

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 8 October 2013 at 10.00 am.

PRESENT

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

ALSO PRESENT

Chief Executive (MM), Corporate Directors: Economic and Community Ambition (RM), Modernisation and Wellbeing (SE), Head of Legal and Democratic Services and Monitoring Officer (RGW), Head of Finance and Assets (PM), Head of Business, Planning and Performance (AS), Acting Strategic Procurement Manager (SA), FCS – Value Wales (NR), Democratic Services Manager (SP) and Committee Administrator (CIW).

The Chair welcomed back Councillor M. McCarroll following her recent Hospital treatment.

Councillor J. Thompson-Hill informed Members that the Revenues Team had achieved bronze in the Revenues Team of the Year Award. The Chair and Members agreed that a letter of congratulations be sent to the Revenues Team to mark the achievement.

1 APOLOGIES

Apologies were received from Councillors Joan Butterfield, Meirick Davies, Peter Evans, Alice Jones and David Simmons.

2 DECLARATIONS OF INTEREST

No personal or prejudicial interests were declared.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken for the Council by the Chair and Vice Chair, for the period the 30th May, 2013 to 24th June, 2013 had been circulated with the papers for the meeting.

The Chair provided a summary of the following events:-

23rd September, 2013 – Visit to Hope House. The Chair explained that he had visited Hope House in Conway and referred to the excellent work carried out by the staff.

26th September, 2013 - Musical Workshop for Special Schools North Wales International Music Festival. Members were informed of the quality and high standard of music which had been appreciated by the Special Schools and all who had attended.

The Chair confirmed that the Annual County Council Carol Service would be held at St Asaph Cathedral on the 10th December, 2013. He informed Members that the Chairman's Charity Dinner would be held at the Oriel House, St Asaph on the 28th March, 2014 with donations being presented to St Kentigerns Hospice and Ty Gobaith Childrens Hospice.

RESOLVED – *that the list civic engagements undertaken for the Council by the Chair and Vice Chair be received and comments of the Chair be noted.*

5 MINUTES

The minutes of the Council meeting held on the 4th June, 2013 were submitted.

Matters arising:-

6. Investigation Report on the Floods at Glasdir, Ruthin - Councillor D.I. Smith referred to the Independent Review Report in to the flooding at Glasdir which had recommended that flood protection be improved by raising the height of the bund by around 1 metre. The cost of the works would be in the region of £300k and could be in place by March 2014. Taylor Wimpey, developers of the Glasdir Estate, had made a public commitment to pay for one third of the improvement works and the Council would match their commitment of a one third contribution. Welsh Government had not yet responded to a similar request. However, Councillor Smith hoped that Denbighshire would in the interim period be willing to contribute towards the improvement to endeavour to put the Galsdir residents' minds at rest.

The works at Glasdir were currently at the design stage with a completion date of March, 2014. He expressed his concern that confirmation of funding from Welsh Government had not been confirmed and felt that Denbighshire should proceed with the works at the Council's financial risk and that the final funding arrangements be agreed afterwards.

RESOLVED – *that the minutes of the Council meeting held on the 10th September, 2013 be confirmed*

6 COMMUNITY BENEFITS, PROCUREMENT AND THE ECONOMIC AND COMMUNITY AMBITION STRATEGY

Strategic Procurement provided a presentation on Community Benefits and how they link to Procurement and the Economic and Community Ambition Strategy.

With the aid of a PowerPoint presentation the Acting Strategic Procurement Manager and FCS–Value Wales Representative provided a detailed summary of a presentation on Community Benefits, Delivering Maximum Value for the Welsh Pound, which covered the following salient points and areas:-

Definition of Procurement and Community Benefits

- Community Policy Benefits Policy/Approach

Drivers of Community Benefits

- Programme for Government 2011-2016
- Wales Anti-Poverty Action Plan
- Wales Procurement Policy Statement (Dec 2012)

What are Community Benefits

- Development of the link with the Economic and Community Ambition

Strategy

- Community Strategy development and consultation process
- Main Policy Focus
- Contribution to Education
- Environment Impacts
- North Wales Shared Apprenticeship Scheme

Key tools for Community Benefits

- The Community Benefits Measurement Tool
- Sustainable Procurement, Contracts and Tendering Procedures

Economic Priorities

- Businesses:- Infrastructure, Promotion, Towns and Communities, Growth and Skilled Workforce.

