

FLINTSHIRE COUNTY COUNCIL
22nd JULY 2024

Minutes of the meeting of Flintshire County Council held as a hybrid meeting on Monday 22nd July 2024.

PRESENT: Councillor Dennis Hutchinson (Chair)

Councillors: Mike Allport, Glyn Banks, Pam Banks, Marion Bateman, Sean Bibby, Chris Bithell, Gillian Brockley, Mel Buckley, Teresa Carberry, Tina Claydon, David Coggins Cogan, Geoff Collett, Steve Cople, Bill Crease, Paul Cunningham, Rob Davies, Ron Davies, Chris Dolphin, Rosetta Dolphin, Mared Eastwood, Carol Ellis, Mared Eastwood, David Evans, Chrissy Gee, David Healey, Gladys Healey, Ian Hodge, Andy Hughes, Dave Hughes, Ray Hughes, Alasdair Ibbotson, Paul Johnson, Christine Jones, Richard Jones, Simon Jones, Fran Lister, Richard Lloyd, Dave Mackie, Gina Maddison, Allan Marshall, Hilary McGuill, Ryan McKeown, Billy Mullin, Debbie Owen, Ted Palmer, Andrew Parkhurst, Mike Peers, Michelle Perfect, Vicky Perfect, Carolyn Preece, David Richardson, Ian Roberts, Dan Rose, Kevin Rush, Dale Selvester, Sam Swash, Linda Thew, Linda Thomas, Ant Turton, Roy Wakelam, Arnold Woolley and Antony Wren.

IN ATTENDANCE:

Chief Executive, Chief Officer (Governance), Chief Officer (Planning, Environment and Economy), Chief Officer (Streetscene and Transportation), Chief Officer (Education and Youth), Chief Officer (Social Services), Corporate Manager, (People and Organisational Development), Corporate Finance Manager, Karen Edwards, Kathryn Whitfield, Dawn Holt, Lee Holman
Democratic Services Manager and Democratic Services Officers.

APOLOGIES FOR ABSENCE:

Councillors: Adele Davies Cooke, Roz Mansell and Helen Brown.

15. PRESENTATIONS

The Chief Executive introduced the following finalist awards for the 2024 Social Care Accolades at the Social Care Wales Ceremony.

1. Highly Commended - Building Bright Futures for Children and Families - Child to Adult Team (C2A) of Flintshire County Council.

The Chief Executive explained that this project supported children and adults with learning disabilities aged between 0 and 25 years and included their siblings, families and carers to achieve what mattered to them. The support provided emotional support for parents, home adaptations, help dealing with challenging behaviours of supporting older teenagers with further education, supported living and employment. The project worked closely with a diverse range of partners including

Children's Services, Barnardo's and Theatr Clwyd. Karen Edwards received the award on behalf of the team.

2. Winner - Effective Leadership Award - Sandra Stacey, Marleyfield House Care Home Manager

The Chief Executive introduced the next award, which was to Sandra Stacey, Residential Care Home Manager at Marleyfield House, who was nominated by Janet Bellis, Senior Manager – Integrated Services and Lead Adults. The Residential Care Home Manager was nominated for her dedication to providing person centred care and making sure that the well-being of the care home residents was at the forefront of decision making. Janet said “Sandra’s values epitomised those of the local authority and her compassionate leadership style applied to everyone she came into contact with, from the care home staff to its residents and families. She always delivered the best outcomes for her residents and staff and was a shining example of compassionate leadership”.

3. Highly Commended - Working in Partnership – Flintshire Micro-Care

The Chief Executive introduced the next award saying that Flintshire Micro-Care provided a groundbreaking approach which helped small enterprises to provide care and support in the Flintshire area. In partnership with Social Firms Wales the project supported people who had shown an interest in running their own social care business. It provided practical advice around operating in the social care sector, support in becoming an accredited micro carer and specialist business advice. The project had strengthened the local care market by providing different care support options such as tailored day services, respite, direct care and well-being support. The award was accepted by Janet Bellis on behalf of the service with Dawn Holt and Lee Holman present online.

