

FLINTSHIRE COUNTY COUNCIL
13TH DECEMBER 2022

Minutes of the meeting of Flintshire County Council held as a hybrid meeting on Tuesday, 13th December 2022.

PRESENT: Councillor Mared Eastwood (Chair)

Councillors: Mike Allport, Bernie Attridge, Glyn Banks, Pam Banks, Marion Bateman, Sean Bibby, Chris Bithell, Gillian Brockley, Helen Brown, Mel Buckley, Teresa Carberry, Tina Claydon, David Coggins Cogan, Geoff Collette, Steve Cople, Bill Crease, Paul Cunningham, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, David Evans, Chrissy Gee, David Healey, Ian Hodge, Andy Hughes, Dave Hughes, Ray Hughes, Alasdair Ibbotson, Paul Johnson, Christine Jones, Richard Jones, Simon Jones, Dave Mackie, Gina Maddison, Roz Mansell, Allan Marshall, Ryan McKeown, Billy Mullin, Debbie Owen, Ted Palmer, Andrew Parkhurst, Mike Peers, Michelle Perfect, Vicky Perfect, Carolyn Preece, David Richardson, Ian Roberts, Dan Rose, Kevin Rush, Dale Selvester, Jason Shallcross, Sam Swash, Linda Thew, Linda Thomas, Roy Wakelam and Antony Wren.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Planning, Environment and Economy), Chief Officer (Social Services), Corporate Finance Manager, Corporate Manager, People and Organisational Development, Corporate Manager, Property and Assets, Head of Legal Services, Democratic Services Manager, Revenues and Procurement Manager, Democratic Services Team Leader and Democratic Services Officers.

APOLOGIES FOR ABSENCE:

Councillors: Jean Davies, Carol Ellis, Gladys Healey, Dennis Hutchinson, Richard Lloyd, Hilary McGuill, Ant Turton and Arnold Woolley.

Tributes were made to former Delyn Borough Councillor and Flintshire County Councillor Karin Davies who represented the Holywell ward, who had recently passed away. Her loyalty was commended, and she would be missed by family and friends. Condolences were paid to the family.

53. DECLARATIONS OF INTEREST

Councillor Peers declared a personal interest in agenda item number 6 – Council Tax Premium Scheme for Second Homes and Long-Term Empty Properties. Councillor Preece declared a personal and prejudicial interest in the same item.

54. MINUTES

The minutes of the meetings held on 27th September and 18th October were submitted.

Councillor Attridge moved them as a correct record which was seconded by Councillor Rob Davies.

RESOLVED:

That the minutes be approved as a correct record.

55. CHAIR'S COMMUNICATIONS

The Chair explained that her communications had been emailed to all Members earlier that week.

She commented on her visit to the Fostering Service at Ty Nyth on 4th November which she said was a wonderful asset.

56. PETITIONS

None were submitted.

57. COUNCIL TAX PREMIUM SCHEME FOR SECOND HOMES AND LONG-TERM EMPTY PROPERTIES

Councillor Preece, having earlier declared a personal and prejudicial interest, left the room before the item was introduced.

The Chief Officer (Governance) introduced the report and explained that at the request of Cabinet, an extensive public consultation was undertaken from 8th November 2021 to 6th December 2021 to canvass the views of the public on the current Council Tax premium scheme, its effectiveness and impact on the local community and the use of the scheme to incentivise owners to bring properties into full use to support the supply of local housing for local residents. The consultation also explored opinions on alterations to the premium rates and the perceived benefits and risks to adopting any alternative or amended scheme.

504 consultation responses were received from a broad range of people and the responses were summarised in the report.

The role of the premium was focussed on encouraging owners of long-term empty properties to bring them back into use with the financial burden and affordability issues that could result on those parties such as new owners or existing owners who did not have the option or the funds to take immediate steps to bring the property back into use.

The Revenues and Procurement Manager explained that previously, since April 2017 when the scheme was introduced, a premium rate of 50% had been applied for dwellings designated as being periodically occupied (usually referred to as second homes) or long-term empty properties.

He added that as part of the consultation exercise, questions were also asked of those who could be potentially impacted if the rates were increased. In conclusion, almost two thirds of respondents felt that long-term empty properties had a negative impact on their local community. On second homes, almost half of

respondents felt they had a negative impact on their local community. Just over half of respondents felt the premium rate should be increased to over 50%.

The report provided details of what other local authorities had set their premium rates at. Cabinet had recommended 75% for long-term empty properties and 100% for second homes.

