

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 5 July 2016 at 10.00 am.

PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Hugh Evans, Peter Evans, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alice Jones, Pat Jones, Jason McLellan, Win Mullen-James (Vice-Chair), Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Julian Thompson-Hill, Cefyn Williams, Cheryl Williams, Huw Williams and Mark Young

ALSO PRESENT

Chief Executive (MM), Monitoring Officer/ Head of Legal, HR and Democratic Services (GW), Democratic Services Manager (SP), and Committee Administrator (SLW).

Prior to commencement of the meeting, Members were informed that the Chair, Councillor Ann Davies would be unable to attend the meeting and, in her absence, the Vice-Chair, Councillor Win Mullen James, would Chair the Full Council meeting (hereinafter referred to as "the Chair")

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Raymond Bartley, Ann Davies, Meirick Davies, Stuart Davies, Bobby Feeley, Carys Guy, Colin Hughes, Rhys Hughes, Huw Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Barry Mellor, Bob Murray, Dewi Owens, Bill Tasker, Joe Welch and David Williams

2 DECLARATIONS OF INTEREST

No Declarations of Interest.

3 URGENT MATTERS AS AGREED BY THE CHAIR

- At this juncture, the Chair, Councillor Win Mullen James informed Members that Councillor Hugh Jones was very ill in hospital and on behalf of the Council would like to send best wishes to him and his family and hoped for a speedy recovery.
- As the Armed Forces Champion, Councillor Hugh Irving introduced a brief presentation of the Denbighshire hosted Armed Forces Day which recently took place at Bodelwyddan Castle.

A Steering Group had been set up one year ago with the help of Peter McDermott, Team Leader, Tourism, Marketing and Events to organise the event.

Approximately 10,000 people attended had attended Bodelwyddan Castle. Dignitaries from all over North Wales had been in attendance together with representatives of all three armed services, the three emergency services and veteran services.

The Chair offered her congratulations to Councillor Irving, Peter McDermott and all officers involved in making the day such a huge success.

- The Leader, Councillor Hugh Evans raised concern as a number of Members had been contacted by members of the public requesting the Council consider a motion on the issue of hate crimes.

The Leader stated as follows:

“We are proud to live in a diverse and tolerant society. Racism, Xenophobia and hate crimes have no place in our country. We, Denbighshire County Council condemn racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable. The Council will work to ensure local bodies and programmes have support and resources needed to fight and prevent racism and xenophobia. We assure all people living in Denbighshire that they are valued members of our community”.

Having consulted with the Leaders of all the political groups, it was felt it was important to bring the item to the meeting today.

All Group Leaders expressed their condemnation of the deplorable behaviour which would not be tolerated in our country.

The Motion was proposed by Councillor Hugh Evans and seconded by Councillor David Smith.

A vote took place whereupon there was a unanimous show of hands in favour of the motion.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 15/04/2016 to 19/06/2016 had been circulated prior to the meeting.

At this juncture, Councillor Martyn Holland spoke on behalf of Councillor Ann Davies to thank the Vice-Chair, Councillor Win Mullen James for her support and stated how well they worked together.

RESOLVED that the list of civic engagements undertaken by the Chair and Vice-Chair be received.

5 MINUTES

The minutes of the Annual Council meeting held on 10 May 2016 were submitted.

Councillor Jason McLellan informed Council that during the previous Annual Council meeting, the WAO representative, Gwilym Bury had intimated that the Corporate Governance Committee had, on one occasion, been inquorate. This had been checked and was not the case.

Page 17 – Councillor Jason McLellan stated that there had been no mention in the minutes regarding the expression of concern about the SLT Pay Policy in light of pay cuts in the public sector.

At this juncture, members of the Senior Leadership Team left the chamber.

Councillor Julian Thompson-Hill informed Members, as Chair of the Internal SLT Remuneration Panel, the recommendations agreed at Annual Council had been submitted to the Minister. The Minister had responded and requested the Internal Remuneration Panel to re-consider the SLT remuneration prior to the end of the week (week ending Friday 8 July 2016). The SLT Remuneration Panel were to meet on Wednesday, 6 July 2016 to consider the view point of the Minister.

Councillor Paul Penlington requested a record of Members' votes on the SLT Pay Policy and also confirmation as to whether the meeting had been quorate at the time of the vote.

The Democratic Services Manager confirmed the meeting had been quorate and if the vote had been taken electronically there would be a record but if the vote had been a show of hands then, unfortunately, no record would be available as a recorded vote had not been requested.

RESOLVED that subject to the above, the minutes of the Annual Council meeting held on 10 May 2016 be confirmed as a correct record and signed by the Chair.

6 COUNCIL CONSTITUTION

The Monitoring Officer/Head of Legal, HR and Democratic Services (MO/HLHR&DS), presented the report (previously circulated) for Members to consider the new Wales Model Constitution for comments and adoption.

It was the legal responsibility of the Full Council to adopt the Constitution in accordance with the Local Government Act 2000.

Over the past 12 months, a Constitution Working Group, consisting of cross party representation had met to consider the proposed changes, prior to the Monitoring Officer reporting each step of progress to the Corporate Governance Committee.

A Member Workshop had also been held in March 2016 in order to introduce the wider membership to the proposed new Constitution and to debate and enable the Monitoring Officer to obtain a steer on the changes proposed.

