

## **FLINTSHIRE COUNTY COUNCIL**

**18 MAY 2017**

Minutes of the meeting of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Thursday, 18 May 2017

### **PRESENT: Councillor Brian Lloyd (Chairman)**

Councillors: Paul Cunningham (Vice-Chair), Bernie Attridge, Janet Axworthy, Glyn Banks, Haydn Bateman, Marion Bateman, Sean Bibby, Chris Bithell, Sian Braun, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, David Cox, Jean Davies, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, Carol Ellis, David Evans, Veronica Gay, Ron Hampson, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Andrew Holgate, Dave Hughes, Kevin Hughes, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Mike Reece, Ian Roberts, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Martin White, David Wisinger and Arnold Woolley

### **APOLOGIES:**

Councillors: Mike Allport, George Hardcastle and David Williams.

### **IN ATTENDANCE:**

Chief Executive, Chief Officer (Governance), Chief Officers (Organisational Change), Chief Officer (Planning and Environment), Chief Officer (Community and Enterprise), Chief Officer (Social Services), Democratic Services Manager, Corporate Finance Manager, Team Leader – Committee Services and Father Roberto Ciardo for prayers.

Prior to the commencement of the meeting Councillor Aaron Shotton paid tribute to Rt Hon Rhodri Morgan, former First Minister of Wales, who had sadly passed away the previous day. He commented on his political success, particularly in the devolution of politics in Wales. He had fond memories of him on a personal level but also of the work he was involved in within the County such as at investments at Airbus. The Chair also paid tribute to Mr Morgan.

## **1. DECLARATIONS OF INTEREST**

The Chief Officer (Governance) advised that all Members had a personal interest in agenda item number 11 – Schedule of Remuneration 2017-18.

## **2. CHAIR'S REVIEW OF THE YEAR 2016/17**

Mr Curtis, as outgoing Chair, welcomed all new and returning Members to the meeting. He presented his review of the year and highlighted the achievements of the Council, in particular the opening of Holywell High School and the number of new Council houses that had been built. He thanked his consort for her support and the Vice-Chair, Councillor Brian Lloyd, for his support. He also thanked Reverend Roberto Ciardo who had been his chaplain.

He and his consort had met wonderful people from within the County and also from attending Chair's charity functions at neighbouring authorities.

In closing, he thanked the Chief Officer team and all of the Council's employees who delivered the Council services and also for supporting him in raising £8,000 for his chosen charities.

Councillor Aaron Shotton thanked Mr Curtis for the work undertaken in his role as Chair of the Council which had seen him as a good ambassador for the County. His work had been carried out with good grace and humour and he would be missed by colleagues. He wished Mr Curtis and his wife Jenny the best of luck for the future.

Councillor Palmer, on behalf of Holywell Town Council, wished Mr and Mrs Curtis a wonderful retirement.

Councillor Peers congratulated Mr Curtis in what was his second term of office as Chair of the Council. He commended him on his fairness during meetings and the equality of treatment at all times and wished him well in his retirement.

**3. APPOINTMENT OF CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2017/18, INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor Ray Hughes and seconded by Councillor Aaron Shotton that Councillor Brian Lloyd be elected Chairman of the Council for the municipal year 2017/18.

**RESOLVED:**

That Councillor Brian Lloyd be elected Chairman of the Council for the municipal year 2017/18.

Councillor Lloyd was invested with the Chain of Office by the retiring Chairman and signed his Declaration of Acceptance of Office in the presence of the Chief Executive.

(At this point Councillor Lloyd chaired the remainder of the meeting.)

The Chairman then presented Mr Peter Curtis with his retiring Chairman's Badge of Office and his Consort Mrs Jenny Curtis with her retiring Badge of Office.

The Chairman responded and thanked Members for their support in electing him as Chairman for the year ahead.

4. **APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR THE MUNICIPAL YEAR 2017/18, INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor Ian Roberts and seconded by Councillor Aaron Shotton that Councillor Paul Cunningham be appointed Vice-Chairman for the municipal year 2017/18.

**RESOLVED:**

That Councillor Paul Cunningham be appointed as Vice-Chairman of the Council for the municipal year 2017/18.

Councillor Cunningham was invested with the Chain of Office by the Chairman and signed the Declaration of Acceptance of Office in the presence of the Chief Executive.

