

FLINTSHIRE COUNTY COUNCIL
10TH DECEMBER 2019

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Tuesday, 10th December 2019.

PRESENT: Councillor Marion Bateman (Chair)

Councillors: Mike Allport, Bernie Attridge, Janet Axworthy, Glyn Banks, Haydn Bateman, Sean Bibby, Chris Bithell, Helen Brown, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, Paul Cunningham, Jean Davies, Robert Davies, Chris Dolphin, Rosetta Dolphin, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, Carol Ellis, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Cindy Hinds, Dave Hughes, Kevin Hughes, Joe Johnson, Paul Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, Mike Peers, Vicky Perfect, Neville Phillips, Ian Roberts, Kevin Rush, Tony Sharps, Paul Shotton, Ralph Small, Ian Smith, Carolyn Thomas, Owen Thomas, Martin White, David Wisinger and Arnold Woolley.

APOLOGIES:

Councillors: Sian Braun, Ron Davies, Adele Davies-Cooke, David Evans, Veronica Gay, Ray Hughes, Rita Johnson, Ted Palmer, Michelle Perfect, Aaron Shotton and Andy Williams.

IN ATTENDANCE:

Chief Executive, Senior Solicitor and Deputy Monitoring Officer, Chief Officer (Planning, Environment and Economy), Chief Officer (Governance), Chief Officer (Housing and Assets), Chief Officer (Social Services), Corporate Finance Manager, Finance Manager, Democratic Services Manager, Corporate Business and Communications Executive Officer and Team Leader – Committee Services.

73. MINUTES

The minutes of the meeting held on 19th November were submitted.

The Deputy Monitoring Officer advised that the word ‘which’ should say ‘who’ on the bottom of page 5.

In response to a question from Councillor Phillips on voting being introduced for 1617 year olds, the Chief Executive advised that the proposed had to go through the Overview and Scrutiny process in Welsh Government and the Bill would not be enacted before September/October 2020.

74. DECLARATIONS OF INTEREST

None were received.

75. CHAIR’S COMMUNICATIONS

In presenting her communications, which had been circulated prior to the meeting, the Chair highlighted a number of events, commenting in particular on the

visit from John and Roma Gray from Connah's Quay Nomads Football Club, and the Pride of Flintshire Awards which had taken place at Deeside Leisure Centre.

76. PETITIONS

None were received.

77. ARMED FORCES PRESENTATION

The Corporate Business and Communications Executive Officer introduced the item and paid tribute to everyone who had been involved in the achievements celebrated through the Armed Forces Covenant. The team had been successful in winning the Gold Award for the Employee Recognition Scheme from the Ministry of Defence. Mike Dodd, who worked for the Council as a Social Enterprise Development Officer, was invited to address Members about his time spent in the Armed Forces, and the importance of the Covenant for veterans.

A presentation followed on the "Talacre Now and Then" project which helped locals, visitors and school children to visualise how it would have looked and what it would have been like during World War 2.

Lord Barry Jones thanked officers for the presentation which was a credit to the work undertaken by the Council, and he paid tribute to Mike Dodd for his involvement from a veteran's perspective.

Councillor Andy Dunbobbin also thanked everybody involved and for the support provided to him as the Council's Armed Forces Champion.

Councillors Banks, Roberts, Butler and Leg also expressed their appreciations to Councillor Dunbobbin and the team of internal and external officers, and the school children for their involvement in local history.

78. COUNCIL FUND REVENUE BUDGET 2020/21

The Chief Executive introduced the Council Fund Revenue Budget 2020/21 report which set out the following:

- the latest local financial forecast for 2020/21;
- the work to date to develop and agree local solutions to meet the projected 'gap' in the budget requirement for 2020/21 within the forecast;
- the arrangements for and expectations around the Welsh Government Budget and the Provisional Local Government Settlement which were due to be announced in tandem on 16th December;
- the remaining local options to achieve a legally balanced budget for 2020/21 alongside the Settlement; and
- the timetable to complete budget closure by March 2020.

Since publication of the report, the final two Overview and Scrutiny Committee consultation meetings had been held and an updated appendix had been provided to

Members which detailed the responses of each of the six Overview and Scrutiny Committees. Each Committee had received a breakdown of the cost pressures by service portfolio. It was emphasised that there was nothing being presented to Members, following the more recent Overview and Scrutiny Committee meetings that was different to the recommendations before Council.

Table 1 of the report provided the latest financial forecast which had been revised to take into account changes to the pressures included in the original April forecast and new pressures which were not previously known or fully understood and calculated. The impact of the changes had been to increase the budget gap by £0.181m to £16.355m at December.

