

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 19 February 2019 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Gareth Davies, Meirick Davies, Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Huw Hilditch-Roberts, Martyn Holland, Alan James, Brian Jones, 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, Pete Prendergast, Arwel Roberts, Anton Sampson, Peter Scott (Chair), Glenn Swingler, Andrew Thomas, Rhys Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, David Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (JG), Head of Legal, HR and Democratic Services (GW), Head of Finance (RW), HR Services Manager (CR) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Tony Flynn and Hugh Irving

2 DECLARATIONS OF INTEREST

No declarations of interest.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items.

At this juncture, Members were informed that there would be three questions put forward as follows:

(i) Mrs Pauline Wheeler of Corwen, raised the following question:

“Could the Lead Member please explain the policy regarding the school transportation of epileptic children and young adults who require rescue medication in Denbighshire?”

Response by the Lead Member for Highways, Planning and Sustainable Travel, Councillor Brian Jones:

“The Council has a Learner Transport Policy, which is published on the Denbighshire County Council website. Section 3 of the Policy covers discretionary arrangements, and Section 3.10 specifically allows for discretion to

be applied by the Head of Education and Children Services on medical grounds. Therefore, the policy allows for each specific case to be evaluated according to the specific circumstances and medical needs of the individual pupil. Discretion can be applied, based on evidence of medical need.”

Mrs Wheeler then asked a supplementary question:

“What about specifically in relation to rescue medication for epilepsy?”

Councillor Brian Jones confirmed he would send Mrs Wheeler a detailed response within 7 days.

(ii) Councillor Glenn Swingler raised the following question:

“Could the Lead Member please advise on whether Denbighshire County Council, from the end of March, are preventing hotels on Rhyl seafront from accepting emergency homeless families?”

Response by the Lead Member for Well-being and Independence, Councillor Bobby Feeley:

“The Council has a duty, under the Housing Wales Act 2014, to provide emergency and temporary accommodation for individuals and families who meet the homelessness criteria within the Act. As members will be aware, such provision of such accommodation is, indeed in Rhyl, and has often centred on hotels and Bed & Breakfasts, with potential impact on the tourist and economic regeneration programmes for the town. We all know how much money we have been spending on regeneration in Rhyl. There are currently over 100 households in emergency and temporary accommodation, 58 of which are in Rhyl.

In January two of the seafront hotels were heavily occupied by homelessness households, potentially in contradiction of their planning consent.

Community Support Services are working closely with planning & public protection and facilities, housing & assets to explore alternatives to this type of accommodation, including developing provision in other parts of Denbighshire in order to avoid moving families away from their communities and schools and work. In order to facilitate this, Community Support Services are aiming to provide an alternative provision for households living in one of the hotels by the end of March, linking the owners from economic regeneration colleagues to support and refine business model by assisting them to compete better in the hotel market.

I would just like to add, that the Homelessness Team in Denbighshire are working extremely hard on prevention but, obviously, that takes time to work through the system. We have a really superb action plan. We have our first Homelessness Strategy and we are aiming, in future, to reduce the need for homeless provision.

Legislation coming from Government, whatever it may be, whether it is universal credit or under 35's meaning that they can only pay a cap of £55. That has all affected the homelessness situation, which is across Wales, not just Denbighshire.

That is the bigger picture, but I hope you can understand I have answered your question as well as I can.

Obviously, a hotel which is full of homeless people, they are going against the provision of their planning application which they applied for."

Councillor Glenn Swingler thanked the Lead Member for her response and agreed the Homeless Prevention Team had a difficult job.

He stated:

"They were attempting to find places for the people in the hotels but still had 26 families staying in the Westminster Hotel. We were now having to place emergency housing out of the county. Problem could arise if other counties start placing their homeless people within Denbighshire. Homelessness is everyone's business, whether it is housing, mental health, children's services but need to place those families in suitable accommodation."

(iii) Councillor Emrys Wynne raised the following question:

"Regarding period poverty and in response to an email sent by Councillor Mabon ap Gwynfor highlighting a survey in Wrexham schools. In November, we were told that ... "we are going to do something similar in terms of devising a questionnaire for pupils". Could the Lead Member please update us with progress so far?"

