

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 9 April 2013 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley (Vice-Chair), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones (Chair), Bill Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Peter Duffy, Hugh Evans, Bobby Feeley, Carys Guy, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Margaret McCarroll, Jason McLellan, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Eryl Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Economic and Community Ambition (RM); Customers (HW) and Modernising and Wellbeing (SE); Head of Legal and Democratic Services (RGW); Head of Finance and Assets (PM), Human Resources Services Manager (CR), Democratic Services Manager (SP), Democratic Services Officer (RH) and Committee Administrator (KEJ).

POINTS OF NOTICE

The Chairman –

- congratulated the Council's Education Department on receiving the Philanthropy Award from the High Sheriff in recognition of tremendous work in establishing the Denbighshire Community Endowment Fund
- congratulated Councillor Huw Williams on receiving the Business Supported Community Group Award from the High Sheriff in recognition of his contribution to the Rhyl Community Group, and
- displayed a gift presented to the authority by a Chinese Delegation during their recent fact finding visit to the Optic Centre, St. Asaph.

SILENT TRIBUTE

Councillor Julian Thompson-Hill referred to the passing of former Prime Minister Baroness Thatcher and asked that Council stand in silence for one minute as a mark of respect for the office held. Those wishing to participate stood in silent tribute.

1 APOLOGIES

Councillors Stuart Davies, Peter Evans, Geraint Lloyd-Williams and Cheryl Williams

2 DECLARATIONS OF INTEREST

Councillors Meirick Davies, Hugh Evans, Carys Guy, Huw Hilditch-Roberts, Barry Mellor, David Simmons and Bill Tasker declared a personal interest in the item on "Workforce Efficiencies" (Agenda Item 6).

3 URGENT MATTERS AS AGREED BY THE CHAIR

Adverse Weather/Snow Update – Councillor David Smith updated Council on the work undertaken during the recent adverse weather and snow affecting parts of the county. He paid tribute to the hard work of officers and front line services who had worked tirelessly in extreme circumstances together with local contractors and volunteers. He singled out Mike Hitchings, Head of Operations and Tim Towers, Section Manager for their efforts in co-ordinating the highways work. Members commended the way the Council had responded to the extreme weather conditions and referred to their personal experience of good work within their own communities. Members expressed their gratitude to all those involved and following a proposition by Councillor Smith it was –

***RESOLVED** that Council formally record their gratitude and thanks to officers for their hard work in responding to the recent adverse weather conditions.*

4 CHAIRMAN'S DIARY

The Chairman referred to the civic engagements undertaken on behalf of the Council for the period 16 February – 25 March 2013 (details previously circulated). She thanked Councillor Bill Cowie for attending as her escort the previous week at the Music Service Easter Concert in St. Asaph. The Vice Chairman Councillor Ray Bartley referred to his attendance at Denbighshire Ensembles in St. Asaph in March and advised that Denbighshire Schools Brass Band was competing in the UK Open Brass Band Championship in Manchester and wished them the very best.

***RESOLVED** that the events attended by the Chairman and Vice Chairman be noted.*

5 MINUTES

The minutes of the Council meeting held on 26 February 2013 were submitted.

Accuracy –

Page 10 Item No. 6 Feedback from Meeting with BCUHB – Councillor Gwyneth Kensler asked for the following to be added to the minutes to read "...it was agreed to amend the resolution **to that proposed by Councillor Gwyneth Kensler** as follows..."

Councillor Alice Jones highlighted that reference to the outstanding question on Emergency Services in Ysbyty Glan Clwyd had been omitted. The Corporate Director Modernisation and Wellbeing agreed to pursue the matter with BCUHB.

Page 12 Item No. 8 Council Tax Settings and Associated Matters – Councillor Gwyneth Kensler asked for the word “unanimously” to be removed to read “**RESOLVED** that the Council approves the following recommendations...”

Matters Arising –

Page 8 Item No. 6 Feedback from Meeting with BCUHB – The Corporate Director Modernisation and Wellbeing (CDMW) updated members on progress to date. Based upon recent developments it appeared that the intentions of Council had been implemented by the Community Health Council. The Chief Executive added that the £27m capital earmarked for Denbighshire had since been included within the Capital Plan so a greater level of assurance had been provided. The CDMW also reported upon the mechanism for future dialogue building upon the draft terms of reference and establishment of a county based Health and Social Care Strategic Forum as previously agreed by Council. Membership of that forum had yet to be finalised and elected members were keen to be involved and engaged within that process. In view of members’ interest the CDMW agreed to prepare a report on the establishment of the forum and membership and Councillor Gwyneth Kensler suggested that the matter be discussed at a Group Leaders meeting prior to formal submission to County Council.

