

FLINTSHIRE COUNTY COUNCIL
19 JUNE 2018

Minutes of the meeting of Flintshire County Council held at Council Chamber, County Hall, Mold CH7 6NA on Tuesday, 19 June 2018

PRESENT: Councillor Paul Cunningham (Chairman)

Councillors: Mike Allport, Bernie Attridge, Janet Axworthy, Glyn Banks, Haydn Bateman, Marion Bateman, Sean Bibby, Chris Bithell, Sian Braun, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, David Cox, Jean Davies, Rob Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, David Evans, Veronica Gay, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Dave Hughes, Kevin Hughes, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Dave Mackie, Billy Mullin, Ted Palmer, Mike Peers, Michelle Perfect, Vicky Perfect, Neville Phillips, Mike Reece, Ian Roberts, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Andy Williams, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Carol Ellis, George Hardcastle, Andrew Holgate, Hilary McGuill, Mike Lowe and Martin White

IN ATTENDANCE:

Chief Executive; Chief Officer (Governance); Chief Officer (Planning, Environment & Economy); Chief Officer (Streetscene & Transportation); Chief Officer (Social Services); Chief Officer (Housing & Assets); Interim Chief Officer (Education & Youth); Senior Manager, Human Resources & Organisational Development; Corporate Business & Communications Executive Officer; Revenues Manager; Democratic Services Manager; Team Leader - Democratic Services; Democratic Services Officer; and Reverend David Poulton for prayers

14. PRESENTATIONS

(i) Flintshire Primary Schools Football Squad

The Chairman and Chief Executive welcomed Andrew Jones (Manager and Headteacher of Ysgol Derwenfa in Leeswood) and Ian Price, Jamie Davies and Reagen Nicholas (Coach/Teacher and two team captains) of Ewloe Green Primary School. They were congratulated on their fantastic achievement in winning three competitions in one year: the Tom Yeoman Northern Section (North Wales champions), Tom Yeoman Shield National Finals (Champions of Wales) and the Phil Staley Shield. It was noted that Deeside/Flintshire Primary Schools currently held the record for the most victories in the Tom Yeoman Shield National Finals, having won 16 times since entering the competition.

As Cabinet Member for Education, Councillor Roberts paid tribute to Flintshire Primary Schools and the contributions of teachers and parents in helping the young people to achieve their success.

On behalf of all in the Football Association, Mr. Jones said that it was an honour to be asked to attend in recognition of the hard work put in by all involved.

(ii) Gareth Thomas, Manager of Conwy Borough Football Club

Flintshire County Council officers Gareth Thomas (Logistics Manager, Streetscene) and Alun Winstanley (Youth Justice Service) - Manager and Assistant Manager of Conwy Borough Football Club - were welcomed in recognition of the club's success as winners of the Welsh Alliance League Championship (gaining promotion to the Cymru Alliance), FA Welsh Trophy and the Cookson Cup. In addition, Gareth had won three 'Manager of the Month' awards as well as being awarded 'Manager of the Season' by Y Clwb Pel Droed magazine and the League.

Congratulations were given by Councillor Roberts on the club's achievements during the season.

In wishing the club well for the new season, Councillor Attridge said it had given him great pleasure to nominate Gareth and Alun because of their dedication and commitment to the club. Similar tributes were paid by Councillor Owen Thomas and Councillor Hutchinson.

In response, Gareth expressed his gratitude for the invitation to attend the meeting.

15. MINUTES

The minutes of the meetings held on 14 April and 1 May 2018 were received.

RESOLVED:

That the minutes be approved and signed by the Chairman as a correct record.

16. DECLARATIONS OF INTEREST

On the advice of the Chief Officer (Governance), the following declared a personal interest on the Approval of Clwyd Pension Fund Statement of Accounts (Agenda Item 14) as members of the Clwyd Pension Fund:

Councillors: Haydn Bateman, Marion Bateman, Sian Braun, Helen Brown, Rob Davies, Adele Davies-Cooke, Mared Eastwood, Gladys Healey, Dave Hughes, Joe Johnson, Paul Johnson, Dave Mackie, Ian Roberts and Ian Smith.

