

FLINTSHIRE COUNTY COUNCIL
6th DECEMBER 2023

Minutes of Flintshire County Council held as a hybrid meeting on Wednesday, 6th December 2023.

PRESENT: Councillor Dennis Hutchinson (Vice Chair in the Chair)

Councillors: Mike Allport, Bernie Attridge, Marion Bateman, Sean Bibby, Chris Bithell, Gillian Brockley, Helen Brown, Mel Buckley, Teresa Carberry, Tina Claydon, David Coggins Cogan, Geoff Collett, Bill Crease, Paul Cunningham, Rob Davies, Adele Davies-Cooke; Chris Dolphin, Rosetta Dolphin, Mared Eastwood, David Evans, Chrissy Gee, Ian Hodge, Andy Hughes, Dave Hughes, Alasdair Ibbotson, Paul Johnson, Christine Jones, Richard Jones, Simon Jones, Richard Lloyd, Dave Mackie, Gina Maddison, Roz Mansell, Allan Marshall, Hilary McGuill, Ryan McKeown, Debbie Owen, Ted Palmer, Andrew Parkhurst, Mike Peers, Michelle Perfect, Vicky Perfect, Carolyn Preece, David Richardson, Dan Rose, Kevin Rush, Dale Selvester, Jason Shallcross, Sam Swash, Linda Thew, Ant Turton, Roy Wakelam and Arnold Woolley

APOLOGIES:

Councillors Glyn Banks, Pam Banks, Steve Copple, Ron Davies, Carol Ellis, Dave Healey, Gladys Healey, Ray Hughes, Billy Mullin, Ian Roberts, Linda Thomas, Antony Wren and the Internal Audit, Performance and Risk Manager.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Housing and Communities), Chief Officer (Planning, Environment and Economy), Chief Officer (Social Services), Chief Officer (Streetscene and Transportation), Corporate Finance Manager, Strategic Finance Manager, Corporate Manager, Capital Programme and Assets , Senior Manager – School Place Planning and Provision, Head of Democratic Services, Democratic Services Officers and Father. P. Wheeler for prayers

The Chief Officer (Governance) welcomed Julia Hughes who was attending to observe the meeting as an independent member of the Standards Committee.

The Chief Officer advised Members that Councillors Dave and Gladys Healey were attending the funeral of their daughter that day. He also explained that the wife of Councillor Ron Davies had passed away. The Chair asked that on behalf of the Council, condolences be sent.

Councillor Attridge suggested that a get-well card be sent to the Leader, Councillor Ian Roberts on behalf of Council.

49. DECLARATIONS OF INTEREST

The Vice Chair, Councillor Hutchinson, declared a personal interest for Agenda Item 7 as a school governor of Drury County Primary School.

There were no other declarations of interest.

50. MINUTES

The minutes of the meetings held on 26th September 2023 and 24th October 2023 were received.

26 September 2023

Accuracy

On Declarations of Interest, Councillor Peers advised he had declared a personal interest on Agenda item number 10, Notice of Motion in relation to landlords. It was agreed to amend the minutes accordingly.

24 October 2023

Accuracy

Councillor Ibbotson referred to item 43 and asked for an update on his request for a written response to be provided. The Chief Officer (Governance) said he would circulate a response to Members advising that such a report was not required and the reasons why.

Councillor Attridge moved the minutes as a correct record which was seconded by Councillor Bibby and on being put to the vote was carried.

RESOLVED:

That the minutes of the meetings held on the 26th September, with the amendment, and 24th October 2023 be approved as a correct record.

51. CHAIR'S COMMUNICATIONS

All Members had received details of the engagements that the Chair had undertaken since the last meeting. The Vice Chair reported on the school visits that he had attended which both himself and his wife had enjoyed.

52. PETITIONS

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

53. CAPITAL STRATEGY INCLUDING PRUDENTIAL INDICATORS 2024/25 – 2026/27

The Corporate Finance Manager introduced the report which presented the Capital Strategy Including Prudential Indicators 2024/25 – 2026/27 for approval.