Members' attention was drawn in particular to the following changes:

- Extended Definition Section
- Section 2 (2.6) – Authority for Monitoring Officer to make minor changes to the Constitution
- Section 3 – set out how members of the public could obtain information and become involved
- Section 4 (4.2) – Updated Policy Framework
 - (4.13.2) – Clarification of duration of meetings
 - (4.16) – Clarification of Quorum
 - (4.17) – remote attendance not allowed at any meeting, committee or sub-committee at the present time
 - (4.18) – questions by the public – limited to 30 minutes
- Section 7 – additional explanation of process paragraphs inserted
- Section 9 – List of all the regulatory and other Committees including the Joint Committees
- Section 11 – Set out who were the statutory “Proper” Officers of the Council together with their functions and areas of responsibility
- Section 12 – Finance, Contracts and Legal matters and removing the requirement for the Chair/Vice-Chair of the Council to sign each and every contract or property transaction made under seal
- Section 13 – set out the revised Cabinet Member Scheme of Delegation and revised Officer Scheme of Delegation
- Section 17 – Contract Procedure Rules – changes added at 2.7
- Section 18 – recently approved Members' Code of Conduct inserted
 - (18.3) – amended Protocol for Members/Officer Relations
 - (18.4) – new Whistleblowing Policy inserted
 - (18.8) – updated and approved Code of Best Practice for Councillors and Officers dealing with Planning matters inserted
- Section 20 – Members' Schedule of Remuneration updated and inserted.

Discussion took place and the following points were raised:

- Councillor Hugh Irving requested that the Nolan principles be incorporated within the Constitution. The MO/HLHR&DS explained that in Wales the Conduct of Members (Principles)(Wales) Order 2001 was in use which contained an additional three principles to the Nolan principles. Councillor Hugh Irving PROPOSED that the Conduct of Members (Principles)(Wales) Order 2001 be incorporated within the Constitution, SECONDED by Councillor Martyn Holland.
- Members questioned the delegated decisions aspect of the Constitution as they were unsure whether they would be notified of any prospective delegated decision. It was clarified that the Lead Members delegated decisions would be sent to all Members prior to the report being made, with a request for representations and comments. Once the decision had been

made, if Members did not agree with the decisions then the “call-in” process would apply if necessary.

- The MO/HLHR&DS confirmed that once guidelines were set out regarding key and non-key decisions, the draft guidelines would then be presented at Corporate Governance Committee.
- Councillor Alice Jones questioned whether the Scrutiny process was robust enough. Councillor Jones stated she had put in a Scrutiny request in February but had allegedly received no response. She recommended that Section 7 within the Constitution be re-visited to ensure Scrutiny became more effective. The Chair of the Scrutiny Chairs and Vice-Chairs Group, Councillor Huw Hilditch-Roberts responded to Councillor Jones with an explanation that the initial request had been regarding an individual issue and that further information had been requested to ascertain how it affected the whole of Denbighshire. The MO/HLHR&DS confirmed that he would consider any issues Members relayed to him. Councillor Alice Jones PROPOSED that Section 7 (Scrutiny) be revisited, but the remainder of the Constitution be noted and agreed. SECONDED by Councillor Arwel Roberts.
- Councillor Barbara Smith extended thanks to all Members of the Working Group, the Head of Legal, HR & Democratic Services and staff for the excellent work. The new Constitution had been a contribution of work from both Councillors and Officers. It was a living document which could be changed and adapted if and when necessary.
- The Leader, Councillor Hugh Evans expressed his gratitude on the work carried out on the Constitution. This document would be in place to ensure decision making would not be delayed.
- The Chief Executive expressed to Members the importance of having a Constitution and to also keep the document under review. Members were encouraged to propose suggestions how to improve the document.

The MO/HLHR&DS clarified that the first amendment proposed by Councillor Hugh Irving regarding the Conduct of Members (Principles)(Wales) Order 2001 would be voted on in the first instance, followed by the amendment by Councillor Alice Jones regarding Scrutiny. Following those two votes, then the substantive vote on the Constitution would be taken.

Therefore, the vote to incorporate the Conduct of Members (Principles)(Wales) Order 2001 within the Constitution took place:

VOTE:

For – 27

Abstain – 0

Against – 0

Amendment agreed to include the Conduct of Members (Principles)(Wales) Order 2001 within the Constitution.

The vote for Section 7 (Scrutiny) of the Constitution to be reviewed and a further report be brought back to Council in October but the rest of the Constitution be agreed, took place:

VOTE:
For – 9
Abstain – 1
Against – 16

Amendment refused.

The vote on the substantive recommendation including the insertion of the Conduct of Members (Principles)(Wales) Order 2001 took place:

VOTE:
For – 23
Abstain – 2
Against – 1

RESOLVED that Council note and adopt the Constitution together with the inclusion of the Conduct of Members (Principles)(Wales) Order 2001.

7 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Monitoring Officer/Head of Legal, HR & Democratic Services introduced the Council's Forward Work Programme (previously circulated).

6 September 2016 – Corporate Governance Annual Report.

Following Full Council on 6 September 2016, a Council Briefing was to take place to inform Members of the Corporate Assessment which was taking place in October 2016

Councillor Julian Thompson Hill informed Members of a Budget Workshop taking place on 18 July 2016 in Ruthin.

RESOLVED that subject to the above, the Council Forward Work Programme be approved and noted.

The meeting concluded at 12 noon.