

# Public Document Pack

**Gareth Owens LL.B Barrister/Bargyfreithiwr**  
Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: ALL MEMBERS OF THE COUNCIL

CS/NG

19 June 2013

Sharon Thomas on 01352 702324  
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Dear Sir / Madam

A meeting of the **FLINTSHIRE COUNTY COUNCIL** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **TUESDAY, 25TH JUNE, 2013** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **AGENDA**

### **1 PRESENTATIONS**

A presentation will be made to the following:

- (i) Kellie Williams - Pearson Teaching Awards - Teacher of the Year in a Primary School in Wales

The Pearson Teaching Awards are an annual celebration of exceptional teachers and teaching, they recognise the life-changing impact of an inspirational teacher on the lives of the young people they teach. Kellie will now join fellow winners at the UK final of the Teaching Awards on 20 October, filmed in London and broadcast by the BBC.

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- (ii) The Fostering Team and Family Group Meeting Service - National Grand Parents Association Awards

Runner up in the category Local Authority of the Year for services to Kinship Carers.

2 **APOLOGIES FOR ABSENCE**

3 **PUBLIC QUESTION TIME**

4 **DECLARATIONS OF INTEREST**

To receive any declarations of interests from Members.

5 **COUNCIL MINUTES** (Pages 1 - 22)

To confirm as a correct record the minutes of the previous meetings held on 16 April and 14 May 2013.

6 **CHAIR'S COMMUNICATIONS**

7 **PETITIONS**

8 **NOTICE OF MOTION**

9 **QUESTIONS**

To note the answers to any questions submitted in accordance with County Council Standing Order No. 9.4(A).

10 **QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Minute Books, Editions 5 and 6 2012/13 have been circulated to Members. Members are now entitled to ask questions on these minutes, subject to certain limitations, and answers will be provided at the meeting. Members are requested to bring to the meeting their copy of the Minute Book. Any questions must have been received by the Democracy and Governance Manager prior to the close of business on 19 June 2013.

11 **IMPROVEMENT PLAN 2013/14** (Pages 23 - 26)

Report of Chief Executive enclosed.

12 **CROSS WARRANTING OF OFFICERS IN PUBLIC PROTECTION** (Pages 27 - 32)

Report of Director of Environment enclosed.

13 **LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES – CONSULTATION ON THE SIZE OF COUNCIL** (Pages 33 - 50)

Report of Chief Executive enclosed.

14 **LOCAL RESOLUTION PROCEDURE** (Pages 51 - 68)

Report of Head of Legal and Democratic Services enclosed.

**FLINTSHIRE COUNTY COUNCIL**  
**16 APRIL 2013**

Minutes of the Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday 16 April, 2013

**PRESENT: Councillor A. Minshull (Chair)**

Councillors: L.A. Aldridge, G. Banks, G.H. Bateman, M. Bateman, R.C. Bithell, A. Bragg, H. Brown, D. Butler, C.S. Carver, D.L. Cox, R. Davies, A. Davies-Cooke, R. Dolphin, I. Dunbar, B. Dunn, C.A. Ellis, D. Evans, J.E. Falshaw, V. Gay, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, C. Hinds, H.T. Isherwood, J. Johnson, R. Johnson, C.M. Jones, R.B. Jones, R.K. Jones, S. Jones, C. Legg, P.R. Lightfoot, R.B. Lloyd, T.R. Lloyd, M. Lowe, D.I. Mackie, N.M. Matthews, H.J. McGuill, W. Mullin, T. Newhouse, M.J. Peers, N. Phillips, M.A. Reece, I.B. Roberts, H.G. Roberts, L.A. Sharps, A.P. Shotton, P. Shotton, I. Smith, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, S. Williams, D.E. Wisinger, A. Woolley and M.G. Wright

**APOLOGIES:**

Councillors: J. B. Attridge, P. Curtis, C.J. Dolphin, E.F. Evans, R.J.T. Guest, R. Hughes, H.D. Hutchinson, R.P Macfarlane and D.T.M. Williams

**IN ATTENDANCE:**

Chief Executive, Head of Finance, Head of Legal and Democratic Services, Democracy and Governance Manager, and Committee Officers

**149. PUBLIC QUESTION TIME**

The Chair confirmed that no questions had been received.

**150. DECLARATIONS OF INTEREST**

The following Members declared a personal interest in agenda item number 7 – Notice of Motion:

Councillors: G. Banks, H. Brown, R. Davies, R. Dolphin, M. Lowe, N. Phillips, A.P. Shotton, and I. Smith

The following Members declared a personal interest in agenda item number 11– Voluntary Register of Membership of Organisations:

Councillors: A.M Bragg, H. Brown, C.S. Carver, A.I. Dunbar, C.A. Ellis, C. Hinds, S. Jones, J. Johnson, A. Minshull, N.M. Matthews, T. Newhouse, N. Phillips and A.P. Shotton

The following Members declared a personal interest in agenda item number 12– Clwyd Pension Fund update:

Councillors: R.C. Bithell, A. Bragg, C.A. Ellis, D. Evans, C. Hinds, R.K. Jones, S. Jones, N.M. Matthews, H.J. McGuill, A.P. Shotton, I. Smith and W.O. Thomas

**151. COUNCIL MINUTES**

19 February 2013

Accuracy

Councillor C.A. Thomas said she had not been present at the meeting and asked that the minutes be amended to reflect this.

1 March 2013

Councillor P.G. Heesom referred to his comments on page 16 of the minutes. He said it was correct that he had spoken in support of the budget but that as regards the worsening pressures he had specifically stressed the need to balance the Medium Term Financial Strategy with a strategy for base budget controls enabling budget pressures to be cross referenced across directorates. He confirmed that he would be taking the matters forward to the Corporate Services Overview and Scrutiny Committee.

**RESOLVED:**

That subject to the amendment listed above, the minutes be approved as a correct record and signed by the Chair.

**152. CHAIR'S COMMUNICATIONS**

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

Councillor P.G. Heesom took the opportunity to pay tribute to Councillor A. Minshull for the exemplary manner in which carried out her role as Civic Leader during her term of office and expressed his thanks to her on behalf of Members.

**153. PETITIONS**

Councillor N.R. Steele-Mortimer submitted a petition on behalf of Ysgol Trelawnyd School Council concerning road safety issues outside the school.

Councillor R. Davies submitted a petition concerning the closure of the Croft Nursery. He stated that he did not support the petition.

**154. NOTICE OF MOTION**

The following Notice of Motion had been submitted by Councillor. A. Woolley:-

“That this Council recommends to the Cabinet that in delivering the emerging Single Status Agreement, later this year, the basic wage for adult employees should be the current ‘Living Wage’ rather than the legal Minimum Wage”.

Councillor Woolley formally proposed the motion and this was duly seconded. He spoke in detail on his motion and in summing up asked that the Council supported it.

Councillor A.P. Shotton, Leader of the Council, thanked Councillor Woolley for the notice of motion and said he acknowledged the principles of the motion and would support it with the following amendment:-

“That following the Single Status Agreement later this year the Council wishes to work towards a living wage”.

Councillor Shotton explained that the Council’s current pay and grading structure begins at national pay spinal column point 4 which was above the National Minimum Wage. The Council was in the final stages of developing a new pay and grading structure as part of the Single Status Collective Agreement which would be recommended to County Council for adoption later in 2013. Within the options for the final Pay and Grading structure the Authority had developed solutions to remove low pay. The options to deal with low pay had been worked on with the Trade Unions. The options would bring the lowest level of pay into the range of the Living Wage and would have a positive impact on lower basic pay for the workforce.

Councillor Shotton emphasised that pay proposals must be affordable and sustainable within the Medium Term Financial Strategy for the Council. He advised that the Council would be encouraged later in the year to meet the objective of protecting employees from low pay when presented with a proposed Single Status Collective Agreement.

Councillor Woolley requested that a time limit be stipulated on the terminology ‘work towards a living wage’ used in the proposed amendment. In his response Councillor Shotton said that stating a timeframe was not practical but the Authority would work towards a due process.

Councillor B. Mullin, Cabinet Member for Corporate Management, spoke in support of the amendment to the notice of motion proposed by Councillor Shotton.

Councillor R.B. Jones referred to the wider implications for local businesses and said he was generally in favour of the minimum wage.

The Chief Executive commented that Members were being asked to consider a proposal on low pay prematurely and in advance of a single pay and grading model for the whole workforce which would need to be legal, acceptable and affordable.

The Chairman asked Members to vote on the amendment to the notice of motion which had been put forward by Councillor A.P. Shotton and when put to the vote this became the resolution of the Council.

**RESOLVED:**

That the Council recommends to Cabinet that following the Single Status Agreement later this year the Council wishes to work towards a living wage.

**155. QUESTIONS**

The Chair confirmed that no Questions had been received.

**156. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES**

The Chair confirmed that no Questions had been received.

**157. APPOINTMENTS TO THE STANDARDS COMMITTEE**

The Head of Legal and Democratic Services introduced a report concerning appointments to fill existing and forthcoming independent member vacancies on the Standards Committee. He provided background information and context and advised that the Appointments Panel had met to consider the applications for the 3 vacant posts available with effect from May 2013 and a fourth vacancy arising in December 2013. At a meeting of the Standards Committee held on 8 April 2013, the Committee recommended to Council that the four persons selected be appointed as independent members with the start dates and terms of office as detailed in the report.

Councillor B. Mullin, expressed his appreciation to the Monitoring Officer for the work he had undertaken to resolve the vacancies on the Standards Committee.

**RESOLVED:**

- (a) That the four persons selected be appointed as independent members with the start dates and terms of office as detailed in the report;
- (b) That the retiring members be thanked for their invaluable service on the Standards Committee; and
- (c) That the lay member be thanked for his involvement in recruiting the new members.

**158. VOLUNTARY REGISTER OF MEMBERSHIP OF ORGANISATIONS**

The Head of Legal and Democratic Services introduced a report to propose discontinuing the locally adopted requirement to voluntarily register membership of any organisation not open to the public without formal

membership. He provided background information and advised that the Council currently had two requirements to register. Compliance with the statutory code of conduct was mandatory, well publicised, and had a statutorily imposed enforcement regime. The local register was voluntary and not a public document.

In response to the queries and observations raised by Members the Head of Legal and Democratic Services explained that the mandatory register superseded the voluntary register in all important aspects. He also confirmed that standards would not be lowered through the abolition of the voluntary register. He recommended that an advice note be sent to Members to clarify what was covered by the requirement in the statutory code with respect to registration of membership of societies and bodies.

Councillor R.C. Bithell commented on democratic protocol and procedures and proposed that the item be referred to the Constitution Committee for further consideration before submission to County Council. Councillor P.G. Heesom seconded the proposal.

The Head of Legal and Democratic Services advised that the matter had been considered by the Standards Committee at a meeting held on 8 April 2013, and that the Committee had recommended to Council that the voluntary register be discontinued.

Councillor A.P. Shotton said he was satisfied that the matter had been addressed by the Standards Committee and commented that there was unnecessary duplication in maintaining the two registers.

Councillor A. Aldridge said the clarification provided by the Head of Legal and Democratic Services outlined to Members that they should declare anything which could be in conflict with their role as Members of the Council. He reminded Members of the significant role of the Standards Committee.

Councillor M. Peers asked if any discrepancies existed between the mandatory and voluntary registers and suggested that Members could list their interests and submit them to the Head of Legal and Democratic Services for advice.

During discussion Councillors A.M. Halford, H.J. McGuill and R.K. Jones expressed their views in support of discontinuing the register as it had become surplus to requirements.

Councillor H.G. Roberts proposed that the County Council support the recommendations outlined in the report and this was seconded.

The Chairman asked Members to vote on the proposal put forward by Councillor R.C. Bithell. When put to the vote the proposal was lost.

**RESOLVED:**

- (a) That the voluntary register set up in 1997 be discontinued;
- (b) That the recommendation of the Standards Committee made at its meeting on 8 April 2013, to discontinue the locally adopted requirement to voluntarily register membership of any organisation not open to the public without formal membership be approved; and
- (c) That the Monitoring Officer issues an advice note about what is covered by the requirement in the statutory code with respect to registration of membership of societies and bodies.

**159. CLWYD PENSION FUND UPDATE**

The Head of Finance introduced an update on the following issues relating to the Clwyd Pension Fund:-

- Local Government Pension Scheme (LGPS) 2014
- Welsh Pension Fund collaboration
- Financial Update
- New Investment update
- Other information

The Head of Finance advised that consultation on the future of the Councillors Pension Scheme had now been published but applied to England only. The matter of whether Members Allowances were pensionable was a devolved matter for Welsh Government. She referred to the work undertaken by the Society of Welsh Treasurer's (Pensions Sub Group) which was considering the opportunities for collaborative working amongst the eight pension funds in Wales. Consultation had taken place during March on a report "Working Together" which set out the work undertaken to date. She advised that there was no proposal for the merger of funds at this stage, but of enhanced collaboration and that this would be explored in the full business case.