The solutions available to the Council to balance the 2020/21 budget had been grouped as follows:

- National Funding;
- Portfolio Business Plans and Corporate Finance;
- Local Taxation and Income; and
- Organisational Change.

The Corporate Finance Manager commented on the annual teachers' pay award and said it was the Council's expectation that Welsh Government (WG) should pay for the 2020/21 pay award in full. On that basis, the forecast could be adjusted by £0.726m to a revised figure of £15.629m. Confirmation would be sought from WG on their plans for annual pay awards between now and the final stage of budget-setting.

He provided full details of portfolio business plan efficiencies and income, corporate finance efficiencies, local taxation and income and organisational change.

A combination of corporate finance portfolio efficiencies and income, the income derived from an indicative level of Council Tax increase, and the 'dividend' from the actuarial review of the Clwyd Pension Fund summarised in the report would generate a significant contribution to the budget of £8.164m.

The only remaining local options which could be reviewed to build on the contribution, dependent on the outcome of the WG budget were (1) further review of the Clwyd Pension Fund employer contributions in liaison with the Fund Actuary; (2) sharing of schools cost pressures with schools themselves; (3) a limited set of other corporate finance provisions such as the Council Tax predicted yield and Single Person Discount recovery rates; (4) a reduction in the provision for the uplift in commissioning fees for social care providers as annual negotiations continued; and (5) a higher level of Council Tax than the working assumption of 5%.

Un-earmarked Council reserves were at a low level and no further contribution could be safely drawn down to assist with budget setting.

The Chief Executive added that efficiencies of £92M had been found over the last 9 years with the support of Members, with a further target for 2020/21 of over £16M. The figures included an illustrative Council Tax increase of 5%. Schools

were aware of the position on possible cost sharing – a position of last resort. Despite expectations of an improved Settlement, the Council still required additional funding to help ring fence against in year pressures that would happen, and to help bring reserves back up to a safe level.

If the Council could get through 2020/21, there then needed to be a focus on the medium term.

A good degree of detail was expected this year in the Settlement compared to previous years and those details would be available the following Monday. Information would be sent out to Members as soon as possible with an assessment of the implications for Flintshire.

He re-iterated that no further service efficiencies could be found without making services unsafe, a position which had been supported throughout all of the Overview and Scrutiny Committees.

He commented on the remarkable impact on the performance of the Clwyd Pension Fund and the actuarial review, which took place every three years, which would see at least £2m being used to add as a contribution to the budget gap.

The Chief Executive thanked Group Leaders for being signatories to the letter to the Minister for Housing and Local Government in October, which outlined the impact on Council Tax if an improved Settlement wasn't received, and that if the Council was unable to balance the budget safely, it would have no option other than to call upon WG to make a financial intervention.

The Chief Executive said that an improved Settlement was expected for 2020/21 but questioned whether there would be sufficient uplift on the current levels of funding for local government for Flintshire and other councils to be able to set safe and legally balanced budgets for next year. The impacts of the annual Formula Distribution changes were also of concern. Under the latest distribution analysis, Flintshire was set to be a significant net loser. Discussions were underway with the Welsh Local Government Association (WLGA) and WG to set a 'floor', which was a way to cap the levels of loss to councils with a negative distribution impact, as in previous years.

The timetable for the closing stages of the annual budget setting process was outlined in the report.

Councillor Roberts commented on the astonishing £92M efficiencies that had been found over the last 9 years. He thanked Members across the Chamber for the work undertaken by the cross party working group which culminated in a jointly signed letter to WG which showed that working cross party could unite the Council. In his capacity as Leader of the Council, he had also signed a letter from all six Leaders of North Wales Councils, expressing the concerns of them all on the budget position.

It has been a challenging time and he also thanked officers for the work undertaken on the budget, and the advice provided. He also expressed his thanks to

all involved in the work on the Clwyd Pension Fund Committee which had seen remarkable achievements.

Following Cabinet the next week, information would be sent to Members on the implications of the Settlement.

He moved the recommendations in the report, and proposed an additional recommendation of “to thank the work of those involved in the Clwyd Pension Fund Committee for the tremendous achievement in bringing the funding up to the level they have”.

Councillor Banks seconded the recommendations in the report, including the additional recommendation as proposed by Councillor Roberts. He reiterated all of the words expressed by Councillor Roberts, in particular the thanks to the cross party working group and officers.

