

FLINTSHIRE COUNTY COUNCIL
28 FEBRUARY 2019

Minutes of the meeting of Flintshire County Council held in the Council Chamber, County Hall, Mold on Thursday, 28 February 2019

PRESENT: Councillor Paul Cunningham (Chairman)

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

APOLOGIES:

Councillors: Sian Braun, Adele Davies-Cooke, Veronica Gay, Andrew Holgate, Rita Johnson, Mike Lowe, Hilary McGuill, Ted Palmer, Tony Sharps and David Williams

IN ATTENDANCE:

Chief Executive; Deputy Monitoring Officer; Chief Officer (Housing and Assets); Chief Officer (Planning, Environment and Economy); Revenues Manager; Benefits Manager; Democratic Services Manager; Democratic Services Officers; and Councillor Reverend Brian Harvey for prayers

110. DECLARATIONS OF INTEREST

The Deputy Monitoring Officer advised that a personal interest would be recorded on behalf of all Members present for agenda item 8, the Independent Remuneration Panel for Wales (IRPW) Annual Report for 2019.

111. PETITIONS

None were received.

Councillor Ron Davies gave notice of a forthcoming petition on the proposed withdrawal of buses 12 and 13, and was advised that the petition could be submitted in advance of the next Council meeting. As Cabinet Member for Streetscene and Countryside, Councillor Carolyn Thomas clarified that the two bus services had been withdrawn by Arriva and that she was due to meet with residents.

112. PUBLIC QUESTION TIME

None were received.

113. QUESTIONS

None were received.

114. NOTICE OF MOTION

Two Notice of Motion were received:

(i) Reform of the Council Tax system - Councillor David Healey

'Flintshire County Council urges Welsh Government (WG) to seize the opportunity provided by the devolution of new powers to undertake a radical reform of the Council Tax system so that a more fair and progressive system can be used for the raising of revenue for local government in Wales.'

The Motion was seconded by Councillor Bernie Attridge.

In support of his Motion, Councillor Healey said that the current system took no account of household income, that it divided communities and was the main reason for a disconnect between residents and local councils in Wales. The assumption by WG for councils to increase Council Tax levels by 6.5% before even considering their individual requirements meant that the burden of austerity was being passed to residents. Whilst a recent WG report on Welsh Tax Policy recognised the possibility of reform, it failed to acknowledge the unfairness of the current system and the need to administer a national system of income tax which could be passported to local level.

As Leader and Cabinet Member for Finance, Councillor Aaron Shotton welcomed the Motion which was about identifying a more progressive and fairer system for residents across Wales. The plea for local tax reform in Wales would accompany representations on the retention of business rates to support local services. He referred to the budget debate at the previous meeting and the position on national funding which had led to the increase in Council Tax for 2019/20. He said that the Council Tax system was particularly unfair to the younger generation many of whom did not own their own homes. If agreed by the Council, he proposed that a formal letter be written to the Welsh Local Government Association (WLGA) and WG working group on local government reform to ask that they consider the Motion.

A number of Members spoke in support such as Councillor Peers who said that the WG Minister was already aware that the system was broken and that the impact was different between North and South Wales. Councillor Chris Bithell said that residents across Wales were equally affected and Councillor Billy Mullin described reform as long overdue. Whilst Councillor Gladys Healey pointed out that the current system did not contribute to the WG's own tax principles, Councillor Carver raised concerns that a different system could be even worse and Councillor Heesom said that Council Tax should be used to address the issues with the funding formula. Councillor Carol Ellis said that the inconsistency of property bandings should be evidenced in the

proposed letter and Councillor Tudor Jones called for the Council to build on the Motion to identify a fairer solution across Wales.

In responding to comments from some Members about the Council Tax increase for 2019/20, Councillor Carolyn Thomas said that the amendment put forward at the previous meeting would have put Council services in jeopardy and that the issue was about the UK Government cutting funding to public services.

Councillor Richard Jones supported the Motion and agreed that the funding formula was the real issue but questioned whether WG would act. Councillor Chris Dolphin spoke about mismanagement of funding by WG.

In response to the points raised, the Chief Executive said that WG was one of the statutory bodies who were required to work together to achieve the objectives of the Well-being and Future Generations (Wales) Act 2015. He said that the Motion would build on the Council's official representations over the past three years on the insufficient funding given to Local Government in Wales and the funding formula per capita which impacted negatively on Flintshire and other Councils across Wales. He said that the Council had a duty to respond to Julie James AM, Minister for Local Government, following the cross-party delegation visit to WG, and that the work being undertaken by the cross-party working group should incorporate the Motion to make the funding case in totality.

