

FLINTSHIRE COUNTY COUNCIL
7TH DECEMBER 2021

Minutes of the meeting of Flintshire County Council held as a remote attendance meeting on Tuesday, 7th December 2021.

PRESENT: Councillor Joe Johnson (Chair)

Councillors: Janet Axworthy, Glyn Banks, Haydn Bateman, Marion Bateman, Sean Bibby, Chris Bithell, Derek Butler, Clive Carver, Geoff Collett, Bob Connah, Dave Cox, Paul Cunningham, Robert Davies, Ron Davies, Adele Davies-Cooke, Chris Dolphin, Rosetta Dolphin, Andy Dunbobbin, Mared Eastwood, Carol Ellis, David Evans, Veronica Gay, George Hardcastle, David Healey, Gladys Healey, Patrick Heesom, Andy Hughes, Dave Hughes, Alasdair Ibbotson, Paul Johnson, Christine Jones, Richard Jones, Tudor Jones, Colin Legg, Brian Lloyd, Richard Lloyd, Mike Lowe, Dave Mackie, Hilary McGuill, Billy Mullin, Ted Palmer, Mike Peers, Vicky Perfect, Neville Phillips, Ian Roberts, Tim Roberts, Kevin Rush, Tony Sharps, Aaron Shotton, Paul Shotton, Ralph Small, Ian Smith, Owen Thomas, Martin White, Andy Williams, David Wisinger and Arnold Woolley.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Planning, Environment and Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Social Services), Corporate Finance Manager, Head of Internal Audit, Principal Accountant, Head of Democratic Services, Democratic Services Team Leader and Democratic Services Officers.

APOLOGIES FOR ABSENCE:

Councillors: Mike Allport, Bernie Attridge, Sian Braun, Jean Davies, Ian Dunbar, Cindy Hinds, Ray Hughes, Rita Johnson and Michelle Perfect.

57. MINUTES

The minutes of the meeting held on 19th October 2021 were submitted.

RESOLVED:

That the minutes be approved as a correct record.

58. DECLARATIONS OF INTEREST

None were received.

59. CHAIR'S COMMUNICATIONS

The Chair explained that his communications had been emailed to all Members the previous day. He expressed his sorrow, on behalf of the Council, to Councillor Sian Braun whose father had sadly passed away and conveyed condolences.

He also read out a letter from Colin Everett thanking colleagues for the kind words, gifts and cards following his departure.

60. PETITIONS

None were submitted.

61. CAPITAL STRATEGY 2022/23 – 2024/25

The Corporate Finance Manager introduced the report which sought approval of the Council's Capital Strategy. It explained the requirement for the Strategy, its key aims and the contents of each of its sections.

Under the Prudential Code for Capital Finance in Local Authorities (the Prudential Code), authorities were required to set a range of Prudential Indicators (PI's). The Capital Strategy included details of the Council's Prudential Indicators for 2022/23 – 2024/25.

The key aims of the Strategy were to explain the ways in which the Capital Programme was developed and funded, the potential impact it had on the Council's Medium Term Financial Strategy (MTFS) and the way in which it related to the Council's Treasury Management Strategy. The Strategy was an overarching document and referred to other documents such as the Capital Programme, the Treasury Management Strategy and the Minimum Revenue Provision Policy. The Strategy was split into a number of sections which were outlined in the report.

The report had been submitted to Corporate Resources Overview and Scrutiny Committee and Cabinet and no issues had been raised.

The recommendations in the report were moved by Councillor Paul Johnson and seconded by Councillor Mullin.

Councillor Paul Johnson thanked officers for all of the work undertaken on the report which demonstrated the Strategy was well funded, proven and sustainable.

RESOLVED:

- (a) That the Capital Strategy be approved; and
- (b) That the following be approved:
 - The Prudential Indicators for 2022/23 – 2024/25 as detailed within Tables 1, and 4-7 inclusive of the Capital Strategy; and
 - Delegated authority be granted for the Corporate Finance Manager to effect movements between the separately agreed limits within the authorised limit for external debt and the operational boundary for external debt (Table 6 of the Capital Strategy)

62. CAPITAL PROGRAMME 2022/23 – 2024/25

The Corporate Finance Manager and Principal Accountant introduced the report which presented the proposed Capital Programme for the period 2022/23 – 2024/25 for approval, supported by a PowerPoint presentation.

The Council's Capital Programme covered investment in assets for the long term to enable the delivery of high quality and value for money public services. Assets included buildings (such as schools, care homes and day centres), infrastructure (such as highways, IT networks and waste transfer stations) and assets not owned by the Council (such as works to improve and adapt private sector homes). The proposed capital investments outlined within the report were closely aligned to portfolio service business plans and the Council Plan.

