

Public Document Pack



Contact Officer:
Maureen Potter 01352 702322
maureen.potter@flintshire.gov.uk

To: All Members of the Council

20 January 2021

Dear Sir/Madam

NOTICE OF REMOTE MEETING
FLINTSHIRE COUNTY COUNCIL
TUESDAY, 26TH JANUARY, 2021 at 2.00 PM

Yours faithfully

Robert Robins
Democratic Services Manager

Please note: Due to the current restrictions on travel and the requirement for physical distancing, this meeting will not be held at its usual location. This will be a remote meeting and 'attendance' will be restricted to Council Members. The meeting will be recorded.

If you have any queries regarding this, please contact a member of the Democratic Services Team on 01352 702345.

A G E N D A

1 APOLOGIES FOR ABSENCE

Purpose: To receive any apologies.

2 COMMEMORATION AND TRIBUTES TO THE LATE COUNCILLOR KEVIN HUGHES

3 RECOGNITION OF AWARD FOR A LOCAL RECIPIENT IN THE NEW YEAR'S HONOURS LIST

Purpose:

The Council is proud to recognise that the following has been listed in the 2021 New Year's Honours List.

Recipient	Town/ Community	Honour	Received for
Professor Laurence John Alison, Director of the National Centre for the Study of Critical Incident Decision Making, University of Liverpool.		MBE	For services to Critical Incident Handling and to the NHS during Covid-19

4 RECOGNITION OF THEATR CLWYD: REGIONAL THEATRE OF THE YEAR

Purpose: The Theatre won regional theatre of the year at The Stage awards held on 6th January.

The Stage Awards are the highest profile awards celebrating theatre across the whole of the UK and beyond. This year, the awards have been reimagined to recognise the extraordinary achievements of teams up and down the country in arguably the most challenging year the industry has ever faced.

Winners were chosen for their achievements and impact in response to the coronavirus pandemic. They were selected by the awards' judging panel following a public nominations process and consultation. The judges said *"In 2020, Theatr Clwyd has been more than a theatre: it has been a beacon, one that won the hearts and trust of the many communities it serves."*

5 **MINUTES** (Pages 5 - 20)

Purpose: To confirm as a correct record the minutes of the meetings held on 17 November and 8 December 2020.

6 **DECLARATIONS OF INTEREST**

Purpose: To receive any Declarations and advise Members accordingly.

7 **CHAIR'S COMMUNICATIONS**

Purpose: To receive the communications as circulated.

8 **PETITIONS**

Purpose: This is an opportunity for Members of Council to submit petitions on behalf of people in their ward. Once received, petitions are passed to the appropriate Chief Officer for action and response.

PRINCIPAL ITEMS OF BUSINESS

9 **FLINTSHIRE LOCAL DEVELOPMENT PLAN (LDP) EXAMINATION IN PUBLIC DELEGATED AUTHORITY FOR OFFICERS** (Pages 21 - 26)

Report of Chief Officer (Planning, Environment and Economy) - Cabinet Member for Planning and Public Protection

Purpose: To seek Member's views on, and agreement for a proposed scheme of delegation for officers to act on behalf of the Council should the Inspector propose changes arising out of the examination of the soundness of any aspect of the LDP during Examination hearing sessions.

10 **LOCAL GOVERNMENT & ELECTIONS (WALES) BILL** (Pages 27 - 38)

Report of Chief Executive, Chief Officer (Governance)

Purpose: To present an update on the Local Government & Elections Bill

11 **TREASURY MANAGEMENT MID-YEAR REPORT 2020/21** (Pages 39 - 60)

Report of Corporate Finance Manager

Purpose: To present to members the draft Treasury Management Mid-Year Review for 2020/21

ORDINARY ITEMS OF BUSINESS

12 RECRUITMENT OF A LAY MEMBER TO THE AUDIT COMMITTEE (Pages 61 - 64)

Report of Chief Officer (Governance)

Purpose: To approve the recruitment process of a Lay Member to the Audit Committee as required by the Local Government and Elections (Wales) Bill

13 RECRUITMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE (Pages 65 - 68)

Report of Chief Officer (Governance)

Purpose: To agree the timetable and process for recruiting Independent Members to the Committee

FOR INFORMATION ONLY

14 PUBLIC QUESTION TIME

Purpose: This item is to receive any Public Questions: none were received by the deadline.

15 QUESTIONS

Purpose: To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A): none were received by the deadline.

16 NOTICE OF MOTION

Purpose: This item is to receive any Notices of Motion: none were received by the deadline.

FLINTSHIRE COUNTY COUNCIL
TUESDAY, 17 NOVEMBER 2020

Minutes of the remote meeting of Flintshire County Council held Tuesday, 17 November, 2020

PRESENT: Councillor Marion Bateman (Chair)

Councillors: Mike Allport, Bernie Attridge, Janet Axworthy, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, 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, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Tim Roberts, Kevin Rush, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Andy Williams, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Sian Braun, David Cox, Tudor Jones, Brian Mullin, Ted Palmer, and Martin White.

IN ATTENDANCE:

Chief Executive; Chief Officer (Governance); Chief Officer (Planning, Environment & Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Social Services), Corporate Finance Manager, Head of Democratic Services , Democratic Services Officers; and Councillor Reverend Daniel Stroud for prayers

Prior to the start of the meeting the Chair advised that she had attended the Social Care Wales Accolade Awards virtual ceremony on 10 November 2020. The Chair said she was pleased to announce that Flintshire Social Services had great successes in the 'Improving care and support at home together' category. The North East Wales Carers Information Service (NEWCIS) had won the category for its Bridging The Gap project which allows unpaid carers to access reliable and flexible respite solutions. Flintshire County Council Social Services was highly commended in second place for its project providing daytime activities for 250 people with learning difficulties. The Chair said she had sent a letter of congratulations to the recipients and advised that to enable Members to pay tribute to the achievements representatives of the successful services had been invited to attend the next meeting of the County Council on 8 December.

28 DECLARATIONS OF INTEREST

None.

29. NORTH WALES ECONOMIC AMBITION BOARD – FINAL GROWTH DEAL

The Chief Executive introduced a report on the key documents required for approval to reach the Final Deal Agreement for the North Wales Growth Deal with the UK Government and Welsh Government. He advised that the report presented the recommendations of Cabinet for the Council to support the region entering into a Final Deal Agreement for the North Wales Growth Deal. The Council would be a partner in and a co-signatory to the Agreement. The Chief Executive reported that Cabinet, at a meeting held prior to County Council today and following the advice of both the Environment & Economy and Corporate Resources Overview & Scrutiny Committees, had fully approved the report and recommendations.

The Chief Executive stated that entering into a Final Deal Agreement for the North Wales Growth Deal was a significant point in history for the region. The Agreement was a partnership between six Local Authorities, Bangor and Glyndwr Universities, and Llandrillo and Coleg Cambria. He explained that all 10 partners had received and agreed the relevant documentation within a short period with the aim that by mid-December the Secretary of State for Wales and the Minister for Economy for Wales would formally sign the Growth Deal which sealed commitment and funding for the region for the next 15 years. He said that the Growth Deal would mean that the region would be recognised as a coherent competitive region for future UK and Welsh Government funding for economic growth, particularly post BREXIT. The Growth Deal was worth £1.1 billion to the North Wales economy and was expected to create up to 4,200 new jobs in North Wales by 2036. Once signed by the UK and Welsh Governments the decisions on when individual programmes/projects could be started would be made on a regional basis. The Chief Executive advised that there would be ample opportunity for the detail of all the projects to be scrutinised in prior to their launch.

The Chief Executive and Chief Officer (Planning, Environment & Economy) gave a joint presentation on the North Wales Growth Deal which covered the following key points:

- partnership – North Wales Economic Ambition Board
- North Wales Growth Vision
- governance structure
- timeline
- Final Deal Agreement
- Final Deal Requirements – Business Cases
- overarching business plan
- the growth deal portfolio
- programmes
- income and expenditure
- financial implications
- Governance Agreement 2
- draft Final Deal Agreement
- key dates

The Corporate Finance Manager reported on the financial implications. He referred to the data in the report which showed the total (15 years) partner contributions to cover the cost of 'borrowing' notionally required to facilitate the negative cash flow. He advised that the level of borrowing required to meet the negative cash flow was prudent and provided good value for money in the context of the timely delivery of such a major project. The Council's additional annual partner contribution would be built into the budget for 2021/22 as part of the current ongoing work on the budget process and was deemed affordable.

The Chief Officer (Governance) reported on the governance arrangements for the North Wales Economic Ambition Board (NWEAB) He explained that Governance Agreement 2 sets out all the governance arrangements for the Board, and cited the terms of reference, membership, and voting arrangements. It also set out the arrangements between Flintshire County Council and Gwynedd County Council; the commitment by Flintshire County Council to pay its share of the costs incurred as a Partner in the Final Deal Agreement, and the withdrawal conditions if any partner decided not to proceed. The Chief Officer explained that local scrutiny arrangements would apply to any decision to commit local resources to the North Wales Economic Ambition Board. The Chief Officer reported on the key differences between Governance Agreement 1 and Governance Agreement 2.

The Chief Officer reported that the following recommendations had been made by Cabinet at the meeting held prior to County Council:

- (a) That Cabinet and Council approve the Overarching Business Plan as the document that sets out the arrangements to deliver the North Wales Growth Deal as the basis for entering into the Final Deal Agreement and acceptance of the Grant Funding Letter with the UK and Welsh Governments;
- (b) That Cabinet approves the provisions in Governance Agreement 2 relating to executive functions, recommends that Council approves the provisions relating to non-executive functions, and that Cabinet specifically adopts the delegations and Terms of Reference in "Governance Agreement 2: Appendix 1" thereof as the basis for completing the Final Deal Agreement and acceptance of the Grant Funding Letter with the UK and Welsh Governments;
- (c) That the Cabinet formally endorse and recommend that the Council authorise the accountable body, Gwynedd Council, to sign the Grant Funding Offer letter on behalf of the Partners;
- (d) That the Cabinet formally endorses and recommends that Council approves the method used to calculate the cost of borrowing notionally required to facilitate the negative cash flow for the Growth Deal, and to include a provision within the Council's budget to pay this contribution and the established core and supplementary contributions as set out in GA2 ; and
- (e) That the Chief Executive in consultation with the Leader, Monitoring Officer, and Section 151 Officer, be granted delegated authority to agree minor changes to the documents with the Partners as necessary to complete the agreement.

The Chief Officer reported on the Executive and Non-Executive functions of the Council. He advised that the Executive functions could only be exercised by Cabinet and Non-executive functions must be exercised by Council or a Committee. The proposed governance arrangements span both. He explained that Council were asked to consider and approve the non-executive arrangements i.e. scrutiny, overall budget, borrowing, and prudential indicators. In addition Council was asked to approve the overall terms of the deal.

Councillor Richard Jones referred to Schedule 3, Scrutiny Protocol, paragraph 2.5, in the report and said in his view the statement did not describe the call-in process clearly enough. In acknowledging the points made by Councillor Jones the Chief Officer explained said it was intended that a common deadline would be agreed for the call-in of decisions which would be 5 days. The call-in arrangements would be as already used in each local authority. Once called-in a decision could not be called back in by the initiating local authority, however, the process did not prevent the 5 other local authorities from calling-in the same decision. Councillor Jones raised a further query on Schedule 7, and said paragraph 11 referred to paragraph 12 but in J1 the reference was to paragraph 10 not 12. The Chief Officer said he would look into this and if correct it would be included as a minor amendment to the schedule.

Councillor Ian Roberts spoke in support of the Final Growth Deal which he said would almost double the value of the North Wales economy by 2035. He paid tribute to the Chief Executive for his stoic work and commitment on the Growth Deal from beginning to final stages. He also paid tribute to Councillor Aaron Shotton, for his work as former Leader of the Council and Chairman of the NWEAB, and Councillor Dyfrig Siencyn, Leader of Gwynedd County Council. He spoke in praise of the collaborative partnership work undertaken under the leadership of Alwen Williams, Programme Director, and said that the NWEAB was cited as an example of best practice by the Welsh Government. Councillor Roberts moved the recommendations, as detailed above, and asked Members for their support.

In seconding the recommendations Councillor Derek Butler spoke of the work of the NWEAB during the last four years and said that the Final Growth Deal would ensure that the region was far better placed to meet the future than other areas in the United Kingdom. He thanked Officers for their hard work and also paid tribute to Ashley Rogers, North Wales Mersey Dee Business Council, for his work and contribution.

Councillor Ian Dunbar expressed concerns around future investment in Holyhead Port, the impact of BREXIT in Wales, and movement of freight in the Port. The Chief Officer (Planning, Environment and Economy) explained that investment in Holyhead Port was not only in regard to freight but also securing other commercial opportunities for the long term citing ferries and cruise liners as examples. The Chief Executive advised that Holyhead Port had been identified as the biggest single risk to be managed post BREXIT in North Wales and said advanced discussions were being held with the Border Control force around capacity and work was underway regarding road enhancements and additional parking. He advised that a Strategic Coordinating Group was working on matters regarding the Holyhead Port in North Wales.

