

FLINTSHIRE COUNTY COUNCIL

3 MARCH 2015

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 3 March 2015

PRESENT: Councillor Glenys Diskin (Chair)

Councillors: Alex Aldridge, Bernie Attridge, Glyn Banks, Haydn Bateman, Marion Bateman, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, David Cox, Paul Cunningham, Peter Curtis, Ron Davies, Chris Dolphin, Ian Dunbar, Andy Dunbobbin, Carol Ellis, David Evans, Jim Falshaw, Veronica Gay, Robin Guest, Alison Halford, Ron Hampson, Cindy Hinds, Ray Hughes, Hilary Isherwood, Joe Johnson, Christine Jones, Kevin Jones, Richard Jones, Colin Legg, Phil Lightfoot, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Nancy Matthews, Hilary McGuill, Tim Newhouse, Mike Peers, Neville Phillips, Mike Reece, Gareth Roberts, Ian Roberts, David Roney, Tony Sharps, Aaron Shotton, Paul Shotton, Ian Smith, Nigel Steele-Mortimer, Carolyn Thomas, Owen Thomas, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Amanda Bragg, Adele Davies-Cooke, Alan Diskin, Rosetta Dolphin, Brian Dunn, George Hardcastle, Dennis Hutchinson, Ann Minshull, Billy Mullin, Vicky Perfect and Sharon Williams

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Community & Enterprise), Chief Officer (People & Resources), Corporate Finance Manager, Head of Pensions & Funds, Revenues & Benefits Manager, Revenues Manager, Democracy & Governance Manager, Lead Business Partner and Committee Officer

102. PRESENTATION

The Chair welcomed Sian Williams and Matt Hayes from the Council's Sports Development Team in Leisure Services, and praised the team for their achievement as overall winners of the 'Local Authority Contribution of the Year Award' category of the National Tennis Wales Awards.

As Cabinet Member for Waste Strategy, Public Protection and Leisure, Councillor Kevin Jones congratulated the entire team on their success and in particular to Michelle for her contribution in taking the initiative forward. He welcomed the Council's commitment in establishing new junior clubs in the county and delivering tennis training to schools and communities.

103. DECLARATIONS OF INTEREST

On Agenda Item 11 - Clwyd Pension Fund Governance - the Chief Officer (Governance) advised Members that any declarations of interest would be personal. The following Members declared a personal interest:

Councillors: Alex Aldridge, Bernie Attridge, Chris Bithell, Helen Brown, David Cox, Peter Curtis, Ian Dunbar, Carol Ellis, Ron Hampson, Cindy Hinds, Joe Johnson, Christine Jones, Kevin Jones, Nancy Matthews, Hilary McGuill, Ian Roberts, Aaron Shotton and Ian Smith.

Prior to discussion on Agenda Item 13 - Officers' Code of Conduct, Councillor Clive Carver declared a personal and prejudicial interest for which he had been granted dispensation to speak.

104. CHAIR'S COMMUNICATIONS

A copy of the Chair's communications had been circulated to all Members before the meeting. In presenting the paper, the Chair particularly highlighted her meeting with Michael Green who was the first youth councillor to be elected to any Town Council in Flintshire. Councillor Richard Lloyd read out an email from Michael in which he expressed his appreciation and interest in visiting County Hall.

105. PETITIONS

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

106. PUBLIC QUESTION TIME

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

107. QUESTIONS

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

108. NOTICE OF MOTION

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

109. COUNCIL TAX SETTING FOR 2015-16

The recommendation in the report was formally moved and seconded by Councillors Aaron Shotton and Bernie Attridge.

The Corporate Finance Manager presented the report to formally set the Council Tax for 2015-16 and agree the statutory resolutions for the purpose of administering Council Tax and Non-Domestic Rates. The Council Tax resolution included elements relating to the County Council, Police & Crime Commissioner for North Wales and all Town/Community Councils. The Council Tax charges/levels detailed in the report had been approved as part of the Council Fund Revenue Budget 2015-16 at the previous County Council meeting.

On behalf of the Conservative group, Councillor Nigel Steele-Mortimer advised that it intended to oppose the recommendation, as sufficient funds had been made available to the Welsh Government (WG) to support a 'freeze' on Council Tax.