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

It was proposed by Councillor Tony Sharps and seconded by Councillor Ray Hughes that Councillor Aaron Shotton be appointed Leader of the Council for the municipal year 2017/18.

Councillor Sharps 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. Whilst supporting Councillor Shotton he added that the Independent Members would remain independent of group control.

Councillor Sharps raised a concern on the response time to Councillors by some departments. The Chief Executive said this had been raised with him and a set of standards that would be required to be met was being created.

**RESOLVED:**

That Councillor Aaron Shotton be appointed Leader of the Council for the municipal year 2017/18.

6. **APPOINTMENT OF THE CABINET BY THE LEADER OF THE COUNCIL**

Councillor Aaron Shotton thanked Members for their support in appointing him as Leader of the Council for the next 12 months which was an honour. He commented on the challenges ahead and also the united support that had been seen across the Chamber in recent years for the good of Flintshire residents and services and he hoped that would continue.

In accordance with the Constitution, Councillor Aaron Shotton 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.

<b><u>Cabinet Member</u></b>	<b><u>Portfolio</u></b>
Aaron Shotton	Leader of the Council & Cabinet Member for Finance
Bernie Attridge	Deputy Leader of the Council & Cabinet Member for Housing
Chris Bithell	Cabinet Member for Planning and Public Protection
Derek Butler	Cabinet Member for Economic Development
Christine Jones	Cabinet Member for Social Services
Billy Mullin	Cabinet Member for Corporate Management and Assets
Ian Roberts	Cabinet Member for Education
Carolyn Thomas	Cabinet Member for Streetscene and Countryside

## **7. FLINTSHIRE COUNTY COUNCIL ELECTIONS 4TH MAY 2017**

The Chief Executive, as the Returning Officer, congratulated all Members on their election to the Council. He presented the report on the County Council Elections which had taken place on 4<sup>th</sup> May 2017.

The report confirmed that the local elections were conducted in accordance with elections law, guidance and common practice, and to the performance standards set for the Returning Officers, and provided details of the election results and the political composition of the Council.

He thanked the Deputy Returning Officer, the Elections Team, candidates, agents and party activists for their involvement in the election and he commented on the increasing difficulty in the process due to the growth in social media.

He also thanked new and returning members for the involvement in the induction sessions.

Councillor Peers and Paul Shotton thanked the Elections Team for their help during the election and also to the Returning Officer, Deputy Returning Officer, polling station staff and count staff.

Councillor Peers commented on the distasteful and derogatory comments of the First Minister prior to the election on Independent candidates. He had written to the First Minister seeking an apology but had not received one to date.

Councillor Carolyn Thomas said there was an error in the appendix to the report as she had stood as a Labour candidate. The Chief Executive apologised for this.

**RESOLVED:**

That the report be noted.

**8. CONSTITUTIONAL MATTERS : COMMITTEES AND INTERNAL BODIES**

The Council considered the report of the Chief Officer (Governance) which dealt with matters that required decision at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii) – (xiv). The report was split into sections, each one dealing with one decision that needed to be made and the relevant issues for consideration. Each section was considered and voted on in turn.

In addition, Council also considered the appointment of a new lay member to the Audit Committee which was outlined in a separate report, and also approved the process for selecting a town and community representative on the Standards Committee. There was also a number of changes to be made in how the Planning Committee would operate to ensure compliance with legislation which came into force on 5<sup>th</sup> May 2017.

**(A) Appointment of Committees**

The Chief Officer (Governance) explained that the Constitution provided for the appointment of the following: Audit Committee; Clwyd Pension Fund Committee; Constitution Committee; Democratic Services Committee; Joint Governance Committee (for Pensions); Licensing Committee; Planning and Development Control Committee; Standards Committee and six Overview and Scrutiny Committees.

The Constitution Committee and Democratic Services Committee had very similar roles. At the last meeting of the Constitution Committee there was a request for the two committees to be combined. The statutory remit was considered sufficiently broad to encompass the role fulfilled by the Constitution Committee so it was therefore recommended to incorporate the Constitution Committee into the Democratic Services Committee.

Councillor Aaron Shotton moved approval of the recommendations as outlined in the report which were seconded by Councillor Attridge.

**RESOLVED:**

- (a) That the Constituion Committee be incorporated into the Democratic Services Committee, and that Full Council review, make or revoke by-laws;

- (b) That the Committees as outlined in section 1.04 of the report be appointed; and
- (c) That the Constitution be amended to reflect the committees appointed.

