

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Chief Officer (Governance)  
Prif Swyddog (Llywodraethu)



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To: All Members of the Council

26 March 2021

Dear Sir/Madam

**NOTICE OF REMOTE MEETING**  
**FLINTSHIRE COUNTY COUNCIL**  
**THURSDAY, 1ST APRIL, 2021 at 2.00 PM**

**This agenda is subject to restrictions on content due to the Election Period which runs from Monday 22 March to Sunday 9 May 2021.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Robert Robins'.

Robert Robins  
Democratic Services Manager

Please note: This will be a remote meeting and 'attendance' will be restricted to Council Members.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire-public-i.tv/core/portal/home>

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 **RECOGNITION OF 25TH ANNIVERSARY OF THE CURRENT FLINTSHIRE COUNTY COUNCIL** (Pages 7 - 12)

**Purpose:** To recognise 25 years of Flintshire County Council and to pay tribute to elected Members past and present.

### 2 **APOLOGIES FOR ABSENCE**

**Purpose:** To receive any apologies.

### 3 **MINUTES** (Pages 13 - 36)

**Purpose:** To confirm as a correct record the minutes of the meetings held on 26 January and 16 February 2021.

### 4 **DECLARATIONS OF INTEREST**

**Purpose:** To receive any Declarations and advise Members accordingly.

### 5 **CHAIR'S COMMUNICATIONS**

**Purpose:** To receive the communications as circulated.

### 6 **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**

### 7 **REVIEW OF PROTOCOL FOR MEETING CONTRACTORS** (Pages 37 - 50)

Report of Chief Officer (Governance) -

**Purpose:** To undertake a rolling review of the Protocol to ensure it is still up to date and pertinent.

### 8 **REVIEW OF THE TERMS OF REFERENCE OF THE AUDIT COMMITTEE** (Pages 51 - 64)

Report of Chief Officer (Governance) -

**Purpose:** To seek approval to amend the name of Council's Audit Committee and to include new functions to the current Terms of Reference of the renamed Committee.

9 **UPDATE ON THE IMPLEMENTATION OF THE LOCAL GOVERNMENT & ELECTIONS ACT** (Pages 65 - 72)

Report of Chief Officer (Governance) -

**Purpose:** To apprise the Council of ongoing implementation of the Act.

10 **APPOINTMENTS OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE** (Pages 73 - 78)

Report of Chief Officer (Governance) -

**Purpose:** To present details of the preferred candidates for the Independent Member vacancies on the Standards Committee for approval.

**ORDINARY ITEMS OF BUSINESS**

11 **PETITIONS RECEIVED AT COUNCIL** (Pages 79 - 82)

Report of Chief Officer (Governance) -

**Purpose:** To inform Council of the outcomes of petitions which have been submitted over the past year.

12 **FAMILY ABSENCE FOR MEMBERS OF LOCAL AUTHORITIES (WALES) (AMENDMENT) REGULATIONS 2021** (Pages 83 - 86)

Report of Chief Officer (Governance) -

**Purpose:** To inform the Council of the increase in adopter's absence entitlement for Members.

13 **PUBLIC QUESTION TIME**

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

14 **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.

15 **NOTICE OF MOTION**

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

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - TO  
CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC**

The following item is considered to be exempt by virtue of Paragraph(s) 12 of Part 4 of Schedule 12A of the Local Government Act 1972 (as amended).

The report includes the personal details of one or more named individual(s), and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**16 RECRUITMENT OF CHIEF EXECUTIVE (Pages 87 - 100)**

Report of Senior Manager, Human Resources & Organisational Development

-

**Purpose:** To seek approval to recruit to the role of Chief Executive following the recent notice of intention to resign given by the current post holder and to agree the recruitment process and remuneration package.

***Please note that there may be a 10 minute adjournment of this meeting if it lasts longer than two hours***

## **Procedural Note on the conduct of meetings**

The Chair will open the meeting and introduce themselves.

The meeting will be attended by a number of Councillors. Officers will also be in attendance to present reports, with Democratic Services officers acting as hosts of the meeting.

All attendees are asked to ensure their mobile phones are switched off and that any background noise is kept to a minimum.

All microphones are to be kept muted during the meeting and should only be unmuted when invited to speak by the Chair. When invitees have finished speaking they should go back on mute.

To indicate to speak, Councillors will use the chat facility or use the electronic raise hand function. The chat function may also be used for questions, relevant comments and officer advice and updates.

The Chair will call the speakers, with elected Members addressed as 'Councillor' and officers addressed by their job title e.g. Chief Executive' or name. From time to time, the officer advising the Chair will explain procedural points or suggest alternative wording for proposals, to assist the Committee.

If and when a vote is taken, the Chair will explain that only those who oppose the proposal(s), or who wish to abstain will need to indicate, using the chat function. The officer advising the Chair will indicate whether the proposals are carried.

If a more formal vote is needed, this will be by roll call – where each Councillor will be asked in turn (alphabetically) how s/he wishes to vote.

At County Council and Planning Committee meetings speaker's times are limited. A bell will be sounded to alert that the speaker has one minute remaining.

The meeting will be live streamed onto the Council's website. A recording of the meeting will also be available, shortly after the meeting at <https://flintshire.public-i.tv/core/portal/home>

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Flintshire County Councillors since elections to the shadow authority in 1995 to date.

	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
1.	L. Alexander Aldridge,	(1995 – 2017)	Flint Coleshill
2.	Mike Allport	(2017 – current)	Higher Kinnerton
3.	Klaus Armstrong-Braun	(1995 – 2004) (2008 – 2012)	Saltney Stonebridge Saltney Mold Junction
4.	Bernie Attridge	(2004 – current)	Connah's Quay Central
5.	Janet Axworthy	(2017 – current)	Ewloe
6.	Eric Bagnall,	(1995 – 1999)	Connah's Quay Golftyn
7.	Robin Baker	(2004 – 2012)	Holywell East
8.	Dolly Banks	(2004 – 2008)	Ffynnongroyw
9.	Glyn Banks	(2012 – current)	Ffynnongroyw
10.	John A. Barker,	(1995 - 2004)	Queensferry
11.	David Barratt	(1999 – 2012)	Connah's Quay South
12.	E. Marie Barratt	(1995 – 1999)	Connah's Quay Wepre
13.	Haydn Bateman	(2008 – current)	Mold Broncoed
14.	Marion Bateman	(2009 – current)	Northop
15.	John Beard	(1997 – 2008)	Shotton East
16.	Sean Bibby	(2017 – current)	Shotton West
17.	Colin Bithell	(2004 – 2008)	Penyffordd
18.	R. Chris. Bithell	(1995 – current)	Mold East
19.	Neville J. Brackenbury	(1995 – 1998)	Mynydd Isa East
20.	Amanda Bragg	(2012 – 2015)	New Brighton
21.	Sian P.E. Braun	(2017 – current)	Gronant
22.	Helen Brown	(2004 – current)	Aston
23.	Derek Butler	(1995 – 2008) (2012 –current)	Broughton South
24.	Anthony R. Cattermoul	(1995 – 2004)	Mold South
25.	Carolyn Cattermoul	(2004 – 2012)	Mold West
26.	Clive Carver	(2008 – current)	Hawarden
27.	Anthony (Tony) Chilton,	(1995 – 1998)	Halkyn
28.	Herbie O. Clarke	(1995 – 1998)	Bagillt West
29.	David M.D. Clayton	(1995 – 2008)	Gwernaffield
30.	Geoff Collett	(2017 – current)	Mold South
31.	Bob Connah	(2017 – current)	Mancot
32.	Emlyn Cooke	(2008 – 2012)	Ffynnongroyw

Flintshire County Councillors since elections to the shadow authority in 1995 to date.

	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
33.	Ken Corbett,	(1995 – 1999)	Mold Central
34.	David Cox	(2004 – current)	Flint Coleshill
35.	Paul Cunningham	(2014 – current)	Flint Trelawny
36.	Peter J. Curtis,	(1995 – 1998) (1998 – 2017)	Holywell East Holywell Central
37.	Derek Darlington	(1998 – 2006)	Penyffordd
38.	Arthur Davies,	(1995 – 1999) (1999 – 2004)	West Shotton Shotton West
39.	Jean S. Davies	(2017- current)	Brynford
40.	Karin Davies	(1995 – 2004)	Holywell East
41.	Robert Davies	(2017 – current)	Bagillt East
42.	Ronald (Ron) Davies	(1995- 1999) (1999 – current)	Higher & East Shotton Shotton Higher
43.	Adele Davies-Cooke	(2008 – current)	Gwernaffield
44.	Alan Diskin	(2004 – 2017)	Mancot
45.	Glenys D. Diskin	(1995 – 2017)	Mancot
46.	Quentin R.H. Dodd,	(1995 – 2012)	New Brighton
47.	Ray Dodd	(1999 – 2008)	Mold Broncoed
48.	Chris Dolphin	(2004 – current)	Whitford
49.	Rosetta Dolphin	(2008 – current)	Greenfield
50.	Michael Doran	(1995 - 1996)	Gwernaffield
51.	Ian Dunbar	(2012- current)	Connah's Quay South
52.	Andy Dunbobbini	(2013 – current)	Connah's Quay Golftyn
53.	Brian Dunn	(2004 – 2017)	Connah's Quay Wepre
54.	Mared Eastwood	(2017 – current)	New Brighton
55.	David J. Edwards	(1995- 2004)	Aston
56.	Carol Ellis	(2004 – current)	Buckley Mountain
57.	Goronwy Ellis	(1999 – 2004)	Whitford
58.	David Evans	(1999 – 2008) (2012 -current)	Hawarden Shotton East
59.	E.F (Ted) Evans	(1995– 2014)	Flint Trelawny
60.	John H.H. Evans	(1995 – 1999)	Saltney
61.	Ron K. Evans,	(1995 – 2004)	Connah's Quay Central



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	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
62.	Jim Falshaw	(2008 – 2016)	Caerwys
63.	Irene Fellows	(1996 - 1996)	Higher & East Shotton
64.	Veronica Gay	(2008 – current)	Saltney Stonebridge
65.	Fred Gillmore	(2004 – 2012)	Gronant
66.	John J. Griffiths	(1995 – 2008)	Sealand
67.	Rosalyn Griffiths	(1995 – 2008)	Broughton South
68.	Robin J.T. Guest	(1995 – 1999) (2004 - 2017)	Mold South Mold North
69.	Alison M. Halford	(1995 – 1999) (2008 – 2017)	Ewloe
70.	Edwin (Eddie) Hall	(1995- 2004)	Broughton North West
71.	Ronald G. Hampson	(1995 – 2017)	Buckley Bistre West
72.	Arthur Hannah	(2004 – 2008)	Connah's Quay South
73.	Margaret R. Hanson	(1996 - 2004)	Flint Coleshill
74.	George. Hardcastle	(2004 – current)	Aston
75.	David Healey	(2015 – current)	Caergwrle
76.	Gladys Healey	(2017 – current)	Hope
77.	Patrick G. Heesom	(1995 – 2013) (2017 –current)	Mostyn
78.	Melvyn Higham	(1995 – 2009)	Northop
79.	Ron V. Hill	(1995 - 2004)	Connah's Quay South
80.	Cindy Hinds	(2008 – current)	Penyffordd
81.	Andrew Holgate	(2017 – 2019)	Trelawnyd & Gwaenysgor
82.	H. Trefor Howorth	(1995 – 2014)	Flint Trelawny
83.	David Hughes	(2017 – current)	Llanfynydd
84.	Kevin Hughes	(2017 – 2021)	Gwernymynydd
85.	Raymond (Ray)Hughes	(2008 – current)	Leeswood
86.	Norma Humphreys	(1995 – 2012)	Higher Kinnerton
87.	H. Dennis Hutchinson	(1995 – current)	Buckley Pentrobin
88.	Kenneth Iball	(1999 – 2004)	Buckley Pentrobin
89.	Hilary Isherwood	(2004 – 2017)	Llanfynydd
90.	Grenville James	(2008 – 2012)	Connah's Quay South
91.	Joe Johnson	(2012 – current)	Holywell East
92.	Paul Johnson	(2017 – current)	Holywell West
93.	Rita Johnson	(2008 – current)	Flint Oakenholt

Flintshire County Councillors since elections to the shadow authority in 1995 to date.

	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
94.	Christine Jones	(2008 – current)	Sealand
95.	Elizabeth Jones	(1995 – 1999)	Hawarden
96.	Graham Jones	(1999 – 2008)	Saltney Mold Junction
97.	James (Jim)F. Jones	(1995 – 2008)	Treuddyn
98.	James O. Jones	(1999 -2004)	Mold West
99.	John B. Jones	(1995 – 2004)	Mancot
100.	Kevin. Jones,	(1995 – 2008) (2012 – 2017)	Bagillt East
101.	Norma Jones	(2008 – 2012)	Bagillt East
102.	Richard Jones	(2008 – current)	Buckley Bistre East
103.	Stella Jones	(2004 – 2015)	Caergwrle
104.	Tom W. Jones	(1995 – 2004)	Penyffordd
105.	W. Alf Jones,	(1995 – 2004)	Flint Oakenholt
106.	Tudor Jones	(2017 – current)	Caerwys
107.	Vernon G. Kindlin,	(1995 – 1999)	Connah's Quay Central
108.	Linda S. Lee,	(1995 – 1999)	Northop
109.	Colin Legg	(2004 – current)	Halkyn
110.	Phil Lightfoot	(2012 – 2017)	Higher Kinnerton
111.	Brian Lloyd	(2012 – current)	Mold West
112.	Richard Lloyd	(2012 – current)	Saltney Mold Junction
113.	Mike Lowe	(2012 – current)	Broughton South
114.	R Peter MacFarlane,	(1999 – 2013)	Connah's Quay Golftyn
115.	David Mackie	(2008 – current)	Ewloe
116.	Doreen Mackie	(2008 – 2012)	Shotton East
117.	E. Elvet Matthews	(1995 – 2008)	Caerwys
118.	Meirion Matthews	(1995 – 2004)	Llanfynydd
119.	Nancy Matthews	(2004 – 2017)	Gwernymynydd
120.	David McFarlane	(2008 – 2012)	Broughton South
121.	Hilary McGuill	(1999 – current)	Argoed
122.	David Messham,	(1995 – 2004)	Buckley Bistre East
123.	Tom Middlehurst	(1995 – 1999)	Ewloe
124.	Ann Minshull	(2004 – 2017)	Shotton West
125.	Billy Mullin	(2004 – current)	Broughton North East
126.	Tim Newhouse	(2008 – 2017)	Hope

Flintshire County Councillors since elections to the shadow authority in 1995 to date.

