

FLINTSHIRE COUNTY COUNCIL
WEDNESDAY 16TH DECEMBER 2009

Minutes of the meeting of Flintshire County Council held in County Hall, Mold on Wednesday 16th December 2009.

PRESENT: Councillor C. Legg (Chairman)
Councillor W.O. Thomas (Vice-Chairman)

Councillors: L.A. Aldridge, Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, Mrs. M. Bateman, R.C. Bithell, C.S. Carver, J. C. Cattermoul, E.G. Cooke, D.L. Cox, P.J. Curtis, R. Davies, Q.R.H. Dodd, C.J. Dolphin, C.A. Ellis, E.F. Evans, J.E. Falshaw, V. Gay, F. Gillmore, A.M. Halford, R.G. Hampson, P.G. Heesom, C. Hinds, R. Hughes, H.D. Hutchinson, H.T. Isherwood, G. James, R. Johnson, C.M. Jones, N.M. Jones, R.B. Jones, S. Jones, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, N.M. Matthews, H.J. McGuill, A. Minshull, W. Mullin, E.W. Owen, M.J. Peers, P.R. Pemberton, N. Phillips, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, C.A. Thomas, D.T. Williams, A. Woolley and M.G. Wright..

APOLOGIES:

Councillors: A.J. Davies-Cooke, R. Dolphin, B. Dunn, R.J.T. Guest, G. Hardcastle, H.T. Howorth, N. Humphreys, D. Mcfarlane, M.A. Reece, N.R. Steele-Mortimer, D.E. Wisinger and H. Yale.

IN ATTENDANCE:

Chief Executive, Director of Lifelong Learning, Director of Environment, Director of Community Services, Head of Legal and Democratic Services, Head of Finance, Head of ICT and Customer Services, Democratic Services Manager and Committee Officer.

112. PRAYERS

The meeting was opened by Prayers said by Councillor R.C. Bithell.

113. COUNCILLOR M BATEMAN

The Chairman welcomed Councillor Marian Bateman to her first meeting of the Council since her recent election. Councillor Bateman thanked the Chairman for his welcome and indicated that she would do her best for the community and do her best to follow in the steps of her predecessor, the late Councillor M Higham.

114. DECLARATION OF INTERESTS

There were no declarations of interest.

115. MINUTES

That subject to the amendment in the spelling of the name 'Schwartz' and to the inclusion of Councillor D. Barratt and N. Phillips as those Members who had declared an interest in the Pension Fund, the minutes of the meeting held on 24th November 2009, be approved as a correct record.

116. TIME CONTROL

The Chairman indicated that a Time Control System had been introduced for this meeting on a trial basis and he explained how it would be operated by Committee staff and that there would be a clear signal advising how long Members had to speak and the idea was to assist in the deliberations and smooth running of the Council.

117. NOTICE OF MOTION

The following Notices of Motion have been submitted by Councillor Q.R.H. Dodd:-

“This Council calls on the Executive to scrap the Protocol concerning the answering of letters and e-mails and telephone calls to prevent the staff having the satisfaction of not complying with it”.

Prior to the consideration of the Motion, the Head of Legal and Democratic Services indicated that this issue had been discussed within the Corporate Management Team and it had been recognised that there was a problem. He further explained the current processes that were in place to deal with these issues and it appeared that the process was not the problem but more the application.

Councillor Q.R.H. Dodd, as the Member who had submitted the Motion, confirmed that he had been in discussions with the Head of Legal and Democratic Services and that they were on the same “wavelength”. It was therefore suggested that a deferment may be appropriate to allow further discussion at Corporate Management Team with a report back to the next meeting of the County Council in January.

Councillor A.P. Shotton expressed his dissatisfaction with the tone of the Motion and said he could appreciate the embarrassment of the Member who had submitted it. He referred to the fact that there was a protocol in place already for dealing with such issues and that there was a process for addressing those concerns.

Councillor Shotton also referred to what he felt was the current low morale of staff following the difficulties with the Single Status Agreement and felt that this type of Motion did not help the situation in any way. He continued

that if the matter was not to be discussed at this meeting then the Notice of Motion should be withdrawn rather than deferred.

Discussion ensued between the Head of Legal and Democratic Services and Councillor L.A. Aldridge regarding the issue of the proposal and whether it related to withdrawal or the deferment of the Motion. Councillor L.A. Aldridge felt that there was a significant difference and reiterated that if it was not the intention to discuss the matter at this meeting then the Motion should be withdrawn.

Councillor H. Isherwood felt it was reasonable for the matter to be deferred if that it what the Member who had submitted it so desired.