RESOLVED that –

- (a) *subject to the above the minutes of the meeting held on 26 February 2013 be confirmed as a correct record and signed by the Chairman, and*
- (b) *a report on the establishment of the Health and Social Care Strategic Forum be submitted to a Group Leaders meeting for consideration prior to formal submission to County Council.*

6 WORKFORCE EFFICIENCIES

Councillor Barbara Smith, Lead Member for Modernising and Performance presented the report (previously circulated) detailing the savings required to achieve the workforce efficiencies identified in the Budget and the process proposed for implementing those savings in light of the Council being unable to reach voluntary agreement with the trade unions. She had been advised that the trade unions intended to register a dispute over the process.

Councillor Hugh Evans acknowledged the difficult decision for members in view of the effect on staff and explained the reasoning behind the recommendations and measures to ensure the lower paid would have appropriate protection. He highlighted that proposals to withdraw essential car user allowance were consistent with other Welsh authorities and had already been removed in 16 of those. If a national dispute process was invoked he felt the Council should fully participate and there was no intention to abandon trade union negotiation in light of the recommendations. In order for members to make a fully informed decision he requested clarity on the process to ensure it was clear, transparent and fair to staff.

The Chief Executive (CE) guided members through the report in detail and elaborated upon the current financial climate and requirement for workforce savings; the extensive consultation and negotiations which had taken place and the reasons behind the proposed course of action. He also provided details of the final package proposed for workforce efficiencies which covered the following –

- removal of the essential car user status/remuneration
- changing mileage rates in line with the HMRC rates of 45p per mile
- disturbance mileage payable reduced from 4 years to 1 year
- pay protection period reduced from 3 year to 1 year

In detailing the next steps the CE was keen to emphasise that the proposals were reasonable in the current financial climate and he endorsed the recommendations detailed within the report. He asked Council to make a decision advising of the cost implications arising from any delay.

Whilst accepting the need to make savings, Councillor Joan Butterfield stated that the Council's most valuable asset was its staff who were also facing financially challenging times and had been demoralised and their worth undermined. She did not agree with the proposed approach to implement the identified workforce efficiency savings and felt that more should be done to achieve acceptance collaboratively by amicable agreement. She referred to her membership of the Local Joint Consultative Committee (LJCC) citing this forum as the most appropriate place for meaningful debate on the matter. Consequently she proposed, seconded by Councillor Barry Mellor that the matter be referred to the LJCC for further debate and consultation at its meeting on 24 April and that there be a further report to Council on 7 May in order that a decision could be taken.

Much support was expressed for Councillor Butterfield's proposition and members took the opportunity to voice their concerns regarding the impact on staff and their preference for a collaborative agreement on the proposed changes to achieve the required efficiency savings. Further information was also sought on the approach taken by the other Welsh authorities where similar proposals had already been implemented which may inform debate and highlight best practice where collective agreement had been reached. LJCC members voiced their concern that the final efficiency proposals had not been brought before that forum for consideration and neither had the alternative proposals suggested by the trade unions in order to achieve the savings required. It was requested that this information also be included in the submission to LJCC in order to further inform debate.

In light of the questions raised over the clarity of process Councillor Hugh Evans agreed that the matter should be discussed at the LJCC before a final decision was recommended to Council and he queried the implications of deferring the decision to implement the proposals. Councillor Butterfield suggested that money set aside to fund a staff increase in 2012/13 be used. The Head of Finance and Assets explained that allocation had already been used to fund the cut in workforce efficiencies and pension auto-enrolment.

Councillor Win Mullen-James proposed a recorded vote on the motion put forward by Councillor Butterfield and following agreement of the requisite number of

members a recorded vote was taken. All members present voted in favour of the motion and it was –

RESOLVED that the matter be referred to the Local Joint Consultative Committee for further debate and consultation at its meeting on 24 April and that there be a further report to Council on 7 May in order that a decision could be taken.

At this juncture (11.50 a.m.) Council adjourned for a refreshment break.