4. Working in Partnership – North Wales Together: Learning Disability Transformation Programme

The Chief Executive moved on the last award, the Working in Partnership North Wales Together: Learning Disability Transformation Programme. This was a partnership between citizens, six Local Authorities and the Betsi Cadwaladr University Health Board which aimed to transform services for people with learning disabilities and improve their lives. Its activities included supporting people to gain paid employment, access everyday technology, together with funding activities for people with learning disabilities and their families to improve well-being and increase community connection. It had also co-produced a peer led health check and employed people with learning disabilities to promote health checks to other people with learning disabilities and their families. Special thanks were given to Neil Ayling who had chaired the regional work on this project and Kathryn Whitfield who was instrumental in developing the project and was present online. Janet Bellis accepted the Award on behalf of the group.

The Deputy Leader of the Council and Cabinet Member for Social Services and Wellbeing applauded the finalists for their awards. All of the teams had competed with other local authorities and she commended them for the work they did in Flintshire.

16. TRIBUTES FOR FORMER COUNCILLOR GARETH ROBERTS

The Chair referred to the recent sad death of former Councillor Gareth Roberts. He expressed sincere condolences to his family and friends, and invited Members to pay their tributes.

The Leader of the Council led the tributes and said he first met former Councillor Gareth Roberts in 1991 when he became a member of the former Delyn Borough Council. Gareth was a prominent Delyn Borough Councillor at the time and regularly featured in the local press. Gareth was a special person who would be missed for his forthright views within his community, he was a passionate Welsh speaker who had also appeared on a number of Welsh television Programmes such as Pawb a'i farn. Councillors Peers, Richard Jones, Mackie, Glyn Banks, Palmer, Bibby, Cunningham and Johnson paid further tributes to Gareth Roberts who would be sadly missed.

17. DECLARATIONS OF INTEREST

The Chief Officer (Governance) referred to item 11, Schedule of Remuneration 2024/25, saying that the Code of Conduct provided that all Councillors had a personal interest which would be recorded.

Councillor Lloyd stood to ask a question on the validity of the Notice of Motion submitted by Councillor Swash given that he had a personal and prejudicial interest in the Ash Lane planning application, with Ash Lane being quoted in the Notice of Motion. He asked whether the words 'Ash Lane development' should be removed from the Notice of Motion.

In response the Chief Officer (Governance) said that Ash Lane was mentioned in the Notice of Motion but he took the view that it was mentioned by way of context and background to demonstrate the perceived need for change. He did not believe that the Notice of Motion would affect the current application for Ash Lane within the Local Development Plan or the application, which was underway currently, nor would it have any impact on Councillor Swash or his family members. He took the view that Councillor Swash had no interest to declare.

18. MINUTES

The minutes of the meetings held on 14 May 2024 (10.00 am) and (1.00 pm) and were presented for approval.

On being put to the vote the minutes were moved as approved and seconded.

RESOLVED:

That both sets of minutes be approved as a correct record

19. CHAIR'S COMMUNICATIONS

The Chair's Communications covering events attended since the previous meeting were circulated prior to the meeting.

The Deputy Leader of the Council and Cabinet Member for Social Services and Wellbeing thanked the Chair and his Consort for attending the Pride of Flintshire Awards which was appreciated by the young people.

20. PETITIONS

Councillor Rosetta Dolphin presented a Petition which was seeking for a road within her ward to become adopted.

21. REVIEW OF POLITICAL BALANCE

The Chief Officer (Governance) presented the report on the revised political balance calculation. The report had been presented to Group Leaders who had requested a number of changes which had been made to the document before Members.

On being put to the vote the recommendations in the report were carried.

RESOLVED:

- (a) That 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.

22. ANNUAL REPORT OF THE STANDARDS COMMITTEE

In presenting the report the Chief Officer (Governance) explained that this was the second Annual Report which the Standards Committee was required to produce. Included within the report were comments made in relation to the recommendations from last year's report together with the proposed new recommendations for this year. The report was presented for Council to receive and consider.

Councillor Carberry moved the recommendation in the report which was seconded by Councillor Christine Jones.

Councillor Peers referred to the recommendation which was for Council to approve the report and suggested changing the wording to read “that the Council thanked the Standards Committee and accepted the report.”

The amendment was accepted by Councillors Carberry and Christine Jones.

RESOLVED:

That Council thanked the Standards Committee and accepted the Annual Report.

23. ROLLING REVIEW OF THE EMPLOYEE CODE OF CONDUCT

In presenting the report the Chief Officer (Governance) explained that the work was undertaken by the Standards Committee as part of their review of the Codes and Protocols within the Constitution which ensured that they were up to date and pertinent.