Councillor C.S. Carver commented that if there was a review of the procedures in place, then it should be related to officers from the top down rather than the other way.

Councillor K. Armstrong-Braun felt that the content of the Motion was unclear and incomplete and did not clearly identify the problem and in the circumstances felt it should be withdrawn in any case.

Councillor A. Woolley, Leader of the Council, sought clarification on what was under consideration at present and whether it was the Motion or the principle of deferment.

The Head of Legal and Democratic Services clarified the situation in relation to what had been submitted. Councillor A.P. Shotton gave notice of an amendment to the Motion.

Councillor P. Curtis commented that there could be difficulties at the next meeting with the wording of a Motion if it was withdrawn at this meeting. Councillor L.A. Aldridge expressed his extreme concern that the tone of the Motion which he felt was very damaging to Flintshire. He felt there were other avenues to explore this situation before taking it to this stage. He suggested that there could have been a discussion at the Constitution Committee. Alternatively the Member could have formally pursued the issue with the Chief Executive who had the platform whereby he could discuss such issues with his Corporate Management Team when the matter could be fully addressed.

Councillor A.P. Shotton therefore submitted an amendment:

“That the Council calls upon the Executive to bring forward a protocol of dealing with correspondence including letters and e-mails and report to the Constitution Committee.”

Subsequently, if that protocol was broken and did not address Councillor Q.R.H. Dodd’s concerns, then it could be addressed further. The Leader of the Council, Councillor A. Woolley, was happy to second this Motion.

The Head of Legal and Democratic Services indicated that the Motion was similar to what he had intended to suggest at the early part of the meeting but did not have an opportunity to do so.

Councillor S.R. Baker expressed his disappointment that he did not have an opportunity to speak to the Motion for deferment.

RESOLVED:

That the Council calls upon the Executive to bring forward a protocol of dealing with correspondence, including letters and emails, and reports to the Constitution Committee.

118. ANNUAL LETTER – FLINTSHIRE COUNTY COUNCIL 2008/09

The Relationship Manager, Mr Alan Morris, Ms L Hine and D. Newman of PricewaterhouseCoopers and Mr Steve Martin of the Wales Audit Office attended for this item.

The Chief Executive presented his report, on the Annual Letter of the Appointed Auditor and Relationship Manager which summarised the work of PricewaterhouseCoopers (PWC) and the Wales Audit Office during 2009. It was noted that under the Code of Audit and Inspection Practice an Annual Letter was to be produced summarising the work undertaken by the various regulators, that Letter incorporated a summary of the work undertaken by the external auditor (PWC).

Attached to the report was the 2008/09 Annual Letter which was divided into two sections covering the work undertaken by the various regulators during 2009:

- Appointed Auditors report refers to Finance and Performance Audit work and
- Relationship Manager's report, refers to the work of the Wales Audit Office and ESTYN and Care and Social Services Inspector of Wales (CSSIW)

The Chief Executive was pleased to report that both Sections of the report were positive and quoted the relevant sections from the Appointed Auditor and the Relationship Manager's report.

The Chairman then invited Mr Alan Morris to present the Annual Letter. Mr Morris explained that this would be the last occasion upon which there would be a Relationship Manager's Letter and that the revised arrangements would be reported upon later in the meeting.

The Chief Executive reported that a management response had been prepared and discussed at the Audit Committee earlier in the day.

He advised that in the opinion of senior management, the Annual Letter was, overall, a fair and balanced summary of the Council's performance and progress over the past year and of the challenges the Council faced.

The following were the key points and the Chief Executive advised of the management response in each case.

- Accounts and the Financial Position
- Governance, Change and Improvements
- Services
- Clwyd Pension Fund

The Chief Executive confirmed that a copy of the management response would be circulated to all Members.

Ms Lynn Hine presented the Appointed Auditor's report and expanded upon the key points as follows:-

- The Council had complied with financial and performance improvement reporting requirements;
- The Council had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources in 2008/09 but Single Status and other topics would present significant challenges in the future
- The Council's Improvement Plan 2009/10 met statutory requirements and provided a balance view of its performance in 2008/09.
- The audit of the Clwyd Pension Fund had been completed and an unqualified opinion expressed.

Ms Hine commented upon each of these areas and was satisfied that it was generally a positive report. However, she did indicate that the financial outlook was probably more difficult than it had ever been before. It was accepted that this would be a major challenge for all Councils.