Response by the Lead Member for Education, Children and Young People, Councillor Huw Hilditch-Roberts:

"The same survey as was sent to Wrexham schools, was issued to all schools in Denbighshire together with Pupil Referral Units and Focus Groups were also held. Responses were not received from every school but one underlying message was everyone had access to free sanitary products. There were responses from 150 pupils from one school. There was also feedback that it would be more convenient if the vending machines were situated within the toilet cubicle rather than in the middle of the toilets."

4 POLITICAL BALANCE IN CABINET

Councillor Barry Mellor, Chair of Corporate Governance Committee, introduced the report (previously circulated) regarding the application of political balance to the composition of the Cabinet.

On 23 October 2018, Council passed a Motion requesting Corporate Governance Committee consider options and present a report to Full Council on 19 February 2019. The report was to outline how the Constitution could be changed to remove the requirement for political balance in the Cabinet.

The Corporate Governance Committee considered the options regarding the composition of Cabinet on 23 January 2019. The Committee recommended that the requirement for political balance in the Cabinet be removed and that the “strong leader” model be retained allowing the Leader to appoint and remove members of the Cabinet.

At this juncture, Councillor Joan Butterfield requested a recorded vote.

The Head of Legal, HR and Democratic Services stated that at least one sixth of the members present would have to be in agreement with the recorded vote. More than one sixth of those present stood in agreement to the recorded vote.

During discussions, the following points were raised:

- It was reiterated that the Cabinet in Denbighshire was the only one in Wales with political balance. The system was working well as Denbighshire had been the best performing council for four years and if not the best, in the top quartile.
- Currently every political party was able to be part of Cabinet but if the proposal were agreed, some groups could be excluded from Cabinet.
- Members of two political parties did not sit on Cabinet as their national politics did not approve.
- The number of members who had been in attendance at the Corporate Governance Committee was raised. Even though the Committee had been quorate the numbers were depleted.
- It was stressed that the quality of Leadership of the Cabinet was paramount and Denbighshire had a good strong Leader.
- Currently members worked well together and aimed to deliver services to the residents of Denbighshire.
- Bringing Denbighshire into line with all other Welsh Councils had been the aim of the original Notice of Motion and it was confirmed that the Labour Group would continue to refuse the offer of seats within Cabinet if political balance were to be removed.

The Leader stated that Cabinet had worked well for the previous 10/11 years, and there was no reason to fall in line with the other 21 Local Authorities. The way in which Cabinet worked was good for all Councillors and not just Cabinet members. There would be risks if the political balance was removed as some groups could take the lead reducing the need for workshops and working groups rather than working together. There would be a fear that national politics would be more important than local politics which could damage the local council with community focus becoming more of a national focus.

Every individual within the current council was able to make decisions. Denbighshire was a Local Authority that delivered local services to the local community. There was a culture within Denbighshire of accountability,

transparency and honesty. If a group were to be influenced by national politics, the culture would change. The focus needed to be on the community.

The Leader stated:-

- He could not support isolating political groups
- The council should not lose focus on our communities, and
- He did not see this as a change for the better

At this juncture (11.05 a.m.) there was a 10 minute break for political groups to discuss the forthcoming vote.

The meeting reconvened at 11.15 a.m.

A recorded vote took place as follows:

In favour of removing political balance in Cabinet – Councillors Mabon ap Gwynfor, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Meirick Lloyd Davies, Alan James, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Barry Mellor, Bob Murray, Paul Penlington, Peter Prendergast, Arwel Roberts, Glenn Swingler, Rhys Thomas, Graham Timms, Cheryl Williams, Eryl Williams, and Emrys Wynne

Against the removing of political balance in Cabinet – Councillors Ann Davies, Gareth Davies, Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Huw Hilditch-Roberts, Martyn Holland, Brian Jones, Richard Mainon, Christine Marston, Melvyn Mile, Merfyn Parry, Peter Scott, Tony Thomas, Andrew Thomas, Julian Thompson-Hill, Joe Welch, David Williams, Huw Williams, and Mark Young.

In favour – 22

Against – 21

Therefore, it was:

RESOLVED that Council agreed the recommendation of the Corporate Governance Committee that the requirement for Cabinet to be politically balanced be removed from the Council's Constitution and replaced with provision for the Cabinet to be appointed by the Leader of the Council.