The report highlighted the ways in which the Capital Programme was developed and funded, the potential impact on the Council's Medium Term Financial Strategy (MTFS) and its relationship to the Council's Treasury Management Strategy. There was very little change to the Capital Strategy presented last year apart from updates to the Council Prudential Indicators for 2024/25 – 2026/27.

Table 1 provided information on the intended spend of the Capital Programme for the next three years with Table 2 advising how this spend would be financed, with Table 8 providing an overview on how financing costs compared to budget.

The recommendations in the report were moved by Councillor Johnson and seconded by Councillor Bibby

RESOLVED

- (a) That the Capital Strategy be approved; and.
- (b) That the following be approved: -
 - The Prudential Indicators for 2024/25 – 2026/27 as detailed within Tables 1, and 4 – 8 of the Capital Strategy.
 - Delegated authority for the Corporate Finance Manager to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (Table 6 of the Capital Strategy).

54. CAPITAL PROGRAMME 2024/25 – 2026/27

The Chief Executive introduced the report explaining that the Capital Programme covered the Council's investments in relation to assets and also reflected on the position with regard to revenue budget.

The Strategic Finance Manager then provided a presentation which included detailed information on the following slides:-

- Capital Programme 2024/25 – 2026/27
 - Statutory / Regulatory – allocations to cover regulatory and statutory works.
 - Retained Assets – allocations to fund infrastructure works necessary to ensure service and business continuity.

- Investment – allocations to fund works necessary to remodel services to deliver efficiencies outlined in portfolio business plans and invest in services as outlined in the Council Plan.
- Current Programme 2023/24 – 2025/26
- Projected Funding 2024/25 – 2026/27
- Statutory/Regulatory – Proposed Allocations
 - Retained Assets – Proposed Allocations (1)
 - Retained Assets – Proposed Allocations (2)
 - Investment Section – Proposed Allocations (1)
 - Investment Section – Proposed Allocations (2)
- Summary Generally Funded Programme
- Specifically Funded Schemes
- Summary Capital Programme
- Potential Future Schemes

In response to questions from Councillor Richard Jones on the school building works and retained assets section at page 48, the Strategic Finance Manager provided an explanation on the breakdown of the £500k figure in the Statutory Section. The Corporate Manager, Capital Programme and Assets, then provided information on the schools Repairs and Maintenance Programme and the yearly Priority Programme created from the Condition Surveys undertaken in schools. It was explained that there was a backlog of repairs for schools of around £15m and that the £1m was used to fund the priorities that were established through the building surveyor team and condition surveys.

Councillor Peers referred to the review of industrial estates and asked why there was a need to demolish the vacant units. He moved an amendment that the industrial estate units be reviewed by the Corporate Resources Overview and Scrutiny Committee to gain an understanding on what it related to.

The Corporate Manager clarified that the units were in Greenfield and were beyond the point of economical repair; with an amount of £200k included in the Capital Programme to undertake the work.

The Chief Executive reiterated that the particular estate referred to was beyond repair and in its place incubator units may be able to be installed for small businesses who required them. This would also address Empty Business Rates which were being charged to the Council.

Councillor Richard Jones welcomed the suggestion of a report to Corporate Resources Overview and Scrutiny Committee, for which he was the Chair.

Councillor Rosetta Dolphin welcomed demolition of the three units in Greenfield which she advised were, in her view, a health and safety risk.

In response to a question on Sustainable Communities for Learning, from Councillor Crease, the Corporate Manager understood that Band B and C of Sustainable Communities were now disbanded but that the Council could bring forward any project that it wished as part of its investment programme. The Senior Manager (School Places, Planning and Provision) confirmed that there were a number of projects which were in the Band B programme but were yet to be progressed which included education provision in the Saltney and Broughton area. A review was being undertaken on what could be considered in the next phase of investment, with any project not included being looked at in the next round. It was reported that an informal early engagement process had been undertaken in the communities of Saltney and Broughton which was different to a consultation. A press release had been provided to outline the key themes from the early engagement process, with full details to be provided in a future report to Cabinet and Overview and Scrutiny in the New Year.

