

Questions for County Council: Tuesday 28th January.

1. Question to the Cabinet Member for Planning and Public Protection (to be asked by Cllr Sam Swash):

Will the Cabinet Member outline the Cabinet's response to the Court of Appeal ruling in which Cllr Marc Jones defeated Wrexham County Borough Council, a coalition of private property developers, and the Welsh Government, and what implications the ruling has for Flintshire's Local Development Plan?

Response

Following consideration of a favourable Inspectors Report, which found the Plan to be sound, Wrexham County Borough Council refused to adopt its LDP at Council meetings on 19/04/23 and 14/06/23, contrary to the recommendation of the Council's officers.

The Wrexham LDP was the subject of a High Court challenge whereby on 29/11/23 Mr Justice Eyre found that the Council had no discretion but to adopt its LDP. The Inspectors Report and this ruling were reported to Council again on 20/12/23 and the LDP was adopted.

This was subsequently appealed to the Court of Appeal by Cllr Marc Jones. On 20/12/24 Lord Justice Holgate ruled that Wrexham County Borough Council *did* have discretion as to whether to adopt its LDP, or not.

WCBC is presently considering the implications of this ruling in legal and operational terms and several Planning Committee meetings have been cancelled until the position is clarified.

Flintshire's LDP was adopted at the Council meeting on 24th January 2023.

The report to the Council meeting seeking adoption of the LDP presented a case for adoption in line with the Inspector's Report, the relevant legislation, the LDP Regulations and also outlined the implications of choosing not to adopt the Plan.

No legal challenge was made to the adoption of the Plan by any interested party during the requisite time period following the Council's decision.

In relation to the adopted Wrexham LDP, Welsh Government have now sought leave to appeal the Court of Appeal Judgement to the Supreme Court, and also have not sought to write to or advise LPAs on any implications or amendments to the way the LDP legislation is interpreted..

It is not considered that there are any implications for the adoption of the Flintshire LDP. The adopted LDP has been used for two years as the basis for determining planning applications and appeals, and its performance has been addressed in the first Annual Monitoring Report.

The outcome of the present legal proceedings relating to the Wrexham LDP is still ongoing and so it is unclear what implications there would be. However, if there are any consequential effects, these would be relevant as part of the preparation of Flintshire's LDP 2.

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2. Question to the Cabinet Member for Corporate Services (to be asked by Cllr Alasdair Ibbotson):

When were cabinet members notified of the freedom of information request submitted by me on the 16th August 2024 regarding communications on the issue of free school meals?

Response

Given that the council receives in excess of 1200 FOI of Environmental Information request each year it is not appropriate or necessary to bring everyone to the attention of the chief officer or cabinet members. Therefore more junior officers RAG rate each request based on perceived sensitivity. Cabinet Members are always told of those marked Red and may be told of those marked Amber based on a judgement by the relevant chief officer. As an aside I would add 2 things:

- a. that Cabinet members are only told so that they can consider the political implications of the proposed response rather than to involve them in the judgement of whether information should properly be disclosed.
- b. that because FOI enquiries can relate to any council function, it is possible that the nature of a request might make it appropriate for officers to speak with members who are not in the Cabinet as well those who are.

However, in this case the FOI request was rated green and so it was not brought to the notice of the Chief Officer or Cabinet Member. Given the history of the request it might have been better for the chief officer to have been made aware of the request. Therefore the criteria for RAG rating requests have been refined in light of the circumstances of this case.

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3. **Question to the Cabinet Member for Corporate Services (to be asked by Cllr Alasdair Ibbotson):**

Will the cabinet member confirm that no current or former cabinet members have taken steps to delete or conceal records, including those held on personal devices, which are within scope of the freedom of information request submitted by me on 16th August 2024?

Response:

Cllr Ibbotson is aware that his FOI request would take longer than the statutory maximum of 18 hours to answer and therefore has been rejected for being too broad. Until such time as he submits a valid FOI request it isn't possible to define what information is or isn't within scope, and therefore it simply isn't possible to answer his question. However, I would say that as a matter of policy where a request is received that requires information to be gathered by either officers or members then, as part of the request for that data, they are reminded that it is a criminal offence to delete data in an attempt to thwart a request under the Act.

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4. Question to the Cabinet Member for Finance and Social Value (to be asked by Cllr Sam Swash):

Will the Cabinet Member outline, for each of the last five years, how much Flintshire County Council has spent on external consultants?

Response

This information is reported to the Governance and Audit Committee at the same time as the annual Statement of Accounts.