5 ANNUAL CONSTITUTION REVIEW

The Head of Legal, HR and Democratic Services introduced the Annual Constitution Review Report (previously circulated).

The Committee was required, as part of its terms of reference, to monitor and review the Council's Constitution. The updates required took into account the decisions of Council and Cabinet and any legislative or operational changes which had taken place since the last review.

The Head of Legal, HR and Democratic Services briefed the Committee on the changes which had been made and reported.

A fit for purpose modern Constitution provided assurances on governance and decision making, ethical behaviour, and allowing the public and third parties to see who was the responsible decision maker on issues affecting them supporting the Council in achieving its corporate priorities.

Following a brief discussion it was:

RESOLVED that:-

- (i) Members note and approve the changes to the Constitution set out in Appendix 1*
- (ii) Members approve the amended terms of reference for the Corporate Governance as set out in Appendix 2*

6 NJC PAY REVIEW 2018-20

The Lead Member for Corporate Standards, Councillor Mark Young, introduced the report (previously circulated) regarding the NJC Pay Agreement for 2018-20 and proposals on how it should be implemented by the Council.

The NJC Pay Agreement required the adoption of a new pay spine which needed to be agreed by Full Council.

Work had been undertaken with both Trade Unions and the Employers. They considered the best way to move staff over to the new pay spine. Option 2 – award the annual increment on the current pay spine and then move across on to the new – was considered to be the best option. The formal proposal from the Group had been presented to LJCC on 6 February 2019 who agreed to recommend to Full Council for adoption.

The Labour Group welcomed the new pay review as Denbighshire employees would be earning the equivalent of the real living wage or above. They also welcomed the future report later in the year regarding real living wage for sub-contractors.

Members expressed their gratitude to the HR Services Manager, her team and the Trade Unions for all the work which had been carried out.

RESOLVED that:

- (i) The Council awards the annual increment due to staff on the old pay structure and assimilate across to the new pay structure on 1 April 2019.*
- (ii) Bottom 2 points of Grade 5 (scp 8 & 9) and bottom 2 points of Grade 6 (scp 15 and 16) are removed.*
- (iii) Council confirms it has read, understood and taken account of the Well-being Impact Assessment as part of its consideration.*

7 COUNCIL TAX 2019/20 AND ASSOCIATED MATTERS

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill introduced the report (previously circulated) to set the levels of Council Tax for 2019/20.

Councillor Thompson-Hill particularly referred to:

- The main features of the budget which had been approved on 29 January 2018
- Observations of the Head of Finance on the robustness of the budget estimates
- A breakdown of the precepts from City, Town and Community Councils and the Police & Crime Commissioner for North Wales, and
- Recommendations for the levels of Council Tax 2019/20
- An increase in funding to schools of £1.085m, and
- The provision of £2m in recognition of the continuing financial pressures facing adult and child social care provision.

The issue of Council Tax payment by looked after children was raised and members were informed that the issue was not appropriate for the current meeting and a Notice of Motion or request to discuss at Scrutiny would be more appropriate.

Following the discussion, it was:

RESOLVED that Council:

- (i) Note that it is necessary for the County Council, as the Billing Authority, to consider the precepts received from the Police & Crime Commissioner for North Wales and the Town/Community Councils and declare the Council Tax levels for the 2019/20 financial year.
- (ii) Approve the recommendation that the amounts calculated by the Council for the 2019/20 financial year, in accordance with sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as Appendix A Section 3.
- (iii) Approve the recommendation that the amounts calculated by the Council for the 2019/20 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as Appendix A Section 4.
- (iv) That the amounts of Council Tax for the 2019/20 financial year for each of the categories of dwellings be as shown in Appendix C
- (v) Approve the level of discount for Class A, B and C as prescribed under the Council Tax (Prescribed Class of Dwellings)(Wales) Regulations 2004 be set at zero for the financial year 2019/20 with the caveat that this is dependent on no changes to legislation or local conditions.

8 CAPITAL PLAN 2018/19 - 2021/22 AND RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP

The Lead Member for Finance, Performance and Strategic Assets, Julian Thompson-Hill, introduced the report (previously circulated) to provide members

with an updated Capital Plan including an update on major projects and the Corporate Plan.