The amendment proposed by Councillor Peers was seconded by Councillor Richard Jones and on being put to the vote was carried.

The recommendations in the report were moved by Councillor Johnson and seconded by Councillor Bibby.

RESOLVED

- (a) That the allocations and schemes in Table 3 (paragraph 1.09) for the Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2024/25 - 2026/27 be approved;
- (b) That the schemes included in Table 4 for the Investment section of the Council Fund Capital Programme 2024/25 -2026/27 be approved;
- (c) That the shortfall in funding of schemes in 2024/25 and 2025/26 in Table 5 at this point in the approval process which allows flexibility to be noted. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be considered during 2024/25 and included in future Capital Programme reports;
- (d) That the schemes included in Table 6 for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing be approved; and
- (e) That a report on industrial units be presented to the Corporate Resources Overview & Scrutiny Committee for consideration.

55. NOTICE OF MOTION

The following Notice of Motion had been submitted:

“Israel-Gaza “ - Proposed by Councillor Parkhurst – Seconded by Councillor Swash

“Council condemns the awful terrorist attacks carried out by Hamas in Israel on 7th October.

Council is horrified by the scenes of violence in the weeks and days since, in particular the devastating humanitarian situation in Gaza where over 10,000 Palestinians have already been killed and hostages are still being held by Hamas.

Council supports Israel’s right to protect its citizens, in line with international law, which means targeting terrorists, not civilians, and ensuring that innocent Palestinians do not pay the price for Hamas’ actions.

Council expresses its concern at the UK Government’s failure to attempt to ensure that the Israeli government and its military adhere to the requirements of international law.

This Council believes:

A military solution alone will not achieve peace for Israelis or Palestinians.

The values of equality, democracy, human rights and the international rule of law are of fundamental importance.

All combatants must act in accordance with the rules of war and international humanitarian law.

The remaining hostages held by Hamas must be released.

Essential supplies of water, food, medicine and electricity must be restored to Gaza, and the passage of aid into Gaza must be facilitated.

That it is wrong to blame Jews for the actions of the Israeli Government or Palestinians for the actions of Hamas.

Council accordingly resolves to ask the UK Government to call for an immediate ceasefire in order to:

- a. Facilitate the delivery of humanitarian aid into Gaza
- b. Provide an opportunity to realise the release of the remaining hostages
- c. Allow for an intensive period of diplomacy to realise a political solution, aimed at achieving a lasting peace.

Council notes with deep concern the severe reverberations of this crisis in the UK, with Jewish, Muslim and Palestinian communities all fearing and grieving, and condemns the rise in antisemitism and Islamophobia since 7 October.

Council calls upon the residents of Flintshire, community leaders and public figures to act responsibly and work to bring communities together at this sensitive time.

Council calls upon Welsh Government to set up a Homes for Palestinians scheme in anticipation of and to facilitate the temporary housing of refugees from the conflict.”

In speaking to the Notice of Motion, Councillor Parkhurst commented on the horrors committed by Hamas, the appalling effect of Israel’s subsequent military bombardment and the number of innocent people killed, injured or displaced in Gaza. He reported on the numbers of children, women, medics, UN officials, journalists, together with generations of families which had been killed. Half of the infrastructure in Gaza had been destroyed. Flintshire as a local authority had a duty to uphold good relations in communities so all residents could go about their lives without fear or discrimination. As a County of Sanctuary Flintshire had a responsibility to open its heart and home when the remaining residents of Gaza who wanted to leave were able to do so. He commended the Notice of Motion to Council and asked Members to support it.

Councillor Richard Jones moved an amendment to the Notice of Motion which was to include the following;-

- d. That all costs in relation to the Homes for Palestine Scheme must be provided by Welsh Government in perpetuity whilst costs remain and that this Scheme must not affect the housing resource provision made available to local residents in Flintshire in a negative way.