The Council had limited capital resources from Welsh Government (WG) to support Council priorities, needs and liabilities. However, it had the powers to fund Capital schemes by borrowing – this was temporary and ultimately, the cost and repayment of any borrowing was charged to the Council's revenue budget. Schemes funded by borrowing were carefully considered due to the long-term impacts on the Council's revenue budget.

The Council Fund Capital Programme was divided into three sections:

1. Statutory / Regulatory – allocations to cover regulatory and statutory works.
2. Retained Assets – allocations to fund infrastructure works necessary to ensure service and business continuity.
3. Investment – allocations to fund works necessary to ensure service and business continuity.

Details of each of the tables within the report were provided, which were part of the presentation, and supported by explanations in the report on each table.

Information was also provided on potential future schemes, which were also detailed in the report.

The report had been submitted to Corporate Resources Overview and Scrutiny Committee.

The recommendations in the report were moved by Councillor Ian Roberts and seconded by Councillor Paul Johnson.

Councillor Roberts welcomed the report and said it was a pleasure to recommend the proposed capital programme for approval, saying it was a collective capital programme for the whole Council. The programme was ambitious and demonstrated that as a Council, there was commitment to caring for the vulnerable. He welcomed the schemes outlined for schools, along with the replacement of Ysgol Croes Atti which would be the first brand new Welsh Medium Primary School in Flintshire to be built as a carbon neutral structure. He commented on the commitment to Theatr Clwyd and the new archive project, and welcomed the spend on Standard Yard Waste Transfer Station which would ensure that the Council could achieve the 70% target set by WG for recycling. He sought support from Members

across the chamber for the extensive range of commitments planned for the whole of the county.

Councillor Peers also welcomed the report which showed commitment to the whole of the county. On school building works, he asked how the backlog of toilet upgrades was being addressed, and whether Estyn was satisfied with the position. The Chief Executive explained that alongside the programme of toilet upgrades, modernisations were also carried out under refurbishment programmes, as well as schools contributing towards upgrades from their own budgets. The backlog of works was often reflected as a Health and Safety issue in Estyn inspections of schools.

On the joint archive facility, Councillor Peers asked if the current archive building in Hawarden would be sold as a capital receipt. The Chief Executive explained that a number of studies were underway to investigate if the current building could be repurposed in the future. He added that if any buildings were sold, the capital receipt would go into the corporate pot for the wider capital programme.

Councillor Peers asked, in relation to Review of Industrial Estates, if business rates were still being paid on a building that had previously been available for lease, but had since become unfit for use. The Chief Executive explained that, where possible, unfit buildings would be repurposed however there was a need to understand the market and then adopt the most appropriate strategy. Where appropriate, unfit buildings would be demolished if they could not be repurposed.

Councillor Richard Jones thanked the Chief Executive and finance colleagues for the movement of £1.2m from retained assets into the statutory / regulatory section, which had been requested at Corporate Resources Overview and Scrutiny Committee.

In response to a question from Councillor Sharps on the County Hall campus in Mold, the Chief Executive explained that master planning had commenced but was not yet complete. When that work was complete, information would be shared with all Members.

In summing up, Councillor Roberts confirmed that there would be full discussion with all Members on the County Hall campus. He thanked WG for the amount of financial resources they had placed directly into school budgets, specifically for school improvements, for which he was grateful. On the current archive facility in Hawarden, he explained that discussions had taken place with the local Member and plans were to redevelop and enhance the current building.

RESOLVED:

- (a) That the allocations and schemes in Table 3 for the Statutory/Regulatory and Retained Assets sections of the Council Fund Capital Programme 2022/23 – 2024/25 be approved;
- (b) That the schemes included in Table 4 for Investment section of the Council Fund Capital Programme 2022/23 – 2024/25 be approved;

- (c) That it be noted that the shortfall in funding of schemes in 2022/23, 2023/24 and 2024/25 in Table 5 at this point in the approval process allows flexibility. Options including a combination of future capital receipts, alternative grants (if available), prudential borrowing or the re-phasing of schemes will be considered during 2022/23, and included in future Capital Programme reports; and
- (d) That the schemes included in Table 6 be approved for the specifically funded section of the Council Fund Capital Programme which will be funded in part through borrowing.

