

FLINTSHIRE COUNTY COUNCIL
20 OCTOBER 2015

Minutes of the meeting of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Tuesday, 20 October 2015

PRESENT: **Councillor Ray Hughes (Chairman)**

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Amanda Bragg, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Adele Davies-Cooke, Alan Diskin, Glenys Diskin, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, David Healey, Hilary Isherwood, Christine Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Ann Minshull, Billy Mullin, Tim Newhouse, Mike Peers, Vicky Perfect, Neville Phillips, Mike Reece, Gareth Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, David Wisinger, Arnold Woolley and Matt Wright

APOLOGIES: Councillors: Rosetta Dolphin, Brian Dunn, George Hardcastle, Dennis Hutchinson, Joe Johnson, Rita Johnson, Kevin Jones, Richard Lloyd, Hilary McGuill, Ian Roberts, Ian Smith, David Williams and Sharon Williams.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Planning & Environment), Chief Officer (Social Services), Chief Officer (Organisational Change (1)), Chief Officer (Organisational Change (2)), Chief Officer (Education & Youth), Corporate Finance Manager, Policy Performance Manager, Member Engagement Manager, Performance Team Leader and Committee Officer

55. COUNCIL MINUTES

The minutes of the meetings held on 24 September 2015 had been circulated with the agenda.

Accuracy

Medium Term Financial Strategy (MTFS)

Councillors Ray Hughes and Peter Curtis advised that they had voted for the proposal and asked that the minutes be amended to reflect this.

Councillor Carol Ellis referred to her comments on page 7, paragraph 4, and asked that the final sentence be amended to read 'She sought support from all Members for the recommendations'.

Councillor Richard Jones referred to his comments on page 8, paragraph 1, and said the reference to 'the closure of household recycling centres' should read 'the transfer of cemeteries'.

Councillor Carolyn Thomas referred to page 9 and expressed concerns that the minutes did not record the points raised at the meeting. She referred to subsequent discussion about the item on the MTFS which had taken place at the meeting of the Corporate Resources Overview & Scrutiny Committee held on 8 October 2015, and said the emphasis had been on the strategy rather than specifics. She asked that the minutes be amended to include a suitable form of words to reflect this.

Matters arising

MTFS

Councillor Clive Carver referred to his request for figures on what it would cost the Authority to provide statutory services only and said he was still awaiting this information. Officers advised this would be made available to Members as soon as possible.

Statement of Accounts 2014/15

Councillor Clive Carver referred to his request for details on the Members' expenses listed in Accounts. The Corporate Finance Manager advised that this work was in hand and the information would be provided in the next 10 days.

Councillor Carver also referred to the request from Councillor Mike Peers on page 12 for clarification on the figure of £139,150 and asked if the payment related to AD Waste. The Chief Executive confirmed that the payment related to a former employee of AD Waste.

RESOLVED:

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

56. DECLARATIONS OF INTEREST

The Chief Officer (Governance) advised that all Members had a personal interest in the following item and explained that as this interest would be registered on Members' behalf individual declarations would not be required.

Item 14 – Draft Annual Report of the Independent Remuneration Panel for Wales 2016/17.

57. CHAIRMAN'S COMMUNICATIONS

A copy of the Chairman's communications had been circulated to all Members before the meeting. The Chairman reported on the positive outcome of the events attended.

58. PETITIONS

The Chief Officer (Governance) confirmed that none had been received.

59. PUBLIC QUESTION TIME

The Chief Officer (Governance) confirmed that none had been received.

60. QUESTIONS

The following question had been submitted by Councillor Alex Aldridge:-

“Using a notional uplift of 4% on a band D property for the year 2016/17, what level would we have to go to in order to fully protect all aspects of the Council's spending which is currently under review for potential reduction”.

A copy of the response had been circulated to Members before the meeting.

Further to the response Councillor Aldridge asked the Chief Executive if he could give an indication of the cap mechanism to be applied by the Welsh Government (WG). The Chief Executive explained that there was a WG expectation that council tax increases would not be in excess of 5% and commented that as far as he was aware this had not been tested in recent years.

61. NOTICE OF MOTION

The Chief Officer (Governance) confirmed that none had been received.

62. ANNUAL PERFORMANCE REPORT

The Chief Executive introduced the Annual Performance Report for 2014/15. He provided background information and advised that the purpose of the report was to account for the organisation's previous year's performance against its Improvement Priorities. He explained that the Report provided a balanced view which reinforced success and highlighted areas for improvement. He invited the Policy and Performance Manager to give a presentation on the Annual Performance Report. The main points of the presentation were:

- Improvement Plan 2014/15
- format and content
- performance overview 2014/15
- highlights
- areas for improvement
- performance overview
- overview
- next steps

The Chairman invited Members to raise questions.