**RESOLVED:**

That the update be noted.

**160. COMMUNITY REVIEW**

The Democracy and Governance Manager introduced a report to consider and recommend to Cabinet :-

- (a) The guiding principles for the proposed community review
- (b) That the community review be commenced
- (c) The consultation process for this phase of the review



The Democracy and Governance Manager provided background information and outlined the key considerations in the report. He gave an update on the responses received from Town and Community Councils to the proposed draft guiding principles and advised that the Council's views on the draft principles would be reported to the meeting of the Cabinet to be held on 23 April 2013.

Members were informed that all information obtained during the consultation period would be collated, analysed and considered so that a report with proposals for change, or no change, could be submitted to the Council and Cabinet during Autumn.

Councillor B. Mullin welcomed the report and the involvement of Local Town and Community Councils, the Police and Crime Commissioner for North Wales and the Boundary Commission. He proposed that the County Council support the recommendations outlined in the report.

In response to the queries and comments made by Members the Democracy and Governance Manager advised that one of the purposes of the Community Review was to consider the issue of ward boundaries. He also explained that the guiding principles were just that, and that a similar Community Review was being undertaken by Wrexham and other authorities this year.

**RESOLVED:**

That the Council recommends to Cabinet:-

- (a) That the community review be commenced;
- (b) That the guiding principles of the review be as in appendix 2 of the report subject to any amendments Council felt appropriate; and
- (c) That the consultation on the first formal stage be as indicated in paragraphs 3.02 and 3.03 of the report.

**161. FLINTSHIRE'S ARMED FORCES COMMUNITY COVENANT, NORTH WALES ARMED FORCES DAY AND FREEDOM OF THE COUNTY PARADE**

Councillor A.P. Shotton, Leader of the Council, was invited to introduce the report which provided details of the planning arrangements for each of the above events. He said that the Authority would be hosting an Armed Forces Day and a Freedom of the County event during the year which would provide an opportunity for local communities to show their support for the United Kingdom's Armed Forces. It was also proposed to hold a formal "signing" and launch ceremony of Flintshire's Armed Services Community Covenant alongside the celebrations for the Freedom of the County parade on 27 July 2013.

The Chief Executive requested that Group Leaders be kept fully informed about the “stakeholder” event which was being arranged for Friday 3 May 2013.

**RESOLVED:**

That the report and the positive involvement of the Council in the above events be noted.

**162. DURATION OF MEETING**

The meeting commenced at 2.00 p.m. and ended at 3.30 p.m.

**163. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were two members of the press and five members of the public present.

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**Chair**

**ANNUAL MEETING OF FLINTSHIRE COUNTY COUNCIL**  
**TUESDAY 14 MAY, 2013**

Minutes of the Annual Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday 14 May, 2013

**PRESENT: Councillor A. Minshull (Chair)**

Councillors: L.A. Aldridge, J.B. Attridge, G. Banks, G.H. Bateman, M. Bateman, R.C. Bithell, A.M. Bragg, H. Brown, D. Butler, C.S. Carver, D.L. Cox, P.J. Curtis, R. Davies, A.J. Davies-Cooke, A.G. Diskin, G. Diskin, R. Dolphin, A.I. Dunbar, B. Dunn, C.A. Ellis, D. Evans, E.F. Evans, J.E. Falshaw, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, C. Hinds, H.T. Howorth, R. Hughes, H.D. Hutchinson, H.T. Isherwood, J. Johnson, C.M. Jones, R.K. Jones, R.B. Jones, S. Jones, C. Legg, P. Lightfoot, R.B. Lloyd, T.R. Lloyd, M. Lowe, D.I. Mackie, N.M. Matthews, A. Minshull, W. Mullin, T. Newhouse, M.J. Peers, N. Phillips, M.A. Reece, H.G. Roberts, I.B. Roberts, L.A. Sharps, A.P. Shotton, W.P. Shotton, I. Smith, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, S. Williams, D.E. Wisinger and A. Woolley

**APOLOGIES:**

Councillors: C.J. Dolphin, V. Gay, R. Johnson, R.P. Macfarlane, D.T.M. Williams and M.G. Wright

**IN ATTENDANCE:**

Chief Executive, Director of Community Services, Director of Environment, Director of Lifelong Learning, Head of Legal and Democratic Services, Head of Customer Services and ICT, Democracy and Governance Manager and Team Manager – Committee Services

**1. DECLARATIONS OF INTEREST**

Councillor M.J. Peers declared a personal interest in agenda item number 9 – Schedule of Member Remuneration.

**2. CHAIR'S REVIEW OF THE YEAR**

The Chair welcomed Members, guests and officers to the meeting and presented her Chair's review of the year, the role of which she had the honour of for a second time. She thanked her husband Keith who had acted as her consort, Councillor Carolyn Thomas as Vice-Chair and the Reverend Colin Foreman for his assistance.

She thanked the Corporate Management team, the Civic and Member Services Team and all of the Council's employees who she had met when she had toured different establishments.

In closing, she said she was proud to announce that she had raised £12,557 for her chosen charity, Royal British Legion.

3. **ELECTION OF CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2013/14 - INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor P.G. Heesom and seconded by Councillor J.B. Attridge that Councillor C.A. Thomas be elected Chair of the Council for the municipal year 2013/14 and on being put to the vote, was carried. Councillors Heesom and Attridge spoke in support of their nomination.

**RESOLVED:**

That Councillor C.A. Thomas be elected Chair of the Council for the municipal year 2013/14.

Councillor C.A. Thomas was invested with the Chain of Office by the retiring Chair and signed her Declaration of Acceptance of Office in the presence of the Chief Executive.

(From this point Councillor C.A. Thomas chaired the remainder of the meeting.)

The Chair then presented Councillor A. Minshull with her retiring Chair's Badge of Office and her Consort's retiring Badge of Office.

Councillors M.J. Peers, L. A. Sharps, R.J.T. Guest, C.S. Carver, C. Legg and H.G. Roberts congratulated Councillor C.A. Thomas on her appointment and paid tribute to the out-going Chair.

The Chair responded and thanked Members for their support in electing her as Chair for the year ahead. She took the opportunity to pay tribute to the manner in which Councillor A. Minshull had carried out her role as Civic Leader with the support of her Consort, both of whom had been exemplary ambassadors for the County.

She provided details of her three chosen charities for the year, which were Nightingale House Hospice, Cancer Research UK and Mold Community Hospital.

4. **APPOINTMENT OF VICE-CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2013/14 – INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF THE DECLARATION OF ACCEPTANCE OF OFFICE**

It was proposed by Councillor I. Dunbar and seconded by Councillor P. Shotton that Councillor G.D. Diskin be appointed Vice-Chair for the municipal year 2013/14 and on being put to the vote, was carried. Councillors I. Dunbar and P. Shotton spoke in support of their nomination.

**RESOLVED:**

That Councillor G.D. Diskin be appointed as Vice-Chair of the Council for the municipal year 2013/14.

Councillor G.D. Diskin was invested with the Chain of Office by the Chair and signed her Declaration of Acceptance of Office in the presence of the Chief Executive.

**5. PRESENTATION OF LONG SERVICE AWARDS**

The Chair explained that this was the first year that long service awards had been presented to Members who had 40 years or more continuous service. The awards recognised the commitment that individuals had made to local government and it was her pleasure to present awards to two Members, Councillors R.C. Bithell and N. Phillips.

Councillors R.C. Bithell and N. Phillips thanked the Chair for the award and the recognition of their time involved in local government. The Chair explained that Councillor H. G. Roberts had 49 years continuous service and would receive an award the following year to recognise 50 years.

**6. APPOINTMENT OF LEADER OF THE COUNTY COUNCIL**

It was proposed by Councillor L.A. Aldridge and seconded by Councillor L.A. Sharps that Councillor A.P. Shotton be appointed Leader of the Council for the municipal year 2013/14 and on being put to the vote, was carried.

Councillor L.A. Aldridge spoke in support of his proposal and said that he was confident that Councillor A.P. Shotton would continue to provide the leadership needed for a stable Council in the best interests of the residents of Flintshire. Local Government was facing many challenges in the coming years and he was confident that Councillor A.P. Shotton, the youngest Leader of a Council in Wales, could deliver the message, on behalf of the authority, during national debate on the future configuration of public bodies and functions.

Councillor L.A. Sharps said that it was his pleasure to second the proposal as he felt Councillor A.P. Shotton had all of the necessary qualities required for leadership.

**RESOLVED:**

That Councillor A.P. Shotton be appointed Leader of the Council for the municipal year 2013/14.

## 7. **APPOINTMENT OF THE CABINET BY THE LEADER**

The Leader of the Council, Councillor A.P. Shotton, in accordance with the Constitution referred to his choice of Councillors who would serve on the Cabinet which was to remain unchanged from the previous year.

### **RESOLVED:**

That the choice of Councillors to serve on the Cabinet and their portfolios detailed below, be noted.

<b><u>Cabinet</u></b>	<b><u>Portfolio</u></b>
Aaron Shotton	Leader of the Council & Cabinet Member for Finance
Bernie Attridge	Deputy Leader of the Council & Cabinet Member for Environment
Chris Bithell	Cabinet Member for Education
Helen Brown	Cabinet Member for Housing
Christine Jones	Cabinet Member for Social Services
Kevin Jones	Cabinet Member for Public Protection, Waste & Recycling
Peter Macfarlane	Cabinet Member for Regeneration, Enterprise & Leisure
Billy Mullin	Cabinet Member for Corporate Management

## 8. **CONSTITUTIONAL MATTERS: COMMITTEES AND OUTSIDE BODIES**

The Council considered the report of the Head of Legal and Democratic Services which dealt with matters that required decisions at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii) – (xiv). Those matters were set out in separate sections of the report.

### **(A) Appointment of Committees**

The Head of Legal and Democratic Services explained that the Council's Procedure Rules required the Annual Meeting to appoint at least one Overview & Scrutiny Committee, a Democratic Services Committee, an Audit Committee, a Planning and Development Control Committee, a Standards Committee, a Licensing Committee and such other Committees as the Council considered appropriate to deal with matters which were neither reserved to the Council nor were Executive functions.

Members were advised that the Democracy Bill, when in force, would permit the Democratic Services Committee to be given other functions so it could be combined with the Constitution Committee at some point in the future.

Councillor A.P. Shotton moved approval that the County Council confirm the appointment of the Committees as outlined in section 2.01 of the report which was seconded by Councillor R.C. Bithell and on being put to the vote, was carried.

**RESOLVED:**

That the County Council confirm the appointment of the Committees as outlined in section 2.01 of the report.

**(B) Determination of the size of Committees**

The Head of Legal and Democratic Services reported that the Annual Meeting must decide upon the size of each of the Committees it had appointed. The Constitution made provision for the size of the Committees which were detailed in the report.

Councillor A.P. Shotton moved approval that the County Council confirm the size of the Committees as outlined in section 3.02 of the report which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

That the County Council confirm the size of the Committees as outlined in section 3.01 of the report.

**(C) Terms of Reference of Committees**

The Head of Legal and Democratic Services reported that the Annual Meeting was required to decide the Terms of Reference of the Committees that it had appointed. The existing Terms of Reference of the Committees were set out in Part 2 of the Constitution and there were no proposed changes.

Councillor A.P. Shotton moved approval that the County Council confirm the current Terms of Reference of the Committees it had appointed which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

That the existing terms of reference for all Committees be confirmed.

**(D) Political Balance – Annual Review**

The Head of Legal and Democratic Services reported that the Annual Meeting was required to decide the allocation of seats to political groups in accordance with the Political Balance Rules contained in the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 as amended.

Since the agenda had been despatched, there had been a change in the composition of the political groups with Councillors T. Newhouse and D.M.T. Williams joining the New Independent Group. Therefore, the political balance table shown as appendix A to the report had been updated and copies of a number of options, C – G, had been circulated to Members.

Councillor A.P. Shotton proposed that the County Council confirm the allocation of seats as outlined in Option G of the papers. The proposal was seconded by Councillor J.B. Attridge.

Councillor R.J.T. Guest said option G was not acceptable to his group as the Independent group, with 6 members, would be allocated one place on Audit Committee with the Liberal Democrat group, with 7 members, not having any places on Audit Committee. He proposed an amendment of option D which was seconded by Councillor R. Jones.

In response, Councillor A.P. Shotton said the same principle applied to the amendment of option D in that the New Independents, with 8 members of the group, would have no place allocated for Audit Committee with the Liberal Democrats having one place on the Audit Committee despite them having one less member in their group.

The amendment was put to the vote and lost.

Councillor C.S. Carver said that both the Labour and Conservative group numbers were unchanged but in option G, the Conservatives would lose seats. He proposed an amendment of option C.

The amendment was put to the vote and lost.

Councillor R.J.T. Guest said in view of the Leader's comments he proposed a further amendment of option F.

The amendment was put to the vote and lost.

The substantive motion of option G was put to the vote and carried.

