

FLINTSHIRE COUNTY COUNCIL
14 APRIL 2015

Minutes of the Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 14 April, 2015

PRESENT: Councillor Glenys Diskin (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Amanda Bragg, Helen Brown, Derek Butler, Clive Carver, Paul Cunningham, Peter Curtis, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Brian Dunn, Carol Ellis, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, George Hardcastle, Cindy Hinds, Ray Hughes, Dennis Hutchinson, Hilary isherwood, Rita Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Ann Minshull, Tim Newhouse, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Alan Diskin, Rosetta Dolphin, Jim Falshaw, Joe Johnson, Brian Lloyd, Billy Mullin, Ian Roberts and Sharon Williams

IN ATTENDANCE:

Chief Executive, Chief Officer (Community and Enterprise), Chief Officers (Organisational Change), Chief Officer (Education and Youth), Policy & Performance Manager, Corporate Finance Manager, Democracy & Governance Manager and Committee Officers

Mr. Huw Lloyd Jones from Wales Audit Office for minute number 126

117. PRESENTATION

The Chair welcomed Charlie Greenall, a pupil from Argoed High School and Dawn Spence, her Head Teacher. She congratulated Charlie on her recognition for reaching the national final of the British Council and HSBC Mandarin Chinese speaking competition.

Miss. Greenall and Ms. Spence thanked the Chair for the invitation. Ms. Spence stated how proud the school were of Charlie's achievement and explained that Argoed High School was the only Welsh school to enter the competition.

Councillor Chris Bithell offered his congratulations to Charlie for reaching the final. He commented on the success of the subject since its launch and echoed the congratulations to Charlie on her achievement. Councillor Hilary McGuill spoke of the fantastic facilities at Argoed High School and added that Charlie had worked hard and was a credit to the community, her parents and the school. In echoing the sentiment, Councillor

Derek Butler congratulated Charlie, in Mandarin, for her recognition in a national Chinese competition.

Councillor Ron Davies offered his thanks to Terry Hands for his work for 17 years at Theatr Clwyd upto his recent retirement.

118. COUNCIL MINUTES

The minutes of the meetings held on 17 February 2015 and 3 March 2015 had been circulated with the agenda.

17 February 2015

Councillor Mike Peers referred to page 8 and requested that more detail be included about the 'closure of budget gap stage 2'. This included the changes to Post Office Counter payments options and he felt that this was not adequately recorded in the minutes. He had asked if the topic could be considered at an Overview and Scrutiny meeting and added that a date for the implementation of the changes had not been agreed. He detailed the four changes that had been suggested at Overview & Scrutiny committees.

The Chief Executive confirmed that the update had been verbally as part of the presentation and that a timescale had not been clear. He agreed to provide a statement on the issue to Members.

Councillor Bernie Attridge disagreed with the comments of Councillor Peers about page 8 and felt that the minutes were a true reflection of what happened at the meeting. Reassurance had also been provided at this meeting that clarification would be provided by the Chief Executive.

Councillor Peers reiterated his concerns that the minutes did not provide detail on the closure of the budget gap. The Chief Executive explained that the report and presentation to the County Council meeting had referred to a number of items and had provided the detail on issues including Post Office Counters payments. He reiterated his earlier assurance that clarification would be provided.

Councillor Aaron Shotton respected the view of Councillor Peers but said that the minutes were not verbatim and added that the issue of post office payments referred to could be identified in the report. Councillor Richard Jones indicated that he had not attended the meeting but felt that the extra detail on the four areas should be listed on page 8.

Councillor Peers agreed to withdraw his request as the Chief Executive was to provide clarification to Members.

3 March 2015

Councillors Christine Jones and Ian Dunbar explained that they had not declared an interest in Clwyd Pension Fund Governance.

Councillor Richard Jones referred to the eighth paragraph on page 19 and suggested that the minutes be amended to reflect that none of the £113m from Welsh Government had been passed onto Local Government.

RESOLVED:

That subject to the suggested amendments, the minutes be approved as a correct record and signed by the Chair.

119. DECLARATIONS OF INTEREST

Councillor Clive Carver declared a personal and prejudicial interest in agenda item 14 (Officers' Code of Conduct) but indicated that he had been granted dispensation to speak.

120. CHAIR'S COMMUNICATIONS

A copy of the Chair's communication had been circulated to all Members before the meeting.

