

FLINTSHIRE COUNTY COUNCIL
WEDNESDAY, 9 SEPTEMBER 2020

Minutes of the remote Annual Meeting of Flintshire County Council held Wednesday 9 September, 2020

PRESENT: Councillor Marion Bateman (Chair)

Councillors: Mike Allport, Bernie Attridge, Janet Axworthy, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Sian Braun, Helen Brown, Derek Butler, Clive Carver, Bob Connah, David Cox, Paul Cunningham, 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, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Dave Hughes, Kevin Hughes, Ray Hughes, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGill, Billy Mullin, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Kevin Rush, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Martin White, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Geoff Collett, Dennis Hutchinson, Colin Legg, Tim Roberts, and Andy Williams

IN ATTENDANCE:

Chief Executive; Chief Officer (Governance); Democratic Services Manager; Team Leader - Democratic Services; Democratic Services Officers; and Councillor Reverend Daniel Stroud for prayers

Prior to the start of the meeting the Chair asked all present to observe a one minute silence in tribute to the victims and families of the Covid 19 pandemic. She paid tribute to the NHS, the volunteers from all Services, and Flintshire County Council employees who had provided front-line services during the crisis.

1. DECLARATIONS OF INTEREST

None.

2. CHAIR AND VICE-CHAIR OF THE COUNCIL

The Chair advised that due to the coronavirus response the Welsh Government had passed emergency legislation enabling Councils to postpone the annual meeting. In recognition of the difficulties caused by remote meetings, that emergency legislation also permitted Councils to extend the tenure of office holders until May 2021 if desired.

It was proposed, with their agreement that the current Chair and Vice Chair continue in office until May 2021 when it should be possible to hold an annual meeting with the appropriate level of ceremony.

The Chair took the opportunity to thank the Vice-Chair for his support and co-operation regarding the proposed arrangements for the remainder of the municipal year.

The Chief Executive referred to consultation which had been undertaken with Group Leaders and said an agreement had been reached, with the support of the Chair and Vice Chair, to accept the proposed arrangement.

RESOLVED:

That Councillors Marion Bateman and Joe Johnson continue in office as Chair and Vice-Chair respectively until May 2021.

3. ELECTION OF THE LEADER OF THE COUNCIL

It was proposed by Councillor Michelle Perfect and seconded by Councillor Kevin Hughes that Councillor Ian Roberts be appointed Leader of the Council for the remainder of the municipal year 2020/21. In support of the proposal Councillor Hughes paid tribute to Councillor Roberts and commented on his personal qualities and achievements during his term of office. He also spoke of his steadfast work during the Coronavirus pandemic to ensure the best possible outcome in delivery of services for all Flintshire residents. No other nominations were received. Further tributes were paid by Members to Councillor Roberts regarding his exemplary performance and professionalism as a Member of the Council.

When put to the vote the motion was carried.

RESOLVED:

That Councillor Ian Roberts be appointed Leader of the Council for the remainder of the municipal year 2020/21.

4. APPOINTMENT OF THE CABINET BY THE LEADER

Councillor Ian Roberts thanked Members for their support in electing him as Leader of the Council for the remainder of the municipal year and said it was an honour to accept the position. He spoke of the challenging and rapidly changing situation around the Coronavirus pandemic and of the resilience and forbearance shown by the residents of Flintshire during the recent unprecedented times and curtailment of services. He expressed his thanks to all Flintshire employees who had maintained the provision of vital services by the Council during the pandemic, citing Streetscene, Social Services, Education, and Information, Communication and Technology, as examples. He referred to the difficult decisions which had to be taken in accordance with the information provided by National and Welsh Governments to achieve the best outcomes for Flintshire.

Councillor Roberts paid tribute to the Chief Executive, Chief Officers and their teams, for their stalwart performance throughout the crisis. He spoke of the need to continue to exercise caution and restraint to prevent a second wave of the pandemic in the near future.

In accordance with the Constitution, Councillor Roberts set out his choice of Councillors to serve on the Cabinet.

Councillor Roberts thanked Cabinet Members for their work and support. In addition he thanked the Chair, Vice-Chair, and Group Leaders for their engagement to assist the Council in its decision making process.

RESOLVED:

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

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

5. 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.