Officers responded to the further concerns made by Councillor Patrick Heesom around the integrated transport policy and the call-in and scrutiny process. The Chief

Executive reiterated that that there would be ample opportunity for local scrutiny and call-in to take place in the usual way. The Chief Officer (Governance) gave an explanation of how and when scrutiny and call-in procedures would be used regarding decisions made by the Cabinet or NWEAB and referred to the briefing and reporting arrangements. The Chief Officer commented that meetings of the NWEAB were published and Members were entitled to attend.

Councillor Tony Sharps referred to the importance of Mostyn Docks and the effective partnership established with the North Wales Mersey Dee Business Council (formerly the Merseyside Dee Alliance). He asked that Mostyn Docks and the Mersey Dee Business Council be included in the future delivery of the Growth Deal.

Councillor Mike Peers referred to the reduced overall funding (£240m) for the transformational projects and asked if this would have an impact on the provision for North Wales. He also referred to the funding arrangements for the Portfolio Management Office and asked if any other Committees/Groups received similar payment arrangements and if any further contributions were required to the NWEAB. The Chief Executive explained that the vision remained broadly the same and the principal projects remained the same but some of the cost investments and the programmes had to be reduced. It was anticipated that more funding would be attracted in the future and cited the possibility of a second Growth Deal and supplementary funding as examples. The Chief Executive also provided clarification around the arrangements for the Programme office which supported the NWEAB. He confirmed that there were no payments to other committees or groups and no additional contributions had been made to the NWEAB other than the Authority's partner core contribution of £50k per year and supplementary contribution of £40k per year.

In response to the further comments made by Councillor Peers regarding scrutiny the Chief Executive suggested that a Forward Work Programme be provided in January to facilitate the arrangements for each of the Authority's overview and scrutiny committees. Councillor Richard Jones suggested that the Corporate Resources Overview & Scrutiny Committee should always be included in the local scrutiny process (as a joint committee if necessary) due to the economic impact of decision-making. In response to the further comments by Councillor Jones the Chief Officer provided additional clarification on the call-in process and timescales involved.

In response to a request from Councillor Dave Mackie the Chief Executive agreed to provide a list of project officers for the Growth Deal once finalised.

The recommendation in the report had been moved by Councillor Ian Roberts and seconded by Councillor Derek Butler. When put to the vote the recommendation was carried unanimously.

RESOLVED:

That Council receives and adopts the recommendations of Cabinet as follows:

- (a) That the Overarching Business Plan be approved as the document that sets out the arrangements to deliver the North Wales Growth Deal as the basis for

entering into the Final Deal Agreement and acceptance of the Grant Funding Letter with the UK and Welsh Governments;

- (b) That Council notes the Cabinet approval of the provisions in Governance Agreement 2 relating to executive functions, and I approves the provisions relating to non-executive functions, and that Cabinet specifically adopts the delegations and Terms of Reference in “Governance Agreement 2: Appendix 1” thereof as the basis for completing the Final Deal Agreement and acceptance of the Grant Funding Letter with the UK and Welsh Governments;
- (c) That Council authorises the accountable body, Gwynedd Council, to sign the Grant Funding Offer letter on behalf of the Partners;
- (d) That Council accepts the Cabinet’s formal endorsements and d recommendations, and approves the method used to calculate the cost of borrowing notionally required to facilitate the negative cash flow for the Growth Deal, and to include a provision within the budget to pay this contribution and the established core and supplementary contributions as set out in GA2 ; and
- (e) That the Chief Executive in consultation with the Leader, Monitoring Officer, and Section 151 Officer, be granted delegated authority to agree minor changes to the documents with the Partners as necessary to complete the agreement.

30. 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 3.55 pm)

.....
Chair

FLINTSHIRE COUNTY COUNCIL
8TH DECEMBER 2020

Minutes of the meeting of Flintshire County Council held as a remote attendance meeting on Tuesday, 8th December 2020

PRESENT: Councillor Marion Bateman (Chair)

Councillors: Mike Allport, Janet Axworthy, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, Paul Cunningham, Jean Davies, Robert 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, Ray Hughes, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Dave Mackie, Hilary McGuill, Billy Mullin, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Ian Roberts, Tim Roberts, Kevin Rush, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Martin White, Andy Williams and David Wisinger

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Chief Officer (Social Services), Corporate Finance Manager, Principal Accountant, Pension Fund Accountant, Head of Democratic Services, Democratic Services Team Leader and Democratic Services Officers

APOLOGIES FOR ABSENCE:

Councillors: Bernie Attridge, David Cox, Kevin Hughes, Dennis Hutchinson, Mike Lowe, David Williams and Arnold Woolley.

31. PRESENTATIONS

The Chair invited the following to the meeting:

Representing Flintshire County Council

Neil Ayling, Chief Officer (Social Services); Susie Lunt, Senior Manager – Adults Services and Dawn Holt, Social Services Commissioning Manager.

Representing NEWCIS

Claire Sullivan, Elaine Jones, Claire Challinor and Lesley Parry.

She explained that this item was to celebrate the Social Services Accolades where NEWCIS won the award for its 'Bridging the Gap' project, which allowed unpaid carers to access reliable and flexible respite solutions. It allowed carers to take a break to suit their needs and could support an urgent need for respite.

Claire Sullivan thanked the Chair for the invitation to the meeting and said she was delighted that NEWCIS won the accolade. The project started in 2012 and was funded by Flintshire County Council. She never envisaged how flexible and

adaptable the scheme would become, with thousands of unpaid carers receiving respite when they needed it. When the judges visited NEWCIS they spoke to 15 carers who spoke passionately about the service offered. She thanked the team for their continued hard work.

The Chief Officer (Social Services) said NEWCIS was the best carer service in Wales and commented on the excellent partnership they had with the Council.

Councillor Christine Jones, Cabinet Member for Social Services, expressed her thanks for NEWCIS for the support they provided to the carers and congratulated them for winning the award.

Representing HFT

Jordan Smith and Andrew Horner, along with service users Jessica Butler, Tamara Hijazi, Kevin Roberts and Ryan Williams.

The Chair welcomed HFT to celebrate the highly commended Finalist, Flintshire County Council Social Services, for its project providing daytime activities for more than 250 people with learning disabilities. The project helped people learn new skills, develop independence, and make social connections and friendships. It also worked with a supported living programme to help the people it supported, their parents and carers to access respite services.

The Chief Officer (Social Services) said the Council had worked in partnership with HFT for three years and leading services had been developed, such as Hwb Cyfle. He commented on the work opportunities and the Project Search which saw six young people achieving paid work. He congratulated the team.

Councillor Christine Jones also congratulated HFT for the support and care they gave to the service and the work opportunities they provided.

Jordan Smith thanked the Chair for the invitation to the meeting. He paid testament to the Council for their investment in Hwb Cyfle and also commented on the outcomes from Project Search which saw service users obtaining paid employment.

Paul Cunningham congratulated NEWCIS and HFT.

32. MINUTES

The minutes of the meeting held on 20th October 2020 were submitted.

RESOLVED:

That the minutes be approved as a correct record.

33. DECLARATIONS OF INTEREST

Councillors: Axworthy, Banks, Bibby, Brown, Butler, Collett, Cunningham, Jean Davies, Davies-Cooke, Dunbar, Dunbobbin, Ellis, Gay, David Healey, Gladys

Healey, Christine Jones, Richard Jones, Tudor Jones, Richard Lloyd, Mackie, McGuill, Mullin, Palmer, Peers, Michelle Perfect, Phillips, Rush, Paul Shotton, Smith, White and Wisinger all declared personal interests in agenda item number 8 – Capital Programme 2021/22 – 2023/24 as they were school governors.

34. CHAIR'S COMMUNICATIONS

The Chair commented on how much lives had changed since March. Today was a very important landmark day as it saw the first vaccination against Covid-19 being administered to a 90 year old lady in Coventry.

35. PETITIONS

None were submitted.

36. CAPITAL STRATEGY INCLUDING PRUDENTIAL INDICATORS 2021/22 TO 2023/24

The Corporate Finance Manager introduced the report which sought approval of the Council's Capital Strategy. It explained the requirement for the Strategy, its key aims and the contents of each of its sections.

Under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), authorities were required to set a range of Prudential Indicators (PI's). The Capital Strategy included details of the Council's Prudential Indicators for 2021/22 – 2023/24.

The key aims of the Strategy were to explain the ways in which the Capital Programme was developed and funded, the potential impact it had on the Council's Medium Term Financial Strategy (MTFS) and the way in which it related to the Council's Treasury Management Strategy. The Strategy was an overarching document and referred to other documents such as the Capital Programme, the Treasury Management Strategy and the Minimum Revenue Provision Policy. The Strategy was split into a number of sections which were outlined in the report.

The report had been submitted to Corporate Resources Overview and Scrutiny Committee and Cabinet and no issues had been raised.

The recommendations in the report were moved by Councillor Banks and seconded by Councillor Roberts.

Councillor Roberts thanked all officers involved for ensuring the programmes remained financed and liquidity remained good.

On page 27, Councillor Peers asked if an affordability criteria was built in to the funding as Table 2 showed a 500% increase in specific grants/contributions/loans. The Corporate Finance Manager said there was a significant increase in 2023/24 due to the 21st Century Schools programme. Future plans had been built into those calculations and also built into the Medium Term Financial Strategy.

Councillor Richard Jones asked if there was any risk to the Council on the level of debt as outlined in table 5 of the appendix. The Corporate Finance Manager explained that the level of debt was closely monitored throughout the year to ensure that the debt was below the capital requirement. The Council was legally obliged to set an authorised limit for external debt each year and to keep it under review.

RESOLVED:

- (a) That the Capital Strategy be approved; and
- (b) That the following be approved:
 - The Prudential Indicators for 2021/22 – 2023/24 as detailed within Tables 1, and 4-7 inclusive of the Capital Strategy; and
 - Delegated authority be granted for the Corporate Finance Manager to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (Table 6 of the Capital Strategy)

37. CAPITAL PROGRAMME 2021/22 – 2023/24

The Chief Officer (Housing and Assets) introduced the report which presented the proposed Capital Programme for the period 2021/22 – 2023/24 for approval, supported by a PowerPoint presentation.

The Council's Capital Programme covered investment in assets for the long term to enable the delivery of high quality and value for money public services. Assets included buildings (such as schools and care homes), infrastructure (such as highways, IT networks and waste transfer stations) and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined within the report were closely aligned to portfolio service business plans and the Council Plan.

The Council had limited capital resources from Welsh Government (WG) to support Council priorities, needs and liabilities. However, it had the powers to fund Capital schemes by borrowing – this was temporary and ultimately, the cost and repayment of any borrowing was charged to the Council's revenue budget. Schemes funded by borrowing were carefully considered due to the long-term impacts on the Council's revenue budget.

The Council Fund Capital Programme was divided into three sections:

1. Statutory / Regulatory – allocations to cover regulatory and statutory works.
2. Retained Assets – allocations to fund infrastructure works necessary to ensure service and business continuity.
3. Investment – allocations to fund works.

The Chief Officer provided details of each of the tables within the report, which were part of the presentation, and supported by explanations in the report on each table.

Details were provided on potential future schemes, which were also detailed in the report.

The recommendations in the report were moved by Councillor Roberts and seconded by Councillor Thomas.

Councillor Roberts expressed his thanks to the Chief Officer and his team for the work that had gone into developing the Capital Programme. He said the programme showed the depth of involvement in schools, care homes, infrastructure and IT networks. He commented on the homeless hub, Hwb Cyfle, Ysgol Glan Yr Afon, Castell Alun, the plans for the Saltney and Broughton and Mynydd Isa areas for schools. He also commented on Marleyfield, the joint archive facility and the redevelopment of Theatr Clwyd.

Councillor Thomas concurred with the comments of Councillor Roberts and thanked officers for drawing capital funding through the various avenues available to them. She explained that the Council was waiting to hear the outcome on the bids submitted for schemes under the Economic Stimulus funding.

Councillor Dunbar also concurred with the comments and expressed his thanks for the funding for play areas. He took the opportunity to thank officers for the work undertaken on the bridges at Wepre Park. He asked what the longer term plan was for Deeside Leisure Centre. The Chief Executive explained that initially clarification from Betsi Cadwaladr University Health Board as to how long they needed the building as the temporary field hospital. It was thought the hospital could be decommissioned in quarter three in 2021. Following the closure of the hospital the Leisure Centre would revert back to what it was. However, the building was coming to its end of life and consultants had been commissioned on what a new building could look like, with more emphasis on health and well-being facilities, and public services.

Councillor Jones thanked the Chief Officer for the report. On page 36, he asked if there was any doubt if the grant between £0.700m to £0.900m would be received. The Chief Officer said that he was optimistic that the grants in the region of the figures advised within the report would be forthcoming. Councillor Jones also asked what the Council would do if anticipated capital receipts did not materialise or were delayed. The Chief Officer explained that schemes would either be re-phased, deferred or consideration given to using prudential borrowing, if appropriate. In response to a comment from Councillor Jones on sports facilities affected across the county and in this context Buckley Town Football Club, the Chief Officer agreed to meet with Councillor Jones, socially distanced to discuss further

Councillor Gladys Healey also thanked the Chief Officer for the report and welcomed the funding made available for Castell Alun High School, including the works to be undertaken on the toilets with funds from a recent Section 106 agreement. She commented on the all-weather pitch which also needed to be

replaced. The Chief Officer said he was aware of that and any funding opportunities would be considered when they became available.