The Chief Officer advised that a personal interest would be recorded on behalf of all Members present in respect of Agenda Item 15 'Schedule of Remuneration for 2018/19'.

17. CHAIRMAN'S COMMUNICATIONS

A copy of the Chairman's Communications had been circulated prior to the meeting. The Chairman gave particular mention to the raising of the Royal Air Force Ensign at County Hall to celebrate its centenary year, which had been well attended.

18. PETITIONS

None were received.

19. PUBLIC QUESTION TIME

None were received.

20. QUESTIONS

None were received.

21. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

None were received.

22. NOTICE OF MOTION

Two Notice of Motion had been received from Councillor Hinds:

(i) Parking Bays outside Pensioners' Bungalows

'All parking bays that are outside pensioners bungalows across Flintshire should be for them and emergency vehicles only. This should be enforceable.'

In support of her Motion, Councillor Hinds spoke about the importance of such parking bays being available for residents, their carers and most importantly, the emergency services who may require urgent access. She had received many objections about others using the parking bays and parents blocking access during school times.

As Deputy Leader and Cabinet Member for Housing, Councillor Attridge understood the need for some form of control but spoke about wider issues not just restricted to pensioners bungalows. He referred to the programme of environment works across the County which included creating new parking provision and suggested that this could incorporate a review of current parking restrictions in those areas and identify where residents' parking permits could be introduced, if supported. He acknowledged that this may not address Councillor Hinds' immediate concerns but suggested that officers could identify priority locations where parking was being abused and develop a residents' permit parking policy, including effective consultation with affected users. This approach would be subject to consultation with Councillor Carolyn Thomas, the Cabinet Member for Streetscene & Countryside.

Councillor Hinds indicated that she was satisfied with the amendment, which was seconded by Councillor Heesom.

The Chief Executive clarified that if supported, officers would endeavour to prioritise the types of accommodation highlighted by Councillor Hinds within the review.

Councillor Carolyn Thomas spoke in support of the amendment including the prioritised areas, subject to the necessary resources and funding being available.

Also speaking in favour of the amendment were Councillors Heesom, David Williams and Owen Thomas.

Councillor Carver asked whether the review would apply to Council owned bungalows only and he pointed out that accommodation was sometimes allocated to residents below pensionable age.

Councillor Peers asked for assurance that the review would include schemes previously identified across the County.

Councillor Gladys Healey said that the review should take into account the different needs of residents using this type of accommodation and number of vehicles per household.

Councillor Attridge clarified that the review would apply to Council owned sheltered accommodation and was separate to the Streetscene review. Councillor Hinds indicated her agreement.

In response to the comments raised, the Chief Officer (Streetscene & Transportation) explained that a policy for resident parking schemes had been introduced, involving a detailed process and extensive consultation. In response to comments from Councillor Chris Dolphin, he said that whilst a list of areas was prioritised, a scheme had not yet been implemented as this required support from a requisite number of residents.

On being put the vote, the amendment was carried.

- (ii) Welsh Government Technical Advice Note (TAN) 1: Joint Housing Land Availability Studies (2015)

'TAN1 is the most unfair planning process and can punish some communities more than others leaving that community to be overdeveloped and cannot cope with the infrastructure that is already there. Also not taking into account the wellbeing and social cohesion of that community e.g. far more four bedroomed houses leaving those who are ill, disabled, young, without cars and lower income families without public transport, etc. because all these residents will have private vehicles. No room in schools, drainage not good enough, hospitals and doctors not coping, highways etc. We are separating communities not keeping them together.

It breaks up a community because we have it now where we never hardly see a resident from one of the new estates that has mainly 4 bedroomed houses. The other estate is a better mix of houses, and residents are making a contribution to the community.