The table summarises the expenditure over the last five years extracted from the report (with links to the tables provided below)

PAYMENTS TO CONSULTANTS AND NON-PERMANENT POSTS

Financial Year	Actual cost incurred
2023/24	£4,125
2022/23	£37,413
2021/22	£21,313
2020/21	£10,577
2019/20	£9,372
TOTAL	£82,800

2023/24 – Table 3

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2022/23 – Table 3

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2021/22 – Table 3

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2020/21 – Table 3

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2019/20 – Table 3

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5. Question to the Cabinet Member for Streetscene & Transportation (to be asked by Cllr Alasdair Ibbotson):

How much was spent on the new Welcome to Flintshire signs, showing Talacre lighthouse?

Response

The 'Welcome to Flintshire' signage project delivered 13 county road signs and 4 trunk road signs:

Cost to produce	£3,895.25
Cost to install	£16,339.35
Total project spend	£20,234.60

The funding was secured through the UK Government Shared Prosperity Fund (UKSPF) and the installation of these signs was done by the Service Delivery team in Streetscene so effectively we've been able to utilise UKSPF to pay Flintshire County Council for this work.

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Urgent Question(s)

An urgent Question has also been submitted to Cllr. Glyn Banks as Cabinet Member for Streetscene & Transportation. Cllr. Banks has agreed to accept this despite it being received after the deadline.

Question to the Cabinet Member for Streetscene & Transportation (to be asked by Cllr David Coggins Cogan):

Can the CM for Streetscene and Transportation confirm when the Council was notified about the No.6 service (serving Mold, Gwernaffield, Pantymwyn, Cadole, and Gwernymynydd) being cancelled?

Written Response as follows:

Firstly, the number 6, 6A bus service operated by Townlynx Ltd is a commercial bus service, and the County Council provides de-minimis support to the bus company for some journeys at the beginning and end of the day that would not otherwise operate. Being a commercial service means that the County Council has no direct influence or control over the service and the bus company is free to make changes or withdraw services without consultation by giving eight weeks' notice to the Traffic Commissioner. The bus company does not need to seek authority to start, alter or withdraw part or all of such services, nor is there any authority to oblige them to run services or sections of service, which they believe to be unprofitable. Bus operators are expected to ensure passengers are aware of changes to their commercial services.

Flintshire County Council was copied into an email from Townlynx Ltd to the Traffic Commissioner's Office on the afternoon of 25th November 2024, which notified the Traffic Commissioner that they would like to inform the Traffic Commissioner of their intentions to cancel the registration for their local bus service (PG1113075/11), given service number 6, 6A, to take effect from Sunday, 26th January 2025.

At that stage, the Traffic Commissioner had not accepted the cancellation and therefore the Council could not publicise the cancellation of the service by Townlynx Ltd. Ordinarily, the Traffic Commissioner publishes any changes to bus services, including new services, variations and cancellations, in the "Notices and Proceedings." Some of the periods of notice applicable before the operation of registered services, including variations or cancellations, are at the discretion of the Traffic Commissioner. The Traffic Commissioner wrote to the County Council on 14th January 2025 to confirm the cancellation of the service by Townlynx Ltd and advised that notice of the application to cancel the service will appear in "Notices and Proceedings" issue No. 2497 (due for publication on 23rd January 2025).

Nonetheless, discussions took place with the bus company the week before Christmas, as they indicated that they would be considering the withdrawal of the service unless further funding could be found. Officers asked the bus company to consider alternative timetables to help mitigate the increased costs for operating the service and they also asked the company to confirm the level of funding it would be seeking to continue to operate the service. The Council was awaiting a

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response from the bus company on both matters and received information from the bus company on 7th January 2025.

However, it transpires that Townlynx Ltd had already registered their intention to cancel the service with the Traffic Commissioner on 25th November 2024. No communication was issued to Flintshire County Council about the cancellation of the service prior to this date and, unfortunately, the level of de-minimis subsidy requested to support the service was unaffordable and not financially viable.

Clearly, as a portfolio Streetscene & Transportation is already reporting a projected in-year overspend for the local bus service revenue budget and a report was presented through the committee cycle in October 2024 to mitigate the potential overspend areas. The Council is not in a position to offer additional subsidies over and above what is available within the current revenue budget.

In response, the Integrated Transport Unit have been working extensively on a range of different options for a replacement transport service with the remaining available subsidy following the cancellation of the service. Subsequently, we are pleased to announce that P&O Lloyd Coaches have registered a new commercial service number f6, which will replace the former commence on Monday, 27th January 2025. The new timetable has been shared by P&O Lloyd and can be found on their website: <http://www.polloydcoaches.co.uk/wp-content/uploads/2025/01/Mold-Pantymwyn-2025.pdf>