A number of changes had been recommended to the Code which reflected changes in legislation within the Local Government and Elections Wales Act 2021. The Standards Committee proposed amendments around employees standing for political office, public speaking by officers, behaviour towards colleagues and dress code. Following approval by the Standards Committee the report was presented to the Constitution and Democratic Services Committee. Further amendments were made by that Committee in relation to circumstances where Councillors and work colleagues were related and behaviour within the workplace. These were included in blue in the appendix with the changes made by the Standards Committee in red.

Councillor Peers referred to section 3.5 and sought clarification to the amendment to the term “elected Member” which had been changed to “elected Councillor.” In response the Chief Officer (Governance) said that Councillor Peers was an elected Member and Councillor but that there were members who were not elected, such as those on Standards Committee, Governance and Audit Committee and Education and Youth Overview and Scrutiny Committee. The term ‘member’ referred to anyone who was part of the organisation and was a member of a committee.

Councillor Coggins Cogan referred to section 15.1, publication broadcasting and social media, and felt that it seemed broad and asked if it should be amended. For clarification, the Chief Officer explained that an officer should not publish anything where it indicated that they were an employee which could imply that they were speaking on behalf of the Council. Councillor Coggins Cogan suggested that 15.1 be split into three sections to make this clearer which was accepted.

On being put to the vote the recommendation within the report was carried

RESOLVED:

That Council adopt the changes being recommended.

24. UPDATE REGARDING URGENT ITEM DISCUSSED AT CABINET 30 MAY 2024

The Democratic Services Manager presented the procedural report and explained that items marked as urgent were not subject to the call-in process but had to be reported to the next meeting of the Council, together with the reasons for urgency. He outlined the call-in process and the details of the Cabinet agenda being published.

The report provided a timeline for when Cabinet met, including the reason why the urgent item was taken. The Democratic Services Manager commented on the spreadsheet which had been circulated to Members and outlined the work involved, the reason for the urgency which was to ensure service continuity and not to prejudice the Council's interests.

Councillor Glyn Banks commented on the need for reports to go through the democratic process. In response the Chief Officer (Governance) said that this was not the first time such provision had been used and referred to the recent urgent item on the Fleet Contract.

Councillor Coggins Cogan appreciated the need for urgency but queried the interpretation of the Constitution and the lack of transparency with reports being marked as Part 2 and discussed in closed session. He moved an amendment to the recommendation to include a second recommendation "that Council was dissatisfied with the lack of post decision scrutiny".

Referring to Councillor Coggins Cogan's comments on the lack of transparency, the Chief Officer (Governance) commented that Flintshire did not have any more Part 2 items than any other Council. A discussion had taken place at Corporate Resources Overview & Scrutiny Committee and it was agreed that a report be prepared for a future meeting outlining how the Council handled Part 2 items, including the number held over the Council term, with a comparison made with other local authorities. He felt the Council had been transparent in circulating the report and schedule of activities in private to Members to enable them to view the information and take them into account. Referring to the interpretation of the Constitution, he confirmed that the way the Council applied it was the same as other local authorities in North Wales and that other Monitoring Officers would regard this as a transparency provision which held the Council to account so that the provision was not overused.

Councillor Coggin Cogan appreciated the need for the urgency but felt it did not provide the correct level of transparency for such important decisions. Referring to the Fleet Contract, which contained a significant risk to the Authority and how it operated, he said that Members were still waiting to receive information on this. His

original motion still stood “that Council was dissatisfied with the lack of post decision scrutiny”, which was seconded by Councillor Parkhurst.

Councillor Ted Palmer moved the recommendation as outlined in the report.

The Chief Officer outlined the process for moving the recommendation and the motion provided by Councillor Coggins Cogan.

Councillor Richard Jones suggested the recommendations as detailed below, with Councillor David Healey suggesting the votes on them being taken separately, which Councillors Coggins Cogan and Parkhurst were in agreement with:-

- (1) That Council note the reasons for the item Future options: leisure, libraries, and museum services being classed as urgent when discussed at Cabinet on 30 May 2024; and
- (2) That Council was dissatisfied with the lack of post decision scrutiny.

The Chair made the decision to take the recommendation and motion in two parts.

- (1) That Council note the reasons for the item Future options: leisure, libraries, and museum services being classed as urgent when discussed at Cabinet on 30th May 2024.

On being put to the vote recommendation 1 was carried.

- (2) That Council was dissatisfied with the lack of post decision scrutiny.

On being put to the vote recommendation 2 was carried.

The recommendations as amended were approved.