The Chair thanked all those who had attended the Chair's Ball and indicated that over £5,000 had been raised. Councillor Aaron Shotton commended the Chair for her work and the event which had been very successful.

121. PETITIONS

The Chair submitted a petition on behalf of the residents of Mancot about keeping the library open.

Councillor Clive Carver submitted a petition from residents about keeping the Hawarden library open.

A petition was submitted by Councillor Mike Peers on behalf of residents of the Healthlands estate in Buckley calling on Redrow to construct the proposed playground to the local Council's stated standards in order for said Council to adopt responsibility of the playground as per the Council's timeline.

122. PUBLIC QUESTION TIME

The Democracy and Governance Manager confirmed that no questions had been received.

123. QUESTIONS

The Democracy and Governance Manager confirmed that no questions had been received.

124. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

The Democracy and Governance Manager confirmed that no Questions had been received.

125. NOTICES OF MOTION

Councillor Chris Dolphin had submitted the following Notice of Motion:-

“That this Council supports and promotes the Flintshire Flag. Our County flag has now been approved by the Flag Institute. A formal approval of County Council support will enhance the flag’s reputation”.

The following background had been provided:-

“The design features four choughs in each quarter of a black enrailed flory cross on a white background. This derives from the ancient arms of Edwin ap Gronwy, the 11th Century Lord or King of Tegeingl, whose kingdom later formed the core of the county of Flintshire.

The arms became used over time as the emblem of the county, including being adopted as a seal by the original Flintshire County Council and subsequently utilised as an emblem by many Flintshire-representative societies.

Support for the registration of the flag came from a wide range of Flintshire based Societies together with support from the local Members of Parliament and other leading local politicians. There would be no cost implications to the Council if the motion is carried.”

Councillor Dolphin spoke of the Flintshire Flag representing historic Flintshire and he displayed the flag for Members and officers to see. He felt that the flag would be a badge or emblem that could be used by Flintshire Tourism Association. He asked Members to support and promote the Flintshire Flag as he felt it was something that Flintshire could be proud of.

Councillor Chris Bithell expressed surprise about the request as he indicated that the design was already featured on the Chair’s Chain of Office and was therefore not new. In welcoming the Notice of Motion, Councillor Hilary Isherwood referred to the family connections of Councillor Adele Davies-Cooke and Edwin ap Goronwy, the 11th Century Lord or King of Tegeingl. Councillor Peter Curtis welcomed the introduction of the Flintshire Flag. The Leader of the Council supported the campaign and the work undertaken by Councillor Dolphin on the introduction of the Flag.

RESOLVED:

That the Council supports the Notice of Motion on the Flintshire Flag.

126. ANNUAL IMPROVEMENT REPORT AND THE CORPORATE ASSESSMENT REPORT OF THE AUDITOR GENERAL FOR WALES FOR FLINTSHIRE

The Chief Executive introduced a report to receive the Annual Improvement Report of the Auditor General, which for 2015 incorporated the first Corporate Assessment, and to endorse the executive action plan response.

He invited Mr. Huw Lloyd Jones from the Wales Audit Office (WAO) to make the presentation and added that the report had been considered by Cabinet and Audit Committee and would be submitted to the Corporate Resources Overview & Scrutiny Committee on 16 April 2015. He explained that a summary report was included but that the full report had been sent to Members in advance of the meeting.

Mr. Lloyd Jones detailed the background to the report and provided a detailed presentation which included the following key areas:-

- What's in the report?
- Arrangements
- Use of resources
- Service performance
- Likelihood conclusion
- Overall conclusion

Mr. Lloyd Jones explained the arrangements for Corporate Assessments to be undertaken on a four year cycle across all Welsh Councils. The fieldwork had been undertaken in September 2014 but was not exclusively based on events in that week. It included events both before 15 September and after 19 September partly due to the implementation of a new operating model at that time. The main findings were detailed in the summary report and whilst seven proposals had been identified, there were no statutory recommendations. An action plan had been prepared to address the proposals and ensure they were followed up.

The Leader of the Council indicated that it had initially been felt that September was not the best time due to the introduction of the new Chief Officer team. However, he welcomed the report and he felt that it was pleasing that there were no formal recommendations. The report gave great credit to those who had made contributions and he felt that the report should give the Council confidence.

Councillor Alison Halford raised concerns about the serious issue of the Council not preparing decent reports to Overview & Scrutiny committees, which had been discussed previously. Another worry was that Human Resources were overstretched and she highlighted staff appraisals in particular. She also raised the issue of AD Waste and the length of time it had taken to complete investigations.

