clarified that the matter had been referred to the Constitution Committee due to the lack of case law on applying the six month rule.

The Chairman allowed other Members the opportunity to speak before moving to the vote.

Councillor Arnold Woolley urged Members to consider the legal and moral aspects of the issue, along with the public perception on the decision made. Councillor Steele-Mortimer felt that interpretation of the six month rule had always been clear.

In concluding, Councillor Tim Newhouse repeated his opening statement and urged Members to support his Motion.

On being put to the vote, the Notice of Motion was lost.

**For the proposal:**

Councillors: Clive Carver, Adele Davies-Cooke, Rosetta Dolphin, Brian Dunn, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Dennis Hutchinson, Ray Hughes, Rita Johnson, Richard Jones, Phil Lightfoot, Brian Lloyd, Dave Mackie, Nancy Matthews, Hilary McGuill, Tim Newhouse, Sara Parker, Mike Peers, Neville Phillips, Gareth Roberts, David Roney, Nigel Steele-Mortimer, Owen Thomas and Arnold Woolley

**Against the proposal:**

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Alan Diskin, Glenys Diskin, Ian Dunbar, Carol Ellis, David Evans, Ron Hampson, George Hardcastle, David Healey, Cindy Hinds, Joe Johnson, Christine Jones, Kevin Jones, Richard Lloyd, Mike Lowe, Billy Mullin, Vicky Perfect, Mike Reece, Ian Roberts, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Carolyn Thomas and David Wisinger

**RESOLVED:**

- (a) That the Notice of Motion on Trade Unions be supported; and
- (b) That the Notice of Motion on Member attendance at meetings be rejected.

Following the item, the Chairman announced a short adjournment in the meeting.

**104. COUNCIL TAX SETTING FOR 2016-17**

The Revenues Manager presented the report to formally set the Council Tax for 2016/17 by the statutory deadline. The Council Tax resolution included precepts relating to the County Council, Police & Crime Commissioner for North Wales and all Town/Community Councils. The Council Tax charges/levels detailed in the report had been approved as part of the final budget proposals on 16 February 2016 with the proposed 4.5% increase in County Council precept equating to £1,071.41 per year on Band 'D' properties. The report also sought agreement to offer no discount in the level of Council Tax charges for second homes and long term empty homes (linked to the next agenda item) and to allow designated officers, including the Revenues Manager and his team, to institute legal proceedings and appear in Court on the Council's behalf in respect of unpaid taxes.

Councillor Mike Peers sought information on the £15,069,691 precept paid by the Council to the P&CC along with any impact on staff in collecting the amount. The Revenues Manager explained that this figure was the total premium levied for 2016/17 and equated to a £240.12 charge for each Band 'D' property. This was an increase of £4.68 or 1.99% from the previous year.

The Chief Executive referred to debate at the Corporate Resources Overview & Scrutiny Committee where it was clarified that the costs of the Police & Crime Commissioner and his office were funded by the Home Office and that

the Council's contribution was for the North Wales Police force. Whilst the Council had no direct role in challenging the precept amount beyond the Police & Crime Panel, concerns had been raised on the previously predicted increase in the precept. The final precept was lower than predicted. It was also clarified that the Council was unable to recover administrative costs for the collection of the precept.

As Chair of the Police & Crime Panel, Councillor Glenys Diskin gave an assurance that whilst the panel undertook careful scrutiny, it had no powers to make changes to the precept.

Councillor Carver requested that his vote against the motion be recorded.

**RESOLVED:**

- (a) That the 2016-17 Council Tax be set as detailed in Appendix 1 to the report;
- (b) That no discount in the level of Council Tax charges for second homes and long term empty homes be offered; and
- (c) That designated officers issue legal proceedings and appear on behalf of the Council in the Magistrates' Court for unpaid taxes.

**105. INTRODUCTION OF COUNCIL TAX PREMIUM FOR LONG TERM EMPTY AND SECOND HOMES**

The Chief Officer (Community & Enterprise) introduced a report seeking approval to introduce a premium on long-term empty homes and second homes from April 2017, as set out in the Housing (Wales) Act 2014. In presenting the report, she explained that it was a key strategic priority for the Council to encourage individuals to utilise the range of support available, to minimise the number of empty homes and bring them back into use. There were currently over 800 empty properties which could benefit local people on the housing waiting list and help to meet the anticipated demand for social and affordable homes. Approval by full Council was required at this stage to allow the requisite 12 months' notice to be given to owners to charge the premium and to remind them of the support routes available to help bring their empty homes back into use.

