

To: Members of the County Council

Date: 7 April 2021

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Dear Councillor

You are invited to attend a meeting of the **COUNTY COUNCIL** to be held at **10.00 am** on **TUESDAY, 13 APRIL 2021** in **VIA VIDEO CONFERENCE**.

Yours sincerely

G Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **PART 1 - THE PRESS AND PUBLIC ARE INVITED TO ATTEND THIS PART OF THE MEETING**

#### **1 APOLOGIES**

#### **2 DECLARATIONS OF INTEREST (Pages 5 - 6)**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

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

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

#### **4 MINUTES (Pages 7 - 14)**

To receive the minutes of the meeting of County Council held on 23 February 2021 (copy attached).

#### **5 ARRANGEMENTS FOR THE ELECTION OF CHAIR AND VICE-CHAIR (Pages 15 - 18)**

To consider a report by the Head of Legal, HR and Democratic Services (copy attached) recommending that Council agrees the proposed Chair and Vice-Chair for the municipal year 2021/2022 to be formally elected at the Council's Annual meeting on 18 May 2021.

**6 AMENDMENTS TO THE CONSTITUTION (Pages 19 - 22)**

To consider a report by the Monitoring Officer (copy attached) for Council to update the Constitution's provisions for remote attendance at meetings and for the Council's Corporate Governance and Audit Committee.

**7 APPOINTMENT OF ELECTORAL REGISTRATION OFFICER AND RETURNING OFFICER (Pages 23 - 26)**

To consider a report by the Monitoring Officer (copy attached) for approval to the appointment of Electoral Registration Officer and Returning Officer.

**8 COUNTY COUNCIL FORWARD WORK PROGRAMME (Pages 27 - 30)**

To consider the Council's forward work programme (copy attached).

**MEMBERSHIP**

**Councillors**

Councillor Meirick Lloyd Davies (Chair)

Councillor Alan James (Vice-Chair)

Mabon ap Gwynfor  
Brian Blakeley  
Joan Butterfield  
Jeanette Chamberlain-Jones  
Ellie Chard  
Ann Davies  
Gareth Davies  
Hugh Evans  
Peter Evans  
Bobby Feeley  
Rachel Flynn  
Tony Flynn  
Huw Hilditch-Roberts  
Martyn Holland  
Alan Hughes  
Hugh Irving  
Brian Jones  
Pat Jones  
Tina Jones  
Gwyneth Kensler  
Geraint Lloyd-Williams

Barry Mellor  
Melvyn Mile  
Bob Murray  
Merfyn Parry  
Paul Penlington  
Pete Prendergast  
Arwel Roberts  
Anton Sampson  
Peter Scott  
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

Richard Mainon  
Christine Marston

Mark Young

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## LOCAL GOVERNMENT ACT 2000

### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of

*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a **\*personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-

*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## COUNTY COUNCIL

Minutes of a meeting of the County Council held in via VIDEO CONFERENCE on Tuesday, 23 February 2021 at 10.00 am.

### PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Gareth Davies, Meirick Davies (Chair), Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James (Vice-Chair), Brian Jones, Pat Jones, Tina Jones, Christine Marston, Barry Mellor, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Peter Scott, Glenn Swingler, 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

Corporate Director: Communities (NS), Corporate Director – Economy and Public Realm (GB), Head of Legal, HR and Democratic Services (GW), Head of Finance, and Property (SG), Head of Highways and Environmental Services (TW), Strategic Planning & Performance Officer (HB-P), Climate Change Programme Manager (HV-E), Democratic Services Manager (SP), Zoom Host and Webcaster (SJ), and Committee Administrator (SLW)

### 1 APOLOGIES

Apologies for absence were received from Councillors Mabon ap Gwynfor, Gwyneth Kensler, Geraint Lloyd-Williams and Richard Mainon

### 2 DECLARATIONS OF INTEREST

Councillor Bobby Feeley declared a personal interest in item 5 (Avoidance and Reduction of Plastics in Denbighshire County Council) as she is a Board Member of Denbighshire Leisure.

### 3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

Question put forward by Councillor Arwel Roberts on behalf of Plaid Group –

“What changes are being considered to the services offered at present by DCC to visually impaired citizens?”

Councillor Roberts confirmed he had received a response from Councillor Bobby Feeley, Lead Member for Well-being and Independence, which he would circulate to all Members for information.