Councillor Mike Peers referred to the Improvement Plan Measures data which was appended to the report and the performance against target for employees receiving an annual appraisal. He referred to the outcome as 'very poor' and said if more appraisals had been undertaken than indicated in the statistics then they should be recorded on the system and the data amended before publication of the Annual Report. He emphasised the importance of

employee annual appraisals in relation to the Council's performance. Councillor Peers also suggested that an explanatory note be included on the increase use of contractual workers and raised concerns on the downturn in performance against sickness absence.

Councillor Peers made further suggestions for improvement concerning formatting of the report and commented on the lack of cross-referencing to further detail within it. He also suggested that a simplified summary be used in Section 2 which provided a list of what was to be done, what had been done, and an explanation of the achievements.

Councillor Matt Wright referred to page 40 of the draft Report and the information provided on the Northern Gateway site. He commented on reference to delays concerning work to strengthen the River Dee flood embankment and ongoing discussions with the WG to agree the spine road and infrastructure phases. The Chief Executive suggested that this paragraph could be better worded to reflect the progress made. Councillor Wright raised further concern regarding monitoring of performance and referred to investment enquiries. He said that the Report did not address the types of investment enquiries made. The Chief Executive responded that the data was held by the Welsh Government but he would see what further breakdown could be provided to Councillor Wright. Councillor Wright welcomed the investment and progress made in Town Centres and cited the regeneration of Mold and Flint as examples.

The Chief Executive and Policy and Performance Manager responded to the concerns raised by Councillor Peers and Councillor Wright and provided further clarification around development of the Northern Gateway site and Enterprise zones.

Councillor Richard Jones expressed thanks to the Policy and Performance Manager and the Performance Team Leader for a detailed and informative report. Referring to page 67 of the Report, he commented that the reference to business sector growth in Deeside under the priority heading Economy and Enterprise, was not specific to Deeside. The Chief Executive agreed that although two of the three activities were related to Deeside, the whole of Flintshire was considered under this heading.

Councillor Andy Dunbobbin referred to performance under the Living Well priority and expressed his appreciation for the support provided to vulnerable people during the unprecedented austere financial restraints placed on the Authority.

Councillor Paul Shotton commented on the continued improvement in performance and cited progress and outcomes in Housing as an example. He referred to the success of Flintshire Business Week and the substantial number of new investment enquiries received and new jobs created within the Deeside Enterprise Zone.

The Chief Executive and Policy and Performance Manager responded to the further comments and concerns raised by Members. The Policy and Performance Manager commented that improved accessibility could be undertaken on the final published report by increasing links within the Report and

by providing more detailed information on comparative performance to detail the Council's position. The Chief Executive commented that the appraisal data captured on i-Trent was incomplete, but the important arrangements around daily supervision and mentoring etc. were.

Councillor Hilary Isherwood expressed concern around the increase in the number of days taken to deliver a Disabled Facilities Grant for children and young people. The Chief Executive explained that the increase had been due to one of two highly complex cases and he could provide further information to Councillor Isherwood outside the meeting. Councillor Carol Ellis advised that a full explanation of the reasons for the increase had been provided at meetings of scrutiny and Cabinet. Officers advised that further explanation was provided on page 37 of the report.

The Cabinet Member for Corporate Management thanked the Policy and Performance Manager and her team for preparing the Report. He said the Report had been endorsed by Cabinet at the meeting held on 13 October 2015 and moved approval of the Report which was duly seconded.

RESOLVED:

That the 2014/15 Annual Performance Report as recommended by Cabinet be approved for publication.

63. INDEPENDENT COMMISSION ON LOCAL GOVERNMENT FINANCE IN WALES

The Chief Executive introduced a report on Independent Commission on Local Government Finance in Wales. He provided background information and context and advised that the Commission had now called for evidence to inform its recommendations for financial reform. The Commission aimed to conclude its work and make recommendations early 2016. The Chief Executive gave a presentation on Local Government Commission on Finance for Wales. The main points of the presentation were:

- context
- Welsh commission on finance
- principles to underpin a response
- contrasts: England and Wales
- consultation questions and answers

Councillor Aaron Shotton explained that the Commission had been established by all 22 local authorities in Wales. He referred to the "solid" work undertaken by the Independent Commission on Local Government Finance for England which published its findings and recommendations in 2015. He emphasised that this was an opportunity for Flintshire to "have its say" and for the Council, individual Members, and local organisations to present evidence to the Commission. He referred to the WLGA 'Manifesto' and commented on the future post reorganisation and reiterated the opportunity to shape the political future in Wales and local government in Flintshire.