Mr. Lloyd Jones explained that he had not raised the issue of Overview & Scrutiny reports in the past but added that some reports could be clearer. He added that Members could also ask for improvements in reports if they did not feel that they were appropriate. The Chief Executive referred to the change in format of Overview & Scrutiny Committees that was to be submitted to the Annual Meeting of the Council in May 2015. He hoped that Members would welcome the idea of updating the format of reports and the style of meetings to make them more purposeful. Demands on Human Resources had been high for some time but the team did perform well in comparison to others in Wales. Officers were committed to undertaking a new model of appraisals and were on target to achieve this. He advised that it was appropriate to discuss AD Waste in a public meeting.

Councillor Richard Jones commented on reports submitted to Overview & Scrutiny which then went onto Cabinet, but any changes identified were not taken forward. He highlighted the fifth proposal from WAO, which he disagreed with, and said that it should be changed to ensure that items were considered by Overview & Scrutiny before Cabinet. He felt that the response did not take account of decision making and that more consideration needed to be given to the timings of reports to Overview & Scrutiny before they were submitted to Cabinet. A review of the Council's performance had found that 23 of the 44 national indicators were equal to, or above, the Welsh average which was a slight deterioration from 28 in 2012-13. Councillor Jones felt that it was important to monitor this and that it should not be allowed to reduce further. He added that he could not support P5.

In response, Mr. Lloyd Jones explained that if reports were considered prior to submission by Cabinet, it was important to ensure that any changes were brought to the attention of Cabinet, either verbally or by providing a briefing note to the meeting. On the issue of performance indicators, Mr. Lloyd Jones said that some of the 44 indicators were important and some less so and that each should be considered in turn to identify if it was a priority or not.

Councillor Hilary Isherwood concurred with the comments of Councillors Jones and Halford and spoke of incidents where Overview & Scrutiny meetings had been adjourned to allow Members to receive late paperwork. She added that it was important that reports and documents could be understood by the public to ensure transparency. Councillor Mike Peers commented on reports recently that had been submitted to Members to replace reports or documents in agendas that they had been sent. In referring to the Executive response and the responses provided, he asked whether an indication had been given by WAO of how satisfied they were with the Council's response. He highlighted P4 on the Member Development Scheme and explained that this had been discussed at a recent Group Leader's meeting. They had agreed that undertaking training would be encouraged if it was felt that there was value in the training.

Councillor Hilary McGuill was encouraged by P4 on Member development and said that it was important for Members to advise of the

training that they required but suggested that some training should be compulsory such as Corporate Parenting training. Councillor Chris Bithell commented that Members had been asked to identify the training that they needed. Councillor Robin Guest suggested that refresher training was appropriate where updates were available or skills needed improving. He said that it was recognised that training and development did not always work as it should but reminded Members that they could request required training. Councillor Peter Curtis agreed with the issue of training but added that it was important to make it interesting.

The Chief Executive welcomed the report and said that the Authority would always be looking for ways to improve. On the issue of Overview & Scrutiny, he explained that it was important that the Chairs of the six Committees to work with officers on the role of Overview & Scrutiny following the Annual Meeting. He felt that forward planning was important along with the need to be clear why a request to consider an item was being received.

RESOLVED:

To accept the Annual Improvement Plan and endorse the response action plan.

127. WELSH GOVERNMENT WHITE PAPER: DEVOLUTION, DEMOCRACY AND DELIVERY – REFORMING LOCAL GOVERNMENT: POWER TO THE PEOPLE

The Chief Executive introduced a report to invite a Council response to the Welsh Government White Paper.

He provided a detailed presentation, with the main features being as follows:

- The future for Wales
- The future for local government
- The White Paper: critique
- The White Paper: a response
- Building a 'vision'
- A vision: our purpose and role
- A vision: our value added
- Financing the future

In referring to the response from the Welsh Local Government Association (WLGA), the Leader of the Council indicated that it included representations from Flintshire County Council on the White Paper. He concurred with the comments of the Chief Executive and felt that the White Paper included many 'red herrings'. He expressed significant concern that an opportunity to undertake discussions on localism had been missed but added that a vision that rewarded Councils that worked well and took on extra was appropriate. The Leader spoke of decentralisation in England and commented on the need for a model to shape the local economy. He hoped

that the WLGA response provided assurance to Members and that the consultation would promote discussions on the areas of concern. He added that the County Council response should be read in conjunction with the WLGA response and he asked Members to support the response.

