

FLINTSHIRE COUNTY COUNCIL
TUESDAY, 1 MAY 2018

Minutes of the Annual Meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday 1 May, 2018

PRESENT: Councillor Brian Lloyd (Outgoing 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, Paul Cunningham, Jean Davies, Rob Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, Carol Ellis, David Evans, Veronica Gay, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Andrew Holgate, Dave Hughes, Kevin Hughes, Ray Hughes, Dennis Hutchinson, Joe Johnson, Paul Johnson, Rita Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, 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, Martin White, Andy Williams, David Williams, David Wisinger and Arnold Woolley

APOLOGIES:

Councillors: Ron Davies and Ted Palmer

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Housing and Assets), Chief Officer (Planning, Environment and Economy), Chief Officer (Social Services), Chief Officer (Strategic Programmes), Interim Chief Officer (Education & Youth), Senior Manager (Human Resources and Organisational Development), Democratic Services Manager, Team Leaders - Democratic Services; Democratic Services Officer and Reverend Maureen Roberts for prayers

1. DECLARATIONS OF INTEREST

None.

2. CHAIR'S REVIEW OF THE YEAR

As outgoing Chair, Councillor Brian Lloyd presented his review of the year during which he and his Consort had been proud to represent Flintshire at a number of worthy civic events such as the North Wales Armed Forces Day and Pride of Flintshire Awards. On Flintshire Business Week, he expressed his thanks to Councillor Derek Butler, Kate Catherall and Lord Barry Jones for their assistance.

He thanked all those who had helped in supporting him in raising almost £14K for his three chosen charities, Macmillan Cancer Support, Claire House Children's Hospice and Barnardos Cymru.

In summing up, he extended thanks to the Chief Executive and Chief Officer Team, Leader and Council employees for their support and to Members for electing him as Chairman. He expressed his gratitude to the Civic Member Services team for their help during the year and his two Chaplains. He went on to thank the Vice-Chairman for his support, wishing him well in his new role, and paid tribute to his wife Jean for her support as Consort, a role which she had greatly enjoyed.

During the meeting, a number of Members paid tribute to the outgoing Chair for his work during the year and fundraising achievements.

3. APPOINTMENT OF CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2018/19, INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF DECLARATION OF ACCEPTANCE OF OFFICE

It was proposed by Councillor Ian Roberts and seconded by Councillor Michelle Perfect that Councillor Paul Cunningham be elected Chairman of the Council for the municipal year 2018/19.

RESOLVED:

That Councillor Paul Cunningham be elected Chairman of the Council for the municipal year 2018/19.

Councillor Cunningham was invested with the Chain of Office by the retiring Chairman and signed his Declaration of Acceptance of Office in the presence of the Chief Executive.

(At this point Councillor Cunningham chaired the remainder of the meeting.)

The Chairman then presented Councillor Brian Lloyd with his retiring Chairman's Badge of Office and his Consort Mrs Jean Lloyd with her retiring Badge of Office.

The Chairman expressed his thanks to Councillor Lloyd as the outgoing Chair and to Members for their support in electing him as Chairman for the year ahead.

4. APPOINTMENT OF VICE-CHAIR OF THE COUNCIL FOR THE MUNICIPAL YEAR 2018/19, INVESTITURE OF CHAIN OF OFFICE AND SIGNING OF THE DECLARATION OF ACCEPTANCE OF OFFICE

It was proposed by Councillor Carol Ellis and seconded by Councillor Rita Johnson that Councillor Marion Bateman be appointed Vice-Chair for the municipal year 2018/19.

RESOLVED:

That Councillor Marion Bateman be appointed as Vice-Chair of the Council for the municipal year 2018/19.

Councillor Bateman was invested with the Chain of Office by the Chairman and signed the Declaration of Acceptance of Office in the presence of the Chief Executive.

5. APPOINTMENT OF LEADER OF THE COUNTY COUNCIL

It was proposed by Councillor Tony Sharps and seconded by Councillor Ray Hughes that Councillor Aaron Shotton be appointed Leader of the Council for the municipal year 2018/19. In support of his proposal, Councillor Sharps acknowledged the difficult decisions which had been made during the current financial climate with strong leadership.