The full Capital Plan had been last reported to Council in February 2018. Monthly updates had been presented to Cabinet. The Estimated Capital Plan was now £54.27m. The Plan had been updated since being reported to Cabinet on 22 January 2019.

Councillor Thompson-Hill guided members through the report.

Both the Lead Member and the Head of Finance responded to questions regarding various aspect of the Capital Plan. Main areas of discussion focused on the following:

- The maintenance issue of the Pont y Ddraig Harbour Bridge, Rhyl was raised by Councillor Mabon ap Gwynfor and he sought assurances that this would not happen in the future. Councillor Joan Butterfield confirmed a Board had been set up to deal with all aspects of the bridge for the future. The Chief Executive also confirmed that the bridge had been a unique project and SLT had commissioned a “lessons learnt” report to ensure the process would be utilised for all future projects.
- Mutual investments model – what consideration had been given looking forward to the future? It had been considered by the council as part of Band B discussion for 21st Century Schools. The decision had been taken not to become involved as the scheme had been similar to PFI.
- It was confirmed that a project management system (VERTO) was in place which ensured everything was up to date. There were also a number of Project Managers. Revenue implications for Cabinet schemes were regularly assessed.

Following discussions, it was:

RESOLVED that:

- (i) Members note the latest position on the 2018/19 element of the Capital Plan and the update on major projects.*
- (ii) Members support the recommendation of the Strategic Investment Group as detailed in Appendix 5 and summarised in Appendix 6*
- (iii) Members approve the 2019/20 Capital Plan*
- (iv) Members approve the Capital Strategy Report for 2019/20 as detailed in Appendix 7*

9 TREASURY MANAGEMENT STRATEGY STATEMENT 2019/20 AND PRUDENTIAL INDICATORS 2019/20 - 2021/22

The Lead Member for Finance, Performance and Strategic Assets, Julian Thompson-Hill, introduced the report (previously circulated) to seek Council’s approval of the Treasury Management Strategy Statement (TMSS) 2019/20 and Prudential Indicators 2019/20 – 2021/22.

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management required the Council to approve the TMSS and Prudential Indicators annually.

A query was raised during discussions by Councillor Huw Jones as to why Natwest was the Council's banker as they were closing local branches and should the Council not bank with an institution who supported the county.

The Head of Finance responded the contract with the Natwest would be for a further three years. The closure of local branches did not impact on corporate banking. He also emphasised that not all banks would take on Local Authority business. From research undertaken, the closure programme of banks was across the board but divorced from corporate requirements.

Councillor Merfyn Parry requested a detailed explanation as to why the council had signed with a bank for three years as, in his opinion, the council should be seen to support banks within the county.

It was confirmed a detailed explanation would be forwarded to Councillors.

Following discussion, members expressed their thanks to the Head of Finance, Richard Weigh and his team, together with Councillor Julian Thompson-Hill for all their hard work.

RESOLVED that Council:

- (i) Approves the Treasury Management Strategy Statement for 2019/20 in Appendix 1 to the report.*
- (ii) Approves the setting of Prudential Indicators for 2019/20, 2020/21 and 2021/22 detailed in Appendix 1 Annex A to the report.*
- (iii) Approves the Minimum Revenue Provision Statement as detailed in Appendix 1 Section 6 to the report.*
- (iv) Confirms that it has read, understood and taken account of the Well-being Impact Assessment, as detailed in Appendix 2 to the report, as part of its consideration.*

10 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

It was confirmed that there had been changes to the 28 March 2019 and 9 April 2019 meeting which would now be as follows:

28 March 2019

- Senior Officer Pay
- Annual Review of Political Balance
- Independent Remuneration Panel for Wales Annual Report
- Arrangements for the election of Chair and Vice Chair, and
- LJCC and Corporate Health, Safety & Welfare Committee

9 April 2019

- Local Development Plan

14 May 2019

- Standards Committee Annual Report had been moved from 28 March to 14 May 2019 meeting

2 July 2019

- Committee Timetable for 2020 had been moved from 14 May to 2 July 2019 meeting

The Head of Legal, HR and Democratic Services also confirmed that a Member Briefing would take place on 13 March, 2019 and the next Council Briefing would take place on 18 March 2019.

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

The meeting concluded at 12.35 p.m.