(i) 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 & Democratic Services Committee;
- Grievance Committee;
- Grievance Appeals Committee;
- Investigation & Disciplinary Committee;
- Joint Governance Committee (for Pensions);
- Licensing Committee
- Planning Committee
- Standards Committee

In addition the Constitution provided for the appointment of 6 Overview & Scrutiny Committees (OSCs). At its meeting on 27 February 2020, the Council agreed to reduce that number to 5 at the Annual Meeting. The revised OSCs are shown below.

- Community, Housing and Assets
- Corporate Resources
- Education, Youth & Culture
- Environment & Economy
- Social & Healthcare

The terms of reference for the OSCs were set out in Appendix 1, however, the Chief Officer explained that a further amendment was required to the terms of reference as Emergency Planning, and Crime and Disorder Partnership, had been included by mistake under the scope of the Environment & Economy Overview and Scrutiny Committee and was to be moved to the Corporate Resources Overview & Scrutiny Committee.

Councillor Ian Roberts moved approval of the recommendation in the report which was seconded by Councillor Ted Palmer.

RESOLVED:

That Council appoints the following Committees:

Audit Committee
Clwyd Pension Fund Committee
Community, Housing & Assets Overview & Scrutiny Committee
Constitution & Democratic Services Committee
Corporate Resources Overview & Scrutiny Committee
Education, Youth & Culture Overview & Scrutiny Committee
Environment & Economy Overview & Scrutiny Committee
Joint Governance Committee (for Pensions)
Licensing Committee
Planning Committee
Social & Healthcare Overview & Scrutiny Committee
Standards Committee
Grievance Committee
Grievance Appeals Committee
Appeals Committee
Investigation & Disciplinary Committee

(ii) Determination of the size of Committees

The Chief Officer explained that the size of each of the Committees that Council had appointed must be decided at the Annual Meeting. Council determined at its meeting on 27 February that there should be a new political balance solution which achieved an overall reduction in the number of committee places whilst still making provision for all political groups to be represented on the Council's major committees. The details of the provision for the size of the Committees was as set out in the report (subject to the corrections for the terms of reference for the Environment & Economy Overview & Scrutiny Committee and

the Corporate Resources Overview & Scrutiny Committee as explained under the item on Appointment of Committees) .

RESOLVED:

That the size of each committee be as set out in paragraphs 1.03 and 1.04 of the report.

(iii) Terms of Reference of Committees

The Chief Officer explained that the Annual Meeting was required to decide the terms of reference of the Committees that it appointed. He advised that the terms of reference of the existing Committees were set out in the Constitution. The terms of reference for the Overview & Scrutiny Committees within the revised structure were attached as appendix 1. They were agreed by Council on 27 February 2020. However, the Chief Officer reiterated that further amendments were required to move Emergency Planning and Crime and Disorder Partnership from the scope of Environment & Economy Overview and Scrutiny Committee to the Corporate Resources Overview & Scrutiny Committee.

The new Overview & Scrutiny committee terms of reference would be incorporated within the Constitution.

Councillor Ian Roberts moved approval of the recommendation in the report subject to the above amendments to the terms of reference. This was seconded by Councillor Ted Palmer

RESOLVED:

That the terms of reference for each Committee as set out in the Constitution and, Overview & Scrutiny Committees as set out in Appendix 1 to the report, be approved subject to Emergency Planning and Crime and Disorder Partnership being moved from Environment & Economy Overview & Scrutiny Committee to the Corporate Resources Overview & Scrutiny Committee.

(iv) Political Balance

The Chief Officer (Governance) explained that the Council was required at, or as soon as practicable after the Annual Meeting, 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. Members were advised that these rules did not apply to the Cabinet or to the Standards Committee.

The Chief Officer referred to the key points as detailed in the report. He explained that in the allocation of political balance where some councillors were not in a political group then the Council must ensure that a proportion of seats were allocated to those councillors. He said there was currently one non-aligned Councillor and provision for that Member was detailed in Appendix 2 of the report.

The Chief Officer explained that to attain political balance it had been necessary to separate out the 'employment' committees which were the Grievance, Grievance Appeals and Investigation & Disciplinary Committees, otherwise the smaller political groups would be disadvantaged by having to use part of their seat allocation on committees which were seldom required to meet. The separation required a specific agreement from all Members of the Council.

The Chief Officer advised there were 118 seats in total for Councillors across all of the Council Committees based on the current group membership. The entitlement of each group to seats was as set out in paragraph 1.14 of the report.

