

CONSTITUTION AND DEMOCRATIC SERVICES COMMITTEE
8 NOVEMBER 2023

Minutes of the Constitution and Democratic Services Committee of Flintshire County Council held as a remote attendance meeting on Wednesday, 8 November 2023

PRESENT: Councillor Rob Davies (Chair)

Councillors: Gillian Brockley, Steve Copple, Ian Hodge, Alasdair Ibbotson, Paul Johnson, Gina Maddison, Ted Palmer, Andrew Parkhurst, Michelle Perfect, Vicky Perfect, Arnold Woolley and Antony Wren

APOLOGIES: Councillors Jean Davies, Roz Mansell and Linda Thew

IN ATTENDANCE: Chief Officer (Governance), Democratic Services Manager and Democratic Services Officer

For minute number 18

Community and Business Protection Manager (Sian Jones) and Environmental Control Officer (Samantha Myller)

14. DECLARATIONS OF INTEREST

A personal interest was recorded for all Committee Members present on agenda item 5 - IRPW Draft Annual Report 2024/25.

15. MINUTES

The minutes of the meeting held on 28 September 2023 were approved, as moved and seconded by Councillors Ted Palmer and Steve Copple.

In response to a question on the draft Development Plan from Councillor Andrew Parkhurst, the Democratic Services Manager confirmed the Plan would be ready within the next two weeks and would be circulated to members of the committee.

The minutes were moved as a correct record by Councillor Ted Palmer and seconded by Councillor Steve Copple.

RESOLVED:

That the minutes be approved as a correct record.

16. FORWARD WORK PROGRAMME

The Democratic Services Manager presented the forward work programme for consideration. He then provided an overview of the regular items

which were included together with those scheduled for the forthcoming meetings in January, March and June.

The recommendations within the report were approved as moved by Councillor Arnold Woolley and seconded by Councillor Ted Palmer.

RESOLVED:

- (a) That the Committee considered the draft Forward Work Programme and approve/amend, as necessary.
- (b) That the Democratic Services Manager, in consultation with the Chair of the Committee be authorised to vary the Forward Work Programme between meetings, as the need arose.

17. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) DRAFT ANNUAL REPORT 2024/25

The Democratic Services Manager presented the Independent Remuneration Panel for Wales (IRPW) draft Annual Report and explained that it had been circulated to all Local Authorities and Town & Community Councils in Wales. The report provided a summary of the main points within the Annual Report, as the IRPW had responsibility for setting the proposed rates of payment for elected and co-opted members of Welsh Local Authorities for 2024/25. Information was provided on the basic increase to £18,666 for Members from the 1 April 2024, and the table at point 1.03 in the report highlighting the other changes proposed. All salaries had been reviewed under the Annual Survey of Hours and Earnings Scheme (ASHE) with affordability and co-optee payments their focus for this year. The suggested changes were highlighted at point 1.06 in the report with all other determinations such as travel and care costs remaining the same. An overview of the changes to the reporting mechanisms for Town & Community Councils was also given.

The Democratic Services Manager then referred to the resource implications and commented that any Member who did not wish to accept the increase was being asked to write to him directly. Point 1.10 of the report included information on the questions being asked by the IRPW with background information highlighted for members. In conclusion the Democratic Services Manager explained that views were sought from the Committee prior to the Council submitting a response to the IRPW by 8 December 2023. The IRPW were required to consider any representations made on the draft report before issuing the final report in February 2024.

Councillor Ted Palmer had concerns around the peer pressure for Members in accepting this increase and reported on his attendance at a North Wales Association of Local Councils meeting where IRPW representatives were in attendance. When asking them the same question it was confirmed that they were not legislated to impose this increase but local authorities could lobby Welsh Government to change the situation. He asked how the authority lobbied the government to change the process.

In response the Democratic Services Manager confirmed it was possible to contact the relevant Minister within Welsh Government but it was also suggested that this was included as part of the feedback to this report. If this view was expressed across all Councils in Wales, then it would be included in the feedback report. He also agreed to contact the WLGA to ascertain if they had received similar feedback.