RESOLVED:

That Councillor Aaron Shotton be appointed Leader of the Council for the municipal year 2018/19.

6. APPOINTMENT OF THE CABINET BY THE LEADER

Councillor Aaron Shotton thanked Members for their support in appointing him as Leader of the Council for the next 12 months. He welcomed the united and pragmatic stance taken by the Council during the year and hoped that this would continue in meeting future challenges.

In accordance with the Constitution, Councillor Aaron Shotton set out his choice of Councillors to serve on the Cabinet.

RESOLVED:

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

<u>Cabinet Member</u>	<u>Portfolio</u>
Aaron Shotton	Leader of the Council & Cabinet Member for Finance
Bernie Attridge	Deputy Leader of the Council & Cabinet Member for Housing
Chris Bithell	Cabinet Member for Planning and Public Protection
Derek Butler	Cabinet Member for Economic Development
Christine Jones	Cabinet Member for Social Services
Billy Mullin	Cabinet Member for Corporate Management and Assets
Ian Roberts	Cabinet Member for Education
Carolyn Thomas	Cabinet Member for Streetscene and Countryside

7. THEATR CLWYD REVISED BOARD OF GOVERNORS MODEL

The Chief Executive introduced the report on the composition of the new Board of Governors which comprised seven elected Member and six external appointments, prior to seeking formal approval by Cabinet.

He thanked the Group Leaders for their co-operation on the nomination of two elected Members for the two vacancies to serve alongside the five elected Members who had chosen to remain on the Board. The full membership, including the six external co-optees with respective skills who had been recruited through the process, would be reported to Cabinet.

He thanked the Chief Officer (Strategic Programmes) and the Theatre's Artistic Director and Executive Director for their roles in strengthening the business model.

RESOLVED:

That the proposals for the Theatr Clwyd Board of Governors, as outlined in the report, be approved and recommended to Cabinet.

8. BUDGET CONSULTATION PROCESS

The Democratic Services Manager presented recommendations from the Constitution & Democratic Services Committee meeting on 26 April 2018 following the review of the budget consultation process.

Member feedback generated from the consultation had been developed into a series of requirements as set out in the report alongside responses. A Staged Budget Process flowchart, using the 2018/19 approach, could be adapted for future use and helped to illustrate the complexities of the process and consultation requirements.

Due to the timing of the Constitution & Democratic Services Committee meeting, the Democratic Services Manager circulated a revised report with changes agreed at that meeting:

Reference in Report	Amendment
17	The all Member budget meeting of the Corporate Resources Overview & Scrutiny Committee to be webcast.
19	A report on the use of call-in to be submitted to the Constitution & Democratic Services Committee in June.
24	Replace the word 'judgement' with 'a decision'.
1.05	The last sentence of the first paragraph of suggested wording to include the words 'or query proposals'.
1.06	New paragraph to recognise the contributions made by a number of Members to the review.

The amended resolutions to approve the revised report and form of words for insertion into section 16 of the Constitution were agreed by Members.

Following a query from Councillor Mackie, it was clarified that requirement 19 would be taken out of the report as the use of call-in would be considered by the Constitution & Democratic Services Committee in June.

The Chief Executive commented on the inclusivity of consultation on the budget process and progress on the budget for 2019/20.

Councillor Richard Jones referred to requirement 18 on the conclusion of proposals which had been through the budget process and requested that 'unless new information comes to light' be inserted to take account of any changes. On the need for confidentiality on information sharing, the Chief Executive gave examples of reporting stages between committees and referred to the working protocol which could be developed. The importance of call-in was noted and further discussion would be required on this. In response to further comments, oversight of the entire budget was the responsibility of the Corporate Resources Overview & Scrutiny Committee which would consider a report on the Integrated Assessment Tool. Officers would give further consideration to the need for a clear understanding of consequences of budget decisions.