Question put forward by Councillor Glenn Swingler on behalf of Plaid Group –

“DCC support many centres providing work opportunities for people with learning difficulties. At the moment, they are closed due to Covid, my question is as follows–

When the easing of restrictions allow, will all the facilities that provide work and training opportunities for people with learning difficulties be re-opening as before?”

Response by Councillor Bobby Feeley –

“A review of internal work ops services was carried out in 2019/20 and the actions were being implemented in 2020 as we went into the first lockdown. Although services have been closed, we have continued to work towards the recommendations within the review, as well as this, we need to consider Covid and ongoing requirements to ensure any services are delivered safely in the future. Therefore, it is unlikely that services will be the same as they were before, however, we remain committed to delivering against the review and ensuring the users of these services access high quality support in the future. Any necessary changes will be consulted with people who use the services and their families to ensure individuals' agreed outcomes can be met at least as well as before.

In terms of the contracted out LD day services, Co-options have remained open but for a very limited number of individuals. Attendance is decided on a case by case basis subject to risk assessments etc, and currently only individuals where it has been assessed as essential for their mental well-being are attending. Similar for the Glyndwr Centre. When easing of restrictions allow, both centres will probably go back to operating in a way similar to how they were prior to the pre-Christmas lockdown. Numbers have been reduced to comply with risk assessments and due to the changes made within the different establishments to comply with Covid guidance and ensure space for social distancing etc.”

Councillor Glenn Swingler asked a supplemental question –

“out of existing ones currently closed, if we were to come out of lockdown, are these facilities ready to open straight away?”

Further response by Councillor Bobby Feeley –

“Some are ready to go, hopefully, they will be sorted and ready. I can send a list out to you of where we are.”

#### **4 MINUTES**

The minutes of Full Council held on 26 January 2021 were submitted.

Matters Arising – Item 3, Urgent Items. Councillor Peter Scott asked for any update regarding flooding.

Lead Member for Waste, Transport and the Environment, Councillor Brian Jones responded that a communication had recently been received from NRW regarding the floods in February 2020 which would be available within the next two weeks. NRW had carried out interim works in Ruthin at the point where the river broke its banks and they had confirmed a permanent solution would be in place in Autumn.

The Corporate Director: Economy and Public Realm, Graham Boase confirmed NRW were working in partnership with DCC and both local members and local residents were being kept informed.

PROPOSED by Councillor Cheryl Williams and SECONDED by Councillor Alan James to accept the minutes of the meeting held on 26 January 2021.

A vote took place and it was unanimously agreed the minutes were correct.

**RESOLVED** that the minutes of the Council meeting held on 26 January 2021 be confirmed as correct record.

## **5 AVOIDANCE AND REDUCTION OF PLASTICS IN DENBIGHSHIRE COUNTY COUNCIL**

Councillor Arwel Roberts introduced the Avoidance and Reduction of Plastics in Denbighshire County Council report (previously circulated).

On 22 December 2020 a Special Meeting of Performance Scrutiny Committee took place and recommendations were supported as to how Council could reduce plastics.

The Task and Finish Group, chaired by Councillor Emrys Wynne, put forward an action plan to reduce the use of plastics.

Full Council, at the end of January 2020, approved the recommendations included in the Task and Finish Group's initial action plan to reduce the use of plastics in civic offices (Phase 1). Full Council also agreed to the Group's request to continue its work for a further 12 months with a view to devising methods for reducing the use of plastics in two specific areas, namely school catering and procurement (Phase 2). Within a matter of weeks of the above decision being taken the COVID-19 pandemic struck and the country went into lockdown.

The report outlined the proposed recommendations following the recent meeting of the Use of Plastics Members' Task & Finish Group where the group acknowledged the achievement of Phase 1 in reducing the use of plastics in civic offices and considered a way forward in relation to the work it had been tasked to undertake, but were unable to progress Phase 2 (School Catering and Procurement) due to the pandemic.

Members expressed their gratitude to the Strategic Planning and Performance Officer, Heidi Barton-Price, for her work with the Task and Finish Group.

Councillor Arwel Roberts proposed the report, seconded by Councillor Emrys Wynne.

A vote took place and a majority agreed to accept the report. Councillor Ann Davies abstained from the vote as she was not present for all the discussion.

