

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 5 December 2017 at 10.00 am.

PRESENT

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

ALSO PRESENT

Chief Executive (MM), Head of Legal, HR & Democratic Services (GW), Chief Finance Officer / Section 151 Officer (RW), HR Services Manager (CR), Planning & Public Protection Manager (AL), Senior Planning Officer (LG), and Committee Administrator (SLW)

Councillor Peter Scott (Vice-Chair) acted as Chair for the meeting in the absence of the Chair, Councillor Peter Prendergast.

1 APOLOGIES

Apologies for absence were received from Councillors Jeanette Chamberlain-Jones, Brian Jones, Pete Prendergast, Andrew Thomas and Eryl Williams

2 DECLARATIONS OF INTEREST

No Declarations of Interest.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

At this juncture, Councillors paid tribute to Denbighshire's former Director of Social Services, Meirion Hughes, who had sadly passed away at his home on Sunday following a short illness. Meirion, who lived in Rhuddlan had been Denbighshire's first Director of Social Services in 1996. He then became a Corporate Director, Deputy Chief Executive, and then Acting Chief Executive before retiring from the Council. He had assisted the Council with the public consultation on the future of in-house services by chairing the consultation meetings and also played a prominent role as the Chairman of Cefndy Enterprises. During the tributes Councillors stated he would be sadly missed and would be remembered for his professionalism and his support for the Council.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 6 October 2017 – 25 November 2017 had been circulated prior to the meeting.

Councillor Meirick Lloyd Davies paid tribute to the retiring Chairman of St. Kentigern Hospice, Trefor Jones CVO CBE. The Chair of Council had attended a retirement lunch for Mr Jones at St Asaph.

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

5 MINUTES

The minutes of a Special Council meeting held on 26 September 2017 and Full Council held on 17 October 2017 were submitted.

Both Councillors Arwel Roberts and Meirick Lloyd Davies criticised the standard of the translation of the minutes from English into Welsh.

The Head of Legal, HR and Democratic Services explained that translation of the documents were undertaken by the Translation Service at Conwy County Borough Council. He confirmed all the translation staff were qualified in translating but the matter would be raised with Conwy by the Democratic Services Manager.

Following a unanimous show of hands, it was:

RESOLVED that the minutes of:

- (i) Special Council held on 26 September 2017, and
- (ii) Full Council held on 17 October 2017

be confirmed as a correct record and signed by the Chair.

6 IMPLEMENTATION OF A COUNCIL TAX PREMIUM ON LONG TERM EMPTY HOMES AND SECOND HOMES

The Lead Member for Finance, Performance and Strategic Assets introduced the report (previously circulated) to inform members of the new powers Local Authorities in Wales had to increase Council Tax charges on long term empty homes and second homes as a result of the Housing Act (Wales) 2014.

From 1 April 2017, Councils in Wales were given the powers to charge homeowners up to 100% extra Council Tax on long term empty homes and second homes. These powers had been delegated through the Housing (Wales) Act 2014.

Local Authorities were required to have the charges ratified by Full Council one year prior to the implementation for second homes. However, for long term empty homes, the requirement would only be that the property must have been empty for at least a full year before a charge would be levied.

The stated aims of the legislation were intended as tools:

- For Local Authorities to help bring empty homes back into use
- To increase the supply of affordable housing
- To enhance the sustainability of local communities.

Public consultation had taken place from 16 November 2016 to 14 December 2016 during which a total of 49 responses were received. The overall feedback from the consultation had been supportive of a charge on second homes and long term empty properties.

Whilst the charging of a premium on the properties would generate additional funds, the main driver for Welsh Government in introducing the legislation was to help Local Authorities to:

- Bring long term empty homes back into use to provide safe, secure and affordable homes, and
- Support Local Authorities in increasing the supply of affordable housing and enhancing the sustainability of local communities.

Exemptions to the Council Tax Premiums on long term empty homes and second homes were contained within the report.

During discussion, Councillor Glen Swingler of the Plaid Cymru Group proposed, seconded by Councillor Mabon ap Gwynfor, that the premium on long term empty homes and second homes be 100% and not 50% as recommended within the report.

The Lead Member for Finance, Performance & Strategic Assets explained the attributing of 50% would be consistent with neighbouring Local Authorities and that a review of the implementation of the Council Tax premium would also take place in September 2018.