Councillor Peers commented on school building works and the backlog of toilet upgrades and said if £0.100m per annum was spent on the upgrades, it would take 15 years to do the work as it was estimated to be in the region of £1.5m. The Chief Officer explained that it would not take 15 years to complete the toilet refurbishment as some of this work would be addressed through the Councils new build school programme and other wider refurbishment projects within schools.

On play areas, Councillor Peers asked if the Council had any committed sums to assist with the replacement of play equipment. The Chief Executive said the play strategy was being reviewed with Aura and the Council also wanted to review planning policy on play areas.

On the joint archive facility, Councillor Peers asked if the current records office building would be sold once the new facility was open, and was the new facility to be funded on a 50/50 basis with Denbighshire and Flintshire. The Chief Officer explained that planning work was currently being undertaken on the current building. The financial allocation (DCC and FCC) with the major contributions coming from the Heritage Lottery.

Councillor Peers commented on the building works that had taken place in Penyffordd, with the new Penyffordd CP School generating increased pupil numbers. On the 106 contributions which would be used to offset some of the costs for the extension required at the school, he asked if the contribution criteria from developers needed to be re-looked at. The Chief Officer explained that this was a question for the planning department.

Councillor Peers asked if there was any intention to review industrial estates. He was aware of somebody who wanted an industrial unit and was told there were not any available, and was there any scope to increase the supply of the units. The Chief Officer explained that industrial estates were significantly occupied but that it was recognised they needed some investment.

He welcomed the success story of Marleyfield which was for all residents in Flintshire, and also welcomed the improvements to the recycling processing facility located in Buckley.

Councillor Aaron Shotton thanked the Chief Officer for the presentation, and all officers involved in bringing together the Capital Programme. He sought clarity on the timelines for the future plans for Deeside Leisure Centre and how it would be reported to Members. He said there was concern locally on future plans for the Leisure Centre as it was a much loved facility. He was aware the tender closure date for proposed future plans for the Leisure Centre was mid-March. The Chief Officer said the fee proposals would be reviewed and work would take place on evaluating them within the next few weeks. Details in response to the brief would then be developed by the appointed technical consultants and shared when all aspects of the brief has been fulfilled.

Councillor Bithell welcomed the Capital Programme which addressed priorities and needs. He particularly welcomed the investment for Historic Building Conservation.

In response to a question from Councillor Ron Davies, the Chief Executive confirmed that the ice rink would be reinstated at Deeside Leisure Centre once it had been decommissioned as a hospital.

Councillor Sharps said an enquiry had been made from a company two years previous which would release a capital receipt for the Council, but it had not been pursued. The Chief Officer said he would look into the matter.

RESOLVED:

- (a) That the allocations and schemes in Table 3 for the Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2021/22 – 2023/24 be approved;
- (b) That the schemes included in Table 4 for Investment section of the Council Fund Capital Programme 2021/22 – 2023/24 be approved;
- (c) That it be noted that the shortfall in funding of schemes in 2021/22 in Table 5 at this point in the approval process allows flexibility. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be considered during 2021/22, and included in future Capital Programme reports; and
- (d) That the schemes included in Table 6 be approved for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing.

38. REVIEW OF POLITICAL BALANCE

The Chief Officer (Governance) introduced the report and explained there was a need to review the Council’s political balance calculations following the remaining three members of the Flintshire Independent Group joining the Independent Alliance Group. There was one non-aligned member of the Council.

The Council’s political groups and the number of Members on each was as follows:

Labour	34
Independent Alliance	16
Conservative	6
Liberal Democrats	6
New Independents	4
Independents	3
Non-aligned member	1

Committee seats were allocated to political groups (so far as was practicable) in the same proportion as those groups had to the total membership of the County Council. Details of what must be recognised for the allocation of seats on Committees were outlined in the report.

The political balance calculation was appended to the report. It was one possible lawful allocation of seats and other possible lawful allocations may exist.

Seats formally held by the Flintshire Independent Group could be transferred in totality with no other political groups being affected. He thanked Councillor Peers for agreeing to this report being considered at this meeting instead of the meeting in November.

The recommendations in the report were moved by Councillor Roberts and seconded by Councillor Peers.

RESOLVED:

- (a) That the seats on Committees be allocated in accordance with political balance as shown in Appendix A; and
- (b) That any changes to nominees for Committee places be notified to the Head of Democratic Services as soon as possible.

39. AUDIT COMMITTEE ANNUAL REPORT

The Chief Officer (Governance) introduced the Audit Committee's Annual Report for 2019/20 which provided the Council with the necessary information to meet the CIPFA's best practice 'Audit Committees – a Practical Guidance for Local Authorities 2018', and the requirement for the Audit Committee to be held to account by the Council for the work they undertook.

The Audit Committee's Annual Report was designed to provide assurance to the Council in holding the Committee to account. In particular:

1. **Supporting the Council's accountability to the public and stakeholders**
 - Each Audit Committee meeting was held in the public domain with all Committee papers available on the Council's website
2. **Supporting accountability within the Council**
 - Through the review of the reports received by Audit Committee, the Committee holds to account those responsible for the implementation of recommendations and action plans. In addition to that, the Committee oversaw the process for evaluating and improving governance, risk, financial management and control
3. **Holding the Audit Committee to account**
 - The Committee had fulfilled its agreed Terms of Reference and adopted the recommended best practice;

- Members of the Audit Committee had assessed their own development needs and taken the opportunity to attend briefing and training sessions;
- The Committee had assessed its own effectiveness, developed an action plan and monitored progress; and
- The Committee demonstrated they had a positive impact on the improvement of governance, risk, financial management and control within the Council.

A report would be submitted to County Council in January outlining proposed changes to Audit Committees in Wales.

The recommendation in the report was moved by Councillor Chris Dolphin and seconded by Councillor Paul Johnson.

Councillor Chris Dolphin gave an overview of the Annual Report, and confirmed there were no areas of concern to report to Council. Councillor Paul Johnson thanked Councillor Dolphin for the chairmanship of the Committee and his thorough nature.

Councillor Roberts also expressed his thanks to the Chair of the Audit Committee, the Members and also the co-opted members for their valuable contributions.

RESOLVED:

That the Audit Committee's Annual Report for 2019/20 be approved.

40. OVERVIEW AND SCRUTINY ANNUAL REPORT 2019/20

The Head of Democratic Services presented the report and explained that the Overview and Scrutiny Annual Report was drafted on an annual basis by the officer team, in consultation with the relevant Committee Chairs. The draft was then submitted to Constitution and Democratic Services Committee for Members comments before being submitted to Council for formal approval.

The Annual Report provides the Council with assurance that the Overview and Scrutiny function was fulfilling its constitutional role.

Following a recommendation at Constitution and Democratic Services Committee, it was agreed that the redundant wording relating to the forward work programme could be removed.

An amendment was required as Councillor Paul Johnson was listed as vice-chair of Corporate Resources Overview and Scrutiny Committee instead of Councillor Cunningham. In addition, a further amendment was required as Councillor Dave Hughes was listed as a Member of the Education & Youth Overview & Scrutiny Committee which was incorrect. The amendments would be made prior to the final version of the report being published on the Council's website.

The recommendation in the report was moved by Councillor Phillips and seconded by Councillor Michelle Perfect.

Councillor Phillips thanked the Overview and Scrutiny Facilitators for their support over the past year. He also paid tribute to Councillor Mackie who had chaired the now disbanded Organisational Change Overview and Scrutiny Committee for three years. Councillors Roberts and McGuill concurred with the comments of Councillor Phillips.

RESOLVED:

That the Overview and Scrutiny Annual Report for 2019/20 be received.

41. PUBLIC QUESTION TIME

None were received.

42. QUESTIONS

None were received.

43. NOTICE OF MOTION

None were received.

44. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 p. m. and ended at 4.25 p.m.)

.....
Chair



FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 26 th January 2021
Report Subject	Flintshire Local Development Plan (LDP) Examination in Public Delegated Authority for Officers
Cabinet Member	Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Planning, Environment and Economy)
Type of Report	Operational

EXECUTIVE SUMMARY

This report seeks the Council's agreement for a proposed scheme of delegation for officers to act on behalf of the Council should the Inspector propose changes arising out of the Examination of the soundness of any aspect of the Local Development Plan (LDP) during Examination hearing sessions.

A critical factor in ensuring that the forthcoming LDP Examination in Public (EiP) is as efficient as possible, relates to the appropriate level of delegated authority being afforded to officers to agree (in principle) to changes that are proposed by the Inspector as and when they arise during the examination hearings. The ability for officers to be able to agree to the principle of proposed changes is strongly advised by both the Planning Inspectorate and the Welsh Government.

The degree to which this delegated ability is vested solely with the Council's lead officers at the EiP, depends on the level of significance of the change being proposed by the Inspector. Where a change of more significance is proposed, for example the deletion or addition of a site, then it is appropriate that such a view is given to the Inspector only when officers have had the opportunity to consult and seek agreement from Senior Members of the Council.

The Planning Strategy Group considered a draft scheme of delegation at its meeting held on 12th November 2020 and following their consideration and amendment of the scheme, endorsed and recommended the scheme presented in this report for Council approval.

Given that no such scheme presently exists within the Council's constitution, then the scheme presented in this report requires Council approval ahead of the EiP.

RECOMMENDATIONS

1	That Members approve the recommended scheme of delegation in this report in order to provide officers with a framework to act at the LDP EiP, should the Inspector propose changes to the Plan.
---	---

REPORT DETAILS

1.00	The Need for a scheme of Delegation to support the LDP
1.01	Members will be aware that the LDP was approved for submission for Examination in public by the Council at its meeting on 29 th September 2020. The plan was then formally submitted to the Welsh Government and the Planning Inspectorate Wales (PINs) on 30 th October 2020 in accordance with the timetable within the Delivery Agreement. PINs formally acknowledged that submission was complete by letter dated 11 th November 2020 and in essence the Examination of the Plan began as of that date, with two Inspectors appointed to examine the plan, lead Inspector Mrs Sian Worden and assistant Inspector Ms Claire MacFarlane. Officers then firstly responded to 31 preliminary questions issued by the Inspectors as well as setting up an Examination Website . The whole of the Examination will be conducted via virtual Zoom meeting sessions and the Inspectors have already held a Pre-hearing meeting on 12 th January 2021 to set out the process to be followed in carrying out the examination, and are currently finalising the start date and programme for hearing sessions, which provisionally was intended to begin in the week beginning 22 nd February, but where the Inspectors have indicated that this may be put back slightly, to allow all those potentially involved to be able to respond fully to the programme when published, and issues they identify for discussion.
1.02	As part of the Council's role in participating in and defending the plan at hearing sessions, a degree of delegated authority is required in order to maintain the efficient running of the LDP Examination in Public, and to be able to respond to changes that are proposed by the Inspector without adding significant delays for adjournments, whilst matters are raised outside of hearing sessions. That said, it is important to set in context the scope and likelihood of changes that may arise and what the Council's position should be to these. It should also be particularly noted by Members that any changes being proposed will be generated by the Inspector and what, or all that the Inspector will be seeking from the Council is an agreement in principle for the proposed change. In whatever way that agreement in principle is considered and made, it would not disenfranchise either local members or indeed the community that the change had the potential to affect (e.g. if it were site related), as all changes that emanate from examination hearing sessions must be published as Matters Arising Changes (MACs) following the hearing sessions and then published for a formal 6 week public consultation exercise, to allow comments to be made and submitted to the Inspector.

