

Anwen Jones Solicitor/Cyfreithiwr
Interim Head of Legal and Democratic
Services
Pennaeth Dros Dro Gwasanaethau
Cyfreithiol a Democrataidd



TO: ALL MEMBERS OF THE COUNCIL

Your Ref /
Eich Cyf

Our Ref / Ein Cyf CO

Date / Dyddiad 08/12/2011

Ask for / Gofynner am Ceri Owen

Direct Dial / Rhif Union 01352 702350

Fax / Ffacs

Dear Sir / Madam,

A **SPECIAL MEETING OF THE FLINTSHIRE COUNTY COUNCIL** will be held in the **CLWYD ROOM, THEATR CYMRU, MOLD** on **WEDNESDAY, 14 DECEMBER 2011** at **18:00** to consider the following items.

****Members are requested to note the start time and venue for the meeting****

Yours faithfully

Democracy and Governance Manager

AGENDA

1. PRAYERS
2. APOLOGIES FOR ABSENCE
3. DECLARATIONS OF INTEREST
4. MINUTES
To confirm as a correct record the minutes of the meeting held on 26/10/2011 (copy enclosed).
5. THE LATE GARY SPEED, MBE
The Council will pay tribute to the late Wales Football Manager and former International player

County Hall, Mold. CH7 6NA
Tel. 01352 702400 DX 708591 Mold 4
www.flintshire.gov.uk
Neuadd y Sir, Yr Wyddgrug. CH7 6NR
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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawu gohebiaeth yn y Gymraeg neu'r Saesneg

6. SCHOOL MODERNISATION

Joint report of the Director of Lifelong Learning and Chief Executive to follow - to be published on Monday 12 December, 2011.

All information to be presented to the Council will be published on the Council's Website on 12 December, 2011.

FLINTSHIRE COUNTY COUNCIL
WEDNESDAY 26 OCTOBER, 2011

Minutes of the special meeting of Flintshire County Council held at County Hall, Mold on Wednesday 26 October, 2011

PRESENT: Councillor H.J. McGuill (Chair)

Councillors: L.A. Aldridge, Eng. K. Armstrong-Braun, J.B. Attridge, S.R. Baker, D. Barratt, G.H. Bateman, M. Bateman, R.C. Bithell, C.S. Carver, D.L. Cox, A.J. Davies-Cooke, A.G. Diskin, Q.R.H. Dodd, R. Dolphin, C.A. Ellis, E.F. Evans, J.E. Falshaw, V. Gay, F. Gillmore, R.J.T. Guest, A.M. Halford, R.G. Hampson, G. Hardcastle, P.G. Heesom, C. Hinds, H.T. Howorth, R. Hughes, H.T. Isherwood, R. Johnson, N.M. Jones, R.B. Jones, S. Jones, C. Legg, R.P. Macfarlane, D.I. Mackie, D.L. Mackie, D. McFarlane, A. Minshull, W. Mullin, M.J. Peers, P.R. Pemberton, M.A. Reece, H.G. Roberts, L.A. Sharps, A.P. Shotton, N.R. Steele-Mortimer, C.A. Thomas, W.O. Thomas, D.T. Williams, A. Woolley and M.G. Wright

APOLOGIES:

Councillors: H. Brown, J.C. Cattermoul, E.G. Cooke, P.J. Curtis, C.J. Dolphin, B. Dunn, H.D. Hutchinson, N.M. Matthews, T. Newhouse and E.W. Owen

IN ATTENDANCE:

Chief Executive, Director of Community Services, Head of Finance, Head of ICT and Customer Services, Interim Head of Legal & Democratic Services, Head of Streetscene, Head of Schools Services, Democracy and Governance Manager and Committee Officers

71. PRAYERS

The meeting was opened with Prayers said by Councillor R.C. Bithell.

72. PRESENTATIONS

The Chief Executive was pleased to invite colleagues who had won awards to this meeting for Members to congratulate the winners.

(i) Flintshire Countryside Services Team

The Chief Executive congratulated Tom Woodall and Karen Rippin who were in attendance on behalf of the Countryside Services Team who had been awarded the Rural Wales Award for the work they had undertaken in creating a path for walkers and cyclists along the Welsh bank of the River Dee. Their work had been recognised across Wales and he was hopeful that the Welsh Government (WG) would be including Flintshire as a focal point during the official opening of the All Wales Coastal Path on the 5 May, 2012.