	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
127.	John Ovens	(1998 – 2008)	Bagillt West
128.	Eric Owen	(2008 – 2012)	Connah's Quay Golftyn
129.	Ted Palmer	(2017 – current)	Holywell Central
130.	Sara Parker	(2016 – 2017)	New Brighton
131.	Dennis R. Parry	(1995 - 1998)	Whitford
132.	Valmai L.H. Parry	(1995 - 2004)	Halkyn
133.	Peter Pemberton	(2008 – 2012)	Broughton South
134.	Mike Peers	(2004 – current)	Buckley Pentrobin
135.	Michelle Perfect	(2017 – current)	Flint Coleshill
136.	Vicky Perfect	(2014- current)	Flint Trelawny
137.	Neville Phillips	(1995 – current)	Buckley Bistre West
138.	Ainsley Popplewell	(1999 – 2004)	Connah's Quay Wepre
139.	Mike A. Reece	(2008 – 2019)	Bagillt West
140.	Terry Renshaw	(1999 – 2004) (2004 – 2008)	Connah's Quay Central Flint Oakenholt
141.	Ken Richardson	(2004 – 2008)	Leeswood
142.	Barbara Roberts	(1995 – 1999)	Gronant
143.	Gwilym B. Roberts	(1995 – 2004)	Gwernymynydd
144.	H. Gareth Roberts	(1995 -2017)	Holywell West
145.	Ian. B. Roberts	(1995 – current)	Flint Castle
146.	Ivor L. Roberts	(1995 – 2004)	Buckley Mountain
147.	Selwyn Roberts,	(1995 – 2004)	Leeswood
148.	Tim Roberts	(2019 – current)	Trelawnyd & Gwaenysgor
149.	William Arthur Roberts	(1995 – 1997)	Buckley Pentrobin
150.	David Roney	(2014 – 2017)	Mostyn
151.	Kevin Rush	(2019 – current)	Bagillt West
152.	Tony Sharps	(1999 – current)	Northop Hall
153.	Cliff. Shone	(1995 – 2008)	Hope
154.	Aaron Shotton	(1999 – 2004) (2004 – current)	Connah's Quay Golftyn Connah's Quay Central
155.	Paul Shotton	(2012 - current)	Connah's Quay Golftyn
156.	Anne Slowik	(1995 – 2004)	Ffynnongroyw
157.	Ralph Small	(2017 – current)	Mancot

Flintshire County Councillors since elections to the shadow authority in 1995 to date.

	<b>Councillor</b>	<b>Term of Office</b>	<b>Ward</b>
158.	Ian Smith	(2004 – 2008) (2012 – current)	Connah's Quay Golftyn Connah's Quay South
159.	Nigel R Steele-Mortimer	(1995 – 2017)	Trelawnyd & Gwaenysgor
160.	Carolyn Thomas	(2008 – current)	Treuddyn
161.	Gareth Thomas	(1995 – 1999)	Mold Broncoed
162.	W Owen Thomas	(1999 – current)	Cilcain
163.	John Thompson	(1999 – 2004)	Gronant
164.	Pamela Walkden	(1999 – 2008)	Ewloe
165.	Terry Walker	(2004 – 2008)	Saltney Stonebridge
166.	Paul John Walters	(1995 – 1999)	Cilcain
167.	Michael Warburton	(2004 – 2008)	Ewloe
168.	Martin White	(2017 – current)	Connah's Quay Wepre
169.	David R. Wilkes,	(1995 – 2008)	Greenfield
170.	Alan Williams	(1995 – 1999)	Connah's Quay South
171.	Andy Williams	(2017 - current)	Buckley Bistre West
172.	David Williams	(2006 – current)	Penyffordd
173.	Everett. Williams	(1995 – 2004)	Caergwrle
174.	Gareth D. Williams,	(1995 – 2008)	Buckley Bistre East
175.	Gordon R. Williams,	(1995 - 1998)	Penyffordd
176.	Ron Williams	(1995 – 1999)	Mold West
177.	Sharon Williams	(2012 – 2017)	Gronant
178.	David Wisinger	(2004 – current)	Queensferry
179.	Arnold Woolley	(2004 – current)	Buckley Bistre East
180.	Matt Wright	(2004 -2017)	Brynford
181.	Mrs. Patricia Yale	(1995 – 2002)	Aston

### **Chief Executives of the County Council**

Philip McGreevy 1995 – 2006

Christopher Kay 2006 -2007

Colin Everett 2007 - current

**FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY, 26 JANUARY 2021**

Minutes of the remote meeting of Flintshire County Council held Tuesday, 26 January 2021

**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, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, 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, David Williams, David Wisinger and Arnold Woolley

**APOLOGIES:** Councillor David Cox

**OBSERVER:** Julia Hughes, Independent Member of the Standards Committee.

**IN ATTENDANCE:**

Chief Executive; Chief Officer (Governance); Chief Officer (Planning, Environment & Economy), Chief Officer (Education & Youth), Chief Officer (Social Services), Corporate Finance Manager, Head of Democratic Services, Democratic Services Officers; and Councillor Reverend Daniel Stroud for prayers. (For minute 47: Tamara Harvey, Artistic Director of Theatr Clwyd, and Liam Evans-Ford, Executive Director of Theatr Clwyd and Chair of Theatr Cymru)

**45. COMMEMORATION AND TRIBUTES TO THE LATE COUNCILLOR KEVIN HUGHES**

The Chair referred to the recent sad death of Councillor Kevin Hughes following a brave fight against Covid-19. She expressed sincere condolences to his wife, family, friends, and residents of his Ward. She invited Councillor Chris Dolphin to lead the tributes.

Councillor Dolphin spoke of the personal and professional attributes of Councillor Hughes whom he regarded as a friend as well as a colleague. He said he was highly respected by all who knew him and was a genuine and good man.

The Leader of the Council paid tribute to Councillor Hughes whom he said was a special person and regarded as a friend by many people. He would be greatly missed. He said his contribution as a member of the Authority had been considerable and he was well respected by his local community, Members of the Council, and the Authority's Officers and staff. Councillor Hughes was an active local member and

represented his community with integrity. He spoke of his personal qualities, hobbies, and particularly passion for football. Councillor Roberts said he had been given the privilege of attending a service of commemoration for Councillor Hughes which although expressing deep regret for his loss gave thanks and celebration for his life and legacy.

Councillors Mike Peers, Patrick Heesom, Tony Sharps, Chris Bithell, Derek Butler, Ian Dunbar, Andy Dunbobbin, and Aaron Shotton all expressed their deepest sympathy to Councillor Hughes' wife and family. Members paid tribute to Councillor Hughes and spoke of his strength of character and intuition, distinguished behaviour, care and kindness towards others, sense of humour, enthusiasm and willingness to help a good cause. It was said that nothing was too much trouble for Councillor Hughes who was hard working and a true gentleman. Despite the fight to overcome his own illness he did his utmost to warn others of the danger of Coronavirus and sent a message to all Members from hospital urging them and the residents of Flintshire to protect themselves.

The Chair informed that she had also received condolences from the Chief Executive of Wrexham Borough Council and Reverend Daniel Stroud. A virtual book of condolence was available on the Authority's website to enable further tributes from Members and Officers to be made to Councillor Hughes.

In paying tribute the Chief Executive also spoke on behalf of the Authority's Officers and reiterated that Councillor Hughes was very well respected and popular, and had served the Council well. He extended deepest sympathy to his family and friends on their loss and concurred with all the warm sentiments expressed.

The Chair also referred to the sad news of the death of former Councillor Norma Humphreys who had been a long-standing Member of the Authority and had represented the Higher Kinnerton Ward until 2012. The Chair spoke of the kindness and support Councillor Humphreys had extended to her when she joined the Authority as a newly elected Councillor. She expressed her condolences to her family and friends on their sad loss.

The Chair asked Members to join her in a minutes silence in tribute to the late Councillors Kevin Hughes and Norma Humphreys.

#### **46. RECOGNITION OF AWARD FOR A LOCAL RECIPIENT IN THE NEW YEAR'S HONOURS LIST**

The Chair said the Council was proud to recognise that Professor Laurence John Alison, Director of the National Centre for the Study of Critical Incident Decision Making, University of Liverpool, had been listed in the New Year's Honours List. Professor Alison was a resident of Flintshire.

Professor Alison was a forensic psychologist who had been awarded an MBE in the Queen's New Year Honours list for services to critical incident handling and to the NHS during COVID-19. As Director of the National Unit for Critical Incident Decision Making, Professor Allison leads the University's Psychological Resource Network.

In April last year, Professor Alison oversaw the launch of a project to provide a series of free online psychological tools to assist frontline staff in preparedness, adaptation, and recovery from working in the intense operational environment of COVID-19. The project (named Project ARES) extended a 30-year career of understanding and responding to high profile critical and major incidents, from disaster management to terrorism.

Professor Alison is widely known in his field for his publications on critical incident decision making, interrogation of high value detainees, and his work on child sexual exploitation resulted in a research allocation tool which is used across 24 European countries and more recently in Australia, New Zealand, Canada and Brazil. Professor Alison led psychological debriefing in over 460 critical incidents including the 7/7 bombing, the Boxing Day Tsunami. His work on decision making and overcoming decision inertia is used nationally by the UK Police.

The Chair invited Councillor Rosetta Dolphin to pay tribute to the work of Professor Alison. Councillor Dolphin said that Professor Alison undertook extremely important work on critical world incidents and was an advisor on major cases including reviews and military interrogations. She advised that his work on decision making and overcoming decision inertia was used by the Police and his work on child protection was highly valued. Commenting on his work on Covid 19 she advised that Professor Alison and his team launched the Active Resilience Emergency Services through the University of Liverpool and Alder Hey Hospital. Professor Alison had also produced journals and teaching aids. Councillor Dolphin congratulated Professor Alison on his well-deserved award.

#### **47. RECOGNITION OF THEATR CLWYD: REGIONAL THEATRE OF THE YEAR**

The Chair introduced and welcomed Tamara Harvey, Artistic Director of Theatr Clwyd, and Liam Evans-Ford, Executive Director of Theatr Clwyd and Chair of Theatr Cymru.

The Chair informed that the Theatre had won regional theatre of the year at the Stage Awards held on 6 January 2021. She advised that the Stage Awards are the highest profile awards celebrating theatre across the whole of the UK and beyond. This year, the awards had 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".

Councillor Derek Butler said the accolade was national and international acknowledgement of Theatr Clwyd as Flintshire's cultural centre which provided multi activities for the community.

Councillor Chris Bithell congratulated the Theatre on achieving the highly esteemed award particularly in the challenging circumstances of the stringent restrictions

imposed due to the pandemic. Councillor Bithell reported that since last March the Theatre had become a distribution centre providing help for children and families and had worked with local businesses in distributing food and particularly food parcels to those in need. In addition the Theatre had contributed to giving significant support to freelancers and engaging audiences in activity by setting multi tasks to complete at home. Councillor Bithell concluded by saying the prestigious Award gave optimism for the Theatre's future and was a credit to Tamara Harvey and Liam Evans-Ford and their team.

Councillor Dave Mackie said he was proud of the outstanding and widespread innovation which moved the Theatre forward under the guidance of Tamara Harvey and Liam Evans-Ford.

Councillor Glyn Banks also expressed his congratulations to Tamara Harvey and Liam Evans Ford and their team and thanked them for their leadership and hard work.

The Chief Executive said the Theatre had been a stalwart for people in need during the pandemic. He commented on the impending transfer of the Theatre from April to a new independent Trust, and said the Theatre was in the latter stages of negotiations with the Welsh Government for capital investment to refurbish and modernise Theatr Clwyd for the future.

Councillor Ron Davies also expressed his thanks to Tamara Harvey and Liam Evans-Ford on the success of the Award which he said was not easily gained.

The Chair invited Tamara Harvey and Liam Evans-Ford to speak.

Tamara Harvey expressed her appreciation at Theatr Clwyd being recognised as the Stage Awards Regional Theatre of the Year. She said in challenging times, Theatr Clwyd had risen to meet that challenge. It was very much a team effort, and she was proud of the team whose efforts had been acknowledged by their industry leaders.

In summary Liam Evans-Ford commented on the Theatre's connection with the Authority and said the Award was the result of the partnership work undertaken with the Authority and cited collaborative work with Social Services and Education Services as examples. He thanked Members for their kind words and recognition.

#### **48. MINUTES**

- (i) The minutes of the meeting held on 17 November 2020 were submitted.

The minutes were moved by Councillor Paul Shotton and seconded by Councillor Chris Bithell and approved as an accurate record.

- (ii) The minutes of the meeting held on 8 December 2020 were submitted

Councillor Tony Sharps referred to his comments on page 17 regarding an enquiry from a company which would release a capital receipt for the Council and asked if any further information was available on this. The Chief Executive confirmed that contact had been made with the company involved and the enquiry was re-open.



The minutes were moved by Councillor Chris Bithell and seconded by Councillor Gladys Healey and approved as an accurate record.

### **RESOLVED**

That both sets of minutes be approved as an accurate record.

#### **49. DECLARATIONS OF INTEREST**

The Chief Officer (Governance) referred to the previous advice given to Members on consideration of the Local Development Plan (LDP) and the circumstances where a personal and prejudicial interest or a personal interest would apply. He reminded Members of the nature of interests which had been previously declared.

On that basis, the following Members declared a personal and prejudicial interest and said they would leave the meeting before the item was considered:

- Councillor Bob Connah - related to occupier of land in the Local Development Plan (LDP).
- Councillor Joe Johnson - owner of land within the LDP.
- Councillor Hilary McGuill - related to owners of land within the LDP.
- Councillor Ralph Small - property overlooking one of the candidate sites.
- Councillor Andy Williams - home and business near to a candidate site
- Councillor Adele Davies-Cooke – related to owners of land within the LDP

The following Members declared a personal interest:

- Councillor Janet Axworthy
- Councillor Mike Peers

#### **50. CHAIR'S COMMUNICATIONS**

The Chair took the opportunity to express her thanks to all staff in the Streetscene workforce who had recently dealt with adverse weather conditions including floods, ice, and snow. She reported that the Winter Maintenance teams had been gritting continuously through the night and would continue to grit priority routes across the network as needed. Salt heaps and salt bins would continue to be replenished across the network where necessary.

The Chair reported that when weather conditions had prevented waste collections being completed in one day, or due to the significant increase in volume of waste during the Christmas period, the Streetscene team had worked tirelessly to collect and remove all waste the next day. Such was the dedication of all employees in the last ten months. She suggested that Members join her in a short round of applause to show appreciation for the commitment and hard work undertaken by all staff.

