

## **COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 15 October 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 (Chair), Hugh Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Hugh Irving, Alan James (Vice-Chair), Brian Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Barry Mellor, Melvyn Mile, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Peter Scott, 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 (JG), Head of Legal, HR & Democratic Services (GW), Planning & Public Protection Manager (AL), Planning Officer (KB), Democratic Services Manager (SP), Electoral Services Officer (GE), Scrutiny Officer (RE), and Committee Administrator (SLW)

### **1 APOLOGIES**

Apologies for absence were received from Councillors Peter Evans, Martyn Holland, Huw Jones, Tina Jones, Richard Mainon, Christine Marston, Bob Murray, Anton Sampson and David Williams

### **2 DECLARATIONS OF INTEREST**

Councillor Gwyneth Kensler declared a personal interest in item 6 (Implementation of an Alternative Delivery Model (ADM) for various leisure related activities/functions: Composition of Board of Directors) as Craig Kensler is a member of Denbigh Leisure Centre and she attends both Theatre Twm o'r Nant, Denbigh and Pavilion Theatre, Rhyl.

Councillor Emrys Wynne declared a personal interest in item 7 (Welsh Government: National Development Framework 2020-2040: Consultation Draft) as a member of his family is a Planning Inspector in Wales.

The Chair, Councillor Meirick Lloyd Davies declared a personal interest in item 10 (Annual Report of the Council's Scrutiny Committees 2018/2019) as he was a member of the North Wales Fire and Rescue Board.

### **3 URGENT MATTERS AS AGREED BY THE CHAIR**

No urgent matters.

At this juncture, members were informed a question would be put forward as follows –

Councillor Peter Scott raised the following question –

“On 9 October, 2019, the Journal printed a front page article that a decision on the Gypsy site would be made that day. Hence, there would be no point in making any future comment. People reading this were unlikely to note this was wrong until the Journal issues a revised statement on 16 October 2019. Hence, some will have lost at least a week in their time for response. Why cannot the period for consultations be extended by one week to allow all an equal minimum time for consultation?”

Response by the Lead Member for Planning, Public Protection and Safer Communities, Councillor Mark Young –

“This is not an error by Denbighshire County Council. If this is a sincere request that residents might miss a chance to comment, I am happy to speak to officers for a weeks’ extension.”

Councillor Peter Scott –

“I am serious about this request and do not believe it is any fault of Denbighshire County Council and acknowledge that there is information on the Denbighshire County Council website.”

#### **4 CHAIRMAN'S DIARY**

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 25 August 2019 to 4 October 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 Full Council held on 10 September 2019 were submitted.

Accuracy –

The Chair apologised that the minute silence for the late Elwyn Edwards had not been noted in the minutes.

Page 8, Item 3 should read “This is the legal position but the first call is to address the fiduciary duty .....

***RESOLVED that, subject to the above, the minutes of Full Council held on 10 September 2019 be confirmed as a correct record and signed by the Chair.***

## **6 IMPLEMENTATION OF AN ALTERNATIVE DELIVERY MODEL (ADM) FOR VARIOUS LEISURE RELATED ACTIVITIES/FUNCTIONS: COMPOSITION OF BOARD OF DIRECTORS**

Councillor Gwyneth Kensler declared a personal interest as Craig Kensler is a member of Denbigh Leisure Centre and she attends both Theatre Twm o'r Nant, Denbigh and Pavilion Theatre, Rhyl.

The Lead Member for Wellbeing and Independence introduced the Implementation of an Alternative Delivery Model (ADM) for various leisure related activities/functions: composition of Board of Directors (previously circulated) to seek Council's approval of the composition of the Board of Directors of the Company, the appointment of a number of Directors, and the method by which the remaining Directors would be appointed.

On 30 May 2019, Council approved the creation of a not for profit Local Authority Trading Company Limited by Guarantee as an alternative delivery model for the provision of leisure services on behalf of the Council.