This needs to be sent to the Welsh Government (WG) so fairness, social cohesion, wellbeing and common sense are the priority and not wealth of developers and estates with the correct housing built that are not planned like little boxes, not enough room between them and a good drive for at least two cars. Don't we learn?

The most important part of planning is what the community want and if the community has worked hard to do a Place Plan then this should be taken into consideration and come under any type of planning policy whether it be the LDP, etc.'

Councillor Hinds explained that she had submitted the Notice of Motion prior to the WG consultation on proposals to temporarily dis-apply paragraph 6.2 of TAN1 and sought Members' support to respond to the consultation. In highlighting the policy implications on communities, she referred to the planning appeal decision in her ward which had been passed under appeal.

As Cabinet Member for Planning and Public Protection, Councillor Bithell appealed to Members to endorse the recommendations agreed by Cabinet earlier in the day and to write individually to WG to abolish the policy.

The Chief Officer (Governance) read out a key extract from the response which had been summarised by the Chief Officer (Planning, Environment & Economy) and agreed by Cabinet at the meeting earlier in the day:

1. Council agrees with and fully supports the proposed dis-application of the relevant paragraph within TAN1 not only for the duration of the call for evidence but until such time as the outcome of the review is known and the actions in relation to revising TAN1 are understood.
2. Clear evidence suggests that a significant and growing quantum of undeveloped planning permissions exists within Wales. When current, emerging and adopted Local Development Plan (LDP) supply is measured against the rates that housing developers are currently building houses, all bar one Local Planning Authority (LPA) in Wales could demonstrate a five year supply on this basis.
3. Council confirms that the dis-application of the relevant paragraph will significantly relieve the pressure it is experiencing to accept speculative development.
4. This would enable the Council to maintain its focus on progressing the LDP which is at a critical stage in terms of preparing its deposit plan and where the Council must make decisions about allocating sufficient and sustainable sites to meet the Plan's requirements.
5. The scope of the review must be broad and challenging and not just to LPAs. The building industry must be fully engaged with the review in a non-adversarial sense and must be prepared to be challenged and open in providing evidence of their genuine capacity

to build homes within Wales. This is from the perspective of existing permitted but as yet undeveloped units as well as bringing forward sites in Local Development Plans. This must also fundamentally test the perception that exists of land banking as well as the approach to delivering housing in Wales.

6. The outcome and actions from the review should be fully assessed and shared with all interested parties to avoid the undue haste at which TAN1 was previously reviewed and amended and the consequent issues that are now being experienced as a result of that hasty review.

Councillor Hinds indicated that the above covered her concerns. This amendment was seconded by Councillor Attridge.

It was clarified by the Chief Executive that Council was being asked to support the Cabinet resolution.

Councillor Peers spoke in support of the Notice of Motion and Cabinet response to seek an end to TAN1 which was undermining the LDP. He gave assurance that the Planning Strategy Group had considered the matter in detail and he asked what steps could be taken in the interim period to reduce the pressure on communities.

Speaking in support, Councillor David Healey said that representations should be made to WG to widen the scope of the review to reconsider the methodology used to calculate housing land supply.

Councillor David Williams raised points about seeking more protection for rural communities.

Councillor Heesom said that it may be appropriate to pursue a judicial review of the decision on the Penyffordd application whilst the consultation period was ongoing.

Councillor Butler explained that the Planning Strategy Group had been working on the matter for some time. He said that collective support by the Council was needed including seeking suspension of TAN1 until the outcome of the review was known. This view was shared by Councillor Owen Thomas.

In response to Councillor Peers' question, the Chief Officer (Planning, Environment & Economy) asked that Members collectively support the amended Notice of Motion and also individually respond to the WG consultation. He gave assurance to Councillor Healey that as part of the call for evidence, the Council would highlight the flaw in the calculation to demonstrate a five year housing land supply, as evidenced by the low ratio of LPAs which could do so. He went on to stress the need for an urgent decision by WG to dis-apply the relevant paragraph.