Councillor Ian Roberts concurred with the sentiments expressed by the Chair on the hard work and dedication of staff. In addition to his appreciation of the work of the Streetscene Team he also expressed thanks to staff in the Test, Trace and Protect Service, Social Services, and Housing Services as further examples of staff who had worked tirelessly throughout the Christmas period.

Councillor Carolyn Thomas expressed her sincere thanks to the commitment and hard work of all involved in the Streetscene Team (Managers, officers and front-line staff) who had worked long hours throughout the challenges of the pandemic, the harsh Winter conditions, and Christmas holiday period.

Councillor Glyn Banks congratulated the Streetscene Team on their sterling work on the waste collection service during the Christmas and New Year holiday period.

**51. PETITIONS**

There were no petitions.

**52. FLINTSHIRE LOCAL DEVELOPMENT PLAN (LDP) EXAMINATION IN PUBLIC DELEGATED AUTHORITY FOR OFFICERS**

The Chief Officer (Planning, Environment and Economy) introduced the report to seek Member's views on, and agreement to, 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 the scheduled hearing sessions. The Chief Officer reported that the examination of the LDP was due to commence on 8 March 2021. A pre-hearing meeting had been held on 12 January and a draft timetable for hearing sessions was expected this week and would be published on the LDP website (link provided within the report).

The Chief Officer advised that the Council considered that the LDP as submitted to be a sound plan, however, during the hearing the Inspectors may propose changes. He explained that the purpose of the scheme of delegation was 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 and scope 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 detailed in the report. He said that the Planning Inspectorate and the Welsh Government recommended that such a scheme of delegation be agreed to allow for the examination to operate efficiently.

The Chief Officer drew attention to paragraphs 1.05 and 1.06 in the report and the information in Table 1 which sets out the proposed scheme of delegation. He reported that the Planning Strategy Group had considered the proposals in the draft scheme of delegation at a meeting held on 12 November, and following amendment of the scheme had endorsed and recommended it to Council for approval. He gave reassurance to Members that any changes that emanated from the examination process (known as 'Matters Arising Changes') would be collated into a document and

subject to a separate 6-week public consultation process when the hearing sessions were completed. He gave an assurance that there would be ample opportunity for Members and the wider public to respond to any proposed changes as part of that formal consultation. The Chief Officer recommended that the Scheme of Delegation, as set out in Table 1 of the report, be adopted to provide officers with a framework to act at the LDP EiP, should the Inspector propose changes to the Plan.

Councillor Chris Bithell moved the recommendation as set out in the report. Speaking in support of the recommendation he reiterated that the Plan was sound as it stood. He referred to the proposals and arrangements for delegated authority as detailed in Table 1 and advised that the use of the scheme would be as a last resort (as the Council was not seeking any changes) if, for whatever reason, any aspect of the plan or supporting evidence was found to be not sound by the Inspector. He also said that the Welsh Government had no fundamental issues with the LDP as submitted.

Councillor Mike Peers seconded the recommendation. Councillor Peers referred to the executive summary of the report and said the reference to “changes of more significance” in the third paragraph was contrary to the reference to “changes of some significance” in Table 1 and suggested that the wording in Table 1 should be used for accuracy. He also said that in the same paragraph there was a reference to “seek agreement from Senior Members of the Council” and cross referencing to section 1.05 of the report Councillor Peers said the Welsh Government response had referred to a senior member group which he understood to mean the Planning Strategy Group.

Councillor Peers reiterated the assurance given to Members that the Inspector was seeking an agreement in principle and that the agreement would not disenfranchise local members for the community due to changes being published as ‘Matters Arising Changes’ which would allow comments to be made during the consultation period. Referring to Table 1 and the proposed delegated authority for the category ‘Changes of Some Significance’, Councillor Peers said that Local Members would be notified of any significant changes for information purposes and in the category ‘Fundamental Changes’, local members would be notified of any fundamental changes for information purposes. He proposed that the wording be amended to include that any relevant information provided by the local member be considered. Councillor Chris Bithell agreed to the proposed amendment which then formed the substantive motion for debate.

Councillor Tony Sharps referred to a question that he had raised during previous consideration of the LDP concerning the future of County Hall and said in response to the answer he had received he had voted against the LDP at Council. He expressed a number of concerns around the consequences of the introduction of the proposed scheme of delegated powers and a move away from Member control.

The Chief Executive spoke in support of the amendment by Councillor Peers and suggested that it could be made more precise so that local members be informed and consulted and their views taken into account in respect of changes of significance and fundamental changes.

Councillor Chris Dolphin said he felt that local members should definitely be involved in any changes of some significance and also any fundamental changes. He

suggested that the amendment be strengthened to state that a local member must be consulted upon and be part of the final decision-making process.

The Chief Officer (Governance) provided further clarification in response to the concerns raised by Members on the matter of consultation with local members and adjacent ward members whose ward was affected by a proposal.

Councillor Chris Dolphin proposed a further amendment and said that the local member should be part of the proposed delegated authority and this should be added to the amendment proposed by Councillor Peers. The Chief Officer advised that for legal reason delegation had to be made either to a Committee or to an Officer in consultation with Members. He referred to the proposal in Table 1 that authority was delegated to the Service Manager Strategy in full consultation.

Responding to the comments made by Councillor Tony Sharps concerning County Hall the Chief Officer (Planning, Environment & Economy) said that, in the main, the County Hall site was inside the settlement boundary of Mold, however, it was not yet ready as a site for residential or commercial development and work was ongoing concerning this. The Chief Executive said the County Hall site was in ownership of the Council and that the Council would determine its future use.

The Chief Officer (Planning, Environment and Economy) confirmed that following the views expressed by Members the proposed delegated authority in Table 1 of the report for the category Changes of Some Significance would be amended in part to read: "Local Members and adjacent ward members would be consulted on any significant changes and their views taken into account". He also confirmed that the proposed delegated authority in Table 1 for the category Fundamental Changes would be amended in part to read "Local Members and adjacent ward members would be consulted on any fundamental changes and their views taken into account". The Chief Officer said he fully supported the amendment.

The recommendation in the report, as amended, had been moved by Councillor Chris Bithell and seconded by Councillor Mike Peers and when put to the vote was carried.

Councillor Tony Sharps voted against the recommendation.

Councillors Dennis Hutchinson, Colin Legg, and David Williams abstained from the vote.

**RESOLVED:**

That subject to the amendments to Table 1 as above the recommended scheme of delegation as detailed in the report be approved to provide officers with a framework to act at the LDP EiP, should the Inspector propose changes to the Plan.

**53. LOCAL GOVERNMENT AND ELECTIONS (WALES) BILL**

The Chief Executive introduced a report on the Local Government and Elections (Wales) Bill. He advised that the Bill had received Royal Assent and was now an Act.

The purpose of the report was to highlight the key contents of the Act and for Council to note the constitutional implications (for example electoral reform, Corporate Joint Committees (CJCs), and public participation) and other implications (for example creation of a Governance & Audit Committee) and the internal plans for implementation. The Chief Executive advised that whilst some of the changes were immediate there was no timetable as yet for the Welsh Government (WG) to introduce others. He provided a brief update on CJCs and said the Authority's response was appended to the report, and electoral reform and asked the Chief Officer (Governance) to present the report.

The Chief Officer provided background information and advised that subject to commencement the Authority must implement the Act in the best way it could to suit local circumstances. He reported on the key areas of the Act, as detailed in the report, which required Council to make a decision, and which would affect members directly or be relevant to their strategic role. The Chief Officer explained that he had established a working group to schedule an implementation plan for the Act and would submit periodic reports to members on progress.

Councillor Ian Roberts moved the recommendations in the report with the amendment that the Local Government & Elections Bill was now an Act. Councillor Roberts said he welcomed the changes brought in by the Act regarding the electoral franchise which enabled 16 and 17 year olds to vote for the first time in National Assembly elections and County and Community/Town Council elections scheduled for May 2022, and improving public accessibility to local government meetings. Councillor Roberts expressed concerns over the scrutiny arrangements for Corporate Joint Committees (CJCs) and, referring to the creation of a Governance & Audit Committee, also expressed concern that a Member would not chair the Committee and commented on the increasing influence of lay members.

Councillor Carolyn Thomas seconded the recommendations. She said she had also raised concerns over the creation of CJCs and referred to the Authority's response to the WG consultation document on CJCs which was appended to the report.

Councillor Chris Bithell concurred with the views expressed by Councillor Ian Roberts on the Governance & Audit Committee and expressed further concerns over the option to change the voting system for local elections in the future.

Councillor Richard Jones expressed concerns on the creation of CJCs and scrutiny arrangements. Referring to previous consideration on CJCs he asked if any further consultations had taken place between 28 January 2020 and 18 November 2020 and was the WG consultation document on CJCs considered by Cabinet on 15 December 2020 of any value if the WG had made a decision to pass the Bill on 18 November.

Councillor Tudor Jones commented on the extension of the franchise to 16 year olds and foreign citizens under electoral reforms. He expressed concern that due to the pandemic, schools were not able to raise awareness among pupils of their right to vote at 16 and right to register to vote from the age of 14. He commented that the Authority and Members needed to assist in raising awareness in local secondary schools and local communities.

Councillor Mike Peers referred to section 1.04 of the report and the information that with the Single Transferable Voting system (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. He expressed the view that this would result in larger wards which would cover a vast area and wouldn't work.

In response to the questions and comments made the Chief Executive advised that STV could only be adopted locally if the Council voted in favour of it (and in accordance with the size of the vote required). Referring to the comments from Councillor Tudor Jones on the extension of the franchise to 16 year olds, the Chief Executive explained that around 50% of young voters had been registered so far and said the Electoral Commission would be carrying out national publicity in Wales. The Council was also targeting young people and would be working to raise awareness with local schools and colleges. Responding to the concerns from Councillor Richard Jones on CJsCs, the Chief Executive explained there were ongoing national discussions over the detail of their operation.

The Chief Officer (Governance) also responded to the points raised by Councillor Chris Bithell in relation to allowing non-politically restricted Council employees to stand for election to their own Council, and the subsequent risk of not being elected, and the questions raised by Councillor Richard Jones relating to CJsCs.

Councillor Richard Jones raised further concerns around CJsCs. The Chief Executive acknowledged the points made and suggested that Council might wish to consider adding a further recommendation to those in the report to express concerns around how CJsCs might work and that any regulations that the WG pass for CJsCs should meet all the tests set out in the Authority's response to the consultation. Councillor Richard Jones proposed that a third recommendation be added to the report. In seconding the proposal Councillor Carolyn Thomas advised that she had raised concerns many times around CJsCs regarding duplication and a move away from local position.

The Chief Executive also suggested that in response to the concerns expressed by Councillor Jones the second recommendation in the report be amended as follows: "That the Council notes the constitutional and other implications of the Act, and supports internal plans for their implementation as necessary". Councillor Richard Jones moved the proposed amendment and this was seconded by Councillor Carolyn Thomas.

The Chief Officer asked Councillor Ian Roberts, as mover of the original motion, if he supported the amendment as changed. Councillor Roberts accepted the proposed amendment which became the substantive motion.

When put to the vote the recommendations were carried.

## **RESOLVED**

- (a) That the briefing report be received;
- (b) That Council notes the constitutional and other implications of the Act, and supports internal plans for their implementation as necessary; and

- (c) That Council is not supportive of proposals for CJs as they currently stand and reiterates the comments made in the response to the WG appended to the report and requests that any further regulations meet the tests as set out in the response to the consultation

**54. TREASURY MANAGEMENT MID-YEAR REPORT 2020/21**

The Corporate Finance Manager introduced a report to present the draft Treasury Management Mid-Year Review for 2020/21. He advised that the Treasury Management Mid-Year Report for 2020/21 was appended to the report and required formal Council approval.

The Corporate Finance Manager advised that the Mid-Year Report reviewed the activities and performance of the treasury management operations during the period 1 April to 30 September 2020. As required by the Council's Financial Procedure Rules the Mid-Year Report was reviewed by the Audit Committee on 18 November 2020 and Cabinet on 15 December 2020. The Audit Committee had no matters to draw to the Cabinet or Council's attention. The Corporate Finance Manager referred to the key points which were summarised in the report.

Councillor Glyn Banks commented that the Authority's prudent stance had served it well during last year's unprecedented challenges and thanked the Finance Team and the Council's advisor Arlingclose and the Audit Committee for their work. He moved the recommendation in the report to Council for approval. Councillor Chris Dolphin seconded the proposal.

The Corporate Finance Manager responded to the question raised by Councillor Mike Peers on the year-end projections in section 5.04 of the report and provided further explanation around the information on investments and borrowing

**RESOLVED:**

That the Treasury Management Mid-Year Report 2020/21 be approved.

**55. RECRUITMENT OF A LAY MEMBER TO THE AUDIT COMMITTEE**

The Chief Officer (Governance) introduced a report to approve the recruitment process of a Lay Member to the Audit Committee as required by the Local Government and Elections (Wales) Act. He provided background information and advised that having considered the size of its membership the Audit Committee had recommended that the current membership of 9 should continue (7 elected Councillors and 2 lay members). If the Council wished to remain at 9 it would need to replace one elected Councillor on the Committee with a co-opted (lay) member. Alternatively, the Council could decide to reduce the size of the Committee to 6 members (4 elected Councillors plus the existing 2 lay members).

The Chief Officer gave advice and reminded Council that the Committee would have an expanded role from 1 April 2021. He advised that the requirement to change the membership was within the provisions that are to be brought into effect at a time

chosen by Ministers. It was expected that this would be in April 2021 but was now understood to be May 2022. He explained that Council could, therefore, maintain the current membership for the remainder of this term and begin the recruitment late Autumn ready for the lay person to be appointed in February or March 2022.

The Chief Officer referred to the recommendation in the report that the size of the membership of the Audit Committee remained at 9 and with effect from May 2022 would consist of 6 elected Councillors and 3 lay members and that the recruitment panel (as suggested in the second recommendation in the report) makes a recommendation to Council for the appointment of an additional lay member.

In moving the recommendations Councillor Chris Dolphin commented on the valuable expertise lay members brought to the Audit Committee and the excellent contribution made by the current lay members. Councillor Neville Phillips seconded the recommendations.

When put to the vote the recommendations were carried.

**RESOLVED:**

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

**56. RECRUITMENT OF INDEPENDENT MEMBERS TO THE STANDARDS COMMITTEE**

The Chief Officer (Governance) introduced the report to agree the timetable and process for recruiting Independent Members to the Standards Committee. He reported that the term of office for one of the co-opted Members of the Committee ends in March 2021 and as the member had served the maximum terms permitted under legislation must stand down. He advised that another Independent Member had decided to retire. Both co-optees had been active members of the Standards Committee and had made a significant contribution to the governance of the Council.

