

FLINTSHIRE COUNTY COUNCIL

19 OCTOBER 2016

Minutes of the meeting of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Wednesday, 19 October 2016

PRESENT: Councillor Peter Curtis (Chairman)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Adele Davies-Cooke, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Veronica Gay, Robin Guest, Ron Hampson, George Hardcastle, David Healey, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Hilary Isherwood, Joe Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Brian Lloyd (Vice-Chairman), Richard Lloyd, Dave Mackie, Nancy Matthews, Hilary McGuill, Ann Minshull, Billy Mullin, Tim Newhouse, Sara Parker, Mike Peers, Vicky Perfect, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Haydn Bateman, Ron Davies, Rosetta Dolphin, Brian Dunn, Jim Falshaw, Alison Halford, Rita Johnson, Phil Lightfoot, Mike Lowe, Neville Phillips, Carolyn Thomas, Owen Thomas, Sharon Williams and Matt Wright.

IN ATTENDANCE:

Chief Officer (Governance), Chief Officer (Education and Youth), Chief Officer (Organisational Change), Chief Officer (Planning and Environment), Chief Officer (Social Services), Chief Officer (Streetscene & Transportation), Member Engagement Manager and Team Manager – Committee Services

44. PRESENTATIONS

The Chairman welcomed the following to the meeting to receive presentations:

Countryside Services

The Chief Officer (Planning and Environment) said the slides demonstrated the wide variety of work undertaken in the service and demonstrated partnership and collaborative working.

The Deputy Leader and Cabinet Member for Environment, Councillor Bernie Attridge, said that the award presented by Aggregate Levy Funds Wales not only celebrated the work of the Countryside Services team, for delivering the best project it funded in 2015, it was also testament to the power of the voice of local communities who called for the safeguarding of those significant landmarks. As a result of the quality of work undertaken by the Countryside Services Team visitors, school children and local people were enjoying visits to the site and learning about its rich heritage.

Councillor Legg congratulated the team and paid tribute to them for their hard work.

Environmental Health Team

The Chief Officer (Planning and Environment) said this had been a multi-agency project which had been co-ordinated by the Chief Officer (Community and Enterprise). The Environmental Health Team had been awarded the Organisation of the Year Award at the House of Lords in the summer.

The Cabinet Member for Waste Strategy, Public Protection and Leisure said the Chartered Institute of Environmental Health had awarded Flintshire's Environmental Health Officers 'Organisation of the Year' because their achievements showcased the importance of Environmental Health in terms of both safeguarding those people affected and ensuring that criminal wrong doing was punished. Their actions and powers saved the lives of 107 people who were trapped in a horrendous situation and who had come to the UK to legitimately work in order to earn an honest living and support their families.

Councillor Christine Jones expressed her thanks to the team for the operation which was within her ward. She said it was a sensitive process that took a number of months to plan. She commented on Anti-Slavery day which was the previous day of which this had been an example of.

45. COUNCIL MINUTES

The minutes of the meeting held on 26th September 2016 had been circulated with the agenda.

Accuracy

Apologies to be recorded for Councillors Richard Lloyd and David Wisinger.

RESOLVED:

That subject to the above amendments, the minutes be approved as a correct record.

46. DECLARATIONS OF INTEREST

The Chief Officer (Governance) advised that all Members had a personal interest in agenda item number 12 – Independent Remuneration Panel for Wales (IRPW) Draft Annual Report for 2017.

Councillor Dunbobbin declared a personal interest in agenda item number 10 – Annual Performance Report 2015/16.

Councillor Banks declared a personal interest in agenda item number 11 – Contract Procedure Rules.

47. CHAIRMAN'S COMMUNICATIONS

A copy of the Chairman's communications had been circulated to all Members prior to the meeting.

Councillor Mullin referred to Anti-Slavery Day the previous day and read out the following statement:

"It is of grave concern to this Council that, despite the abolition of the transatlantic slave trade over 200 years ago, modern-day slavery still exists in the UK, and overseas, today. Human trafficking and exploitation is a major issue, with children, women and men being victims of terrible abuse. This Council urges residents of Flintshire and beyond to be proactive in our fight against it, and this is an issue which concerns us all".

48. PETITIONS

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

49. PUBLIC QUESTION TIME

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

50. QUESTIONS

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

51. NOTICE OF MOTION

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

52. ANNUAL PERFORMANCE REPORT 2015/16

The Chief Officer (Organisational Change) introduced the Annual Performance Report for 2015/16 which reviewed progress against the Improvement Priorities as detailed in the Improvement Plan 2015/16.

The report reflected the overall good progress that had been made against the priorities and the high level of confidence in achieving the desired outcomes. It also demonstrated that risks were managed well, with only 1 remaining at a high level at year end.

The Corporate Business and Communications Executive Officer delivered a presentation which covered the following areas:

- Format and content
- Performance Overview 2015/16
- Progress Overview
- Highlights
- Areas for Improvement
- Performance Overview
- Wales Audit Office (WAO) – 2015/16 View

- Overview
- Next Steps

A sheet had been handed to Members which listed a number of addendums to the report, some of which had arisen following the Cabinet meeting the previous day.