In supporting the comments of the Leader, Councillor Alex Aldridge referred to the arrogance of the language of devolution and expressed significant concern about the comments of Leighton Andrews, the Minister for Public Services which he felt were unacceptable. He also said that no reasons had been given about why the voluntary mergers offered elsewhere in Wales had failed. Dialogue had consistently been sought on the issue of change but requests had been rejected. Councillor Paul Shotton commented on transition costs and queried how they would be funded.

Councillor Robin Guest felt that an opportunity to discuss local government had been lost and that a review should commence with a blank sheet of paper not with a White Paper without proper debate and consultation. He felt that there was a need to take the best approach for North Wales and that discussions on the delivery of local services such as the interaction with health and emergency services should be undertaken. Under the section on 'Connecting with Communities', Councillor Guest felt that the passporting of a proportion of business rates to local authorities and Town & Community Councils should be considered. He added that it was difficult for Town & Communities to maintain towns as funding was only received from Council Tax not business rates. On the theme of 'Renewing Democracy', Councillor Guest felt that it was appropriate that any reforms of local government should firstly look at the role of Councillors, then at the number of Councillors required and finally at the appropriate allowance.

Councillor Tony Sharps agreed with the comments of the Chief Executive and the Leader of the Council. He spoke of monies that had been spent by Welsh Government to benefit South Wales, and queried why it was wrong to retain 22 councils in Wales rather than the suggested reductions to 11 or 7 authorities. Councillor Sharps highlighted statistics from the Office of National Statistics which reflected the performance of Wrexham County Borough Council. He did not feel that merging with Wrexham County Borough Council was appropriate and he added that he was very proud of Flintshire County Council and what it had achieved. He hoped that mergers would not come to fruition and that Councils, particularly those in North Wales, would not be required to merge.

In welcoming the presentation from the Chief Executive, Councillor Chris Bithell felt WG did not have a clear idea about the future of local government. He spoke of requests for mergers by Ministers, either voluntary or compulsory, and said that some Councils had put forward proposals to merge but these had been rejected by WG. He commented on unelected Assembly Members and indicated that the White Paper did not make any reference to how any reforms would be funded. He felt that larger wards, which would result in more responsibilities with fewer Councillors would put

people off from applying to become a Councillor and would not encourage diversity.

Councillor Mike Peers spoke of WG being based in Cardiff but with international offices in other parts of the World which had seen an increase in funding from £250k to £1m. He applauded the work undertaken with local government and the WLGA to provide a response. He added that adequate funding for the delivery of local services was important but WG had failed in this respect. He commented on the vision for local government referred to in the Council's response and queried how local government could deliver fully funded services to local people without adequate funding.

Councillor Hilary Isherwood expressed significant concern about the comments made by Councillor Bithell which she felt had been aimed at her husband. She spoke of Aneurin Bevan and of Leighton Andrews and expressed her thoughts about the running of WG. Councillor Gareth Roberts spoke of the role of the Minister for Public Services and indicated that it would not be possible for Councillors to represent more residents if there were fewer Elected Members. He also commented on the proposals for Councillors to have to retire after 25 years and highlighted those at Flintshire County Council who would be affected if this was currently the practice. He felt that a structure of unitary authorities would be appropriate based on the Williams Commission report rather than creating larger authorities by merging local councils the size of Flintshire and Wrexham together.

Councillor Carol Ellis indicated that the White Paper did not refer to the benefits for the people that Councillors represented. She referred to the creation of Betsi Cadwaladr University Health Board and asked whether one authority for North Wales was being considered.

The Leader of the Council said that a debate around the convention of the United Kingdom was important. He spoke of sub-regional devolution and the importance of a united debate to contribute to other debates.

RESOLVED:

- (a) That the corporate response set out at Appendix A for submission to Welsh Government be adopted; and
- (b) That the collective response of the Welsh Local Government Association attached at Appendix B be supported.

128. COMMUNITY REVIEW – FLINT MOUNTAIN

The Democracy and Governance Manager introduced a report for Council to consider a report issued by the Local Democracy and Boundary Commission for Wales ("Boundary Commission") seeking views on three options for community boundaries for the Flint Mountain area.