The Chief Officer explained that the Council would need to advertise two vacancies and to do so must place adverts in the local press and constitute an interview panel (as suggested in the report). Interviews could take place during end of February/March and the preferred candidate would then be officially appointed by Council (potentially on 1 April 2021).

Councillor Paul Johnson moved the recommendations and this was seconded by Councillor Mike Peers.

The Chair expressed her thanks to the retiring members of the Committee for their sterling work and contributions. The Chief Officer said he would write to both members to formally record the Chair's thanks and best wishes.



When put to the vote the recommendations was carried.

**RESOLVED:**

That the report be accepted and an appointment panel be formally established with the membership as described in the report.

**57. 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 5.03 pm)

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**Chair**

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**FLINTSHIRE COUNTY COUNCIL**  
**16 FEBRUARY 2021**

Minutes of the meeting of Flintshire County Council held as a remote attendance meeting on Tuesday, 16 February 2021

**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, David Cox, Paul Cunningham, Jean Davies, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, Carol Ellis, David Evans, Veronica Gay, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Dave Hughes, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, 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, David Williams, David Wisinger and Arnold Woolley

**APOLOGY:** Councillor Ted Palmer

**IN ATTENDANCE:**

Chief Executive, Legal Services Manager, Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Social Services), Corporate Finance Manager, Senior Manager for Human Resources & Organisational Development, Revenues Manager, Strategic Finance Manager (Corporate Finance), Strategic Finance Manager (Corporate Services), Interim Technical Finance Manager, Head of Democratic Services, Overview & Scrutiny Facilitators, Democratic Services Team Leader and Democratic Services Officers

**58. DECLARATIONS OF INTEREST**

Councillors Janet Axworthy, Sean Bibby and Hilary McGuill declared a personal interest on the Minimum Revenue Provision (agenda item 8) as board members of NEW Homes.

Councillors Dennis Hutchinson and Andy Williams both declared a personal interest on the Council Fund Revenue Budget 2021/22 (agenda item 4) as transport providers for the Council.

Councillor Martin White declared a personal interest on the Housing Revenue Account 30 year Financial Business Plan (agenda item 6) as a Council house tenant.

The following Members declared a personal interest on the Pay Policy Statement for 2021/22 (agenda item 9) due to closely associated people employed by the Council: Councillors Bernie Attridge, Chris Bithell, Andy Dunbobbin,

Billy Mullin, Hilary McGuill, Michelle Perfect, Vicky Perfect, Neville Phillips, Kevin Rush, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas and Andy Williams.

**59. PETITIONS**

None were received.

**60. COUNCIL FUND REVENUE BUDGET 2021/22 - FINAL CLOSING STAGE**

The Chief Executive introduced a report to receive the recommendations from Cabinet for the Council to set a legal and balanced Council Fund Revenue Budget for 2021/22.

The Chief Executive, Corporate Finance Manager and Revenues Manager gave a presentation covering the following:

- Setting a legal and balanced budget
- Additional budget requirement 2021/22
- Budget solutions 2021/22
- Council Tax
- Schools and social care budgets
- Open risks
- Earmarked and un-earmarked reserves
- Professional opinions and concluding remarks
- Looking ahead and the Medium Term Financial Strategy (MTFS)

Following an extensive budget consultation process, all outstanding issues had been closed by Cabinet in January. Having been supported by the Corporate Resources Overview & Scrutiny Committee, the recommendations of Cabinet were to balance the budget based on the lower minimum budget requirement with no provision for pay awards other than for employees with salaries under £24k. The Local Government Provisional Settlement announced by Welsh Government (WG) in December represented a cash uplift of £7.392m (3.7%) above the 2020/21 amount and the Council's formal response set out the views of collective Cabinet and elected Members. The prudent and balanced approach to the budget had proved successful in protecting services, however the scale of the emergency situation had led to significant financial pressures which would continue into 2021/22.

The 3.95% annual increase in Council Tax followed the clear directive set by the Council to maintain an affordable level below 5%. This comprised 3.45% for Council budgets and 0.5% as contributions to regional bodies including the North Wales Fire & Rescue Authority. Additional precepts for the Police & Crime Commissioner (5.14% annual increase) and those for individual Town/Community Councils were detailed in the report.

The recommendations for Cabinet and Council were moved by the Leader of the Council and Cabinet Member for Education, Councillor Ian Roberts, who thanked the Chief Executive and officers for their work throughout the budget-setting process. Whilst recognising the impact from a local increase in Council Tax, he welcomed the

protection of Council services and investment in priorities such as schools and Additional Learning Needs (ALN). He also spoke about a number of open risks such as Out of County Placements where the Council had made extra provision in the base budget and called upon WG for nationally held reserve funding.

As Cabinet Member for Finance, Councillor Glyn Banks seconded the proposal and referred to the Council's response to the Provisional Local Government Settlement from WG that included a repeated call for a review of the local government funding formula.

Councillor Peers acknowledged the challenges in closing the budget gap and protecting services year on year. He raised concerns about the impact of the emergency situation and said that a review of expenditure was needed, with escalating costs for Out of County Placements considered in more detail by Overview & Scrutiny. In response to a question, the Corporate Finance Manager clarified that the Provisional Settlement had fallen short of minimum expectations by around £600k and that subsequent outstanding issues had now been completed and incorporated into the budget.

Councillor Richard Jones spoke in support of the report and thanked the Chief Executive. He said that WG should acknowledge the case for appropriate funding as increasing levels of Council Tax to contribute towards the budget were unsustainable and placed a burden on councils to make difficult decisions. He also said that WG should introduce a three-year funding strategy to assist councils with medium term financial planning.

Also speaking in support was Councillor Tony Sharps who thanked the Leader of the Council for his work on the budget and his commitment to continue to lobby WG for a national solution on Out of County Placements.

As Cabinet Member for Social Services, Councillor Christine Jones said that the Council was exploring options to help with increased demand for Out of County Placements, however, this was a national problem in need of appropriate support from WG.

Councillor Bithell commended the Leader of the Council, Cabinet Member for Finance, the Chief Executive and the Corporate Finance Manager for their joint letter of response to WG which continued to make the case for a change in the funding formula and a national solution on Out of County Placements.

In raising concerns on the risk to future collection levels of Council Tax, Councillor Carol Ellis agreed with the need for appropriate funding from WG. On Out of County Placements, she was informed by the Chief Officer (Social Services) that there had been a 10% increase in demand over the past year which equated to around 20 children. He referred to investment in local solutions and working with partners to help keep families together.

The Chief Executive thanked Members for their continued support. In response to comments, he said that the underlying amount of the Settlement, based on demographic changes, meant that the Council was still amongst the lowest

funded in Wales per capita. He agreed with the need for WG to consider the balance between the affordability of Council Tax and national funding and said that regular review and challenge of expenditure had identified nothing further without compromising services. He also spoke about the potential for further pressures on the budget arising from the emergency situation.

Responding to concerns about the risk of Council Tax collection rates, the Revenues Manager gave assurances that the sensitive approach would continue throughout the emergency situation to support residents to meet their payments.

Councillor Ian Roberts said that the Council continued to explore all funding opportunities and he agreed with the need for a three-year funding strategy from Governments. In response to the concerns raised about Out of County Placements, he suggested a seminar for Members to fully understand the educational and social care pressures.

Councillor Hilary McGuill advised that Out of County Placements would also be on the agenda at a forthcoming joint Overview & Scrutiny committee meeting.

Councillor Heesom commended the report and thanked all those involved.

Having been moved and seconded, the recommendations were put to the vote and carried.

- (1) That Council notes and approves the revised budget requirement for 2021/22;
- (2) That Council approves the final proposals for the corporate efficiencies which will contribute to the budget;
- (3) That Council approves a legal and balanced budget based on the calculations as set out in the report;
- (4) That Council notes the open risks which remain to be managed in the course of 2021/22;
- (5) That Council approves an annual increase in Council Tax for 2021/22 of 3.95%; and
- (6) That Council notes the medium-term forecast as a basis for the next revision of the Medium-Term Financial Strategy (MTFS).

**RESOLVED:**

- (a) That the recommendations of Cabinet, as detailed above, for balancing the budget for 2021/22 be approved; and
- (b) That the level of Council Tax for 2021/22 as recommended by Cabinet be approved.

## 61. COUNCIL TAX SETTING FOR 2021/22

The Revenues Manager introduced the report to formally set the Council Tax charges and associated statutory resolutions for 2021/22 as part of the wider budget strategy on the basis of the decision taken on the previous item. Members were asked to endorse the continuation of the Council Tax Premium scheme and the practice for designated officers to lead on legal proceedings on behalf of the Council.

As mentioned in the previous item, three separate precepts made up the overall level of Council Tax charges against each property. The 3.95% increase in the Council's element met expectations of affordability and would, along with central government funding and Revenue Support Grant, help to protect front-line services and maintain the scale and complexity of demand for services. The overall amount raised by Council Tax consisted of the County Council's total precept of £90,678,757; the North Wales Police & Crime Commissioner's total precept of £19,868,694; and the collective precept of £3,110,430 across 34 Town and Community Councils.

The recommendations were moved by Councillor Ian Roberts and seconded by Councillor Glyn Banks who praised officers in the Revenues Team for their work.

Councillor Banks took the opportunity to thank residents for paying their Council Tax and reiterated the support available for those who were struggling to pay.

The Chair also extended her thanks to the Revenues team for their support to residents and businesses throughout the emergency situation. This was endorsed by the Chief Executive who recognised the role of both the Revenue and Benefits Teams during the period.

In response to questions from Councillor Peers, the Revenues Manager provided clarification on the exemptions applied to long-term empty dwellings and would provide a separate response on the amount of council tax generated from the Council Tax premium scheme.

Having been moved and seconded, the recommendations were put to the vote and carried.

### **RESOLVED:**

- (a) That the 2021-22 Council Tax be set as detailed in Appendix 1 to the report;
- (b) That the continuation of the policy of not providing a discount in the level of 2021/22 Council Tax charges for second homes and long-term empty homes be endorsed. Also, where exceptions do not apply, to charge the Council Tax Premium rate of 50% above the standard rate of Council Tax for second homes and long-term empty dwellings; and
- (c) That approval be given for designated officers to issue legal proceedings and appear on behalf of the Council in the Magistrates' Court for unpaid taxes.

## **62. HOUSING REVENUE ACCOUNT (HRA) 30 YEAR FINANCIAL BUSINESS PLAN**

The Chief Officer (Housing and Assets) introduced a report to approve the proposed Housing Revenue Account (HRA) Revenue and Capital budget for 2021/22, the HRA Business Plan and the summary 30-year Financial Business Plan as recommended by Cabinet. The Chief Officer and Strategic Finance Manager (Corporate Finance) gave a presentation covering:

- Welsh Government (WG) Rent Policy
- Proposed Rent Uplift 2021/22
- Welsh Government - Wider Rental Agreement
- Service Charges
- Other Income
- Invest to Save Proposal
- Proposed Pressures and Efficiencies
- Reserves
- HRA Business Plan 2021/22
- HRA Capital Investment
- Capital Programme
- Development of the revised Welsh Housing Quality Standards (WHQS)
- Capital Programme 2021/22
- HRA Capital Funding 2021/22

The proposed rent increase met requirements of the WG Rent Policy to consider affordability and value for money for tenants. The delayed final phased increase towards achieving full cost recovery of service charges would help to protect tenants during the emergency situation and to allow for further work to ensure high quality services. An update on the Capital Programme indicated that 447 properties had been delivered to date through the Strategic Housing and Regeneration Programme (SHARP) and a further 148 units outside SHARP creating additional capacity in the housing market in Flintshire.

The recommendations were moved by Councillor Dave Hughes who commended the delivery of housing services despite the challenges of the emergency situation. He said that the proposed rent increase was the lowest set by the Council for five years and that the ambitious Capital Programme would ensure continued investment in the Council house building programme.

The proposal was seconded by Councillor Ian Dunbar who paid tribute to the work of the Chief Officer and his team, and the support of the Community, Housing and Assets Overview & Scrutiny of which he was Chair.

Councillor Chris Bithell welcomed the report and in particular, the delivery of 595 housing units and maintenance of WHQS levels to meet the needs of local people.

In response to questions from Councillor Richard Jones, officers provided clarification on the impact of the review of garage sites.



Also speaking in support, Councillor Paul Shotton welcomed capital spend and partnership working on homeless accommodation.

The Chief Officer responded to Councillor Mike Peers' question on the approach to the next phase of SHARP housing schemes. In response to further questions, the Strategic Finance Manager provided information on the repairs and maintenance budget and reinvestment into the Capital Programme including commuted sums.

Having been moved and seconded, the recommendations were put to the vote and carried.

**RESOLVED:**

That the recommendations from Cabinet on 16 February 2021 be approved:

- (a) That Council supports the HRA Budget for 2021/22 as set out in the appendices to the report;
- (b) That Council supports and approves the rent increase of up to 0.68% (plus up to £2);
- (c) That Council supports and approves a garage rent increase of £0.20 per week and a garage plot increase of £0.03 per week;
- (d) That Council supports and approves freezing for one year an increase in Service Charge recovery; and
- (e) That Council supports and approves the proposed HRA Capital programme for 2021/22 as set out in Appendix C to the report.

**63. TREASURY MANAGEMENT STRATEGY 2021/22**

The Corporate Finance Manager presented the draft Treasury Management Strategy for 2021/22 for approval, as recommended by Cabinet. No significant changes had been made to the Strategy and no specific issues had been raised following consultation with the Audit Committee and Cabinet.

The recommendation was moved by Councillor Glyn Banks and seconded by Councillor Chris Dolphin.

**RESOLVED:**

That the Treasury Management Strategy for 2021/22 be approved.

**64. MINIMUM REVENUE PROVISION - 2021/22 POLICY**

The Corporate Finance Manager introduced the report to approve the annual policy for the Minimum Revenue Provision for the prudent repayment of debt. He confirmed that there were no changes to the recommendations made by Cabinet.

The recommendations were moved by Councillor Banks and seconded by Councillor Chris Dolphin.