Councillor Mullin thanked the officers for their work on the Annual Performance Report.

Councillor Carver commented on the number of addendums given to Members at the meeting and moved that the report be deferred to be amended and brought back before all Members at a future meeting. This was duly seconded by Councillor Richard Jones. The Corporate Business and Communications Executive Officer explained that the addendums were technical amendments in the main and had been taken into account in the presentation delivered.

Councillor Aaron Shotton said the report had been considered at each of the Overview and Scrutiny Committees as part of the process of consultation. The addendums addressed any comments made at the Overview and Scrutiny Committee meetings. There were no substantial changes in the paper given to Members.

Councillor Dolphin acknowledged the amount of work done on the APR. However, he commented on town and rural regeneration and stressed the importance of rural areas. He also commented on transport infrastructure and asked how the information had been assessed. On C roads, he queried the improvement of roads in rural locations.

The Chief Officer (Governance) reminded Members that they needed to be speaking on the amendment at this point.

Councillor Richard Jones said he would have also sought a deferment. 12 of the addendums were numerical which he said had an impact on the data throughout the document. He also queried whether Wales Audit Office (WAO) had seen the 31 addendums. He commented on missing items from the original document and supported Councillor Carver's motion of deferral. The Corporate Business and Communications Executive Officer explained that WAO had seen a first draft of the document and made comments. A Certificate of Compliance would not be issued by WAO until the document was published on the website.

Councillor Peers said the report was not considered at the Community and Enterprise Overview and Scrutiny Committee; it was last considered by that Committee in March 2016. He felt it was unacceptable to be presented to Members today with the addendums circulated.

Councillor Guest said it was not ideal that the list of addendums had not been seen by Members prior to the meeting. Some of the changes were marginal which would not necessarily require a deferment but he asked for further information on the point raised by Councillor Richard Jones on missing information. The Corporate Business and Communications Executive Officer

said she did not have the original document before her but it had been the intention to include all areas of commitment that had been made including the measures.

Councillor Bithell commented on one of the addendums which had been included following the Cabinet meeting the previous day and related to Disabled Facilities Grants for children. He thanked the officer for the amendment which provided a more accurate picture of the priority.

Councillor Mullin reiterated that the addendums were technical amendments and should not distract from a positive news report.

Councillor Carver requested a recorded vote and was supported by the requisite number of Members. On being put to the vote the amendment was lost.

For the amendment:-

Councillors: Carver; Dolphin; Gay; Guest; Hutchinson; Isherwood; Richard Jones; Mackie; Matthews; McGuill; Peers; Gareth Roberts; Steele-Mortimer and Woolley.

Against the amendment:-

Councillors: Attridge; Banks; Bateman; Bithell; Brown; Butler; Cox; Cunningham; Curtis; Alan Diskin; Glenys Diskin; Dunbar; Dunbobbin; Ellis; Evans; Hampson; Hardcastle; Healey; Hinds; Hughes; Johnson; Christine Jones; Kevin Jones; Brian Lloyd; Richard Lloyd; Mullin; Newhouse; Parker; Perfect; Ian Roberts; Roney; Sharps; Aaron Shotton; Paul Shotton; Smith; David Williams and David Wisinger.

Abstentions:-

Councillor Colin Legg.

The Chief Officer (Governance) advised that any debate was now on the substantive motion.

Councillor Ellis commented on Risk Reference IP2.1.2R1 – ‘Funding between Health and Council does not transfer smoothly; e.g. CHC, ICF, Primary Care Funds’ which was risk rated as amber and was the only risk with an increasing trend. She said continuing health care had a big impact on the social services budget which had been raised in Social and Health Care Overview and Scrutiny Committee. Attempts had been made to hold Betsi Cadwalader Health Board to account as it was a worrying position for the residents of Flintshire.

Councillor Aaron Shotton said the APR was a culmination of 12 months of work and commented on some of the positive areas within the report such as increasing the numbers of new Council and affordable homes through the Strategic Housing Regeneration Programme (SHARP).

Councillor Paul Shotton also commented on the positive outcomes within the report which were being achieved despite Flintshire being a low funded Council per capita.

Councillor Peers supported those positive comments but raised concerns on inconsistency. Section 1 showed Appropriate and Affordable Homes as having an outcome RAG status of green which he felt was fair in relation to new homes. However, on affordable housing supplied through Section 106 Agreements he felt this was not the case. In February 2016 the Community and Enterprise Overview and Scrutiny Committee received a report which showed that the supply of affordable housing would continue to be insufficient to meet community needs. This was shown as Risk Reference IP1.1.1R3 which showed that risk as having an initial rating of red however that had now moved to amber despite no supporting commentary. He sought clarification on Risk Reference IP7.2.1R4 'Recycling programmes are not supported by the public and employees'.

Councillor Richard Jones reiterated his comments on items from the original document not being included in this document such as: filling of accommodation; one page profile in care homes; evaluation of impact of pilot schemes on the older people's commissioner's report; launch of a construction academy; entrepreneurs programme; and environmental improvement programme in Garden City. Councillor Christine Jones thanked the officers for the amendment in relation to the number of Memory Cafes which was 6 and not 16 as detailed. She also confirmed that the work on one page profiles in care homes had been completed.