	Further hearing sessions may result depending on the outcome of the response to this consultation.
1.03	To provide Members with further reassurance, it is clearly not the Council's position or that of officers that the LDP needs to change. The recommendation agreed at the meeting of the County Council on 29 th September 2020 was that following consideration of representations made to the Deposit LDP, no significant changes are proposed as the plan remains 'sound' and is capable of being examined as such and adopted.
1.04	This is therefore the stance that officers will take at the EiP in 'defending' the Plan as submitted for examination. It would only be in the instance that having discussed the evidence relating to a particular matter at an examination session, and where the evidence had clearly become discredited, that the Council would be put in the position by the Inspector that the plan may need to change to remain sound. It is for these (at present hypothetical) situations that the scheme of delegation is required to appropriately respond to the Inspector, in order to maintain the efficient running of the examination.
1.05	Officers have queried the need for such a scheme at all with Welsh Government, given that the Plan is unchanged following deposit and there are no Focussed Changes put forward, and that it is the role of officers to 'defend' the plan as submitted for examination. In response Welsh Government have acknowledged the Council's position but advise that "yes, you defend the plan submitted by the Council but, where the case to support a policy/proposal has been scrutinised through the hearings and the Council is struggling to justify the position, a quick decision, supported by a senior member group, would prove very helpful to the process. This has been the case with other LPAs across Wales going through the examination process" . The proposed scheme that follows delivers on this advice and the scheme, following consideration, amendment, and endorsement by the Planning Strategy Group, follows a similar format to that used by other Local Authorities in recent examinations including Wrexham, Swansea, and Powys.
1.06	The purpose of the scheme of delegation is to allow officers to agree, in principle, to the Inspector making changes to the LDP during the hearing sessions in consultation with Members, depending on the nature of the changes proposed. Changes of a minor typographical or factual nature are proposed to be delegated to the Service Manager Strategy (or in his absence or inability to act or for operational expediency, exercised by the Team Leader Planning Policy), but more significant changes, such as the deletion of an allocation or introduction of a new site or sites, would require consultation with Members, as is set out below. The following schedule proposes a scheme of delegation for Members to consider, providing types or examples of the sort of change envisaged, and the level of delegation that is appropriate to enable a response to made to the Inspector. Members should also note that this scheme was discussed by the Planning Strategy Group at its meeting on 12 th November 2020 who endorsed the scheme with the addition of the Chair of the Planning committee to the second and third categories, adding that the matters of 'Fundamental Significance' be discussed by the Planning Strategy Group, and that the Planning Strategy Group are advised of any changes arising

out of the 'Minor' and 'Some significance' change categories – these have been incorporated into the recommended Scheme in table 1 below.

Table 1. Proposed scheme of delegation

Type of Change	Examples of the types of issues falling into this category	Proposed Delegated Authority
Minor	Typographical, factual, wording of policies and reasoned justifications for clarification, order of policies	Service Manager Strategy (or in his absence or inability to act or for operational expediency, exercised by the Team Leader Planning Policy). Inform the Planning Strategy Group.
Changes of Some Significance	Deletion of an LDP site, or inclusion of a new site (non- strategic in scale i.e. less than 300 units) for residential or employment, changes to green barrier or minerals sites boundaries, changes to the settlement limit as a result of any new site proposed, changes to the wording of policies or reasoned justification affecting purpose.	Service Manager Strategy (or in his absence or inability to act or for operational expediency, exercised by the Team Leader Planning Policy) in consultation with the Lead Member for Planning and Public Protection and the Chair and Vice Chair of the Planning Strategy Group, The Chair of Planning Committee, and the Chief Officer (Planning, Environment, and Economy). Local Members will be notified of any significant changes for information purposes. Inform the Planning Strategy Group.
Fundamental Changes	Alterations to the spatial or growth strategy or inclusion of alternative key strategic housing sites (i.e. 300 units or more)	Service Manager Strategy (or in his absence or inability to act or for operational expediency, exercised by the Team Leader Planning Policy) in consultation with the Lead Member for Planning and Public Protection and the Chair and Vice Chair of the Planning Strategy Group, the Chair of Planning Committee, the Leader and Deputy Leader, and the Chief Officer (Planning, Environment, and Economy). Discuss changes proposed at this level with the Planning Strategy Group. Local Members will be notified of any fundamental changes for information purposes.

1.07 Clearly this scheme is designed to ensure that if it is required to be enacted, any change proposed by the Inspector of any significance, cannot be agreed to in principle by officers without reference to appropriate elected Members of the Council. This has to be the correct approach and is one where officers would not be comfortable to represent the Council at EiP without such a scheme of reference in place.

1.08 A key point to reiterate for Members in relation to changes that may emanate from the examination process is that they will be Inspector driven and that any changes which are proposed, known as 'Matters Arising

	Changes' (MACs), will be subject to a separate, 6-week public consultation process, once the initial round of hearing sessions is completed. There will therefore be ample opportunity for Members and the wider public to respond to any proposed changes as part of this formal consultation. The need for such a scheme emanates from the lack of such a scheme being present when our neighbours Wrexham carried out their first examination into their LDP, which was aborted after just one week and where one of the contributory factors was the lack of ability for officers and appropriate Members to respond to changes proposed by the Inspector in order to try to make the plan sound.
1.09	It should also be borne in mind that the use of such a scheme would only be in the last resort if, for whatever reason, any aspect of the plan or its supporting evidence is not found to be sound by the Inspector. It should also be reiterated that the Welsh Government, who will be represented at all examination sessions, have no fundamental issues with the soundness of the submitted LDP.

2.00	RESOURCE IMPLICATIONS
2.01	None.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	The proposed scheme of delegation was discussed and endorsed by the Planning Strategy Group on 12 November 2020, who endorsed the scheme with the additional points set out in paragraph 1.04 above.

4.00	RISK MANAGEMENT
4.01	The main risk in not approving a scheme of delegation is the delay that may result in the programme for the Examination of the LDP thereby also delaying the potential date for adoption of the plan, which may result in renewed vulnerability of Flintshire's communities to speculative unplanned development pressures.

5.00	APPENDICES
5.01	None.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	The LDP Examination website can be accessed here: Examination Website

<p>Contact Officer: Andy Roberts, Service Manager Strategy Telephone: 01352703211/07920701241 E-mail: andy.roberts@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Local Development Plan: The Council is required to produce and keep up to date a Local Development Plan which is a land use plan that sets out policies and proposals that identify what development will happen where, and also contains policies to control and protect the more sensitive areas of the County from inappropriate development.</p> <p>Examination in Public: In order to adopt a Local Development Plan the Council must first submit its draft plan for Examination by the Planning Inspectorate, who will assess the degree to which the plan is a sound plan and capable of adoption.</p> <p>Soundness: A key part of producing a Local Development Plan as well as its Examination, is to ensure it is a sound plan. There are three tests of soundness which the Welsh Government define in LDP guidance, which the plan needs to satisfy in order to be found sound. These tests are defined within the Development Plans Manual Edition 3.</p> <p>Matters Arising Changes: Any changes that an Inspector proposes during Examination sessions in order to make a plan sound will be published at the end of all examination sessions as Matters Arising Changes, which are made publicly available for a 6 week period of consultation. The views received are then taken into account by the Inspector as part of producing recommendations within an Inspectors.</p> <p>Focused Changes: Any changes that the Council wishes to make to a deposit LDP following public consultation are known as focused changes which need to be published for a 6 week consultation period. These changes along with the consultation responses would then form part of the documentation submitted to the Planning Inspectorate with the original deposit plan. The Council did not propose any focussed changes to its deposit LDP.</p>



FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 26 th January 2021
Report Subject	Local Government & Elections (Wales) Bill
Report Author	Chief Executive & Chief Officer (Governance)

EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Bill was passed by the Senedd on 18th November 2020. Council last considered this Bill, and made a response to it, at the meeting on 28th January 2020. The attached briefing paper, prepared for the Welsh Local Government Association Council (WLGA) meeting on 27th November 2020 sets out the history of the Bill, its main provisions and provides commentary on elements of it.

Whilst largely supportive of the Bill, the WLGA on behalf of Local Government community had expressed reservations at some aspects. These are identified within the briefing paper. Flintshire's own response to the Bill echoed that of the WLGA.

It should be noted that whilst the Bill has been passed by the Senedd, it has not yet received Royal Assent, which is why it is not referred to as an Act. However, there can be no further changes to it. The local government community may not be supportive of all that it contains, but as with all legislation, we must comply with those parts that are "commenced" (brought into force).

It is a big piece of legislation, which reflects its lengthy gestation period. It has 170 sections and 14 schedules. Some aspects of it reflect what Flintshire, as a best practice authority is already doing and that your officers will do the necessary work to implement it. The key elements that will require specific Member approval, and so will be taken through the appropriate channels in due course, are as follows:

- Change of the franchise for "Welsh" elections
- The option to change the method of election from first past post to single transferrable vote
- Public engagement and participation in councils (accessibility)
- Self-assessment and peer assessment of our performance as a Council
- Changes to the Audit Committee

There are concerns at the lack of clarity on commencement, which is staggered, with certain provisions, such as some of changes to the Audit Committee and the introduction of Corporate Joint Committees coming into force immediately, with others two months after Royal Assent (so possibly April 2021) others in May 2022 and others on dates to be decided by Welsh Ministers.

RECOMMENDATIONS

1	That Council receives the briefing report.
2	That Council notes the constitutional and other implications of the Bill, and supports internal plans for their implementation.

REPORT DETAILS

1.00	BRIEFING ON THE LOCAL GOVERNMENT & ELECTIONS (WALES) BILL
1.01	<p>Members will be aware that this Bill is the culmination of many years of discussion a range of issues which included reorganisation, performance and the electoral franchise. The report submitted to Council on 28th January 2020 provided details of the history:</p> <ul style="list-style-type: none">• Draft Local Government (Wales) Bill – November 2015• Consultation on Electoral Reform – October 2017• Reforming Local Government: Resilient and Renewed - Welsh Government White Paper - January 2017• Consultation on Powers and Flexibilities – January 2018• Strengthening Local Government: Delivering for People Welsh Government Green Paper - June 2018.
1.02	<p>As Members will recall from Council's consideration of the Bill at an early stage (28th January 2020), it contained a number of significant elements. Following the consultative process, not all of those have been included within the Bill which was passed by the Senedd on 18th November 2020.</p> <p>The key points of the Bill, which will have the greatest impact on the work of the Council are:</p> <ul style="list-style-type: none">• Changes to the electoral franchise (see paragraph 1.03 and 1.04 below);• Public accessibility (see paragraph 1.05 below);• Corporate Joint Committees (as previously considered by Cabinet on 15th December)• Council performance and accountability and the Audit Committee (see paragraph 1.06 below) <p>To assist Members in considering the Bill, we have provided the Flintshire context, and some comments, in italics, where necessary. An implementation schedule is also attached for information.</p>
1.03	<p>Electoral reform (sections 2- 23)</p> <ul style="list-style-type: none">• Extension of the franchise to 16 year olds and foreign citizens. <p><i>Our Electoral Registration team is already working on this. We recognise the inherent difficulties in running dual elections in May based on two different franchises. For example, 16 and 17 year olds will be able to vote in the National Assembly elections, but not for the Police & Crime Commissioner elections. The county and</i></p>

	<p><i>community/town council elections which are scheduled for May 2022 will have 16 and 17 year olds participating.</i></p> <ul style="list-style-type: none"> • <i>changing Council electoral cycles from the current four to five years (applies to county and community/town councils);</i> <p><i>We had supported this previously and continue to do so. A five year lifecycle is more appropriate for strategic planning.</i></p> <ul style="list-style-type: none"> • <i>allowing non-politically restricted Council employees to stand for election to their own Council (they would resign if elected)</i> <p><i>Whilst we have recognised Welsh Government’s attempts to widen representation in local government, we were unable to support this at consultation stage. We are disappointed that it remains, as it has the potential to cause problems with ongoing working relationships between Members and officers but, as it is now in the legislation, we will have to implement it.</i></p>
1.04	<p>Two Voting Methods (sections 5 -12).</p> <p><i>The Bill provides a choice between two voting systems. These are first past the post – simple majority – which is what we use now and an alternative, the Single Transferable Voting system (STV). The simple majority system will apply unless and until Council changes the voting system, for the first time. The discretionary power for councils to introduce STV for their own elections if there is a two-thirds majority of the council membership in favour was not supported when we considered the draft Bill in January 2020,</i></p> <p><i>Under our present simple majority system, there are a number of council wards which are represented by one, or in some cases two candidates. (Members will recall that we have reiterated our opposition to multi-member wards on many occasions, most recently during consultation on the Electoral Ward Review in 2020) With STV, instead of one or two people representing everyone in an area, larger areas elect a small team of representatives, such as 4 or 5. These representatives reflect the diversity of opinions in the area.</i></p> <p><i>On election day, voters number a list of candidates. Their favourite as number one, their second favourite number two, and so on. Voters can put numbers next to as many or as few candidates as they like. Parties will often stand more than one candidate in each area.</i></p> <p><i>We had reiterated our previous stance that we do not support the conferment of the power to councils to introduce STV for local elections. We maintain that there should be a uniform voting system in Wales which is commonly understood and practiced consistently. In previous consultation on electoral reform, we had said that there should be a national referendum on the introduction of STV if Welsh Government is to pursue its introduction</i></p> <p><i>The Bill indicates that this provision would come into force on 6th May 2022 – after the next local government elections.</i></p>