**RESOLVED:**

(a) That the following be approved for Council Fund (CF):-

- Option 3 (Asset Life Method) be used for the calculation of the MRP in financial year 2021/22 for the balance of outstanding capital expenditure funded from supported borrowing fixed as at 31 March 2017. The calculation will be the 'annuity' method over 49 years.
- Option 3 (Asset Life Method) be used for the calculation of the MRP in 2021/22 for all capital expenditure funded from supported borrowing from 1 April 2016 onwards. The calculation will be the 'annuity' method over an appropriate number of years, dependent on the period of time that the capital expenditure is likely to generate benefits.
- Option 3 (Asset Life Method) be used for the calculation of the MRP in 2021/22 for all capital expenditure funded from unsupported (prudential) borrowing or credit arrangements;

(b) That the following be approved for Housing Revenue Account (HRA):-

- Option 2 (Capital Financing Requirement Method) be used for the calculation of the HRA's MRP in 2021/22 for all capital expenditure funded by debt; and

(c) That MRP on loans from the Council to NEW Homes to build affordable homes through the Strategic Housing and Regeneration Programme (SHARP) (which qualify as capital expenditure in accounting terms) be as follows:-

- No MRP is made during the construction period (of short duration) as the asset has not been brought into use and no benefit is being derived from its use.
- Once the assets are brought into use, capital repayments will be made by NEW Homes. The Council's MRP will be equal to the repayments made by NEW Homes. The repayments made by NEW Homes will be classed, in accounting terms, as capital receipts, which can only be used to fund capital expenditure or repay debt. The capital repayment / capital receipt will be set aside to repay debt, and is the Council's MRP policy for repaying the loan.

**65. PAY POLICY STATEMENT FOR 2021/22**

The Chief Executive introduced the report on the annual Pay Policy Statement for 2021/22 which summarised the pay and remuneration within an organisational,

regional and national context. It was a statutory obligation to publish the Pay Policy Statement each year within the deadline.

In summarising the main changes, the Senior Manager for Human Resources and Organisational Development referred to recommendation 2 in the report and advised that an announcement was expected from Welsh Government following the withdrawal of the Public Sector Exit Cap Regulations by the UK Government.

In moving the recommendations, Councillor Billy Mullin thanked the officers for the report.

Councillor Peers suggested that the section on Honoraria be amended to recognise employees who had been seconded to other roles during the emergency situation.

The Chief Executive confirmed that such arrangements were being made.

As suggested by the Chief Executive, Councillor Peers proposed that the wording 'in other exceptional circumstances' be added to the policy to reflect this.

On that basis, the recommendations were moved and seconded by Councillors Mullin and Carver. The recommendations were put to the vote and carried.

**RESOLVED:**

- (a) That the Pay Policy Statement for 2021/22 be approved;
- (b) That County Council notes the national position on the Exit Cap Regulations and potential changes to the Local Government Pension Scheme (LGPS) which may require changes to the Pay Policy and Pensions Discretions Statements 2021;
- (c) That County Council delegates authority to the Senior Manager, Human Resources and Organisational Development to update the Pay Policy Statement 2021/22 during the course of the year to reflect any changes required by legislation, Government policy or national negotiations so that it remains accurate and current; and
- (d) That the policy include the wording 'in other exceptional circumstances' to reflect situations where Honoraria payments may apply.

**66. PUBLIC QUESTION TIME**

None were received.

**67. QUESTIONS**

None were received.

**68. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

None were received.

**69. NOTICE OF MOTION**

None were received.

**70. MEMBERS OF THE PRESS IN ATTENDANCE**

There was one member of the press in attendance.

(The meeting started at 2pm and ended at 4.55pm)

.....  
**Chair**



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday 1 <sup>st</sup> April 2021
<b>Report Subject</b>	Review of Protocol for Meeting Contractors
<b>Report Author</b>	Chief Officer Governance

### **EXECUTIVE SUMMARY**

The Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties provides advice to Members on how to avoid inadvertently compromising required levels of impartiality and transparency required of them and the Council when awarding contracts or considering planning applications.

The protocol is due for review as part of the Council's rolling programme of reviewing the Constitution. This periodic refresh of the protocol is an opportunity to check that the document remains up to date and pertinent.

The guidance on dealings with potential contractors remains necessary and needs only minor updating. The guidance on dealings with developers does need updating. However, in addressing these matters the protocol overlaps with the Planning Code of Guidance. It would be better if the protocol did not seek to duplicate advice given elsewhere. The parts of the document relating to planning should be removed and the Planning Code of Guidance be updated instead.

### **RECOMMENDATIONS**

1	That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to dealings with parties who might be bidding for or seeking a contract with the Council be amended as shown in the Appendix.
2	That the parts of the Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties relating to Planning be transferred to the Planning Code of Guidance (to the extent that they are not already incorporated therein) and that the Planning Code of Guidance be updated.

## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE REVIEW OF PROTOCOL</b>
1.01	The Council spends about £198m every year on contracts. It also buys and sells land/buildings. Contracts should be awarded and planning applications should be decided fairly, impartially and in a transparent manner. In addition, the Council considers planning applications, which, if granted, can generate many thousands of pounds for developers. The Protocol for Members in their Dealings with Contractors/Developers and Other Third Parties (“the Protocol”) gives advice to members on how to ensure they do not inadvertently compromise the fairness or transparency of such matters.
1.02	The Protocol explains the considerations that apply to the award of contracts and also the determination of planning applications. It gives guidance on whether Members should meet with people seeking contracts with the Council and safeguards that should be applied if they do so. This guidance remains both necessary and pertinent though some of the terminology needs updating. Some scenarios to illustrate the situations covered by the Protocol have also been included. The proposed changes are tracked in the document at Appendix 1. A “clean version” of the document is attached at Appendix 2.
1.03	The Protocol also gives advice on what Members should do if they are approached or lobbied by either planning applicants or objectors. In summary Members must declare if they have been spoken to four or more times. However, the Protocol does not then impose any obligation on Members to take any action in respect of being lobbied to this degree and further advice on the issue is needed. This is a lacuna that should be addressed. A similar requirement to declare being lobbied is included in the Planning Code of Guidance. That Code of Guidance is also similarly silent on what Members should do if they are lobbied. It would be better if the issues were handled comprehensively in the Planning Code of Guidance. That document will updated and reported to Planning Strategy Group before being coming to this Committee.
1.04	The Protocol has been considered and recommended for amendment by the Standards and Constitution & Democratic Services Committees. As a result of consideration by these committees a number of minor changes have been made, and, more importantly, an explanation of how members can appropriately be involved in matters affecting contracts has been included.
1.05	The amended protocol will be included within training and induction programmes for officers who award contracts and Members of Cabinet.
<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None associated with this report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	This Protocol was reviewed at Standards Committee on Monday 1 <sup>st</sup> March and Constitution and Democratic Services Committee on Wednesday 24 <sup>th</sup> March.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The Protocol is designed to avoid or minimise the risk of Council processes being compromised by inadvertent behaviour.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix One – Protocol for Members in their Dealings with Contractors/ Developers and Other Third Parties showing tracked changes Appendix Two – Protocol for Members in their Dealings with Contractors/ Developers and Other Third Parties as it will look when amended.

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	None.  <b>Contact Officer:</b> Gareth Owens, Chief Officer Governance <b>Telephone:</b> 01352 702344 <b>E-mail:</b> <a href="mailto:gareth.legal@flintshire.gov.uk">gareth.legal@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Planning Strategy Group</b> – an internal working group drawn from the Planning Committee that advises the Council on procedures and other matters pertaining to the planning process.

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## **SECTION 21**

### **12. PROTOCOL FOR MEMBERS IN THEIR DEALINGS WITH CONTRACTORS/DEVELOPERS AND OTHER THIRD PARTIES SEEKING OR ENGAGED IN CONTRACTS WITH THE COUNCIL**

#### **1. INTRODUCTION**

1.1 This Protocol has been developed to assist Members by identifying some of the existing provisions in Codes of Conduct, Guidance and Procedure Rules most relevant to dealings with existing or would be contractors/~~developers~~ for easy access when advice on individual circumstances is needed. It also extends to include advice on meetings or discussions with external bodies, and in particular private companies, which might at some stage be seeking to benefit from an association with the Council and/or its partner organisations.

1.2 It is recognised that Members may be contacted by a range of public, private and voluntary organisations for various reasons and in various ways. Occasionally this will be to acquaint a Member with an event that is planned for the Member's particular ward. However, more often than not the contact will be in the hope that the Member will support a proposal in one way or another.

1.3 The Code of Conduct for Members sets out general principles which Members must have regard to in the roles they fulfil. The Planning Code of Conduct builds upon the Members' Code of Conduct and ~~in relation to planning applications requires Members to declare circumstances where there has been significant contact and indicates that this is where a Member has been contacted on more than 4 occasions by the same person whether that was an applicant or an objector~~ members should refer to that document on what to do if they are lobbied by a planning applicant or objector.

1.4 This Protocol covers any situation where a person or business may be seeking a contract, or may already be in a contract, with the Council. For example — A company might approach a councillor offering to sell land or buildings to the Council at a "good price"

- A software company might send a promotional email to a councillor explaining how its products could save the Council money
- A company which is not fulfilling its contractual obligations complain to a Cabinet member that it is being "unfairly treated"

#### **2. CODE OF CONDUCT**

2.1 The Members' Code of Conduct includes the following provisions which are particularly relevant in relation to Members in their dealings with would be contractors/~~developers~~ and other third parties.

2.2 Paragraph 4 of the Members' Code requires that Members must carry out their duties and responsibilities with due regard to the principle of equality of

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opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.

- 2.3 Paragraph 7 of the Members' Code provides that Members must not use their position improperly to confer on or secure for themselves ~~or any other person~~ an advantage ~~nor create or avoid for themselves or any other person~~ ~~seek to avoid a~~ disadvantage. ~~Likewise, they should not do these things in respect of other people.~~
- 2.4 Part 3 of the Members' Code contains detailed provisions concerning the disclosure of personal interests and where Members believe these provisions may be relevant they should seek advice from the Monitoring Officer ~~or Deputy Monitoring Officer at the earliest opportunity~~ ~~a Deputy Monitoring Officer or other senior officer in Legal & Democratic Services.~~ These provisions are particularly important in dealings with contractors, ~~people or companies seeking business with the Council~~ ~~developers~~ or third parties with whom the Member has a close personal association.
- 2.5 Paragraph 8 of the Members' Code requires ~~ed~~ that when reaching decisions Members must do so on the basis of the merits of the circumstances involved and in the public interest having regard to relevant advice provided by officers.
- 2.6 Paragraphs 9, 17 and 18 of the Members' Code contain provisions concerning accepting from anyone gifts or hospitality. Where a Member is in any doubt as to the application of these provisions, advice should be obtained from the Monitoring Officer ~~or Deputy Monitoring Officer or other senior officer within Legal & Democratic Services~~ ~~at the earliest opportunity.~~
- 2.7 The above provisions are merely a summary of some of the contents of the Members' Code of Conduct, the full details of which appear elsewhere in this Constitution.

### 3. **PROCEDURE RULES**

- 3.1 The Council's Financial Procedure Rules make reference to the Council's responsibility to achieve the most favourable terms possible from suppliers and requires ~~central~~ procurement ~~arrangements~~ ~~rules and procedures~~ to be set up for that purpose.
- 3.2 The Contract Procedure Rules have been adopted by the Council based upon a number of basic principles and emphasise that purchasing and disposal procedures must:-
- Seek value for money ~~and achieve the aims of the Council's procurement strategy such as social value, carbon reduction etc~~
  - Show no undue ~~or improper~~ favour to any contractor, nor discriminate against any contractor.
  - Ensure that all procurement is in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information).

- Do nothing that contravenes EU or domestic law
- Ensure that adequate contract files are kept.

• Ensure that contracts are packaged to ensure best value for money.

4.3. One of the overriding principles that must be complied with is that neither officers nor members should show ~~no~~ any undue or improper favour to any contractor. This principle applies equally to Members.

3.3.

#### 4. PLANNING CODE OF CONDUCT

4.1 The Planning Code of Conduct provides a set of principles which apply primarily to the manner in which individual planning applications should be dealt with and to the decision-making process relating to the Development Plan, Supplementary Planning Guidance and associated documentation.

4.2 The Code makes it clear that whilst lobbying is a part of the political process, and it is quite common for applicants or other interested parties to wish to discuss a proposed development with Members before a planning application is determined, Planning Committee Members are under an obligation to determine matters on their merits. Accordingly the Code provides advice that all Members should amongst other things:-

- Refer applicants/developers who approach them for planning or procedural advice to the appropriate Planning Officer.
- Not put pressure on Officers to make a particular recommendation in their report.
- Direct lobbyists or objectors to the appropriate Planning Officer who will include reference to their opinions where relevant in their report.

Those Members who sit on the Planning Committee are also advised:-

- Not to openly declare which way they intend to vote in advance of the committee meeting.
- Avoid campaigning actively in support of a particular outcome on a planning application.
- Where a member of the committee has made it clear which way they intend to vote prior to the committee meeting they should not participate in the committee's debate or vote on the matter.

4.3 The above is a summary of some of the points in the Flintshire Planning Code and full details of the code are contained in the Council's Constitution.

#### 54. ROLES AND RESPONSIBILITIES OF MEMBERS

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- 54.1 The Council has adopted role descriptions for the various roles that Members undertake such as Leader of the Council, Cabinet Member, Committee Chair and ordinary Member. These are all available on the Council's Infonet.
- 54.2 The roles and responsibilities envisage Members, particularly at Cabinet level, having significant input into the development of policy in relation to the Authority's functions.
- 54.3 In the formulation of policy, Members will often rely on developmental work undertaken by Officers and in such circumstances there will often be a necessary overlap in this area. Equally, in their ward role, members may wish to advocate on behalf of businesses or residents in their area and may, for example, seek progress reports or request greater urgency be shown. However, care should be taken to ensure that ~~the management/operational role of Officers is not compromised~~ members do not become embroiled in operational matters.
- 54.4 In fulfilling their respective roles, Cabinet Members and Officers will frequently find it convenient to be present in discussions with private companies and other external bodies in the development of options for service provision. There may be occasions when non-Cabinet Members are present at such meetings and this Protocol also covers such situations.
- 54.5 Such discussions with private companies and other external bodies will often be held for explanatory reasons to assist in undertaking an options appraisal exercise or in an attempt to understand and gain knowledge of the market ahead of a procurement exercise. Accordingly, great caution is needed in all such discussions to ensure that there can be no perception that an expectation is created that the discussions were anything more than exploratory in nature.
- 54.6 Accordingly a few simple precautions should always be put in place to avoid any ambiguity on the part of the private company or any perception by others who get to hear of the discussions that they were for irregular purposes. Such precautions will include:-
- ~~First of all, serious~~ Serious consideration should be given to the appropriateness of Members attending the meeting of that company or its representatives ~~in the first place~~ at all;
  - ~~∴~~ ∴ the risks involved should be assessed and the potential benefits/disadvantages identified, e.g. where there is a major contract to be awarded ~~or a major planning application to be determined~~ it may not be appropriate to meet;
  - The Council must comply both with statutory requirements in relation to procurement as well as its Contract Procedure Rules; ~~and~~
  - ~~it~~ it is important that no discussions or meetings prejudice the ability of the Council to demonstrate equal treatment and transparency. Officers should always provide objective advice to Members in such circumstances. If there are any doubts, advice should be sought from the ~~Council's Statutory Officers~~ Head of Paid Service, S.151 Officer and/or Monitoring Officer; ~~and~~
  - An audit trail ~~should~~ must be kept as to why the decision was taken for

Members to attend the meetings of that company or its representatives ~~in the first place~~.