Councillor R. Dolphin thanked Tom Woodall and his team for the improvements they had made across the County.

(ii) Flintshire Transport Unit

The Chief Executive congratulated Jamie Sant, Community Rail Officer who was in attendance on behalf of the Transport Unit had had recently been awarded runner up status in the UK wide Awards which acknowledged excellence, best practice and innovation in customer services within community rail as part of the Shotton Station Travel Plan.

Councillor Eng. K. Armstrong-Braun thanked Jamie Sant for his enthusiasm and the work he had carried out over a number of years. Councillor A. Minshull, on behalf of Shotton Town Council, also thanked Jamie Sant and his team for the improvements made at Shotton Train station.

73. COUNCIL MINUTES

The minutes of the meeting of Flintshire County Council held on the 13 September, 2011 were submitted.

Accuracy

Councillor C.S. Carver referred to paragraph 4 on page 5 of the minutes and said that the word 'aircrafts' should be replaced with the word 'aircraft'.

Matters arising

On minute number 42, the Chief Executive reported that the notice of motion calling for a ban on the sale and use of Chinese lanterns was unanimously supported at a recent meeting of the North Wales Fire Authority and together with the Council this would be taken forward nationally.

The Head of Finance reported that, in line with the resolution for minute number 42, a report on Galw Gofal would be submitted to the meeting of the Audit Committee scheduled for 1 November, 2011. The Chief Executive reported that a site visit to Galw Gofal at Colwyn Bay had been arranged for 2.00 p.m. following this meeting.

RESOLVED:

That subject to the amendment listed above, the minutes be approved as a correct record and signed by the Chair.

74. DECLARATIONS OF INTEREST

Councillor A. Woolley said that he would withdraw from the meeting during consideration of agenda item number 7 – to consider a request from a Member for a further indemnity in respect of legal fees.

The Interim Head of Legal and Democratic Services reported that she had advised Councillor P.G. Heesom that he had a personal and prejudicial interest in agenda item number 7 and should withdraw from the meeting

during its consideration. She also said that she had advised Councillor J.B. Attridge that he did not have a personal or prejudicial interest in agenda item number 7 and could speak and vote on the item.

Councillor P.G. Heesom said that he would withdraw from the meeting during consideration of agenda item number 7.

75. ANNUAL PERFORMANCE REPORT 2010/11

The Chief Executive introduced a report seeking the County Council's approval of the 2010/11 Annual Performance Report.

The Annual Performance Report met the statutory requirement to publish an Improvement Plan as required by the Local Government (Wales) Measure (2009) (the Measure) to be published by 31 October each year. The purpose of the report was to account for the organisation's previous year's performance against its improvement objectives.

The final report would be available as a web-based document which would be accessed via the Council's website. Paper copies could be generated as required and the supporting documents which provided more detailed information would be available as 'signposted' documents. The summary would be included within the household publication 'Your Community, Your Council.'

The Chief Executive thanked Karen Armstrong, Policy, Performance and Partnerships Manager and Vicky Robarts, Business Performance Officer for the work they had undertaken in compiling the Annual Performance Report. He also welcomed the Director of Community Services, Head of Streetscene Services and Head of School Services to the meeting who would be providing further detail during the presentation.

The Chief Executive and Policy, Performance and Partnerships Manager gave a presentation which covered the following areas:-

- The Annual Performance Report
- Performance overview – achieving Improvement Priorities
- Performance overview – overall performance summary
- Final overview

The Director of Community Services gave an overview of performance for Adult Social Care, Children's Social Care and Housing Service. There were many excellent areas within this Service but further improvement was needed around low cost adaptations and Disabled Facility Grant (DFG) provision for adults. There would be continued investment to co-ordinate the Housing Service and Social Services with a review of Adult Social Care being undertaken to improve performance in the future.

He explained that Flintshire were leading the way on Children's Social Care in Wales but there was room for improvement. Most of the indicators in

the bottom quartile related to Looked After Children (LAC) and work was being undertaken with Health Service colleagues to improve health assessments and dentist checks. There would be continued investment to appoint a Safeguarding Manager to review timescales and improve performance. Work was also progressing with Lifelong Learning colleagues to address issues around KS2 teacher assessments.