Councillor Palmer referred to peer pressure and asked if it was known if there was any political point scoring pressure applied as some people may rely on and need the increased allowance. The Democratic Services Manager confirmed that there was a theme and wording within the report which reflected that. The IRPW were trying to encourage and increase diversity within Councils and the Councillor remuneration could be the only income for some Councillors. This was a personal individual decision and should not be a pressured decision.

Councillor Antony Wren commented that the remuneration was based on a 3-day working week with no consideration given to the size or type of ward, no accountability for different workloads or the number of committees that members attended. As a basic allowance for a general Councillor he felt that the level of income was not enough without having a second income from another job or a pension. Councillor Wren then referred to the resource implication at point 2.01 in the report and sought clarification on the figure of £88,921.

In response to the three-day week point the Democratic Services Manager confirmed that this referred to an ordinary back bench Councillor and agreed that Councillor Wren's comments could be included in the feedback. With regard to the resource implication point he confirmed the figure referred to all allowances which included Committee Chairs etc.

Councillor Andrew Parkhurst commented at this time when budgets were stretched and households were struggling with the cost-of-living crisis that he would wish to see the increase pass a reality check. He then sought clarification on the level of remuneration that committee chairs received and if the increase reflected the additional work that a committee chair would undertake. He also asked what was the minimum number of meetings that a member of a committee had to attend in order to remain a Councillor other than through parental leave or similar absence. He felt there ought to be a minimum standard of attendance expected of Councillors so that each Councillor pulls their weight and earns the amount that they were receiving.

The Democratic Services Manager agreed to look at the breakdown of payments made and said that these were based on the Annual Survey of Hours and Earnings (ASHE) average salary model. The reason that this was being considered now was because previously a different method had been used to calculate this which had resulted in a significant increase which caused some concern. Referring to the attendance question he confirmed Members were required to attend one meeting within a six-month period unless a dispensation was given by Council and that attendance was recorded as a public record.

The Chief Officer (Governance) confirmed that there was a large increase just before the last election and that this committee was required to ensure that increases kept pace during the course of the next Council term rather than

leaving it for a catch-up exercise at the end. Referring to minimum requirement for attendance at meetings he confirmed that it was once every six months which was set by the Local Government Act 1972. Previously when Councillors were paid attendance allowance for the number of meetings which they attended and that this did not consider whether they held positions of responsibility within the organisations. The Chief Officer said there was disconnect between the ethos of the 1972 Act, one meeting every six months, and the expectations which apply now that Councillors received an allowance irrespective of the number of meetings that they attended. The rationale was that Councillors did not necessarily carry out all of their work in meetings. Councillors may attend meetings but do very little for their wards or Councillors could be very busy in their wards and attend very few meetings or a mixture of both which could be the rationale why they had not updated the minimum attendance requirement.

Councillor Ted Palmer referred to the comments made by Councillor Parkhurst saying that these comments, although not meant in that way, applied peer pressure.

Councillor Parkhurst reassured Councillor Palmer that he was not implying peer pressure for individual Councillors but what we were discussing was a national pay scale and it should be looked at it critically. Referring to the comments made by the Chief Officer around the disconnect between the minimum attendance and the current remuneration scale. If there was the disconnect then perhaps this should be commented upon within the Council's response to this consultation to enable further consideration.

Councillor Paul Johnson referred to the document which covered the whole of Wales with the same basic rate of allowance in comparison to the different rates of allowance in England. He felt it was dangerous road to go do when referring to Councillor workload saying if the Councillors were not carrying out their duties the electors would soon let them know. He said ward meetings with the Council, Police, attending litter picks, or walking around their wards on a regular basis were not included and every Councillor understood what was required to be undertaken in their own ward.

Councillor Antony Wren referred again to the resource implication and asked if it included the extra employers contribution towards pension and national insurance figures. In response the Democratic Services Manager clarified that it did not but he agreed to factor this in as a separate entry in next year's report.

The Chief Officer commented that it was right that Councillors scrutinised the rates which were being set and this was partly the reason for IRPW circulating the report as it was a publicly and tax funded organisation. It was also key that people were attracted to becoming local Councillors. An analysis of the demographics of our organisation was undertaken in the last Council, which concluded the organisation was disproportionately male and disproportionately older compared to the population and that this was common across Wales. If the authority was to attract people from all walks of life, then the remuneration had to be at a reasonable level. He appreciated the pressure felt by Councillors but did not think that Councillors should apologise for the allowances that they earn as this was not an easy job being on call 24/7 with callers often not in a good mood when they call with their problems.