Councillor Shotton commented on the need for a radical review of business rates and referred to a £12M deficit between what was paid and received. He said it was important that Flintshire's voice was heard and referred to future progress and creation of jobs and said it was only fair that this should be reflected in terms of the public services provided by the Council.

Councillor Gareth Roberts welcomed the report and the principles around subsidiarity. He commented on the advantages of funding through local income tax and spoke in support of being able to retain a greater share of retained National Non Domestic/"business rates".

Councillor Chris Bithell expressed his views on what he felt was the bigger national issue of taxation. He believed local government was "short changed" through the national government system of funding and should be getting a proportion of national income tax. He commented on the need for consultation on the funding arrangements for local government in the future to enable it to meet the increased expectation for better and more efficient local services.

Councillor Mike Peers expressed further concerns around funding from the Welsh Government for local authorities in Wales and said there was a need for greater localism to enable local funding to be raised for local needs.

Councillor Richard Jones referred to the benefits of multi-year financial settlements which would be more beneficial to Flintshire in terms of forward planning.

Councillor Alex Aldridge referred to the creation of the Welsh Government and commented on the inevitable impact on public sector finance in Wales. The Chief Executive and Councillor Aaron Shotton acknowledged the points raised by Councillor Aldridge. The Chief Executive commented that the current system was unsustainable and agreed to reflect the comments expressed by Councillor Aldridge in the Council's response to the Commission.

RESOLVED:

That the Leader and the Chief Executive submit a written response on behalf of the Council to the Independent Commission.

64. OVERVIEW & SCRUTINY ANNUAL REPORT

The Member Engagement Manager presented the draft Overview & Scrutiny Annual Report for the 2014/15 municipal year. He advised that the Constitution Committee had considered and revised the Annual Report at its meeting held on 7 October 2015. He advised that the final version of the Report was appended for consideration.

The Member Engagement Manager took the opportunity to thank all who contributed to the overview and scrutiny function. Councillor Robin Guest, Chairman of the Constitution Committee, expressed his thanks to Councillor Neville Phillips for his valuable support as Vice-Chair of the Constitution Committee, and the Member Engagement Manager and his team, and Officers

for their input into producing the Annual Report. Councillor Guest moved approval of the report and this was duly seconded.

Councillor Mike Peers commented on the number of Call-In meetings held and suggested that the value of the Call-In process as part of the Council's mechanism for scrutiny should be included in the Annual Report. The Member Engagement Manager thanked Councillor Peers for his suggestion and agreed to add a feature on the use of the Call-In facility in the Annual Report.

Councillor Peers advised that there was a typographical error on page 146, paragraph 2, of the Report and the date 4 December 2015 should read '4 December 2014'.

Councillor Guest moved approval of the report and this was duly seconded.

Councillor Hilary Isherwood took the opportunity to reiterate her request, as previous Chair of the Environment Overview & Scrutiny Committee, that representatives of Town and Community Councils continue to be invited to attend Committee workshops.

RESOLVED:

That the Overview & Scrutiny Annual Report attached as Appendix 1 to the report be approved.

65. NEW MODEL CONSTITUTION

The Chief Officer (Governance) introduced a report on the differences between the Council's current Constitution and the Model Welsh Constitution (MWC) and whether to amend any provisions as a result.

The Chief Officer provided background information and referred to the key considerations. He reported that the Constitution Committee had considered the report of the Constitution Working Group at its meeting held on 7 October 2015 and had approved all the recommendations subject to one amendment concerning provisions about dismissing the Leader. The Constitution Committee felt that the threshold of 15% of councillors as signatories to such a motion was too low. It further recognised that there might not be as many or any political groups on the Council in future. The Constitution Committee resolved that the threshold should be 25% without the requirement that councillors come from more than one political group. This resolution was reflected in the recommended drafting at Appendix E. The Chief Officer advised that a motion to remove the Leader cannot be moved more than once in any rolling 12 month period.

Councillor Robin Guest expressed his thanks to the Chief Officer, the Democracy and Governance Manager, and members of the Constitution Working Group for their work. He also thanked the Leader for his valuable cooperation and contribution.

Councillor Chris Bithell moved the report and this was duly seconded.

RESOLVED:

That the changes as recommended in Appendixes A-E of the report be approved.