**RESOLVED** that Council considers and comments on the Task and Finish Group's work thus far and endorses the recommendations by the Performance Scrutiny Committee:

- (i) given the current circumstances due to the global COVID-19 pandemic, that Phase 2 of the Group's work should not proceed and that the Task and Finish Group be disbanded;
- (ii) opportunities to reduce the use of plastics in school catering and procurement, along with any future work on the avoidance and reduction of plastics in Denbighshire County Council (including its Alternative Delivery Models (ADMs) such as Denbighshire Leisure Limited (DLL) be co-ordinated under the proposed Climate and Ecological Change Strategy;
- (iii) the Scrutiny Chairs and Vice-Chairs Group (SCVCG) be requested to determine the most effective forum for monitoring the implementation and delivery of reducing the use of plastics within Denbighshire County Council and the Council's wider Ecological and Climate Change Strategy.

## 6 DCC'S CLIMATE AND ECOLOGICAL CHANGE STRATEGY

The Lead Member for Waste, Transport and the Environment, Councillor Brian Jones, introduced the Denbighshire County Council's Climate and Ecological Change Strategy (2021-2029) report (previously circulated).

The Council declared a Climate Change and Ecological Emergency on 9th July 2019 which contained a set of actions for DCC including the goal for the Council to become net carbon zero by 2030 at the latest, to enhance biodiversity in Denbighshire and to draw up a clear plan to achieve this.

Some of changes and actions set out in the Strategy would require capital investment, others revenue funding, and some delivered at no additional cost. Many of the changes and actions would save the Council money over the long time. To deliver this strategy over the next 3 years there would be a cost in the region of £9 million pounds to deliver the projects needed to achieve all objectives.

The Lead Member for Housing and Communities, Councillor Tony Thomas, gave an update to members as follows:

- Tree planting was progressing well. There was now a full time tree officer in post and two further officers had been employed for 12 months.
- A Moorland Officer was also now in post which was supported 50% by NRW.
- Ash die back continued to be an issue

The Climate Change Programme Manager referred to the Welsh Government's target for Wales to be carbon zero by 2050 and the Climate Change Committee's advice on carbon reduction and absorption to cap global warming temperatures and

limit the impact on climate change and biodiversity. The Strategy represented the Council's contribution in tackling the climate and nature crisis and help Wales meet its carbon zero ambitions and deliver on biodiversity duties. It had been produced collaboratively across the Council and with members of the public, and provided the Council's vision for 2030 together with a route map of how it would be achieved, banking benefit of reduced carbon, increased carbon absorption and improved species together with co-benefits in economy, health and wellbeing.

Councillor Brian Jones proposed the DCC's Climate and Ecological Change Strategy report, seconded by Councillor Christine Marston.

A vote took place and it was unanimously agreed to accept the report.

**RESOLVED** that:

- Council approve to adopt the Denbighshire County Council's Climate and Ecological Change Strategy (2021/22 – 2029/30).
- Council confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix A) as part of its consideration.

## **7 COUNCIL TAX 2021/22 AND ASSOCIATED MATTERS**

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Council Tax 2021/22 and Associated Matters Report (previously circulated) to set the levels of Council Tax for 2021/2022.

Councillor Thompson-Hill particularly referred to:

- The main features of the budget which had been approved at full Council on 26 January 2021
- Observations of the Head of Finance and Property on the robustness of budget estimates and adequacy of reserves
- A breakdown of the precepts from City, Town and Community Councils and the Police and Crime Commissioner for North Wales
- Recommendations for the levels of Council Tax 2021/2022
- A positive settlement of +3.6% in the Council's Local Government revenue from Welsh Government.

During discussions, Members of Plaid Group stated that they had voted against the Budget 2021/2022 Final Proposals report at the Council meeting on 26 January 2021. The Lead Member, Councillor Julian Thompson-Hill confirmed that the majority of members had voted in favour of the report and, therefore, the result was binding.

Councillor Julian Thompson-Hill proposed to accept the Council Tax 2021/2022 and Associated Matters report, seconded by Councillor Hugh Evans.

A vote took place and it was unanimously agreed to accept the report.

**RESOLVED** that:

- (i) 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 2021/22 financial year.*

- (ii) It is recommended that the amounts calculated by the Council for the 2021/22 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) It is recommended that the amounts calculated by the Council for the 2021/22 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 2021/22 financial year for each of the categories of dwellings be as shown in Appendix C.*
- (v) That 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 2021/22 with the caveat that this is dependent on no changes to legislation or local conditions.*

## **8 CAPITAL PLAN 2020/21 - 2023/24 AND RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP**

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced Capital Plan 2020/2021 – 2023/2024 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 was last reported to Council in February 2020. Monthly updates had been presented to Cabinet. The Estimated Capital Plan was now £42.36m. The plan had been updated since being reported to Cabinet on 16 February 2021.