54.7 If it is considered appropriate for the discussions to proceed with Members, further precautions should be put in place:-

- A written invitation to the company in question setting out the purpose of the proposed discussions.
- Where the invitation is from a private company, the purpose of the discussions should be ascertained and contained in a letter accepting the invitation.
- Appropriate Officers should always be present to advise Members.
- ~~Notes should be taken~~ A record must be made of the discussion and where possible agreed by the attendees. This record can take many forms such as notes or a recording of a meeting (though this should only happen with the explicit agreement of all persons in the meeting). ~~These~~ The record should must set out any conclusions arrived at. It should always be borne in mind that such notes could be the subject of a Freedom of Information Act request and the extent to which any commercially sensitive information needs to be discussed should be assessed and agreed in advance with the contractor.
- It ~~should must~~ be made clear to the company that similar discussions may be held with any other interested party.
- Where the matter to be discussed is likely to lead to a procurement exercise, either because of the Procurement Rules, Contract Procedure Rules or best practice, it ~~should must~~ be made clear that all interested tenderers will need to be financially vetted and comply with all other pre-tender requirements. This will probably be required even in circumstances where procurement is not at issue if it is likely to lead to a contractual arrangement if discussions are successful.
- Care ~~should must~~ be taken to ensure that no company is given any advantage over others as a consequence of the discussions.
- Unless there is a good reason for doing so, which can be objectively justified, discussions ~~should must~~ take place in the Council's offices.
- The Council should meet all costs associated with a visit to a contractor or to a development site or developer.

54.8 If Members are in any doubt about the provisions of this Protocol they should seek advice from either the Monitoring Officer or the Deputy Monitoring Officer as the impact of their actions could potentially have serious consequences for themselves and the Council.

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## **SECTION 21**

### **12. PROTOCOL FOR MEMBERS IN THEIR DEALINGS WITH PARTIES SEEKING OR ENGAGED IN CONTRACTS WITH THE COUNCIL**

#### **1. INTRODUCTION**

- 1.1 This Protocol has been developed to assist Members by identifying some of the existing provisions in Codes of Conduct, Guidance and Procedure Rules most relevant to dealings with existing or would be contractors for easy access when advice on individual circumstances is needed. It also extends to include advice on meetings or discussions with external bodies, and in particular private companies, which might at some stage be seeking to benefit from an association with the Council and/or its partner organisations.
- 1.2 It is recognised that Members may be contacted by a range of public, private and voluntary organisations for various reasons and in various ways. Occasionally this will be to acquaint a Member with an event that is planned for the Member's particular ward. However, more often than not the contact will be in the hope that the Member will support a proposal in one way or another.
- 1.3 The Code of Conduct for Members sets out general principles which Members must have regard to in the roles they fulfil. The Planning Code of Conduct builds upon the Members' Code of Conduct and members should refer to that document on what to do if they are lobbied by a planning applicant or objector.
- 1.4 This Protocol covers any situation where a person or business may be seeking a contract, or may already be in a contract, with the Council. For example
- A company might approach a councillor offering to sell land or buildings to the Council at a "good price". A software company might send a promotional email to a councillor explaining how its products could save the Council money
  - A company which is not fulfilling its contractual obligations complain to a Cabinet member that it is being "unfairly treated"

#### **2. CODE OF CONDUCT**

- 2.1 The Members' Code of Conduct includes the following provisions which are particularly relevant in relation to Members in their dealings with (would be) contractors and other third parties.
- 2.2 Paragraph 4 of the Members' Code requires that Members must carry out their duties and responsibilities with due regard to the principle of equality of opportunity for all people regardless of their gender, race, disability, sexual orientation, age or religion.
- 2.3 Paragraph 7 of the Members' Code provides that Members must not use their position improperly to confer on or secure for themselves an advantage nor

seek to avoid a disadvantage. Likewise, they should not do these things in respect of other people.

- 2.4 Part 3 of the Members' Code contains detailed provisions concerning the disclosure of personal interests and where Members believe these provisions may be relevant they should seek advice from the Monitoring Officer or Deputy Monitoring Officer at the earliest opportunity. These provisions are particularly important in dealings with contractors, people or companies seeking business with the Council or third parties with whom the Member has a close personal association.
- 2.5 Paragraph 8 of the Members' Code requires that when reaching decisions Members must do so on the basis of the merits of the circumstances involved and in the public interest having regard to relevant advice provided by officers.
- 2.6 Paragraphs 9, 17 and 18 of the Members' Code contain provisions concerning accepting from anyone gifts or hospitality. Where a Member is in any doubt as to the application of these provisions, advice should be obtained from the Monitoring Officer or Deputy Monitoring Officer at the earliest opportunity.
- 2.7 The above provisions are merely a summary of some of the contents of the Members' Code of Conduct, the full details of which appear elsewhere in this Constitution.

### 3. **PROCEDURE RULES**

- 3.1 The Council's Financial Procedure Rules make reference to the Council's responsibility to achieve the most favourable terms possible from suppliers and requires procurement rules and procedures to be set up for that purpose.
- 3.2 The Contract Procedure Rules have been adopted by the Council based upon a number of basic principles and emphasise that purchasing and disposal procedures must:-
  - Seek value for money and achieve the aims of the Council's procurement strategy such as social value, carbon reduction etc
  - Show no undue or improper favour to any contractor, nor discriminate against any contractor.
  - Ensure that all procurement is in accordance with the highest standards of propriety and proper practice (including respecting the confidentiality of commercial information).
  - Do nothing that contravenes domestic law
  - Ensure that adequate contract files are kept.
- 3.3. One of the overriding principles that must be complied with is that neither officers nor members should show any undue or improper favour to any contractor.



#### **4. ROLES AND RESPONSIBILITIES OF MEMBERS**

- 4.1 The Council has adopted role descriptions for the various roles that Members undertake such as Leader of the Council, Cabinet Member, Committee Chair and ordinary Member. These are all available on the Council's Infonet.
- 4.2 The roles and responsibilities envisage Members, particularly at Cabinet level, having significant input into the development of policy in relation to the Authority's functions.
- 4.3 In the formulation of policy, Members will often rely on developmental work undertaken by Officers and in such circumstances there will often be a necessary overlap in this area. Equally, in their ward role, members may wish to advocate on behalf of businesses or residents in their area and may, for example, seek progress reports or request greater urgency be shown. However, care should be taken to ensure that members do not become embroiled in operational matters.
- 4.4 In fulfilling their respective roles, Cabinet Members and Officers will frequently find it convenient to be present in discussions with private companies and other external bodies in the development of options for service provision. There may be occasions when non-Cabinet Members are present at such meetings and this Protocol also covers such situations.
- 4.5 Such discussions with private companies and other external bodies will often be held for explanatory reasons to assist in undertaking an options appraisal exercise or in an attempt to understand and gain knowledge of the market ahead of a procurement exercise. Accordingly, great caution is needed in all such discussions to ensure that there can be no perception that an expectation is created that the discussions were anything more than exploratory in nature.
- 4.6 Accordingly a few simple precautions should always be put in place to avoid any ambiguity on the part of the private company or any perception by others who get to hear of the discussions that they were for irregular purposes. Such precautions will include:-
- Serious consideration should be given to the appropriateness of Members attending the meeting of that company or its representatives at all;
  - the risks involved should be assessed and the potential benefits/disadvantages identified, e.g. where there is a major contract to be awarded it may not be appropriate to meet;
  - The Council must comply both with statutory requirements in relation to procurement as well as its Contract Procedure Rules;
  - It is important that no discussions or meetings prejudice the ability of the Council to demonstrate equal treatment and transparency. Officers should always provide objective advice to Members in such circumstances. If there are any doubts, advice should be sought from the Head of Paid Service, S.151 Officer and/or Monitoring Officer; and
  - An audit trail must be kept as to why the decision was taken for Members to

attend the meetings of that company or its representatives.

4.7 If it is considered appropriate for the discussions to proceed with Members, further precautions should be put in place:-

- A written invitation to the company in question setting out the purpose of the proposed discussions.
- Where the invitation is from a private company, the purpose of the discussions should be ascertained and contained in a letter accepting the invitation.
- Appropriate Officers should always be present to advise Members.
- A record must be made of the discussion and where possible agreed by the attendees. This record can take many forms such as notes or a recording of a meeting (though this should only happen with the explicit agreement of all persons in the meeting). The record must set out any conclusions arrived at. It should always be borne in mind that such notes could be the subject of a Freedom of Information Act request and the extent to which any commercially sensitive information needs to be discussed should be assessed and agreed in advance with the contractor.
- It must be made clear to the company that similar discussions may be held with any other interested party.
- Where the matter to be discussed is likely to lead to a procurement exercise, either because of the Procurement Rules, Contract Procedure Rules or best practice, it must be made clear that all interested tenderers will need to be financially vetted and comply with all other pre-tender requirements. This will probably be required even in circumstances where procurement is not at issue if it is likely to lead to a contractual arrangement if discussions are successful.
- Care must be taken to ensure that no company is given any advantage over others as a consequence of the discussions.
- Unless there is a good reason for doing so, which can be objectively justified, discussions must take place in the Council's offices.
- The Council should meet all costs associated with a visit to a contractor or to a development site or developer.

4.8 If Members are in any doubt about the provisions of this Protocol they should seek advice from either the Monitoring Officer or the Deputy Monitoring Officer as the impact of their actions could potentially have serious consequences for themselves and the Council.



## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday 1 <sup>st</sup> April 2021
<b>Report Subject</b>	Review of the Terms of Reference of the Audit Committee
<b>Report Author</b>	Chief Officer Governance

### EXECUTIVE SUMMARY

In January 2021 a full report was presented to the Flintshire County Council and Audit Committee on the Local Government and Elections (Wales) Bill. In February 2021 this bill received Royal Assent and became the Local Government and Elections (Wales) Act 2021 with some commencement dates following 2 months after Royal Assent.

This paper covers the legislation which will impact on the role of the Audit Committee from April 2021, this being:

- Changing the name of the Audit Committee;
- Additional functions of the Committee around the review and reporting of the self-assessment and peer assessment of the Council's performance and reporting on the effective handling of complaints.

### RECOMMENDATIONS

1	To ask the Council to acknowledge the amended name of the Council's Audit Committee and to include new functions set in the Act within the current Terms of Reference of the renamed Committee.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING REVIEW OF THE COUNCIL'S CONSTITUTION / AUDIT COMMITTEE'S TERMS OF REFERENCE.</b>
1.01	In January 2021 a paper was presented to the Flintshire County Council and the Audit Committee on the Local Government and Elections (Wales) Bill. Since this report in January the Bill has received Royal Assent.
1.02	Section 116 – 118 of the Act will commence from April 2021 with the requirement to change the name of the Audit Committee to Governance

	<p>and Audit Committee. As part of the act there will be additional responsibilities of the Governance and Audit Committee. These are:</p> <ul style="list-style-type: none"> <li>• Review an annual performance self-assessment;</li> <li>• Draft responses to any panel reports following peer reviews;</li> <li>• Review and assess the Council's ability to effectively handle complaints; and</li> <li>• Make reports and recommendations in relation to the authority's ability to handle complaints effectively.</li> </ul>
1.03	Further changes will be required to the composition of the renamed Governance and Audit Committee in May 2022. These changes include the additional appointment of a lay member and the Chair of the Governance and Audit Committee being a Lay Member.
1.04	The current Committee's Terms of Reference has been updated to reflect the renaming of the Committee to Governance and Audit Committee, to include the new functions listed above, and to address the changes of the composition of the audit committee from May 2022. For ease of reference Appendix A highlights all changes in bold / red text.
1.05	The draft Terms of Reference were presented for consideration to the Audit Committee on the morning of the 24 <sup>th</sup> March 2021 and the Constitution and Democratic Services Committee on the afternoon of the 24 <sup>th</sup> March 2021.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Consultation over the draft Terms of Reference has taken place with the Chief Executive, Council's Monitoring Officer and the Democratic Services Manager and the Audit Committee.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable at this stage.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix A – Revised Terms of Reference - changes highlighted in bold / red text

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Local Government and Elections (Wales) Act 2021</p> <p><a href="file:///C:/Users/cscsrjr/Downloads/WLGA%20LG&amp;E(W)%20report%20Nov%202020.pdf">file:///C:/Users/cscsrjr/Downloads/WLGA%20LG&amp;E(W)%20report%20Nov%202020.pdf</a></p> <p>Report of the Chief Executive and Chief Officer (Governance) on the Local Government &amp; Elections (Wales) Bill. Council, 28<sup>th</sup> January 2021 and resultant minute.</p> <p><b>Contact Officer:</b> Lisa Brownbill, Internal Audit Manager  <b>Telephone:</b> 01352 702231  <b>E-mail:</b> <a href="mailto:Lisa.brownbill@flintshire.gov.uk">Lisa.brownbill@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.

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# GOVERNANCE AND AUDIT COMMITTEE

Terms of Reference

Draft – March 2021

## Article 7 - The **Governance and Audit Committee**

### 7.00 Statement of Purpose:

The terms of reference sets out the **Governance and Audit Committee's** position in the governance structure of the Council.

The **Governance and Audit Committee** is a key component of Flintshire County Council's (the Council's) corporate governance. It provides an independent and high level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards.

### 7.01 Role:

The **Governance and Audit Committee's** role and functions will be to:

- A.** Review the effectiveness of the Authority's systems of corporate governance, internal control, **complaints, performance (self-assessment and peer review)** and risk management, and to make reports and recommendations to the County Council on the adequacy and effectiveness of these arrangements;
- B.** Oversee the reporting of the statutory financial statement's process to ensure the balance, transparency and integrity of published financial information, and to review the financial statements prepared by the authority and recommend them to County Council; and  
  
Review and scrutinise the County Council's financial affairs, and to make reports and recommendations on them. The role of the Committee is to assure the budgetary control systems of the Council rather than the scrutiny of the use and value for money of expenditure which is the role of the respective Overview and Scrutiny Committees.
- C.** Monitor the performance and effectiveness of the internal and external audit functions within the wider regulatory context.
- D.** Report to the Council annually, summarising the Committee's activities and recommendations.