**RESOLVED:**

That the political balance of committee seats be agreed as option G which is detailed at the end of this document.



**(E) Appointment of Chairs and Vice-Chairs of Standing Committees**

The Head of Legal and Democratic Services reported that Council Procedure Rule 1.1(x) required County Council to appoint the Chairs of standing committees with the exception of the Standards, Overview and Scrutiny and Audit Committees. The table in the report provided details of which body was to appoint which Chair.

For the Committees that the County Council was responsible for appointing the Chair, Councillor A.P. Shotton moved the following, which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried:

Constitution Committee – Councillor R.J.T. Guest  
Democratic Services Committee – Councillor R.J.T. Guest  
Licensing Committee – Councillor L.A. Sharps  
Planning & Development Control Committee – Councillor D.E. Wisinger

The Chairs of Overview and Scrutiny were chosen by the political groups and were dependent on the strength of the various groups and which had seats on the Cabinet.

Following the change in the composition of the political groups since the despatch of the agenda, with Councillors T. Newhouse and D.T.M. Williams joining the New Independent Group, Councillor A.P. Shotton moved the following, which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried:

<b>Overview &amp; Scrutiny Committee</b>	<b>Group to Choose Chair</b>
Community Profile & Partnerships	Independent Alliance
Corporate Resources	New Independents
Environment	Conservative
Housing	Labour
Lifelong Learning	Labour
Social & Health Care	Independent

The following names of Chairs that the Labour group were to appoint were provided by Councillor A.P. Shotton:

Housing Overview & Scrutiny – Councillor R.G. Hampson  
Lifelong Learning Overview & Scrutiny – Councillor I.B. Roberts

Councillor L.A. Sharps advised that the Chair of Social & Health Care Overview & Scrutiny Committee would be Councillor C.A. Ellis.

**RESOLVED:**

- (a) That the following Members be appointed Chair of the Standing Committees as indicated below:-

- Constitution Committee – Councillor R.J.T. Guest
- Democratic Services Committee – Councillor R.J.T. Guest
- Licensing Committee – Councillor L.A. Sharps
- Planning & Development Control Committee – Councillor D.E. Wisinger

(b) That the Chairs of the Overview & Scrutiny Committees be allocated to the following groups:

Community Profile & Partnerships	Independent Alliance
Corporate Resources	New Independents
Environment	Conservative
Housing	Labour
Lifelong Learning	Labour
Social & Health Care	Independent

(c) That the following Members be noted as Chair to the following Overview & Scrutiny Committees with the remaining names to be confirmed by the Independent Alliance, New Independents and Conservative groups:

- Housing Overview & Scrutiny – Councillor R.G. Hampson
- Lifelong Learning Overview & Scrutiny – Councillor I.B. Roberts
- Social & Health Care Overview & Scrutiny – Councillor C.A. Ellis

**(F) Local Choice Issues**

The Head of Legal and Democratic Services reported that the Council was required to agree such parts of the Scheme of Delegation which related to those local choice functions which could be decided either by the Council or the Cabinet and/or delegated to officers.

Councillor A.P. Shotton proposed that the existing Local Choice Issues as detailed in the table of Local Choice Functions as included in Part 3, Section A, Table 3 of the Constitution, be confirmed which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

That the existing Local Choice Issues as detailed in the report be confirmed.

**(G) Nominations to Internal Bodies**

The Head of Legal and Democratic Services reported that the existing Scheme of Delegation provided for an Appointments Committee for first and second tier officers comprising of seven Members. This was not a Standing Committee and was convened when required by seeking nominations from Group Leaders. Previously it had been usual for Committee Members to be politically balanced including the relevant Cabinet Member. The Council had previously agreed that the Chair or Vice Chair of the relevant Overview &

Scrutiny Committee be one of the Members of the Committee. It was recommended that the Council continue the previous practice.

Councillor A.P. Shotton proposed that the previous practice should continue which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

That the appointment of an Appointments Committee, as detailed in section 8.01 of the report, be agreed.

**(H) Nominations to Outside Bodies**

The Head of Legal and Democratic Services reported that the list of outside bodies to which the Council made appointments, and the current appointments, was appended to the report. The Council was recommended to delegate to the Chief Executive in consultation with Group Leaders the appointments to these bodies.

Councillor A.P. Shotton proposed that the appointment of outside bodies be delegated to the Chief Executive in consultation with Group Leaders which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

That the appointment of outside bodies be delegated to the Chief Executive in consultation with Group Leaders.

**(I) Standards Committee**

The Head of Legal and Democratic Services reported that the Standards Committee included five independent members, a Community Council member and three Councillors not to be the Council Leader or Cabinet Members. The three Members had been appointed at the last AGM for four years.

**RESOLVED:**

That it be noted that the three Members of the Standards Committee were appointed at the last AGM for four years.

**(J) Programme of Ordinary Meetings**

The Head of Legal and Democratic Services advised that a draft programme of meetings was an item on the agenda for consideration.

**RESOLVED:**

That it be noted that the draft programme of meetings was on the agenda for consideration.

**9. SCHEDULE OF MEMBER REMUNERATION**

The Democracy and Governance Manager provided details of the proposed Council Schedule of Member Remuneration for 2013/14.

In the Independent Remuneration Panel for Wales report, it had been decided that the amounts of what it referred to as “basic salaries” and “senior salaries” and the number of “senior salaries” would remain the same for 2013/14. It did, however, determine that a “senior salary” must be paid to the leader of the largest opposition group where that opposition group comprised at least 10% of the Council membership.

At present, the Schedule of Member Remuneration did not include the leader of the largest opposition group among the 18 posts entitled to receive a “senior salary”. Therefore, the County Council was required to determine which of the existing posts should no longer receive a “senior salary”. Details of the existing posts in receipt of a “senior salary” were appended to the report.

On co-opted members, the Panel’s annual report made two changes. Firstly, it was recognised that time spent on attending authorised training events, conferences and pre-meetings with officers qualified for payment to a co-optee of the co-optee’s allowance. Secondly, the Panel’s annual report removed the limit of 10 days which was currently the maximum number of days for which a co-opted member could be paid in any one year. It was for County Council to determine the maximum number of days for which a co-opted member should receive payments in any one year. As nearly all committee meetings, training, events, conferences and pre-meetings only lasted half a day, it was believed that 20 half days would be sufficient.

Councillor A.P. Shotton moved that the leader of the largest opposition group should receive a “senior salary” and the post to no longer receive a “senior salary” should be the Chair of the Clwyd Pensions Panel which was seconded by Councillor J.B.Attridge and on being put to the vote, was carried.

Councillor A.P. Shotton moved that 20 half days be the maximum for which a co-opted member could be paid in any one year which was seconded by Councillor J.B. Attridge and on being put to the vote, was carried.

**RESOLVED:**

- (a) That the leader of the largest opposition group should receive a “senior salary” and the post to no longer receive a “senior salary” be the Chair of the Clwyd Pensions Panel;

- (b) That 20 half days be the maximum for which a co-opted member could be paid in any one year; and
- (c) That the Democracy & Governance Manager amend the Council's Schedule of Member Remuneration to reflect the decisions taken and arising from the Panel's annual report for 2013/14.

## **10. SOCIAL MEDIA PROTOCOL**

The Chief Executive presented the proposed Social Media Protocol and emphasised the importance of embracing social media such as Twitter and Facebook, the use of which would make the Council's meetings more accessible and would show the Council as a modern and open organisation.

In explaining the background to the report, the Chief Executive said there had been a lot of discussion in the press recently about whether the use of social media such as tweeting should be permitted at meetings. It had therefore been agreed that all North Wales authorities would consider the adoption of a social media protocol at their annual general meetings.

The Protocol was intended to cover social media such as Twitter and Facebook where communication was to an open audience. In response to a question from Councillor C.S. Carver, the Chief Executive explained that it was not intended to cover sending emails or texts, which, by their nature, were to a "closed" or pre-selected group of recipients. It was agreed that a paragraph would be included in the Protocol on texting.

The Protocol did not cover the broadcasting or recording of meetings which at present was at the discretion of the Chair, though it was not normally allowed.

A grant had been received from the Welsh Government (WG) in order to web cast meetings and work was underway on the most cost effective way to achieve that. Should the Council start web casting meetings, then supplementary rules, over and above those already in the Constitution, would be needed.

Councillor J.B. Attridge moved approval of the Social Media Protocol which was seconded by Councillor A.P. Shotton and on being put to the vote, was carried.

### **RESOLVED:**

That the Social Media Protocol be approved.

**11. COUNTY COUNCIL DIARY OF MEETINGS 2013/14**

The Chief Executive presented the draft diary of meetings for 2013/14.

In response to a question by Councillor R.J.T. Guest, the Chief Executive explained that the whole of the budget timetable had been brought forward which was more in line with when other local authorities set their budgets and would allow more time to prevent any deferment being a risk.

**RESOLVED:**

That the draft diary of meetings for 2013/14 be approved.

**12. DURATION OF MEETING**

The meeting commenced at 11.00 a.m. and ended at 12.30 p.m.

**13. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC**

There were three members of the press and ten members of the public present.

.....  
**Chair**

APPENDIX A

	<b>Total Number of Committee Places</b>	<b>Number of Committee Places Group Entitled To</b>
<b>Labour 31 Members</b>	<b>172</b>	$\frac{31}{70} \times 172 = 76$
<b>Independent Alliance 10 Members</b>	<b>172</b>	$\frac{10}{70} \times 172 = 24$
<b>Conservative 8 Members</b>	<b>172</b>	$\frac{8}{70} \times 172 = 20$
<b>New Independents 8 Members</b>	<b>172</b>	$\frac{8}{70} \times 172 = 20$
<b>Liberal Democrats 7 Members</b>	<b>172</b>	$\frac{7}{70} \times 172 = 17$
<b>Independent 6 Members</b>	<b>172</b>	$\frac{6}{70} \times 172 = 15$

OPTION G  
POLITICAL BALANCE (as at morning of 14 May 2013)

	<b>Labour 31Members</b>	<b>Independent Alliance 10 Members</b>	<b>Cons 8 Members</b>	<b>New Independents 8 Members</b>	<b>Liberal Democrats 7 Members</b>	<b>Independent 6 Members</b>	<b>Total On Committee</b>
<b>Lifelong Learning OSC</b>	<b>6</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>15</b>
<b>Housing OSC</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>15</b>
<b>Corporate Resources OSC</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>15</b>
<b>Social &amp; Health OSC</b>	<b>7</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>15</b>
<b>Environment OSC</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>15</b>
<b>Community Profile &amp; Partnerships OSC</b>	<b>7</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>15</b>
<b>Planning</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>21</b>
<b>Licensing</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>12</b>
<b>Audit</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>7</b>
<b>Constitution</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>21</b>
<b>Democratic</b>	<b>9</b>	<b>3</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>21</b>
<b>Total to Group</b>	<b>76</b>	<b>24</b>	<b>20</b>	<b>20</b>	<b>17</b>	<b>15</b>	<b>172</b>



## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **COUNTY COUNCIL**

**DATE:** **TUESDAY, 25 JUNE 2013**

**REPORT BY:** **CHIEF EXECUTIVE**

**SUBJECT:** **IMPROVEMENT PLAN 2013/14**

### **1.00 PURPOSE OF REPORT**

1.01 Council to adopt the Improvement Plan 2013/14.

### **2.00 BACKGROUND**

2.01 It is a requirement of the Local Government (Wales) Measure 2009 to set Improvement Objectives and publish an Improvement Plan. It is a statutory requirement for the County Council to adopt the Improvement Plan.

2.02 Improvement Objectives and an accompanying Improvement Plan was first set and adopted by the Council in 2011. These objectives were known as our ten primary priorities supported by a structure of secondary priorities. These priorities were subsequently re-endorsed by Cabinet and the Council in October 2012 with three additions; social enterprise, apprenticeships and entrepreneurships, and community events.

### **3.00 CONSIDERATIONS**

3.01 The Improvement Priorities of the previous Council have been thoroughly reviewed and challenged to streamline and reset then and be clearer over impacts and how performance will be measured.

3.02 This revised set of eight priorities supported by a structure of sub priorities will appear as familiar content to many. The plan and its presentation have changed. The previous three priorities for modernising the Council have been combined as one which means that the set of priorities reduces from ten to eight.

3.03 The detail provided for each of the priorities which are going to have most impact during 2013/14 is also a significant change. This helps the organisation to focus and concentrate on the things where attention is needed during 2013/14, with the remaining priorities being managed as more routine performance management.