7 HUMAN RESOURCES (HR) POLICY AND PROCEDURE

Councillor Barbara Smith, Lead Member for Modernising and Performance presented the report (previously circulated) recommending the adoption of new and amended HR policies and procedures in order to comply with legislative changes and best practice in respect of –

- Recruitment and Selection
- Providing an Employment Reference
- Secondment
- Agency Workers Procedure

The Human Resources Services Manager (HRSM) highlighted the main policy and procedure changes following consultation with managers and trade unions. Members discussed a number of issues with the HRSM regarding individual policies and also queried the role of the Local Joint Consultative Committee (LJCC) within the process. The HRSM responded as follows –

- in the event of trade unions having no objection to policy/procedure change it had been agreed to bypass LJCC and submit amendments directly to Council
- acknowledged that not responding to unsuccessful job applicants could attract some criticism but the process incurred substantial cost/officer time. With regard to web recruitment she agreed to look into the possibility of responding to applicants electronically
- in terms of the processes for identifying forged documentation she agreed to look into the matter further with a view to providing greater assurance
- confirmed that audits were undertaken to ensure necessary checks had been carried out as part of the recruitment process in schools
- noted the suggestion to change the policy to require all members of the recruitment panel to undertake equality training. Recruitment training was being arranged for middle managers and the policy could be changed in future if the Council was content it could meet that criteria.

RESOLVED that Council accepts and adopts the new and amended policies and procedures in respect of Recruitment and Selection, Providing an Employee Reference, Secondments and Agency Workers.

8 ARRANGEMENTS FOR ELECTION OF CHAIR AND VICE CHAIR AT ANNUAL COUNCIL

[This item was brought forward on the agenda with the consent of the Chairman)

The Head of Legal and Democratic Services presented the report (previously circulated) seeking agreement for the proposed Chair and Vice Chair of the County Council for the municipal year 2013/14 to be formally elected at the Council's annual meeting on 7 May 2013. He sought nominations for both posts.

Election of Chair – Councillor Hugh Evans proposed, seconded by Councillor David Smith that Councillor Ray Bartley be nominated Chair for the 2013/14 municipal year. There were no further nominations. Councillor Bartley thanked members for their support and was congratulated upon his nomination.

Election of Vice Chair – Councillor Julian Thompson-Hill proposed, seconded by Councillor David Smith that Councillor Dewi Owens be nominated Vice Chair for the 2013/14 municipal year. Councillor Joan Butterfield proposed, seconded by Councillor Bob Murray that Councillor Brian Blakeley be nominated Vice Chair. Councillor Gwyneth Kensler proposed, seconded by Councillor Huw Jones that Councillor Arwel Roberts be nominated Vice Chair.

In accordance with the Council's Constitution a secret ballot was undertaken for the proposed Vice Chair and the name of Councillor Arwel Roberts was eliminated. A further secret ballot was undertaken and Councillor Brian Blakeley was nominated as the proposed Vice Chair for the 2013/14 municipal year. Councillor Blakeley thanked members for their support and Councillors Dewi Owens and Arwel Roberts congratulated him on his nomination.

RESOLVED that Councillor Ray Bartley be proposed Chair and Councillor Brian Blakeley be proposed Vice Chair of the County Council for the municipal year 2013/14 to be formally elected at the Council's annual meeting on 7 May 2013.

9 UPDATE ON PROPOSALS FOR A NEW PRISON

Councillor Hugh Evans, Leader and Lead Member for Economic Development presented the report (previously circulated) seeking Council's agreement to support the North Wales Regional Leadership Board in its commitment to seek a prison in North Wales. The report summarised the recent announcement of the Ministry of Justice with regard to prison policy and informed members of the actions agreed by the North Wales Regional Leadership Board and proposals for the next steps.

Councillor Evans provided some background information regarding the proposals for building a new prison with approximately 2000 places in the North West, London or North Wales together with the work of the North Wales Regional Leadership Board in promoting North Wales as the region for the prison's location.