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

The Chief Officer (Governance) explained that the size of each committee must be decided at the Annual Meeting. Details of the provision for the size of the Committees were outlined in the report.

The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017 were made on 21<sup>st</sup> March and came into force on 5<sup>th</sup> May 2017. They required that the Planning Committee should be between 11 and 21 Members in size and no larger than 50% of the total membership of the Council. The proposed size of the Committee met those requirements.

Councillor Aaron Shotton moved approval of the recommendations as outlined in the report which was seconded by Councillor Attridge.

**RESOLVED:**

That the size of each Committee be as set out in paragraph 1.06 of the report, noting the restrictions that must now apply to the membership of the Planning Committee.

**(C) Terms of Reference of Committees and Pension Delegations**

The Chief Officer Governance explained that the Annual Meeting was required to decide the terms of reference of the committees that it appointed. The existing terms of reference of the existing Committees were as set out in Part 2 of the Constitution.

Councillor Attridge moved approval of the recommendations as outlined in the report which was seconded by Councillor Aaron Shotton.

**RESOLVED:**

That the terms of reference for each committee in Part 2 of the Constitution be approved (noting the changes in respect of the Constitution and Democratic Services Committees).

**(D) Political Balance**

The Chief Officer (Governance) explained that at, or as soon as practicable after the Annual Meeting, the Council 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.

There were a total of 157 seats for Councillors across all of the Council Committees based on the current group membership and the entitlement of each group to seats was outlined in paragraph 1.15 of the report.

Councillor Peers moved an amendment that the a third bullet point be added to 1.16 in that the required level of training of 75% should be undertaken for a Member to sit on the Planning Committee. This was seconded by Councillor Richard Jones and on being put to the vote was carried.

Councillor Aaron Shotton moved approval of the recommendations as outlined in paragraph 1.17 of the report which was seconded by Councillor Attridge.

### **RESOLVED:**

- (a) That (1) the Constitution be amended to show that no substitutes are permitted on the Planning Committee and that the quorum shall be 50%; and (2) that the Constitution be amended so that in the event of 2 Members, from a multiple Member ward being nominated to the Planning Committee, then the seat will be allocated
- In the first instance by agreement between the 2 respective group leaders;
  - In the event that agreement is not possible, to the first nomination to be received by the Proper Officer; and
  - That the required level of training of 75% for a Member to sit on the Planning Committee had been achieved.
- (b) That the seats be allocated in accordance with political balances (and the rules on membership of the Planning Committee)

### **(E) Appointment of Chairs of Standing Committees**

The Chief Officer (Governance) explained that Committee Chairs were appointed by different bodies, some of which were subject to restrictions. A table in paragraph 1.18 of the report outlined which body appointed which Chair and what restrictions (if any) applied.

Councillor Aaron Shotton moved the following, which was seconded by Councillor Attidge:

- That Councillor Dave Hughes be appointed as Chair of the Clwyd Pension Fund Committee;
- That Councillor Sharps be appointed as Chair of the Licensing Committee; and
- That Councillor Wisinger be appointed as Chair of Planning Committee

Councillor Peers moved an amendment. He felt as the Independent Alliance Group was the second largest group of the Council they should be allocated the Chair of Licensing Committee. He commented on the number of paid positions that the Independent Group had received the previous year which had amounted to 50% of the Council membership. He moved Councillor Rosetta Dolphin as Chair of Licensing Committee which was seconded by Councillor

Rosetta Dolphin. On being put to the vote this was lost and the substantive motion, as moved by Councillor Aaron Shotton, was voted on and carried.

In the absence of a nomination for the Chair of Constitution and Democratic Services Committee, the Chief Officer (Governance) explained that a nomination would be sought at the first meeting of the Committee.

The Chief Officer (Governance) explained that the Chairs of Overview and Scrutiny Committees were chosen by the political groups based on the strength of the various groups and which had seats on the Cabinet. Chairs were allocated to groups with a place on Cabinet first and any entitlement was rounded down to the nearest whole number. The remaining Chairs were then allocated to groups without a seat on Cabinet, rounding up to the nearest whole number.