Councillor Thompson-Hill guided members through the report.

Both Councillor Thompson-Hill and the Head of Finance and Property responded to questions regarding various aspects of the Capital Plan. Main areas of discussion focused on the following:

- The issue of flooding and members asked whether there would be finance available for the projects required to aid flooded areas. It was confirmed that for severe flooding there were Welsh Government funding streams which could be accessed. Some of the defence works around rivers were the responsibility of NRW. The flooding in Ruthin was the responsibility of NRW and not DCC. Both NRW and DCC work together to alleviate issues. Scrutiny had set up a Task and Finish Group to deal with all aspects of flooding.
- Bridge repair works was raised and it was confirmed that there was an allocation of £403,000 for routine work to bridges. The relevant team would prioritise the bridge works which could be delivered. Bridge work was planned and approved on an annual basis.
- The Lead Member for Waste, Transport and the Environment, Councillor Brian Jones, informed members that Welsh Government were putting

initiatives in place for funding. The Head of Service was collating a business case to obtain a commitment of up to £4million per year.

Councillor Julian Thompson-Hill proposed to accept the Capital Plan 2020/21 - 2023/24 and recommendations of the Strategic Investment group report, seconded by Councillor Hugh Evans.

A vote took place and it was unanimously agreed to accept the report.

**RESOLVED that:**

- (i) Members note the latest position on the 2020/21 element of the Capital Plan and the update on major projects.
- (ii) Members support the approval of Cabinet and the recommendation of the Strategic Investment Group as detailed in Appendix 5 and summarised in Appendix 6.
- (iii) Members approve the 2021/22 Capital Plan.
- (iv) Members approve the Capital Strategy Report for 2021/22 as detailed in Appendix 7.

**9 TREASURY MANAGEMENT STRATEGY STATEMENT 2021/22 AND PRUDENTIAL INDICATORS 2020/21 TO 2022/23**

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced Treasury Management Strategy Statement 2021/22 and Prudential Indicators 2020/21 to 2022/23 Report (previously circulated) to seek Council's approval of the Treasury Management Strategy Statement (TMSS) 2021/22 and Prudential Indicators

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.

When investing, the Council's priorities were to:

- keep money safe (security);
- make sure that the money comes back when it is needed (liquidity);
- make sure a decent rate of return is achieved (yield).

Councillor Julian Thompson-Hill proposed to accept the Treasury Management Strategy Statement 2021/22 and Prudential Indicators 2020/21 to 2022/23 report, seconded by Councillor Jeanette Chamberlain-Jones.

A vote took place and it was unanimously agreed to accept the report.

**RESOLVED that:**

- (i) Council approves the TMSS for 2021/22 (Appendix 1).
- (ii) Council approves the setting of Prudential Indicators for 2021/22, 2022/23 and 2023/24 (Appendix 1 Annex A).
- (iii) Council approves the Minimum Revenue Provision Statement (Appendix 1 Section 6).

*(iv) Council confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) 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 together with the Council Briefing Forward Work Programme (previously circulated).

**RESOLVED** *that the Council and Council Briefing Forward Work Programmes be approved and noted.*

**The meeting concluded at 1.15 p.m.**

Apologies for absence were received from Councillors Mabon ap Gwynfor, Gwyneth Kensler, Geraint Lloyd-Williams and Richard Mainon

<b>Report to</b>	Council
<b>Date of meeting</b>	13 April 2021
<b>Lead Member / Officer</b>	Head of Legal, HR and Democratic Service
<b>Report author</b>	Gary Williams, Head of Legal, HR and Democratic Service
<b>Title</b>	Arrangements for the Election of Chair and Vice Chair at the Annual Meeting of Council

## 1. What is the report about?

1.1. The arrangements for election of the Chair and Vice Chair of the Council for the municipal year 2021 / 2022.

## 2. What is the reason for making this report?

2.1. The Chair and Vice Chair of Council will be elected at the Annual Meeting of Council in May. The purpose of the report is to agree on the proposed Chair and Vice Chair for the coming municipal year 2021 / 22 to be formally elected at the Annual Meeting of Council.