There was no statutory requirement as to the size of the Board of Directors. Within the Business Case it was suggested there be a Board of seven Directors. It was proposed the Board of Directors would be as follows:

- Corporate Director: Economy and Public Realm
- Managing Director
- Lead Member for Well-being and Independence
- Lead Member for Education, Children's Services and Public Engagement
- Non-Cabinet Member, and
- Independent Directors x 2

It was suggested the appointment of a non-Cabinet member be made with business experience and/or interest in the leisure sector. Nominations had been sought and nominees to submit their nomination setting out the reasons why they met the role description to the Head of Legal, HR and Democratic Services by 12 noon on Friday 11 October 2019. One nomination had been received and circulated to all members in advance of the Council meeting.

The nomination received had been from Councillor Peter Prendergast who had submitted his CV which included all his relevant business experience.

At this juncture, Councillor Joan Butterfield proposed Councillor Peter Prendergast to sit on the Board of Directors and the proposal was seconded.

The remaining two Director positions were to be filled by independent persons to be recruited by open advertisement. It was proposed that one of the roles be advertised with an emphasis on persons with a commercial leisure/finance background, and the second with an emphasis on persons with a community development/leisure background.

A recruitment panel of three elected members nominated by Council together with the Managing Director, the Corporate Director and support from HR would shortlist

and interview prospective candidates. The recruitment panel would then make a recommendation of an appointment to Council for approval.

At this juncture, Councillor Julian Thompson-Hill proposed Councillor Hugh Irving to sit on the recruitment panel and the proposal was seconded.

Councillor Joan Butterfield proposed Councillors Graham Timms and Brian Blakeley to sit on the recruitment panel and the proposal was seconded.

***RESOLVED*** *that:*

- *Council approves the composition of the Board of Directors of the Company as set out in paragraph 4.8 of the report and formally appoints the Corporate Director: Economy and Public Realm, Lead Member for Well-being and Independence, the Lead Member for Education and Children's Services and the Managing Director as Directors of the Company.*
- *The Council appoints Councillor Peter Prendergast who is not a Cabinet Member to be a Director of the Company*
- *The Council approves the proposed recruitment process for the appointment of two Independent Directors and appoints Councillors Brian Blakeley, Hugh Irving and Graham Timms to sit on the recruitment panel as set out in paragraph 4.7 of the report*
- *Council confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1 Ref no 564), as part of its consideration.*

**7 WELSH GOVERNMENT: NATIONAL DEVELOPMENT FRAMEWORK 2020-2040: CONSULTATION DRAFT**

Councillor Emrys Wynne declared a personal interest in this item as a member of his family is a Planning Inspector in Wales.

The Lead Member for Planning, Public Protection and Safer Communities introduced the Welsh Government: National Development Framework 2020-2040: Consultation Draft (NDF) (previously circulated) to provide the Council with information on the content of the Welsh Government (WG) consultation document because it was not only going to have an impact on the production of the next Local Development Plan (LDP) for the county but also become an important source of national policy for decision-making on planning applications and appeals.

Officers had worked across Council departments on the draft consultation response as shown in Appendix 1 of the report.

Once finalised the NDF would be published by WG in September 2020. The NDF will be the development for the whole of Wales and sets out the land use implications of key national policies and objectives. It sets the framework for the development of lower tier plans, i.e. Strategic Development Plans (SDPs) and Local Development Plans (LDPs). There were currently no SDPs in Wales.

During in-depth discussion, the following issues were raised:

- It was stated that consultation with the public needed to be broader. The Lead Member for Planning, Public Protection and Safer Communities confirmed that over 2000 responses had been received following consultation. [Comment was made with regard to Denbighshire County Council LDP Pre-Deposit consultation; not the draft NDF]
- The quality of the maps provided had been raised as a major issue.
- There was concern regarding the possibility of over development of the coastal region.
- Housing to be eco-friendly in light of the climate change emergency which had been agreed following a Notice of Motion at Full Council. The WG had acknowledged the climate change emergency through the NDF.
- Members stated affordable housing was a major issue and more 2-bed properties were needed. NDF stated 51% of housing to be affordable but there did not appear to have been any work carried out regarding the viability and deliverability. Denbighshire County Council were currently undertaking a viability study for the emerging LDP as to what percentage of affordable housing could be included within the document. If a high percentage of affordable housing were to be sought through local policy, but contrary to viability assessment, it would not be deliverable. Officers to report back to Members any progress on the LDP.
- There were estimated housing figures within the NDF which was not a policy requirement but was based on a Scottish model which had been utilised by the WG.
- Links to South Wales rather than the north of England were stated to be a priority. It was confirmed that the link with Merseyside and north West England was because they had a stronger economy. It was also confirmed that public transport needed to link into more communities.
- It was confirmed that all matters raised during the meeting would be fed back to the Welsh Government.