Councillor Richard Jones felt options should be kept open until the details of the Settlement had been received on 16th December. He commented on the additional £593m that WG would be receiving, of which Flintshire would expect to receive 2%. On the reference to the Council’s expectation that WG should pay for the 2020/21 teachers pay award in full, he asked the Corporate Finance Manager why he considered that to be safe, and suggested it would be more prudent to wait for the details of the Settlement first.

Further to the Leaders’ comments, he asked if a meeting had taken place between the leaders of the six Leaders of North Wales Councils and the Minister for Housing and Local Government.

He asked if consideration could be given to not repaying the earmarked reserves portion this year, which would add some value, and on the annual formula distribution, was there an estimate of what the financial impact could be to Flintshire.

On recommendation number 4, he felt the words ‘and accepts’ should be removed as he said it would enable the Council to keep options open.

The Corporate Finance Manager explained it was also the view of the WLGA that teachers’ pay should be awarded in full by WG on an annual basis. The advice this year was consistent with that of previous years.

On not repaying earmarked reserves this year, the adjustments in the paper was the funding from reserves the previous year so the funding needed to be found from somewhere; that could only be from the contingency reserve or earmarked reserves. Contingency reserves were at an all-time low and half of what they were the previous year.

The Chief Executive said the Minister for Housing and Local Government had not met with the six Leaders of North Wales Councils. A response letter to the one signed and submitted by Group Leaders had not been received, although it was noted that WG would communicate collectively through the WLGA once the budget had been settled.

He echoed his earlier advice that there were no other options that could be explored which would be safe – this had been agreed by each Overview and Scrutiny Committee. Even if something was put forward now, any savings would not be made in time for the 2020/21 budget.

On the funding formula, the Corporate Finance Manager explained that it was made up of a combination of population and changes to data sets and the information was that the population element would be phased, but the other element may not. Population was a very small part of where the Council would lose out – based on the latest information, the total amount was £858k and that could rise. WLGA had requested that Ministers set a Floor at 0.5% so that no Council would lose any more than 0.5% of their Revenue Support Grant (RSG).

Councillor Richard Jones said that depending on the final gap, and assuming the worst, the Council could be looking to at a Council Tax rise of between 11% and 14%. Whilst he accepted that was unlikely to happen, he felt that given the Notice of Motion debated at County Council in June 2019, he felt it would be unwise for Members to say it was accepted, which was the point he made earlier in relation to recommendation number 4. The Chief Executive said it was for Members to determine the wording, but the advice from officers needed to be understood and would stand.

Councillors Roberts and Banks, as mover and seconder of the recommendations, accepted that the words “and accepts” should be removed, as suggested by Councillor Richard Jones.

Councillor Heesom thanked Members for the change to recommendation number 4. He was pleased to see that officers had come closer to the concept of Council Tax being under the 5% cap. On portfolio efficiencies, he felt the debate on expenditure was not the end of the matter and that there were times when there might be options available, citing an example of a discussion that had taken place earlier that day in Environment Overview and Scrutiny Committee on the frequency of black bin general waste collections. He felt there were areas within each portfolio budget where Members may need to consider cuts. He would not support the gap being funded through Council Tax and felt it would be incumbent on Members to consider service cuts.

The Chief Executive said significant modernisation had taken place across the Council and to do any further would be complex. He advised again, that levels were where they would become unsafe if any further reductions were implemented, including mandatory duties of the Council and none of the Overview and Scrutiny Committees had identified anything of any scale for review.

Councillor Peers thanked the officers for all of their work, and again, the excellent work undertaken by the Clwyd Pension Fund Committee. He said under the leadership of Councillor Roberts, different political groups and Group Leaders had been brought together and budget discussions had been amicable. If the outcome was to be positive, he hoped that was due to the contribution that all Councillors had made. He thanked Councillor Richard Jones for his proposal on

recommendation number 4, as it kept things open and flexible as the situation the Council was in, was still unknown until the Settlement was received. He was grateful that the figures in the report worked on a provisional Council Tax rise of 5%. He was encouraged by some of the options in the report, the financial value range being £1m-£2.9m, and asked that if at some point a breakdown of those figures could be provided and what potential there was of them being achieved. In the spirit of working together, he hoped that the Council could focus on a Council Tax rise of 5%, and endeavour to work together for the benefit of the Council and the Council taxpayers.

The Chief Executive said the figures requested by Councillor Peers were available and would be made available the following week once the Settlement had been received.

Councillor Ellis commented on the five remaining local options as detailed in the report, and asked if number (4) “a reduction in the provision for the uplift in commissioning fees for social care providers as annual negotiations continued” would include nursing homes? If it did, provision could then be lost. On the limited set of other corporate finance provisions, such as the Council Tax and predicted yield, she asked for further information on the single person discount recovery rates i.e. could it include reducing the single persons rates, because if so, it could then result in an increase in homelessness. She would not support a Council Tax rise of over 5%.