RESOLVED:

1. That Council note the reasons for the item Future options: leisure, libraries, and museum services being classed as urgent when discussed at Cabinet on 30 May 2024; and
2. That Council was dissatisfied with the lack of post decision scrutiny.

25. SCHEDULE OF REMUNERATION FOR 2024/25

The Democratic Services Manager introduced the Annual Schedule of Remuneration report for elected and co-opted members which included the requirement by the Independent Remuneration Panel for Wales (IRPW) that these were published by 31st July 2024. It was explained that Appendix 1 of the report included an overview of the payments made and specific exclusions.

The Chief Officer (Governance) explained that these were set by the IRPW, not Councillors. There was a requirement to submit the report to Council but Members were unable to make any changes.

Councillor Thomas referred to the Members Support table on page 89 and explained that mobile phones had been provided to Cabinet Members in the past but that this was now not the case. It was agreed that would be amended in the report. The Chief Officer explained that a payment of up to £30 was provided to support Members with their mobile phone or broadband bills.

Councillor Palmer moved the recommendation.

Councillor Coggins Cogan moved an amendment to the recommendation "That the completed Schedule of Remuneration for 2024/25 as attached be **accepted** for publication."

Councillor Palmer commented that the IRPW should have the power to introduce these payments and not to refer back to Councillors as this put peer pressure for those who needed to accept it. He felt that the legislation should be changed in this regard. He accepted the changes proposed.

Councillor Coggins Cogan commented that this had been discussed at Community Councils meetings which he had attended and suggested that the Chief Officer write to Town and Community Councils to advise them to hold such discussions in private to avoid any embarrassment.

Councillor Peers agreed with the comments made by Councillor Coggins Cogan but felt that it would better to note the report rather than accept it.

Councillor Ibbotson referred to the comments made around mobile phones, expressing concern that if Cabinet Members were not issued with mobile phones, then their own personal devices could be subject to Freedom of Information (FOI) requests.

The Chief Officer agreed to write to Clerks of Town and Community Councils and also agreed to look into the comment made on Cabinet Member personal mobile phones in relation to Freedom of Information requests.

Councillor Palmer understood that the IRPW had already communicated with Town and Community Councils that they did not need to publish the allowance information, and the information was anonymised on the website.

On advice from the Chief Officer (Governance), Members unanimously agreed with changing the word 'approved' in the recommendation to 'note'.

RESOLVED:

That the Schedule of Remuneration for 2024/25 be noted for publication.

26. NOTICES OF MOTION

The Chief Officer (Governance) advised that the following Notices of Motion had been submitted:

Notice of Motion – Next Local Development Plan

Proposed by: Councillor Swash - Seconded by: Councillor Brockley

Flintshire County Council notes:

1. that Flintshire County Council's Unitary Development Plan (2000-2015) was adopted in September 2011, eleven years late.
2. that Flintshire County Council's Local Development Plan (2015-2030) was adopted in January 2023, eight years late.
3. the significant community opposition to proposed sites allocated within both the UDP and the LDP, with the Ash Lane development in Hawarden & Mancot being particularly notable in its unpopularity across both plans.

Flintshire County Council believes:

1. that the residents and communities of Flintshire have paid a high price because of the Council's inability to adopt Development Plans sooner, leading to local communities, notably including Penyffordd, Higher Kinnerton, and Buckley, being overrun with inappropriate speculative private housing developments which significantly undermines local public services and infrastructure.
2. that insufficient community engagement has taken place in advance of previous plans, resulting in the top-down allocation of sites designed in the interests of landowners and private developers, with little-to-no community support for proposed sites.
3. that Local Development Plans should be designed in the interests of Flintshire's residents and communities, not in the interests of private housing developers and landowners.
4. that the number of social homes and truly affordable homes delivered under previous Development Plans is completely inadequate, and that the construction of such large numbers of unaffordable homes in previous plans has actively exacerbated the housing crisis in Flintshire.

Flintshire County Council resolves:

1. that Council expects that work should start immediately on the replacement Local Development Plan.
2. that Cabinet should develop and publish a strategy for enhanced community involvement in the plan process no later than the end of 2024.
3. to recommend that the request for candidate sites should be commenced no later than Q2 2025.
4. to recommend that a draft plan should be ready for a vote on depositing with the Welsh Government no later than Q3 2027.