Councillor Carolyn Thomas moved approval of the recommendation in the report which was seconded by Councillor Ian Roberts. When put to the vote this was carried.

Councillor Patrick Heesom sought clarification on the additional agreement that all Members, at the discretion of the Chair, had the right to attend and speak, but not vote, at Overview & Scrutiny Committees. The Chief Officer confirmed that Councillor Heesom's understanding was correct and said this was an important consideration in relation to reducing the size of Committees.

RESOLVED:

That the seats be allocated in accordance with the political balance as set out in Appendix 2 of the report and the rules on membership of the Committees as set out in paragraphs 1.08 – 1.14, and that the seats on the Grievance, Grievance Appeals, and Investigation and Disciplinary Committees, be allocated to give a broad political spread of membership.

(v) 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. The table in paragraph 1.16 of the report outlined which body appointed which Chair and what restrictions (if any) applied.

Councillor Ian Roberts moved the following, which was seconded by Councillor Kevin Hughes:

- That Councillor Ted Palmer be appointed as Chair of the Clwyd Pension Fund Committee;

Councillor Mike Peers moved an amendment that Councillor Ralph Small be appointed as Chair of the Clwyd Pension Fund Committee. This was seconded by Councillor Bob Connah.

Councillors Bob Connah and Richard Jones spoke in support of the nomination of Councillor Ralph Small.

On being put to the vote the amendment by Councillor Peers was lost. The substantive Motion, as moved by Councillor Ian Roberts, which was also put to the vote was carried.

Councillor Ted Palmer thanked Members for their support of his nomination.

Councillor Ian Roberts moved the following, which was seconded by Councillor Chris Dolphin:

- That Councillor Neville Phillips be appointed as Chair of the Constitution & Democratic Services Committee

Councillor Mike Peers moved an amendment that Councillor Arnold Woolley be appointed as Chair of the Constitution & Democratic Services Committee. This was seconded by Councillor Helen Brown.

On being put to the vote the amendment by Councillor Peers was lost. The substantive Motion, as moved by Councillor Ian Roberts, which was also put to the vote was carried.

Councillor Neville Phillips thanked Members for their support of his nomination.

Councillor Ian Roberts moved the following, which was seconded by Councillor Carolyn Thomas. When put to the vote this was carried.

- That Councillor Sharps be appointed as Chair of the Licensing Committee.

Councillor Tony Sharps thanked Members for their support.

Councillor Ian Roberts moved the following, which was seconded by Councillor Chris Bithell. When put to the vote this was carried.

- That Councillor Wisinger be appointed as Chair of Planning Committee

Councillor David Wisinger thanked Members for their nomination and continued support.

Councillor Mike Peers referred to the allocation of membership which he felt disadvantaged his own group which was the second largest on the Council, and commented on the need for a fair and equitable allocation of seats across political groups.

The recommendation that the Grievance Committee, the Grievance Appeals Committee, and Investigation & Disciplinary Committee should each appoint their own Chairs from amongst their respective memberships was moved by Councillor Ian Roberts and seconded by Councillor Chris Bithell. When put to the vote this was carried.

The Chief Officer explained that under the Local Government Measure 2011 the Chairs of Overview & Scrutiny Committees are chosen by the political

groups based on the strength of the various groups and which had seats on the Cabinet. Chairs are allocated to groups with a place on Cabinet first and any entitlement was rounded down to the nearest whole number. The remaining Chairs are then allocated to groups without a seat on Cabinet (rounding up to the nearest whole number). The allocations of Chairs was set out in Appendix 2 of the report.

Councillor Ian Roberts moved the following, which was seconded by Councillor Carolyn Thomas:

Overview & Scrutiny Committee	Group to Choose Chair
Corporate Resources	Conservative
Education, Youth & Culture	Labour (Councillor David Healey)
Social & Healthcare	Liberal Democrat
Environment & Economy	Independent Alliance
Community, Housing & Assets	Labour (Councillor Ian Dunbar)

On being put to the vote, this was carried.