Councillor Healey welcomed the proposal by Councillor Shotton. He referred to the Council's projected budget gap for next year despite the achievements on efficiencies and said that the Council could do no more and should provide feedback to WG on the funding formula.

On being put to the vote, the Motion as amended was carried. It was confirmed that a copy of the letter would be shared with all Members and that Group Leaders would shortly be meeting to agree Terms of Reference for the cross-party working group as the next stage of engagement with WG.

(ii) Lucy's Law national campaign - Councillor Bernie Attridge

'This Council supports the Lucy's Law National Campaign to ban the selling of puppies by third parties, and the Council is requested to add its name to the growing list of supporting organisations and will proactively highlight the campaign to our residents across the County.

Removing puppies for sale from their mum often creates sick, traumatised, dysfunctional dogs. Puppies should be seen with their mum in the place they were born. Transporting them to a different place for sale harms their welfare.

Breeding dogs kept in puppy farms are hidden from public view and often suffer from years of physical and psychological trauma. Regulating commercial third-party puppy selling is ineffective in preventing harm to breeding dogs and a third-party ban on puppy selling is therefore necessary for the welfare of breeding dogs.

Puppy farming impacts on the residents of Flintshire with the cost and emotional distress of buying a puppy that may turn out to need expensive vet treatment or which may unfortunately not survive at all.

A ban on the third-party sale of puppies will have a positive impact on breeding dogs, ensuring their visibility and enabling the public to act on best practice advice to view the puppy with the mum where the puppy was born.

Furthermore the Leader will write in support of the campaign to both the First Minister and Prime Minister highlighting Flintshire's support for the introduction of this law in both Wales and England.'

The Motion was seconded by Councillor Andy Dunbobbin who said that although such a ban would not entirely eradicate puppy farming, it was an effective strategy to reduce the scale of the problem.

Speaking in support of the Motion, Councillor Colin Legg commented that there were also a number of very reliable and responsible dog breeders.

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

RESOLVED:

- (a) That the Notice of Motion from Councillor David Healey on the reform of the Council Tax system be supported, with the addition that a formal letter be written to the Welsh Local Government Association (WLGA) and Welsh Government working group on local government reform; and
- (b) That the Notice of Motion from Councillor Attridge on Lucy's Law be supported.

115. COUNCIL TAX SETTING FOR 2019-20

The Deputy Monitoring Officer introduced the report to formally set the Council Tax charges and associated statutory resolutions for 2019/20 as part of the wider budget strategy on the basis of the decision taken by the Council on 19 February.

The Revenues Manager spoke about the three separate precepts which made up the overall level of Council Tax charges against each property. He advised that the proposed increase in Flintshire's precept was 8.75% (resulting in a charge of £1,280.68 for a Band D property; an annual increase of £103.08). A 7.74% increase was reported on the precept for the Police & Crime Commissioner for North Wales, and the individual precept requirements for the 34 Town and Community Councils across Flintshire (total increase 2.13%) were appended to the report. The overall amount raised by Council Tax consisted of the County Council's total precept of £82,369.496, the North Wales Police & Crime Commissioner's total precept of £17,886,558 and collective precept of £2,929,690 across Town and Community Councils.

In accordance with other procedural matters, Members were asked to endorse the continuation of the Council Tax Premium scheme and the practice for designated officers to lead on legal proceedings on behalf of the Council.

The Chief Executive explained that the resolution was to formally set the Council Tax following closure of the budget process for 2019/20 at the previous meeting. The prescribed figures would be set out in Council Tax bills along with payment instalment options. Due to the statutory limitations on information contained on Council Tax bills, this year they would be accompanied by a budget infographic explaining how the total amount was made up.

In moving the recommendations, Councillor Aaron Shotton referred to the lengthy budget debate which had resulted in a difficult decision, recognising the need to protect services and consider the future impact of austerity. He welcomed the infographic of factual information produced by officers and encouraged Members to share this to help understanding of the situation.

This was seconded by Councillor Bernie Attridge.

Councillor Mike Peers said that the proposed increase in Council Tax was not supported by all Members and that the amount spent to recover outstanding debt could have been better used towards the shortfall in funding. On the report's third recommendation, he spoke about the level of unpaid Council Tax which had been reported to Overview & Scrutiny and asked about actions to improve collection rates.

The Chief Executive clarified that debt was capital borrowing debt only and that a report on Council Tax collection would be scheduled for the Corporate Resources Overview & Scrutiny Committee.