The Head of Legal, HR and Democratic Services confirmed that there would be a Local Government Bill published by the end of the year. The Bill was to contain information regarding Corporate Joint Committees and regional bodies, but until the Bill was published, there was no further information to put before members.

The Leader, Councillor Hugh Evans stated WLGA had responded strongly to the Bill in terms of mandatory requirements. It diluted localism and he had expressed concern regarding this. There was to be a meeting held on Friday 18 October 2019 at which the Leader would raise all concerns.

Councillor Arwel Roberts expressed concern due to the aim by the Welsh Government to have one million Welsh speakers by 2050. Councillor Roberts stated that the Welsh language would not survive if it was not treated as a priority within the NDF, and, therefore, proposed that safeguarding the Welsh language be included in the NDF and in every plan put forward. This proposal was seconded by Councillor Gwyneth Kensler.

The Head of Legal, HR and Democratic Services clarified with members that a vote needed to take place to take the amendment forward.

VOTE:  
For – 28  
Abstain – 3  
Against – 3

Therefore, the vote was passed in favour of the amendment to be included in the recommendations.

At this juncture, Councillor Gareth Davies requested a list of the cost implications of the amendment which had been passed.

***RESOLVED that Council agree the response to the draft NDF consultation (as attached in Appendix 1) but to include the Welsh language as a priority to the National Development Framework to safeguard the language. The Lead Member for Planning, Public Protection and Safer Communities submit the finalised consultation response to Welsh Government on behalf of Denbighshire County Council under delegated powers.***

**At this juncture (11.20 a.m.) there was a 20 minute break**

**The meeting reconvened at 11.40 a.m.**

## **8 UPDATES TO THE COUNCIL CONSTITUTION**

The Monitoring Officer introduced the Updates to the Council Constitution report (previously circulated) to provide the Council with an annual update and to also advise of the proposed changes that needed to be made to the Council Constitution.

The Corporate Governance Committee terms of reference required any intended changes to the Council Constitution to be considered by the Committee before formal adoption by the full Council, and the Committee received a report on the Constitution at least once per year given its importance to the overall governance framework of the Council. The Committee considered a report on the Constitution at its meeting on 11 September 2019 and recommended that the changes set out in Appendices 1 and 2 of the report, be approved by Council.

The Monitoring Officer was satisfied that the Constitution was fit for purpose and confirmed that the Constitution had been amended to take into account the following:

- Section 5.2 relating to the form and composition of Cabinet had been amended to reflect the resolution of council on 19 February 2019
- Corporate Governance Committee Terms of Reference following the Committee being consulted which had been approved by Full Council on 19 February 2019
- Responsibility for Executive Functions – Cabinet Member portfolio changes had been made following changes made by the Leader of the Council

- Combined two existing Committees to form the Joint Consultative Committee for Health & Safety and Employee Relations in accordance with a Council resolution made on 28 March 2019
- Council Members Schedule of Remuneration kept up to date.

The Council needed to consider the changes to be made to the Scheme of Delegation in respect of changes made as a result of the Senior Leadership Team (SLT) restructure. The SLT restructure was a consequence of the creation of an Alternative Delivery Model for Leisure Services approved by Council on 30 May 2019:

- Officer Scheme of Delegation – the proposed scheme attached as Appendix 1 dealt with the transfer of certain housing related functions; the transfer of certain asset and estates functions and the responsibility in respect of leisure functions being silent and dealt with under the Cabinet scheme
- Cabinet Scheme of Delegation as Appendix 2 – an express provision setting out that these functions sit with the relevant Lead Member.