	<p>Section 12 of the Bill says that where STV is applied, the number of councillors for each ward is to be no less than three but no more than six.</p>
1.05	<p>Reforming public participation in Local Government (sections 38 – 51)</p> <ul style="list-style-type: none"> • Duty to encourage local people to participate in Local Government (section 40); <p><i>This aim of this part of the Bill is to make it easier for people to become a member of a principal council.</i></p> <ul style="list-style-type: none"> • Requirement to produce a public engagement strategy; (section 41) <p><i>We have a good track record in providing opportunities for the public to engage with us.</i></p> <ul style="list-style-type: none"> • Duty to make a petition scheme (section 42) <p><i>We have previously supported this. WLGA is to work with council Heads of Democratic Services to produce a national approach to this and a draft scheme will go to the Constitution & Democratic Services Committee before being brought to Council for approval.</i></p> <ul style="list-style-type: none"> • Duty on principal councils to publish official addresses (section 43), <p><i>We already do this and have done so for many years.</i></p> <ul style="list-style-type: none"> • Duty to publish the Constitution and a Constitution guide (section 45); <p><i>We have published our Constitution on our website for several years. Your officers will produce a plain language guide to our Constitution which will also go onto the website</i></p> <ul style="list-style-type: none"> • Duty to broadcast certain meetings (section 46); <p><i>We are currently publishing recordings of all our Remote Access meetings and intend to livestream them early in 2021.</i></p> <ul style="list-style-type: none"> • Greater flexibility around Remote Attendance of members; (Section 47) <p><i>We are now all familiar with the conducting Remote Attendance Meetings, and made appropriate changes to our procedures to accommodate them.</i></p> <ul style="list-style-type: none"> • Giving notice of meetings (section 49) <p><i>This makes permanent the current emergency provisions, allowing for electronic publication of agendas.</i></p>

	<ul style="list-style-type: none"> Regulations about the conduct of meetings (section 50) <p><i>This section enables Welsh Ministers to make associated regulations, which the officers will review when they are made available, reporting back to Members as appropriate.</i></p>
1.06	<p>Collaborative working: creating Corporate Joint Committees (sections 68 – 88)</p> <ul style="list-style-type: none"> It provides powers for Councils to initiate the establishment of Corporate Joint Committees (CJCs) covering any functions; Also provides powers for Welsh Ministers to establish CJCs for economic wellbeing; transport; strategic planning and school improvement. <p><i>This was the subject of a comprehensive report to Cabinet on 15th December (Welsh Government consultation on corporate joint committees) A link to that report is attached: we provided a comprehensive response to the consultation, which is attached as an appendix.</i></p> <p>http://modgov:9070/documents/g4901/Public%20reports%20pack%2015th-Dec-2020%2010.00%20Cabinet.pdf?T=10&\$LO\$=1</p> <p><i>As Members will be aware, Flintshire is already recognised as a leading authority in joint working, as our roles in GwE, the North Wales Economic Ambition Board and the North Wales Residual Waste Joint Committee demonstrate.</i></p>
1.07	<p>Creation of a Governance & Audit Committee (sections 116 to118)</p> <p><i>This will replace the current Audit Committee, but is not indicative of local dissatisfaction with the role and conduct of the current Flintshire committee. The new committee must assess and report on: the council's arrangements for self –assessment; peer review and ability to handle complaints effectively. It must also review the draft self – assessment performance report and draft responses to any panel reports.</i></p> <p><i>The committee name will change from 1st April 2021, as will the terms of reference. From May 2022, the Governance & Audit Committee must appoint a lay person as its Chair. The vice chair must not be a Cabinet member. One third of the membership of the committee must be lay members. Flintshire has previously recognised the benefits and different perspectives that can be contributed by lay members. We currently have two on our Audit Committee. We will need to recruit a third lay member in the late autumn of 2021, in readiness for the 2022 changes..</i></p> <p><i>Your officers will draft terms of reference for the new committee.</i></p>

2.00	RESOURCE IMPLICATIONS
2.01	Whilst there will be resource implications of several elements of the Bill, these have not yet been quantified.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Not applicable.

4.00	RISK MANAGEMENT
4.01	Not applicable at this stage.

5.00	APPENDICES
5.01	Appendix 1 – Flintshire response to the Welsh Government consultation document ‘Regulations to establish Corporate Joint Committees (CJCs).

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Report to WLGA Council, 27.11.20 on the Local Government & Elections (Wales) Bill. Link attached</p> <p>file:///C:/Users/cscsrjr/Downloads/WLGA%20LG&E(W)%20report%20Nov%202020.pdf</p> <p>Report of the Chief Executive and Chief Officer (Governance) on the Local Government & Elections (Wales) Bill. Council, 28.01.20 and resultant minute.</p> <p>Council Contact Officer: Robert Robins, Head of Democratic Services Telephone: (01352) 702320 E-mail: robert.robins@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>First past the post – traditional form of election where the person with the highest number of votes wins and is thus elected.</p> <p>Single transferable vote systems (STV) – proportional representation so that instead of one person representing everyone in a small area, bigger areas elect a small team of representatives. These representatives may then reflect the diversity of opinions in the area. On election day, voters</p>

number a list of candidates. They put their favourite as number one, their second favourite number two, and so on. Voters can put numbers next to as many or as few candidates as they like. Parties will often stand more than one candidate in each area.

Principal Councils: the twenty two unitary County and County Borough Councils in Wales.

This page is intentionally left blank

8th January 2021

Date/Dyddia

Email/Ebost

Sent via email : LGPPartnerships@gov.wales

chief.executive@flintshire.gov.uk

Dear Sir/Madam

Re: Welsh Government Consultation Document: “Regulations to establish Corporate Joint Committees (CJCs)”

I write on behalf of Flintshire County Council (“the Council”), setting out views agreed and endorsed by its members through the scrutiny process and with the formal approval of its Cabinet.

North Wales as a whole, and the Council in particular, has a well-established and effective pattern of co-operation and regional working. The Council therefore can support the creation of CJCs as a means of furthering regional collaboration. Of particular note is the fact that the regulations will allow a CJC to co-opt non local government bodies as voting members, which was a request made by the North Wales Economic Ambition Board (“NWEAB”) to achieve equality of participation between key partners (Question 4).

In supporting the proposals it is nevertheless important for the Council to understand the full extent of what is proposed and how the new CJC will relate to existing regional structures. For example, the region has established the NWEAB which is working effectively, and the 6 councils have only recently agreed and signed the final Growth Deal with the UK and Wales Government. It is essential therefore that the North Wales CJC should:

- i. complement those existing structures and be capable of being adopted without wholesale revision to governance arrangements;
- ii. add value to the work of the NWEAB;
- iii. be able to be serviced by the existing NWEAB Programme Office and Host Authority without the need for the creation of a new regional staffing resource which would be both a cost burden and create duplication;
- iv. lead to the conferment of new powers and resources to the region.

Applying those criteria to the questions posed within the consultation paper:

- 1) if CJCs are to help facilitate regional collaboration then it is both appropriate and necessary that they should be subject to the same governance and administrative framework with similar powers and duties to principal councils. By logical extension this should also include accounting requirements (Questions 1 and 10)

County Hall, Mold. CH7 6NF

www.flintshire.gov.uk

Neuadd y Sir, Yr Wyddgrug. CH7 6NF

www.siryfflint.gov.uk

- 2) Likewise the area for the North Wales CJC should correspond to the North Wales region and the NWEAB (Question 2)

The Council notes that CJCs will have powers that overlap with the functions of the principal councils in North Wales. So far it appears that you have only published consultations on the devolution/conferral of statutory powers and duties under 2 of the proposed statutory purposes for CJCs. Greater clarity is therefore required at this stage on the precise scope of the functions which will initially be assigned to CJCs and any future plans to imbue them with further powers (Question 14).

The transfer of existing local government powers to CJCs could also lead to diminishing local autonomy and thus accountability. The consultation paper made reference to the fact that CJCs should decide for themselves how they will exercise such functions concurrently with the constituent councils without coming into conflict with them, taking into account guidance to be published by yourselves. Again, it would be helpful to understand whether further guidance will be issued to CJCs on how to balance regional decision making against local accountability, or whether each region will be free to make decisions that best reflect the local context and needs.

The need to be supported by local authority officers further reinforces the need for the CJCs to be fully part of the local government family with membership of the Local Government Pension Scheme, continuity of employment etc. Taking the aforesaid into account the approach to staffing matters is broadly correct (Questions 11 – 13). Equally members and officers of the CJCs need to be subject to the same codes of conduct and ethical framework as principal councils, as is currently the case within the NWEAB, so that there is consistency of expectation and governance (question 8).

The initial membership of CJCs will be the Leaders of the constituent councils. In order to avoid to an increase in cost and duplication of resource, it also likely that they will be supported by existing employees within the constituent councils, especially for the statutory posts such as Head of Paid Service, Monitoring Officer and S.151 Officer. All of those positions are already demanding, full time roles. It is important therefore that CJCs function in such a way as to avoid or limit the potential strain this could impose on both councillors and officers, and to ensure that the capacity of the CJC is not limited as a result.

It is clear that these roles will be additional to current duties and responsibilities. The regulatory impact assessment identifies the anticipated costs to local government of these proposals, but no clear commitment to support those additional costs has been forthcoming. Within the local government community we will do what is possible to keep additional cost and bureaucracy to a minimum and would ask that the regulations give us the maximum flexibility to organise the CJC in order to achieve that end. However, there will still be additional costs and, after several years of local government finance settlements that do not meet the identified funding needs, it is clear that these proposals not generate any additional efficiencies to cover those additional costs.

County Hall, Mold. CH7 6NF
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NF
www.siryfflint.gov.uk

Welsh Government should therefore include additional funding allocations within the local government settlement to meet the costs of CJs from 2022 onwards.

Yours sincerely,



Colin Everett
Chief Executive

This page is intentionally left blank



FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday 26 th January 2021
Report Subject	Treasury Management Mid-Year Report 2020/21
Report Author	Corporate Finance Manager

EXECUTIVE SUMMARY

The report presents the Treasury Management 2020/21 Mid-Year review for approval.

A summary of the key points are set out in the report.

At a meeting of the Audit Committee on 18th November 2020 Members reviewed the Mid-Year report and recommended it to Cabinet.

Cabinet received the Mid-Year report on 15th December 2020 and recommended to Council for approval.

RECOMMENDATIONS

1	Council approves the Treasury Management Mid-Year Report 2020/21.
---	---

REPORT DETAILS

1.00	BACKGROUND TO THE REPORT
1.01	<p>On 18th February 2020, the Council approved the Treasury Management Strategy 2020/21, following the recommendation of the Cabinet and consideration by the Audit Committee.</p>
1.02	<p>The Council delegates responsibility for the implementation and regular monitoring of its treasury management policies and practices to Cabinet, and for execution and administration of treasury management decisions to the Corporate Finance Manager, who acts in accordance with the Council's Treasury Management Policy Statement, Strategy and Practices.</p> <p>The Council has nominated Audit Committee to be responsible for ensuring effective scrutiny of Treasury Management Strategy and Policies.</p>
1.03	<p>The Treasury Management Mid-Year Report for 2020/21 is attached as Appendix 1. The Mid-Year Report reviews the activities and performance of the treasury management operations during the period 1st April to 30th September 2020.</p> <p>As required by the Council's Financial Procedure Rules, this Mid-Year Report was reviewed by Audit Committee on 18th November 2020 and Cabinet on 15th December 2020. Audit Committee had no matters to draw to the Cabinet's or Council's attention.</p>
1.04	<p><u>Summary of Key Points</u></p> <p>The spread of the COVID-19 pandemic has been the major influence on both the national and global economy over the period.</p> <p>The Bank of England have maintained the base rate at 0.1% since March this year, and the potential use of negative interest has not been ruled out.</p> <p>The Council's treasury advisor Arlingclose expects the Bank Rate to remain at 0.1% for the foreseeable future, and at low levels for a very long time with a distinct possibility of being cut to zero.</p>
1.05	<p>No new long-term borrowing has been undertaken during the period. The Council continues to regularly review the position on its long-term borrowing requirement in conjunction with Arlingclose. Short term borrowing was undertaken as necessary in accordance with the 2020/21 borrowing strategy. The total short term borrowing as at 30th September 2020 was £30m with an average interest rate of 0.47%. Section 4 provides more information on borrowing and debt management during the period.</p>

1.06	Interest rates on investments have been very low throughout the period. On 25 th September the overnight, 1- and 2-week interest rates on Debt Management Account Deposit Facility deposits dropped below zero percent to -0.03%. Section 5 of the report provides more information on how the Council is managing its investments to avoid negative interest rates.
1.07	The treasury function has operated fully within the limits detailed in the Treasury Management Strategy 2020/21.
1.08	Section 6 of the Mid-Year Report provides information on regulatory changes coming into force in the near future.

2.00	RESOURCE IMPLICATIONS
2.01	Financial implications are addressed in the report; no other resource implications directly as a result of this report.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Arlingclose Ltd, being the Council's treasury management advisors.

4.00	RISK MANAGEMENT
4.01	Risk Management directly addressed within appendices including identification of risks and measures to mitigate likelihood and impact of risks identified.