In response to Councillor Jones' suggestion to webcast every committee meeting with an impact on budget discussions, the Chief Officer (Governance) explained the limitations on webcasting equipment. The Chief Executive said that agreement to webcast the all-Member budget meeting of Corporate Resources Overview & Scrutiny Committee would be extended to other meetings of that Committee convened as part of the staged budget process, whether all Members were invited or not. Requirement 19 would be amended to reflect this, noting that the annual budget meeting 'will' be webcast (rather than 'could').

Councillor Heesom also raised concerns about requirement 18 on the conclusion of proposals and said that further discussion should not be prohibited which would hinder the democratic process. He felt assured that concerns about information sharing were addressed in the next agenda item.

The Chief Executive explained that requirement 18 applied to proposals where full information had been shared, enabling decision-making by the Council so that discussion could be concluded on those items. Whilst this allowed for planning and implementation, it did not prevent new or additional proposals being raised.

Following remarks by Councillor Woolley on comparison between requirements 16 and 22, the Chief Executive explained the intent to ensure that enquiries from Members were forthcoming at an early stage to allow for the budget timetable.

Councillor Peers sought clarification on involvement by Overview & Scrutiny after each stage of the budget process. The Chief Executive said that in addition to Member workshops, Overview & Scrutiny committees were

consulted on Stage 1 proposals in their respective areas along with some elements in Stage 2. Discussions on Stage 3 proposals were more complex due to the timing of the Local Government Final Settlement.

Councillor Richard Jones asked if the process could reflect the 'potential' involvement of Overview & Scrutiny on Stage 3 proposals. The Chief Executive said that proposals at that point were unlikely to include portfolio issues under the remit of Overview & Scrutiny at this late and final stage.

In summing up, Councillor Aaron Shotton acknowledged concerns about requirement 19 on the use of call-in but was satisfied that this would be subject to further discussion by the Constitution & Democratic Services Committee.

The Chief Officer (Governance) provided background on the intention of requirement 19 and the implications on the budget process.

RESOLVED:

- (a) That the Staged Budget Process as set out in the amended appendix to the report to the Constitution & Democratic Services Committee be approved for Budget Consultation purposes; and
- (b) That section 16 of the Constitution be amended to the suggested wording set out in the new appendix, with the revised wording for Requirement 19 on the webcasting of meetings.

9. INFORMATION SHARING WITHIN THE COUNCIL

The Chief Officer (Governance) introduced a report on a revised set of principles on sharing information within the Council to enable Members and officers to fulfil their roles. He explained the importance of understanding the principles which had been developed by a working group and included example scenarios from different perspectives. Some minor refinements had been incorporated following consultation with officers and Members.

In moving the recommendations, Councillor Heesom spoke in support of the report.

As Chair of the Constitution & Democratic Services Committee, Councillor Rita Johnson proposed that the principles be approved for adoption within the Constitution.

Councillor Richard Jones gave an example where a resident could give written consent for their local Member to discuss their personal data with Council officers. The Chief Officer said that the examples appended to the guidelines reflected this scenario and other examples where personal information should be protected.

Councillor Marion Bateman thanked members and officers of the working group which she had chaired.

RESOLVED:

That the guidelines be approved for adoption in to the Constitution.

10. CONSTITUTIONAL MATTERS: COMMITTEES AND INTERNAL BODIES

The Council considered the report of the Chief Officer (Governance) which dealt with matters that required decision at the Annual Meeting of the County Council in accordance with Council Procedure Rule 1.1 (vii) - (xiv). The report was split into sections, each one dealing with one decision that needed to be made and the relevant issues for consideration. Each section was considered and voted on in turn.

(A) Appointment of Committees

The Chief Officer (Governance) explained that the Constitution provided for the appointment of the following: Audit Committee; Clwyd Pension Fund Committee; Constitution & Democratic Services Committee; Joint Governance Committee (for Pensions); Licensing Committee; Planning Committee; Standards Committee and six Overview and Scrutiny Committees.

Councillor Attridge moved approval of the recommendations as outlined in the report which were seconded by Councillor Bithell.