He detailed the background to the report and explained that a review by the Council in 2013/14 had not proposed any change to the Flint Mountain area forming part of the Trelawny ward of the Community of Flint. Representations had been made by residents to the Boundary Commission following the review to remove Flint Mountain from the Trelawny Ward. Three options were then put forward by the Boundary Commission and these were detailed in the report. Both Flint Town Council and Northop Community Council had been consulted and they each favoured no change to the current arrangements which was also the view of officers.

Councillor Alex Aldridge expressed significant concern that the change to a boundary could be requested by as few as two people. He felt that to retain Flint Mountain in the Trelawny Ward of the Community of Flint was the best option. Councillor Marion Bateman stated that Northop Hall Community Council had met the previous evening and had confirmed that they agreed with option A – no change.

The Chief Executive indicated that he would write to the Boundary Commission about the criteria for consulting on the proposed change to a boundary in the way conducted in this case.

RESOLVED:

That the Council recommends Option A to Cabinet as its preferred option as there is insufficient evidence to change the existing arrangements.

129. OFFICERS' CODE OF CONDUCT

The Democracy and Governance Manager introduced a report to consider a recommendation from the Constitution Committee to adopt a revised Officers' Code of Conduct. Councillor Clive Carver, having earlier declared an interest, left the meeting prior to its discussion.

The Democracy and Governance Manager detailed the background to the report. He explained that parts of the Officers' Code were automatically incorporated into individual contracts of employment and these were shown in bold in appendix 1. The Constitution Committee had requested that paragraphs 8.11 and 8.12 be retained, but following advice from Counsel, it was recommended that these paragraphs be removed. In place of these paragraphs, it was suggested that the code be amended to introduce and maintain a voluntary register for Chief Officers, managers reporting directly to them and employees with delegated powers to register their membership of all clubs, societies and organisations. The Chief Executive indicated that the register would ensure transparency.

Councillor Robin Guest moved the recommendation and spoke of the discussions that had taken place when the item was considered at the Constitution Committee meeting.

RESOLVED:

- (a) That Council notes that the Chief Executive, as Head of Paid Service, expects and encourages all senior officers to make full disclosure in line with the intention of the Committee as one of his expectations of them in the interests of the highest standards of conduct in office.
- (b) That Council endorses the revised Officers' Code of Conduct in Appendix 1 with the exception of the mandatory register contained within Clauses 8.11 and 8.12, which would not be enforceable;
- (c) That a voluntary register be introduced for Chief Officers, those Managers reporting to them and Officers having delegated powers to register their membership of all Clubs, societies and organisations as set out in paragraph 3.12; and
- (d) That Welsh Government be asked to amend the mandatory provisions of the Officers' Code of Conduct to require senior officers to register (as well as declare) their interests.

130. REVIEW OF POLITICAL BALANCE

The Democracy and Governance Manager introduced a report to review the Council's political balance calculations following a Member joining the Independent Alliance Group from the Liberal Democrat Group.

The revised calculation in appendix A resulted in the Independent Alliance Group gaining three committee places with the Liberal Democrat Group losing three places. Appendix 2 reflected the Council's Committees in accordance with the rules identified in paragraph 2.02 of the report. The third seat from Liberal Democrats had been shown against the Social and Health Care Overview & Scrutiny Committee but the rules also allowed the Liberal Democrats to lose a seat to the Independent Alliance on either the Environment or Community Profile & Partnerships Overview & Scrutiny Committee instead of Social and Health Care Committee.

Councillor Mike Peers moved the recommendation in appendix 2 and this was duly seconded. He added that as the Annual Meeting was only four weeks away, the Independent Alliance Group had agreed to accept what was reported in Appendix 2. Councillor Robin Guest concurred.

RESOLVED:

That Council agrees to the changes to political balance shown in Appendix 2.

131. APPOINTMENTS TO AREAS OF OUTSTANDING NATURAL BEAUTY PARTNERSHIP

Councillor Aaron Shotton, the Leader of Council, moved the names of the nominees referred to in the report with the Partnership Members being

Councillors Carolyn Thomas, Colin Legg and Paul Cunningham with Councillors Nancy Matthews and Nigel Steele-Mortimer being substitutes. This was duly seconded.

RESOLVED:

That the nominees for the Appointment to the Area of Outstanding Natural Beauty Partnership be Councillors Carolyn Thomas, Colin Legg and Paul Cunningham with substitutes being Nancy Matthews and Nigel Steele-Mortimer.

132. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There was 2 members of the press present.

(The meeting started at 2.00 pm and ended at 5.00 pm)

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Chair