

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 4 July 2017 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Joan Butterfield, Ellie Chard, Ann Davies, Gareth Davies, Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James, Brian Jones, Huw Jones, Tina Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Richard Mainon, Barry Mellor, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast (Chair), Arwel Roberts, Anton Sampson, Peter Scott (Vice-Chair), Glenn Swingler, Andrew Thomas, Rhys Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (MM), Head of Legal, HR & Democratic Services (GW), Head of Education (KIE), Head of Business Improvement and Modernisation (AS), Head of Community Support Services (PG), HR Services Manager (CR), Scrutiny Co-ordinator (RE) and Committee Administrator (SLW)

Welsh Audit Office (WAO) Representative – Gwilym Bury

1 APOLOGIES

Apologies for absence were received from Councillors Brian Blakeley, Jeanette Chamberlain-Jones, Meirick Davies, Pat Jones, Christine Marston and David Williams

2 DECLARATIONS OF INTEREST

Declarations of Personal Interest (Item 7 – Denbighshire Learner Transport Policy) were received from:

Councillors Emrys Wynne, Mabon ap Gwynfor, Huw Hilditch-Roberts, Cheryl Williams, Paul Penlington, Martyn Holland, Julian Thompson-Hill, Rachel Flynn, Tony Flynn, Arwel Roberts, Tina Jones, Gareth Lloyd Davies, Barry Mellor, Geraint Lloyd Williams, Huw Williams, Anton Sampson, Peter Scott, Merfyn Parry, Joe Welch and Brian Jones.

Declarations of Personal Interest (Item 10 – Annual Pay Policy) were received from: Councillors Huw Hilditch-Roberts and Ellie Chard.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 1 June 2017 – 30 June 2017 had been circulated prior to the meeting.

The Chair had attended a number of events but particularly commended the Festival Launch Concert held in St. Asaph Cathedral.

The Vice-Chair had also attended a number of events and commended the Rotary and Inner Wheel Clubs Annual Garden Fete held in Llangollen.

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

5 MINUTES

The minutes of Full Council held on 23 May 2017 were submitted.

RESOLVED that the minutes of Full Council held on 23 May 2017, be confirmed as a correct record and signed by the Chair.

6 WALES AUDIT OFFICE ANNUAL IMPROVEMENT REPORT 2016-17

The Wales Audit Office representative, Gwilym Bury, introduced the Wales Audit Office (WAO) Annual Improvement Report 2016-17 (previously circulated) to advise Council of the WAO's conclusion and improvement proposals, and to secure Council endorsement of a response to the Report.

Under the Local Government Measure, the Wales Audit Office annually reviewed the Council's progress towards meeting its objectives and its prospects for continuing to improve in the year ahead.

Overall, this had been a very positive report and no recommendations had been put forward. However, the report highlighted six "proposals for improvement" to be considered:

- (i) Strengthen governance arrangements by consistent, timely monitoring of each significant service change.
- (ii) Strengthen financial planning arrangements by:
 - Developing an Income Generation/Charging Policy
 - Formally risk rating savings according to achievability and identify sustainable mitigating actions for those classified as high risk.
- (iii) Strengthen people management arrangements by:
 - Developing an approach to ensure that employees with limited or no access to the intranet can access relevant HR information, and
 - Ensuring that variations and inconsistency of application of HR policies are avoided for front-line non-office-based employees.
- (iv) Strengthen asset management arrangements by ensuring that actions already underway to modernise corporate asset management arrangements promote more efficient and effective use of the Council's

land and property portfolio and reinforce its contribution as a strategic resource.

- (v) Strengthen ICT arrangements by:
 - Ensuring the Council consults its ICT service over all technology purchases for both strategic and routine purchases, and
 - Ensuring adequate ICT expertise are included in larger-scale or higher-risk procurements and implementations.
- (vi) Strengthen information management arrangements by:
 - Ensuring Information Governance arrangements meet the requirements of international standards and include representation from across the whole of the Council
 - Extending the terms of reference of the Information Governance Group to cover business information needs as well as the requirements for compliance
 - Developing an Information Strategy, linked to other resource strategies, to shape information use and ensure information is accessible when and where it is needed, and
 - Developing longer-term implementation plans for the Electronic Document and Records Management System to move the Council towards its goal of a paperless office environment.