RESOLVED:

(a) That the Council appoint the following committees:

Audit Committee
Clwyd Pension Fund Committee
Constitution and Democratic Services Committee
Joint Governance Committee (for Pensions)
Licensing Committee
Planning Committee
Standards Committee
The six Overview & Scrutiny Committees listed in paragraph 1.01

(B) Determination of the size of Committees

The Chief Officer (Governance) explained that the size of each committee must be decided at the Annual Meeting. Details of the provision for the size of the Committees were outlined in the report.

Councillor Attridge moved approval of the recommendations as outlined in the report which was seconded by Councillor Bithell.

RESOLVED:

That the size of each Committee be as set out in paragraph 1.03 of the report.

(C) Terms of Reference of Committees and Pension Delegations

The Chief Officer (Governance) explained that the Annual Meeting was required to decide the terms of reference of the committees that it appointed. The existing terms of reference of the existing committees were as set out in Part 2 of the Constitution.

Councillor Attridge moved approval of the recommendations as outlined in the report which was seconded by Councillor Bithell.

RESOLVED:

That the terms of reference for each committee in Part 2 of the Constitution be approved).

(D) Political Balance

The Chief Officer (Governance) explained that at, or as soon as practicable after the Annual Meeting, the Council 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.

There were 157 seats in total for Councillors across all of the committees based on the current group membership and the entitlement of each group to seats was shown in paragraph 1.12 of the report. As there had been no change in group sizes, the current political balance seat calculations were appended for consideration as one of a number of possible solutions.

Councillor Peers referred to Planning Committee membership restrictions on multiple member wards as set out in the legislation and the mechanism agreed by the Council to firstly resolve these nominations through negotiation between respective Group Leaders. If this could not be achieved, the second stage was for the proper officer to accept the first nomination received. Councillor Peers moved an amendment that any nominations be assessed by the Chief Officer to select a candidate based on their skills and that if both candidates were considered acceptable, the decision be based on votes cast in the last local elections.

The Chief Executive raised concerns about the suggested involvement of Chief Officers in this process, and the use of election voting outcomes for a different purpose for which there was no precedent.

These concerns were shared by the Chief Officer (Governance) who recalled more traditional ways of resolving nominations from multiple member wards suggested at the previous Annual Meeting, such as drawing lots or tossing a coin, practices which were common in resolving ties in elections.

In recalling the previous debate, Councillor Aaron Shotton proposed the drawing of lots as a fairer method than accepting the first nomination. This was seconded by Councillor Attridge.

It was clarified that if agreed, this would be specified in the Constitution and that in the first instance, resolution would be sought through agreement by Group Leaders. On being put to the vote, this was carried.

RESOLVED:

- (a) That the seats be allocated in accordance with political balances (and the rules on membership of the Planning Committee); and
- (b) That the Constitution be amended so that in the event of two Members from a multiple Member ward being nominated to the Planning Committee, then the seat be allocated:
 - In the first instance, by agreement between the two respective Group Leaders;
 - In the event that agreement is not possible, the Chief Officer to draw lots from the nominations to decide which councillor can take up the seat.

(E) Appointment of Chairs of Standing Committees

The Chief Officer (Governance) explained that Committee Chairs were appointed by different bodies, some of which were subject to restrictions. A table in paragraph 1.14 of the report outlined which body appointed which Chair and what restrictions (if any) applied.

Councillor Aaron Shotton moved the following, which was seconded by Councillor Attridge:

- That Councillor Dave Hughes be appointed as Chair of the Clwyd Pension Fund Committee;
- That Councillor Rita Johnson be appointed as Chair of the Constitution & Democratic Services Committee;
- That Councillor Sharps be appointed as Chair of the Licensing Committee; and
- That Councillor Wisinger be appointed as Chair of Planning Committee

As the Leader of the Independent Alliance group, which was the second largest group on the Council, Councillor Peers moved an amendment to enable his group to have a fairer portion of Chair allocations on committees. He proposed that Councillor Woolley be appointed Chair of the Constitution & Democratic Services Committee and Councillor Rosetta Dolphin as Chair of the Licensing Committee. This was seconded by Councillor Chris Dolphin. On being put to the vote, the amendment was lost.

The substantive motion, as moved by Councillor Aaron Shotton, was seconded by Councillor Bithell and on being put to the vote, was carried.