RESOLVED:

- (a) That the Chairs of the following Committees be appointed (noting any restrictions on eligibility):
 - Clwyd Pension Fund Committee - Councillor Ted Palmer
 - Constitution & Democratic Services Committee - Councillor Neville Phillips
 - Licensing Committee - Councillor Tony Sharps
 - Planning Committee - Councillor David Wisinger
- (b) That the Grievance Committee, the Grievance Appeals Committee, and Investigation & Disciplinary Committee should each appoint their own Chairs from amongst their memberships;
- (c) That the following groups be allocated the chair of the Overview & Scrutiny Committees as outlined:

Corporate Resources	Conservative
Education, Youth & Culture	Labour (Councillor David Healey)
Social & Healthcare	Liberal Democrat
Environment & Economy	Independent Alliance
Community, Housing & Assets	Labour (Councillor Ian Dunbar)

(vi) Local Choice Functions

The Chief Officer 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 the Constitution.

Councillor Peers referred to the provision within the Constitution (function 20) to make payments to provide compensation in cases of maladministration and asked if such payments (specifically large payments) could be submitted to Council for consideration. The Chief Officer provided clarification of the function and explained that such payments were varied but in general were for small amounts and were determined at Chief Officer level. He acknowledged the point made by Councillor Peers that an overview of the procedures would be helpful and suggested that this could be undertaken by either the Audit Committee or Standards Committee. The Chief Executive agreed that anonymised reports be provided retrospectively to the Audit Committee and Standards Committee (twice yearly) on the number of compensation cases and outcomes regarding involuntary settlements within function 20 of the Constitution. Councillor Mike Peers moved approval of the proposal which was seconded by Councillor Marion Bateman.

Councillor Ian Roberts moved approval of the recommendation in the report that the Local Choice functions as set out in the Constitution be approved, which was duly seconded

RESOLVED:

- (a) That the Local Choice functions as set out in the Constitution be approved; and
- (b) That anonymised reports be provided retrospectively to the Audit Committee and Standards Committee (twice yearly) on the number of compensation cases and outcomes regarding involuntary settlements within function 20 of the Constitution.

(vii) Nominations to Internal Bodies

The Chief Officer explained that the existing Scheme of Delegation provided for an Appointments Committee for first and second tier officers, comprising seven Members. This was not a standing committee and was convened when required by seeking nominations from Group Leaders. It was recommended that the make-up of the Committee continues, as set out in the report.

Councillor Ted Palmer moved approval of the recommendation in the report which was seconded by Councillor Ian Dunbar.

RESOLVED:

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

(viii) Standards Committee

The Chief Officer outlined the composition and membership of the Standards Committee which Members were requested to note.

Councillor Ted Palmer moved approval of the recommendation in the report which was seconded by Councillor Ian Dunbar.

RESOLVED:

That the composition and membership of the Standards Committee be noted.

(ix) Appointments to Outside Bodies

The Chief Officer explained that at the Annual Meeting in 2017 Council appointed Members to outside bodies for the whole term of the Council. It also gave the Chief Executive in consultation with Group Leaders, the power to make changes to those nominations as required.

Councillor Ted Palmer moved approval of the recommendation in the report which was seconded by Councillor Ian Dunbar.

RESOLVED:

That Council notes that nominees to Outside Bodies have been appointed for the whole Council term and the Chief Executive's power to vary those nominations (in consultation with Group Leaders).

6. SCHEDULE OF MEETINGS

The Chief Officer (Governance) presented the schedule of meetings for 2020/21 following consultation. He advised that for 2020/21 a sequence of meetings had been included in September for all of the Overview & Scrutiny Committees to consider the Recovery Strategy and it would also be necessary to insert special meetings in the Autumn to consider proposals for the 2021/22 Budget. The Chief Officer drew attention to the meeting of the Planning Strategy Group on 17 September and said this had been cancelled.

Councillor Mike Peers referred to planning site visits and said they were not shown in the proposed Schedule of Meetings for 2020/21 and suggested that they be included provisionally until resumed. The Chief Executive agreed that the dates of planning site visits be provisionally added to the Schedule. He explained that a risk assessment on site visits was being undertaken and pending the outcome of that work he anticipated they should continue in the near future where required. In the interim the current arrangements would continue and feedback on the risk assessment would be provided to Members as soon as possible.

Councillor Ted Palmer moved approval of the recommendation in the report which was seconded by Councillor Carolyn Thomas.

RESOLVED:

That the draft schedule of meetings for 2020/21 be approved, subject to the proposed changes.

7. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.51 pm)

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Chair