The Chief Officer (Governance) clarified that Members were being asked to endorse the Cabinet resolution including representations on the methodology for calculating housing land supply.

On being put to the vote, the Motion - as amended - was unanimously supported.

RESOLVED:

- (a) That the Notice of Motion from Councillor Hinds be supported as follows: 'That the Council review residents' parking generally across the County, to target and prioritise parking schemes outside Council sheltered bungalows and introduce on-street parking powers where possible. As part of that review, to identify Council-owned land and parking bays, as referred to in the Notice of Motion, to identify where parking powers could be introduced.'
- (b) That the Notice of Motion from Councillor Hinds be supported as follows: 'That Members support the resolution of Cabinet on 19 June 2018 for a response to be made to Welsh Government as set out in the Cabinet report and specifically paragraph 1.07 including representations on the recalculation for housing land supply as part of the call for evidence.'

23. COUNCIL PLAN 2018-19

Councillor Mullin moved the recommendations in the report on the annual review of the Council Plan 2017-23 which had been refreshed for structure and content for 2018-19. He thanked Members for their input at the recent workshop and at the Corporate Resources Overview & Scrutiny Committee. This was seconded by Councillor Attridge.

In presenting the report, the Chief Executive explained that the Plan should be published annually and the contents were subject to a rolling review. He drew attention to the appendices including the responses to Member consultation and confirmed that Cabinet had recommended the Plan for approval.

The Corporate Business & Communications Executive Officer gave a presentation covering the following:

- How the Plan is put together
- Choosing in-year priorities
- New content: national issues
- Member consultation
- Benefits of planning
- This year's 2018/19 Council Plan
- Using the Plan
- Next steps

During the presentation, a reminder was given of the role of Overview & Scrutiny in monitoring progress and the Audit Committee in monitoring strategic risks. The low number of significant ongoing issues of underperformance from 2017/18 would be subject to further monitoring through agreed action plans.

Councillor Richard Jones said that despite previous requests, revisions were not highlighted in Part 2 of the Plan and he gave examples of changes to measurements and targets where explanation should have been given, which he

agreed to share in full after the meeting. To enable the Council to meet its statutory duty on publishing the Plan, the Chief Executive suggested that the recommendation be changed to adopt the Council Plan as it stood, subject to ongoing review of targets for improvement.

Councillor Jones also suggested changes to wording on two of the impacts under the 'Business Sector Growth and Regeneration' priority which he said could not be included at this stage. On the delivery of commitments though the Regional Economic Growth Deal (Item 2), the Chief Executive agreed that the second sentence should be removed. On the development of regional and local transport strategy (Item 7), it was agreed that the first bullet-point be amended to read 'Proposing that transport infrastructure features in the Regional Economic Growth Deal proposal' to reflect this particular aim in-year.

Councillor Peers said that tracked changes in Part 1 of the Plan should reflect explanation on why aims had been deleted. In response to queries, the Chief Executive provided clarification on terminology in the document. On the 'Modern, Efficient and Adapted Homes' priority, whilst the Chief Officer (Planning, Environment & Economy) acknowledged the request to reinstate the aim to maximise provision of affordable homes through the planning process, he pointed out that the Council had little control on influencing performance. As such, he suggested that the objective be included as a third bullet-point under 'achievement will be measured through', but with no set target. The Chief Executive and Councillor Bithell were in agreement that schemes should be measured on an individual basis as it was not viable to set an overall target.

Under the 'Ambitious Council' theme, Councillor Heesom stated his reservations about county-wide benefits from the Regional Growth Economic Growth Deal.

The Executive Officer advised that a more detailed report to explain all the changes would be brought to the next meeting of the Corporate Resources Overview & Scrutiny Committee.

The Chief Executive clarified the proposed changes and spoke about the potential to bring forward consultation on the Plan for 2019-20 at an earlier stage next year.

In summing up, Councillor Mullin said that the process demonstrated the effectiveness of Overview & Scrutiny and he thanked the Executive Officer and her team for their hard work.