Mr Alan Morris then presented the Relationship Manager's report and corrected a section relating to the Housing Strategy confirming that the decision the Council had made was to ballot its tenants on whether or not to transfer its housing stock. Mr Morris identified the key points within his report and felt that there was very much a positive message in the Council's performance. The main points were summarised as follows:

- Reviews of Corporate arrangements and services indicated that the positive development identified in the previous Annual Letter were continuing but would benefit from a clear indication of and aligning with the Council's key ambitions.

- Wales Audit Office and PWC reviews of the Council's Corporate arrangement identified continuing momentum for undertaking the changes necessary to support improvements in the efficiency and effectiveness of service delivery.
- The Council's vision for HR was developing well.
- The Council had effective mechanisms for identifying resources but more needed to be done to align resources to corporate priorities.
- The Asset Management Strategy was developing well.
- The Council had a strong commitment to reduce carbon emissions and energy costs but the required strategic planning approach across all Directorates although improvement was not yet fully developed.

It was noted that reviews of the Council services by the Wales Audit Office, PWC and other review bodies showed a mixed picture of the improvements and good progress in some areas but less progress in others.

Particular reference was made to the fact that the Council had engaged effectively with and provided leadership for the North Wales Regional Waste Partnerships resulting in good progress being made towards procurement of regional waste treatment facilities.

It was also noted that the Development Control function had shown substantial improvements since the original review in late 2007. Reference was also made to the Housing Strategy to bring properties up to the Welsh Housing Quality Standard which had been delayed but was now a priority, the Housing and Maintenance function was improving but still required work.

It was noted that the Leisure Service Strategy Implementation Plans needed to provide a clear strategic direction for the Council's leisure provision. Members also referred to the Children's Safeguarding Arrangements which were generally effective but the Local Safeguarding Children's Board had made slow progress.

It was also noted that an inspection by Estyn and the Wales Audit Office of Local Education Authority Services found the good features outweighed shortcomings in most areas and that improvement prospects were generally good but with barriers in some important areas. However, it was noted that the inspection found many positive aspects of the Council's education service provision. The report identified the positive progress by the Council in developing a corporate approach to capacity and commitment to service improvement. Areas requiring improvement were also noted.

Councillor R.C. Bithell raised a question in relation to the situation with the Icelandic Banks and how such issues could be avoided. Mr D Newman responded by explaining how it was necessary to balance the weight of risk in

such issues. He also referred to the point made earlier at the Audit Committee about Treasury Management Policy which would be key in dealing with such matters and would be the subject of a special meeting in January.

Councillor I.B. Roberts as Chairman of the Audit Committee, indicated that earlier in the day there had been a full and detailed debate at that meeting. Many questions were asked and were all answered and in the circumstances he was pleased to move acceptance of the report. He also expressed his thanks to PWC for the excellent working relationship developed over a number of years and was now looking forward to the challenge of working with the Wales Audit Office.

The Chief Executive indicated that, in his opinion, the Letter was fair, balanced and acknowledged progress that had been made. There were many positives in the Letter particular in the key areas of planning and waste management. The Chief Executive extended his thanks to colleagues who had worked so closely with PWC.

Councillor I.B. Roberts' proposal was duly seconded and Members agreed to note the Letter.

The Chairman then introduced Mr Steve Martin from the Wales Audit Office to make his presentation on the revised arrangements. Mr Martin introduced himself and indicated that he would be the Improvement Assessment Lead. He commented upon the role and the function of the Auditor General for Wales who was Mr Jeremy Coleman. Mr Martin expanded upon the points raised during the meeting by Mr Morris regarding the change in format of reports. As Mr Morris had indicated, there would no longer be a Relationship Manager's letter but the report would be prepared on the basis of an Improvement Assessment. These would be in two categories, Corporate Assessment and Performance Assessment. It was noted that the Corporate Assessment report would be published in April/May whereas the Annual Improvement report would be in November. He also introduced Ms Karin Lees who was present at the meeting and would be the Improvement Assessment Co-Ordinator.

Councillor R.C. Bithell enquired if the new provision would result in a reduction of fees to Local Authorities. Mr Martin indicated that this was possible.

The Chief Executive confirmed that there was national consultation on fees and that there was an expectation that there should be a reduction in fees. He explained how the fee levels could be linked to performance and if this was improved it would result in the reduction of fees.

In conclusion, the Chairman thanked those present for their contributions and presentations.

RESOLVED:

That the Letter be noted.

119. SHELTERED HOUSING IMPROVEMENT PROJECT

Councillor Christine Jones presented a petition received from residents in support of the retention of the Warden Service.

The Head of Legal and Democratic Services presented his report, the purpose of which was to enable the Council to consider a reference to it from the Community and Housing Overview and Scrutiny Committee following a call-in meeting which was held on Tuesday, 1st December 2009.