Whilst supporting the principle of a prison in North Wales Councillors Cefyn Williams, Gwyneth Kensler, Alice Jones, Bill Tasker and Colin Hughes expressed reservations regarding the size of the proposed new prison and their preference for a smaller prison in the area. Concerns were raised over the logistics of a larger prison; difficulties of controlling such a large environment; documented failure of larger prisons which bred an unhealthy culture and environment for inmates, and

travelling time for visitors. The Chief Executive advised that the size and scale of a new prison was beyond the control of the Council and the only proposal put forward was for a new prison with a capacity of 2000 places. Members considered the substantial benefits that a new prison would bring to the area, particularly in terms of the economy with substantial investment in the region and job creation. Overall members considered the Minister's announcement a great opportunity and supported the Regional Board in seeking to secure a prison in the area.

RESOLVED that Council agrees to support the North Wales Regional Leadership Board in its commitment to seek a prison in North Wales and endorses the proposals set out in paragraph 4.12 to the report.

10 APPOINTMENT OF HOMELESSNESS CHAMPION

A report by the Head of Legal and Democratic Services was submitted (previously circulated) regarding the appointment of a Homelessness Champion. Councillors had been asked to indicate whether they wished to be considered for that role and one CV had been received from Councillor Bill Tasker.

RESOLVED that Councillor Bill Tasker be appointed to the role of Homelessness Champion.

At this juncture (1.10 p.m.) Council adjourned for lunch and proceedings resumed at 1.45 p.m.

11 COMMITTEE TIMETABLE 2013/13, ANNUAL REVIEW OF POLITICAL BALANCE, APPOINTMENT OF SCRUTINY CHAIRS AND ALLOWANCES FOR VOTING CO-OPTED MEMBERS

The Democratic Services Manager presented a report (previously circulated) which asked Council to determine a number of issues relating to the organisation of County Council meetings. The report comprised four parts concerning:

- the 2012/13 timetable of meetings
- the political balance of committees
- the appointment of scrutiny committee chairs
- a potential cap on the total number of meetings that co-opted voting members could claim payment for

It was explained that the proposed timetable of Council meetings for 2012/13 had been arranged in accordance with the preferences expressed in a survey of members' and co-opted members' views on convenient times and locations for meetings to be held.

Councillor Joe Welch noted that the agreement of dates in April only gave a month's notice of meeting dates in May, which was very difficult for members with professional commitments to adapt to, and requested that meeting dates be arranged for the term of the Council in order to allow members to plan their diaries. Councillor Paul Penlington was dissatisfied that meetings had been scheduled during the day time, and noted that due to the delay in his appointment to the

Council he had not been able to record his preference for evening meetings. The Chair suggested that the debate over scheduling of meetings had been on-going for a number of years, but that a clear preference for day-time meetings had been established each time that members had been consulted.

The requirement for the Council to review the political balance of committees on an annual basis, and the appointment of chairs of scrutiny committees, was recognised by members as being something that could be determined by the political groups in accordance with the model for political balance set out in Appendix 3 to the report.

Council were asked for their opinions on a potential cap on the number of days for which expenses were payable to voting co-opted members and, following a discussion, members agreed that the present context did not require the introduction of a cap on payments, although this would be subject to review in future.

RESOLVED that Council –

- (a) *approves the timetable of meetings for 2013/14;*
- (b) *notes the political balance requirements and refers the appointment of members to appropriate committees to the political groups;*
- (c) *refers the appointment of the chairs of scrutiny committees to the political groups, and*
- (d) *does not introduce a limit on the number of days expenses payable to voting co-opted members, subject to future review.*

12 CORPORATE PLAN 2012 - 2017, YEAR 2 DELIVERY DOCUMENT

Councillor Barbara Smith, Lead Member for Modernising and Performance, introduced a report (previously circulated) presenting the Year 2 Delivery Document for the Corporate Plan 2012-17, which summarised some of the key projects to be undertaken in advancement of the Council's Corporate Priorities.

Councillor Gwyneth Kensler raised a concern in regard to how the recent restructure of the Regeneration, Business Support and Tourism service supports the Corporate Priority of 'developing the local economy', and proposed that this could be a subject for scrutiny. Councillor Joan Butterfield suggested that, in relation to this, changes made to the Rhyl Going Forward project had resulted in very little progress having been made.

Councillor Hugh Evans, the Leader of the Council, accepted that progress had been slow but was confident that the project was moving in the right direction. The Chief Executive stated that service restructures were the responsibility of Heads of Service but acknowledged the benefits of scrutiny looking at the impact of organisational changes on service delivery. There were already arrangements in place for the Rhyl Going Forward project to submit reports to the Partnerships Scrutiny Committee on a regular basis, but it was agreed that an item on the

restructure of the Regeneration, Business Support and Tourism service should be referred to the Scrutiny Chairs and Vice-Chairs Group for allocation. The Chief Executive also invited members to meet with him to discuss any issues they had with service reorganisation.