The Revenues Manager explained that under the legislation, Welsh councils had the option to charge up to 100% additional Council Tax for long-term empty properties and second homes to meet local housing needs. The proposal to introduce a 50% premium for the first year starting in 2017/18 had been recommended by the Community & Enterprise Overview & Scrutiny Committee and endorsed by Cabinet. Consultation with residents had resulted in two responses: one opposing the premium for second homes and the other raising concerns about empty properties for sale. However, the Welsh Government (WG) had introduced a range of safeguards to lessen the impact on residents, including granting a further 12 month exemption from April 2017 for owners of long-term empty properties for sale.

In moving the recommendations, Councillor Chris Bithell welcomed the aim to reduce the housing waiting list and tackle the problem of uninhabited empty properties which impacted on neighbourhoods, acknowledging the safeguards in place for specific cases. In response to a question, the Revenues Manager confirmed that the legislation allowed unoccupied properties with no probate granted to be exempt indefinitely from Council Tax until such time as probate was granted. Councillor Aaron Shotton seconded the proposal and thanked the officers for the detailed report.

Councillor Mike Peers raised points about the need to understand the implications of the new regulations and the effects of reducing government grants. He felt that examples could have been provided to support the rationale of introducing a 50% premium and its impact, and suggested an amendment for a variable 25% premium to be applied in the first year depending on the condition of the building. This was seconded by Councillor Owen Thomas.

The Chief Officer (Community & Enterprise) explained that although details of the new regulations had only recently been received, discussions had been ongoing for some time in preparation for the new legislation. Despite the Council's stance in charging full Council Tax on empty homes in the county and actively promoting the range of support available to minimise empty homes, over 800 homes were currently empty. It was for this reason that a premium of 100% had been considered, however 50% was proposed to be consistent with the other councils across the region.

In response to comments from Councillor Alex Aldridge on the proposed amendment, the Chief Executive confirmed that this was a Council matter and was therefore subject to legitimate challenge. He explained that the 50% benchmark had been set in view that this was new legislation.

The Revenues Manager stressed the importance of a determination by Council 12 months' ahead of implementation. In response to the amendment, he stated that WG guidance gave councils the option to vary their determination within the 12 month period, however he felt it was important to state clearly and show consistency on the determination.

On being put to the vote, the amendment was lost.

In response to a query from Councillor Clive Carver, the Chief Executive said that monies raised by the Council contributed to local services and that charges for second homes were legitimate. Councillor Gareth Roberts welcomed the recommendations in addressing long-term uninhabited houses which were a blight to local communities. In supporting the recommendations, Councillor Kevin Jones commented on the 12 month exemption for long-term properties put up for sale and the need for the Council to benefit from the value of sold properties which had been brought up to standard.

The Revenues Manager advised that the Council decision would take effect on long-term empty properties and second homes from 1 April 2016, giving 12 months' notice before the premium was applied or extending for a further 12 months for properties for sale, giving opportunity to encourage owners to bring their properties back into use.

Councillor Richard Jones referred to the figures in the report and asked about the expected number of exceptions. Officers explained that exemptions had not been taken into account as this was difficult to predict at this time, however 'real time' information would be shared with Cabinet and Overview & Scrutiny over the next 12 months. It was acknowledged that the figures quoted would include some genuine cases where there would be a deferral of the charge.

On being put to the vote, the substantive motion was carried.

**RESOLVED:**

- (a) That the council tax premium scheme be introduced from 2017-18;
- (b) That a 50% premium be adopted for the first year of implementation in 2017-18 for properties classed as second homes and long term empty homes; and
- (c) That the premium level during the first year of implementation be reviewed with a view to increasing the rate from 2018-19 after taking into consideration the effectiveness of the new policy in incentivising owners to bring long term empty property and second homes back into full use.

**106. PAY POLICY STATEMENT FOR 2016/17**

The Chief Executive presented the report to seek approval of the Council's Pay Policy Statement in line with the legal requirement to publish this annually before 31 March 2016. He explained that there were no differences from previous agreements of the Council and that the request for delegation related to the nationally agreed pay awards over the summer period.