Councillor Richard Jones said that the report provided more detail on the impact of the budget decision and that every valuation band would be set at over £1,000 per year, particularly affecting those with lower incomes. He commented that the proposed 8.75% increase for the Council's precept was the highest set by Flintshire and amongst the highest in Wales for 2019/20. He went on to refer to the scale of the increase over the past seven years which he suggested was attributable to a reduced Revenue Support Grant and also through the approach taken by the Administration to use Council Tax as a means of balancing the budget.

In response, the Chief Executive said that four other Councils in Wales were proposing Council Tax increases of over 9%. He reminded Members of their legal duty to formally set the Council Tax by the approaching statutory deadline.

The Deputy Monitoring Officer advised that the Council should set the Council Tax at the level to reflect the decision made at the previous meeting.

Councillor Clive Carver commented that Council Tax increases were not in line with pay or pension increases.

Councillor Patrick Heesom said that the alternative Motion put forward at the previous meeting would have been more manageable. He said that the Council Tax increase was being used to fill the budget gap and that a review was needed of the Council's financial strategy to prevent a similar situation next year.

Councillor Arnold Woolley read out an extract from a Wales Audit Office letter on a recommended prudent approach to the Minimum Revenue Provision policy on which he raised concerns.

Councillor Derek Butler spoke of the need to make decisions based on fact and that a range of opportunities had been available throughout the budget process for Members to raise specific issues.

Councillor Chris Bithell said that Members had a duty to make decisions based on the professional advice of qualified expert officers, including statutory officers. It was on that basis that the proposed increase in Council Tax had been supported, as opposed to the amendment where increased reliance on reserves would have been too much of a risk.

In response to comments on the Well-being and Future Generations (Wales) Act 2015, Councillor Carolyn Thomas said that unlike some other Authorities, the Council had not proposed cutting services and was instead building Council houses and exploring innovative ways of attracting funding. She pointed out that the average Council Tax paid in England was £1,700 per annum with some Authorities proposing increases to £2,000. This demonstrated that the UK Government was not adequately funding Council services.

For 2020/21, the Corporate Finance Manager advised that with the use of £0.300m of reserves, a budget gap of £9.7m had been calculated, based on projected pressures and without any assumptions on Council Tax or Revenue Support Grant.

Councillor Carol Ellis said that the increase was difficult to justify to residents given the increases proposed by neighbouring Authorities and would have a significant impact on all property owners. The Chief Executive said that Band D was commonly used for illustrative purposes across Wales, acknowledging the differences between bandings.

In recognising the difficult decision which had been made, Councillor Ian Roberts said that the advice of statutory officers must be heard. He said that the projected budget gap for 2020/21 would have increased if Members had agreed to allocate further reserves. As one of a number of significant pressures, he highlighted the increase in teachers' pensions which would affect every school.

In his right of reply, Councillor Aaron Shotton spoke about the need to recognise the work undertaken by the officers, workforce, Trade Union colleagues and Overview & Scrutiny Committees to respond to the challenges of austerity and protect services, which set Flintshire apart from many other Authorities. He said that the point raised on borrowing did not reflect the investment in school buildings and Council house building programme, and that further use of reserves only increased financial pressures for the next year, as acknowledged by the Wales Audit Office.

The Deputy Monitoring Officer said that any decision against setting the Council Tax would be in conflict with the six month rule on the decision taken on 19 February resulting in the Council failing to comply with its legal duty.

As a point of clarity, the Chief Executive provided technical advice on the risks to any delay in Council Tax setting, with resource and cashflow implications as well as the impact on residents.

Councillor Peers requested a recorded vote to which the requisite 10 Members stood in support.

On being put to the vote, the recommendations in the report were carried as follows:

For the proposal:

Councillor: Paul Cunningham, Bernie Attridge, Glyn Banks, Sean Bibby, Chris Bithell, Derek Butler, Geoff Collett, David Cox, Ron Davies, Ian Dunbar, Andy Dunbobbin, Mared Eastwood, David Evans, David Healey, Gladys Healey, Cindy Hinds, Dave Hughes, Kevin Hughes, Ray Hughes, Joe Johnson, Paul Johnson, Christine Jones, Tudor Jones, Richard Lloyd, Billy Mullin, Michelle Perfect, Vicky Perfect, Neville Phillips, Mike Reece, Ian Roberts, Aaron Shotton, Paul Shotton, Ian Smith, Carolyn Thomas, Martin White, Andy Williams and David Wisinger

Against the proposal:

Councillor: Mike Allport, Janet Axworthy, Haydn Bateman, Marion Bateman, Helen Brown, Clive Carver, Bob Connah, Jean Davies, Rob Davies, Chris Dolphin, Rosetta Dolphin, Carol Ellis, George Hardcastle, Patrick Heesom, Dennis Hutchinson, Richard Jones, Brian Lloyd, Dave Mackie, Mike Peers, Ralph Small, Owen Thomas and Arnold Woolley