- 3.04 The refresh has also taken into account some of the Wales Audit Office's comments in their most recent reports referring to:-
- the opportunity to present a plan which would engage the wider public
  - the adoption of a smaller set of 'in-year' priorities as described above
  - the further development of outcome based objectives which identify the impact for each priority
  - the need to ensure that any revisions of the Plan are updated on the public website.
- 3.05 Additionally the latest Estyn monitoring report feedback referred to the need to streamline and align our business processes including the strategic partnership priorities alongside the Council priorities.
- 3.06 The Council has, in its responses to these regulatory proposals, agreed to these revisions.
- 3.07 The Plan also makes reference to the 'fit of our improvement priorities with the County Vision priorities, which are being progressed in partnership with members of the Local Service Board.
- 3.08 This Improvement Plan for 2013/14 is the sum of these parts. It has been constructed as a web-based document which allows easy navigation to specific content e.g. the Housing or Environment priority. This also enables ready updating to ensure that the latest version is always the most current. The opportunity to hyperlink associated documents also keeps the Plan current and 'live'. One such document will be the detail for each of the priorities' "Achievement Measures". These are referred in the Plan for each sub priority but are not detailed enough in their current format to allow monitoring and reporting through the quarterly and annual performance reports. This more detailed "Measures" document will be presented to Cabinet within the next reporting period.
- 3.09 The ease of updating the Plan also ensures that any revisions in-year, be they as a result of national policy change or local scrutiny, can be implemented to ensure the most current version is available.
- 3.10 One such revision will be the development of the new Outcome Agreement for 2013/14 which is to be more clearly aligned with the Improvement Plan and reported upon in-year.
- 3.11 The Improvement Plan 2013/14 has been distributed to Members in advance of the 18 June Cabinet meeting.
- 3.12 The Council's three Directorate Plans for 2013/14 echo the relevant Council priorities, providing the high level planning mechanism to support Service Plans and Team plans at a lower level. The three

Directorate Plans will be available in the Member's Library for reference.

- 3.13 The Council's Medium Term Financial Plan 2014/15 to 2018/19 was presented to the Cabinet at its meeting on 18 June. This plan describes the financial planning mechanism to resource the Council's priorities.

#### **4.00 RECOMMENDATIONS**

- 4.01 Council to adopt the Improvement Plan 2013/14.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 The Council's Medium Term Financial Plan is aligned to resource these priorities.

#### **6.00 ANTI POVERTY IMPACT**

- 6.01 Poverty is a specific priority within the Improvement Plan 2013/14.

#### **7.00 ENVIRONMENTAL IMPACT**

- 7.01 Environment is a specific priority within the Improvement Plan 2013/14.

#### **8.00 EQUALITIES IMPACT**

- 8.01 Equalities will be taken into consideration through any policy changes determined by the Plan and its implementation.

#### **9.00 PERSONNEL IMPLICATIONS**

- 9.01 Any personnel implications will be considered through any relevant changes determined by the Plan and its implementation.

#### **10.00 CONSULTATION REQUIRED**

- 10.01 Overview and Scrutiny Committees are invited to review the priorities, and particularly the "Measures" document to follow.

- 10.02 Feedback on the Improvement Plan is invited to assist with both contributing to our priorities and further improvement in presentation and format. This feedback is encouraged from the public, workforce, our key partners and businesses.

#### **11.00 CONSULTATION UNDERTAKEN**

- 11.01 Corporate Management Team and senior officers have contributed and helped shape the Improvement Plan 2013/14. In addition the

Wales Audit Office and Voluntary Sector Compact have been informally consulted.

**12.00 APPENDICES**

**12.01 Appendix 1: Improvement Plan 2013/14 (previously despatched)**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **COUNTY COUNCIL**

**DATE:** **TUESDAY, 25 JUNE 2013**

**REPORT BY:** **DIRECTOR OF ENVIRONMENT**

**SUBJECT:** **CROSS WARRANTING OF OFFICERS IN PUBLIC PROTECTION**

### **1.00 PURPOSE OF REPORT**

1.01 To update Members on the development of joint working arrangements between the Council and Wrexham County Borough Council.

### **2.00 BACKGROUND**

2.01 The Public Protection Services in Wrexham and Flintshire deliver a range of enforcement, advice and education activities both proactively and reactively across clearly defined service areas which include Trading Standards, Animal Health and Welfare, Health and Safety, Food Safety, Environmental Enforcement, Public Health, Environmental Pollution, Contaminated Land and Licensing.

2.02 A report went to Members of the Environment Overview and Scrutiny Committee in both authorities in November 2011 seeking support for proposed collaborative work between the two authorities Public Protection Services. It was recognised that there was scope for collaboration between Wrexham and Flintshire which could lead to improved resilience for Public Protection Services.

2.03 The two authorities are currently undertaking some collaborative work where mutual benefits are considered achievable. There is potential for some joint working across Animal Health, Licensing, Environmental Health and Trading Standards with links to Community Safety, Public Safety and Health.

2.04 To enable officers to work across borders and provide assistance in delivering key initiatives there needs to be a robust framework agreement in place to ensure that officers can legally undertake duties in an authority other than their own. The areas where the work will be undertaken are enforcement in Environmental Health, Trading Standards and Licensing e.g. joint investigation of incidents of door step crime, investigating mobile food traders. Licensing enforcement and emergency situations where one authority has to address a major issue.

2.05 This project complements the broader regional collaboration work in Trading Standards which is being undertaken in accordance with the COMPACT agreement.

### **3.00 CONSIDERATIONS**

3.01 Cross Warranting or Flexible warranting is one of a number of projects currently underway between Flintshire and Wrexham Flintshire Public Protection Services. The scope of the cross warranting project is:-

- To provide a robust authorisation system to allow officers in neighbouring local authorities to be authorised in another authority's area.
- To provide dual local authority cross warrants for staff in each local authority.
- To meet management expectation for this resource i.e. when the system can be utilised.
- To provide rules of engagement for using other local authority employees.

3.02 A legal framework document has been developed based on best practice from other collaborative projects. This document ensures that the relevant legal considerations are in place to enable officers to be authorised to work in both Flintshire and Wrexham. A copy of this agreement is attached to this report as Appendix 1. This agreement has been reviewed by the Council's Legal team.

3.03 Both Flintshire and Wrexham have recently adopted procedures for the authorisation of officers and to ensure that they meet the competency requirements for the following enforcement activities i.e. Trading Standards, Animal Health and Welfare, Health and Safety, Food Safety, Environmental Enforcement, Public Health, Environmental Pollution, Contaminated Land and Licensing. A joint procedure has been developed to ensure that both authorities can fully document the process for assessing competency and the authorisation of officers. A copy of this procedure is attached to this report as Appendix 2. This has been reviewed by the Council's Legal team.

3.04 The following outcomes are expected from this agreement:

- A Robust Framework for the delivery of enforcement activities across Flintshire and Wrexham.
- Uniform Competency and Authorisation Framework
- Joint projects which will enhance service delivery in both Counties
- Joint contingency plans for emergency events
- The development of a monitoring and review process to measure outcomes and the effectiveness of this project

- Ongoing review of the Human Resources issues linked to delivering this project across wider service areas

Projects currently under discussion include Doorstep Crime (Cold Calling), Night time Economy and Licensing, and Emergency events.

- 3.05 This proposal will support the Council's Improvement priorities and the collaboration and partnership working arrangements, under the Community Safety Partnership Plan and the Health, Social Care and Well-being Strategy.
- 3.06 This project will initially be undertaken for a twelve month pilot as further work is required with regard to the terms and conditions applicable to employees of the two authorities.
- 3.07 Further work is being undertaken with regard to opportunities for collaborative work in Public Protection across the six North Wales authorities. In the event that it is considered to be beneficial to the Council to extend the Cross Warranting arrangements with other North Wales authorities at some stage in the future, authority is being sought in recommendations 4.03 and 4.04 to do so.
- 3.08 This report was also presented for consideration by Cabinet on the 18th June 2013 as both groups of Members have responsibility for authorising Officers to carry out different elements of the Public Protection services.

#### **4.00 RECOMMENDATIONS**

That delegated authority be given to the Director of the Environment, following consultation with the Cabinet Member for Waste and Public Protection to:-

- 4.01 • Authorise officers from Wrexham's Public Protection Service to allow these officers to legally undertake duties in Flintshire County Council.
- 4.02 • Allow officers employed by Flintshire County Council to undertake work in Wrexham as and when required.
- 4.03 • Authorise officers from the Public Protection Services of other authorities in North Wales to allow those officers to legally undertake duties in Flintshire County Council when similar cross warranting arrangements have been agreed.
- 4.04 • Allow officers employed by Flintshire County Council to undertake work in other North Wales authorities as and when required when similar cross warranting arrangements have been agreed.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None, the proposals are cost neutral and will be met from existing budgets.

**6.00 ANTI POVERTY IMPACT**

6.01 The proposals provide the two authorities with greater resilience and capacity to target specific anti poverty issues in each authority.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None.

**8.00 EQUALITIES IMPACT**

8.01 None.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None.

**10.00 CONSULTATION REQUIRED**

10.01 Staff - further consultation will be undertaken with regard to each project undertaken.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Legal  
Human Resources.  
Staff

**12.00 APPENDICES**

Appendix 1 Cross border agreement  
Appendix 2 Cross authorisation competency framework.

These documents can be found on the website and in the Members Library.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None.



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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**

**DATE:** **TUESDAY, 25 JUNE 2013**

**REPORT BY:** **CHIEF EXECUTIVE**

**SUBJECT:** **LOCAL GOVERNMENT BOUNDARY COMMISSION FOR WALES – CONSULTATION ON THE SIZE OF COUNCIL**

### **1.00 PURPOSE OF REPORT**

1.01 To agree the Council's response to the consultation paper of the Local Government Boundary Commission for Wales on Council size.

### **2.00 BACKGROUND**

2.01 The Local Government Boundary Commission for Wales is required to carry out periodic reviews of the electoral arrangements for the 22 unitary authorities in Wales. The Commission uses the term "Council size" to describe the total number of Councillors to be elected to a Council.

2.02 In May 2012 the Commission produced a consultation paper setting out a preliminary view of how Council size may be determined as a precursor to an electoral review. That consultation paper was considered by the Council at its meeting on the 17 July 2012.

2.03 In summary the Council's response to that consultation was that there was insufficient information in that consultation paper to justify the proposed banding of Councils and the electorate to Councillor ratio. The Council also made the point that there should be more flexibility over the proposed number of seats identified at the initial stage of the process. The general response from all interested parties to that consultation was in favour of the approach based on the identification of the number of Councillors that would be appropriate but like Flintshire there was a general lack of support for the ratios proposed and the banding.

2.04 On the 27 March 2013 the Commission issued a fresh consultation paper and this is attached as appendix 1. Notwithstanding the consultation period ending on 19 June the Commission have agreed that the Council's observations will be considered if promptly submitted following the Council meeting. These proposals follow meetings with the WLGA and the Local Government Data Unit of Wales and contain a different methodology to that in the previous

consultation paper. It has also taken into account the methodology currently in place in Scotland where variations of geography, topography and population distribution are taken into account.

### **3.00 CONSIDERATIONS**

- 3.01 The method proposed in the consultation paper uses information relating to the population and distribution within authorities to enable a conclusion to be drawn on the relative urban and/or rural nature of the authority's area in demographic terms.
- 3.02 The first factor considered in the consultation paper is population density. The data suggests (see table in paragraph 2.3 of the consultation paper) there are four groups of local authorities in Wales in terms of population density (persons per hectare):-
- i. Those greater than 10 (only Cardiff)
  - ii. Those greater than 4.5 but less than 10 (8 Councils)
  - iii. Those greater than 2 but less 4.5 (4 Councils including Flintshire)
  - iv. Those less than 2 (9 Councils)
- 3.03 The second factor considered is urbanisation or the percentage of population living outside settlements with a population over 10,000. As this produces no clear indication of where the split should be made the consultation paper has proposed that the split be at 50% (see table in paragraph 2.5 of the consultation paper). Flintshire would be amongst the majority of Councils that have less than 50% of their population living outside such urban settlements.
- 3.04 These two factors have then led to the Commission dividing Councils into one of four categories as shown in the tables in paragraphs 2.8 and 2.9 of the consultation paper. Flintshire falling into the third category where it has an urban nature with a population density of more than 2 but less than 4.5.
- 3.05 Paragraph 2.11 of the consultation paper then proposes different ratios of electors to Councillors for the four different categories as shown in the table in paragraph 2.11. When these different ratios are applied it leads to the categorisation of Councillor allocation shown in the table in paragraph 2.12. This proposes Flintshire as having 61 Councillors.
- 3.06 In paragraph 3.3 of the consultation paper the Commission expressed the view that where the size of the Council is to vary by more than 10% this could have a significant impact on the running of the Council if it was applied as a result of a single electoral review. The Commission therefore proposes that there should not be a variation of more than 10% in any one review in moving towards the size of Council determined by the consultation model. In Flintshire's case

this would mean an initial reduction to 63 Councillors and then subsequently a further reduction to 61 as shown in the table in paragraph 4.1.

3.07 The majority of the consultation paper appears well reasoned. The one part of the proposed methodology that is most open to question is the 10% cap. Imposing the cap at 10% is going to prolong the process and create practical difficulties in determining the interim ward boundaries. It is considered that a preferable approach would be to recognise that the number of Councillors identified by the model is a flexible starting point especially for those Councils where the model leads to a change of more than 10% in the current membership. Once the review proceeds to consider the detail of ward boundaries it should help arrive at a practical arrangement if there is some flexibility over the number of Councillors.