63. LICENSING ACT 2003 DRAFT STATEMENT OF LICENSING POLICY DECEMBER 2021 – DECEMBER 2026

The Chief Officer (Planning, Environment and Economy) introduced the report and explained that this was the fifth Statement of Licensing Policy to be issued which outlined the expectation of the Licensing Authority in relation to applicants. It also detailed what applicants and service users might expect from the Licensing Authority.

Officers had undertaken a review of the current policy, taking into account any relevant changes in legislation, guidance and good practice. The review was undertaken in partnership with other North Wales Local Authorities as part of an ongoing effort to achieve consistency, where possible, across the region.

The proposed Draft Statement of Licensing Policy for the period December 2021 – December 2026 was appended to the report. The final draft showed the changes made by officers prior to consultation in red, and the changes made since the consultation in blue. A summary of the changes was provided in the report.

Two responses had been received in respect of the consultation, from a representative of Public Health Wales, and a representative for Premises Licence Holders. Details of those responses were also appended to the report.

The recommendations in the report were moved by Councillor Sharps and seconded by Councillor Small.

Councillor Sharps expressed his thanks to the Licensing Team for their continued efforts during the pandemic to continue to ensure that customers remained supported. He thanked them for adapting the way in which they worked to ensure service delivery was maintained which was welcomed by all of their clients.

In response to a question from Councillor Bithell, the Licensing Team Leader explained that there was an error in the appendix at 3.19, and clarified that the North Wales Fire and Rescue Service was not required to consult on any conditions it placed in relation to fire safety matters.

RESOLVED:

- (a) That the Draft Statement of Licensing Policy, spanning a five year period up until December 2026, be adopted; and
- (b) Any decision to make changes to the policy during the five year term be delegated to the Licensing Committee.

64. TREASURY MANAGEMENT ANNUAL REPORT

The Corporate Finance Manager introduced the report and explained that the Treasury Management Annual Report was required by the Council's Financial Procedure Rules to be reviewed by the Governance and Audit Committee. It was considered at their meeting on 28th July 2021, and at Cabinet on 21st September 2021.

A summary of the key points on the Annual Report was detailed in the covering report.

The recommendation in the report was moved by Councillor Paul Johnson and seconded by Councillor Chris Dolphin.

Councillor Paul Johnson thanked all officers involved in the preparation of the report, and for presenting it at Governance and Audit Committee and Cabinet. He explained that the major influence on the UK economy in 2020/21 was the Covid-19 pandemic. The Bank of England cut the Bank Rate to 0.1% and the UK Government provided a range of fiscal stimulus measures to support the economy through the unprecedented time. Section 2 of the report provided a full economic and interest rate review for 2020/21.

As Chair of the responsible Committee scrutinising the Treasury Management Strategy and Policies, Councillor Dolphin confirmed that it had been considered by Governance and Audit Committee on 28th July where it was supported.

In response to a question from Councillor Peers, the Corporate Finance Manager explained that North East Wales (NEW) Homes did not have the same access to Public Works Loan Board (PWLB) so the Council borrowed on their behalf and included an additional narrow margin which provided an income stream for the authority. In response to a further question on interest rates, the Corporate Finance Manager said that the quarterly monitoring reports would provide full detailed information. On investment activity, Councillor Peers asked what the return on investments was. The Corporate Finance Manager explained that the aim was to always maximise investment opportunities and that best opportunities were considered at the time.

RESOLVED:

That the Treasury Management Annual Report for 2020/21 be approved.

65. REVIEW OF POLITICAL BALANCE

The Chief Officer (Governance) introduced the report and explained that the Council was required under 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, to review the Council’s political balance calculations following the by-election in Penyffordd on 7th October 2021.

The new Councillor in that ward, alongside Councillor Cindy Hinds as the other ward Member, was in the Labour Group, whereas the previous incumbent was a member of the New Independent Group. The calculated entitlement to seats indicated that the Labour Group would gain two places and the New Independent Group would lose two places. It was possible to accommodate those changes without impacting other groups.

The Council’s political groups and the number of Members on each was as follows:

Labour	35
Independent Alliance	16
Conservative	6
Liberal Democrats	6
New Independents	3
Independents	3
Non-aligned member	1

The political balance calculation was appended to the report. It was one possible lawful allocation and other possible allocations may exist.

During the review of the Committee structure in 2019, Group Leaders, on behalf of their Members, agreed that it was preferable and beneficial to try and allocate seats in line with Councillors’ areas of interest if possible. Where it was possible within the rules, the allocation of seats was therefore influenced by known areas of interest/preference.