Abstention:

Councillor Colin Legg

RESOLVED:

- (a) That the 2019-20 Council Tax be set as detailed in Appendix 1 to the report;
- (b) That the continuation of the policy of not providing a discount in the level of Council Tax charges for second homes and long-term empty homes be endorsed. Also where exceptions do not apply, to charge the Council Tax Premium rate of 50% above the standard rate of Council Tax for second homes and long-term empty dwellings; and
- (c) That approval be given for designated officers to issue legal proceedings and appear on behalf of the Council in the Magistrates' Court for unpaid taxes.

Following the item, the Chairman called a brief adjournment.

116. INDEPENDENT REMUNERATION PANEL FOR WALES (IRPW) ANNUAL REPORT FOR 2019

The Democratic Services Manager presented the Independent Remuneration Panel for Wales (IRPW) Annual report for 2019/20 which determined the rates of payment for elected and co-opted Members of Welsh Local Authorities for the next

financial year. The draft proposals had been considered on 20 November 2018 when Members had opposed the proposed increases as being unjustifiable.

Members were reminded of the obligation to apply the determinations of the IRPW (as set out in the report) unless they chose to independently and voluntarily write to the Democratic Services Manager to forego all or any element of the payment. A further report would be submitted to the County Council in June, once all appointments to senior salary posts had been made following the Annual General Meeting.

The recommendations in the report were proposed by Councillor Bernie Attridge and seconded by Councillor Ian Dunbar.

Councillor Richard Jones asked about the possibility of all Members voting to forego the increase and was advised that such representations must be made in writing (by letter or email) by individual Members.

Councillor Aaron Shotton said it was unfortunate that the timing of the report coincided with the Council Tax setting and that the same level of scrutiny did not apply to appointments to other public bodies across Wales. In reiterating the views expressed at the November meeting, he said that he would not be accepting the proposed increase.

The Chief Executive said that the report was submitted annually to the County Council and that consideration may be given to how this was done in future, given that all the information was published.

In response to a question from Councillor Dunbar, the Chief Executive advised that as the Council was entirely responsible for paying allowances, any decision by Members to refuse their increase would have the effect of reducing this specific budget pressure. Alternatively, Members may wish to pass the increase on to a third party if they wished.

Councillor Carol Ellis proposed an amendment that Members vote on whether to accept the increase in advance of writing to the proper officer, in order to reduce the budget pressure. This was seconded by Councillor Richard Jones.

To assist the debate, the Chief Executive said that such a vote would only be advisory but raised concerns that this could put pressure on Members in considering their individual circumstances.

Councillor Ellis confirmed that she wished her amendment to stand.

On hearing the officer advice, Councillor Jones withdrew his seconding of the amendment.

The amendment was subsequently seconded by Councillor Helen Brown.

Councillor Neville Phillips spoke against the amendment on the basis of the officer advice.

Whilst Councillor Mike Peers understood the rationale behind the amendment, he agreed with the officer advice that Members should not vote and instead make their own decision on whether to opt out of the increase.

Having been proposed and seconded, the Chief Executive summarised the amendment as a third recommendation which was agreed by Councillor Ellis as follows: That the County Council invites all Members to forego the annual increase in salary/allowance on a voluntary basis.

On being put to the vote, the amendment was lost.

The substantive motion, as previously moved and seconded, was put to the vote and carried.

Members were advised that written notification to forego all or any element of the payment must be made to the Democratic Services Manager by 8 March 2019.

RESOLVED:

- (a) That the decisions which the Independent Remuneration Panel for Wales has made on Member salaries for 2019/20 be noted; and
- (b) That the County Council notes that a further report will be made to the June meeting, once all appointments to senior salary posts have been made following the Annual General Meeting on 7 May 2019.

117. PETITIONS RECEIVED AT COUNCIL

The Democratic Services Manager presented a report on the outcomes and actions of petitions submitted to County Council during 2018/19. As agreed at the October meeting, a similar report would be submitted to the last scheduled County Council meeting of each municipal year.

The recommendations of the report were moved by Councillor Bernie Attridge.

In response to comments from Councillor Clive Carver, the Chief Executive suggested that any Members who needed clarity on the outcomes of specific petitions should contact the Democratic Services Manager.

RESOLVED:

That the report be noted.

118. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were seven members of the public and one member of the press in attendance.

(The meeting started at 2pm and ended at 4.25pm)

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Chairman