The Chief Executive clarified the reference to up to £2.9M in the range of options only covered options 1-4, and not the option on Council Tax. There was no intention to do anything new in relation to single person discount recovery rates. On commissioning fees, what the Council was offering based on the assessment made, if the Council negotiated well with care providers there could be a small amount available, and no provider would be at risk.

On being put to the vote the recommendations, including the amendment to recommendation number 4 and the additional recommendation, were carried.

RESOLVED:

- (a) That the updated forecast for 2020/21 be noted. The forecast included the cost pressures which had been reviewed and endorsed by the respective Overview and Scrutiny Committees;
- (b) That the completed first stage of solutions to meet the budget requirement which totalled £8.164m be noted. The specific service portfolio and corporate financing solutions had been reviewed and endorsed by the respective Overview and Scrutiny Committees (the first stage of solutions includes a provisional Council Tax rate of 5%. The level of Council Tax was a reserved matter for full Council and would not be decided until the February meeting. The recommended level of Council Tax could vary depending on the budget requirement outstanding at the final stage of the budget);

- (c) That the arrangements for the announcement of the Provisional Welsh Local Government Settlement be noted;
- (d) That Council notes the limited range of local options which were available to reach a balanced budget alongside the outcome of the Settlement;
- (e) That the timetable for the closing stages of the annual budget setting process be noted; and
- (f) That thanks be expressed for the work undertaken by those involved in the Clwyd Pension Fund Committee for the tremendous achievement in bringing the funding up to the level they have.

79. OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19

The Democratic Services Manager introduced the Overview and Scrutiny Annual Report 2018/19 report which provided the Council with assurance that the Overview and Scrutiny function was fulfilling its constitutional role.

The report had been submitted to Constitution and Democratic Services Committee on 27th November where it was supported.

Councillor Attridge moved the recommendation of the report, which was seconded by Councillor Heesom.

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

RESOLVED:

That the Overview and Scrutiny Annual Report be received.

80. ANTI-FRAUD AND CORRUPTION STRATEGY AND FRAUD RESPONSE PLAN

The Chief Officer (Governance) introduced the Anti-Fraud and Corruption Strategy and Fraud Response Plan report which had been written for the benefit of employees, Members, the public, organisations and businesses dealing with the Council who were also expected to act with integrity.

The Strategy outlined the Council's commitment to the prevention and detection of fraud and its zero tolerance of such acts of fraud and corruption.

The report had been submitted to Constitution and Democratic Services Committee on 27th November where it was supported.

Councillor Heesom moved the recommendations of the report, which was seconded by Councillor Hardcastle.

On being put to the vote, the recommendations were carried.

RESOLVED:

- (a) That the revised Corporate Anti-Fraud and Corruption Strategy be approved; and
- (b) That the revised Fraud Response Plan be approved.

81. WHISTLEBLOWING POLICY

The Chief Officer (Governance) introduced the Whistleblowing Policy report which explained how the Policy enabled employees, Members and third party individuals (partners, consultants, volunteers, suppliers, contractors, including their employees) of the Council to raise any concerns that they had, and gave assurance about confidentiality and protection.

It detailed the procedure to follow in raising a concern and detailed how the Council would respond. The policy provided examples of the types of concerns that could be raised.

The report had been submitted to Constitution and Democratic Services Committee on 27th November where it was supported, with an amendment of including local Members as a 'prescribed person' for reporting a concern. Training will be provided in the New Year in relation to that.

Councillor Rosetta Dolphin suggested that the training could take place prior to scheduled Overview and Scrutiny Committee meetings which would help with attendance.

Councillor Jones asked for clarification that the Police were not a 'prescribed person', which was confirmed. The Chief Officer (Governance) explained that the Whistleblowing Policy was a broad policy and there may be a matter which would need to be reported to the Police. However, in the first instance it would be appropriate to raise those matters with the people named within the policy as there may be matters that need to be addressed within the Council.

Councillor Attridge moved the recommendation of the report, which was seconded by Councillor Kevin Hughes.

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

RESOLVED:

That the revised Whistleblowing Policy be approved.