The Chief Officer (Governance) explained that the chairs of Overview & Scrutiny Committees were chosen by the political groups based on the strength of the various groups and which had seats on the Cabinet. Chairs were allocated to groups with a place on Cabinet first and any entitlement was rounded down to the nearest whole number. The remaining chairs were then allocated to groups without a seat on Cabinet, rounding up to the nearest whole number.

Councillor Aaron Shotton moved the following, which was seconded by Councillor Attridge:

Overview & Scrutiny Committee	Group to Choose Chair
Community & Enterprise	Labour
Education & Youth	Labour
Corporate Resources	Conservative
Environment	New Independents
Organisational Change	Independent Alliance
Social & Health Care	Independent

In response to a question from Councillor Peers, the Chief Officer provided clarification on the legislation to ensure fair entitlement of chair positions allocated to political groups with no Executive positions, as reflected in the appendix to the report.

Councillor Chris Dolphin called for fairness across the Council and moved an amendment that the Chair of the Environment Overview & Scrutiny Committee be allocated to the Liberal Democrat group. This was seconded by Councillor Richard Jones who felt that the position should be allocated between the two smallest political groups in alternating years. On being put to the vote, the amendment was lost.

The substantive motion, as moved by Councillor Aaron Shotton, was put to the vote and carried.

RESOLVED:

- (a) That the chair of the following Committees be appointed (noting any restrictions on eligibility):
- Clwyd Pension Fund Committee - Councillor Dave Hughes
 - Constitution & Democratic Services Committee - Councillor Rita Johnson
 - Licensing Committee - Councillor Sharps
 - Planning Committee - Councillor Wisinger
- (b) That the following groups be allocated the chair of the Overview & Scrutiny Committees as outlined:

Community and Enterprise	-	Labour Group
Education and Youth	-	Labour Group
Corporate Resources	-	Conservative Group
Environment	-	New Independents Group
Organisational Change	-	Independent Alliance Group
Social & Health Care	-	Independent Group

(F) Local Choice Functions

The Chief Officer (Governance) explained that the Council was required to agree such part of the Scheme of Delegation as the Council determined it was for the Council to agree. This related to local choice functions which could be decided either by the Council or the Cabinet and/or delegated to officers. The table of Local Choice Functions was included in Part 3, Section A, Table 3 of the Constitution.

Councillor Bithell moved approval that the existing Local Choice Issues be confirmed, which was seconded by Councillor Ian Dunbar.

RESOLVED:

That the existing Local Choice functions as set out in the Constitution be confirmed.

(G) Nominations to Internal Bodies

The Chief Officer (Governance) explained that the existing Scheme of Delegation provided for an Appointments Committee for first and second tier officers, comprising seven Members. This was not a standing committee and was convened when required by seeking nominations from Group Leaders. It was recommended that the make-up of the Committee continue, as set out in the report.

Councillor Attridge moved approval of the recommendations as outlined in the report, which was seconded by Councillor Bithell.

RESOLVED:

That the make-up of the Appointments Committee be approved.

(H) Standards Committee

The Chief Officer (Governance) explained the composition and membership of the Standards Committee which Members were requested to note.

Councillor Attridge moved the recommendations in the report, which were seconded by Councillor Bithell.

RESOLVED:

That the composition and membership of the Standards Committee be noted.

(I) Appointments to Outside Bodies

The Chief Officer (Governance) explained that members had been appointed to Outside Bodies for the whole term of the Council at the AGM in 2017, subject to any change agreed by the Chief Executive in consultation with Group Leaders.

Councillor Attridge moved the recommendations in the report, which were seconded by Councillor Dunbobbin.

RESOLVED:

That Council notes that nominees to Outside Bodies have been appointed for the whole council term and the Chief Executive's power to vary those nominations (in consultation with Group Leaders).

11. SCHEDULE OF MEETINGS

The Council received the report on the schedule of meetings for 2018/19.

RESOLVED:

That the draft schedule of meetings for 2018/19 be approved.

12. DURATION OF MEETING

The meeting commenced at 11am and ended at 12.45pm.

13. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There was one member of the press and 12 members of the public in attendance.

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Chairman