

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 2 July 2019 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Brian Blakeley, Joan Butterfield, Ellie Chard, Ann Davies, Gareth Davies, Meirick Davies (Chair), Hugh Evans, Bobby Feeley, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James (Vice-Chair), Brian Jones, Huw Jones, Pat Jones, Tina Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Bob Murray, Paul Penlington, Arwel Roberts, Anton Sampson, 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 (JG), Head of Legal, HR & Democratic Services (GW), Strategic HR Manager (CR), Strategic Planning Team Manager (NK), Democratic Services Manager (SP), and Committee Administrator (SLW)
Ian Trigger – Chair of Standards Committee

1 APOLOGIES

Apologies for absence were received from Councillors Jeanette Chamberlain-Jones, Rachel Flynn, Merfyn Parry, Pete Prendergast, Peter Scott, Glenn Swingler and David Williams

2 DECLARATIONS OF INTEREST

Councillor Gwyneth Kensler declared a personal interest in Item 7 as she had been a member of both Greenpeace and Friends of the Earth for 40 years.

Councillor Gwyneth Kensler also declared a personal interest in Item 9 as secretary of Theatr Twm o'r Nant because the Theatre received support from leisure for the "Night Out – Noson Allan" scheme and assistance from the Pavilion Theatre technical team. In addition, her husband was a member of one of the Council's leisure centres.

Councillor Emrys Wynne declared a personal interest in Item 9. He is a member of Ysgol Brynhyfryd Governing Body and uses the facilities of Ruthin Leisure Centre during school hours.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 22 March 2019 to 25 May 2019 had been circulated prior to the meeting.

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

5 MINUTES

The minutes of Annual Council held on 14 May 2019 were submitted.

Matters Arising:

Page 12 (Item 7) – Councillor Mabon ap Gwynfor enquired as to the up to date position following the restructure of Cabinet regarding the LDP.

The Leader, Councillor Hugh Evans confirmed discussions were taking place as to who would sit on the Strategic Planning Group.

RESOLVED that, subject to the above, the minutes of Annual Council held on 14 May 2019 be confirmed as a correct record and signed by the Chair.

The Minutes of Special Council held on 30 May 2019 were submitted.

Matters Arising:

Page 17 (Item 4) – Councillor Gwyneth Kensler questioned whether it was necessary for restructure of staff remaining working with the Council.

The Chief Executive confirmed it was necessary as there would be a change in management for the staff who remain working for the council.

RESOLVED that, subject to the above, the minutes of the Special Council held on 30 May 2019 be confirmed as a correct record and signed by the Chair.

6 QUESTION BY THE PUBLIC

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

(i) Ms Gwyneth Ellis of Cynwyd raised the following question:

“Does the Council acknowledge the Charter between Denbighshire’s City, Town and Community Councils and Denbighshire County Council and strive to co-operate with the local councils in accordance with that Charter?”

Response by the Lead Member for Housing and Communities, Councillor Tony Thomas:

“I have been in touch, last week, with the local member for Cynwyd and am awaiting a response but will be in touch with Cynwyd Community Council as soon as a response has been received.”

Ms Ellis then asked a supplementary question:

“I, as Vice-Chair of Cynwyd Community Council, had sent an email to Councillor Richard Mainon, as it was in his portfolio at the time, but had not received any response. In that email I was asking for support from the County Council because we, as a Community Council, were unable to employ a new Clerk. We have been trying for three years now and nobody is showing an interest in the role. This makes it nearly impossible for us to operate effectively.

I would like to ask Council in the Charter, paragraph 6.1 states that Community Council depend on professional support delivered by others specifically to use, we are dependent on the work of a professional Clerk and somebody to look after our website.

I would like to ask in accordance with 6.1.2 of the Charter, would the County Council provide practical support to us, to appoint a new Clerk, and until we have appointed a new Clerk to ensure accounts are kept correctly and advise us on legal and procedural, to do minutes and set agendas and to publish those minutes in the appropriate places including on the web and to uphold the website.”

Councillor Thomas’ response to the supplemental question was as follows:

“I will liaise with the Lead Officer on this and will respond to you soon.”

- (ii) Councillor Rhys Thomas raised the following question on behalf of Councillor Glenn Swingler who was unable to attend the meeting:

“Could the Lead Member please give an update on progress on the second band of the 21st century schools programme? At what stage can we expect detailed outlines of new schools or school revamps.”

Response by the Lead Member for Education, Children’s Services and Public Engagement, Councillor Huw Hilditch-Roberts:

“I will refer to what I said back in March 2019. Full Council will have proposals of scopings that will be undertaken and presented in September 2019. We are still on time to deliver that. It will be shared at Council first before we go out to consult with individual schools affected in the specific area.”