82. NOTICE OF MOTION

Prior to the commencement of the item, Councillor Attridge sought clarification on the rules around debate in the pre-election period. He said that a Notice of Motion had been submitted by his group a couple of months previous but it had been put on hold due to the nature of the topic being Betsi Cadwaladar University Heath Board

(BCUHB) and it being of a political nature in the middle of a national election campaign. He asked if the same rules applied to Welsh Government (WG) as they had debated BCUHB on a number of occasions recently. He also said other Councils in Wales also appeared to debate political issues.

The Chief Executive explained that the advice given to Members had been sound and the legal restrictions specific to local government were enshrined in local government legislation. Welsh Government (WG) was a sitting government with a different set of restrictions and it was allowed to carry on its normal business. The Notice of Motion being referred to was not included as it touched on areas that were major areas of manifesto commitments in the NHS.

He added that he had raised in Wales that good practice sharing would be beneficial as people did make different judgements but ultimately, the advice given to Members was done so to protect them. Discussions were underway with BCUHB to ask them to attend a meeting of Social and Health Care Overview and Scrutiny Committee in January and this had been instigated because of the delay in the debate on the Notice of Motion, for the reasons explained.

Councillor Heesom thanked the Chief Executive for the advice and passed on his thanks to officers for the way in which a winter election was being managed.

Councillor Rosetta Dolphin spoke in support of her Notice of Motion, which was:

“This Council resolves:

To require all public firework displays within Flintshire to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people.

To actively promote a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people. Including the precautions that can be taken to mitigate risks.

To write to Welsh Government (WG) urging them to utilise any powers at their disposal to mitigate any negative impacts on the hosting of fireworks displays on animals and vulnerable people.

To encourage local displays to use quiet fireworks for public displays, Ban the Bang”.

She said the Notice of Motion was brought in conjunction with the RSPCA and their national campaign. There had been an increase of over 12% in calls around Bonfire Night and it was believed that tightening restrictions on the sale of fireworks in the run up to 5th November would help significantly. New Zealand only sold fireworks a week before Bonfire Night.

She would like to see a reduction in the maximum level of noise from 120 decibels to 90 decibels which would be consistent with the approach of other

countries and would encourage manufacturers to design and produce quieter or silent fireworks. A town in Italy had already moved to silent displays.

She referred to an incident relating to a horse in her ward which had to be put to sleep the previous week following an occurrence with fireworks which had not been part of a display. She also commented on the distress fireworks could cause to vulnerable people and the problems fireworks posed to them.

Councillor Attridge seconded the Notice of Motion.

Councillor Carver felt the Notice of Motion could go further as the displays that caused the most problems were private displays where very loud fireworks were set off, and they were not restricted to Bonfire Night and the weekends either side, and New Year's Eve. A by-law could be introduced so that fireworks could only be set off on specific days.

Councillor Attridge commented on the distress to pets and said this Notice of Motion was a start in addressing the problem. If this did not see any improvements, a further Notice of Motion could be brought before Members.

Councillor Richard Jones said it was illegal to set fireworks off in a public place or in a street, however it was legal to set off fireworks all year around in line with time restrictions and questioned whether a by-law could be implemented.

Councillor Ellis said it should be on restricting the sale of fireworks to members of the public to use, and the way in which they were sold. She commented on incidents in her ward where fireworks had been set off by the public, in the street. The noise frightened local pensioners which was not acceptable.

The Deputy Monitoring Officer explained what could be achieved with bylaws was generally quite restrictive and if one was being sought, further specific advice would need to be given to Members. However, as it stood, it was the Notice of Motion, as it was before Members, which was being considered.

Councillor Kevin Hughes agreed with all that had been said but felt there was one thing missing, which was the word 'education' and said the public needed to be education via the most appropriate means on the proper use of fireworks.

Councillor Owen Thomas said he represented three villages who had organised Bonfire Nights, all of which had the approval of the Community Council. They were well organised, advertised and sufficiently insured and he hoped that they would not be affected by today's decision.

Councillor Cunningham agreed with all of the comments but said it must be borne in mind that there were a lot of people who set off fireworks in a responsible manner and they should not be punished. It was the irresponsible people who this needed to be directed to and he supported some form of control in the sale of fireworks.

Councillor Hinds said the manufacturers needed to be targeted also.

Councillor Rosetta Dolphin said her aim was for quieter fireworks, as it did not impede on the enjoyment of watching them.

Members supported the Notice of Motion, as written, and on being put to the vote, was carried.

RESOLVED:

That the Notice of Motion from Councillor Rosetta Dolphin be supported.

83. PUBLIC QUESTION TIME

None were received.

84. QUESTIONS

None were received.

85. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press in attendance, and 18 members of the public in attendance.

(The meeting started at 2.30 p.m. and ended at 4.15 p.m.)

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Chair