Councillor Paul Johnson asked if the Schedule of Remuneration which included information for each Councillor and co-opted members which was published each year. It was confirmed that the report was presented to the September meetings of the Council and highlighted what was being allocated to Councillors that year and also reported on the allocation for the previous year. Following this it was published on the website.

Councillor Johnson said that this was open and transparent for the public to view. The Chief Officer referred to the work the IRPW were undertaken to restrict the level of scrutiny of individuals in order to stop that pressure on individuals. There were a number of allowances such as the care allowance which had to be claimed rather than paid automatically. Having this allowance enabled a diverse co-hort of Councillors and should not be used against them. This was why the IRPW was moving away in some limited instances from specifying what people had claimed towards a global sum as a whole for those purposes. The principal allowance would be reported with the travel, carers allowance etc would be reported as a global sum to strike a balance about open transparency.

The Democratic Services Manager referred to question 6 which suggested that this principle applied to Town and Community Councillors in the first instance whereas the county did not report individual claims for care allowance but did report on travel and other allowances individually. They are moving towards Town & Community Councils to report a total amount rather than individually and question 6 asked if this should be applied to other bodies which would encourage members to claim what they were entitled to claim.

Councillor Wren asked if the Council supported the Cycle to Work Scheme and said he would be interested in purchasing an electric cycle. The Chief Officer confirmed the Council did support that scheme and it was agreed that the Democratic Services Manager take this as an action from the meeting and circulate the information to Members.

The Democratic Services Manager asked Members if they had any views on the questions or general comments which could be reported back to the IRPW.

Referring to the questions :-

Q1 – Do you think that the Panel has struck the right balance between affordability and adequate remuneration for representatives? If not, do you have other suggestions?

Response: Councillor Wren agreed

Q2 – Do you agree with the Panels proposal in relation to co-opted members of committees? If not, do you have any suggested alternatives?

Response: Yes

Q3 – Do you have any examples of good practice or other ideas of ways in which we might use our powers to encourage more sustainable travel among members?

Response: The Cycle to work scheme as it encouraged sustainable travel.

Car Sharing - Councillor Wren referred to the mileage allowance and asked if there was any way to modify this to encourage more car sharing. The Democratic Services Manager believed that there was a passenger allowance granted 5p per mile but agreed to check if this still was the case.

Councillor Paul Johnson asked if there was best practice which was shared across Wales.

Q4 – This question is seeking individual Member responses. See paragraph 1.11.

Members were asked rather than requesting the committee to answer the question on behalf of all Councillors, would it agree to the Democratic Services Manager carrying out a survey with regard to allowances and reporting back to committee. Councillor Palmer supported this.

Councillor Wren sought clarity on the family absence payment. The Democratic Services Manager agreed to check and feed this back to the committee.

Councillor Steve Cople asked how difficult it was to claim these entitlements and was this a common theme.

Q5 – This question relates specifically to Community and Town Councils so does not apply.

Councillor Ted Palmer said that we welcomed their endeavours to eliminate that the pressures that the Councillors may or may not come under. Councillor Wren said it avoided the naming and shaming of peer pressure.

Q6 – Do you agree that figures for travel and subsistence expenses of members of principal councils should be published as a global total rather than individually?

Response: Yes

Councillor Parkhurst referred to travel and subsistence payments which he felt differed to childcare and other payments which were personal to that individual. The public had a right to know if members were incurring expensive hotels costs and other expenses in the same way that Members of Parliament had to account to their constituents. Councillors on balance should have to justify those expenses to their electorate as well.

Councillor Cople asked why the Police and Crime Commissioner Panel was not included. The Chief Officer responded to say that these payments may not be set by the IRPW. The function of Police and Crime Panels was not a devolved function and was managed remotely by Westminster rather than through Cardiff.

Page 25 of the pack clarified which organisations were covered by this.

The recommendations with the reported were moved and seconded by Councillor Antony Wren and Gillian Brockley.