It was confirmed Local Authorities would be encouraged to use any additional revenue generated to help meet local housing needs, in line with the policy intentions of the premiums. Council Tax income could not be ring-fenced for a specific area, but would be added to the Corporate Plan Housing element.

Councillor Graham Timms expressed his concern at the percentage of people who had responded to the consultation. He queried whether it was a statutory requirement to go out to consultation and whether the responses were consequential.

It was confirmed that it was a statutory requirement to consult and it was felt that the 50% level would give an incentive to bring properties back into residential use.

Councillor Joan Butterfield requested a short deferral of the meeting for the Labour Group to consider the two options charging a premium of either 50% or 100%.

It was agreed by all present to defer for Groups to hold a short discussion before proceeding with the remainder of the meeting.

At this juncture (11.00 a.m.) there was a 15 minute deferral of the meeting.

The meeting reconvened at 11.15 a.m.

Lead Member Councillor Julian Thompson-Hill summed up the debate and explained it had been an extremely interesting and positive discussion.

The recommendation within the report had been for a 50% premium rate but an amendment had been put forward by Councillor Glen Swingler for a 100% premium. A vote would take place initially on the proposed amendment of charging 100% premium.

At this juncture, Councillor Arwel Roberts requested a Recorded Vote.

The Head of Legal, HR & Democratic Services stated that within the Constitution it was required that one sixth of Members had to be in favour of the Recorded Vote so there was a requirement of a minimum of 7 Members. 8 Plaid Group Members stood in favour of the Recorded Vote.

A recorded vote took place as follows:

In Favour of 100% Premium:

Councillors Mabon ap Gwynfor, Meirick Lloyd Davies, Huw Jones, Gwyneth Kensler, Arwel Roberts, Glen Swingler, Rhys Thomas and Emrys Wynne.
Total Number of 8 Members voted in favour of the 100% Premium.

Against 100% Premium:

Councillors Brian Blakeley, Joan Butterfield, Ellie Chard, Ann Davies Gareth Lloyd Davies, Hugh Evans, Peter Evans, Bobby Feeley, Tony Flynn, Rachel Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James, Tina Jones, Pat Jones, Geraint Lloyd-Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Anton Sampson, Peter Scott, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, David Williams, Huw Williams and Mark Young.
Total Number of 34 Members voted against the 100% Premium.

Abstain – 0

Therefore, the amendment put forward by Councillor Glen Swingler for the 100% Council Tax Premium was defeated.

At this juncture, Councillor Mark Young proposed an amendment of 50% for the first year and 100% for the second year on long term empty homes only, seconded by Councillor Peter Evans.

Councillor Joan Butterfield also proposed an amendment to charge the premium of 50% for the first year with a review after 12 months and if proved positive to possibly increase the amount to 100% in year 2.

At this juncture, Councillor Mark Young rescinded his amendment as he supported the amendment put forward by Councillor Joan Butterfield.

The Head of Legal, HR & Democratic Services clarified the recommendations for the purpose of the vote as follows:

VOTE:–

Recommendation 1a – Charge an additional 50% Council Tax levy on long term empty properties:

In favour – 41

Abstain – 0

Against – 1

Recommendation 1b – Charge an additional 50% Council Tax levy on second homes:

In favour – 35

Abstain – 0

Against – 6

Block vote would take place for the following two recommendations:

Recommendation 2 – the charge is implemented on long term empty properties from April 2018 and second homes from April 2019 (legislation advises we must give second home owners 12 month notice of any charges), and

Recommendation 3 – Review to be conducted of the effect of the implementation of this measure and to be brought back to Full Council in 12 months:

In favour – 42

Abstain – 0

Against – 0

RESOLVED that Members agreed to:

1. (a) Charge an additional 50% Council Tax levy on long term empty homes
- (b) Charge an additional 50% Council Tax levy on second homes
2. the charge is implemented on long term empty properties from April 2018 and second homes from April 2019 (legislation advises we must give second home owners 12 month notice of any charges)
3. Review to be conducted of the effect of the implementation of this measure and to be brought back to Full Council in 12 months

7 DENBIGHSHIRE LOCAL DEVELOPMENT PLAN: DRAFT REVIEW REPORT, DRAFT REPLACEMENT LDP DELIVERY AGREEMENT AND SUSTAINABILITY APPRAISAL SCOPING REPORT - APPROVAL OF FINAL DOCUMENTS FOR SUBMISSION TO WELSH GOVERNMENT

The Planning and Public Protection Manager introduced the report (previously circulated) to outline to Members, the results of the public consultation on the draft

LDP Review Report, Draft replacement LDP Delivery Agreement and Sustainability Appraisal (SA) Scoping Report. The report also highlighted the key issues raised during the consultation and any subsequent amendments to the documents.