If the Council decided to raise the level of the premium on long-term empty properties and/or second homes, there was a possibility of increasing the Council Tax yield and to use any additional revenue generated to help meet local housing needs in line with the policy intentions of the premium scheme.

The additional revenue generated to support services would depend on the revised level of the premium rates but would typically consist of an additional £101k for every additional 10% levy above 50% on long-term empty properties and an additional £28k for every additional 10% levy on designated second homes. Tables in the report provided illustrations of the increase for 50%, 60%, 70%, 75% and 100%.

There was an amendment to the recommendation as printed in the report with the amendment being “For Council to consider the current rate of premium of 50% on second homes and long-term empty properties and determine whether the rate should be varied to 75% for long-term empty properties and 100% for second homes from April 2023, as per Cabinet’s recommendation”.

Councillor Mullin moved the recommendation which was seconded by Councillor Bithell.

Councillor Bithell explained that empty homes was part of his Cabinet portfolio and he felt that Council Tax premiums was not the only answer to what were complex issues in bringing empty properties back into use. There were homeless who needed to be accommodated when properties throughout the county were left empty.

Councillor Richard Jones felt the response to the consultation was low with the percentage responses being close. He commented on the potential for a saving of £390,000 and queried whether that was the reason for the proposals before Members, which he felt could not be relied upon. He said if residents changed their behaviour there was a chance that no extra money would be received.

Councillor Carberry thanked officers for the work on the report and the graphics contained within. She felt the sample size of the consultation was good when compared to national consultations.

Councillor Swash supported the Cabinet recommendation saying that the data proved that the 50% premium was failing in the aim to bring the homes back into use, with the housing crisis being the largest challenge being faced by the Council.

Councillor Parkhurst supported the proposal of 75% for long term empty properties to assist with the housing shortage. However, he felt that measures were

being rushed and the implications of 75% for self-catering accommodation which fell into the category of second homes had not been thought through. He proposed an amendment which was to increase the long-term empty properties to 75% but leave second homes at 50%, pending an appraisal of the impacts in respect of self-catering accommodation by way of a Task and Finish Group. The amendment was seconded by Councillor Attridge.

In supporting the amendment, Councillor Peers commented on the circumstance when somebody had inherited a property which then became classed a second home and would be subject to capital gains tax. The consequences of that was not contained within the report and he queried the disparity between the two rates.

Councillor Crease asked for clarification on whether it was about raising revenue or bringing empty homes back into use. Councillor Bithell, as Cabinet Member for empty homes, said he seconded the recommendations based purely on bringing back empty homes into use, and not from a revenue income perspective however some revenue would be received.

In response to a question on if a Member felt the Code of Conduct had been breached by another Member, the Chief Officer (Governance) said that advice should be sought from either himself or the Deputy Monitoring Officer outside of the meeting.

A number of Members spoke in support of the amendment with one Member speaking against. On being put to the vote, the amendment was LOST.

Councillor Peers queried on the effectiveness of the scheme which was to incentivise owners to bring properties into full use to support the supply of local housing for local residents. He gave an example of if a resident inherited a property that was over £200,000, then that was not an affordable home. He asked if there was evidence of the value of second homes as that information was not contained within the report which made it difficult to understand how the properties being brought back into use would support the affordable housing market. He queried what the use of additional income would be used for, which he felt would either be to support the demand in services or local housing needs which he felt was not demonstrated.

Members were advised that they now needed to vote on the substantive motion of an increase to 75% on long term empty properties and 100% for second homes which was CARRIED.

Councillor Preece returned to the room and was advised of the decision.

RESOLVED:

That the premium rate be increased to 75% for long term empty properties and 100% for second homes from April 2023.

58. ELECTORAL REFORM IN WALES

The Chief Officer (Governance) introduced the report and explained that in 2017, Welsh Government (WG) consulted on immediate priorities for reform in the Electoral Reform in Local Government in Wales White Paper. Those immediate priorities were legislated for through the Senedd and Elections (Wales) Act 2020 and the Local Government and Elections (Wales) Act 2021.

One of the changes was that local authorities could decide to adopt the Single Transferrable Vote system for their elections, in place of the First Past the Post system. Part one of the report explained the process involved.

Part two of the report explained the Electoral Administration and Reform White Paper and how WG were seeking to accelerate their reform agenda and comment what they described as an ambitious plan to modernise electoral administration in Wales.

The White Paper included proposals for:

- Promoting engagement in elections
- Making standing for election safer and more straight forward
- Legislation to modernise the administration of elections
- Legislation to improve the conduct of electoral and community reviews for local government
- Legislation to consolidate electoral law
- Longer-term propositions for electoral reform to support Welsh democracy in the future

The closing date for consultation responses was 10th January 2023.