The Council was informed that at the meeting with the Executive held on 17th November 2009, a report of the Director of Community Services from the Portfolio of the Executive Member for Housing Management and Functions on the Sheltered Housing Improvement Project, was approved. A copy of that report to the Executive, together with the relevant Records of Decision entry, were attached as Appendices A and B to the report.

Subsequently, five Members of the County Council signed a Notice of a Call-In and the Members concerned were detailed in the report. The Call-In had been heard on Tuesday, 1st December 2009. When the lead Call-In signatory, Councillor A P Shotton had referred to a Notice of Motion made to the County Council on 27th June 2006 which had resulted in a Resolution which was detailed in the report.

At the Call-In meeting the Committee had been advised that housing issues were an Executive function and that the Council Resolution had the status of guidance to the Executive and not a binding decision. The Committee subsequently resolved to refer the decision to the Council for future consideration.

The Head of Legal and Democratic Services advised that having regard to the Executive Procedure Rule 16(g) the Council was required to consider the decision which had been made by the Executive. If the Council did not object to the decision then no further action would be necessary and the decision would be effective immediately. However, if the Council did object to the decision it must be referred back to the Executive, together with the Council's view on the decision. The Executive must then choose whether to amend its decision or not before reaching a final decision and implementing it.

The Head of Legal and Democratic Services also explained that there was a requirement for the Executive to hold a meeting to re-consider the decision within 10 working days of the Council's request. It was noted that the next meeting of the Executive was on 5th January 2010 and was within 10 working days and therefore there was no requirement to hold a special meeting.

Councillor L.A. Sharps, in speaking to the report wished to record his thanks to the previous administration for starting work on the review considering the residential service, a piece of work that he had supported continually since 2002 and which he would continue to do so. He therefore submitted a proposal

whereby the County Council accepted the decision of the Executive regarding Sheltered Housing with a slight amendment to 3.01.2 as follows:

“That the practice of contracting resident wardens as service tenants is ended, where appropriate, with full consultation on all alternative methods of service delivery with Members who are affected”.

In support of this, Councillor L.A. Sharps explained that the history of the item was rather complicated but it should be made perfectly clear that the former resident wardens, when they retired, had the option to stay in their properties. He suggested that this process was part of the Council's overall strategy which demonstrated to all Members of staff that the Council was a good employer and emphasised that previously wardens had been paid well below the minimum wage and the Council owed them a debt of gratitude. He expressed the view that the Council did the right thing in the previous financial year by bringing their pay up to modern standards.

Councillor A.P. Shotton was pleased to second the Motion of Councillor Sharps and welcomed the response in relation to the Motion raised. He referred to the decision at the Overview and Scrutiny Committee when it was addressed in a non-political manner with an agreement upon the need for adequate consultation.

Councillor Shotton was of the opinion that it was generally accepted that there was a mix of solutions to deal with this issue and that a blanket policy was not the best way to deal with such a matter. The further consultation process would allow all alternatives to be considered and that it could be done on a ward by ward basis.

Councillor A. Woolley, as the Leader of the Council, paid tribute to Members who had been involved in these discussions and felt that a more agile approach would seek betterment for all those involved with the service.

Councillor P.G. Heesom also welcomed the proposal and commented upon the need for consultation. He also referred to the necessity for more work to be done on assessments.

Councillor C. Ellis, as the Executive Member for Community Services, felt the proposals were developed with the view to enhance rather than reduce the service.

Councillor A.P. Shotton again referred to the importance of involving local Members and welcomed the contributions made by other Members at this meeting.

Councillor Ellis indicated that, in her role as Chair of the Project Board, she would ensure discussions with local Members.

Councillor Eng. K. Armstrong-Braun referred to a seminar he had attended on this service and he commented upon the good attendance thereat.

The Chief Executive, on behalf of the officers, indicated that they welcomed the continued debate on this service. He emphasised that it was never the intention in any discussions for any of the Wardens to lose their property when they became tenants, there was no suggestion that they would become homeless or displaced.

Councillor P. Curtis queried if the consultation will only take place with Members where there were now wardens within their electoral divisions or would it be extended to those Members who previously had wardens within their areas.

Councillor H.G. Roberts commented that the issue receive full support by all Members of the Overview and Scrutiny Committee and there was an accepted view that everything would be examined.

The proposal from Councillor Sharps was put to the meeting and was CARRIED.