5.00	APPENDICES
5.01	Appendix 1 – Treasury Management Mid-Year Review 2020/21

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Paul Vaughan - Interim Technical Finance Manager Telephone: 01352 702289 E-mail: paul.vaughan@flintshire.gov.uk

7.00	GLOSSARY OF TERMS
7.01	<p>Authorised Limit: A statutory limit that sets the maximum level of external debt for the Council.</p> <p>Balances and Reserves: Accumulated sums that are held, either for specific future costs or commitments (known as earmarked) or generally held to meet unforeseen or emergency expenditure.</p> <p>Bank Rate: The official interest rate set by the Bank of England's Monetary Policy Committee and what is generally termed at the "base rate".</p> <p>Basis Point: A unit of measure used in finance to describe the percentage change in the value or rate of a financial instrument. One basis point is equivalent to 0.01% (1/100th of a percent). In most cases, it refers to changes in interest rates and bond yields. For example, if interest rates rise by 25 basis points, it means that rates have risen by 0.25% percentage points.</p> <p>Bond: A certificate of debt issued by a company, government, or other institution. The bond holder receives interest at a rate stated at the time of issue of the bond. The price of a bond may vary during its life.</p> <p>Capital Expenditure: Expenditure on the acquisition, creation or enhancement of capital assets.</p> <p>Capital Financing Requirement (CFR): The Council's underlying need to borrow for capital purposes representing the cumulative capital expenditure of the local authority that has not been financed.</p> <p>Certificates of Deposits (CD's): A savings certificate entitling the bearer to receive interest. A CD bears a maturity date, a specified fixed interest rate and can be issued in any denomination. CDs are generally issued by commercial banks. The term of a CD generally ranges from one month to five years.</p> <p>Cost of Carry: The "cost of carry" is the difference between what is paid to borrow compared to the interest which could be earned. For example, if one takes out borrowing at 5% and invests the money at 1.5%, there is a cost of carry of 3.5%.</p> <p>Consumer Price Index (CPI): The UK's main measure of inflation (along with Retail Price Index or 'RPI') The Monetary Policy Committee of the Bank of England set the Bank Rate in order to try and keep CPI at or close to the target set by the Government. The calculation of CPI includes many items of normal household expenditure but excludes some items such as mortgage interest payments and Council Tax.</p> <p>Credit Rating: Formal opinion by a registered rating agency of a counterparty's future ability to meet its financial liabilities; these are opinions only and not guarantees.</p>

Corporate Bonds: Corporate bonds are bonds issued by companies. The term is often used to cover all bonds other than those issued by governments in their own currencies and includes issues by companies, supranational organisations and government agencies.

Counterparty List: List of approved financial institutions with which the Council can place investments.

Debt Management Office (DMO): The DMO is an Executive Agency of Her Majesty's Treasury and provides direct access for local authorities into a government deposit facility known as the Debt Management Account Deposit Facility (DMADF). All deposits are guaranteed by HM Government and therefore have the equivalent of a sovereign credit rating.

Federal Reserve: The US central bank, the equivalent of the Bank of England. (Often referred to as "the Fed").

Financial Instruments: Financial instruments are tradable assets of any kind. They can be cash, evidence of an ownership interest in an entity, or a contractual right to receive or deliver cash or another financial instrument.

Gilts: Gilts are bonds issued by the UK Government. They take their name from 'gilt-edged'. They are deemed to be very secure as the investor expects to receive the full face value of the bond to be repaid on maturity.

LIBID: The London Interbank Bid Rate (LIBID) is the rate bid by banks on Eurocurrency deposits (i.e. the rate at which a bank is willing to borrow from other banks).

LIBOR: The London Interbank Offered Rate (LIBOR) is the rate of interest that banks charge to lend money to each other. The British Bankers' Association (BBA) work with a small group of large banks to set the LIBOR rate each day. The wholesale markets allow banks who need money to borrow from those with surplus amounts. The banks with surplus amounts of money are keen to lend so that they can generate interest which it would not otherwise receive.

LOBO: Stands for Lender Option Borrower Option. The underlying loan facility is typically very long-term - for example 40 to 60 years - and the interest rate is fixed. However, in the LOBO facility the lender has the option to call on the facilities at pre-determined future dates. On these call dates, the lender can propose or impose a new fixed rate for the remaining term of the facility and the borrower has the 'option' to either accept the new imposed fixed rate or repay the loan facility.

IFRS: International Financial Reporting Standards.

Maturity: The date when an investment or borrowing is repaid.

Maturity Structure / Profile: A table or graph showing the amount (or percentage) of debt or investments maturing over a time period.

Monetary Policy Committee (MPC): A committee of the Bank of England, which meets to decide the Bank Rate. Its primary target is to keep CPI inflation within 1% of a central target of 2%. Its secondary target is to support the Government in maintaining high and stable levels of growth and employment.

Money Market Funds (MMF): Pooled funds which invest in a range of short term assets providing high credit quality and high liquidity.

Minimum Revenue Provision (MRP): An annual provision that the Council is statutorily required to set aside and charge to the Revenue Account for the repayment of debt associated with expenditure incurred on capital assets.

Non Specified Investment: Investments which fall outside the WG Guidance for Specified investments (below).

Operational Boundary: This linked directly to the Council's estimates of the CFR and estimates of other day to day cash flow requirements. This indicator is based on the same estimates as the Authorised Limit reflecting the most likely prudent but not worst case scenario but without the additional headroom included within the Authorised Limit.

Premiums and Discounts: In the context of local authority borrowing, (a) the premium is the penalty arising when a loan is redeemed prior to its maturity date and (b) the discount is the gain arising when a loan is redeemed prior to its maturity date.

Prudential Code: Developed by CIPFA and introduced in April 2004 as a professional code of practice to support local authority capital investment planning within a clear, affordable, prudent and sustainable framework and in accordance with good professional practice.

Prudential Indicators: Indicators determined by the local authority to define its capital expenditure and asset management framework. They are designed to support and record local decision making in a manner that is publicly accountable; they are not intended to be comparative performance indicators.

Public Works Loans Board (PWLB): The PWLB is a statutory body operating within the United Kingdom Debt Management Office, an Executive Agency of HM Treasury. The PWLB's function is to lend money from the National Loans Fund to local authorities and other prescribed bodies, and to collect the repayments.

Quantitative Easing (QE): QE is a form of monetary policy where a Central Bank creates new money electronically to buy financial assets, like government bonds. This cash injection lowers the cost of borrowing and boosts asset prices to support spending.

Revenue Expenditure: Expenditure to meet the continuing cost of delivery of services including salaries and wages, the purchase of materials and capital financing charges.

Retail Price Index (RPI): A monthly index demonstrating the movement in the cost of living as it tracks the prices of goods and services including mortgage interest and rent.

Term Deposits: Deposits of cash with terms attached relating to maturity and rate of return (Interest).

Specified Investments: Term used in the Welsh Assembly Guidance for Local Authority Investments. Investments that offer high security and high liquidity, in sterling and for no more than one year. UK government, local authorities and bodies that have a high credit rating.

Supported Borrowing: Borrowing for which the costs are supported by the government or third party.

Supranational Bonds: Instruments issued by supranational organisations created by governments through international treaties (often called multilateral development banks). The bonds carry an AAA rating in their own right. Examples of supranational organisations are the European Investment Bank, the International Bank for Reconstruction and Development.

Treasury Bills (T-Bills): Treasury Bills are short term Government debt instruments and, just like temporary loans used by local authorities, are a means to manage cash flow. They are issued by the Debt Management Office and are an eligible sovereign instrument, meaning that they have an AAA-rating.

Treasury Management Code: CIPFA's Code of Practice for Treasury Management in the Public Services, initially brought in 2003, subsequently updated in 2009 and 2011.

Treasury Management Practices (TMP): Treasury Management Practices set out the manner in which the Council will seek to achieve its policies and objectives and prescribe how it will manage and control these activities.

Temporary Borrowing: Borrowing to cover peaks and troughs of cash flow, not to fund capital spending.

Unsupported Borrowing: Borrowing which is self-financed by the local authority. This is also sometimes referred to as Prudential Borrowing.

Yield: The measure of the return on an investment instrument.

This page is intentionally left blank



FLINTSHIRE COUNTY COUNCIL

TREASURY MANAGEMENT

MID YEAR REPORT 2020/21

1.00 PURPOSE OF REPORT

- 1.01 To provide members with a mid-year update on matters relating to the Council's Treasury Management function.

2.00 BACKGROUND

- 2.01 Treasury management comprises the management of the Council's cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.
- 2.02 The Council's primary objectives for the investment of its surplus funds are to protect the principal sums invested from loss, and to ensure adequate liquidity so that funds are available for expenditure when needed. The generation of investment income to support the provision of local authority services is an important, but secondary, objective.
- 2.03 The Council's policy is to appoint external consultants to provide advice on its treasury management function. In September 2016 Arlingclose Ltd were reappointed as the Council's advisors for a period of 3 years, following a competitive tendering exercise. This period has been extended a further 2 years as per the contract terms to September 2021.
- 2.04 The Council has adopted the 2017 edition of the CIPFA Treasury Management in the Public Services: Code of Practice, which requires the Council to approve a treasury management strategy before the start of each financial year, a mid-year report, and an annual report after the end of each financial year.
- 2.05 In addition, the Welsh Government (WG) issues guidance on local authority investments that requires the Council to approve an investment strategy before the start of each financial year. Welsh Government updated this guidance in November 2019 and it came into force on 1st April 2020.
- 2.06 This report fulfils the Council's legal obligation under the Local Government Act 2003 to have regard to both the CIPFA Code and the WG Guidance.
- 2.07 The Council approved the 2020/21 Treasury Management Strategy at its meeting on 18th February 2020.

3.00 ECONOMIC & INTEREST RATE REVIEW APRIL – OCTOBER 2020.

Provided by Arlingclose Ltd, the Council's treasury management advisors.

Economic background: The spread of the coronavirus pandemic dominated during the period as countries around the world tried to manage the delicate balancing act of containing transmission of the virus while easing lockdown measures and getting their populations and economies working again. After a relatively quiet few months of Brexit news it was back in the headlines towards the end of the period as agreement between the UK and EU on a trade deal was looking difficult and the government came under fire, both at home and abroad, as it tried to pass the Internal Market Bill which could override the agreed Brexit deal, potentially breaking international law.

The Bank of England (BoE) maintained Bank Rate at 0.1% and its Quantitative Easing programme at £745 billion. The potential use of negative interest rates was not ruled in or out by BoE policymakers, but then a comment in the September Monetary Policy Committee meeting minutes that the central bank was having a harder look at its potential impact than was previously suggested took financial markets by surprise.

Government initiatives continued to support the economy, with the furlough (Coronavirus Job Retention) scheme keeping almost 10 million workers in jobs, grants and loans to businesses and 100 million discounted meals being claimed during the 'Eat Out to Help Out' (EOHO) offer.

GDP growth contracted by a massive 19.8% (revised from first estimate -20.4%) in Q2 2020 (Apr-Jun) according to the Office for National Statistics, pushing the annual growth rate down to -21.5% (first estimate -21.7%). Construction output fell by 35% over the quarter, services output by almost 20% and production by 16%. Recent monthly estimates of GDP have shown growth recovering, with the latest rise of almost 7% in July, but even with the two previous monthly gains this still only makes up half of the lost output.

The headline rate of UK Consumer Price Inflation (CPI) fell to 0.2% year/year in August, further below the Bank of England's 2% target, with the largest downward contribution coming from restaurants and hotels influenced by the EOHO scheme. The Office for National Statistics' preferred measure of CPIH which includes owner-occupied housing was 0.5% y/y.

In the three months to July, labour market data showed the unemployment rate increased from 3.9% to 4.1% while wages fell 1% for total pay in nominal terms (0.2% regular pay) and was down 1.8% in real terms (-0.7% regular pay). Despite

only a modest rise in unemployment over the period, the rate is expected to pick up sharply in the coming months as the furlough scheme ends in October. On the back of this, the BoE has forecast unemployment could hit a peak of between 8% and 9%.

The US economy contracted at an annualised rate of 31.7% in Q2 2020 (Apr-Jun). The Federal Reserve maintained the Fed Funds rate at between 0% and 0.25% but announced a change to its inflation targeting regime. The move is to a more flexible form of average targeting which will allow the central bank to maintain interest rates at low levels for an extended period to support the economy even when inflation is 'moderately' above the 2% average target, particularly given it has been below target for most of the last decade.

The European Central Bank maintained its base rate at 0% and deposit rate at -0.5%.

Financial markets: Equity markets continued their recovery, with the Dow Jones climbing to not far off its pre-crisis peak, albeit that performance being driven by a handful of technology stocks including Apple and Microsoft, with the former up 75% in 2020. The FTSE 100 and 250 have made up around half of their losses at the height of the pandemic in March. Central bank and government stimulus packages continue to support asset prices, but volatility remains.

Ultra-low interest rates and the flight to quality continued, keeping gilts yields low but volatile over the period with the yield on some short-dated UK government bonds remaining negative. The 5-year UK benchmark gilt yield started and ended the June–September period at -0.06% (with much volatility in between). The 10-year gilt yield also bounced around, starting at 0.21% and ending at 0.23% over the same period, while the 20-year rose from 0.56% to 0.74%. 1-month, 3-month and 12-month bid rates averaged 0.02%, 0.06% and 0.23% respectively over the period.

At the end of September, the yield on 2-year US treasuries was around 0.13% while that on 10-year treasuries was 0.69%. German bund yields remain negative across most maturities.

Credit review: Credit default swap spreads eased over most of the period but then started to tick up again through September. In the UK, the spreads between ringfenced and non-ringfenced entities remains, except for retail bank Santander

UK whose CDS spread remained elevated and the highest of those we monitor at 85bps, while Standard Chartered was the lowest at 41bps. The ring-fenced banks are currently trading between 45 and 50bps.