(iii) Councillor Rhys Thomas raised the following question:

“The Welsh Assembly Government published its supplementary budget on June 18th 2019. It appears that about £20 million of new money will be made available to Welsh local authorities. This budget will be debated by the Welsh Assembly on the 9th July 2019. Can you tell us if Denbighshire has plans already in place as to how we would use our share of this extra money and what council services are likely to benefit?”

Response by the Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill:

“for clarification, the announcement on 18 June 2019 was an additional £85million across Wales of capital funding. The £85million very roughly split in terms of the major ticket issue £50million (All Wales figures) for social housing, £5million – highways maintenance, £10million for some form of earnings futures fund and £20million which is defined as supporting local authority capital schemes. We have not had details yet so do not know what the allocations will be and do not know what the grant conditions may be.

In terms of the £20million to support local authority capital schemes, we would take that to mean it would be an increase in our hypothecated grants in order to meet our block allocations.

There was a caveat to the announcement that the Welsh Government would seek to work with local authorities to develop appropriate methodologies for this which does imply there could be some degree of hypothecation but, again, we don't know yet. As and when that funding arrives, we go through our normal processes.

In terms of any grants which are specific to a service come through those will be passported to the specific service in the normal fashion.”

7 NOTICE OF MOTION

At this juncture, Councillor Gwyneth Kensler declared a personal interest as she had been a member of Green Peace and Friends of the Earth for 40 years.

Councillor Graham Timms put forward the following Notice of Motion on behalf of himself, Councillor Mabon ap Gwynfor and Councillor Joe Welch for consideration by Full Council.

“We are facing a Climate and Ecological Emergency.

The global consensus is that climate change is causing a significant risk to our health, economy, and environment and is threatening the well-being of future generations.

Scientific evidence clearly tells us that we have fewer than 11 years to prevent catastrophic climate change. Furthermore, this year we have the clearest evidence ever that biodiversity loss is increasing and that this threatens the planet's life-support systems upon which we all depend.

Nature is in serious decline, our biodiversity and soils are in decline or are being degraded. We are sustaining our own lives, whilst reducing the ability of future generations to sustain theirs. This is not an acceptable legacy to leave our children and grandchildren.

The future of humankind depends on today's brave and enterprising leaders to make the necessary changes to secure the environment, for our own future and the future generations yet to come.

Denbighshire County Council to:

- Immediately declare a climate and ecological emergency
- Commit to making the authority net carbon zero by 2030 at the latest
- Set up a task and finish group to draw up a clear plan within 6 months to achieve the above, including ways to enhance biodiversity in Denbighshire
- Call on the Welsh Government and UK Government to provide assistance and resources to enable us to reduce greenhouse gas emissions and enhance biodiversity
- Work with partners across the public, private and third sector to help solve this climate and ecological emergency."

An extremely positive debate took place with unanimous support for the Notice of Motion.

It was stated that within the Corporate Plan there had been a target to reduce Co2 emissions 15% by 2022. A number of projects had been undertaken to reduce carbon emissions and protect the environment within the county.

The Welsh Government had declared a climate emergency and had set a target for the public sector in Wales to be carbon neutral by 2030.

Following the vote, it was

RESOLVED that the Notice of Motion that Denbighshire County Council will:

- *Immediately declare a Climate and Ecological Emergency;*
- *Commit to making the authority net carbon zero by 2030 at the latest;*
- *Set up a task and finish group to draw up a clear plan within 6 (six) months to achieve the above, including ways to enhance biodiversity in Denbighshire;*
- *Call on the Welsh Government and UK Government to provide assistance and resources to enable us to reduce greenhouse gas emissions and enhance biodiversity; and*

- *Work with partners across the public, private and third sector to help solve this climate and ecological emergency, be unanimously agreed by the Council.*

8 SENIOR PAY CHANGES 2019

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill introduced the report (previously circulated) for Council to agree to proposed changes to the remuneration of four Heads of Service which would be required to facilitate the Local Authority Trading Company for Leisure that was agreed at Full Council on 30 May 2019. The changes would only be implemented once the Local Authority Trading Company (LATC) for Leisure was implemented.

The establishment of the LATC created an opportunity to assess the distribution of responsibilities across Council service areas with the intention of absorbing those amongst the remaining Heads of Service. This would provide savings for the Council of approximately £800,000.

The Head of Finance left the Council at the end of June 2019 and agreement would be required for the salary of the post for it to be advertised reflecting the amended grade and duties.

The restructure proposed allowed the deletion of the post of Head of Facilities, Assets and Housing and created the opportunity to enhance synergies between some key service areas.