Councillor Aaron Shotton moved the following, which was seconded by Councillor Attridge:

<b>Overview &amp; Scrutiny Committee</b>	<b>Group to Choose Chair</b>
Community & Enterprise	Labour (Councillor Ron Hampson)
Education & Youth	Labour (Councillor Dave Healey)
Corporate Resources	Conservative
Environment	New Independents
Organisational Change	Independent Alliance
Social & Health Care	Independent

Councillor Peers commented that the size of the Liberal Democrat and New Independent groups were the same and given that the New Independent group had the Chairmanship of Environment Overview and Scrutiny Committee the previous year he felt it was only fair that this now should be given to the Liberal Democrat group which he moved as a formal amendment. This was seconded by Councillor Owen Thomas. On being put to the vote the amendment was lost.

The substantive motion, as moved by Councillor Aaron Shotton was put to the vote and carried.

**RESOLVED:**

- (a) That the Chair of the following Committees be appointed (noting any restrictions on eligibility):
- Clwyd Pension Fund Committee – Councillor Dave Hughes
  - Licensing Committee – Councillor Sharps
  - Planning and Development Control Committee – Councillor Wisinger

- (b) That the following groups Chair the Overview and Scrutiny Committees as outlined:

Community and Enterprise	-	Labour Group
Education and Youth	-	Labour Group
Corporate Resources	-	Conservative Group
Environment	-	New Independents Group



Organisational Change	-	Independent Alliance Group
Social & Health Care	-	Independent Group

**(F) Local Choice Issues**

The Chief Officer (Governance) explained that the Council was required to agree such part of the Scheme of Delegation as the Council determined it was for the Council to agree. This related to local choice functions which could be decided either by the Council or the Cabinet and/or delegated to officers. The table of Local Choice Functions was included in Part 3, Section A, Table 4 of the Constitution.

Councillor Attridge moved approval that the existing Local Choice Issues be confirmed which was seconded by Councillor Aaron Shotton.

**RESOLVED:**

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

**(G) Nomination to Internal Bodies**

The Chief Officer (Governance) explained that the existing Scheme of Delegation provided for an Appointments Committee for first and second tier officers comprising 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 Cabinet Member. The Council had previously agreed that the Chair of Vice-Chair of the relevant Overview and Scrutiny Committee be one of the Members of the Committee and it was recommended to continue that practice.

Councillor Attridge moved approval of the recommendations as outlined in the report which was seconded by Councillor Aaron Shotton.

**RESOLVED:**

That the make-up of the Appointments Committee be approved.

**(H) Standards Committee**

The Chief Officer (Governance) explained that the Standards Committee included five independent members, a Town and Community Council representative and three Councillors (who could not also be the Leader or a Cabinet Member). The three Members would be appointed for the whole term of the Council. Councillors Woolley and McGuill could serve one further term only. Councillor Cox had already served two terms and therefore could not be reappointed. Councillor Woolley indicated that he was happy to be appointed for a further term however Councillor McGuill could not due to commitments on an outside body. Following a question from Councillor Peers, the Chief Officer (Governance) confirmed that the County Councillors were reappointed at the Annual Meeting in 2016 but that they were already part way through their four year term.

The term of office for the town and community representative had come to an end. The Council could reappoint the current representative or it could seek a new representative. The current representative, Councillor Duggan-Keen from Caerwys Town Council, had made a valuable contribution to the work of the Committee and was willing to serve again. It was proposed that the Council consult Town and Community Councils on his reappointment for a further term and that he continue in office until such time as he was reappointed or a new appointment was made.

Councillor Aaron Shotton recommended the appointment of Councillors Paul Johnson and Arnold Woolley to the Standards Committee. Councillor Chris Dolphin recommended the appointment of Councillor Heesom to the Standards Committee. On being put to the vote the nominations for the three Councillors was carried.

Councillor Shotton recommended that town and community councils be consulted on the reappointment of the Town and Community Council representative, in that Mr Duggan-Keen who was the current representative continue in office until such time as he was reappointed or a new appointment was made.

**RESOLVED:**

- (a) That the following three Members be appointed to the Standards Committee:-
- Councillors: Heesom, Paul Johnson, and Woolley
- (b) that town and community councils be consulted on the reappointment of the town and community council representative, in that the current representative continue in office until such time as he was reappointed or a new appointment was made.