After a busy second quarter of the calendar year, the subsequent period has been relatively quiet for credit changes for the names on our counterparty list. Fitch assigned a AA- deposit rating to Netherlands lender Rabobank with a negative outlook and prior to that, while not related to our counterparty list but quite significant, revised the outlook on the US economy to Negative from Stable while also affirming its AAA rating.

There continues to remain much uncertainty around the extent of the losses banks and building societies will suffer due to the impact from the coronavirus pandemic and for the UK institutions on our list there is the added complication of the end of the Brexit transition period on 31st December and what a trade deal may or may not look like. The institutions on Arlingclose's counterparty list and recommended duration remain under constant review, but at the end of the period no changes had been made to the names on the list or the recommended maximum duration of 35 days.

Outlook for the remainder of 2020/21

The medium-term global economic outlook is weak. While the strict initial lockdown restrictions have eased, coronavirus has not been suppressed and second waves have prompted more restrictive measures on a regional and national basis. This ebb and flow of restrictions on normal activity will continue for the foreseeable future, at least until an effective vaccine is produced and importantly, distributed.

The global central bank and government responses have been significant and are in many cases on-going, maintaining more stable financial, economic and social conditions than otherwise. This has supported a sizeable economic recovery in Q3.

However, the scale of the economic shock to demand, on-going social distancing measures, regional lock downs and reduced fiscal support will mean that the subsequent pace of recovery is limited. Early signs of this are already evident in UK monthly GDP and PMI data, even before the latest restrictions.

This situation will result in central banks maintaining low interest rates for the medium term. In the UK, Brexit is a further complication. Bank Rate is therefore likely to remain at low levels for a very long time, with a distinct possibility of being cut to zero. Money markets have priced in a chance of negative Bank Rate.

Longer-term yields will also remain depressed, anchored by low central bank policy rates, expectations for potentially even lower rates and insipid inflation expectations. There is a chance yields may follow a slightly different path in the medium term, depending on investor perceptions of growth and inflation, or if the UK leaves the EU without a deal.

Arlingclose expects Bank Rate to remain at the current 0.10% level and additional monetary loosening in the future most likely through further financial asset purchases (QE). While Arlingclose's central case for Bank Rate is no change from the current level of 0.1%, further cuts to Bank Rate to zero or even into negative territory cannot be completely ruled out.

Gilt yields are expected to remain very low in the medium term. Shorter-term gilt yields are currently negative and will remain around zero or below until either the Bank of England expressly rules out negative Bank Rate or growth/inflation prospects improve.

Downside risks remain in the near term, as the government dials down its fiscal support measures, reacts to the risk of a further escalation in infection rates and the Brexit transition period comes to an end.

	Dec 20	Mar 21	Jun 21	Sept 21	Dec 21	Mar 22	Jun 22	Sept 22	Dec 22	Mar 23	Jun 23	Sept 23	Dec 23
--	-----------	-----------	-----------	------------	-----------	-----------	-----------	------------	-----------	-----------	-----------	------------	-----------

Upside Risk (%)	0.00	0.00	0.00	0.15	0.15	0.15	0.15	0.30	0.30	0.30	0.30	0.30	0.30
Interest Rate (%)	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10	0.10
Downside Risk (%)	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50

4.00 BORROWING REQUIREMENTS AND DEBT MANAGEMENT

4.01 PWLB (Public Works Loans Board) Certainty Rate Update.

The Authority submitted its application to WG along with the 2020-21 Capital Estimates Return to access this reduced rate for a further 12 months from 1st November 2020.

4.02 The total long term borrowing outstanding totals £280.9 million.

4.03 Loans with the Public Works Loans Board are in the form of fixed rate (£256.57m). £18.95m is variable in the form of Lobo's (Lender's Option, Borrower's Option) and £5.38m are interest free loans from government. The Council's average long term borrowing rate is currently 4.70%.

	Balance 01/04/2020 £m	Debt Maturing £m	New Debt £m	Balance 30/09/2020 £m
Long Term Borrowing	286.11	(10.59)	0.00	275.52
Government Loans	5.17	(0.25)	0.46	5.38
TOTAL BORROWING	291.28	(10.84)	0.46	280.9
Other Long Term Liabilities *	4.48	0.00	0.00	4.48
TOTAL EXTERNAL DEBT	295.76	(10.84)	0.46	285.38
Increase/ (Decrease) in Borrowing £m				(10.38)

* relates to finance leases in respect of Deeside Leisure Centre and Jade Jones Pavilion

4.04 No new long term borrowing has been undertaken so far during 2020/21.

Affordability (interest costs charged on new loans) and the "cost of carry" (costs associated with new long term loans) remain important influences on the Council's borrowing strategy alongside the consideration that, for any borrowing undertaken

ahead of need, the proceeds would have to be invested in the money markets at rates of interest significantly lower than the cost of long term borrowing.

4.05 Internal Borrowing and Short Term Borrowing

Given the significant cuts to local government funding putting pressure on Council finances, the borrowing strategy is to minimise debt interest payments without compromising the longer-term stability of the portfolio. With short-term interest rates currently lower than long-term rates, it has been more cost effective in the short-term to use internal resources, and to borrow short-term instead.

The differential between the cost of new longer-term debt and the return generated on the Council's temporary investment returns was significant at around 1.35%.

The use of internal resources in lieu of borrowing has therefore continued to be used over the period as the most cost effective means of funding capital expenditure. This has lowered overall treasury risk by reducing both external debt and temporary investments.

Short term borrowing was undertaken as necessary. The total short term borrowing as at 30th September 2020 was £30m with an average rate of 0.47%.

The Council's capital expenditure plans will continue to be monitored throughout 2020/21 to inform and assess the Council's long term borrowing need. This is to ensure that the Council does not commit to long term borrowing too early and refinance unnecessarily which will be costly and have significant revenue implications. The continued use of short-term borrowing will assist with such. This will be balanced against securing low long term interest rates currently being forecast and assessing the affordability of long-term borrowing in the short term against the savings made over the life of the loan.

4.06 Lender's Option Borrower's Option Loans (LOBOs)

The Authority holds £18.95m of LOBO (Lender's Option Borrower's Option) loans where the lender has the option to propose an increase in the interest rate at set dates, following which the Authority has the option to either accept the new rate or to repay the loan at no additional cost. The option to change the terms on £18.95m of the Council's LOBOs was not exercised by the lender. The Authority acknowledges there is an element of refinancing risk even though in the current interest rate environment lenders are unlikely to exercise their options.

4.07 Debt Rescheduling

The premium charge for early repayment of PWLB debt remained relatively

expensive for the loans in the Authority's portfolio and therefore unattractive for debt rescheduling activity. No rescheduling activity was undertaken as a consequence.

The Corporate Finance Manager, in conjunction with the Council's treasury advisors will continue to review any potential opportunities for restructuring the Council's debt in order to take advantage of potential savings as interest rates change and to enhance the balance of the long term portfolio (amend the maturity profile and/or the balance of volatility).

4.08 Borrowing Update

On 9th October 2019 the PWLB raised the cost of certainty rate borrowing to 1.8% above UK gilt yields making it relatively expensive. Market alternatives are available, however the financial strength of individual authorities will be scrutinised by investors and commercial lenders.

The Chancellor's March 2020 Budget statement included significant changes to Public Works Loan Board (PWLB) policy and launched a wide-ranging consultation on the PWLB's future direction. Announcements included a reduction in the margin on new Housing Revenue Account (HRA) loans to 0.80% above equivalent gilt yields – the value of this discount is 1% below the rate at which the authority usually borrows from the PWLB). £1.15bn of additional "infrastructure rate" funding at gilt yields plus 0.60% has been made available to support specific local authority infrastructure projects for England, Scotland and Wales for which there is a bidding process.

The consultation titled "Future Lending Terms" allows stakeholders to contribute to developing a system whereby PWLB loans can be made available at improved margins to support qualifying projects. It contains proposals to allow authorities that are not involved in "debt for yield" activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances.

The Council responded to the consultation which closed on 31st July 2020. The announcement and implementation of the revised lending terms is expected in the latter part of this calendar year or early next year.

5.0 INTERIM INVESTMENT AND PERFORMANCE REPORT

- 5.01 The Welsh Government's Investment Guidance gives priority to security and liquidity and the Authority's aim is to achieve a yield commensurate with these principles.

On 25th September the overnight, 1- and 2-week deposit rates on Debt Management Account Deposit Facility (DMADF) deposits dropped below zero percent to -0.03%, the rate was 0% for 3-week deposits and 0.01% for longer maturities.

In order to avoid the cost of negative interest rates the Council withdrew £10m from Money Market Funds (MMFs) to invest with the DMADF for 1 month. Shorter-term investments can now be made in MMFs where they still attract positive rates of interest.

The return on MMFs net of fees also fell over the six months and for many funds net returns range between 0% and 0.1%. In many instances, the fund management companies have temporarily lowered or waived fees to maintain a positive net return.

- 5.02 The maximum investments the Authority had on deposit at any one time totalled £80.5m. The average investment balance for the period was £43.5m and the average rate of return was 0.05%, generating investment income of £11k.
- 5.03 Up to 30th September, investments were made in the Debt Management Office Deposit Account and Money Market Funds
- 5.04 The average of long and short-term borrowing was £319.7m generating interest payable of £6.786m, in line with budget forecasts to date.

	Investments		Borrowing	
	Interest received £'000	Interest rate %	Interest paid £'000	Interest rate %
2020/21 Apr-Sept	10.9	0.05	6,786	4.29
2019/20 Apr-Sept	88.9	0.67	6,496	4.34
Difference	(78.0)		290	

Year-end projections are as follows:

	Investments		Borrowing	
	Interest received £'000	Interest rate %	Interest paid £'000	Interest rate %
2020/21 estimate	19.9	0.05	13,559	4.17
2019/20 actual	159.2	0.63	13,387	4.03
Difference	(139.3)		171	

- 5.05 Credit Risk (security)

Counterparty credit quality was assessed and monitored with reference to credit ratings (the Authority's minimum long-term counterparty rating for institutions defined as having "high credit quality" is A- across rating agencies Fitch, S&P and Moody's); credit default swap prices, financial statements, information on potential government support and reports in the quality financial press.

5.06 Liquidity

In keeping with the WG's Guidance on Investments, the Council maintained a sufficient level of liquidity through the use of Money Market Funds.

5.07 Yield

The Council sought to optimise returns commensurate with its objectives of security and liquidity. The Council's investment yield is outlined in 5.02.

6.00 REGULATORY UPDATES

6.01 **IFRS 16:** The implementation of the new IFRS 16 Leases accounting standard has been delayed until 2021/22.

7.00 COMPLIANCE

7.01 The Council can confirm that it has complied with its Prudential Indicators for the period April to September 2020. These were approved on 18th February 2020 as part of the Council's 2020/21 Treasury Management Strategy.

7.02 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during the period April – September 2020. None of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

8.00 OTHER ITEMS

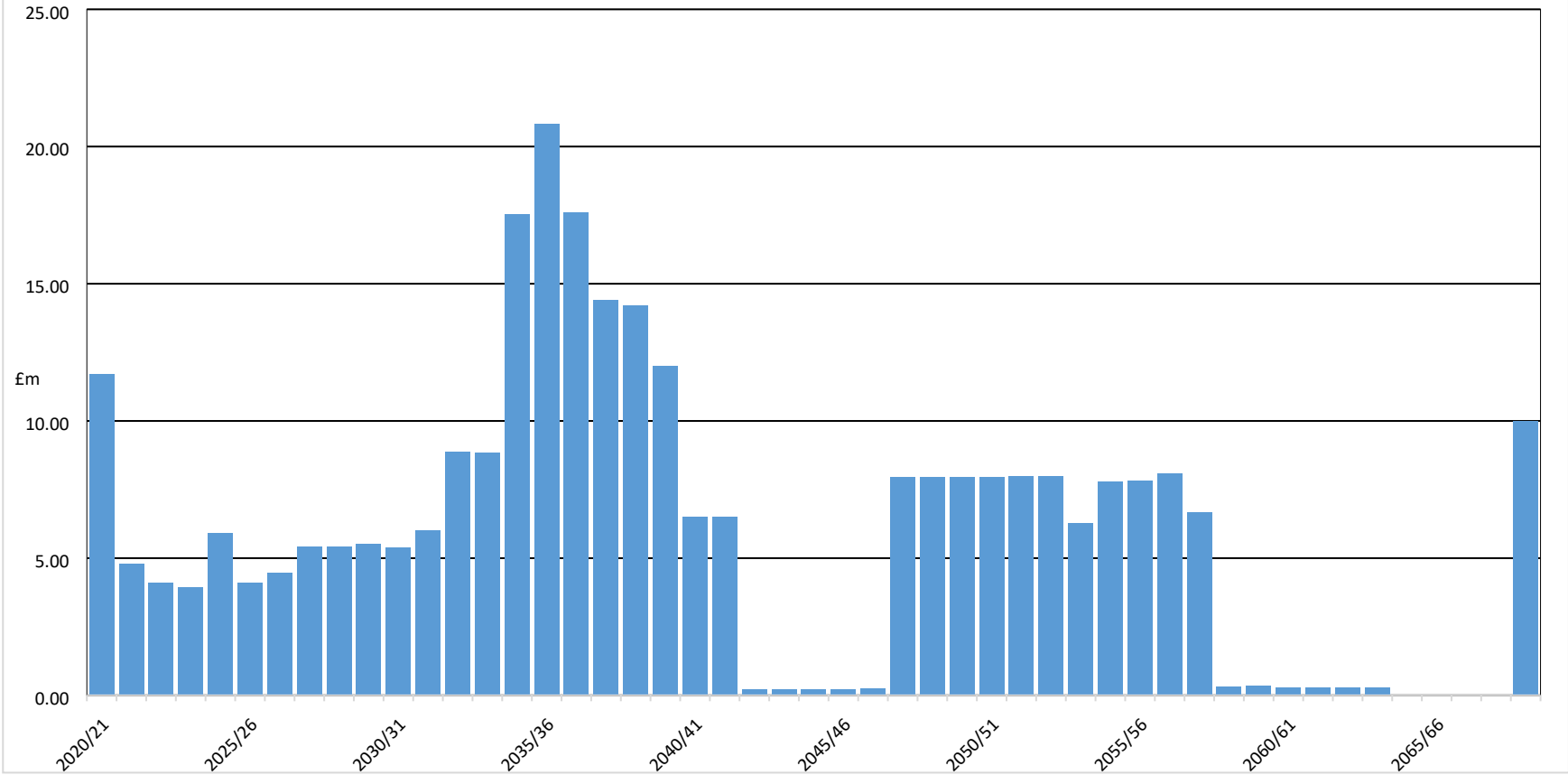
8.01 Other treasury management related activity that took place during April – September 2020 includes:

- The Treasury Management Annual Report 2019/20 was reported to Audit Committee on 23rd July 2020, Cabinet on 8^h September 2020 and to Council on 20th October 2020.
- The Quarter 1 Treasury Management update was reported to the Audit Committee.

9.00 CONCLUSION

- 9.01 In compliance with the requirements of the CIPFA Code of Practice this report provides members with a summary report of the treasury management activity during the first half of 2020/21.
- 9.02 As indicated in this report none of the Prudential Indicators have been breached and a prudent approach has been taken in relation to investment activity with priority being given to security and liquidity over yield.

Debt Maturity Profile - October 2020



This page is intentionally left blank



FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday, 26 th January 2021
Report Subject	Recruitment of a Lay Member to the Audit Committee
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

Under the Local Government and Elections (Wales) Bill, at least 1/3 of the membership of the Audit Committee must be lay members. The current Audit Committee consists of 7 elected Councillors and 2 lay members. An additional lay member will be needed to meet the new requirements.

Council already has approved criteria for the appointment of lay members. It is recommended that a member panel consisting of the Chair of Council, Chair of the Audit Committee, the Cabinet Member for Finance plus 2 other members of the Audit Committee should interview candidates and make a recommendation to Council for appointment.

RECOMMENDATIONS

1	That one additional lay member be recruited to the Audit Committee in place of an elected member with effect from May 2022.
2	That the recruitment panel consisting of the Chair of Council, Chair of the Audit Committee plus the Cabinet Member for Finance makes a recommendation to Council for appointment.

REPORT DETAILS

1.00	EXPLAINING THE RECRUITMENT OF A LAY MEMBER
1.01	<p>Members will have seen from an earlier report on this agenda that the Local Government and Elections (Wales) Bill (“the Bill”) requires that 1/3 of the membership of the Audit Committee must be co-opted members. On the Audit Committee these are called lay members. The Committee currently consists of 7 elected Councillors and 2 lay members. Council therefore has the following options:</p> <ol style="list-style-type: none"> 1) reduce the size of the Committee to 6 (4 elected Councillors plus the existing 2 lay members); 2) maintain the Committee’s current size of 9, and replace one elected member with an additional lay member; <p>The Audit Committee works well because of its relatively compact size, which enables members to develop lines of questioning on complex issues without excluding other members who wish to speak. The Audit Committee considered its own requirements in 2019 and recommended the current size, and it is suggested that the current membership of 9 should therefore be maintained.</p>
1.02	<p>The Bill defines a lay person as follows - “lay person” (“lleygwr”) means a person who— (a) is not a member or an officer of any local authority, (b) has not at any time in the period of twelve months ending with the date of that person’s appointment been a member or an officer of any local authority, and (c) is not the spouse or civil partner of a member or an officer of any local authority;”</p> <p>For the purposes of this section “local authority” means a principal Council (i.e. a County or County Borough Council), a Community Council and either a Fire and Rescue or National Park Authority in Wales.</p>
1.03	<p>The Bill does not prescribe the skills, qualifications or experience required of a lay person. In 2012, when it first recruited a lay member, the Council agreed the criteria below which were drawn up, in part, by analogy with the Independent Member role on the Standards Committee:</p> <ul style="list-style-type: none"> • Experience and/or understanding of audit, accounting practice and/or financial procedures; • Knowledge and/or experience of Local Government; • Perceived political and operational independence; • Has not been a Councillor or officer of Flintshire County Council (or its predecessors); and • Has not been an officer or member of another Council for at least 12 months. <p>These criteria are entirely compatible with the legislative requirements and should ensure that any candidate is capable of understanding and undertaking the complex technical work of the Committee.</p>
1.04	<p>It is proposed that advertisements be placed in the press (as required by the legislation) but also online and on social media. The applicants will be</p>

	<p>shortlisted by the s.151 Officer and Monitoring Officer prior to interview by a panel. I would recommend that the panel consist of:</p> <ul style="list-style-type: none"> • The Chair of Council; • The Cabinet Member with responsibility for Finance; • The Chair of the Audit Committee; • Plus 2 other Councillors (based on political balance).
1.05	<p>The requirement to change the membership is within provisions that are to be brought into effect on a day chosen by Ministers. We had expected that this would be April 2021 but now understand that this will actually be for May 2022. Council can therefore maintain the current membership for the remainder of this term and begin the recruitment in the late Autumn ready for the lay person's appointment in February or March 2022.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>Statutory guidance to the Local Government Measure 2011 requires that the position of lay person is advertised in the local press. The cost of doing this will be in the order of £6, 267.</p>
2.02	<p>It is proposed that the advert should advertise the vacancies for 2 Independent Members on the Standards Committee as well in order to reduce cost. Unfortunately, the prescriptive legislative requirements for recruiting Independent Members make it very difficult to also combine the recruitment and selection process.</p>
2.03	<p>The recruitment and selection process can be managed within existing resources.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>None.</p>

4.00	RISK MANAGEMENT
4.01	<p>Adverts will be placed bilingually in order to attract applications from Welsh speakers, and would be sent to local community groups representing people with disabilities to ensure that no potential candidate is accidentally excluded by the medium through which the vacancies are advertised.</p>

5.00	APPENDICES
5.01	<p>None.</p>

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: gareth.legal@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Co-opted Member/Independent Member/Lay Person - the Council consists of a Chairman and 69 Members who are all elected. By contrast, legislation sometimes provides for a person to be appointed to a Committee without being elected through a process called co-option i.e. recruitment and appointment by councillors. Lay persons on the Audit Committee and Independent Members on the Standards Committee are co-opted members.</p>



FLINTSHIRE COUNTY COUNCIL

Date of Meeting	Tuesday 26 th January, 2021
Report Subject	Recruitment of Independent Members to the Standards Committee
Report Author	Chief Officer (Governance)

EXECUTIVE SUMMARY

The Council must appoint people who are not councillors to the Standards Committee called Independent Members. This is so that the Committee is visibly more independent.

The term of office for one of those co-opted Members runs out in March. The Member has served two terms, which is the maximum permitted under the legislation. Therefore he must stand down. Another Independent Member has decided to retire as he finds it difficult to engage with remote meetings.

Both co-optees have worked hard in their role and have made a beneficial contribution to the governance of the Council. Full Council will be asked to approve the establishment of a recruitment panel.

RECOMMENDATIONS

1	The Council accepts the report and formally establishes an appointment panel with the membership described in the report.
---	---

REPORT DETAILS

1.00	EXPLAINING THE REQUIREMENT TO APPOINT CO-OPTees
1.01	Under the Standards Committee (Wales) Regulations 2001 (as amended) the Committee must include a majority of co-optees (termed "Independent Members" within the legislation). The presence of Independent Members is to ensure that the Committee is visibly impartial and a-political in nature.
1.02	Those co-optees must be recruited via advertisement at first, but can be reappointed for a second term without re-advertising the position. An

	Independent Member can serve a maximum of two terms to ensure that s/he does not become too accustomed to the culture within the Council. The maximum second term of office for any Independent Member is 4 years.																		
1.03	<p>In 2013, 4 independent members completed their maximum period in office and needed to be replaced. The Council advertised and appointed replacements with differing terms of office so that, in future, the Committee would not lose the majority of its experienced members in one go. The term of office for each Independent Member expires as follows:</p> <table border="1"> <thead> <tr> <th>Independent Member</th> <th>No. of Terms</th> <th>Expiry of Term</th> </tr> </thead> <tbody> <tr> <td>Robert Dewey</td> <td>2</td> <td>01.03.2021</td> </tr> <tr> <td>Ken Molyneux</td> <td>2</td> <td>01.12.2022</td> </tr> <tr> <td>Julia Hughes</td> <td>1</td> <td>12.12.2022</td> </tr> <tr> <td>Phillipa Earlam</td> <td>2</td> <td>07.05.2023</td> </tr> <tr> <td>Mark Morgan</td> <td>1</td> <td>27.01.2026</td> </tr> </tbody> </table>	Independent Member	No. of Terms	Expiry of Term	Robert Dewey	2	01.03.2021	Ken Molyneux	2	01.12.2022	Julia Hughes	1	12.12.2022	Phillipa Earlam	2	07.05.2023	Mark Morgan	1	27.01.2026
Independent Member	No. of Terms	Expiry of Term																	
Robert Dewey	2	01.03.2021																	
Ken Molyneux	2	01.12.2022																	
Julia Hughes	1	12.12.2022																	
Phillipa Earlam	2	07.05.2023																	
Mark Morgan	1	27.01.2026																	
1.04	<p>Robert Dewey's term ends on 1 March. Whilst he is well regarded by the Committee, and is its chair, he cannot serve again.</p> <p>Ken Molyneux has also stepped down. He felt that he was struggling to contribute through the medium of remote meetings. He decided to retire to enable the Council to recruit to both vacancies at the same time, thereby reducing cost.</p>																		
1.05	The Council will need to advertise two vacancies. To do so it must place adverts in the local press and constitute an interview panel.																		
1.06	When establishing an appointment panel, I would suggest that it should consist of the Chair of the Council, 2 Independent Members and an elected Councillor from the Committee. Members of the Committee have already volunteered to serve. In addition, any panel to appoint a co-optee to the Standards Committee, must include a lay person who has themselves been recruited via advert. This would give the maximum allowed complement of 5.																		
1.07	Interviews can take place during the latter part of February/early March based on availability of the panel members. The preferred candidate needs to be officially appointed by Full Council. There is a meeting of Full Council on 1 April 2021.																		

2.00	RESOURCE IMPLICATIONS
2.01	The Council will need to advertise the vacancy in the local press. The adverts for a similar vacancy last year in the Flintshire Leader and Daily Post cost £6,267. These costs could be shared with the recruitment of the Lay Person for the Audit Committee. However, the recruitment process for the Independent Members is heavily legislated and the interview/appointment processes would be impractical to combine.

2.02	The role descriptions and adverts used last time are still available. They have been updated and it will be possible to place an advert quickly.
------	--

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
-------------	---

3.01	The Standards Committee has been consulted on the process. Independent and elected members of the Committee have volunteered to serve on the recruitment panel.
------	---

4.00	RISK MANAGEMENT
-------------	------------------------

4.01	The interview process includes a number of restrictions on candidates to ensure that only people who are truly independent of the Council may be appointed, and careful interviewing is used to ensure that candidates of the right calibre are selected.
------	---

4.02	Adverts will be placed bilingually in order to attract applications from Welsh speakers, and would be sent to local community groups representing people with disabilities to ensure that no potential candidate is accidentally excluded by the medium through which the vacancies are advertised.
------	---

5.00	APPENDICES
-------------	-------------------

5.01	None.
------	-------

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
-------------	--

6.01	Not relevant Contact Officer: Gareth Owens, Chief Officer Governance Telephone: 01352 702344 E-mail: Gareth.legal@flintshire.gov.uk
------	---

7.00	GLOSSARY OF TERMS
-------------	--------------------------

7.01	Co-optee – the Council consists of a Chairman and 69 Members who are all elected. By contrast, legislation sometimes provides for a person to be appointed to a Committee without being elected through a process called co-option. Co-opted members of the Standards Committee are called Independent Members (not to be confused with those elected councillors who are described as being politically independent i.e. not a member of one of the established political parties).
------	---

This page is intentionally left blank