***RESOLVED*** that:

- *The Council notes the changes made to the Constitution as set out in paragraph 4.1 of the report*
- *The Council approves the changes to the Scheme of Delegation as set out in Appendices 1 and 2 to the report.*

## **9 ANNUAL REPORT OF THE CORPORATE GOVERNANCE COMMITTEE**

Councillor Barry Mellor (Chair of Corporate Governance Committee) introduced the Annual Report of the Corporate Governance Committee (previously circulated) to inform all members of the work of the Committee for the municipal year 2018/19.

The Council was statutorily required under the provisions of the Local Government (Wales) Measure 2011, to have an Audit Committee. The Corporate Governance Committee (the Committee) was the Council's designated committee for that purpose.

The Council's Constitution provided that the membership of the Committee was made up of six elected Members on a politically balanced basis. There was no requirement for the Committee to be politically balanced. There was a statutory requirement to have at least one independent lay member of the Committee and the current lay member was Mr Paul Whitham.

Each meeting was attended by the Council's s151 Officer, Monitoring Officer and Head of Internal Audit or their representatives. In addition, each meeting was attended by officers of the Wales Audit Office (WAO).

During the period covered by the report, the Committee had received a number of internal annual reports on matters relating to governance. These had included:

- Annual Governance Statement Report
- Corporate Health and Safety Annual Report
- Senior Information Risk Officer (SIRO) Annual Report

- Whistleblowing Annual Report.

The Committee also received a number of reports relating to financial matters each year. These had included:

- Statement of Accounts – there was a large amount of information involved in the accounts and the draft was presented to the Committee in one meeting before summer recess and the final statement of accounts presented for approval to the Committee in September each year.
- Treasury Management – the Committee receives two reports each year.

The Committee also received external regulatory reports. These had included:

- Wales Audit Office Annual Improvement Report – no significant recommendations for change were made and the report was overall very positive about the Council. There were six “proposals” for improvement which had been presented to Council together with the actions in respect of each of those.
- WAO Annual Audit Letter – WAO were satisfied that the Council had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources and no significant issues had been identified which would impact on the 2018-19 accounts or key financial systems.
- Overview and Scrutiny – the report concluded that the Council’s overview and scrutiny function was responding well to current challenges, however, limited capacity to support scrutiny could hinder future progress.
- Local Government Use of Data – the report found that Council had the foundations in place to make better use of data but needed to improve how data was analysed and presented to the decision makers.

The Committee also received regular reports from the Chief Internal Auditor on the progress made against the Internal Audit Plan which was approved by the Committee.

The Committee also undertook a self-assessment of its own performance compared to current best practice. The assessment was against a checklist from the Chartered Institute of Public Finance and Accountancy (CIPFA guidance “Audit Committees – Practical Guidance for Local Authorities and Police 2018 Edition”.

The Committee had considered its name as part of the assessment and had concluded that the name should include reference to the important function of being the Council’s Audit committee as required by the Local Government (Wales) Measure 2011. The Committee had recommended that it be known as the Corporate Governance and Audit Committee.

Councillor Barry Mellor took the opportunity to thank the representatives of the WAO and all officers who attend the Corporate Governance meetings. In particular, he recognised the amount of work undertaken by the Internal Audit team. Thanks were extended to each member of the Committee as the agendas were often lengthy but the Committee members were always well prepared for the meeting. Lead Members were also thanked for their attendance at Committees and for their support.

Members expressed their gratitude to the Chair and Committee members of Corporate Governance for all their hard work.

***RESOLVED*** that:

- *Members of Full Council noted the content of the Annual Report of the Corporate Governance Committee*
- *The Committee be renamed the Corporate Governance and Audit Committee*

**10 ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEES 2018/2019**

The Chair, Councillor Meirick Lloyd Davies declared a personal interest as he is a member of the North Wales Fire and Rescue Board.