Part three of the report summarised the Elections Act 2022, which received Royal Assent in April 2022 and was applicable for UK Parliamentary and Police and Crime Commissioner elections.

The impact of the Elections Act 2022 created divergence in Wales which were highlighted in the report.

One of the changes was that local authorities could decide to adopt the Single Transferrable Vote (STV) system for their elections, in place of the First Past the Post system. Part one of the report explained the process involved.

The Chief Officer (Governance) explained further that currently first past the post system was used for County Council elections. The Council could move to STV and further guidance would be provided by WG regarding this and clarity on the quota. If Council wanted STV then a boundary review would need to be undertaken first. That would mean wards of between three and six Members.

Councillor Roberts moved the recommendations of the report which was seconded by Councillor Johnson.

Councillor Roberts expressed some concerns on the requirement for voter ID which could put pressure on the team with late registrations. He said the highest turnout at elections was UK Government which operated first past the post. Welsh Government (WG) elections had a considerably lower turnout and the process operated for the Police and Crime Commissioner elections was confusing. He was opposed to large multi member wards commenting on the importance of the connection between local Members and their community. He suggested an all-Member workshop to progress what was required, and asked if the deadline of 10th January could be extended. The Chief Officer (Governance) said a request could be made to extend the deadline and if that was not approved, views from the meeting today would form part of the response. A Member workshop could be arranged as suggested to identify key issues.

As seconded, Councillor Johnson supported the request to extend the deadline as the document was very detailed and a measured response was required.

Members from across the Chamber made comments on aspects of the document with most supporting first past the post and concurring with the comments of Councillor Roberts on the importance of Members retaining local representation.

The Chief Officer (Governance) said that an extension to the deadline would be sought and if approved, an all-Member workshop would be arranged.

Commenting on the recommendations, Councillor Roberts suggested a fourth to read "that a letter be sent to UK Government to express the concerns raised about the practicalities of costs of voter ID" which was supported.

RESOLVED:

- (a) That the Council does not support the adoption of the Single Transferrable Vote system;
- (b) That an extension to a response on the Electoral Administration and Reform White Paper be requested and if accepted, and all Member workshop be arranged. If the extension was rejected, the Deputy Returning Officer would submit a response in line with the views expressed by Members by 10th January;
- (c) That the requirements of the Elections Act 2022 be noted, and the proposed steps to minimise potential disenfranchisement be approved; and
- (d) That a letter be sent to UK Government to express the concerns raised about the practicalities of costs of voter ID.

59. NOTICE OF MOTION

The following Notice of Motion had been submitted by Councillor Rose and was supported by Councillor Preece:

“This Council notes the current use of many types of animals at various events held by private organisations, friends of groups and the Council across the County and wishes to continue to do all that it can to promote, safeguard and encourage high standards of animal welfare.

The RSPCA states that it is opposed to the use of animals in entertainment or animal encounters where distress or suffering to an animal is likely to be caused. However, the organisation also recognises the benefits of certain types of events using animals, for example:-

- dog agility events that involve training dogs to run through and over obstacles using treats, toys and praise; and
- the use of animals in schools and other educational establishments (i.e. in the form of visits as opposed to the educational establishments keeping the animals themselves) with a view to teaching young people about animal care and welfare, which is a positive step towards ending cruelty towards animals in the future.

The introduction of the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021 is a significant step towards effectively controlling the use of, and encounters with, animals and ensuring their welfare. However, it is noted that there may be instances where, even though certain events may not in principle be supported by the Council, the Authority may still be required (by law) to grant a licence if all relevant conditions are met.

Notwithstanding the above, the Council considers that:-

- no animal should be made to endure stress or suffering;
- all appropriate steps should be taken to mitigate any risk of stress or suffering to animals in any relevant events being held by any organisation within the County;
- certain animals, such as dogs, may benefit from partaking in events but steps should still be taken to ensure their welfare and minimise any risk to them; and
- the use of animals in certain instances – such as in schools, other educational establishments and community settings for educational and conservation purposes, by suitably registered charities – where appropriate and will have no negative impact on animal welfare subject to such events being managed properly.