3.08 The consultation paper raises a series of questions and attached as appendix 2 is the proposed response to those questions, together with further observations which the Council may wish to approve or amend as appropriate.

#### **4.00 RECOMMENDATIONS**

4.01 The Council is invited to make its response to the consultation paper.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

#### **6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

#### **8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

#### **10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Consultation has taken place with Group Leaders.

**12.00 APPENDICES**

12.01 Appendix 1 - Consultation paper  
Appendix 2 - Proposed response to questions

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None

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Comisiwn Ffiniau  
Llywodraeth Leol  
i Gymru



Local Government  
Boundary Commission  
for Wales

# **Electoral Reviews: Council Size Policy Consultation Paper**

**27 March 2013**

Consultation closes on 19 June  
2013

# Electoral Reviews: Council Size Policy Consultation Paper

March 2013

## 1. Introduction

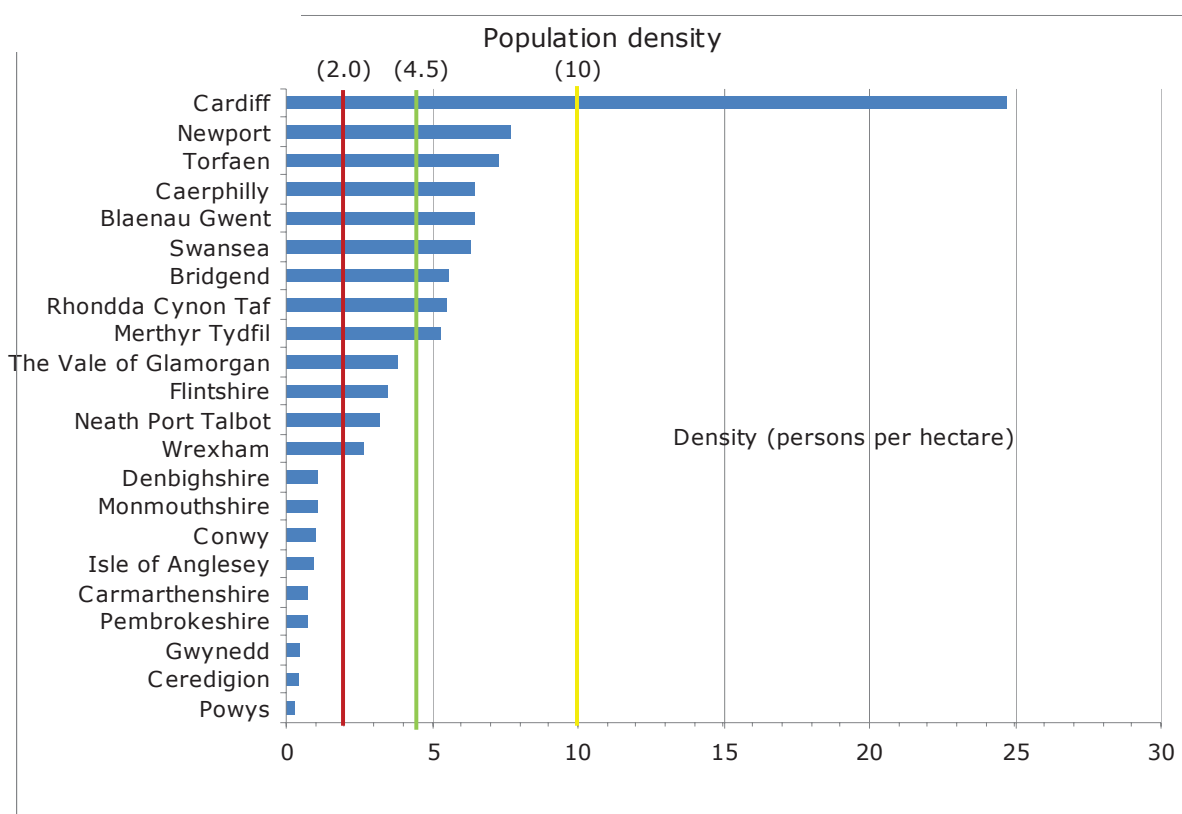
- 1.1 The Local Government Boundary Commission for Wales is required to carry out periodic reviews of the electoral arrangements of principal areas in Wales. The way the Commission conducts an electoral review is defined by legislation and by Directions issued by the Welsh Government.
- 1.2 The Commission published its 'Electoral reviews: policy and practice' paper on 12 March 2012. That paper did not include the Commission's approach to council size. Accordingly, in May 2012, we produced a consultation paper setting out a preliminary view of how council size may be determined as a precursor to an electoral review.
- 1.3 At the end of the initial consultation period we had received responses from the majority of principal councils, the Welsh Local Government Association (WLGA), political parties and individuals, including former councillors. The general response was in favour of an approach based on the identification of the number of councillors that would be appropriate to ensure the provision of effective and convenient local government for authorities. The specific methodology proposed by the paper was, however, not generally supported. It was clear that there were some concerns about the suggested banding approach. The view was expressed that the methodology used and justification for establishing council sizes should be based upon wider factors than socio-geographical characteristics alone, and may need to include population density factors. There was also the view that the ratios of elector per councillor adopted in the consultation paper need to be justified.
- 1.4 Representatives of the Commission met with representatives of the WLGA in July 2012 to discuss the outcome of the consultation. At the meeting it was agreed that Commission would work with the Local Government Data Unit ~ Wales to consider further the methodology used for determining council size and to investigate alternative data sets and methodologies. Further meetings were held with the WLGA and the Data Unit and, following detailed analysis work by the Data Unit, the Commission were able to consider alternative methodologies that utilised data that was both current and readily available. We considered methodologies which variously took account of electorate numbers, population size and measures of population density and urbanisation. We have arrived at a preferred methodology that is broadly based on the method currently in place in Scotland.
- 1.5 This consultation paper sets out the Commission's further views and approach to how it believes council size should be determined, based on its experience, expertise and knowledge of local government. The Commission welcomes views from all interested parties, local authorities and individuals on this proposed approach. All views will be taken into account before the Commission comes to its final determination on how council size should be considered as part of an electoral review.
- 1.6 Respondents are welcome to comment on any aspect of this paper. However, it would be particularly useful if the specific questions detailed at Appendix A are addressed. Respondents are requested to send their views to the LGBCW by 19 June 2013. All comments should be emailed to [lgbc.wales@wales.gsi.gov.uk](mailto:lgbc.wales@wales.gsi.gov.uk) or by post to the Commission's new address at;



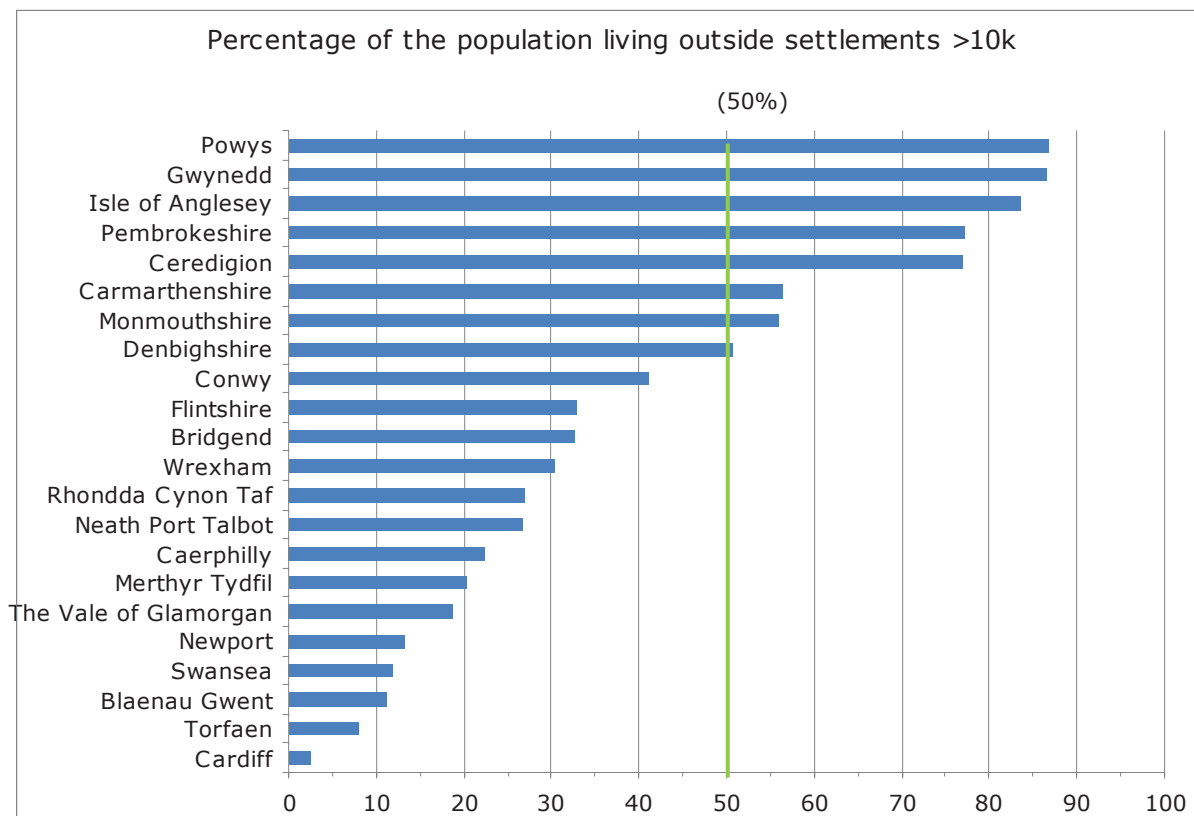
Chief Executive  
Local Government Boundary Commission for Wales  
Hastings House  
Fitzalan Court  
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CF24 0BL

## 2. Proposed methodology

- 2.1 In considering a methodology for determining the size of councils the Commission has adopted the principle that any approach to modelling councillor numbers should be objective, transparent and underpinned by a robust methodology. In arriving at a preferred methodology the Commission took account of the method currently in place in Scotland which has been an accepted and tested approach to adjudicating council size on Local Authorities with variations of geography, topography and population distribution. The Commission and the Data Unit have worked with the Local Government Boundary Commission for Scotland to better understand how their current approach was developed and have benefitted from a comparable model for Wales.
- 2.2 The method proposed in this paper uses information relating to the population distribution within authorities enabling a conclusion to be drawn on the relative urban and or rural nature of their areas, in demographic terms. Using the data to then categorise the authorities provides a transparent and robust approach which will provide a sustainable method for future allocation. It ensures that authorities with similar characteristics are being treated in the same way. The parameters used to determine the categories are urbanisation (percentage of the population living outside of settlements with a population of more than 10,000) and population density (number of persons per hectare). The categories have been determined by a combination of looking at appropriate groupings in the data and as determined by appropriate patterns of population distribution within local authority areas.
- 2.3 The first factor considered is population density. The chart below shows the distribution across Wales of the population density. The data used is the 2011 Mid Year Estimates<sup>1</sup> of population and the associated 2011 population densities. The data suggests there are 4 groups of local authorities in Wales in terms of population density (from top to bottom):
- Those greater than or equal to 10 (Cardiff)
  - Those greater than or equal to 4.5 but less than 10 (Newport to Merthyr Tydfil)
  - Those greater than or equal to 2 but less than 4.5 (The Vale of Glamorgan to Wrexham)
  - Those less than 2 (Denbighshire to Powys)



2.5 The second factor to consider is ‘urbanisation’ or the percentage of population living outside settlements with a population over 10,000. This factor distinguishes those authorities that have a preponderance of population that lives in larger communities, town or urban settlements. The chart below shows the distribution across Wales of the percentage of the population living outside of settlements with a population of more than 10,000. As there is no clear indicative split in the data, the most appropriate demarcation point consistent with transparency is 50%.



2.6 It was considered that the Commission could divide Wales’ Local Authorities by the four categories identified purely on the population density. However, the Commission believes that there is merit in establishing a robust model which reflects both population density and the dispersal of population within a local authority area and can continue and adapt to changes to Wales’ local authorities population in the future. Thus, the model presented includes both sets of factors even though, in this first instance, it does not impact on a number of Local Authorities.

2.7 To take account of the circumstances in Wales and ensuring that only significant changes in population density would change a local authority’s category a set categories of urbanisation and population density are proposed as follows:

- Where 50% or more of the population live outside settlements larger than 10,000 persons; and,
- Where the population density is greater than or equal to 10 persons per hectare, is greater than or equal to 4.5 persons per hectare but less than 10 persons per hectare, is greater than or equal to 2 persons per hectare but less than 4.5 persons per hectare, is less than 2 persons per hectare.