On the Housing Service, he outlined a number of positive improvements which had been made. Improvements had been made on high risk private sector dwelling but this had recently been removed from the national report set. This did not mean that improvements in this area would not continue. One of the indicators in the bottom quartile was homeless households in temporary accommodation and the agreement of the revised Allocations Policy would ensure improvement in this area in the future.

The Head of Streetscene Services gave an overview of performance for the Environment Service, Streetscene Service, Waste, Planning and Public Protection. There were many excellent areas of performance around the re-use of municipal waste, which would continue to be developed. A survey of Council buildings showed that they were in good condition and also the condition of the Council's A and B roads were shown to be the best in Wales. Further improvements was needed of the clearance of fly tipping and recycled municipal waste and these would be addressed through the work of the Streetscene task and finish group and the new managed weekly waste collections. Proposed changes to recycling centres would also improve the amount of waste recycling collected.

On Planning and Public Protection, he explained that improvement was needed around the timeliness of planning applications subject to Environmental Impact Assessment. However the Authority was committed to achieving the right outcome and often this could not be achieved within the 16 week target for these extremely complex applications. A number of planning application appeals had been upheld and the Head of Planning was undertaking work to identify experiences with Local Authorities across Wales to see if lessons could be learnt. The Planning Protocol Working Group would continue to receive update reports on this matter.

The Head of School Services gave an overview of performance for the Lifelong Learning Directorate. Improvements had been made around education with 15 of the education indicators as mid or top performers. Areas identified for further improvements, included LAC education qualifications, which would be addressed through additional resources and support in the classroom, and fixed term exclusions in primary schools, which would be addressed through the involvement of link officers meetings with Headteachers across Flintshire to ensure consistency around exclusions.

Councillor A. Woolley, Leader of the Council proposed that the Annual Performance Report 2010/11 be approved. He said that the report showed an improving picture which was a result of the efforts of the Council's workforce

and improvement would continue in the future. This was seconded by Councillor L.A. Sharps.

Councillor R.B. Jones thanked Karen Armstrong, Vicky Robarts and the Performance Team for the information compiled for Members and the way in which it was presented within the Annual Performance Report.

Councillor Eng. K. Armstrong-Braun asked for further information on why Flintshire was in the bottom three Councils in Wales for LAC education qualifications. The Director of Community Services explained that a small number of LAC had been diagnosed with learning disabilities which had distorted the performance figures. The Head of School Services reported that the LAC co-ordinator had arranged for the provision of additional classroom support.

Councillor R.C. Bithell welcomed the improvements made as detailed in the report. On LAC, he reported that the Lifelong Learning Overview and Scrutiny Committee continued to monitor the performance in this area. He also commended the work undertaken by the LAC co-ordinator. On the average number of calendar days taken to deliver low cost adaptations works in private dwellings he asked for an explanation on how this could be improved and commented on the need for the Planning Committee to deal with applications sensibly to avoid Council Tax payers in Flintshire having to bear the cost of planning appeals upheld.

The Director of Community Services reported that a Members workshop would be arranged in due course to consider how low cost equipment could be provided through the Re-enablement team which would improve overall performance. He also explained that the Council had increased the category for low cost adaptations from £500 to £1,000 which had affected the performance data.

Councillor C.A. Ellis, Executive Member for Social Services raised concern around the way in which performance was measured as some Local Authorities in Wales undertook this once a referral for a DFG had been completed which differed from the way in which performance was measured in Flintshire. She agreed with the Director that the increase for low cost adaptations had had a negative impact on the performance indicator but asked Members to support additional resources to appoint an Occupational Therapist during the 2012/13 budget setting process.

Councillor M.J. Peers asked that the Community Strategy, Corporate Plan and Annual Equality Report 2010/11 be included in the list of supporting documents detailed in Section 9 of the Annual Performance Report. As Chairman of the Environment Overview and Scrutiny Committee he reported that fly tipping had been considered by a task and finish group and would continue to be monitored by the Committee. He also reported that improvements had been made within the Public Protection Service around the quality of reports presented to the Committee. The Chief Executive said that

the reports suggested by Councillor Peers would be linked to the final reports as background documents.

Councillor P.R. Pemberton asked who measured the performance and quality of the Council and queried whether this was carried out by the Wales Audit Office and had consideration been given to asking private sector companies or university departments to measure the Council's performance and quality. He also asked if comparative work was carried out on future collaborative projects.