Councillor Guest asked sought clarification on the figures on the slide 'Performance Overview' which totalled 108%.

Councillor David Williams asked if the amendments circulated would be included in the final document which was confirmed.

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

RESOLVED:

That the 2015/16 Annual Performance Report be adopted as recommended by Cabinet.

Presentation - Annual Performance Report

53. CONTRACT PROCEDURE RULES

The Chief Officer (Governance) introduced the report on Contract Procedure Rules (CPRs).

The CPRs set out how officers must advertise and award contracts to ensure that they were let in a lawful, fair and open manner. It was timely to review them in light of changes in European procurement law, the introduction of the Well Being of Future Generations Act, the move to electronic procurement and the introduction of the new Welsh Language Standards.

The Council shared its procurement service with Denbighshire County Council and adopting the same CPRs would ensure consistency for suppliers and the service itself.

The contract values and appropriate authorisation levels were detailed in the report. Also outlined was information on community benefits which were additional services or investment made by contractors in addition to the goods and services they were contracted to provide. An example of such a benefit was the apprenticeship scheme as part of the SHARP programme.

Councillor Attridge moved approval which was duly seconded.

Councillor Aaron Shotton explained that the report had been considered at Audit Committee, Cabinet and Constitution Committee. The changes to the CPRs would see the threshold for mandatory inclusion of community benefits being dropped from £2 million to £1 million. That was not only in line with Welsh Government's Procurement Policy Guidance, but also reflected the Council's Improvement Plan where the aspiration was to include community benefit clauses in every contract.

Councillor Peers sought clarification on contracts being awarded over £1 million as there appeared to be inconsistencies in the report on the authorisation levels. The Chief Officer explained that the CPRs governed a contract from inception to work being completed. When a contract was authorised the highest appropriate level of authorisation would apply. At following stages, such as invoices being paid, these would be delegated to officers.

Councillor Richard Jones asked for clarification on the difference between multinational companies and local large companies and asked if local companies would be given preference. The Chief Officer explained that in the 1980s there were Councils that refused to trade with South Africa. Legislation was passed that said a Council could not take into account the location of a company when letting a contract which prohibited specific reference to saying a local company would be considered. The Procurement Strategy which would be considered at Cabinet on 15th November 2016 would say small and medium sized enterprises would be encouraged to bid for work, which by their very nature were generally local companies.

Councillor McGuill asked if the Council had any consultants that are incentive led. The Chief Officer said he did not have the answer to that question but he would provide a written response to Councillor McGuill with a copy to all other Members.

RESOLVED:

That the proposed Contract Procedure Rules be adopted with harmonised delegated authority levels for spending decisions within the Constitution with effect from 1 November 2016.

54. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) DRAFT ANNUAL REPORT FOR 2017

The Chief Officer (Governance) introduced the report on the Independent Remuneration Panel for Wales (IRPW) Draft Annual Report for 2017/18.

The IRPW proposed the following changes:

- Basic salaries a “very modest increase of 0.75% to the basic salary” for Councillors which equated to an increase of a £100 to the basic salary to £13,400.
- No increase to senior salaries
- Sickness absence for senior salary holders
- Rename Care Allowances to Reimbursement of Costs of Care

Councillor Peers said that a number of years ago Flintshire Members voted to not determine their own remuneration but let the decision be taken by the IRPW. The Chief Officer advised that this was a draft with the final report being published in February 2017 and explained that a number of the suggestions did not relate to remuneration.

Councillor Guest supported each of the proposals with the exception of the 0.75% increase which he also felt should be determined by the IRPW and not Members.

Following the comments made, Councillor Aaron Shotton suggested that the report be discussed at the next Group Leaders meeting where a response could be agreed and sent before the end of the consultation period which was 28th November 2016 which was supported.

RESOLVED:

That a response to the IRPW be determined at the next Group Leaders meeting and submitted prior to the deadline of 28th November 2016.

55. OVERVIEW & SCRUTINY ANNUAL REPORT FOR 2015/16

The Member Engagement Manager introduced the Overview and Scrutiny Annual Report for 2015/16.

The Annual Report was prepared on an annual basis which provided assurance that the Overview and Scrutiny function was fulfilling its constitutional role. The Annual Report now included details on the use of call in which followed a request when the Annual Report was last presented to County Council.

Councillor Guest thanked the Member Engagement Manager and colleagues for the work undertaken during the year in assisting with the Overview and Scrutiny process. He also congratulated the Member Engagement Manager on his successful appointment as Democratic Services Manager with effect from 1st November 2016.

Councillor Peers asked if the call in meeting on 14th May 2015 which related to car park changes could be included within the Annual Report which was agreed.

RESOLVED:

That the Overview & Scrutiny Annual Report for 2015/16 be received.

56. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press and no members of the public present.

(The meeting started at 2.00pm and ended at 4.15pm)

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Chairman