The evaluation rationales had been provided by Kornferry Hay and all four posts scored in excess of 800 points. In accordance with the grading structure, as agreed by Full Council on 10 May, 2016, as part of the original Senior Leadership review, any posts which scored in excess of 800 were to receive SLT 2 salary. Therefore, two Heads of Services who had previously scored less than 800 and received SLT 1 salary would increase to SLT 2.

The posts had also been discussed by the SLT Remuneration Panel who had been in agreement with the Kornferry Hay assessment.

In accordance with the process, the proposal had been submitted to the Independent Review Panel for Wales for their consideration. They had responded stating that they were content with the information and evidence provided.

Following discussions, Councillor Joan Butterfield requested an adjournment to consult with members of the Labour group. This was agreed by all present.

At this juncture (11.15 a.m.), there was a 20 minute break.

The meeting reconvened at 11.35 a.m.

The recommendation was proposed and seconded. Following the vote, it was

RESOLVED that Full Council agree to the recommendations of the Senior Leadership Remuneration Panel for the Senior Leadership Team.

9 IMPLEMENTATION OF AN ALTERNATIVE DELIVERY MODEL (ADM) FOR VARIOUS LEISURE RELATED ACTIVITIES / FUNCTIONS

At this juncture Councillor Gwyneth Kensler declared a personal interest as secretary of Theatr Twm o'r Nant because the Theatre received support from leisure for the "Night Out – Noson Allan" scheme and assistance from the Pavilion Theatre technical team. In addition, her husband was a member of one of the Council's leisure centres.

Councillor Emrys Wynne declared a personal interest. He is a member of Ysgol Brynhyfryd Governing Body and uses the facilities of Ruthin Leisure Centre during school hours.

Lead Member for Well-being and Independence, Councillor Bobby Feeley introduced the report (previously circulated) to obtain Council's approval of the draft Articles of Association and Member Agreement in respect of the not for profit Local Authority Trading Company Limited by Guarantee as an alternative delivery model (ADM) for the delivery of various leisure related activities and functions.

Both Council and Cabinet had agreed to support the creation of a Local Authority Trading Company Limited by Guarantee on 30 May and 25 June respectively. The constitutional document of a company limited by guarantee was its Articles of Association registered for public inspection at Companies House (Articles). It was proposed to adopt Articles based on the Model Articles with changes specific to the ADM's requirements in order to provide the Council with protection and control in the running of the company. In addition to the Articles, the report included a Members Agreement between the Council and the ADM which set out a number of matters not included in the Articles.

The Head of Legal, HR and Democratic Services guided members through the main functions as set out with the Articles and the terms as set out with the Members Agreement. Delegated authority would be sought in order for the documents to be finalised.

During discussion, the Head of Legal, HR and Democratic Services advised:

- In addition to the presentation of the formal accounts twice a year, the Council would be monitoring to ensure transparency in respect of financial performance.
- A report would be submitted to Full Council in September, seeking confirmation of the Board of Directors membership, given that it related to the constitution of the new company.
- There would be a requirement for the Company to adopt all the Council's employment policies and procedures. This would include the Company adhering to the Council's Welsh language policy.

RESOLVED that:

- (i) Council approves the draft Articles of Association and Member Agreement as set out in the Appendices to this report in respect of the not for profit Local Authority Trading Company Limited by Guarantee;
- (ii) Council authorises the ADM Project Board in consultation with the Lead Member for Well-being and Independence and the Lead Member for Finance, Performance and Strategic Assets to agree the final wording of the documents referred to in (i) above.

10 STANDARDS COMMITTEE ANNUAL REPORT

Ian Trigger, Chair of the Standards Committee, presented the Annual Report (previously circulated).

This was the fourth Annual report of the Standards Committee to the Full Council and covered the calendar years 2017 and 2018. It had been agreed that the Chair of the Standards Committee would present a report on an annual basis to Full Council to keep members informed of trends, issues in respect of compliance with the members Code of Conduct generally across the county and the work of the Committee in driving up standards of behaviour at County level and also at Town, City and Community levels. It was not possible to present a report last year, therefore, this report covered a two year period.

The main role of the Standards Committee was to monitor adherence to the Members Code of Conduct. All Members were aware that their Code was founded on principles by which Members should conduct themselves based upon the 7 Nolan Principles of Public Life but in Wales there were 10 Principles which were set out within the report.

The Standards Committee comprised of 2 County Councillors, 4 Independent (co-opted) members and 1 Community Council member. The majority of the Members were not elected, but were recruited from members of the public as per the requirements of the Standards legislation in Wales.