In speaking to the Notice of Motion, Councillor Swash said these covered unpopular sites being imposed on communities without local backing or villages being bulldozed with speculative housing without a plan in place or whether it was communities who engaged with the process to put forward sustainable developments only to see them withdrawn or rejected. Flintshire's previous development plans had succeeded in making almost everyone affected by identified sites unhappy, except landowners and developers. The current Local Development Plan (LDP) in Hawarden and Mancot saw the biggest opposition to any development in Flintshire's history but the campaign and residents voices were ignored. As he said when the current development plan was approved that it was his ward this time but it would be someone else's next time unless something was done about it. The Council could choose to learn lessons from mistakes of the past and could commit to have a plan in place in time for 2030 with proper community engagement which would see sustainable development brought forward with public support. Instead of developing a plan which benefited private developers and landowners there could be a plan in the interest of the people of Flintshire.

In seconding the Notice of Motion, Councillor Brockley said that this affected everyone either directly or indirectly with communities suffering for years from the invasion of speculative developers whose only aim and interest had been profit and not what the communities needed. Flintshire County Council's latest LDP was several years overdue and had given speculative developers even more opportunities to profit without community enhancement, involvement or engagement. It was crucial that work on the LDP 2 began now, an LDP which worked with and for our communities and not for private developer profits. The ward she represented would directly edge onto two major developments, one in Ewloe and the other in Ash Lane. Ash Lane was an incredibly unpopular site for private development for the reasons outlined by Councillor Swash. She sought Members support for the Notice of Motion.

Councillor Coggins Cogan spoke in support of the Notice of Motion saying that the UDP had been 11 years late and the current LDP was 8 years late, the reasons for which were not understood by residents or Town and Community Councils. Delivering the LDP on time was a way of protecting the Council's reputation.

Councillor Bithell said the UDP was not late and had been drafted well in advance of the adoption date in accordance with Welsh Planning Guidance at the time. Furthermore, the UDP gained weight as it progressed through all stages and was therefore used for development management purposes prior to its final adoption. On the LDP he said that there was no Welsh Government (WG) legislative requirement that required a development plan to be adopted before the commencement of the plan. He was not aware of any local planning authority which had adopted a UDP or LDP prior to the start date. Flintshire's LDP was adopted in January 2023 in year 8 of its 15-year plan period and compared well with other authorities. Consideration also had to be given to the number of setbacks which had to be overcome such as the impact on planning applications because of the introduction of TAN 15, the COVID-19 pandemic and the introduction of legislation on Phosphates. There were also delays in securing time slots in the Inspector's timetable to carry out public inspections. All of these issues and delays were out of

the Council's control. Councillor Bithell commented on the significant opposition to proposed unallocated sites within the UDP and LDP which was to be expected. The sites identified had to pass the Council's own internal processes and then had to undergo the examination in public by the Inspector, with the same objections put forward at that meeting. The Inspector accepted that all the sites were developable in planning terms, with the exception of one. The comments made that the process serviced the needs of developers and landowners was incorrect. It was explained that over 700 sites had been submitted with only 10 sites approved. The local plan was developed under a legal requirement to serve the needs and the interests of Flintshire local communities whilst providing homes for people. The affordable homes element increase for new developments was explained.

Councillor Ibbotson asked why work could not be commenced now. He felt that Members would agree that the Council needed a plan in place and felt that sites which were not allocated, and would not have been allocated within the LDP, could be given planning permission on the basis of the lack of an adopted plan in place. He requested a recorded vote.

Councillor Richard Jones referred to the speculative developments point and said these were not related to the LDP being in place as most related to paragraph 6.2 of Technical Advice Note 1 (TAN 1). This piece of law, had subsequently been revoked, as it identified a loophole to developers to have speculative developments when local authorities did not have a 5-year housing land supply. He explained that the LDP was placed on deposit in September 2019, submitted to WG in October 2020, with the examination being held in 2021 before being formally adopted in January 2023. It was a long process and officers recognised that work would need to be started soon. He also commented on the issue of affordable homes which included planned provision for 2,265 houses, including recent affordable homes being pepper potted through a development which were between 5% and 40% depending on the type of community.

Councillor Evans accepted the principle of this Notice of Motion but was not able to accept the timeline. Until it was confirmed by officers, he could not support the Notice of Motion.