2.8 Using the values from the charts above gives the categorisation parameters shown in Table 1.

**Table 1: Categorisation parameters**

Category	Urban nature (% of population living outside of towns with more than 10,000 population)		Population density (persons per hectare)
1	Less than 50%	AND	Greater than or equal to 10
2	Less than 50%	AND	Greater than or equal to 4.5
3	More than 50%	AND/OR	Less than 4.5
4	More than 50%	AND	Less than 2

2.9 Using this methodology the authorities are categorised as shown in Table 2.

**Table 2: Category allocation**

Authority	Category
Blaenau Gwent	2
Bridgend	2
Caerphilly	2
Cardiff	1
Carmarthenshire	4
Ceredigion	4
Conwy	3
Denbighshire	4
Flintshire	3
Gwynedd	4
Isle of Anglesey	4
Merthyr Tydfil	2
Monmouthshire	4
Neath Port Talbot	3
Newport	2
Pembrokeshire	4
Powys	4
Rhondda Cynon Taf	2
Swansea	2
The Vale of Glamorgan	3
Torfaen	2
Wrexham	3

2.10 Once the authorities are allocated to a category then a ratio of councillors to population is applied to each authority within the category. This approach takes account of the size of the overall population, whilst continuing to ensure that authorities with similar characteristics are treated the same.

2.11 The population ratios for the categories are determined as a set and having regard for the categories determined by urbanisation and population density. A two fold change between the top and bottom categories is proposed in Wales to reflect the slightly smaller range in urbanisation and population density. The current average ratio for

category 4 councils is approximately 1:2,000 and so it was considered appropriate to apply this ratio to this category. The change in ratios between categories 4 and 3 and between categories 3 and 2 is small at 500 persons per councillor. This is to reflect the gradual change in the nature of categories and is the same as in the Scottish methodology. There is a greater change of 1,000 between the top two categories reflecting the difference in their nature. The proposed ratios are shown in Table 3.

**Table 3: Councillor to population ratios**

Category	Ratio (1: )
1	4,000
2	3,000
3	2,500
4	2,000

2.12 The councillor to population ratio for each category is used to determine the number of councillors as shown in Table 4.

**Table 4: Categorisation and councillor allocation**

Category	Authority	Population	Number of Councillors
1	Cardiff	345,442	86
2	Blaenau Gwent	69,812	23
	Bridgend	139,410	46
	Caerphilly	78,782	60
	Merthyr Tydfil	58,851	20
	Newport	145,785	49
	Rhondda Cynon Taf	234,373	78
	Swansea	238,691	80
	Torfaen	91,190	30
3	Conwy	115,326	46
	Flintshire	152,666	61
	Neath Port Talbot	139,880	56
	The Vale of Glamorgan	126,679	51
	Wrexham	135,070	54
4	Carmarthenshire	183,961	92
	Ceredigion	75,293	38
	Denbighshire	93,919	47
	Gwynedd	121,523	61
	Isle of Anglesey	69,913	35
	Monmouthshire	91,508	46
	Pembrokeshire	122,613	61
	Powys	133,071	67
	<b>Wales</b>	<b>3,063,758</b>	<b>1,187</b>

### **3. Constraints**

- 3.1 As noted above, when considering a methodology for determining the size of councils the Commission adopted the principle that any approach to modelling councillor numbers should be objective, transparent and underpinned by a robust methodology. It is understood however that any method for determining council size may be constrained by legislation and Ministerial Directions and an awareness of the impact of any proposed change to the existing size of councils.
- 3.2 In respect of council size the Ministerial Directions in respect of electoral reviews have previously stated:
- (a) It is considered that a minimum number of 30 councillors is required for the proper management of the affairs of a county or a county borough council;
  - (b) It is considered that, in order to minimise the risk of a county council or a county borough council becoming unwieldy and difficult to manage, a maximum number of 75 councillors is ordinarily required for the proper management of the affairs of a county or a county borough council.

From our earlier consultation there appears to be a general acceptance of these maxima and minima and so we have therefore accepted these as constraints to the methodology.

- 3.3 The impact that a significant change may have on the running of a council if it applied as a result of a single electoral review has also been considered. A constraint has therefore been applied so that, for each review, the number of councillors will not vary by more than 10%. At the request of the principal council concerned the Commission will consider exceeding its 10% variance limit in moving towards the size of council determined by the model.
- 3.5 In order to ensure that the process is clear and fair, the constraints on maximum or minimum councillor numbers or on levels of change have been applied at the end of the process.

#### 4. Applied Model

4.1 The councillor allocation determined by the methodology (at Section 2 above) is then subject to the constraints (at Section 3 above). Table 5 shows the existing number of councillors and gives the allocated number of councillors before and after constraints.

**Table 5: Categorisation and councillor allocation before and after constraints**

Category	Authority	Number of councillors		
		Existing (2012)	Before constraints	After constraints
1	Cardiff	75	86	75
2	Blaenau Gwent	42	23	38
	Bridgend	54	46	49
	Caerphilly	73	60	66
	Merthyr Tydfil	33	20	30
	Newport	50	49	49
	Rhondda Cynon Taf	75	78	75
	Swansea	72	80	75
	Torfaen	44	30	40
3	Conwy	59	46	53
	Flintshire	70	61	63
	Neath Port Talbot	64	56	58
	The Vale of Glamorgan	47	51	51
	Wrexham	52	54	54
4	Carmarthenshire	74	92	75
	Ceredigion	42	38	38
	Denbighshire	47	47	47
	Gwynedd	75	61	67
	Isle of Anglesey	30	35	33
	Monmouthshire	43	46	46
	Pembrokeshire	60	61	61
	Powys	73	67	67
	<b>Wales</b>	<b>1,254</b>	<b>1,187</b>	<b>1,210</b>

4.2 The proposed methodology gives a transparent, data driven and future proof method for calculating the appropriate number of councillors in each local authority and Wales as a whole. In some authorities, the councillor numbers obtained from the proposed method show significant change from their current numbers. The constraints that are subsequently applied ensure that the transition to this system is smooth and fair.

#### Endnotes

<sup>1</sup> The Commission has not used the 2011 Census data as the 2011 Mid Year Estimates were released in September 2012 and based on the 2011 Census. They are a consistent series of population statistics that are provided for the 30 June each year. The Census is only conducted once every 10 years and is on a different date.

## Consultation Questions

### Proposed Methodology

#### Categorisation Parameters (Table 1)

To take account of the circumstances in Wales and ensuring that only significant changes in population density and urbanisation would change a local authority's category we need to set categories of urbanisation and population density of:

- Where 50% or more of the population that live outside settlements larger than 10,000 persons ; and,
- Where the population density is greater than or equal to 10 persons per hectare, is greater than or equal to 4.5 persons per hectare but less than 10 persons per hectare, is greater than or equal to 2 persons per hectare but less than 4.5 persons per hectare, is less than 2 persons per hectare.

Q 1 Do you believe that the parameter of 50% of the population that live outside settlements larger than 10,000 persons is appropriate for Wales?

Q 2 Do you believe that the parameters of 2, 4.5 and 10 persons per hectare for population density are appropriate for Wales?

#### Councillor to Population Ratios (Table 3)

The ratios for the categories are determined as a set and having regard for the categories determined by urbanisation and population density. A two fold change between the top and bottom categories is proposed in Wales to reflect the range in urbanisation and population density. The current average ratio for category 4 councils is 1:2,000 and so it was considered appropriate to apply this ratio to this category. The change in ratios between categories 4 and 3 and between categories 3 and 2 is small at 500 persons per councillor. This is to reflect the gradual change in the nature of categories. There is a greater change of 1,000 between the top two categories reflecting the difference in their nature.

Q 3 Do you believe that the councillor to population ratios are appropriate for each category?

### Constraints

#### Maximum and Minimum Council Sizes

In respect of council size the Ministerial Directions in respect of electoral reviews have previously stated:

- (a) It is considered that a minimum number of 30 councillors is required for the proper management of the affairs of a county or a county borough council;
- (b) It is considered that, in order to minimise the risk of a county council or a county borough council becoming unwieldy and difficult to manage, a maximum number of 75 councillors is ordinarily required for the proper management of the affairs of a county or a county borough council.

From our earlier consultation there appears to be a general acceptance of these maxima and minima, so we have accepted these constraints to the methodology, however, before this policy is enacted it is important that this again be tested.



- Q 4 Do you consider it appropriate that a minimum number of 30 councillors is required for the proper management of the affairs of a county or a county borough council?
- Q 5 Do you consider it appropriate that a maximum number of 75 councillors before a county or a county borough council becomes unwieldy and difficult to manage?

#### Review cap

In order to minimise the impact that a significant change in the number of members may have on the running of a council, the proposed methodology suggests that for each review, the number of councillors will not vary by more than 10%. It is noted that for some authorities it may require more than one review to achieve the appropriate number of members. At the request of the principal council concerned the Commission will consider exceeding its 10% variance limit in moving towards the size of council determined by the model.

- Q 6 Do you consider it appropriate to cap the amount of change of councillor numbers as a result of a review?
- Q 7 What percentage level of change do you think is appropriate to be used as a cap at each review?
- Q 8 Should the Commission be able to not adhere to the review cap if specifically requested to do so by a Local Authority and when such a change does not vary from the model?

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**CONSULTATION ON SIZE OF COUNCIL**

Q1 Do you believe that the parameter of 50% of the population that live outside settlements larger than 10,000 persons is appropriate for Wales?

**A1 Yes**

Q 2 Do you believe that the parameters of 2, 4.5 and 10 persons per hectare for population density are appropriate for Wales?

**A2 Yes**

Q3 Do you believe that the councillor to population ratios are appropriate for each category?

**A3 Yes**

Q4 Do you consider it appropriate that a minimum number of 30 councillors is required for the proper management of the affairs of a county or a county borough council?

**A4 Yes.**

Q5 Do you consider it appropriate that a maximum number of 75 councillors before a county or a county borough council becomes unwieldy and difficult to manage?

**A5 Yes.**

Q6 Do you consider it appropriate to cap the amount of change of councillor numbers as a result of a review?

**A6 No. The number should be a flexible starting point particularly where it gives a significant change to the existing number of councillors.**

Q7 What percentage level of change do you think is appropriate to be used as a cap at each review?

**A7 See answer to Q6.**

Q 8 Should the Commission be able to not adhere to the review cap if specifically requested to do so by a Local Authority and when such a change does not vary from the model?

**A8 See answer to Q6.**

**Other observations**

1. The consultation needs to be viewed in the context of the bigger picture of the Williams Commission on Public Service Governance established in April.
2. The number of Councillors resulting from the methodology needs to be used as a flexible starting point that may change during the review process.

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **FLINTSHIRE COUNTY COUNCIL**

**DATE:** **TUESDAY, 25 JUNE 2013**

**REPORT BY:** **HEAD OF LEGAL AND DEMOCRATIC SERVICES**

**SUBJECT:** **LOCAL RESOLUTION PROCEDURE**

### **1.00 PURPOSE OF REPORT**

1.00 To consider a Local Resolution Procedure for complaints in respect of Members.

### **2.00 BACKGROUND**

2.01 The Public Services Ombudsman's Guidance on the Code of Conduct for Members of Local Authorities in Wales, first published in April 2010 contains the following section:

“Local Resolution Process

During the course of the life of this guidance I expect local authorities across Wales to have implemented local resolution procedures to deal with low level complaints which are made by a member against a fellow member. Typically these complaints will be about alleged failures to show respect and consideration for others as required by paragraph 4(b) of the Code or the duty not to make vexatious, malicious or frivolous complaints against other members under paragraph 6(1)(d) of the Code. Whilst a member may still complain directly to me about a fellow member if the matter being complained about concerns paragraph 4b and 6(1)(d) I am likely to refer the matter back to the Council's Monitoring Officer for consideration under this process.

In my view such complaints are more appropriately resolved informally and locally in order to speed up the complaints process and to ensure that my resources are devoted to the investigation of serious complaints. The aim of local resolution is to resolve matters at an early stage so as to avoid the unnecessary escalation of the situation which may damage personal relationships within the authority and the authority's reputation. The process may result in an apology being made by the member concerned. However, where a member has repeatedly breached their authority's local protocol then I would expect the Monitoring Officer to refer the matter back to me.”

2.02 So far 8 Councils in Wales have adopted the Local Resolution Procedure (Blaenau Gwent, Denbighshire, Isle of Anglesey, Gwynedd, Monmouthshire, Rhondda Cynon Taff, Swansea and Torfaen). I have obtained copies of their Local Resolution Procedures and they largely appear to be based on one of 2 models:-

- i) Those based on the Gwynedd Standard (attached at Appendix 1); and
- ii) Those based on the Denbighshire Standard (Appendix 2).

In addition, Swansea City Council has its own unique procedure attached at Appendix 3.

### **3.00 CONSIDERATIONS**

3.01 In adopting a local resolution process I believe it is important that the process is clear, simple and relatively informal in its early stages. The process should not be seen as a replacement for investigation by the Public Services Ombudsman for Wales (PSOW), which will still remain appropriate for repeated or serious breaches of the Code of Conduct. The procedure should instead be used to address behaviour which either falls short of the breach of the Code or, even though amounting to a breach of the Code, which the Ombudsman would be unlikely to investigate.