On being put to the vote, the recommendation from Cabinet and proposed changes were carried.

RESOLVED:

That the Council Plan 2018-19 be adopted on the recommendation of Cabinet, subject to:

- the agreed changes to wording on the Regional Economic Growth Deal and the development of the Regional and Local Transport Strategy under the 'Business Sector Growth and Regeneration' priority;
- the inclusion of the objective to maximise provision of affordable housing, with a broader approach to performance be included under the 'Modern, Efficient and Adapted Homes' priority; and
- an open approach to reviewing targets for improvement at any stage.

Item 11 - Council Plan presentation

24. GROWTH VISION AND STRATEGY FOR THE ECONOMY OF NORTH WALES: GOVERNANCE AGREEMENT

The Chief Executive and Chief Officer (Governance) presented the report on the development of the North Wales Growth Deal Bid to seek approval of the non-executive arrangements within Governance Agreement 1 (GA1) following Cabinet approval of the executive arrangements earlier in the day.

Explanation was given on the two areas of decision-making needed to approve the first stage of the Governance Agreement so that the Constitution could be updated accordingly. The aim of the Growth Deal Bid was to benefit the economy of the region and the Growth Strategy would enable a unified approach to access bids for funding, such as the Prosperity Fund. As requested at the recent Member workshop, information was shared on the revised governance model of the joint statutory regional committee which was circulated to replace that appended to the report. This clarified the decision-making or advisory responsibilities of each partner. Whilst the GA1 set out how the committee would operate in the interim period, the second part of the Agreement would include more detail on commitments and would be subject to consultation in 2019.

The Chief Executive said that achievements on the Growth Deal Bid would strengthen the case for improved regional collaborative working, which was viewed as a likely alternative to local government reform in Wales. He said that the three areas identified for improvement through regional working in North Wales were economy, health and social care and community safety.

The Chief Officer provided information on the content of GA1, explaining that agreement on Overview & Scrutiny arrangements was a Council decision. He outlined the four main safeguards as set out in the report and gave a reminder that the proposition document would be submitted for Council approval in September.

In moving the recommendations, Councillor Butler acknowledged the concerns which had been expressed by some Members but highlighted the importance of the Deal and the retention of local control on specific governance issues.

Councillor Peers raised a number of points about the presentation of the document which the Chief Officer agreed to address when finalising the GA1 once comments from all councils had been received. The Chief Executive provided clarification on a number of areas within the GA1 including contributions from the six councils and agreed to re-circulate the Growth Strategy to Members.

On the suggestion to insert 'where possible' in respect of devoting sufficient resources to deliver the Growth Deal, officers highlighted the importance of each council honouring its share of commitments as part of the agreement.

Whilst Councillor Heesom acknowledged the significant opportunities from the Growth Deal, he reiterated his concerns about the extent of the benefits.

Councillor Richard Jones spoke in support of the regional approach but questioned the County-wide benefits. He referred to the objectives set out in the GA1 and said that items of direct benefit to Flintshire should have been brought to Council at an earlier stage to provide clarification to Members on what they were being asked to agree. He queried the full costs of the Growth Deal and arrangements for appointing representatives to the joint committee. He went on to request that local scrutiny be undertaken by the Corporate Resources Overview & Scrutiny Committee with other relevant Overview & Scrutiny committees and that those meetings be webcast.

Councillor Woolley spoke in support of the Growth Deal but had concerns about the reported outcomes of similar arrangements in England. On the GA1, he expressed reservations about wording used in the sections on withdrawal and consequences of termination of the agreement.

Councillor Carolyn Thomas highlighted the good progress being made on cross-border transport infrastructure and maximising funding opportunities to improve links across the County.

Councillor Banks also spoke in support of the bid but shared some Members' concerns about equitable investment in transport across the County.

In responding to the concerns raised, the Chief Officer said that this model differed from that in England and that the joint committee involved all six councils where local scrutiny arrangements applied. He provided assurance on powers to be granted to sub-committees, the safeguards for Member approval at key stages and audit arrangements by the host authority.