Councillor Peers commented as a member of the Planning Committee and Planning Strategy Group he was familiar with the problems at Penyffordd and Wood Lane but the LDP had rectified that with the provision of a 5-year plan. There were objections which were considered by the Inspector and members of the Planning Strategy Group. He agreed that the UDP and LDP were late with significant community objections raised to all sites within the LDP. In the resolution there were specific dates and timescales and he agreed that based on the experience of the UDP and LDP that work needed to begin. He suggested that a report on the LDP 2030 be included at the earliest opportunity as an agenda item for the Planning Strategy Group who could look at the dates proposed and report back to full Council.

The Chief Officer (Planning Environment and Economy) accepted that the plan would run out in 2030 but the Council had a development plan which had recently been tested and found to be sound. He provided information on recent

developments in Penyffordd and Buckley which were rejected by the Inspector applying the relevant LDP policies . The review of the LDP had to be based on facts and evidence. It would commence with an Annual Monitoring Report on the LDP which had to be submitted to Welsh Government (WG) by October this year and would set out how the authority was delivering against the LDP's objectives and would inform any review of the LDP. Alongside that was the Delivery Agreement (DA) between the Council and WG in relation to how the plan would be produced and setting out the timeline. The DA included a Statement of Community Involvement, which had been tested and found to be sound. Before the LDP review commenced the process would be explained to Members to assist them with questions from their residents. He referred to the timelines set out in the Notice of Motion saying that they were ambitious and likely to be rejected by WG. He then proceeded to outline the next steps:-

- The Annual Monitoring Report would be presented to WG by the end of October and include the evidence on whether the plan was delivering.
- Planning Strategy Group was the lead body where officers and Members worked together.
- The Annual Monitoring Report would then be presented to Cabinet.
- The Delivering Agreement would be presented to Cabinet which would be subject to consultation before it was adopted.

Councillor Ellis referred to the LDP and the provision of Gypsy and Traveller sites and asked for clarification with regard to illegal sites. The Chief Officer said the Development Plan Policies would be used to assess any sites which came forward. If they had acted prematurely and retrospective planning applications were applied then the Development Plan Policies would be used to refuse that application.

Councillor Coggins Cogan proposed an amendment. That resolution 1 remained the same with the following amendment to resolution 2 "that Cabinet should develop and publish a strategy for enhanced community involvement in the plan process **as soon as possible** Resolutions 3 and 4 in place of the dates to have a functioning LDP **as soon as possible**. Councillor Parkhurst seconded the amendments.

Councillor Peers felt resolution 1 should start immediately but said the Chief Officer had explained that this could not start immediately because of the documentation which had to be presented to WG.

The Chief Officer (Governance) read out the proposed amendments:-

Recommendation 2 to read : "that cabinet should develop and publish a strategy for enhanced community involvement in the plan process as soon as possible.

Recommendation 3 to read: to recommend that the request for candidate sites should be commenced as soon as possible.

Recommendation 4 to read: to recommend that a draft plan should be ready for a vote on depositing with the Welsh Government as soon as possible.

Councillor Richard Jones said nothing could start until the Annual Monitoring Report was submitted at the end of October and the response was received. He felt it would be more beneficial for a report to be submitted to the Planning Strategy Group to discuss with a report then to County Council. Councillor Bithell agreed with the comments made by Councillor Richard Jones.

The Chief Officer (Planning Environment & Economy) referred to the review timelines and a response to what was proposed "as soon as possible". He said that by submitting the Annual Monitoring Report the Council would be in the review process. The response received from Welsh Government would be reviewed by Planning Strategy Group and he outlined the two functions that this Group managed. These were the functions of the development management process and the production of the Local Development Plan and Strategic Development Plan. Prior to the start of the review there would be a lesson learnt process reviewing the adoption of the current plan.

Councillor Swash commented that he was not willing to accept the amendment which was because not setting specific times made it difficult to measure success. He felt the Enhanced Community Involvement could happen immediately as could the request for candidate sites and he did not accept that no work could be undertaken now. He recognised the concerns regarding timing and delays because of WG but speculative development had occurred because a LDP had not been in place. He asked for the support of Members to ensure that proper community engagement took place which would ensure the next plan could proceed with the support of residents.

A recorded vote was requested on the amendment, to remove the dates and replace with "as soon as possible" and was supported by the requisite number of Members.

The following voted for the amendment:

Councillors: Bateman, Coggins Cogan, Copple, Crease, Rob Davies, Ellis, Owen, Parkhurst, Peers, Richardson, Selvester and Wren.