**9. OUTSIDE BODIES**

The Democratic Services Manager introduced the report on Outside Bodies to which the Council made appointments, together with nominees and their respective terms of office. Following the recent County Council elections all of the nominations required consideration.

At each Annual Meeting a recommendation was made to delegate to the Chief Executive, in consultation with the political Group Leaders, the ability to make nominations to the bodies. Delegation was now required to make the initial nomination and also during the course of 2017/18 municipal year which would ensure that any changes could be dealt with efficiently.

All nominations made were intended to run for the life of the Council, to May 2022.

In response to a question from Councillor Hutchinson, the Chief Officer (Governance) explained that all members ceased to be a representative on outside bodies prior to the election and that new nominations were being sought.

Following a question from Councillor Phillips, the Chief Executive explained that Conwy County Borough Council were in the process of determining the numbers to be allocated to each Council for representative on the Police and Crime Panel.

**RESOLVED:**

- (a) That the Council notes the current Outside Bodies list;
- (b) That all nominations shall run until May 2022 unless the nominated Member resigns from that Outside Body; and
- (c) That the Chief Executive, in consultation with the Group Leaders, be authorised to make nominations to Outside Bodies on behalf of the Council.

**10. SCHEDULE OF REMUNERATION 2017-18**

The Democratic Services Manager introduced the Schedule of Remuneration report. He explained that each year the Independent Remuneration Panel for Wales (IRPW) determined the rates of payment which were to be made to elected and co-opted Members of Welsh local authorities for the following municipal year. Consultation on the proposals was carried out the previous autumn with the final report being published in February 2017 which set the levels of payment for Members for 2017/18.

Payment levels must be set for the Chair and Vice-Chair of the Council, Cabinet Members and Committee Chairs. The Council must also publish a schedule showing who received what level of payment. Therefore, a further report would be presented to County Council on 20<sup>th</sup> June once all appointments to senior salary posts had been made. It was confirmed that all such posts were inclusive of the £13,400 basic salary.

Councillor Aaron Shotton moved that the status quo remain for Cabinet Members, Committee Chairs, the Chair of Council and the Vice Chair of Council which was seconded by Councillor Attridge.

Councillor Chris Dolphin moved an amendment that the lowest payment be agreed for all of the positions which received a payment which was seconded by Councillor Owen Thomas. On being put to the vote this was lost.

The substantive motion as moved by Councillor Shotton was put to the vote and carried.

**RESOLVED:**

- (a) That Cabinet Members receive Level 1, which is inclusive of basic salary;

- (b) That Committee Chairs be paid at the senior salary of Level 1, which is inclusive of basic salary;
- (c) That the Chair of Council be paid at Level 2, which is inclusive of basic salary; and
- (d) That the Vice-Chair of the Council be paid at Level 2, which is inclusive of basic salary.

## **11. APPOINTMENT OF LAY MEMBER TO THE AUDIT COMMITTEE**

The Chief Officer (Governance) introduced the report on the appointment of a lay member to the Audit Committee. The Local Government (Wales) Measure 2011 required that the County Council appoint lay members up to one third of the membership of the Audit Committee. On 14<sup>th</sup> February 2014 County Council resolved to appoint the statutory minimum of one lay member.

Following advertisement of the post interviews took place on 8<sup>th</sup> May and Sally Ellis was recommended for appointment. A pen portrait of Sally Ellis was attached as an appendix to the report.

### **RESOLVED:**

That the Council agree the appointment of the preferred candidate, Sally Ellis, as lay member to the Audit Committee, serving a term of 5 years.

## **12. SCHEDULE OF MEETINGS**

The Chief Officer (Governance) introduced the report on the schedule of meetings for 2017/18.

In March 2016 Councillors were asked for the preference on meeting start times with the majority favouring day time. However, it was recognised that the new Council should make its own decision on when meetings should be held and a further survey was recommended. However, in terms of business planning the Council needed to be able to plan for the whole year therefore the draft scheduled showed morning and afternoon meetings was before Members for consideration.

### **RESOLVED:**

- (a) That the draft schedule of meetings for 2017/18 be approved for the time being; and
- (b) That the Democratic Services Manager shall survey Member preferences for when meetings are held. This will be after the August recess with a view to a report analysing the results being made to the Constitution Committee in October.

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

There was one member of the press and 12 members of the public.in attendance.

(The meeting started at 11.00 am and ended at 1.10 pm)

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**Chairman**