The Labour Group’s entitlement to an additional seat on the Constitution and Democratic Services Committee was clear from the calculations. The issues arose with the second seat. On this occasion, the apparent entitlement to seats would suggest that the New Independent Group should lose a seat on the Governance and Audit Committee to the Labour Group. However, that seat was occupied by a Councillor with long experience and a keen interest in the work of that Committee. In order to fulfil the aspiration to allocate seats based on interest, it was suggested that the Labour Group should instead be allocated an extra seat on the Education, Culture and Youth Overview and Scrutiny Committee. That would result in that group being slightly “over-represented” on that Committee but it was a possible lawful allocation of seats.

As there was a possible allocation that would comply with both rules iii and iv, the legislation required that the recommended allocation could only be approved if no Councillor voted against it.

The recommendations in the report were moved by Councillor Ian Roberts and seconded by Councillor Peers.

RESOLVED:

- (a) That the seats on Committees be allocated in accordance with political balance as shown in Appendix A; and
- (b) That any changes to nominees be notified to the Democratic Services Manager as soon as possible.

66. GOVERNANCE AND AUDIT COMMITTEE ANNUAL REPORT

The Internal Audit Manager introduced the report and explained that, in accordance with CIPFA's best practice 'Audit Committees – a Practical Guidance for Local Authorities 2018', there was a requirement for the Committee to be held to account by the Council for the work it undertook. To support that, the Committee's Terms of Reference were amended in 2018 to include a requirement for the Committee to prepare a yearly report to the Council on its achievements and to demonstrate its accountability.

The Governance and Audit Committee's Annual Report for 2020/21 was appended to the report and provided the Council with the necessary information to meet the requirement.

A significant part of the Committee's role was to demonstrate its accountability, which should be considered under the following three aspects:

1. Supporting the Council's accountability to the public and stakeholders
2. Supporting accountability within the Council
3. Holding the Governance and Audit Committee to account

The Governance and Audit Committee's Annual Report had been presented and endorsed by the Governance and Audit Committee on 17th November 2021.

The recommendation in the report was moved by Councillor Chris Dolphin and seconded by Councillor Mullin.

Councillor Chris Dolphin thanked officers of the Council for the preparation of the report.

RESOLVED:

That the Governance and Audit Committee's Annual Report for 2020/21 be approved.

67. OVERVIEW AND SCRUTINY ANNUAL REPORT 2020/21

The Head of Democratic Services presented the report and explained that the Overview and Scrutiny Annual Report was drafted on an annual basis by the officer

team, in consultation with the relevant Committee Chairs. The draft was then submitted to the Constitution and Democratic Services Committee for Members' comments before being submitted to Council for formal approval.

The Annual Report provided the Council with assurance that the Overview and Scrutiny function was fulfilling its constitutional role.

The Head of Democratic Services thanked all Members and officers for their involvement in the Overview and Scrutiny process over the last year.

The recommendation in the report was moved by Councillor Phillips and seconded by Councillor Mullin.

Councillor David Healey thanked officers for their work undertaken during the pandemic to ensure that the Overview and Scrutiny process continued. He particularly welcomed the live streaming of all meetings which helped the public to have access to local democracy.

Councillor Marion Bateman thanked officers for the help and support given to her whilst she was Chair of the Council which had been during the pandemic.

RESOLVED:

That the Overview and Scrutiny Annual Report for 2020/21 be received.

68. PUBLIC QUESTION TIME

None were received.

69. QUESTIONS

None were received.

70. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

None were received.

71. NOTICE OF MOTION

Councillor Paul Johnson spoke in support of the Labour Group Notice of Motion, which was:

“That this Council supports the calls for the UK Government to reinstate the £20 per week enhancement to Universal Credit and to extend this support to legacy benefits. This Council also expresses its deep regret that the UK government did not apply this uplift to legacy benefits during the pandemic. The Council recognises and welcomes the changes made to Universal Credit in the budget especially to the taper rate but expresses its concerns that this will not impact people unable to work or legacy benefit claimants.

Council calls on the Leader to write to our two local Members of Parliament to invite their support for this motion”.

He provided details of the impact over a 12 month period which was also at a time where the country was experiencing a rise in fuel bills and inflation. He added that in Flintshire, a high percentage of those claiming Universal Credit were people who were in work. A taper rate had been introduced but he said this would not help those who were not in any form of employment.

Councillor Dave Hughes seconded the Notice of Motion.

Councillor Ibbotson supported the Notice of Motion and provided details of his own personal situation in relation to Universal Credit.

Councillor Aaron Shotton also supported the Notice of Motion but felt it would have been more timely prior to the parliamentary debate on Universal Credit in the summer. He added that the MP for Alyn and Deeside supported the sentiments of the motion and he had expressed his concerns to the UK Government when they had proposed to remove the £20 uplift.