N.B. The adoption of a local resolution procedure does not remove the PSOW's discretion to investigate any complaint that is referred to him though his staff will no doubt take into account the existence of such a procedure when deciding how to handle a complaint.

3.02 Since the PSOW made his statement about local resolution procedures, the Welsh Government and the WLGA have also agreed that local resolution procedures should be adopted. They have suggested that such procedures should apply to complaints from officers as well as members. At the All Wales Standards Conference on 17 April 2013 the PSOW said he did not see why local resolution could not apply to complaints from officers provided the procedure was sufficiently independent of the political process.

3.03 Having weighed up the two different models I would make the following comments:

- The Gwynedd Standard is very simple, is independent of the political process and has the advantage of a clear positive statement of what is expected of Members.
- The Denbighshire model places strong emphasis on training and conciliation and gives the group leaders the prominent role within the process thus encouraging self regulation.

- The Swansea model gives Group Leaders a prominent role thus encouraging self regulation. It is also clear and simple to understand.
- 3.04 Of the two procedures I believe that the Gwynedd Standard is simpler to operate and could be adapted to our circumstances very positively. I have at Appendix 4 set out a suggested Flintshire Local Resolution Procedure.
- 3.05 Local resolution procedures were considered by Group Leaders at their meeting on 6 June 2013. They helpfully suggested that there should be a time limit on being able to bring complaints under the Local Resolution Procedure, as is the case with complaints about maladministration to the PSOW. The time limit for complaints about maladministration is 12 months and that seems to be a sensible limit on complaints under the Local Resolution Procedure.
- 3.06 The Standards Committee also considered the Local Resolution Procedure at its meeting of 10 June and suggested that a note of explanation be added to the proposed Flintshire Standard to clarify that any behaviour will be judged objectively. That is to say it will be judged on the basis of what a reasonable person would think looking at the behaviour rather than specifically what the member had in their own minds when they were behaving in that way. They also suggested that all complaints under the Local Resolution Procedure should be in writing in order to increase clarity, transparency and openness. Lastly, the Committee suggested that the Procedure should specify that it would be the Monitoring Officer to decide whether a breach of the Code of Conduct was too serious to be handled by way of local resolution.
- 3.07 It should be noted that the Welsh Government is considering removing the obligation on members to report suspected breaches of the code in order to facilitate the operation of local resolution procedures.
- 3.08 Also at its meeting on 10 June the Standards Committee consider the Code of Conduct and whether it needed to be amended in order to facilitate local resolution. Paragraph 6.02 of the Code of Conduct at the moment requires Members to cooperate with the Monitoring Officer and the PSOW in the event of a complaint. The Standards Committee believes that a similar obligation should be introduced in respect of the Local Resolution Procedure and that members should be obliged to adhere to the Flintshire Standard.

#### **4.00 RECOMMENDATIONS**

- 4.01 That the Standards Committee recommends that Council adopts the Flintshire Local Resolution Procedure at Appendix 4 with effect from the 25 June 2013.

4.02 That paragraph 6.02 of the Code of Conduct is amended to include an obligation to adhere to the Flintshire Standard and to cooperate with the Local Resolution Procedure.

4.03 That the Monitoring Officer be given delegated authority to include the Local Resolution Procedure and the amendment to the Code of Conduct within the Constitution.

**5.00 FINANCIAL IMPLICATIONS**

5.01 None as a result of this report.

**6.00 ANTI POVERTY IMPACT**

6.01 None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None as a result of this report.

**8.00 EQUALITIES IMPACT**

8.01 None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None as a result of this report.

**10.00 CONSULTATION REQUIRED**

10.01 None as a result of this report.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Standards Committee

**12.00 APPENDICES**

Appendix 1 – Gwynedd Standard

Appendix 2 – Denbighshire Standard

Appendix 3 – Swansea Standard

Appendix 4 - Suggested Flintshire Local Resolution Procedure

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

As referred to in the report.

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## **THE GWYNEDD STANDARD**

This document explains the standard of conduct expected from Gwynedd Council's councillors in dealing with each other. It should be read in conjunction with the Members Code of Conduct and the Protocol Member-Officer Relations. It adds to those documents and not detract from them.

Gwynedd Council members are expected to :-

### Public behaviour:

- Show respect to each other
- Not to make personal abusive comments about each other.
- Not to publish anything insulting about each other.
- Not to make malicious allegations against each other.
- Not to publish or spread any false information about each other.
- Show respect to diversity and equality.

### Behaviour in committees:

- Behave with dignity in the Chamber.
- Show respect to the Chairman and obey his decisions.
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society.

### Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return confidential papers.
- Not to use confidential information for purposes other than intended.

### Local members

- Work with members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
  - Explain to anyone seeking assistance that he/she is not the local member
  - Inform the local member, unless it would lead to a breach of confidentiality

## **A PROCEDURE FOR DEALING WITH ALLEGATIONS THAT A MEMBER HAS BREACHED THE PROTOCOL FOR MEMBER-OFFICER RELATIONS**

### **INTRODUCTION**

1. The Protocol for Member-Officer Relations is an important weapon to promote good co-operation between members and officers within the Council and thereby allow the council to fulfil its duties effectively and professionally. It is therefore important that any allegations by an officer against a member that he/she has breached the protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.

### **STAGE 1 OF THE PROCEDURE**

2. Any officer who wishes to submit an allegation under this procedure should send the complaint, following consultation with the Head of Department to the Monitoring Officer. Following receipt of the complaint the Monitoring Officer will act as follows:-
3. In the first place the allegation will be referred either the Deputy Monitoring Officer or the Propriety Officer to provide the officer with general advice. At this stage it will be possible to advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process.
4. If following the first stage the officer wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

### **STAGE 2 OF THE PROCEDURE**

5. At Stage 2 a meeting will be held between the officer making the complaint, the member against whom the complaint is made, the Leader of the relevant Political Group and the Chief Executive. It is possible for the officer to have a colleague or senior officer from the department with him/her. It is also possible for the matter to be dealt with in the officer's absence in exceptional cases. The purpose of this meeting will be to try and resolve the matter without it going further. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring or the Propriety Officer for advice and assistance.

### **STAGE 3 OF THE PROCEDURE**

6. The third Stage is a hearing before the Standard Committee. The Officer making the complaint will be asked to submit the substance of his complaint in writing and the member concerned will be asked for a written response. These papers,

together with any additional written evidence that is submitted by either side will be distributed to the member of the Standards Committee.

7. Both the officer and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representations.
8. If either side wishes not to be present or fails to attend the hearing may be held in their absence.
9. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
10. The Committee can come to one of three conclusions, namely :-

a)	That there is basis to the complaint.
b)	That there is a basis to the complaint but that no further action is required.
c)	That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

### **SUPPLEMENTARY MATTERS**

11. Publicity will not be given to the names of either the member or the officer unless it is decided TO UPHOLD to the complaint and that the member should be censured. The hearing before the Standards Committee will be exempt.
12. Stages 2 and 3 do not have to be following sequentially. Although it is possible for an officer who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
13. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents an officer from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.

## DENBIGHSHIRE COUNTY COUNCIL

**5.5 Members' Self Regulatory Protocol****General Principles**

- To promote high standards of conduct and behaviour as a means of strengthening respect and trust among members. It is NOT intended to replace the Code of Conduct, rather it is intended to sit alongside the Code, enabling behaviour which may not reach the threshold to become a breach to be dealt with; and that which justifies a formal complaint to the Ombudsman.
- The protocol does not replace the Member-Officer Relations Protocol set out in the Council's Constitution.
- Members will make all reasonable attempts to resolve disputes through agreed internal processes subject to their obligations under the Members' Code of Conduct.
- Referral to external regulators will become a last resort subject to Members' obligations under the Code of Conduct.
- Members will avoid personal confrontation in any public forum, especially full Council and through the media
- These commitments will not stifle legitimate political debate or scrutiny
- Group discipline will become the cornerstone of self-regulation with Group Leaders taking responsibility for their own members
- Group Leaders individually and collectively will work to ensure compliance with this protocol
- Members will commit to training and development in support of this protocol

**Working to avoid problems**

To minimise the number of instances of alleged breaches all Group Leaders have committed to :-

- **A Member Learning and Development Strategy** – to which they will seek to secure the commitment of their group members. All reasonable endeavours will be made to ensure that the Learning and Development Strategy identifies and responds to the needs of members.

- **Attending relevant Member training events** - in particular those relating to the Code of Conduct or probity courses within the scope of their role.
- **WLGA Charter** – The Council has been awarded the WLGA’s Charter for Member Support and Development and supports its objectives. Group Leaders will seek to secure individual member commitment to training and keep this under review.

### **Role of Group Leaders**

A complaint by a member relating to a member of the same group will be referred to the Group Leader. A complaint by a member concerning the activities of a member of a different political group will be discussed with the complainant’s own Group Leader, who will then refer the issue to the Group Leader with responsibility for the member against whom the complaint is made.

Upon receiving a complaint, it is the role of Group Leaders to take responsibility for discipline within their groups. Group discipline should seek to be informal, resolved through face to face meetings. Group Leaders will need to retain some records but the process will not be “document heavy”. The emphasis should be on training, education, mediation and conciliation.

When appropriate, a sanction such as removal from a committee or an outside body, may be used in extreme cases or after persistent breaches and the matter will be referred to the Public Services Ombudsman for Wales.

Prior to considering any sanction, or training, the relevant Group Leader may consult with a member of the Standards Committee in conjunction with the Monitoring Officer or Deputy Monitoring Officer. The Standards Committee will seek to ensure fairness and consistency in the discipline imposed within each Group.

At the next available Group Leaders’ meeting any issue of discipline which has been referred to a Group Leader will be discussed with the Group and with the objective of seeking to ensure that fair and consistent sanctions are applied.

Where the complaint relates to the Group Leader themselves, the Chair will be requested to consider the complaint, just as with unaffiliated members.

### **Unaffiliated Members**

As far as unaffiliated members are concerned, the Chair of the Council will fulfil the role of Group Leader. Concerns regarding the conduct of an unaffiliated member should be referred to the Chair who will apply the same principles and standards as those of the Group Leaders in terms of training/mediation/conciliation. In the case of persistent breaches the matter shall be referred to the Ombudsman by the Monitoring Officer or in his/her absence the Deputy Monitoring Officer.

### **Persistent Breaches**

In the case of persistent breaches, or areas where the Group Leaders have concerns that the conduct of an individual member or members is damaging to relations between political groups or to the reputation of the Council, then the Group Leaders will meet with the Chief Executive Officer and the Monitoring Officer to agree a way forward. Consideration will be given to joint references to the Ombudsman, by the Group Leaders, for persistent low level breaches.