The Chief Executive said that the unified regional approach had already helped to attract some funding and that the agreement needed to be legal, credible and workable in order to be accepted by both governments. He spoke about the aim of investing in growing business sectors across the region to achieve direct and indirect benefits and said that the eight key programmes shared at the Member workshop would be prioritised by both governments at the final bid stage.

Members were advised that the regional board would agree an approach to sharing interim reports on the development of the bid with individual councils.

RESOLVED:

- (a) That progress on the development of a Growth deal bid is noted and welcomed;

- (b) That Council approves all non-executive elements of the first stage Governance Agreement as outlined at the meeting;
- (c) That the Council be presented with the final draft Growth Deal Bid for review and consent in September/October prior to the stage of reaching Heads of Terms with both Governments;
- (d) That delegated authority be given to the Chief Executive and Chief Officer (Governance) in consultation with the Leader to finalise the terms of the Governance Agreement in accordance with the draft attached to the Cabinet report; and
- (e) That the executive arrangements contained within the Governance Agreement be included in the Constitution and that Council be requested to include the non-executive arrangements within the Constitution.

Enc. 3 - Revised Governance Map circulated at the meeting

25. COUNCIL TAX CARE LEAVERS DISCOUNT SCHEME

A report was received on proposals to provide a discount of up to 100% from the payment of Council Tax to care leavers aged between 18 and 25 residing in Flintshire.

As Cabinet Member for Social Services, Councillor Christine Jones welcomed the proposals to help vulnerable young people in their transition to adulthood and independent living.

The Revenues Manager advised that the estimated cost of funding the scheme would be around £14K per annum and that up to ten individuals in Flintshire would qualify for a discount including care leavers residing in Flintshire but had previously been in the care of another council. If supported by Members, Cabinet would be asked to adopt the new scheme with effect from 1 April 2018.

As Chairman of the Children's Services Forum, Councillor Bithell welcomed the proposals.

In response to a query by Councillor Carver, the Revenues Manager explained that the policy for the scheme would take account of differing circumstances and living arrangements.

In supporting the proposals, Councillor Tudor Jones spoke about the need for continued support to care leavers beyond the age of 18. The Chief Officer (Social Services) advised that support was available for care leavers up to the age of 25, depending on the individual's circumstances. He referred to plans to further strengthen support for care leavers.

RESOLVED:

- (a) That the Council provides feedback to Cabinet on the potential introduction of a Council Tax Discount scheme for care leavers; and

- (b) That the Council supports the development of a Council Tax Discretionary Discount scheme for Care Leavers, subject to final approval of Cabinet, with the aim of providing discounts of up to 100% to all care leavers up to the age of 25.

26. APPROVAL OF CLWYD PENSION FUND STATEMENT OF ACCOUNTS

The Chief Officer (Governance) presented the report to enable the Clwyd Pension Fund Committee, as the more appropriate body, to approve the Clwyd Pension Fund final statement of accounts, rather than full Council. This approach, which was supported by the Wales Audit Office, would still involve consideration of the final accounts by the Audit Committee.

On behalf of the Clwyd Pension Fund Committee, the Chairman, Councillor Dave Hughes, confirmed support for this approach.

RESOLVED:

That Clwyd Pension Fund final statement of accounts is considered by the Audit Committee and approved by the Clwyd Pension Fund Committee.

27. SCHEDULE OF REMUNERATION FOR 2018/19

The Democratic Services Manager presented the Schedule of Remuneration for 2018/19 for formal approval, subject to two amendments under section 14 and schedule 1.

RESOLVED:

- (a) That subject to the two amendments, the completed Schedule of Remuneration for 2018/19 be approved for publication; and
- (b) That the Democratic Services Manager be authorised to add the name of the final co-optee to the schedule when appointed.

28. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 2.00 pm and ended at 5.20 pm)

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Chairman