Denbighshire's LDP had been adopted on 4 June 2013 and the Welsh Government had advised a review of the LDP should take place in 2017 in order to meet the legislative requirement.

There had been a range of new and revised legislations which had come into force since the adoption of the Denbighshire LDP in 2013. Most prominent were the Well-being of Future Generations (Wales) Act 2015 and Planning (Wales) Act 2015. The LDP would need to be reviewed having regard to compliance with primary legislation and changes which may be needed to reflect current legislation and guidance.

Following approval to consult via a Lead Member Delegated decision published on 7 August 2017, a 9 week consultation took place between 21 August 2017 and 20 October 2017. A total of 23 responses had been received, representations included comments from Natural Resources Wales, Anwyl Construction and Denbighshire residents. All comments had been logged. The key issues raised were contained within the report previously circulated.

The documents had been considered at Planning Committee on 15 November 2017 which had highlighted all the changes, and recommended for approval at Full Council for submission to Welsh Government.

Following discussion it was clarified that the report presented to Full Council was for approval to commence the process. The report put forward was not for amendments to sites and what should or should not be included within the LDP but to commence the process, set up the LDP Committee in January 2018 and to be presented at Full Council in the New Year.

A vote took place and it was:

RESOLVED:

3.1 That Council approves the following documents as amended for submission to Welsh Government:

Document	Status
○ <i>LDP Review Report and following Appendices:</i>	<i>For submission to Welsh Government</i>
○ <i>Appendix A Information paper Respecting Distinctiveness</i>	<i>For submission to Welsh Government</i>
○ <i>Appendix B Information paper Building Sustainable Communities</i>	<i>For submission to Welsh Government</i>
○ <i>Appendix C Information paper Promoting a Sustainable Economy</i>	<i>For submission to Welsh Government</i>
○ <i>Appendix D Information</i>	<i>For submission to Welsh</i>

paper Valuing our Environment	Government
○ Appendix E Information paper Achieving Sustainable Accessibility	For submission to Welsh Government
○ Appendix F Sustainability Scoping Report	For submission to Welsh Government
○ Appendix G Habitats Regulations Appraisal	For submission to Welsh Government
○ Appendix H Delivery Agreement for Replacement LDP	For submission to Welsh Government
○ Appendix 1 Report back on Consultation	For information only

3.2 That the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment as part of its consideration.

At this juncture (12.15 p.m.) there was a 20 minute break

The meeting reconvened at 12.35.

8 CHIEF EXECUTIVE RECRUITMENT

At this juncture, the Chief Executive left the Council Chamber.

The Leader, Councillor Hugh Evans introduced the Chief Executive Recruitment Report (previously circulated).

Councillor Evans explained it was the role of the Council to appoint a Head of Paid Services for Denbighshire and having the right Chief Executive was key to the delivery of Denbighshire's reputation, the right culture of decision making, support and development of staff to perform to their potential, and secure officers to make the right decisions. He stressed to Members that this was one of the most important decisions they would be making to attract the best applicants to be Chief Executive of Denbighshire.

The Deputy Leader, Councillor Julian Thompson-Hill confirmed to Members he had served as the Chair of the Remuneration Panel for Denbighshire who were a politically balanced group of Members. The Remuneration Panel had met on 7 November 2017 to consider a proposed remuneration package for the new Chief Executive which was now recommended to Council for approval.

The proposed salary package provided a three point incremental grade with the current Performance Related Pay (PRP) arrangements being removed. Incremental progression would be awarded based on completion of relevant service.