Sustainable Procurement

- What Denbighshire are Doing

Community Benefits Successes and What Next

- Community Benefits Success to Date: Statistics
- Results / Outcomes as of September, 2013
- Case Study – Yolo Y Hendry – CEW Award 2013 Value Award Winner

The Chair invited questions from Members and the following responses were provided by the officers:-

- Councillor J.M. McLellan referred to Welsh Government policy on ethical procurement. The Acting Strategic Procurement Manager (ASPM) explained that the Council were guided by UK and European procurement regulations, and confirmed that the Welsh Government Procurement Policy Statement would enforce and ensure that equitable processes and procedures were adhered to, which would include the issue of the utilisation of zero hours. He outlined the procedures adopted for the monitoring of unsuitable or blacklisted contractors and informed Members that, through effective contract management, officers worked closely with contractors and suppliers to ensure that policies and terms and conditions were adhered to.
- Details of collaborative working with neighbouring Authorities were provided. It was explained that WG guidance on financial regulations had been used to produce a document which could be adapted and utilised by all Authorities.
- The FCS–Value Wales Representative (FCS-VWR) provided details of the application of the Community Benefits Policy in respect of contracts under £2m. She referred to the North Wales Framework being a key area in relation to smaller businesses, and specifically to the introduction of project bank accounts which addressed issues relating to payment in the supply chain.
- Confirmation was provided that a programme of training would be provided for Elected Members and officers.
- Private sector developers to be encouraged to encompass the requirements of Community Benefits in any future developments.
- Members were assured that Denbighshire were complying with the agreed terms of contracts with regard to supply payments being made within the stipulated period of 30 days.
- The ASPM confirmed that Denbighshire worked closely with Business Wales to provide support for small businesses.
- The Chief Executive explained that businesses could be assured that Welsh Government would settle invoices but could not provide an assurance that payments would be made within agreed timescales.
- Councillor E.W. Williams highlighted the problems being experienced in obtaining funding to commence community projects. He suggested that the Communities Scrutiny Committee consider the possibility of creating a fund to assist with the commencement of projects which had been assured funding. The ASPM explained that work was currently being undertaken with the Corporate Programme Team to address the issue in question.

During the ensuing discussion, the Chair and Members thanked the officers for their informative presentation.

RESOLVED – that Council receives and notes the contents of the presentation.

7 ANNUAL PERFORMANCE REVIEW 2012-13

A copy of a report by the Head of Business, Planning and Performance (HBPP), on the Council's draft Annual Performance Report for 2012-13, had been circulated with the papers for the meeting. An update pertaining to the Annual Performance Review 2012/13 had been circulated prior to the meeting.

It was explained by the HBPP that the Council were required to publish an Annual Report of its performance by the 31st October each year. A decision had been required to approve the draft 2012-13 Annual Performance Review, Appendix I, to the report.

The Council's Corporate Plan 2012/17 set the strategic direction for the Council and its priorities for the five-year period. The detail about what the Council intended to do each year to help deliver the priorities had been set out in Annual Service Plans and the Corporate Plan Annual Delivery Document. The Council had a number of equality objectives within its Strategic Equality Plan, and a set of Outcome Agreements with the Welsh Government.

The Annual Performance Report provided a retrospective evaluation of the Council's success in delivering against the plans during 2012-13, and provided an indication as to whether or not it had successfully fulfilled its obligation to make arrangements to secure continuous improvement. Members were reminded that this was the first year of the Plan and next year's figures could be utilised for comparison purposes.

An Equality Impact Assessment (EqIA) had not been required for this report as it provided a retrospective evaluation of the Council's performance, and the decision to approve the report had no potential impact on people sharing protected characteristics. However, an EqIA, Appendix 1, had been undertaken on the Corporate Plan itself and had been presented to Council when approved in October, 2012.