The following voted against

Councillors: Hutchinson, Buckley, Allport, Bibby, Bithell, Brockley, Carberry, Claydon, Collett, Cunningham, Ron Davies, Chris Dolphin, Rosetta Dolphin, Eastwood, Evans, Gee, David Healey, Gladys Healey, Hodge, Dave Hughes, Ray Hughes, Ibbotson, Johnson, Christine Jones, Richard Jones, Simon Jones, Lister, Lloyd, Mackie, Maddison, McGuill, McKeown, Mullin, Palmer, Michelle Perfect, Vicky Perfect, Preece, Roberts, Rose, Rush, Shallcross, Swash, Thomas, Turton, Wakelam and Woolley

The amendment was not carried.

Councillor Richard Jones proposed a further amendment to await the result of the Annual Monitoring Report, that the report be considered by the Planning Strategy

Group prior to informing Full Council in November. This was seconded by Councillor Ian Roberts

In response to a comment, the Chief Officer (Governance) suggested that a vote be taken on the substantive motion and if it was not supported, Council had an understanding of the process and timeline as regarding to Planning Strategy Group.

The following voted for the Notice of Motion

Councillors: Brockley, Coggins Cogan, Copple, Gee, Ibbotson, Parkhurst, Preece, Richardson, Rose, Swash, Turton, Wren.

The following voted against the Notice of Motion

Councillors: Hutchinson, Buckley, Allport, Bibby, Bithell, Carberry, Claydon, Collett, Crease, Cunningham, Rob Davies, Ron Davies, Chris Dolphin, Rosetta Dolphin, Eastwood, Ellis, Evans, David Healey, Gladys Healey, Hodge, Dave Hughes, Ray Hughes, Johnson, Christine Jones, Richard Jones, Simon Jones, Lister, Lloyd, Mackie, Maddison, McGuill, McKeown, Mullin, Owen, Palmer, Peers, Michelle Perfect, Vicky Perfect, Roberts, Rush, Shallcross, Thomas, Wakelam and Woolley.

The Notice of Motion was not supported.

Notice of Motion - Audit Wales "Cracks in the Foundations" Report
Proposed by: Councillor Rose Seconded by: Councillor Ibbotson

Flintshire County Council notes:

- 1) The Audit Wales report "Cracks in the Foundations – Building Safety in Wales", commissioned following the Grenfell disaster;
- 2) That the report states "Factors that should be considered when setting fees are specified in the regulations. Apart from the principle of breaking even and staff costs, the factors include use of the building, floor size, and cost. However, other potential considerations such as the competitiveness of fees and comparing with others are not specified in the Regulations... We have concluded that many local authorities' building control services are not charging and setting fees in line with the Regulations and CIPFA guidance."
- 3) That Flintshire's action plan to address the report states "Building Control is a competitive service. Customers can use other means to secure their Building Regulations outside of the Council (e.g. use independent Approved Inspectors) so a review and any subsequent review of Fees will need to ensure we remain competitive and do not out price the Council's services out of the market.", and
- 4) That the action plan, despite critical comments at Environment & Economy Overview & Scrutiny Committee, was passed by cabinet.

Flintshire County Council believes:

- 1) That the action plan as drafted directly contradicts the Audit Wales report.
- 2) That the Council should comply with laws and regulations.

Flintshire County Council resolves:

- 1) That the Council regrets the Cabinet's decision to approve an action plan which endorses a fee-setting approach which Audit Wales have said falls out with the regulations, and
- 2) That, in setting fees and charges for the Building Control service, Cabinet should ensure that it complies fully with the regulations and ignores alternative methods of calculation.

In speaking to the Notice of Motion, Councillor Rose explained that the initial audit emanated from the Grenfell tragedy. The Notice of Motion related to two reports which were presented to the Environment & Economy Overview & Scrutiny Committee on the 11th of June. The first was from Audit Wales published in August 2023 looking at building control in Wales and titled 'Cracks in the Foundations' to understand how well Welsh Government (WG), Local Authorities and Partners were strengthening and improving building control. The report stated that other potential considerations such as competitiveness of fees and comparing with others were not specified in the Regulations.

Such other considerations may therefore appear not to be relevant. This was very simple and clear as the plan which went to Council stated that building control was a competitive service with customers using other means outside the Council to secure their building regulations. A subsequent review would need to ensure that prices remained competitive in the market. He sought support in agreeing that Flintshire County Council should be conforming to regulations.

Councillor Ibbotson formally seconded the Notice of Motion and reserved his right to speak until later in the debate.