This was seconded by Councillor Attridge.

Following a question on a point of order, Councillor Swash formally seconded Councillor Parkhurst’s Notice of Motion.

Councillor Parkhurst confirmed he accepted the amendment. Councillor Swash, as the seconder, did not accept the amendment.

Councillor Attridge requested a recorded vote on the amendment and the requisite 10 Members stood in support.

The following Members voted for the amendment:

Dennis Hutchinson, Mike Allport, Bernie Attridge, Marion Bateman, Sean Bibby, Chris Bithell, Gillian Brockley, Helen Brown, Teresa Carberry, Bill Crease, Rob Davies, Adele Davies Cooke, Chris Dolphin, Rosetta Dolphin, Mared Eastwood, Dave Evans, Chrissy Gee, Ian Hodge, Andy Hughes, Dave Hughes, Christine Jones, Richard Jones, Simon Jones, Dave Mackie, Roz Mansell, Allan Marshall, Hilary McGuill, Debbie Owen, Ted Palmer, Andrew Parkhurst, Mike Peers, David Richardson, Jason Shallcross, Linda Thew, Ant Turton, Roy Wakelam, Arnold Woolley.

The following Members voted against the amendment:

Alasdair Ibbotson, Dan Rose, Sam Swash

The following Members abstained:

Mel Buckley, Tina Claydon, Geoff Collett, Paul Cunningham, Paul Johnson, Richard Lloyd, Gina Maddison, Ryan McKeown, Michelle Perfect, Vicky Perfect,

Carolyn Preece, Kevin Rush,

37 Members voted for the amendment, 3 voted against with 12 abstentions.

RESOLVED:

That the Notice of Motion with the addition be received and supported.

56. GOVERNANCE AND AUDIT COMMITTEE ANNUAL REPORT

In presenting the Governance and Audit Committee Annual Report the Chief Officer (Governance) explained that the terms of reference for this committee were set partly by legislation and partly by guidance issued by the Chartered Institute for Public Finance and Accountancy (CIPFA).

The report highlighted each specific term of reference and how the committee had met it during that period with the report being adopted at the last meeting of the Committee.

Councillor Attridge moved the recommendation in the report which was seconded by Councillor Bibby.

RESOLVED

That the Governance and Audit Committee's Annual Report be approved.

57. APPOINTMENT OF A LAY PERSON TO THE GOVERNANCE AND AUDIT COMMITTEE

The Chief Officer (Governance) introduced the report and explained that the term of office for one of the existing lay members of the Governance and Audit Committee was due to expire in December 2023, having already served four years.

The Local Government and Election (Wales) Act 2021 required the Council to ensure that one third of the committee were lay members.

The lay member, Mr Allan Rainford, was willing to serve for a further term if the Council was willing to re-appoint him.

Councillor Attridge moved the re-appointment of Mr Rainford as a member of the Governance and Audit Committee. Which was seconded by Councillor Palmer.

In response to a question on training, the Chief Officer (Governance) referred to the programme of development for all members and said those courses were also available to lay members.

The Chief Officer commented that the Constitution and Democratic Services Committee regularly considered the development programme as part of

its work and said compulsory training for Chairs could be included for consideration at a future meeting.

On being put to the vote the recommendation in the report was carried.

RESOLVED

That Council reappoints the lay member for another four years until 31 December 2027.

58. CHANGE OF MEETING TIME – PLANNING COMMITTEE

The Democratic Services Manager presented the report outlining the reason for moving forthcoming Planning Committee meetings to a 2.00 pm start time. The reasons for the suggested change of time were outlined in the report.

Councillor Lloyd moved the recommendation which was seconded by Councillor Attridge.

In response to a question it was agreed that Planning site visits would be included in the Members calendar of meetings.

On being put to the vote the recommendation was carried.