RESOLVED:

- (a) That the Committee considered and commented on the Determinations made by the Independent Remuneration Panel for Wales in their draft Annual Report for 2024/25.
- (b) That the Head of Democratic Services be authorised to make a response on behalf of the Council, reflecting the decision and comments made at the meeting, to the Independent Remuneration Panel for Wales.
- (c) That the Head of Democratic Services issued Question 4 of the consultation document to all elected Members and co-opted members for them to respond to individually.

18. RESIDENTIAL MOBILE HOMES

The Community and Business Protection Manager presented the report which followed the Notice of Motion passed at Full Council on the 20 June 2023 in relation to residential mobile home licensing, with the resolutions highlighted in point 1.01 of the report. An overview of the purpose and scrutiny of licensing applications was given which allowed residents on the sites to make representations. Currently delegation sat with the licensing committee but in practice these had been delegated to officers. This was discussed at the last meeting of the Licensing Committee on the 4th October and it was decided that any decisions with regard to future applications should be made by the full licensing committee. This was a recommendation that the Licensing Committee wished to make rather than it be delegated to a sub-committee or officer delegation and it was agreed that all applications be considered under this process. As this was a significant change a specialist mandatory training had been arranged for Licensing Committee Members which had now been opened up to all Members should they wish to attend and this provided the Licensing Committee with substitutions if they were required.

The Community and Business Protection Manager then explained that a Policy on minimum standards of consultation would need to be prepared for ward members and residents and would require the approval of Full Council in due course. Information was provided on the key decisions for applications which included the nature of determination and proposed 21-day consultation period given to residents on the sites and ward members. The period of consultation was not referenced in the 2013 legislation but what was referenced was the period of determination which the authority was required to make a determination unless both parties agreed within a two-month timescale. By putting forward the 21-day period of consultation it was felt that this was an achievable timeframe which would enable the necessary reports and supporting documentation to assist members to be prepared. To conclude the Community and Business Protection Manager welcomed the Committee's steer on this and encouraged any members who would like to attend the training to do so.

Councillors Antony Wren, Ted Palmer and Ian Hodge confirmed that they would be interested in attending the training.

The Community and Business Protection Manager confirmed that the training was online on the morning of the 4 December 2023.

Councillor Alasdair Ibbotson reported that he was the seconder of the original Notice of Motion and he wished to move recommendations 1 and 3 within the report. He then wished to make a slight amendment to recommendation 2.

“For Members to support a consultation period of 21 days for Ward Members and the residents of these sites and all that notifications would be sent by letter to all properties listed for Council Tax on the sites and that these were subject to the licencing decisions”.

Councillor Ibbotson explained that a disproportion of residents on these sites were digitally excluded compared with other residents in the county. Alternative methods were used in planning applications such as the posting of bills etc but these may not be appropriate in this instance. He referred to the Licensing Conditions which were required to be displayed and felt that rather than relying on site owners that it would be better to post these to all residents.

Responding to questions on the resource implications and appointment of Counsel from Councillor Alasdair Ibbotson, the Community and Business Protection Manager referred to the second recommendation proposal saying that this had already been considered. With regard to the legal advice point she confirmed there was a lot of legal experience at the Council but that there would be a greater burden on legal services to attend alongside an officer which was custom and practice. This would be the same arrangement with Licensing Committee making that determination with a legal advisor present but with the number of Committee meetings increasing and requiring that legal support. When more complex cases were heard it had been advised that the Council should obtain external legal advice but this would not be required for all applications. Councillor Ibbotson referred to Specialist Counsel and asked if this was already commissioned. It was confirmed that this was the case for current applications, however future legal support arrangements had not been confirmed yet. Councillor Ibbotson then sought clarity that this was not a new resource implication.

The Chief Officer explained that the time currently sitting in Committee placed that extra demand on Legal Services and following conversations with the Legal Services Manager he felt that they did not have the capacity to support this at present.

The recommendations, as amended, were proposed by Councillor Alasdair Ibbotson and seconded by Councillor Andrew Parkhurst

RESOLVED:

- (a) To recommend to Council that all applications made with respect to the Mobile Homes (Wales) Act 2013 will be determined by Licensing Committee
- (b) For Members to support a consultation period of 21 days for Ward Members and the residents of those sites that are subject to the licencing decisions.
- (c) To note that Residential Mobile Home training will be available for all Members to access.

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

None.

(The meeting started at 2pm and ended at 3.14pm)

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Chair