Councillor Bithell commented that it was important note that the Local Action Plan, as set out in recommendation 5 of the Audit Wales Report, had not been finalised. He assumed that the Action Plan reference in the Notice of Motion was the appendix to the Cabinet report on the 18th of June which detailed progress to date on the four recommendations set out by Audit Wales in respect of local authorities. Cabinet was asked to note the report and its appendix and approve the measures which were set out in relation to Audit Wales recommendations. He confirmed that the Local Action Plan had not been approved and a final plan would set out a clear vision for building control to be able to effectively implement the requirements of the Building Safety Act 2022. Local authorities building control officers across Wales, with the support of Local Authority Building Control Cymru, had an ongoing dialogue to reach an agreement for a template for Local Action Plans that would provide continuity across Wales, at the same time allowing for each authority to build into its own Action Plan those elements which were individual to them, such as assessment of local risks and mitigating actions. On the comments on the review of fees and the

Council's fee setting approach, the appendix sought to advise Cabinet that the Building Control Service was a competitive one and that people seeking building regulations approval did not have to use the Council's service. The Council had set a target for building control fees income and the report was seeking to highlight that there were risks associated with fees income as a result of outside competition. In response to recommendation number 2 he could confirm and reassure the Council that in setting the fees and charges for building control services the Council fully complied with the set legal framework for financial governance of local authority building control which set out the building control under the Local Authority Charging Regulations 2010. The key principle of those regulations was that the local authority should recover their costs relating to chargeable functions and chargeable advice with users of the building control services only paying for the chargeable services that they had received. Aiding the Council in setting and properly accounting their building control fees and charges the Chartered Institute for Public Finance and Accountancy (CIPFA) which had developed detailed guidance and taken together with the regulations the Council would review and set updated fees having regard to those legal frameworks only. A review of Flintshire County Council's charges for building control would form part of the service's response to the Audit Wales Report, in particular, in respect of recommendation number 6 which recommended a review of fees and charges to ensure compliance with the regulations and the service would be supported by colleagues in Internal Audit for this review.

Councillor Ibbotson referred to the competitive market which existed in this sector and he was grateful for the Cabinet Member's confirmed support for reforms and his commitment to raise this with WG. He outlined the broader concerns and implications stating that the Council was obliged to set its fees at the breakeven point, if the fees were lowered then less of a service should be provided. Services were stretched across many services of the Council but building control fees were all fully recoverable. Officers prepared estimates on applications which included the costs and time involved, with a wide degree of latitude of the levels which fees may be set. Fees could be set at a competitive level without competitiveness being taken into account which was important. If this was carried out properly lives would be saved in Flintshire. He appreciated and welcomed the Cabinet Member's comments and asked Cabinet to commit to setting fees without competitiveness being taken into consideration when setting levels.

The Chief Officer (Planning, Environment & Economy) explained that work was currently being undertaken on the Action Plan. In relation to the proposals for fee settings being unlawful, he clarified that this was not the case and the regulations would be followed when setting fees. Flintshire's Building Control Service was one of the most successful in North Wales, with officers holding all the accreditation referred to in the Audit Wales Report. The service was in a positive place and Internal Audit were working with the service to ensure the fees were set at the correct level, were lawful and supported the function moving forward.

On being put to the vote, the Notice of Motion was not supported.

27. PUBLIC QUESTION TIME

None were received.

28. QUESTIONS

Six were received and had been included in the agenda for the meeting:-

- (1) From **Councillor Coggins-Cogan** on holiday hunger payments. A full written response was provided at the meeting.
- (2) From **Councillor Ibbotson** on support in place for payments eligible for those children in receipt of free schools meals over the summer holidays. A full written response was provided at the meeting.
- (3) From **Councillor Coggins Cogan** on attendance at a meeting by Aura. A full written response was provided at the meeting.
- (4) From **Councillor Parkhurst** On Dog Control Public Spaces Protection Order (PSPO) – Mold Ornamental Gardens. A full written response was provided at the meeting.
- (5) From **Councillor Parkhurst** on the Synthite Fire. A full written response was provided at the meeting.
- (6) From **Councillor Swash** On Council contracts or agreements with a value of more than £250,000 in each year. The relevant Cabinet Member responded.

29. QUESTIONS FROM MEMBERS ON COMMITTEE MINUTES

None received.

30. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was no member of the public in attendance.

(The meeting started at 1.00 p.m. and ended at 17.06 p.m.)

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Chair