This Council therefore resolves:-

- I. to note the implications of relevant licensing legislation which may grant, or require the Council to grant, licences to third parties for the use of animals within the County;
- II. subject to (III) below, to cease the use of animals in Council events and that, in particular, no Council organised event will include the use of reindeer or donkeys;
- III. that the use of animals such as birds, dogs, reptiles and invertebrates such as spiders, scorpions, crustaceans, or molluscs in Council organised events be permitted only where:-

- A. animals are being displayed for educational purposes or for purposes which are consistent with their natural habitat and activities; and
 - B. the relevant non profit organisation providing the animal(s) holds a certificate issued in accordance with the Animal Welfare (Licensing of Activities Involving Animals) (Wales) Regulations 2021; and
 - C. any appropriate mitigating measures as required by relevant officers of the Council are put in place to ensure the welfare of the animal(s) concerned and to ensure that they are not put at risk by partaking in the event.
- IV. to apply the principles in (II) and (III) to events organised by other organisations where council co-operation other than statutory obligations are requested, such as in the case of road closures, publicity, and use of council buildings or land etc.
 - V. to circulate the above resolutions to all relevant departments, and to schools.

In speaking to the Notice of Motion, Councillor Rose thanked Members across the chamber for their support in advance of the meeting with animal welfare being dear to the hearts of all Members. Things had moved on significantly but there were still animals suffering needlessly in communities. He referred to expert advice on reindeers outside of their natural habitat, stressing the importance of keeping animals in their natural habitat. Thirty councils had already banned the use of animals as entertainment in events with a further 108 confirming they would not be using animals at events over the Christmas period. Flintshire stood out for allowing the use of animals at events and in supporting the Notice of Motion would bring Flintshire in line with best practice.

Councillor Preece expressed her support for Councillor Rose saying that by supporting the notice of motion would champion animal welfare and demonstrate Flintshire as being a caring Council.

Councillor Bithell, as Cabinet Member for Planning, Public Health and Public Protection responded to the Notice of Motion for which he thanked Councillors Rose and Preece. He supported what was presented before Members. He explained that the Valuations and Estates department had recently started a review of the licence arrangements for those who rented or leased land from Flintshire County Council. The work was due to concerns raised about the use of wildlife animals being given away as prizes. He would request that officers broaden the remit of the scope of the work to incorporate the proposed resolution and that the findings be reported at the earliest opportunity to Cabinet. Once the work was complete a communications strategy would need to be developed to emphasise that Flintshire County Council would not tolerate such outdated practices on its land and would seek to mitigate any stress or suffering to any animal. The vigilance of the public and compliance of event organisers would be essential to ensure success.

Councillors Rose and Preece welcomed the response and supported the suggestion of the remit of the scope of the work being carried out by the Valuations and Estates department being broadened.

Councillor Peers sought clarification on the use of reindeer and donkeys as at an event in Buckley recently a reindeer had led a procession which appeared to be well cared for and was welcomed by the children. He felt to take that away from the children would be a retrograde step, particularly at Christmas.

Councillor Richard Jones referred to the donkey sanctuary which he supported. It was open 365 days a year so people could visit and it helped to create a bond between children and animals as for some children who did not have a pet, this was one way in which they could interact and show compassion. He commented on the nurturing for children in interacting with animals and by distancing some children away from that was a negative.

Councillor Coggins Cogan referred to his degree in Zoology and said that herbivores did not enjoy being surrounded by carnivores. If a reindeer was on its own, which it was not natural as their instinct was to be in herds, it would feel separated, penned in with lots of children around them. Although the animal would be trained to be calm it would not be its natural way of being and animals should not be trained to suppress its own fear, anxiety and distress for the purposes of people being able to see them was disgraceful. He was also a member of the donkey sanctuary, and the difference was donkeys were in their stables and they had the opportunity to move away from people visiting should they wish as they were not penned in from each side.

In his right of reply, Councillor Rose cited a quote from the donkey sanctuary "the donkey sanctuary does not endorse or encourage the use of donkeys or their hybrids in any form of entertainment". He said there was a clear difference in an organisation that was established for the welfare of animals to those that were not. He agreed with the compassion being important for children which is not just seen at Christmas time but something that develops throughout their lifetime. In response to a question on the reindeer seeming well cared for, that was an issue a lot of people had that were not in animal welfare where human elements were attributed to an animal when actually their natural behaviour did not match what we would expect or anticipate which he felt was the biggest failure in the situations described at events.

On being put to the vote the Notice of Motion was carried.

RESOLVED:

That the Notice of Motion submitted by Councillor Rose be supported, including the and that the suggestion from the Cabinet Member, Councillor Bithell, that the remit of the scope of the work being carried out by the Valuations and Estates department being broadened, be accepted.

60. PUBLIC QUESTION TIME

None were received.

61. QUESTIONS

The Chair advised that two questions had been received and responded to. They had been circulated to Members.

62. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

None were received.

63. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 2.00 p. m. and ended at 5.02 p.m.)

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Chair