Councillor Alice Jones stated that she was unhappy that coastal areas were receiving large sums in investment, whereas rural communities received relatively little support for regeneration, and Councillor Hugh Evans explained that the extension of the Town Plans to become 'Area Plans' would go some way to addressing this. Councillor Arwel Roberts was doubtful of the effectiveness of the Area Plans' capacity to address specific issues and cited an example of an untidy plot of land in Rhuddlan. Councillor Evans indicated that all areas of Denbighshire could benefit from economic development, with the Area Plans forming one of the first steps in 'developing the local economy'. If the Area Plans were not effective in working towards the Council's Corporate Priorities, Councillor Evans said that they would need to be revisited.

RESOLVED that Council –

- (a) *approves the final draft of the Year 2 Delivery Document of the Corporate Plan 2012 -17, and*
- (b) *recommends to the Scrutiny Chairs and Vice Chairs Group that an item on the restructure of the Regeneration, Business Support and Tourism Service is scheduled for scrutiny.*

13 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services (HLDS) submitted the Council Forward Work Programme.

Councillor Barbara Smith noted that the Member Training Workshop was arranged for the same day as the Council Briefing on 22 April, but that this was a separate event and would take place in the morning prior to the afternoon Council Briefing meeting.

The HLDS noted that, as agreed earlier in the meeting, the item on Workforce Efficiencies would be referred to the Local Joint Consultation Committee and brought back to the County Council's Annual Meeting on 7 May.

RESOLVED that subject to the above, Council's Forward Work Programme be noted.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 14 of Part 4 of Schedule 12A of the Act.

14 CAPITAL PLAN 2012/13 - 2015/16 AND RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP

Councillor Julian Thompson-Hill, Lead Member for Finance and Assets, introduced a confidential report which gave an update of developments under the Capital Plan 2012/13 – 2015/16, and detailed the capital bids recommended by the Strategic Investment Group for inclusion in the Capital Plan.

Councillor Thompson-Hill drew members' attention to the latest position regarding the demolition of the Honey Club in Rhyl, which the Council had agreed to underwrite, and expected work to commence on the site by mid-April. All other major projects were on target. Members were then directed to Appendix 4, which gave details of the Strategic Investment Group's recommended projects for the discharge of the £11.76m capital funds available for 2013/14, excluding pending capital receipts.

In response to questions posed by members, Councillor Thompson-Hill confirmed that –

- the target of raising £8m from capital receipts over 4 years was on course this year
- the Council was continuing to work with the main developer on the Honey Club site, and that there had been no indication to suggest otherwise
- the money allocated to the Highways capital programme was not spread on an equal basis, but was determined in consideration of technical information on the urgency of respective road repairs, arranged through Member Area Groups
- the Council was working closely with Alliance Leisure in the development of Ruthin Leisure Centre, and recognised that their business plan based on increasing membership was viable
- the total cost of the emergency response to the recent wintry conditions as £170k, noting that an application for Welsh Government aid funding had been made in respect of costs incurred responding to both the snow and the November flooding
- a register of buildings in Denbighshire containing asbestos was available
- the Costigan's site in Rhyl had been purchased, renovated and placed back on the market

Councillor Dewi Owens questioned why the proposal to build a crash barrier between the carriages on the A525 between Rhuddlan and St Asaph was listed in the Capital Plan, having thought the issue had been resolved. Councillor David Smith, Lead Member for Public Realm, clarified that money had been allocated to this project on the recommendation of the coroner's report into a fatal crash on the road 10 years ago, but that this had not been spent, and might be available for reallocation if the proposal to reduce the speed limit on the stretch of road was implemented.

RESOLVED that Council notes the latest position on the 2012/13 element of the Capital Plan, and approves the recommendations of the Strategic Investment Group to allocate capital funding as specified in Appendix 4a of the report.

Councillor Jason McLellan offered his congratulations to Prestatyn Town Football Club who had reached the Welsh FA Cup Final, where they will play Bangor City.

The meeting concluded at 3:20 p.m.