**RESOLVED:**

- (a) That the Pay Policy Statement for 2016/17, as appended to the report, be approved; and
- (b) That the Interim HR & OD Manager, on behalf of the Chief Officer (People & Resources), be given delegated authority to make amendments as necessary to reflect the nationally agreed pay awards, once finalised, without the requirement to return to full County Council.

**107. PROPOSED ALTERATIONS TO THE LOCAL RESOLUTION PROCEDURE**

The Chief Officer (Governance) introduced a report seeking approval on proposed alterations to the Local Resolution Procedure (LRP), as recommended by the Standards Committee and Constitution Committee. The changes were to impose a 30 day time limit for referral of complaints to the Monitoring Officer from the date that the complainant becomes aware of the incident giving rise to the complaint, and to add a time limit to resolving complaints under the LRP of 12 months. A further recommendation was for these time limits to be extended at the discretion of the Monitoring Officer.

**RESOLVED:**

That the amended wording to the Local Resolution Procedure (as highlighted in tracked changes to the current Local Resolution Procedure at Appendix 1 to the report) be approved and adopted.

**108. TIMING OF COUNCIL MEETINGS**

A report was received to seek views on holding Council meetings at 5pm during the next municipal year, following a recommendation by the Democratic Services Committee. This would provide an opportunity to consider and comment on whether a more flexible arrangement would help to accommodate Members with other responsibilities. The results of a survey being undertaken would seek Members' preferences on times for committee meetings.

In view of the number of Members remaining at the meeting, Councillor Aaron Shotton felt that all Members should be given the opportunity to discuss the matter at the Annual General Meeting. Whilst supporting the principle of holding Council meetings at 5pm, he felt it was important to examine a variation of times to encourage wider attendance in the interests of diversity. He proposed an amendment to accept the recommendation by the Constitution Committee to conduct the survey and to bring the outcomes to the AGM. This was seconded by Councillor Bernie Attridge.

Whilst Councillor Mike Peers supported the amendment, he felt that the survey should take account of a range of meetings to accommodate all Members.

Councillor Alex Aldridge said the debate at the Democratic Services Committee had recognised the need to accommodate Members with commitments during the day. He supported the principles of the amendment but felt it important that the survey acknowledge Members' commitments to Town and Community Councils.

The Chief Officer (Governance) advised that the Democratic Services Committee had resolved to consider the results of the survey at its meeting on 27 April 2016. The amendment put forward by Councillor Shotton would seek a decision at the AGM, informed by the discussion of the Committee.

The Chief Executive said that the survey should include wider consideration of the impact on meetings of school governing bodies and other external bodies.

The Chairman highlighted the importance of considering the timing of other important meetings such as Town and Community Councils and school governors. Councillor Richard Jones asked that the survey also seek views on whether Members wished to continue with the August recess. Councillor Chris Bithell referred to the proposed 5pm meeting start before the survey had taken place and stressed the importance of ensuring all Members had the opportunity to air their views.

**RESOLVED:**

That the recommendation by the Constitution Committee to conduct the survey on Members' preferences be accepted, with the outcome to be discussed at the Council's AGM, following consideration by the Democratic Services Committee on 27 April 2016.

**109. CONTRACTS REQUIRING SEALING**

The Chief Officer (Governance) introduced a report seeking approval to amend Section 12.10 of the Constitution in relation to certain categories of contracts to be 'under seal' (to have the Council's official seal attached rather than being signed by a manager). The removal of the suggested wording would clarify the requirement for contracts exceeding £250,000 to be executed under seal, as set out in the categories within the Contract Procedure Rules.

In response to a query from Councillor Mike Peers, the Chief Officer provided clarification on the consultation process for the Contract Procedure Rules.

**RESOLVED:**

That Section 12.10 of the Constitution be amended by deleting the words struck out as follows:

**"Authentication of Documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Chief Officer, Governance or other person authorised by him/her, unless any enactment otherwise authorises or requires, or the Council has given requisite Authority to some other person. ~~Notwithstanding any arrangements set out within the Contract Procedure Rules which may require particular forms of contract for contracts of a lesser value, the Council expressly resolves that any contract with a value exceeding £50,000 entered into on behalf of the local Authority in the course of the discharge of a Executive Function shall be made in writing. Such contracts must either be signed by at least two officers of the Authority or made under the common seal of the Council attested by at least one officer."~~

**110. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE**

There was one member of the press and 13 members of the public present.

(The meeting started at 2.00 pm and ended at 5.35 pm)

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**Chairman**