## 3. What are the Recommendations?

3.1. That Council agrees the proposed Chair and Vice Chair for the municipal year 2021 / 2022 to be formally elected at the Council's Annual Meeting on the 18<sup>th</sup> May 2021.

## 4. Report details

4.1. In 2006 the Council agreed with the conclusions of the former Modernising Panel that the previous procedure whereby Annual Council met to consider the nominations with no real certainty as to who would emerge as Chair and Vice Chair of the Council detracted from the dignity of the occasion.

4.2. Council resolved that the arrangements for the election of Chair and Vice Chair should be addressed at the meeting prior to Annual Council.

4.3. The current Vice Chair of Council is Councillor Alan James. The tradition is that the current Vice Chair of Council is elected as Chair of Council for the forthcoming municipal year.

4.4. Group Leaders have been requested to provide nominations for the role of Vice Chair of Council for the coming municipal year and Councillor Christine Marston has been nominated.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. The roles of Chair and Vice Chair of Council do not impact directly on the corporate priorities.

## **6. What will it cost and how will it affect other services?**

6.1. The roles of Chair and Vice Chair of the Council currently attract civic salaries of £23,161 and £18,108 respectively. These figures are inclusive of the basic salary paid to all members.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. There is no need for an impact assessment in respect of this decision.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1. Group Leaders have been consulted with regard to the nomination of members to the role of Vice Chair of Council.

## **9. Chief Finance Officer Statement**

9.1. There are no additional costs arising from this recommendation.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. There is a reputational risk to the Council if there is no certainty as to the proposed Chair and Vice Chair of Council at the Annual Meeting

## **11. Power to make the decision**

11.1. Section 4 Council Constitution.

11.2. Section 4 Local Government Act 1972

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<b>Report to</b>	Council
<b>Date of meeting</b>	13 April 2021
<b>Lead Member / Officer</b>	Gary Williams,  Monitoring Officer
<b>Report author</b>	Steve Price, Democratic Services Manager
<b>Title</b>	Amendments to the Constitution

## 1. What is the report about?

1.1. This report relates to amendments to the Council's Constitution to reflect sections of the Local Government and Elections (Wales) Act 2021 that are being commenced.

## 2. What is the reason for making this report?

2.1. For Council to update the Constitution's provisions for remote attendance at meetings and for the Council's Corporate Governance and Audit Committee.

## 3. What are the Recommendations?

3.1. That Council amends the Constitution by replacing the existing wording in Section 4.17 with the following:

*“Remote attendance is permitted at all meetings, committees and sub-committees provided that those participating are able to speak to and be heard by each other. In the case of meetings which are required by law to be broadcast, participants are able to speak to and be heard by each other and to see and be seen by each other”;*

3.2. That Council amends the name of the Corporate Governance and Audit Committee to the 'Governance and Audit Committee';

3.3. That Council authorises the Monitoring Officer to amend the wording of Section 13 of the Constitution relating to the Corporate Governance and Audit Committee's terms of reference and responsibilities, in order to reflect the 2021 Act's provisions relating to complaints and performance assessment duties which come into force from the 1<sup>st</sup> May 2021.

## **4. Report details**

- 4.1. To allow local authorities to continue to function under Covid-19 restrictions the Welsh Government introduced the Local Authorities (Coronavirus) (Meetings) (Wales) Regulations 2020 which came into force on 22 April 2020. The Regulations permit remote attendance at meetings irrespective of the provisions contained in a local authority constitution. These Regulations are temporary and will no longer apply after the 30<sup>th</sup> April 2021. However, from that time the provisions of Section 47 of the Local Government and Elections (Wales) Act 2021 (referred to from hereon as the 'Act') will come into force.
- 4.2. Section 47 of the Act requires local authorities to make arrangements from the 1<sup>st</sup> May to ensure their meetings are capable of being held remotely.
- 4.3. Currently, the law does not require local authorities to broadcast meetings though Denbighshire has been broadcasting certain meetings since 2013. With the Covid-19 closure of buildings the Council has been broadcasting almost all of the meetings that the public would normally have been able to attend. Under the Act Denbighshire will have to broadcast meetings of full Council and Welsh Ministers are expected to make regulations in respect of other meetings that must be broadcast.
- 4.4. The Council has a statutory 'audit' committee called the Corporate Governance and Audit Committee. The Act changes this Committee's name to the 'Governance and Audit Committee'. The Act also extends the Committee's statutory remit to reviewing and assessing the Council's ability to handle complaints effectively, and to make reports and recommendations thereon. It also creates a role for the Committee in the new performance assessment process.
- 4.5. From May 2022 the Act will bring changes to the Committee's membership that will require the Committee's chair to be a lay-member and a third of the

membership to be lay-members. A further amendment to the Committee's terms of reference will be required at that time.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. These decisions do not directly contribute to the Corporate Priorities.