The report had been developed by the Corporate Improvement Team, in consultation with other Council services. The performance information contained within the document had been provided by services, and had been drawn from the Ffynnon performance management system. Consultation had taken place with the Senior Leadership Team (SLT) and the Performance Scrutiny Committee in September, 2013 prior to being submitted to County Council for approval.

In response to questions from Councillor H.LI. Jones, it was explained that the presentation of percentage figures relating to female Councillors in Denbighshire and Nationally could be more user friendly. It was confirmed that work to develop a strategy for dropped kerbs was currently being progressed and would be reported to Council when finalised.

Councillor H.H. Evans explained that there were issues which required clarification and a clearer picture would emerge from the economic development prospective following consideration of the impact of the priorities by the Task and Finish Group. He confirmed that detailed information regarding the development of a strategic

approach would be presented to Council. Members were informed that the targets set had been more challenging which had produced a higher level of expectation and an improved level of performance.

The Chief Executive responded to a question from Councillor C. Hughes regarding the anticipated reduced settlement from Welsh Government and made reference to the Council's adoption of an ambitious Corporate Plan. He explained that the Council had raised its expectations and moved away from traditional targets and it was felt that the budget proposal to be presented to Members would assist in protecting the chief aims of the Corporate Plan. However, he explained that there could be a degree of uncertainty due to a lack of clarity over future settlement agreements.

In reply to concerns raised by Councillor H. Hilditch-Roberts, the HBPP referred to the adopted method of presentation. He explained that the colours provided in the report indicated the direction of travel and could be utilised for analysis purposes, while the figures produced depicted trends. He also responded to further questions from Members and provided details of the Residents Survey which had received over 18,000 responses.

RESOLVED – that Council agrees the draft 2012-13 Annual Performance Review to enable translation and publication before 31st October 2013.

8 CORPORATE SAFEGUARDING POLICY

A copy of a report by the Corporate Director: Moderising and Wellbeing, which proposed the adoption of a Corporate Safeguarding Policy and the establishment of a joint member/officer Corporate Safeguarding Panel, had been circulated with the papers for the meeting.

The CDMW introduced the report and explained that Denbighshire's proactive approach to ensuring compliance with its safeguarding responsibilities had been outlined in the report. Despite a range of approaches Denbighshire could not be confident that robust safeguarding practice had been embedded across all the Council's functions. Details of the development of approaches adopted to maintain a corporate profile and overview for safeguarding issues had been provided in detail.

It was explained that the key responsibility to be discharged across a complex multi-functional organisation had never been clarified or separately resourced. Successive authoritative reports, which included Waterhouse, Laming and Pembrokeshire, had made it abundantly clear that challenges to the resilience of safeguarding arrangements evolved in many different places, and safeguarding had to be "Everybody's Business".

Over the last ten years Denbighshire had developed several approaches to maintaining a corporate profile and an overview for safeguarding issues and these had been detailed in the report.

A draft Corporate Safeguarding Policy and Guidelines, based heavily on that recently adopted in Gwynedd following an Estyn Inspection and as the result of requirements set out by the Inspectorate, had been circulated with the report. The proposal submitted would provide a logical development to the work previously undertaken with the Corporate Accountabilities Framework and on the Corporate Safeguarding Action Plan. The aim of the policy and guidelines would be to establish a structured means for ensuring that safeguarding was an issue taken on by every service in the Council as well as all Elected Members. The CDMW informed Members that there would be a designated manager in each service who would be responsible for the coordination of safeguarding activities and the provision of advice to staff in the service.

Key aspects of the policy and guidelines had been summarised in the report and the Appendices provided further detail relating to:-

- basic information about signs of abuse and referral pathways, which would link to child and adult protection procedures.
- a useful section on Code of Conduct and Safe Working practices.
- a section setting out the training support to be provided initially, which would need to be developed over a period of time.
- cross referencing with our Safe Recruitment (Human Resources) Policies.
- guidelines for Councillors on safe contact.
- dealing with allegations of professional abuse, including links with child and adult protection procedures.

The CDMW explained that the package would provide a credible approach to making a reality of safeguarding as a corporate concern, and would foster consistency of approach and accountability and be tailored to the issues facing particular services. The main cost implications would be threefold had been outlined in the report. It was confirmed that the adoption of the Policy and Panel arrangements could have positive implications, especially for older people and disabled people, and no negative implications had been identified.