Standards Committee members attended City, Town and Community Councils to observe conduct and general effectiveness of the meetings. Feedback was then given at the Standards Committee.

Attendance at North Wales Standards Committee Forum (the Forum). The Forum comprised of the six North Wales Councils, together with the Snowdonia National Park and the North Wales Fire & Rescue Service. The Forum met to discuss common interests and the Ombudsman occasionally attended. Ceredigion and Powys and the Mid-West Fire and Rescue authority recently joined the Forum.

Mr Trigger extended his gratitude to both the Monitoring Officer and the Deputy Monitoring Officer for their hard work for the Standards Committee and carrying out of essential training.

At this juncture, the Chair extended his gratitude to Mr Ian Trigger for his commitment to the work as Chair and also to members of the Standards Committee for their work. He also extended thanks to the Monitoring and Deputy Monitoring Officer.

RESOLVED that members note the contents of the Standards Committee Annual Report.

11 ANNUAL PERFORMANCE REVIEW 2018 - 19

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Annual Performance Review Report (previously circulated) for approval which the council was required to publish by 31 October each year under the Local Government (Wales) Measure 2009.

Recent changes to the reporting mechanisms led to the document including the quarter 4 update together with the Annual Delivery Document which would usually be submitted separately. National measures would be reported separately when available.

The Annual Performance review included case studies and examples of progress against corporate priorities from the Council's wider portfolio. This recognised that services carried out important work outside of the Corporate Plan which benefited residents.

The Strategic Planning Team Manager explained that the document demonstrated the good progress and achievements to date but also reflected on the opportunity to improve and take appropriate action.

Council was guided through the report and provided with a comprehensive update on progress made against each of the corporate priorities.

The five priorities were as follows:

- Housing – everyone is supported to live in homes that meet their needs;
- Connected Communities – Communities are connected and have access to goods and services locally, online and through good transport links;
- Resilient Communities – the council works with people and communities to build independence and resilience;
- Environment – Attractive and protected, supporting well-being and economic prosperity; and
- Young People – a place where younger people will want to live and work and have the skills to do so.

During discussion, the following issues were raised:

- A carers survey was currently underway and it was confirmed that the data collected would be utilised to shape the strategy so as to identify needs and to ensure the appropriate service could be planned to support carers in the future.

- It was confirmed that Denbighshire were the first council in Wales to utilise herbicide free weed killer which could be picked up through the environmental strategy.
- It was confirmed that the Head of Education and Children Services had been communicating with young people within the county for their opinions on job opportunities etc.
- Problems could arise due to the termination of the paper application form for blue badges. Applications had to be completed online. Some applicants would need to utilise library services to apply, but not all libraries had the expert staff to assist. The Chief Executive confirmed she would pass this concern on to the relevant department.
- A homeless initiative was in place and young carers were also being assisted into housing. It was queried whether there was an easy access to a pathway on to the housing ladder. The Strategic Planning Team Manager confirmed she would speak to the relevant department and pass on the information to members for information.

The Chief Executive commended the work to deliver the Corporate Plan and expressed her confidence that the Corporate Plan would benefit the county's residents.

The Chair also commended the work carried out and thanked Nicola Kneale, Councillor Julian Thompson-Hill, Alan Smith and Iolo McGregor for their work on the Corporate Plan.

RESOLVED that, subject to any agreed changes, Council approve the Annual Performance Review 2018-19.

12 ANNUAL REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

Due to time constraints and the possibility the meeting may not be quorate, it was agreed to defer the Corporate Governance Annual Report to the 10 September 2019 Council meeting.

RESOLVED that the Annual Report of the Corporate Governance Committee be deferred until 10 September 2019 meeting.

13 COMMITTEE TIMETABLE 2020

The Lead Member for Corporate Services and Strategic Direction, Councillor Richard Mainon, introduced the report (previously circulated) to enable Members to approve the draft Committee timetable for 2020.

It was necessary for the Council to approve a timetable for 2020 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.

Brief discussion took place and Councillor Paul Penlington expressed his disappointment to note that no evening meetings had been scheduled.

Councillor Mainon expressed his thanks to Kath Jones, Committee Administrator for preparing the schedule and liaising with officers as it had required extremely careful organisation.

Councillor Gwyneth Kensler and other members expressed their gratitude to the Head of Legal, HR & Democratic Services, the Democratic Services Manager and his team for all their effort and hard work.

RESOLVED that Council approves the draft committee timetable for 2020.

14 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

It was confirmed that additional items to be added to the 10 September 2019 Full Council meeting as follows:

- Annual Report of the Corporate Governance Committee
- East Rhyl Coastal Defence Scheme

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

The meeting concluded at 1.30 p.m.