Councillor Ian Dunbar referred to the expectation on Councils to help reduce all elements of the precept for residents, for example where representations made to the Fire Authority had resulted in a reduction to its precept. However, despite a similar approach made to the Police & Crime Commissioner for North Wales, whose precept was amongst the highest, a similar outcome had not been achieved, with no explanation given on the level of resources needed and diversion of reserves. Councillor Dunbar stressed the importance of the Council making representations to the Police & Crime Commissioner on the impact of its precept, particularly in view of there being no apparent benefit to residents such as additional Police officers in the locality.

Councillor Mike Peers agreed that these issues needed to be followed up. Whilst he said it was too late at this stage, he suggested that this should be explored further by inviting the Police & Crime Commissioner to a meeting of the Council as part of budget planning for 2016-17.

In agreement with both Members, Councillor Paul Shotton referred to concerns raised by a leading North Wales Police Association Member on the reduction in Police numbers and called into question the adequate use of resources available to the Police & Crime Commissioner.

Councillor Chris Bithell spoke about the practice in previous years for determination of the Police precept to take account of recommendations made by the Council's representative on the Police Authority. However, this was no longer the case.

A request was made by Councillor Alison Halford for details of the amount paid to the Police & Crime Commissioner for North Wales out of the precept, which she had seen in a report to the Audit Committee. The Chief Executive explained that this was derived from a direct UK Government grant.

Councillor Alex Aldridge proposed that Mr. Winston Roddick, the Police & Crime Commissioner for North Wales be invited to a future meeting to discuss the precept. This was seconded by Councillor Attridge.

Clarification was sought by the Chief Executive on whether Members wished to invite Mr. Roddick to a future meeting of full Council as he was already scheduled to attend a future Overview & Scrutiny Committee meeting. Councillor Aldridge confirmed this to be his proposal.

Councillor Richard Jones referred to additional funding allocated by WG to the Health Service and expressed his disappointment that this was not the case for Councils as this could have been used better to financially benefit people across Wales.

Councillor Gareth Roberts felt that some constituents would support an increase in Council Tax at this stage to help to protect important services, noting that a rise of 5% would still be below the Standard Spending Assessment (SSA).

In summing up, Councillor Aaron Shotton conveyed his disappointment in the comments made by Councillor Steele-Mortimer as there had been ample opportunity for all Members' input on Council Tax as part of the budget

consultation process for 2015/16 and at the previous full Council meeting. Whilst respecting submissions made by any political group, he said that this could not be acceptable at this stage in the process. In support of the proposal by Councillor Aldridge, he agreed that accountability and scrutiny of the Police & Crime Commissioner precept was pertinent and referred to the increase in precepts set by some Town/Community Councils.

On being put to the vote, the recommendation in the report, as moved and seconded earlier, was carried.

RESOLVED:

- (a) That the resolutions detailed in Appendix A to the report be approved; and
- (b) That the Police Crime & Commissioner for North Wales be invited to attend a future meeting of the County Council to enable discussion on the precept.

110. REVIEW OF POLITICAL BALANCE

The Chief Officer (Governance) introduced a review of the Council's political balance calculations arising from a Member joining the Labour Group from the New Independent Group, based on the statutory rules listed in the report. Following completion of the report, a further Member had joined the Labour Group from the Independent Alliance Group, prompting a re-calculation of options set out in Appendix 4 which had been made available for Members' consideration prior to the meeting.

Councillor Aaron Shotton's proposal that Appendix 4 be adopted was seconded.

On behalf of the Independent Alliance Group, Councillor Mike Peers proposed an alternative option, Appendix 5, which was made available at the meeting, as this better represented the wishes of his group to retain two seats on the Environment Overview & Scrutiny Committee whilst losing a seat on the Licensing Committee. He advised that the Democracy & Governance Manager had confirmed that this option met the necessary legal requirements.

As a point of accuracy raised by Councillor David Roney, it was clarified that the total number of New Independent seats on Appendix 4 totalled 18 rather than 17.

Councillors Aaron Shotton and Bernie Attridge proposed an amendment that Appendix 5 be adopted. This became the substantive motion.

In response to queries raised by Councillors Dave Mackie and Robin Guest, the meeting was adjourned for five minutes to enable the figures to be checked on Appendix 5. Following the recess, the Chief Officer (Governance) explained that there were some inaccuracies on the original figures on Appendix 5, however the updated figures and totals at the bottom of the sheet were correct. Councillor Guest requested that an amended version of Appendix 5 be made available following the meeting.

On that basis, the substantive motion to approve Appendix 5 was put to the vote and carried.

RESOLVED:

That the changes to political balance shown in Appendix 5 be agreed.