## **6. What will it cost and how will it affect other services?**

6.1. The decisions sought today are not expected to increase costs. The Welsh Government will set out in Regulations which meetings must be broadcast which may consequentially affect broadcasting costs.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. An assessment is not required for this report.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1. The provisions of the 2021 Act have been discussed at an informal briefing with elected members, with the Corporate Governance and Audit Committee and the Standards Committee.

## **9. Chief Finance Officer Statement**

There are no immediate financial implications arising from this report, though the Council will need to await further broadcasting regulations for clarity on those costs. The extension of the lay-membership of the Governance and Audit Committee from May 2022 will require funds for attendance and time commitment allowances.

It is hoped that any increase in costs can be kept within existing service area budgets, however any issues can be raised through the annual budget setting process.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. The decisions sought are statutory requirements.

## **11. Power to make the decision**

11.1. Section 47 of the Local Government and Elections (Wales) Act 2021

(arrangements and conditions for persons who are not in the same place to attend local authority meetings);

11.2. Section 115 of the Local Government and Elections (Wales) Act 2021 (new

name and functions of audit committees);

11.3. Section 37 of the Local Government Act 2000 (to prepare and keep up-to-date a written constitution).

<b>Report to</b>	County Council
<b>Date of meeting</b>	13 <sup>th</sup> April 2021
<b>Lead Member / Officer</b>	Councillor Hugh Evans, Leader
<b>Report author</b>	Gary Williams, Head of Legal, HR and Democratic Services
<b>Title</b>	Appointment of Electoral Registration Officer and Returning Officer

## 1. What is the report about?

- 1.1. The report is about the appointment of an Electoral Registration Officer and Returning Officer for Denbighshire.

## 2. What is the reason for making this report?

- 2.1. The Council needs to appoint an Electoral Registration Officer and Returning Officer to fulfil both roles pending the appointment of a new Chief Executive.

## 3. What are the Recommendations?

- 3.1. That Nicola Stubbins be appointed as Electoral Registration Officer for Denbighshire to hold office until the appointment of a new Chief Executive.
- 3.2. That Nicola Stubbins be appointed as Returning Officer for Local Government Elections in Denbighshire to hold office until the appointment of a new Chief Executive.

## 4. Report details

- 4.1. s8 Representation of the People Act 1983 requires the appointment of an officer of the Council as the Electoral Registration Officer for its area.

- 4.2. s35 Representation of the People Act 1983 requires the appointment of an officer of the Council as the Returning Officer for Local Government Elections for its area.
- 4.3. It is common practice in many local authorities for the Electoral Registration Officer and the Returning Officer to be the same person, which often results in a senior officer being appointed to both posts. In Denbighshire the practice has been to appoint the person who is Chief Executive to hold both posts.
- 4.4. Following the departure of the previous Chief Executive on 6<sup>th</sup> April 2021 it is necessary to appoint a senior officer of the Council to hold both positions until the appointment of a new Chief Executive.
- 4.5. Article 18 (2)(a) of the National Assembly for Wales (Representation of the People) Order 2007, as amended, designates the Returning Officer for Local Government Elections as the Returning Officer for a Senedd Cymru Constituency situated wholly within the County. Therefore, the Returning Officer for Local Government Elections within Denbighshire will also be designated as the Returning Officer for the Vale of Clwyd Senedd Cymru Constituency.
- 4.6. Regulation 2A Police and Crime Commissioner Elections (Functions of Returning Officers) regulations 2012 provides that where a Police and Crime Commissioner election is being held at the same time as a Senedd Cymru election, the Returning Officer for the relevant Senedd Cymru constituency will be the Local Returning Officer for the Police and Crime Commissioner election in that constituency area.
- 4.7. The Returning Officer for Parliamentary elections in this area is the High Sheriff for the Preserved County of Clwyd, however the High Sheriff is only able to carry out limited functions (subject to giving the requisite notice), such as receiving the writ from the Clerk of the Crown in Chancery and declaring the result following the counting of votes. The Returning Officers (Parliamentary Constituencies) (Wales) Order 2007 designates the Electoral Registration Officer for the County of Denbighshire as the Acting Returning Officer for the Vale of Clwyd Parliamentary Constituency.
- 4.8. Council should note that the Electoral Registration Officer and Returning Officer have statutory functions, and the responsibility for each role is one of a personal