Although guidelines were currently sparse, HR were undertaking work to produce a policy on social media use. The CDMW confirmed that the remit of the further work in this area would be incorporated in the remit of the CSP. Cabinet were informed that the WLGA had produced a guidance document on Elected Members' use of social media which could be of assistance.

Cabinet and the Corporate Governance Committee had considered and expressed their support of the adoption of the Policy, Guidance and Panel. However, the Corporate Governance Committee had raised some issues about the document's internal consistency, which had subsequently been addressed. Members had made some specific suggestions about additions to the policy/items for the work programme, particularly relating to advice and good practice guidance on the use of technology/social media. These had been accepted and it was proposed that work on a single policy covering legal, HR and safeguarding implications be taken forward. The suggestion that the Safeguarding Policy/Guidance/Panel should be reviewed after 3 years had been accepted, and a formal review date had been added to the front of the Policy.

The CDMW provided the following information and responses to questions from Members:-

- a programme of training and a copy of the Safeguarding Policy would be provided for every member of teaching and ancillary staff in schools.
- heads of services had been requested to identify Designated Managers by the end of October, 2013.
- individual school based policies pertaining to Internet use were currently in operation, and a self-assessment process relating to safeguarding and child protection would be undertaken in all schools.
- issues regarding the use of social media had been identified as an area of work to be undertaken.
- the creation of a Safeguarding Policy based on three existing areas of work. These included a WLGA guidance document on the use of social media by Elected Members, an update by HR of the Social Media Policy in relation to employees and work being carried out in relation to Safeguarding Aspects and the appropriate behavior of adults.
- details of the provision of training organised by the Education Social Worker: Team Leader for School Governors.
- the annual audit of all schools being an effective innovation in ensuring that the Schools Improvement Plan and Safeguarding responsibilities were adhered to.
- reference made to the statutory guidance framework produced by Welsh Government "Safeguarding Children in Education" which was currently being updated.
- there being a commitment in the Big Plan to take forward work to identify young carers. However, currently the number of young cares in schools had not been identified.

In response to concerns raised by Councillor S.A. Davies regarding the inclusion that safeguarding training be a mandatory requirement of all Elected Members, the Chief Executive stressed the importance of the need for the Council to ensure that every Elected Member received training on Safeguarding, and he emphasised that failure to do so could result in severe criticism. Councillor J.M. McLellan highlighted the possible legal implications if training on Safeguarding was not undertaken by all Elected Members.

During the ensuing discussion Councillor S.A. Davies proposed, and Councillor H.Hilditch-Roberts, seconded an amendment that the word "mandatory" be removed from the recommendation 3 in the report. On being put to the vote the amendment was lost by 33 votes for to 0 against. Members voted on the recommendation in the report which was carried by 35 votes for to 0 against.

RESOLVED – *that Council:-*

- (a) agrees to the adoption of the Corporate Safeguarding Policy.*
- (b) agrees the establishment of a Corporate Safeguarding Panel with terms of reference as described in Appendix 8 to the report, and*
- (c) confirms that safeguarding training be a mandatory requirement of all Elected Members within the first 12 months of taking office.*

(SE to action)

9 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services introduced the Council's Forward Work Programme, previously circulated, and Members agreed the following new items be included in the Forward Work Programme:-

5th November, 2013 – The HLDS explained that the Item pertaining to the Rhyl/Prestatyn Coastal Facilities Development: Business Case had been deferred.

21st October, 2013 – Members were informed that the Council Budget Workshop would be an all-day session commencing at 9.30 a.m.

3rd December, 2013 – Councillor J. Thompson-Hill explained that the "Update on the Draft Budget for 2014/15" be amended to "Proposals for Budget 2014/15" and that a Council decision would be required.

Councillor D.I. Smith informed Council that a Members Workshop on Highways and Infrastructure would be held on Thursday 10th October, 2013.

RESOLVED - that, subject to the above, the Council forward work programme be approved and noted.

Meeting ended at 12.05 p.m.