RESOLVED:

That the decision of the Executive regarding Sheltered Housing with a slight amendment to 3.01.2, that the practice of contracting resident wardens as service tenants is ended, where appropriate with full consultation on alternative models of service delivery with Members who had effected, be accepted.

120. EMPLOYMENT OF CHILDREN – BY-LAWS

The Head of Legal and Democratic Services reported that at its meeting held on 8th December 2009, the Executive considered his report, the purpose of which was to recommend to the County Council the making of new by-laws in respect of the Employment of Children in Flintshire. The Executive had agreed to that recommendation.

Councillor R.C. Bithell asked the dates when by-laws were introduced and the Head of Legal and Democratic Services indicated that he would respond direct to Councillor Bithell on this point.

Councillor Q.R.H. Dodd referred to the proposal for a Panel to consider by-laws and the Head of Legal and Democratic Services indicated that this had been agreed by the previous administration but that it had not met but could be re-convened if necessary.

Councillor P.G. Heesom referred to the role of the Constitution Committee in such matters.

RESOLVED:

That the recommendation of the Executive be approved.

121. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES REVIEW OF ELECTORAL ARRANGEMENTS – POGRESS REPORT

The Chief Executive presented his report, to advise the Council of the progress of the review of the electoral arrangements in the County being conducted by the Local Government Boundary Commission for Wales.

The Council was informed that the Commission had produced a first set of draft proposals for the electoral arrangements in Denbighshire, Neath Port Talbot and Newport for consultation. The Chief Executive indicated that there had been a strong reaction to the Boundary Commissions first set of proposals and Dr. Gibbons, the Minister for Social Justice in Local Government, was in apparent discussion with the Commissioners and had urged concerned Councillors to write to the Commission to make their views known. The collective concerns of Local Government were the geographical size of some of the new wards proposed, failure to reflect local conditions and communities and reduction in single Member wards and ratios.

Due to the extent of local consultation and the weight of local submissions at the first stage of the process, a decision on Flintshire had been delayed. The Chief Executive indicated that he had been in contact with the Chief Executive Officer of the Local Government Boundary Commission and had established that the work on Flintshire's review was complete and the proposals drafted but given the on-going national discussion, the Commission was not able to release these proposals and in the circumstances the Council had no knowledge of the content.

The Chief Executive reported that the Welsh Local Government Association (WLGA) had discussed the issue at both its Council and Co-ordinating Committee meetings and whilst remaining fully respectful of the independence and integrity of the Commission had felt duty bound to reflect the significant concerns of elected Members. Appended to the report of the Chief Executive was a copy of the WLGA Council report which was self-explanatory.

The Chief Executive confirmed that the Council, via the Leadership and the Chief Executive, have been party to the representations made by the Welsh Local Government Association.

The Chief Executive, in speaking on his report, expanded upon the issues in other Authorities. The Chief Executive confirmed that there was no new information and the Council were still awaiting details of the local report.

Councillor A.P. Shotton indicated that he was heartened by the initial response from the Civil Service on these proposals. He concurred with the view that representations were necessary and that the Council would welcome

information for consideration. He referred to other proposals from the Boundary Commission in relation to Town and Community Council boundaries and to the concerns that this had generated.

Councillor Shotton felt it was appropriate to write formally from the Council to lend support to the representations of the Welsh Local Government Association.

Councillor A. Woolley, as Leader of the Council, endorsed the views of Councillor Shotton and felt that it was important to reiterate the need for the principle of "local" in any boundary issues.

Councillor R.C. Bithell expressed a view whereby these proposals could be the background to other more widespread local government proposals with an erosion of local powers.

Councillor P.G. Heesom supporting the views indicated that the Council should be involved from the outset in any proposals.

Councillor D. Barratt indicated that, by way of preparation, Members should start to look to assess boundaries in their own right.

The Chief Executive welcomed the support from Members and the positive contribution in relation for a response to be made.

Councillor H.G. Roberts expressed similar concerns to those of Councillor R.C. Bithell about a wider agenda in relation to the proposals. It was also suggested that a change of Minister may be significant.

RESOLVED:

That the recommendation of the Chief Executive be agreed and that he and the Leader make representations to the Welsh Assembly Government consistent with those expressed by the Welsh Local Government Association and the Council debate.

122. ATTENDANCE BY THE PRESS AND PUBLIC

There were 2 members of the press present.

123. DURATION OF THE MEETING

The meeting commenced at 2.00 pm and ended at 4.10 pm.

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Chairman

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

FLINTSHIRE COUNTY COUNCIL	DATE: 16th December 2009
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MEMBER	ITEM	MIN. NO. REFERS
	NO DECLARATIONS WERE MADE	