The Lead Member for Finance, Performance & Strategy Assets confirmed the update from the Council to the proposals for improvement as follows:

- (i) Robust arrangements were in place to monitor service change. This would continue to be a lead role for Scrutiny and the Service Challenge process in particular
- (ii) The report would be taken to Cabinet by Autumn 2017 outlining the proposals to strengthen arrangements in this area. An improved system of risk rating the efficiency plans was to be adopted in time for 2018/19.
- (iii) From September 2017, the HR intranet would be available to all staff through the internet and flexible working arrangements were currently being reviewed with a view to an increased consistency of approach across the Council.
- (iv) The Council continued to implement improvements to its asset management processes. The new Asset Management Group arrangements had been implemented and were working effectively. The consultation period on the new Asset Management Strategy ended in May 2017, and the expectation was that the strategy would be adopted in the summer. In parallel with this, a new suite of performance measures were being developed and baselined to inform future property decisions. A new database system – Technology Forge – had been commissioned which would bring together data currently held in a number of systems bringing significant efficiency and operational benefits.
- (v) It was a requirement of the ICT strategy that the ICT service “signed off” all technology purchases. This was being implemented vigorously. The business partner arrangements in the service ensured that ICT expertise would be available to decision-makers considering investment in this area.
- (vi) The Council’s current Information Management Strategy was due for renewal. The WAO’s recommendation helped to reinforce the need for

such a strategy. A new Information Management Strategy would be developed during Quarter 3 of 2017. The EDRMS project had proved to be successful in supporting the Council's shift towards electronic working and creating a paperless environment. The current project would be funded until March 2019. The project would continue to work on an agreed forward work schedule. Discussions would need to take place to discuss provision for electronic document management post March 2019.

In depth discussion took place and the following issues were raised:

- In November 2015, CSSIW (Care and Social Services Inspectorate Wales) undertook a national review of domiciliary care in Wales. It had been a positive report but highlighted 8 issues for improvement. The report had been presented to Corporate Governance Committee in November 2016, at which members of social services and CSSIW were present. As a result, an action plan had been put in place. A further report was to be presented at Corporate Governance Committee in September 2017 to provide an update. At this point, the Head of Community Support Services confirmed he would be happy to meet with any Councillor to discuss the matter further.
- The Council monitored service performance and evaluated the impact of individual service change, although at times this had not always been timely. Arrangements for the public reporting of the impact of service changes relied on the Scrutiny process. However, in at least one case Scrutiny had not been carried out for a significant period after the change had been implemented. The review had not taken place until some 2 years after the change. Undertaking the review so late could have masked issues and prevented or delayed the council taking action to address any problems identified. This was an area of improvement.
- Concern was expressed regarding staff welfare when Service Providers took over. It was confirmed that employee rights were maintained when the staff were moved under a new Provider.

The Leader expressed his gratitude to the WAO representative, Gwilym Bury, for the detailed report. He clarified the report represented the fact that the councillors and officers had worked well together in an honest, open and accountable way.

He confirmed that the WAO representatives were invited to sit in meetings to enable them to ascertain how challenges were being dealt with and how services were delivered.

The Leader stated it had been a positive report but the council were always looking to improve.

The Chief Executive expressed his gratitude to the WAO representative for a positive report. He confirmed that Denbighshire were continuing to improve at every opportunity.

The Chief Executive thanked the WAO representative, Gwilym Bury and his colleagues for all their work as they had attended a number of meetings.

The Chair asked for a show of hands to accept the report. There was a unanimous acceptance of the report.

RESOLVED that subject to the above, the Council noted and accepted the Annual Improvement Report by the Welsh Audit Office.

At this juncture (11.50 a.m.) there was a 25 minute break.

The meeting reconvened at 12.15 p.m.

7 DENBIGHSHIRE'S LEARNER TRANSPORT POLICY

The Lead Member for Education, Children and Young People, introduced the Denbighshire's Learner Transport Policy report (previously circulated) to provide feedback following consultation on Denbighshire's new Learner Transport Policy and to seek authorisation to adopt the Policy from 1 September 2018.

The consultation exercise had been carried out by Education Support and required confirmation to adopt the Policy to proceed to the next stage at Cabinet.

From the consultation, 64 responses had been received online and a further 15 responses were received either via post, email or conversation.

The Policy had been positively received with a number of responses noting that it provided greater clarity on the previous version. It had been noted that recognising feeder relationships between schools, and providing free transport on that basis, had been a very positive step and supported child welfare.

During debate the following issues were raised:

- The Learner Travel (Wales) Measure 2008 stipulated that free transport would only be provided to learners of compulsory school age if the distance from home to their nearest suitable school was at least:
 - ❖ 2 miles for Primary School pupils
 - ❖ 3 miles for Secondary School pupils
- In accordance with section 10 of the Learner Travel (Wales) Measure 2008, the Authority promoted access to Welsh medium education by providing discretionary transport to the nearest suitable Welsh or English medium education, if this was parental / carer preference. This would apply even if the school was not their nearest school
- If the nearest Welsh or English medium school was outside the county then transport would still be provided by the Authority. Preference would only be considered against Welsh medium or English medium schools. The distance criteria above would still apply.
- The parent / carer would be given the right to appeal if they had been refused free school transport. The appeal would need to be sent to the Authority no later than 20 working days after the date of refusal.
- The Authority had a duty of care to ensure children were safeguarded on their journey to school. Hazardous routes had been assessed to ensure children's safety.