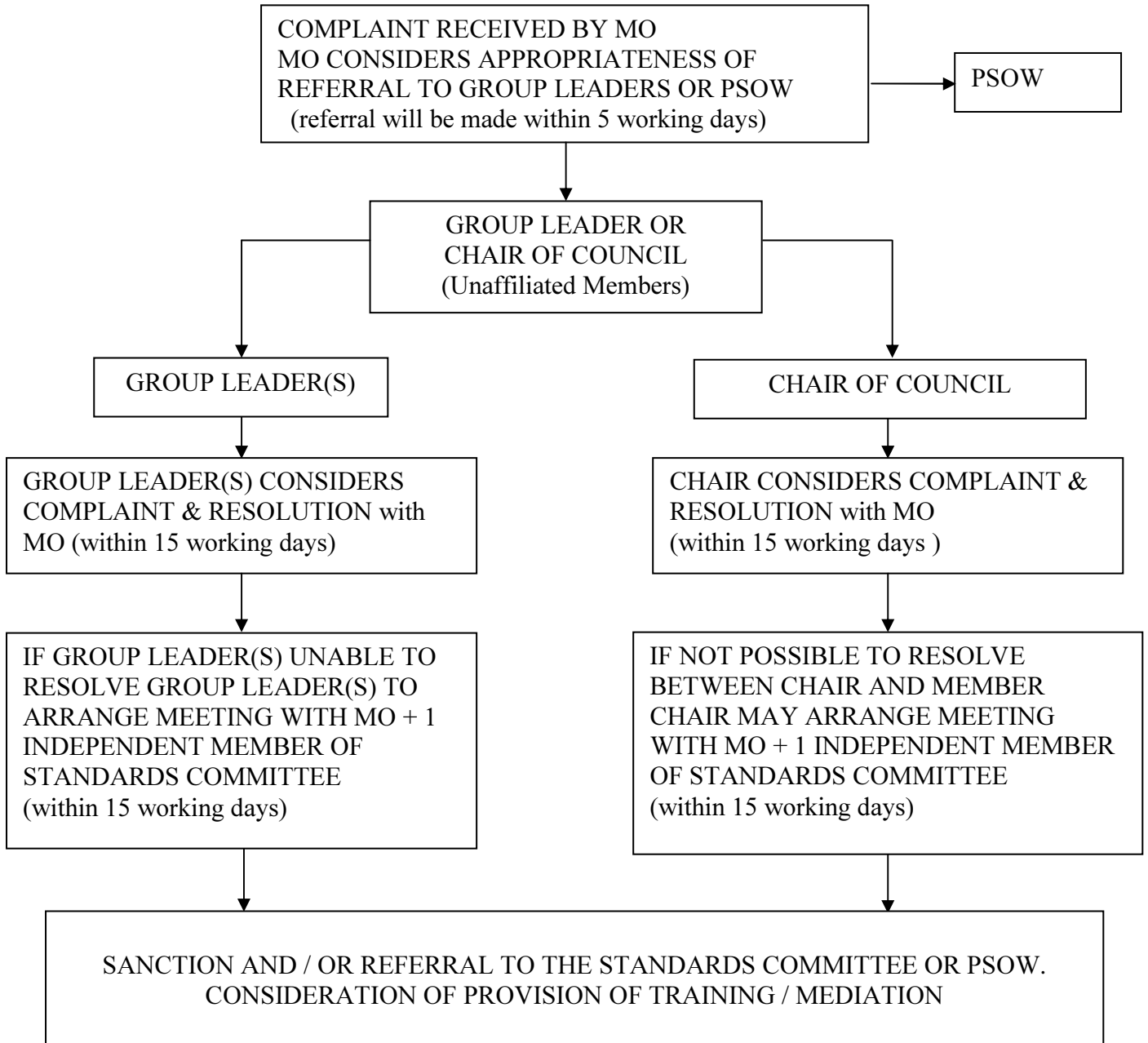
### **Standards Committee**

- Owing to any potential issues of conflict, any involvement will include no more than one independent member of the Standards Committee. This will be subject to a rotational basis and in accordance with availability.
- The Standards Committee Members will play a supporting/advisory role to the Group Leaders. This process will be initiated at the request of the Group Leader, in a particular case.
- Such meetings will be private and informal.
- Any documentation, attendance notes, file notes or advisory notes passing between a Group Leader (or as appropriate the Chair of the Council) and the members of the Standards Committee shall remain private and confidential.

This protocol will be reviewed by May 2013.

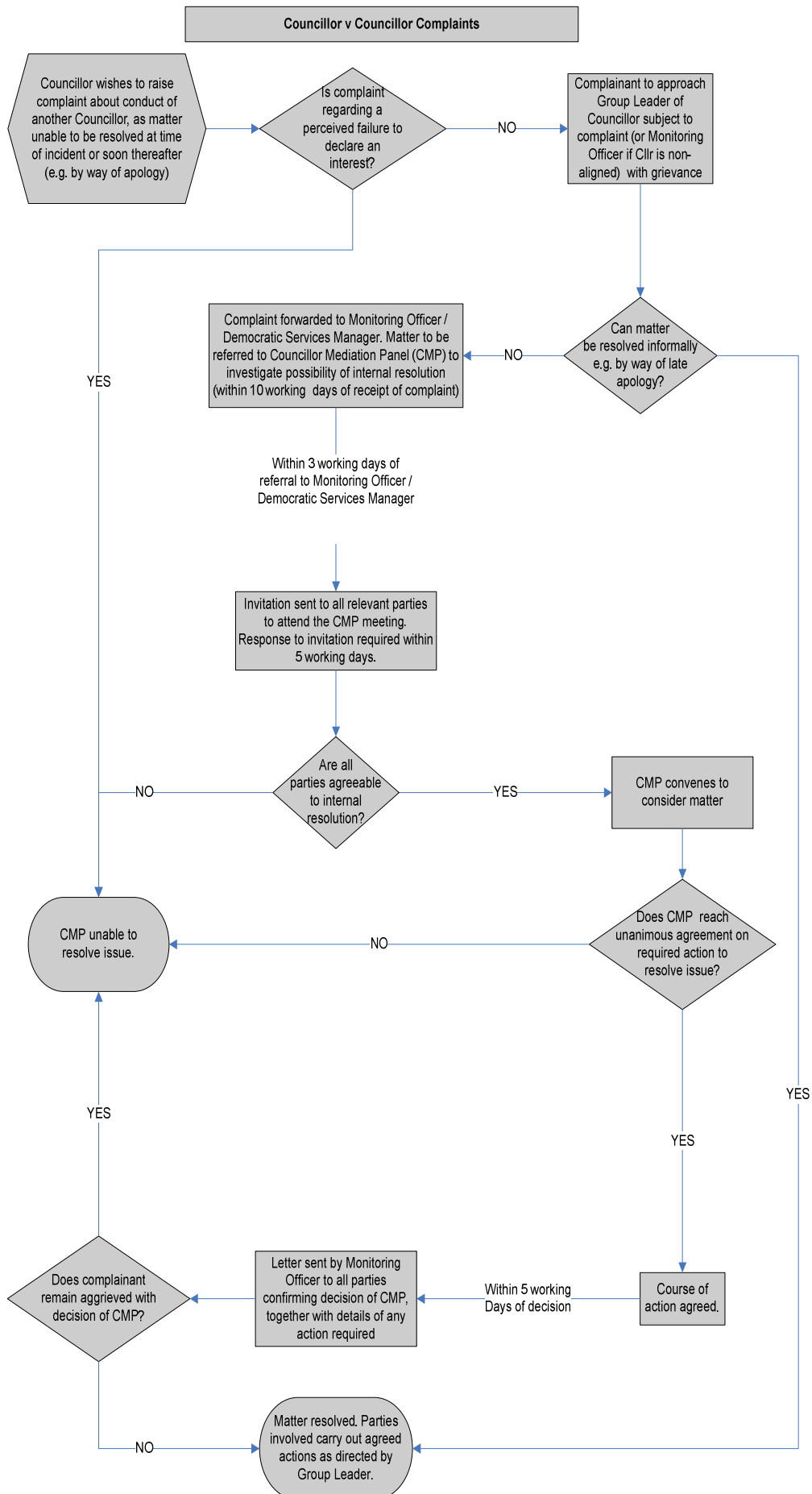


**MEMBER / MEMBER COMPLAINTS FLOWCHART**



PERSISTENT BREACHES, GROUP LEADERS WILL MEET WITH CHIEF EXECUTIVE AND MONITORING OFFICER TO AGREE WAY FORWARD. CONSIDERATION WILL BE GIVEN TO JOINT REFERENCES TO THE OMBUDSMAN BY GROUP LEADERS FOR PERSISTENT, LOW LEVEL BREACHES.

MO = Monitoring Officer  
PSOW = Public Services Ombudsman for Wales



## THE FLINTSHIRE STANDARD

This document explains the standard of conduct expected from Flintshire County Councillors and co-opted members in dealing with each other and with officers. It should be read in conjunction with the Members Code of Conduct and the Protocol on Member-Officer Relations. It adds to those documents and does not detract from them.

In each case behaviour under the Flintshire Standards will be judged objectively. That is to say, it will be judged based on what a reasonable person knowing all the facts would conclude from observing the behaviour.

Flintshire County Council members are expected to:-

### Public behaviour:

- Show respect to each other and officers
- Not to make personal abusive comments about each other or officers
- Not to publish anything insulting about each other or officers
- Not to make malicious allegations against each other or officers
- Not to publish or spread any false information about each other or officers
- Show respect to diversity and equality.

### Behaviour in committees:

- Behave with dignity in meetings
- Show respect to and obey decisions of the Chairman
- Not to use indecent language nor make racial remarks or remarks which prejudice any section of society

### Confidentiality:

- Keep the confidentiality of exempt papers and any other documents which are not public.
- Not to release confidential information to the press or the public.
- Return or securely destroy confidential papers.
- Not to use confidential information for purposes other than intended.

### Local members

- Work with any joint ward member and/or members of adjoining wards for the benefit of the locality.
- If dealing with any matter relating to another ward
  - Explain to anyone seeking assistance that he/she is not the local member
  - Inform the local member, unless it would lead to a breach of confidentiality

## **LOCAL RESOLUTION PROCEDURE FOR COMPLAINTS ABOUT BEHAVIOUR**

### **INTRODUCTION**

1. The Flintshire Standard and the Protocol for Member-Officer Relations are important in promoting good co-operation between members and between members and officers within the Council, thereby allowing the council to fulfil its duties effectively and professionally. It is therefore important that any allegations against a member that he/she has breached the standard and/or protocol can be dealt with quickly and effectively. The purpose of this procedure is to introduce a simple and easy way to understand the method of dealing with such allegations.
2. It is important that poor behaviour is quickly addressed and matters are handled whilst recollections are fresh. This procedure will therefore only apply to incidents or behaviour occurring in the 12 months prior to a complaint being made in writing to the Monitoring Officer.

### **STAGE 1 OF THE PROCEDURE**

3. Any member or officer who wishes to submit an allegation under this procedure should send the complaint to the Monitoring Officer. Officers wishing to make a complaint should first consult with their Head of Service. Following receipt of the complaint the Monitoring Officer will act as follows:-
4. The Monitoring Officer will not deal with the allegation at this stage in order to preserve their ability to advise the Standards Committee later in the process. In the first place the allegation will be referred either the Deputy Monitoring Officer (or another officer nominated by the Monitoring Officer) who will advise whether the allegation falls within this procedure or whether it should be referred to the Ombudsman as an allegation of breach of the Members Code of Conduct.  
  
N.B. The complainant has the statutory right to complain to the Public Service Ombudsman for Wales ("PSOW"). Should the complainant exercise that right then this procedure will not be used, and any efforts to resolve a complaint using this procedure will be stopped. The process will only resume if the matter is referred back for local resolution.
5. This procedure is only suitable for allegations made by officers or members of Flintshire County Council that a member has breached the Flintshire Standard or the Protocol on Member/Officer relations. It is not suitable for complaints:
  - made by members of the public;
  - which in the opinion of the Monitoring Officer allege a serious breach of the code of conduct; or

- alleging repeated breaches of the code of conduct, or breaches where are similar to complaints that have been handled at Stage 3 of this procedure.

If the complaint is suitable for this procedure then the Deputy Monitoring Officer will give advice about how to possibly resolve the complaint. If the complaint is not suitable for this procedure then the Deputy Monitoring Officer will give advice about what (if anything) can be done.

6. If following the first stage the complainant wishes to proceed with the allegation under this procedure the matter may be referred either to a conciliation meeting under Stage 2 or to a hearing by the Standards Committee under Stage 3.

### **STAGE 2 OF THE PROCEDURE**

7. At Stage 2 a meeting will be held between:

- the complainant;
- the member against whom the complaint is made;
- the Chief Executive
- the leader of any relevant political group(s), that is to say the subject member's group leader and, if the complainant is a member, his/her group leader.

If the complainant is an officer, then it will be possible for the complainant to have a colleague or senior officer with him/her.

It is also possible for the matter to be dealt with in the complainant's absence in exceptional cases.

8. The purpose of this meeting will be to try and resolve the matter by conciliation. If deemed necessary the Chief Executive can call on the Monitoring Officer, the Deputy Monitoring Officer for advice and assistance.

### **STAGE 3 OF THE PROCEDURE**

9. The third Stage is a hearing before the Standard Committee. The complainant will be asked to submit the substance of the complaint in writing and the member concerned will be asked for a written response. These papers, together with any additional written evidence that is submitted by either side will be distributed to the members of the Standards Committee.
10. Both the complainant and the member have the right to appear before the Standards Committee and to submit evidence from witnesses. Both will have the right to representation or to have a colleague present. The Council will not meet the costs of representation.
11. If either side wishes not to be present or fails to attend the hearing may be held in their absence.

12. After the evidence has been heard, both sides and their representatives will be asked to leave the chamber and the Standards Committee will come to a conclusion on the allegation. The Monitoring Officer will be available to advise the Committee.
13. The Committee can come to one of three conclusions, namely :-
  - a) That there is no basis to the complaint.
  - b) That there is a basis to the complaint but that no further action is required.
  - c) That there is a basis to the complaint and that the member should be censured.

In addition the Committee can make recommendations to the Council regarding changing any procedures or taking any further action.

### **SUPPLEMENTARY MATTERS**

14. The papers for the hearing will be exempt and it will be recommended that the hearing will take place with the press and public excluded. Publicity will not be given to the names of either the member or the complainant unless it is decided TO UPHOLD the complaint and that the member should be censured.
15. Stages 2 and 3 do not have to be following sequentially. Although it is possible for a complainant who remains dissatisfied after the conciliation meeting to ask for the matter to be referred to a hearing before the Standards Committee, it is also possible for a matter to proceed directly to the Standards Committee without going first to a conciliation meeting.
16. The aim of this procedure is to try and resolve complaints regarding members quickly and effectively. Nothing in this procedure prevents a complainant from submitting a complaint to the Public Services Ombudsman for Wales that a member has breached the Members Code of Conduct.