Overall the package would provide a three year saving of £35,548 against the current total salary (including PRP). Part of the process required the proposal to be

considered by the Independent Remuneration Panel for Wales (IRP). The IRP had met on 16 November 2017 to consider the proposal put forward and were in full agreement to the changes proposed.

The HR Services Manager explained the recruitment process to Members.

In accordance with the Standing Orders (Wales) Amended Regulations 2014, there was a requirement for posts with salaries of more than £100k, and which were for the duration of 12 months or more, to be advertised externally.

Part of the process would be for a Special Appointments Panel to be set up. The Panel would comprise of 7 politically balanced members, chaired by the Leader and include a maximum of 2 other Cabinet Members.

The Chief Executive Recruitment campaign would be managed internally by the HR Services Manager with an external specialist used to undertake an executive search, and support the shortlisting, assessment and appointment process. The anticipated costs for the external specialist would be in the region of £14,000 - £20,000. This would include the cost of media advertisements, potential specialist testing and assessment preparation and analysis. The process for selecting the external specialist would be undertaken via a formal tender. The timescales for the process were included within the report.

During discussion, the following points were raised:

- Plaid Cymru Group expressed their concern at the salary offered within the report due to the fact that there would be a future of austerity and cuts, council tax increases and 12% of workers earning less than the “real living wage”.
- Members of the Conservative Group expressed their concern that the salary recommended within the report was not enough to encourage the calibre of applicant required to see the Council through the difficult years ahead.
- It was stated that the best candidate for the job with the skills to keep Denbighshire a high performing Local Authority was the priority and if the appointee was a Welsh speaker it would be a bonus but the Council had flourished during the past 10 years with a non-Welsh speaking Chief Executive who had made sure there had been investment in the Welsh language.

Councillor Mabon ap Gwynfor proposed an amendment to the recommendation of a starting salary of £117k with increments to £119k and £121k, seconded by Councillor Emrys Wynne.

It was confirmed that if the vote was in favour of the amendment, the proposed salary would need to be resubmitted to the Independent Remuneration Panel for Wales for their approval which would delay the application process and appointment of a new Chief Executive.

At this juncture, Councillor Emrys Wynne requested a Recorded Vote, which was supported by 8 members of the Plaid Cymru Group.

A recorded vote took place as follows:

In Favour of starting spot salary of £117k with incremental rises to £119k and £121k:

Councillors Mabon ap Gwynfor, Meirick Lloyd Davies, Huw Jones, Paul Penlington, Arwel Roberts, Glen Swingler, Rhys Thomas and Emrys Wynne.

Total Number of 8 Members voted in favour of the starting spot salary of £117k.

Against:

Councillors Joan Butterfield, Ellie Chard, Ann Davies Gareth Lloyd Davies, Hugh Evans, Bobby Feeley, Tony Flynn, Rachel Flynn, Huw Hilditch-Roberts, Hugh Irving, Alan James, Tina Jones, Pat Jones, Richard Mainon, Christine Marston, Barry Mellor, Bob Murray, Anton Sampson, Peter Scott, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Huw Williams and Mark Young.

Total Number of 25 Members voted against the starting spot salary of £117k.

Abstain – 0

Therefore, the amendment put forward by the Councillor Mabon ap Gwynfor for the Chief Executive starting spot salary to be £117k was defeated.

The Head of Legal, HR & Democratic Services confirmed that the vote would take place for the recommendations within the report.

At this juncture, Councillor Meirick Lloyd Davies requested individual votes for each recommendation.

VOTE:

3.1 – That Council agree to recruit a new Chief Executive

In favour – 31

Abstain – 0

Against – 2

3.2 – that Council agree to the proposed remuneration package

In favour – 25

Abstain – 0

Against – 8

3.3 – that Council agree the recruitment pack

In favour – 26

Abstain – 1

Against – 5

3.4 – that Council agree the recruitment process

In favour – 29

Abstain – 0

Against – 4

At this juncture, Councillor Graham Timms expressed his displeasure that only 33 members were present to take part in the vote for the Chief Executive Recruitment Package which was so important for the County.

RESOLVED that

3.1 Council agree to recruit a new Chief Executive

3.2 Council agree the proposed remuneration package

3.3 Council agree the recruitment pack

3.4 Council agree the recruitment process.

9 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

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

The meeting concluded at 2.10 p.m.