The Chief Executive reported that cost, quality and performance indicators were compared when considering collaborative projects. He said that all service users assisted in measuring the quality of services and performance of the Council with some services benchmarked and service reviews being carried out. Performance was also monitored through Overview and Scrutiny Committees.

Councillor H.T. Isherwood thanked Councillor L.A. Sharps, Alan Pugh, Head of Network Services and William Jones, Highways Supervisor for their hard work during the previous winter and the improvements that had been made to services in rural areas of Flintshire in winter.

RESOLVED:

That the 2010/11 Annual Performance Report be approved.

76. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 – TO CONSIDER THE EXCLUSION OF THE PRESS AND PUBLIC

Councillor L.A. Aldridge sought advice on why Members were being asked to exclude the press and public from the meeting. He said that the Adjudication Panel hearing could be attended by the press and public and that the discussions during the meeting would be included in the minutes which were a public document.

The Interim Head of Legal and Democratic Services explained that the report presented to Members contained information relating to a particular individual and was of legal professional privilege. The request from a Member detailed in the report was linked to the Adjudication Panel but was a separate matter for Members to consider.

The Democracy and Governance Manager explained that if the press and public were excluded from the meeting the minutes would include a brief summary of the discussions and would not include information on the individual or legal advice given during the meeting.

Councillor Aldridge asked if details of the discussion at the meeting would be provided under a freedom of information request. The Democracy and Governance Manager explained that there were exemptions under the Freedom of Information Act which included privileged legal advice. A request

for information considered at the meeting would fall under this exemption and would not be provided at the present time.

RESOLVED:

That the press and public be excluded from the meeting as the following item was considered to be exempt by virtue of paragraphs 12 and 16 of Schedule 12A of the Local Government Act 1972 (as amended).

77. TO CONSIDER A REQUEST FROM A MEMBER FOR A FURTHER INDEMNITY IN RESPECT OF LEGAL FEES

The Interim Head of Legal and Democratic Services introduced a report to enable Members to consider and determine a request for a further indemnity in respect of legal fees.

Councillor N.R. Steele-Mortimer reported that some, but not all Members had received additional papers before the meeting which had been placed in their pigeon holes. He proposed that this item be deferred to the next meeting of the County Council to allow all Members the opportunity to study the papers and be fully informed before making a decision. This proposal was seconded by Councillor H.T. Isherwood. Councillor A.M. Halford reported that she had been provided with a copy of the additional papers on the afternoon of Tuesday 25th October, 2011.

The Interim Head of Legal and Democratic Services provided the background to the request and summarised her report. On the additional papers placed in Members' pigeon holes, she explained that they had not been distributed by herself.

Following advice given by the Interim Head of Legal and Democratic Services, Councillor Steele-Mortimer asked that this item be deferred until the next County Council meeting with a further meeting of the Standards Committee being held prior to the County Council meeting.

Following advice from the Interim Head of Legal and Democratic Services and Democracy and Governance Manager, Councillor Shotton proposed an amendment to the proposal that this item be considered if and after the High Court had given consent for the application to proceed. This was seconded by Councillor L.A. Aldridge.

Following the proposed amendment to his proposal, Councillor Steele-Mortimer said that he would not be withdrawing his proposal.

Following procedural advice from the Democracy and Governance Manager, Councillor Shotton moved his amendment to the proposal that the item be considered if and after the High Court had given consent for the application to proceed including consideration of legal costs to that stage. This was seconded by Councillor L.A. Aldridge. When put to the vote this was

carried and became the substantive motion. When put to the vote the substantive motion was carried.

RESOLVED:

That this item be considered if and after the High Court had given consent for the application to proceed including consideration of legal costs to that stage.

78. DURATION OF MEETING

The meeting commenced at 10.00 a.m. and ended at 12.46 p.m.

79. ATTENDANCE BY MEMBERS OF THE PRESS AND PUBLIC

There were three members of the public and one member of the press present.

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Chair

SUMMARY OF DECLARATIONS MADE BY MEMBERS
IN ACCORDANCE WITH FLINTSHIRE COUNTY COUNCIL'S
CODE OF CONDUCT

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| FLINTSHIRE COUNTY COUNCIL | 26 OCTOBER 2011 |
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| MEMBER | ITEM | MIN. NO. REFERS |
|---|--|------------------------|
| Councillors: P.G. Heesom and A. Woolley | To consider a request from a Member for a further Indemnity in respect of legal fees | 76. |