RESOLVED

That the start time of Planning Committee Meetings be changed to 2pm from the December 2023 meeting until the end of the current Schedule of Meetings.

59. PUBLIC QUESTION TIME

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

60. QUESTIONS

The Chair advised that a question had been received from Councillor Parkhurst.

Public Spaces Protection Order (PSPO) in respect of Mold Memorial Gardens

Will the Cabinet Member for Planning, Public Health and Public Protection please explain why he told Cabinet on 17.10.23 that Mold Town Council had requested that dogs be excluded from Mold Memorial Gardens, and why the Economy and Environment Overview & Scrutiny Committee (E&E OSC) was told the same thing on 12.9.23 when in fact Mold Town Council had asked that the PSPO be amended to state, "Dogs must be on a lead at all times", and in view of the incorrect information given both to the E&E OSC and to the Cabinet would he

now agree that the decision to ban dogs from these Gardens should be reconsidered?

Councillor Chris Bithell responded to the Question as follows:-

“At both meetings referred to, namely the Environment & Economy Overview and Scrutiny Committee on the 12 September 2023 and the Cabinet Meeting on the 17 October 2023, a Report was presented on the Renewal of Public Space Orders by the Chief Officer for Planning, Public Health and Public Protection. As was the custom and practice, the Cabinet Member for that portfolio usually introduces the report and in doing so will quote and refer to aspects and details from the report which was what I did.

Aspects of the report and indeed the manner in which the consultation took place had been subject to inquiries, comments, complaints and allegations. These were all currently being thoroughly investigated as part of the Council’s formal Complaints procedure. Given that that was the case, I think that it would be unwise and inappropriate to comment further until that procedure has been completed.”

Councillor Parkhurst asked why Cabinet and the Overview & Scrutiny Committee had been told misleading information and if a mistake had been made why had it not been acknowledged. This matter was causing concern to elderly people. When Mold Town Council asked for dogs to be kept on leads why were the committees told that the Town Council wanted dogs to be banned. He referenced comments made that the Police and Crime Commissioner had been consulted but after contacting the Police and Crime Commissioner he advised that he had not been consulted. He also asked why the Equalities Assessment from 2023 read as a copy and paste complete with typing errors from 2020 to which he would appreciate a response from Councillor Bithell.

Councillor Attridge sought clarification from the Chief Officer (Governance) that if the Council were undertaking a formal complaints procedure at present would it be unwise to discuss this further until the outcome of that formal complaint was known. His concern was if Cabinet had misled Scrutiny and members of the public then this was a serious issue.

The Chief Officer (Governance) firstly reminded Members on the process around questions with the questioner having the right to ask one supplementary question either directly arising out of the original question or arising out of the answer provided. Councillor Bithell had confirmed in his answer to the original question that there had been complaints made which was why he believed that Councillor Parkhurst had raised this matter. He understood why Councillor Attridge had asked the question and advised that it was not appropriate to discuss it. The same complainants who had contacted Councillor Parkhurst had also raised formal complaints through the Council’s Corporate Complaints procedure and had made a number of allegations which were being investigated. Until such time as it was known if they were factually accurate it was not sensible to answer the question at this point in time. The Council acting through its Cabinet passed Public Space Protection Orders (PSPO) at its meeting in

September and those Orders were in place and were validly made Orders until such time as they were overturned by a Court of Competent jurisdiction. The Council may, if it wished, revisit whether those Orders should be made or should be changed and that would be a decision that would be taken when the complaints had been considered with all Councillors informed of the outcome. He confirmed that Councillor Parkhurst had received a holding response but in due course a response would be provided to him and his residents and other residents in other wards outlining what the Council was proposing to do as a result of those complaints.

RESOLVED:

That the questions and written and verbal responses be noted.

61 QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

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

62. MEMBERS OF THE PRESS IN ATTENDANCE

There were no members of the press but one member of the public in attendance.

(The meeting started at 1.00 pm and ended at 2.38 pm)

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Chair