The Chief Executive stated that the first priority would be the safety of the children. The law would be required to be taken into account and the budget would follow from that.

RESOLVED that Members:

- (i) Confirmed that they had read, understood and took account of the Well-being Impact Assessment as part of their consideration, and
- (ii) Considered the information provided, discussed the consultation process and would recommend to Cabinet that the Policy be approved.

8 ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEES 2016/17

Councillor Huw Hilditch-Roberts presented the report (previously circulated) as past Chair of the Scrutiny Chairs and Vice-Chairs Group 2016/17.

The Annual Report was to comply with Section 7.4.4 of the Council's Constitution which stipulated that Scrutiny Committees must report annually to full Council on their work and make recommendations for future work programmes and amended working methods if appropriate.

The Annual Report followed a similar format to that used in previous years. It gave an overview of how Scrutiny operated, the work Scrutiny had undertaken to support the delivery of the Council's seven corporate priorities as well as other work undertaken by Scrutiny members and Task & Finish Groups.

The Annual Report also informed residents of Denbighshire how they could participate and contribute to the Scrutiny process.

Councillor Emrys Wynne questioned why the draft report had not been available in Welsh. The Scrutiny Officer explained that within the Welsh Language Policy, until any document is confirmed, it remained a draft and once approved would be translated immediately.

Councillor Gwyneth Kensler expressed her thanks to the Scrutiny Officer who was a high quality member of staff and extremely helpful.

Councillor Huw Hilditch-Roberts also thanked the Scrutiny Officer for her support during the past 5 years.

RESOLVED that Council considered and noted the Annual Report of the Scrutiny Committees for 2016/17

9 COMMITTEE TIMETABLE 2018

The Head of Legal, HR and Democratic Services introduced the report (previously circulated) to enable Members to approve the draft Committee timetable for 2018 and confirm a representative to the North Wales Police and Crime Panel.

It was necessary for the Council to approve a timetable for 2018 in line with the council's decision to maintain an 18 month timetable to enable meeting venues and resources to be confirmed, to publicise the timetable and to populate the Members' diaries.

It was confirmed that no dates were yet set for the 2018 Member Area Group meetings and the Head of Legal, HR and Democratic Services would be liaising with the Lead Member for the Welsh Language to arrange meetings of the Welsh Language Committee.

Councillor Gwyneth Kensler requested the dates of the Scrutiny Chair and Vice-Chair meetings, and it was agreed the dates would be sent out to all Councillors.

The Head of Legal, HR and Democratic Services requested that Council appoint Councillor Hugh Irving to sit on the North Wales Police and Crime Panel for the term of the current council or until a new appointment was made.

RESOLVED that:

- (i) Council approved the Committee Timetable for 2018, and
- (ii) Council appointed Councillor Hugh Irving to the North Wales Police and Crime Panel for the term of this Council or until a new appointment is made.

10 ANNUAL PAY POLICY REVIEW

At this juncture, the Head of Legal, HR and Democratic Services explained he had received information that there could possibly be a question regarding the remuneration of the Chief Executive and, at this point, the Chief Executive left the Chamber.

The Lead Member for Finance, Performance and Strategic Assets, introduced the report (previously circulated).

The Localism Act 2011 required Local Authorities to prepare pay policy statements. The Pay Policy Statements must be approved by the Council on an annual basis and published on the relevant website.

The Pay Policy had been updated in line with the national pay awards which had been agreed for 2017/18.

Chief Officers 1% increase in payment had been agreed for 2017/18 which had been included within the Policy.

Central Government were introducing a cap on public sector exit payments but at this time it was unclear how this may operate in Wales. On receipt of clarification, all policies and severance payments in Denbighshire County Council would be reviewed as appropriate to accommodate any relevant changes in legislation.

Central Government were also introducing legislation to enable recovery of public sector exit payments. This would apply to employees returning to the public sector

or sub sector within 12 months of leaving who earn over £80,000 per annum. Again, at this time it was unclear how this may operate in Wales. All policies and severance payments in Denbighshire County Council would be reviewed as appropriate to accommodate any relevant changes in legislation.

Discussion took place and the following points were raised:

- Performance related pay – it was confirmed that the only member of staff to receive performance related pay was the Chief Executive. This had been applied as part of his contract and was assessed through an appraisal by a panel of independent Members. The Panel assessed whether or not the Chief Executive had achieved his performance targets.
- It was suggested that the Council should pay the “real” living wage rather than the “national” living wage. This had in the past been estimated to mean an additional £1million to costs. It was confirmed that nationally, the pay structure was to be assessed to increase lower level payments, and some draft options would be available at the end of the month.

RESOLVED that Full Council agree to the changes to the Pay Policy for 2017/18

11 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

Standards Committee Annual Report to be added to the 5 September 2017 meeting.

RESOLVED that the Council Forward Work Programme be approved and noted.

The meeting concluded at 1.35 p.m.