111. CLWYD PENSION FUND GOVERNANCE

The Chief Officer (People & Resources) introduced the report to propose the creation of a local Pension Board for the Clwyd Pension Fund, pursuant to a recommendation to Constitution Committee and to comply with recent changes in legislation.

The background information to the report detailed the key elements from the regulations for the establishment of a local Pension Board by no later than 1 April 2015. Where a pension committee already existed within a Council, there was an option to have a combined pension committee and Pension Board, however this could only be achieved through approval by the Secretary of State due to the legal implications. It was therefore expected that Councils would be required to create a separate local Pension Board, as recommended in the report. Appended to the report were the proposed structure showing how the Board would fit, along with a proposed protocol previously agreed by the Constitution Committee, setting out how the Pension Board would be established and operated. The Democracy & Governance Manager and Head of Pensions & Funds had both been involved in the drafting of the proposal from the Constitution Committee.

Councillor Robin Guest moved the recommendations in the report and this was seconded by Councillor Chris Bithell. On being put to the vote, this was carried.

RESOLVED:

That an addition to the Constitution, as outlined in Appendix 2 to the report, to introduce a local Pension Board for the Clwyd Pension Fund as required by the Public Service Pensions Act and LGPS Regulations to assist with ensuring compliance with regulations and to achieve efficient and effective governance, be agreed.

112. VARIATION IN ORDER OF BUSINESS

The Chief Executive indicated that there would be a slight change in the order of business to bring forward agenda item 13 to enable Chief Officers to be present prior to consideration of Agenda Item 12.

113. OFFICER'S CODE OF CONDUCT

Members received a report to consider a recommendation from the Constitution Committee to adopt a revised Officers' Code of Conduct.

Councillor Aaron Shotton proposed that the report be deferred to the next available County Council meeting as it did not fully reflect the recommendations agreed by the Constitution Committee in consideration of this item. He explained that his request to defer the item would enable discussion with Group Leaders. This was seconded by Councillor Bernie Attridge.

As Chairman of the Constitution Committee, Councillor Robin Guest expressed his disappointment at not being given prior notice of the proposed deferment.

The Chief Executive clarified to Members his expectation of voluntary full disclosure from the Council's senior officers on all interests to show transparency, as indicated at the Constitution Committee.

On being put to the vote, the proposal to defer the item was carried.

RESOLVED:

That the report be deferred to the next available meeting of County Council.

Prior to the next item, all Chief Officers were requested to leave the room due to the conflict of interest. All officers except the Chief Executive, Lead Business Partner and Committee Officers left the room.

114. PAY POLICY STATEMENT FOR 2015/16

The Chief Executive presented the report to seek approval of the Council's Pay Policy Statement in line with the legal requirement to publish this annually before the start of the financial year. He said that this was a statement of Council adopted policy on national pay awards and was not a pay review. Whilst there was a conflict of interest for Chief Officers due to a national pay award, there was none for the Chief Executive.

As a change to the policy for 2015-16, the Lead Business Partner referred to plans to implement a performance related pay arrangement across the organisation, which would enable a greater level of control on incremental pay increases.

Whilst raising a number of queries on the content of the Pay Policy Statement, Councillor Mike Peers said that he had been unable to locate the policy on Additional Payments on the Council's website. He suggested that the document could have been appended to the report or a clearer definition given of its location. On section 6, he said that reference to progression based on performance should have included how performance would be measured and that the regulations indicated in relation to severance payments for Chief Officers and all employees could have been summarised to help the reader.

The Chief Executive said that the performance related pay increments were currently a proposal in waiting, with consultation on its introduction planned at a later stage. He agreed that the Pay Policy Statement would be re-issued with hyperlinks to the additional information mentioned.

The Chief Executive referred to the findings of the recent national report by Wales Audit Office which had compared policy and practice of redundancy and found that this was undertaken in the most cost-effective way within Local Government across the public sector. He reported that the Council met and exceeded the recommendations of the national report.

On being put to the vote, the recommendation was approved.

RESOLVED:

That the Pay Policy Statement for 2015/16 be approved.

115. PLANNED ARRANGEMENTS FOR THE HOLDING OF THE CAERGWRLE BY-ELECTION

The Chief Executive advised Members that the Council's by-election for the Caergwrle ward would be held on the same day as the General Election, 7 May 2015, and a notice publicised at the appropriate time.

RESOLVED:

That the arrangements for the Caergwrle By-election be noted.

116. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were two members of the press in attendance.

(The meeting started at 2.00 pm and ended at 3.05 pm)

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Chair