nature and distinct from their duties as an employee of the council. Although appointed and employed by the Council, both roles are “Independent Officers of the Crown”. For example, the Electoral Registration Officer is personally responsible for the information held in the Register of Electors and holds a separate license to that of the County Council with the Information Commissioner’s Office. Similarly, the Returning Officer and not the County Council could be subject to an election petition at the Royal Courts of Justice following the result of an election.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. There is no direct impact on the corporate priorities.

## **6. What will it cost and how will it affect other services?**

6.1. There are no additional costs as a result of this decision.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. A well-being impact assessment is not required for this report.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1. There have been no consultations with Scrutiny.

## **9. Chief Finance Officer Statement**

9.1. There are no direct financial implications of this report.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. There is a risk that the Council will not have fulfilled its statutory duty to appoint an officer to these posts if an appointment is not made. There are Senedd Cymru elections due to take place on 6<sup>th</sup> May 2021.

## **11. Power to make the decision**

11.1. s8 Representation of the People Act 1983



COUNCIL FORWARD WORK PROGRAMME

Meeting	Item (Description / Title)		Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer
<b>18 May 2021 ANNUAL COUNCIL</b>	1	Election of Chair and Vice-Chair of Denbighshire County Council	To elect the Council's Chair and Vice-Chair for the 2021-2022 municipal year	No	Councillor Richard Mainon / Gary Williams / Steve Price
	2	Annual Report of Scrutiny	To review the annual report of Scrutiny	No	Councillor Graham Timms / Rhian Evans / Steve Price
	3	Annual Review of Political Balance	To consider the current political balance arrangements, committee vacancies and how Scrutiny Chairs are appointed.	Yes	Councillor Richard Mainon / Steve Price
	4	Real Living Wage Accreditation	Report requested by Council to consider the steps to becoming an accredited Real Living Wage Employer	Yes	Councillor Julian Thompson-Hill/ Catrin Roberts / Sophie Vaughan
	5	Pay Policy 2021/22	Report and Policy requiring agreement from Full Council	Yes	Councillor Julian Thompson-Hill / Catrin Roberts / Sophie Vaughan
<b>6 July 2021</b>	1	Annual Performance Review		Yes	Alan Smith / Iolo McGregor
	2	Committee Timetable 2022	To approve the committee timetable	Yes	Councillor Richard Mainon / Steve Price / Kath Jones
<b>7 September 2021</b>					
<b>12 October 2021</b>					
<b>7 December 2021</b>					

COUNCIL FORWARD WORK PROGRAMME


**FUTURE ITEMS**

Annual Report of the Standards Committee	To consider the Annual Report	Chair of the Standards Committee / Gary Williams	<b>TBC</b>
Investigation into Flooding	Once investigation carried out, report to be submitted to Full Council following request from Full Council on 26 January 2021	Councillor Brian Jones	<b>TBC</b>

**Note for Officers – Full Council Report Deadlines**

<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>	<i>Meeting</i>	<i>Deadline</i>
13.04.2021	30.03.2021	18.05.2021	04.05.2021	06.07.2021	22.06.2021
07.09.2021	24.08.2021	12.10.2021	28.09.2021	07.12.2021	23.11.2021

Updated 25/03/2021 SLW

## Council Briefing Forward Work Programme

Meeting	Item (Description / Title)		Purpose of Report	Lead member and Contact Officer
<b>7 June 2021</b>	1	Armed Forces Covenant Awareness Training		Cllr Richard Mainon / Gary Williams/ Stephen Townley, Armed Forces Liaison Officer
	2	Welsh Index of Multiple Deprivation (WIMD) Results for Denbighshire	To bring to members the WIMD results for Denbighshire	Nicola Kneale
<b>8 November 2021</b>				

**FUTURE MEETINGS TBC:**

CSSR – to discuss the support staff review (Alan Smith) – deferred from 9 March 2020 meeting

Updated 29.03.2021 - SLW

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