**A. Corporate Governance, Internal Control, Complaints, Performance and Risk Management**

1. Evaluate whether Senior Accountable Officers and service teams are setting the appropriate “control culture” by communicating the importance of internal control and risk management.
2. Consider and assure the annual update of the Code of Corporate Governance against the ‘Delivering Good Governance Framework (Wales)’.
3. Consider and assure the draft Annual Governance Statement and make appropriate recommendations/observations prior to its submission to the Council’s Regulators.
4. Evaluate the overall effective development and operation of the internal control and risk management frameworks and consider whether actions raised by the internal and external auditors have been implemented by Senior Accountable Officers.
5. Review and assure the Risk Management Strategy through regular reports on risk management and business continuity plans, processes and outcomes.
6. Monitor progress in addressing risk related issues reported to the Committee.
7. Consider the Council’s framework of assurance and ensure that it adequately addresses the risks and priorities of the Council.
- 8. To review and assess the Council’ ability to effectively handle complaints.**
- 9. To make reports and recommendations in relation to the Council’s ability to handle complaints effectively.**
- 10. To consider the Council’s draft Annual Performance Self-Assessment report and if necessary make any recommendations for changes to the Council.**
- 11. To receive the Council’s finalised Annual Self-Assessment report for the respective financial year as soon as reasonably possible after the end of the financial year.**
- 12. At least once during the period between two consecutive ordinary elections of councillors to the Council, consider the independent Panel Performance Assessment report on whether the Council is meeting its performance requirements.**
- 13. To receive and review the Council’s draft response to the report of the independent Panel Performance Assessment and if necessary make recommendations for changes to the statements made in the draft response to the Council.**

14. Keep under review the Council's Anti-Fraud and Corruption Strategy, Fraud Response Plan and Whistleblowing Policy and the assessment of fraud risks and potential harm to the Council from Fraud and Corruption.
15. Consider the Council's arrangements to secure value for money and review assurances and assessment on the effectiveness of these arrangements.
16. Receive reports on all fraud identified and any other special investigations, and action taken.
17. Consider how Senior Accountable Officers are held to account for the security of computer systems and applications to protect against computer fraud or misuse.
18. Ensure the rigorous application of the agreed protocol for the reporting and decision making over business cases for collaborative projects, the management of the transition for approved collaborations, and the subsequent performance management arrangements for the new collaborative services.
19. Obtain regular updates from Senior Accountable Officers and legal advice regarding compliance matters, and be satisfied that all compliance matters have been considered in preparing the financial statements.
20. The Chair and Vice Chair of the **Governance and Audit Committee** together with the Chairs and Vice Chairs of the six Overview and Scrutiny Committees will attend the Chair and Vice Chair Liaison Group with the primary aim to reduce duplication of work, ensure there is a shared coverage of the Council's risk profile and escalate poor performance between respective Committees.

Appendix A of the Audit Charter provides a diagram of the co-ordination of work between the Overview and Scrutiny Committees and **Governance and Audit Committee**.

## **B. Financial:**

### **Statutory Financial Statements**

1. Receive the draft annual Statement of Accounts, together with the underlying accounting policies for information. Consider and comment on the final statement of accounts following the receipt of the proposed audit opinion from the Wales Audit Office prior to recommending their approval to the Council.
2. Understand the controls and processes implemented by Senior Accountable Officers to ensure the financial statements derive from the underlying financial systems,

comply with relevant standards and requirements, and are subject to appropriate review.

3. Meet with management and external auditors to review the financial statements, the key accounting policies and judgements, significant accounting and reporting issues and their impact on financial reports, and the results of the audit.
4. Ensure that significant adjustments, unadjusted differences, disagreements with Senior Accountable Officers and critical accounting policies and practice are discussed with the external auditor.

### **Financial Affairs**

5. Understand the internal control systems implemented by Senior Accountable Officers and service team for the approval of transactions and the recording and processing of financial data.
6. Gain an understanding of the current areas of greatest risk around financial controls and advise and assure on risk management.
7. Keep under review the Council's financial procedure rules and contract procedure rules and all other corporate directions concerning financial control.
8. Review and assure the Treasury Management Strategy and Policy and consider quarterly updates on Treasury Management and make appropriate recommendations / observations to the Cabinet.

## **C. Internal and External Audit**

1. Keep under review the joint working arrangements of the Council's Internal and External Auditors.

### **Internal Audit**

2. Promote the role of internal audit within the Council, as a key element of its control environment.
3. Review and approve the Internal Audit Charter, outlining the role, scope, independence, authority, responsibility and reporting of the department.
4. Keep under review the organisational structure and resource requirements of the Internal Audit Section and consider any impairments to independence or objectivity arising from additional roles or responsibilities outside of internal auditing of the

Internal Audit Manager. To approve and periodically review safeguards to limit such impairments.

5. Make appropriate enquiries of both Senior Accountable Officers and the Internal Audit Manager to determine if there are any inappropriate scope or resources limitations.
6. Review, approve (but not direct) and monitor the delivery of the risk-based internal audit plan, the approach to using other sources of assurance and any work required to place reliance upon those other sources and ensure the plan considers changes arising from Government, Assembly or Council initiatives.
7. Approve significant interim changes to the risk based internal audit plan and resources requirements.
8. Receive summaries of all internal audit reports issued, highlighting key actions with corporate control implications.
9. Consider reports from the Internal Audit Manager on internal audit's performance during the year, including the performance of external providers of internal audit services. These will include:
  - Updates on the work of internal audit including key findings, issues of concern including monitoring the implementation of agreed actions contained within internal audit reports, receive report on actions not implemented within good timescales and seek explanations from officers where required.
  - Regular reports on the results of the Quality Assurance Improvement Programme (QAIP);
  - Reports on instances where the internal audit service does not conform to the Public Sector Internal Audit Standards (PSIAS) and Local Governance Advice Note (LGAN), considering whether the non-conformance is significant enough that it must be included in the AGS.
10. Receive and consider the Internal Audit Managers annual report:
  - The statement of the level of conformance with the PSIAS and LGAN and the results of the QAIP that support the statement – these will indicate the reliability of the conclusions of internal audit.
  - The opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control together with the

summary of the work supporting the opinion – these will assist the Committee in reviewing the Annual Governance Statement (AGS).

- Keep performance indicators under review and evaluate, on an annual basis, the performance and effectiveness of internal audit and its compliance with best practice.
11. Consider summaries of specific internal audit reports as requested.
  12. Receive reports outlining the action taken where the Internal Audit Manager has concluded that Senior Accountable Officers and service teams have accepted a level of risk that may be unacceptable to the Council or there are concerns about progress with the implementation of agreed actions.
  13. Contribute to the Quality Assurance Improvement Programme (QAIP) and in particular, to the external quality assessment of internal audit that takes place at least once every five years.
  14. Meet separately with the Internal Audit Manager to discuss any matters that the Committee or internal auditors believe should be discussed privately.
  15. Should the needs arise, arbitrate in the event of any failure to agree between a Senior Accountable Officers and internal audit.
  16. Discuss with the external auditor the standard of work of internal audit.

### **External Audit and External Regulatory Bodies**

#### **External Audit**

17. Support the independence of external audit through consideration of the external auditor's annual assessment of its independence.
18. Review the external auditors' proposed audit scope and approach for the current year in the light of the Authority's present circumstances and changes in regulatory and other requirements arising from Government, Assembly or Council initiatives.
19. Ensure that the annual audit is undertaken in compliance with statutory requirements.
20. Receive all audit reports, and the annual audit letter, issued by the external auditor, and ensure that all agreed recommendations are implemented.
21. Consider specific reports as agreed with the external auditor.

22. Discuss with the external auditor any audit problems encountered in the normal course of audit work, including any restriction on audit scope or access to information.
23. Meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately. Ensure the auditors have access to the chair of the **Governance and Audit Committee** when required.
24. Review, annually, the performance of external audit and co-ordinate any feed back requested from the Wales Audit Office.

#### **External Regulation: Performance**

25. External arrangements for regulation and assurance are provided by a number of statutorily appointed bodies such as the Wales Audit Office (WAO), Estyn and the Care Inspectorate Wales (CIW), plus a number of other external regulatory bodies. To examine how the organisation manages and spends public money including achieving value in delivery. This work is co-ordinated by the Chief Executive's Business and Communications team and a shared protocol for these working arrangements is in place.
26. To gain assurance and confidence of the Council's response to the external regulatory findings the **Governance and Audit Committee** will:
  - a) Receive periodic reports from external regulators which will include the Council's response to the reports and ensure that effective processes are in place for setting and monitoring against proportionate and effective action plans.
  - b) Receive an annual report collating external regulatory activity on improvement assessment work which is supplemented by local risk based audit work; and
  - c) Receive the Annual Improvement Report from the Auditor General

#### **D. Accountability Arrangements**

1. Require the attendance at the Committee of any officer or member, or the submission of a report from any officer, to provide further explanation in connection with any of the above terms of reference.
2. Evaluate the Committee's own performance, both of individual members and collectively, on a regular basis.
3. The Committee must meet at least once a year and must also do so if the Council decides or if at least a third of the Committee's members require a meeting. Beyond those requirements the Committee can meet whenever it likes.

4. The **Governance and** Audit Committee will keep the above terms of reference under annual review and propose any amendment to the County Council.
5. Report to full council and publish an annual report on the Committee's performance in relation to the terms of reference and the effectiveness of the Committee in meeting its purpose.

## 7.02 Composition

1. The Chair and Vice-Chair of the **Governance and** Audit Committee will be chosen by the Committee itself at its first meeting following each annual general meeting. The Chair and Vice Chair of the **Governance and** Audit Committee will be chosen from amongst the opposition group(s), non aligned Councillors or lay member (that is to say from amongst the group(s) none of whose members are included in the Cabinet). **From May 2022 the appointment of the Chair must be from one of the Lay Members appointed to sit on the Committee.**
2. The County Council shall appoint **two (three from May 2022) people** who **are** neither a serving Councillor nor an officer of the County Council or any other Council to serve as a lay members of the Committee with full voting rights. The lay member's term of office shall be from the first County Council meeting following the annual general meeting following the County Council elections until the first County Council meeting after the annual general meeting following the next County Council elections. No more than one member of the Committee shall be on the Council's Cabinet. The Council Leader cannot be a member of the Committee.
3. It is the express wish of the Council that there should be continuity of membership of the **Governance and** Audit Committee so as to build up a body of expertise and maintain a consistency of approach.
4. In recognising the express wish of the Council, but observing the requirements of the legislation for political balance, the **Governance and** Audit Committee will comprise seven **(six from May 2022)** Members with the seats allocated in accordance with the legislation to the appropriate political groups and one lay member. Any proposed substitution shall comply with Council Procedure Rule 22.4 and the proposed substitute shall have attended relevant training. Substitutes will only be permitted where the **Governance and** Audit Committee, at the commencement of its meeting, agrees that good reasons exist for substitution.
5. Members will receive induction training on appointment to the Committee. Ongoing training will be provided as necessary to meet the requirements of the Committee, based on the skills and experience of the members.
6. The business of the Committee shall be conducted apolitically.

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday 1 <sup>st</sup> April 2021
<b>Report Subject</b>	Local Government and Elections (Wales) Act 2021 Implementation update
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Local Government and Elections (Wales) Bill was passed by the Senedd on 18<sup>th</sup> November 2020. It received Royal Assent, and became an act at the end of January 2021.

As previously explained, the Act is a significant piece of legislation which encompasses a number of issues. Implementation of the Act is phased, with some sections in force immediately and others being brought in at a later date.

The Minister for Housing & Local Government, Julie James MS, has written to Council Leaders, confirming that she has now made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

Details of the commencement orders are shown in the report.

Further updates on the implementation of this legislation will be submitted to Council and the Constitution & Democratic Services Committee from time to time.

Separate reports have been submitted on the changes to the Audit Committee and the Amendment to Adoption leave for Members, both of which are on the agenda for this meeting.

### RECOMMENDATIONS

1	Council notes the implementation timetable and acknowledges that further reports will be brought in due course
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## REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021</b>
1.01	<p>Provisions of the Local Government and Elections (Wales) Act 2021 will be brought into force by three commencement orders accompanied by other relevant subordinate legislation, during March 2021.</p> <p>These orders will bring the relevant provisions into force on a series of dates between March 2021 and 5 May 2022. In light of the pandemic, the timetable for the scrutiny of the Act by the Senedd was extended. As a consequence the commencement of a number of the Act's provisions has been postponed to 5 May 2022 to correspond with the date of the next Local Government Elections.</p> <p>The Welsh Government consider this approach to be more appropriate and less disruptive to local authorities, especially in light of the ongoing pandemic, rather than subjecting the sector to a number of new requirements within the year preceding the elections .</p>
1.02	<p>The Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021 was made on 4<sup>th</sup> March and is detailed in paragraph 1. 03, below.</p> <ul style="list-style-type: none"><li>• The Local Government and Elections (Wales) Act 2021 (Commencement No. 2 and Saving Provisions) Order 2021 is due to be made by 12th March.</li></ul> <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The second Commencement Order provides for the bringing into force of Part 6 of the 2021 Act, which provides, amongst other things, for a new performance and governance regime for principal Councils and gives the Welsh Ministers new support and intervention powers, the restructuring provisions within Part 7 of the Act, the information sharing provisions in section 159 and the disapplication of the Local Government (Wales) Measure 2009 (“the 2009 Measure”) to principal Councils and National Park Authorities.</p> <ul style="list-style-type: none"><li>• The Local Government and Elections (Wales) Act 2021 (Commencement No. 3 and Transitional Provision) Order 2021 is due to be made by 18th March.</li></ul> <p>This is subject to the Senedd approving the Local Government and Elections (Wales) Act 2021 (Consequential Amendments and</p>

	<p>Miscellaneous Provisions) Regulations 2021 which need to be brought into force in line with this commencement order.</p> <p>The third commencement order brings into force provisions in respect of attendance, including remote attendance, at Local Authority meetings and provisions in relation to the arrangements for Local Authority meetings and documents, including requiring electronic publication of certain meeting documents.</p>
1.03	<p><b>First commencement Order on 4 March 2021:</b></p> <ul style="list-style-type: none"> <li>• All regulation making powers within Parts 2 (General Power of competence), 3 (Promoting access to Local Government) and 4 (Local Authority Executives, Members, Officers and committees) of the Act.</li> <li>• Duty on principal Councils to have regard to guidance issued by the Welsh Minister in respect of the allocation of resources to the officers designated Head of Democratic Services (section 161(1)) (Amendment to the Local Government(Wales) Measure 2011)</li> <li>• Content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (section 59)</li> </ul> <p><b>1 April 2021</b></p> <ul style="list-style-type: none"> <li>• Appointment by Local Democracy &amp; Boundary Commission for Wales of its chief executive (section 163)</li> <li>• Directions under section 48 of the 2013 Act (section 164)</li> </ul> <p><b>1 November 2021</b></p> <ul style="list-style-type: none"> <li>• The general power of competence for principal Councils.</li> </ul> <p><b>1 April 2022</b></p> <ul style="list-style-type: none"> <li>• Annual reports by Community Councils (section 52)</li> </ul> <p><b>5 May 2022</b> Principal Councils</p> <ul style="list-style-type: none"> <li>• Public participation duty including duty to prepare a public participation strategy (sections 39 – 41)</li> <li>• Duty to establish a petitions scheme (section 42)</li> <li>• Duty to publish official addresses (section 43)</li> <li>• Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44)</li> <li>• Duty to publish a constitution and constitution guide (section 45)</li> <li>• Duty to make arrangements to enable the electronic broadcasting of meetings (section 46)</li> <li>• Appointment of a Chief Executive (section 54)</li> <li>• Reconsideration of remuneration following direction by the Welsh Ministers (section 56)</li> <li>• Appointment of assistants to executive (section 57)</li> <li>• Job sharing (section 58)</li> <li>• Duty of political Group Leaders in relation to standards of conduct (section 62)</li> <li>• Duty of Standards Committee to make annual report (section 63)</li> </ul>

	<ul style="list-style-type: none"> <li>• Making information available to Overview and Scrutiny Committees (section 65)</li> <li>• Power to require authorities to appoint joint overview and scrutiny committees (section 66)</li> <li>• Removal of the restriction on monitoring officers also being designated Head of Democratic Services (section 161)</li> <li>• Abolition of polls consequent on a Community meeting (section 162)</li> </ul>
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<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	There are no resource implications from this update report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Not applicable.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1: Letter from Julie James MS, Minister for Housing & Local Government, to Council Leaders dated 4 <sup>th</sup> March 2021

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Report to Council on 26<sup>th</sup> January 2021: Local Government &amp; Elections (Wales) Bill 2021.</p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>Email:</b> robert.robins@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None.