Councillor Graham Timms presented the Annual Report of the Council's Scrutiny Committees 2018/19 (previously circulated) on their activities during 2018/19.

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

Councillor Timms explained the delay in presenting the report had been due to the fact that the Scrutiny Officer had been involved with the Llantysilio Fire Inquiry which had been included in the report.

Scrutiny Request forms were submitted from members, officers and members of the public and presented to the Scrutiny Chairs and Vice Chairs Group who applied the criteria to determine whether the item merited scrutiny.

The report outlined Scrutiny's important role in relation to supporting the Council's work to deliver its corporate priorities and Corporate Plan, including its regular monitoring of the Plan's delivery.

Scrutiny had also continued to participate in consultation exercises and invited a number of external or partner organisations to meet with the committees to discuss areas of common interest or concern.

Public engagement and encouraging residents to interact with Scrutiny was generally a challenge, although residents and others from further afield did engage with Scrutiny in relation to two significant matters. Those being the call-in of the Cabinet decision relating to Gypsy and Traveller provision in the county and the Scrutiny Inquiry into the Llantysilio Mountain Fire, which had occurred during the summer of 2018.

Both Conwy County Borough Council and Denbighshire County Council had formally agreed to the establishment of a Joint Scrutiny Committee to scrutinise the Public Services Board, and was one of the first in Wales. The Joint Committee held its inaugural meeting in May 2019.

Also included within the Annual Report were details on the task and finish/working groups operating under the auspices of the Council's Scrutiny Committees.

Councillor Timms and other Members expressed their gratitude to the Scrutiny Officer, Rhian Evans, for her support and sterling work throughout the year. Thanks were also extended to the Democratic Services Officer, Steve Price for his support and work. Members expressed concern regarding the pressure put on officers of Scrutiny due to the workload.

***RESOLVED*** that Council considered and noted the Annual Report of the Scrutiny Committees for 2018/19

## 11 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Democratic Services Manager, Steve Price, introduced the Review of Polling Districts and Polling Places report (previously circulated) to seek Council's agreement to the Polling Districts and Polling Places as detailed in Appendix 1 of the report.

The council had a statutory duty to divide its area into polling districts and designate a polling place for each district. It also had a statutory duty to keep the arrangements under review.

During discussion the Democratic Services Manager and the Electoral Services Officer explained that a public consultation took place between 1 July 2019 and 6 September 2019 inviting comments from electors and interested parties on the current arrangements.

The public consultation did not raise any significant changes apart from the additional polling places:

- The use of building 3 (Ysgol Glan Clwyd / St. Asaph Leisure Centre campus) as the polling station for Polling District BLS if re-modelling works made the building suitable for use as a polling station
- The use of Rhyl Rugby Club's Clubhouse on Tynewydd Road, Rhyl for Polling District BRB if it becomes available for use as a polling station, and
- The use of the Ruthin Town Council Community Hub at the Old Courthouse, St. Peter's Square, Ruthin for Polling District CAA following the closure of Canolfan Awelon.

Concerns were raised regarding the use of the Old Courthouse, St. Peter's Square due the fact there would be no parking facilities for voters.

***RESOLVED*** that the County Council agrees the existing arrangements for polling districts and polling places as detailed in Appendix 1, subject to authorising:

- the use of Building 3 (on the Ysgol Glan Clwyd / St. Asaph Leisure Centre campus) as the polling station for Polling District BLA if re-modelling works make the building suitable for use as a polling station
- the use of Rhyl Rugby Club's Clubhouse on Tynewydd Road, Rhyl for Polling District BRB if it becomes available for use as a polling station, and

- *the use of the Ruthin Town Council Community Hub at the Old Courthouse, St. Peter's Square, Ruthin for Polling District CAA following the closure of Canolfan Awelon.*

## 12 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 a Budget Workshop was to take place on 3 December 2019 at 10.00 a.m.

Full Council on 3 December 2019 would commence at 2.00 p.m. To date, there were no items listed on the Forward Work Programme and if remained as such, the Full Council meeting would be cancelled.

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

**The meeting concluded at 12.40 p.m.**