66. PROPOSED CHANGES TO CHIEF OFFICER (PLANNING & ENVIRONMENT) DELEGATED POWERS

The Chief Officer (Governance) introduced a report to consider the recommendations from the Planning Strategy Group (PSG) to alter the delegations to the Chief Officer (Planning & Environment), and to transfer the documented responsibility to make agreements for highway works from the Chief Officer (Streetscene and Transportation) to the Chief Officer (Planning & Environment) to reflect the staffing structure.

The Chief Officer provided background information and context and advised that the PSG and Constitution Committee fully supported the revised delegations to the Chief Officer (Planning and Environment) and were satisfied that the Planning & Development Control Committee would still be able to consider applications that warranted Member scrutiny. In addition there was the 'failsafe' that Members retained the ability to ask for applications to be considered at Committee if there was legitimate reason.

The Chief Officer (Governance) invited the Chief Officer (Planning & Environment) to provide further clarification on the proposals concerning delegation and the role and responsibilities of the PSG. In response to a concern raised by Councillor Richard Jones around the process for reviewing decisions on a change in delegation, the Chief Officer (Planning & Environment) gave an assurance that all relevant information was already in the public domain.

In response to the questions put forward by Councillor Clive Carver, the Chief Officer (Planning and Environment) reiterated that Members still retained the opportunity to ask for applications to be considered at Planning & Development Control Committee if there was legitimate reason and to request a site visit.

Regarding the further concerns expressed by Councillor David Roney, Councillor Bernie Attridge gave an assurance that a satisfactory answer would be provided to the matter raised.

Councillor Mike Peers referred to page 181, paragraphs (a) and (b), and suggested that the wording be amended to ensure that the Member requesting delegation to the Planning & Development Control Committee also provided a clear written reason for the request. The Chief Officer (Planning & Environment) advised that the detail as to why an application went to the Committee sat within the Planning Code of Practice within the scheme of delegation.

Councillor Robin Guest moved approval of the report and this was duly seconded.

RESOLVED:

That the amendments to the Chief Officer (Planning & Environment) Scheme of Delegation be endorsed.

67. DRAFT ANNUAL REPORT OF THE INDEPENDENT REMUNERATION PANEL FOR WALES 2016/17

The Chief Officer (Governance) introduced a report to consider the determinations made by the Independent Remuneration Panel for Wales (IRPW) in their draft Annual Report for the 2016/17 Municipal Year. Members were informed that the IRPW would take any representations it received into account before the final version of the report was issued in February 2016.

The Chief Officer provided background information and advised that whilst the basic salary for elected members remained the same, the IRPW intended to make a number of new determinations; notably the introduction of two tiers of payment for Cabinet Members and Committee Chairs, and a reduction of £2,000 in the payment made to the leader of the largest opposition group. The Chief Officer explained that there was also an expectation around the support provided to elected members regarding the provision of adequate telephone and email facilities, and electronic access to appropriate information.

The Chief Officer referred to the key considerations as detailed in the report and gave an outline of the main concerns he proposed to make in his response on behalf of the Council to the IRPW. He commented on the system of collective responsibility of Cabinet Members in Flintshire, and referred to the lack of rationale for the proposed reduction in payment to the Leader of the largest opposition group. The Chief Officer also commented on the Council's provision of ipads to all Members who wished to use them and said that the Council did not provide 'phones or make line rental payments to Members and commented that this would be difficult to quantify and may incur significant costs.

Councillor Richard Jones concurred with the view that it would be difficult for the Leader and Deputy Leader to determine a two tier approach for Cabinet Member salaries due to the collective responsibility of Cabinet Members in Flintshire. He expressed the view that there should be a single remuneration.

Councillor Hilary Isherwood drew attention to page 200, paragraph 49, and queried how the allowance for staying with friends/family overnight would be audited.

Councillor Aaron Shotton spoke of the disquiet amongst other authorities across Wales around the wider implications with regard to the proposed determinations and commented on the potential for destabilising Councils. He commented on the Welsh Government's desire to reduce the cost of politics and advised that the IRPW had obtained comparative information on remuneration and was reassured that its rates of payment were 'justified and appropriate in comparison to other UK nations'. Councillor Shotton commented on a meeting of the Co-ordinating Committee of the WLGA to be held on 30 October 2015 and said that the concerns which had been raised by Members would be conveyed to the Committee and feedback provided in due course.

Councillor Robin Guest moved approval of the report and this was duly seconded. On being put to the vote the recommendation was carried. Councillor Owen Thomas abstained from the vote.

RESOLVED:

That the Chief Officer (Governance) makes a response on behalf of the Council to the IRPW.

68. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press present.

(The meeting started at 2.00 pm and ended at 4.28pm)

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Chairman