Councillors Bithell and Butler also spoke in support of the Notice of Motion. The requisite 10 Members indicated in the chat to request a recorded vote.

The Chief Officer (Governance) read out names in order and the result of the recorded vote is shown below:

For the Notice of Motion:

Councillors: Axworthy; Banks; Haydn Bateman; Marion Bateman; Bibby; Bithell; Butler; Carver; Collett; Cox; Cunningham; Rob Davies; Ron Davies; Davies-Cooke, Chris Dolphin; Rosetta Dolphin; Dunbobbin; Eastwood; Evans; Gay; Hardcastle; David Healey; Gladys Healey; Heesom; Andy Hughes; Dave Hughes; Ibbotson; Joe Johnson; Paul Johnson; Christine Jones; Richard Jones; Tudor Jones; Richard Lloyd; Lowe; Mackie; McGill; Mullin; Palmer; Peers; Vicky Perfect; Phillips; Ian Roberts; Tim Roberts; Rush; Sharps; Aaron Shotton; Paul Shotton; Small; Smith; Owen Thomas, White; Williams; Wisinger and Woolley.

Against the Notice of Motion:

None.

Abstentions:

None.

The Notice of Motion was unanimously supported.

Councillor Woolley submitted the following Notice of Motion:

“That this County Council takes note of and fully supports the aims of the Local Electricity Bill which was submitted to Parliament on 10th June of this year with support of 150 cross-party MPs and organisations such as NALC. The Eden Project, Forum for the Future and Friends of the Earth as well as 43 County and Local

Authorities. Council wishes to urge progress into Enactment form as that could enable:

- 1) producers to sell electricity locally without going through the wholesale market and therefore having more control over the price; or
- 2) local opportunities such as the Milwr Tunnel Scheme to become viable and proceed.

Council thanks the presently 262 MPs of all parties who have signed up to support the Bill and urges all those MPs within the county who have not yet done so to kindly sign up to support the Bill”.

Councillor Woolley spoke in support of his Notice of Motion, providing details of the Parliamentary inquiry earlier in the year on the supply of electricity and the generation of local power. He sought support for Flintshire County Council to be added to the 100+ Councils supporting the bill on its progression through Parliament.

In seconding the Notice of Motion, Councillor Peers said that the option to purchase electricity locally was not available as energy had to first be sold to utility companies for customers to then purchase from those companies.

In response to a question from Councillor Carver, the Chief Officer (Planning, Environment and Economy) explained that there were rules and regulations about the movement of electricity. If Members would like more information he could provide that.

Councillor Ibbotson moved the following amendment to the Notice of Motion, which was seconded by Councillor Bibby:

Line one: omit word "fully" and replace with "cautiously".

Delete the last paragraph and replace with "Council expresses its concern at section 2, paragraph 3 subsection c of the local electricity bill which extends the scheme to projects emitting, at 350g of CO2/KWh, nearly double the amount of carbon emissions as the UK average at 181g/KWh in 2020. Council is further concerned at Section 3, paragraph 4, which would mean that the Council has no authority to prevent ill-advised projects from going ahead. Council is concerned that this bill as drafted could lead to higher carbon emissions and higher air pollution in our communities, and urges MPs supporting this bill in Parliament to amend the bill accordingly."

Councillors Woolley and Peers accepted the amendment and when put to the vote, the Notice of Motion, as amended, was carried.

RESOLVED:

- (a) That the Notice of Motion from the Labour Group be supported; and

- (b) That the Notice of Motion from Councillor Woolley, including the amendment by Councillor Ibbotson, be supported.

72. RECOGNITION OF SERVICE BY THE RETIRING HEAD OF DEMOCRATIC SERVICES

The Chair introduced the item and explained that Robert Robins had served 25 years at Flintshire County Council. Prior to local government reorganisation Robert started his career as a graduate trainee with Delyn Borough Council on 28th January 1985 before moving to Alyn and Deeside District Council then to Flintshire County Council undertaking a number of different roles.

The Chair invited Robert to receive a gift that had been bought with donations given from Members and officers.

Members across the Chamber, and the Chief Executive, paid tribute to Robert and best wishes for his retirement. All commented on how helpful, kind, trustworthy, supportive, polite and encouraging he was, and thanked him for all of the advice given to them over the years and for his friendship. He was a true gentleman and would be missed.

73. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There were no members of the press or public in attendance.

(The meeting started at 2.00 p. m. and ended at 4.25 p.m.)

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Chair