To: Leaders of Local Authorities in Wales

cc: Chief Executives / Welsh Local Government Association / One Voice Wales / Chairs of National Park authorities / Chairs of fire and rescue authorities / Chair Local Democracy and Boundary Commission for Wales / Chair Independent Remuneration Panel for Wales / Auditor General for Wales

4 March 2021

Dear Leaders

## **IMPLEMENTATION OF THE LOCAL GOVERNMENT AND ELECTIONS (WALES) ACT 2021**

Further to my update to Partnership Council I wanted to confirm that I have now made the Local Government and Elections (Wales) Act 2021 (Commencement No. 1 and Saving Provision) Order 2021.

Annex A to this letter sets out the provisions which will be brought into force by this commencement order.

I can also confirm that I have made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.

These Regulations amend the Family Absence for Members of Local Authorities (Wales) Regulations 2013 to increase adopter's absence entitlement for members of a local authority from 2 weeks to 26 weeks. The changes made by these Regulations will result in the same periods of maternity and adopter's absence being available to members of principal councils and provide for similar arrangements for adopter's absence as are already in place for maternity absence.

Yours sincerely

**Julie James AS/MS**  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Canolfan Cyswllt Cyntaf / First Point of Contact Centre: 0300 0604400  
Bae Caerdydd • Cardiff Bay  
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[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

## **Annex A: Provisions of the Local Government and Elections (Wales) Act 2021 brought into force by the first commencement Order**

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### **4 March 2021**

- All regulation making powers within Parts 2, 3 and 4 of the Act
- Duty on principal councils to have regard to guidance issued by the Welsh Minister in respect of the allocation of resources to the officers designated Head of Democratic Services (section 161(1))
- Content of, and duty to have regard to, guidance under section 38 of the Local Government Act 2000 (section 59)

### **1 April 2021**

- Appointment by LDBCW of its chief executive (section 163)
- Directions under section 48 of the 2013 Act (section 164)

### **1 November 2021**

- The general power of competence for principal councils.

### **1 April 2022**

- Annual reports by community councils (section 52)

### **5 May 2022**

#### Principal councils

- Public participation duty including duty to prepare a public participation strategy (sections 39 – 41)
- Duty to establish a petitions scheme (section 42)
- Duty to publish official addresses (section 43)
- Duty to have regard to any guidance issued by the Welsh Ministers under Chapter 2 of Part 3 (section 44)
- Duty to publish a constitution and constitution guide (section 45)
- Duty to make arrangements to enable the electronic broadcasting of meetings (section 46)
- Appointment of a chief executive (section 54)
- Reconsideration of remuneration following direction by the Welsh Ministers (section 56)
- Appointment of assistants to executive (section 57)
- Job sharing (section 58)
- Duty of political group leaders in relation to standards of conduct (section 62)
- Duty of standards committee to make annual report (section 63)
- Making information available to overview and scrutiny committees (section 65)
- Power to require authorities to appoint joint overview and scrutiny committees (section 66)
- Removal of the restriction on monitoring officers also being designated head of democratic services (section 161)
- Abolition of polls consequent on a community meeting (section 162)

### Town and community councils

- General power of competence
- Participation at meetings of community councils (section 48)
- Duty of standards committee to make annual report (section 63)
- Duty on community councils to prepare a training plan (section 67)
- Abolition of polls consequent on a community meeting (section 162)

### National Park authorities and Fire and Rescue authorities

- Duty of standards committee to make annual report (section 63)

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday 1 <sup>st</sup> April 2021
<b>Report Subject</b>	Appointments of Independent Member to the Standards Committee
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

There are two vacancies for Independent Members (co-optees) on the Standards Committee. In accordance with the regulations, advertisements were placed in the local press, and also on line.

In total there were four applicants of whom three were shortlisted and interviewed. Only one candidate was suitable for appointment following interview, and it is recommended that Gill Murgatroyd be appointed.

### RECOMMENDATIONS

1	That Gill Murgatroyd be appointed to the Standards Committee until the 31 <sup>st</sup> March 2027.
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### REPORT DETAILS

<b>1.00</b>	<b>EXPLAINING THE RECRUITMENT PROCESS</b>
1.01	The Standards Committee consists of – <ul style="list-style-type: none"> <li>• 3 elected Councillors;</li> <li>• 5 Independent Members who are co-opted following advertisement.</li> <li>• 1 Town and Community Council representative</li> </ul>
1.02	There are currently two vacancies for Independent Members. The vacancies were advertised in the press (as required) and also on line and through the network of Standards Committees in North Wales. Four

	applications were received in total. Unfortunately one applicant was ineligible to serve being employed by a school, and thus technically being a County Council employee. The remaining 3 applicants were interviewed.
1.03	<p>The Interview Panel consisted of the Chair of the Council, two Independent Members of the Standards Committee, a County Councillor on the Standards Committee (Cllr Paul Johnson) and a Lay person. The Lay person is a statutory requirement and must be someone who is themselves recruited by open advertisement. In this instance the Lay person was Noela Jones who fulfils the role for a number of authorities in North Wales.</p> <p>The Chief Officer Governance was also in attendance to support and advise.</p>
1.04	One applicant was of a high quality and stood out by reason of her experience and interpersonal skills. The interview panel was unanimous in recommending that Gill Murgatroyd be appointed. A pen portrait is attached at Appendix 1.
1.05	An Independent Member can be appointed for between 4 and 6 years in their first term, and, if reappointed, for a maximum of 4 years in their second term. So that the retirement dates of the Independent Members is staggered (preventing a mass loss of experience at any one time), officers recommend that Mrs Murgatroyd be appointed for the maximum period in her first term. That is to say it is recommended that she is appointed until 31 <sup>st</sup> March 2027.
1.06	As only one candidate was recommended for appointment and there are two vacancies, we are advertising the vacancy again with interviews to take place in May using the same panel. Following feedback from the panel and candidates I have made amendments to the application pack to improve awareness of our requirements and the interview process.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The cost of placing the advert in the local press (as required by the legislation) was £5,420.43. These costs will be incurred again for re-advertisement.

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

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	The application pack specified the essential characteristics required for the position of Independent Member. Each applicant's suitability was

	assessed using both the application form and a mix of pre-set interview questions (which were drafted to bring out each requirement) and follow up questions.
4.02	The advert and application pack were published bilingually, and the shortlisted candidates were offered the opportunity to be interviewed in Welsh.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Pen Portrait of Gill Murgatroyd

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Application pack and advert.  <b>Contact Officer:</b> Gareth Owens <b>Telephone:</b> 01352 702344 <b>E-mail:</b> Gareth.legal@flintshire.gov.uk

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<b>Independent Member</b> - a member of the Standards Committee selected following an open recruitment process, and appointed by reason of his/her skills and experience.

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## **Gill Murgatroyd**

Gill is a Fellow of the Chartered Institute of Personnel & Development, with over 15 years' experience as an Executive Director of Human Resources in Social Housing. She has also previously worked in senior HR roles in both the public and private sectors, including Financial Services, Automotive, Energy/Utilities, Retail and Defence.

Gill is now the Director of her own HR and Organisation Development consultancy business in North Wales.

She is a member of the Standards Committee for both Isle of Anglesey County Council and the North Wales Fire & Rescue Authority, as well as a Panel Member for Social Care Wales, having previously been a non-executive director for two local charitable organisations and a member of the Independent Welsh Pay Review Body for Teachers.

Gill lives in Llandudno, and in her spare time enjoys walking in the mountains and around the coast of North Wales.

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday, 1 April 2021
<b>Report Subject</b>	Petitions Received at Council
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

.At County Council, Members are able to submit petitions on behalf of constituents. At the October 2018 meeting, it was agreed to prepare a report showing to which portfolio petitions had been assigned and what actions had been taken as a result of those petitions. At the February 2019 meeting, it was confirmed that a report of this nature would be made to the last scheduled County Council meeting in each municipal year. This is the last such meeting for 2020/21.

### RECOMMENDATIONS

1	That Council notes the report.
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### REPORT DETAILS

<b>1.00</b>	<b>PETITIONS RECEIVED AT COUNTY COUNCIL</b>
1.01	At County Council, Members are able to submit petitions on behalf of their constituents. At the October 2018 meeting, it was agreed to prepare a report showing who had submitted petitions, to which portfolio petitions had been assigned and what actions had been taken as a result of those petitions. Subsequently, it was agreed at the February 2019 meeting that a report of this nature would be made to the last scheduled County Council meeting in each municipal year.

1.02	During 2020/21, there have been two petitions presented at Council, both at the meeting on 20 <sup>th</sup> October.		
	Councillor submitting petition	Issue	Response from portfolio
	Councillor McGuill	On behalf of residents of Moel View and Overdale in Mynydd Isa to address parking safety concerns	Streetscene & Transportation: the request was assessed and scored against Traffic Regulation Order criteria. The location does not meet the criteria for the implementation of parking restrictions next financial year. Local member and lead signatory both informed of this.
	Councillor Connah	On behalf of residents of Prince William Gardens in Mancot to address parking safety concerns	Housing & Assets: this issue is still being discussed with the local Member.
1.03	As a provision of the Local Government & Elections (Wales) Act 2021, we are working with colleagues from other Welsh local authorities to develop a consistent approach to the receipt of electronic petitions amongst the twenty two principal councils. A report on that will be submitted to Council in due course.		

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	Not applicable for this update report.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	.Not applicable

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable for this update report.

<b>5.00</b>	<b>APPENDICES</b>
5.01	None



<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	Minute 16 of the County Council, 20 <sup>th</sup> October 2020  <b>Contact Officer:</b> Robert Robins, Head of Democratic Services <b>Telephone:</b> 01352 702320 <b>E-mail:</b> <a href="mailto:robert.robins@flintshire.gov.uk">robert.robins@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

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## FLINTSHIRE COUNTY COUNCIL

<b>Date of Meeting</b>	Thursday, 1 April 2021
<b>Report Subject</b>	Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021.
<b>Report Author</b>	Chief Officer (Governance)

### EXECUTIVE SUMMARY

The Welsh Government have made the *Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021*. These regulations increase the adoption absence period for local authority members from 2 to 26 weeks.

The changes made by these Regulations will give members of principal Councils who adopter the same entitlement to absence as those giving birth. They also provide similar arrangements for adopter's absence as are already in place for maternity absence.

The Council was consulted on this issue last autumn. The Constitution & Democratic Services Committee, at its meeting on 25<sup>th</sup> November 2020 supported those proposed changes.

### RECOMMENDATIONS

1	That Council notes that Welsh Government have made the Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021, and incorporates the changes into the standing orders on family absence within the Constitution.
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## **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING WHY THE CHANGES HAVE BEEN MADE</b>
1.01	The Family Absence for Members of Local Authorities (Wales) Regulations 2013 (the regulations) govern an adopter's absence (the form of leave taken by an individual adopting a child). The Welsh Government has amended the 2013 Regulations so as to extend the period of adopter's absence for Elected Members of Councils from 2 weeks to 26 weeks and as far as practicable, to align procedures relating to adopter's absence with those which currently govern maternity absence.
1.02	The Welsh Government has made the changes as part of its commitment to increasing diversity across all aspects of public life. By increasing the current adoption absence allowance from 2 weeks to 26 weeks, they are seeking to reduce an obstacle which might otherwise deter an individual from seeking elected office.
1.03	Wales was the first country in the UK to legislate for the introduction of family absence arrangements for Councillors. This was in Part 2 of the Local Government (Wales) Measure 2011, which provided an entitlement for members of principal Councils to be absent from authority meetings for family absences. The increase from 2 weeks, in the Measure, to the 26 weeks will bring Councillor's adoption leave into line with Councillor's maternity leave. The Welsh Government have commented that the basic period of adoption absence for officers is now 26 weeks, so again this would achieve parity.
1.04	<p>The changes to the regulations:</p> <ul style="list-style-type: none"><li>• Create procedures for allowing a Member of a Local Authority to vary the start date and duration of a period of adopters absence;</li><li>• Provide that a period of adopter's absence may start on the day the child is placed with the member for adoption, or up to 14 days beforehand. A member of an authority will be able to choose on which of these days their adopter's absence will start;</li></ul> <p>Create a procedure for a member to bring their adopter's absence to an end.</p>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	None directly from this information report

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	Not applicable: the Constitution & Democratic Services Committee was consulted previously on this issue and supported the proposals.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Not applicable

<b>5.00</b>	<b>APPENDICES</b>
5.01	None

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Report of the Head of Democratic Services to the Constitution &amp; Democratic Services Committee, 25<sup>th</sup> November 2020, <i>Adoption Absence for Local Authority Members</i>.</p> <p>The Family Absence for Members of Local Authorities (Wales) (Amendment) Regulations 2021</p> <p><b>Contact Officer:</b> Robert Robins, Head of Democratic Services  <b>Telephone:</b> 01352 702320  <b>Email:</b> robert.robins@flintshire.gov.uk</p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	None

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