

To: Members of the County Council

Date: 29 June 2022

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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, 5 JULY 2022** in **THE COUNCIL CHAMBER, COUNTY HALL, RUTHIN AND 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 - 16)

To receive the minutes of the meeting of County Council held on 24 May 2022 (copy attached).

5 COUNTY COUNCIL FORWARD WORK PROGRAMME (Pages 17 - 22)

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

PART 2 - CONFIDENTIAL ITEMS

EXCLUSION OF PRESS AND PUBLIC

It is recommended in accordance with Section 100A (4) of the Local Government Act, 1972, that the Press and Public be excluded from the meeting during consideration of the following item(s) of business because it is likely that exempt information as defined in Paragraph 12 and 14 of Part 4 of Schedule 12A of the Act would be disclosed.

6 APPOINTMENT OF CORPORATE DIRECTOR: GOVERNANCE AND BUSINESS

To interview candidates and consider making an appointment for the post of Corporate Director: Governance and Business. The number of candidates to be interviewed will be determined by a Special Appointments Panel.

7 APPOINTMENT OF CORPORATE DIRECTOR: ECONOMY AND ENVIRONMENT

To interview candidates and consider making an appointment for the post of Corporate Director: Economy and Environment. The number of candidates to be interviewed will be determined by a Special Appointments Panel.

MEMBERSHIP

Councillors

Councillor Arwel Roberts (Chair)

Brian Blakeley
Joan Butterfield
Jeanette Chamberlain-Jones
Ellie Chard
Kelly Clewett
Ann Davies
Karen Edwards
Pauline Edwards
Gwyneth Ellis
James Elson
Chris Evans
Hugh Evans
Justine Evans
Bobby Feeley
Gill German
Jon Harland
Elen Heaton
Huw Hilditch-Roberts
Martyn Hogg

Councillor Pete Prendergast (Vice-Chair)
Delyth Jones
Paul Keddie
Diane King
Geraint Lloyd-Williams
Julie Matthews
Jason McLellan
Barry Mellor
Terry Mendies
Raj Metri
Win Mullen-James
Merfyn Parry
Gareth Sandilands
Peter Scott
Rhys Thomas
Andrea Tomlin
Michelle Walker
Cheryl Williams
David Williams
Elfed Williams

Carol Holliday
Alan Hughes
Hugh Irving
Alan James

Eryl Williams
Huw Williams
Emrys Wynne
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 the Council Chamber, County Hall, Ruthin and via Video Conference on Tuesday, 24 May 2022 at 10.00 am.

PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Kelly Clewett, Ann Davies, Karen Edwards, Pauline Edwards, Gwyneth Ellis, James Elson, Chris Evans, Hugh Evans, Justine Evans, Bobby Feeley, Gill German, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving, Alan James (Chair), Delyth Jones, Paul Keddie, Diane King, Geraint Lloyd-Williams, Julie Matthews, Jason McLellan, Barry Mellor, Terry Mendies, Raj Metri, Win Mullen-James, Merfyn Parry, Pete Prendergast, Arwel Roberts, Gareth Sandilands, Peter Scott, Rhys Thomas, Andrea Tomlin, Michelle Walker, Cheryl Williams, David Williams, Elfed Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (GB); Corporate Director: Communities (NS); Head of Legal, HR and Democratic Services (GW); Head of Finance and Property/Section 151 Officer (SG); Head of Children's Services (RM); Head of Education (GD); The Democratic Services Manager (SP); Zoom Host (SJ) and Committee Administrator (RTJ)

1 APOLOGIES

None.

2 DECLARATIONS OF INTEREST

No declarations of interest were raised.

3 APPOINTMENT OF THE CHAIR OF COUNTY COUNCIL

The retiring Chair, Councillor Alan James, invited nominations for the appointment of Chair of County Council for 2022/23.

The retiring chair gave a short speech reflecting on his term as chair and highlighted some of the numerous events and fundraisers he took part in during his term as chair. The chair thanked officers for all the assistance during his tenure with such challenges as Covid 19.

The retiring chair presented gifts to officers Gary Williams, Steve Price and Eleri Woolford.

Councillor Huw Hilditch-Roberts proposed Councillor Arwel Roberts to be elected Chair, outlining the personal qualities and vast experience he would bring to the position and being a great ambassador for the Council during the Urdd Eisteddfod

which was being held in Denbighshire. Councillor Rhys Thomas seconded the proposal.

There were no other nominations for the position of chair. Therefore, Councillor Arwel Roberts was elected to be Chair of the Council for the 2022/23 municipal year.

The retiring Chair wished the incoming Chair best wishes for the future and invested him with the chair's chain of office, following which he completed his Declaration of Acceptance of Office.

The incoming Chair paid tribute to the work undertaken by the retiring Chair and presented him with the Past Chair's Badge.

At this juncture, the incoming Chair presented the retiring Chair's Consort with a bouquet in gratitude for her support to the retiring Chair over their term.

The incoming Chair's Consort for the year was to be his wife; the charities were unselected. However, they would likely relate to Dementia and Cancer and the Welsh language.

Finally, he congratulated both returning and new councillors on their success in the recent elections indicating that he was looking forward to working with them all during the forthcoming year.

4 APPOINTMENT OF THE VICE-CHAIR OF COUNTY COUNCIL

The Chair sought nominations for the appointment of Vice-Chair.

Councillor Joan Butterfield proposed Councillor Pete Prendergast be elected Vice-Chair of the Council for the 2022/23 municipal year.

There being no other nominations, Councillor Pete Prendergast was unanimously elected Vice-Chair of the Council for the 2022/23 municipal year.

The incoming Vice-Chair named his fellow Councillor Diane King as his consort.

Group Leaders and Members congratulated Councillors Arwel Roberts and Pete Prendergast upon being elected Chair and Vice-Chair.

At this juncture (10.30 a.m.), there was a break.

The meeting reconvened at 11.30 am.

The Chair and the Monitoring Officer agreed to defer the urgent item to the end of the meeting.

5 ELECTION OF THE LEADER OF THE COUNCIL

The Chair invited nominations for the appointment of Leader of the Council.

Councillor Julie Matthews proposed Councillor Jason McLellan; she stated that Councillor McLellan had a wealth of experience in democratic work and believed that Councillor McLellan could deal with the challenges facing the Council. Councillor Rhys Thomas seconded the proposal.

Councillor Bobby Feeley proposed Councillor Huw Hilditch-Roberts; she highlighted that Councillor Hilditch-Roberts was a Cabinet member for the previous Council, and his passion for the Welsh language was integral to his work. She closed the statement by highlighting that Councillor Hilditch-Roberts puts people before politics. Councillor David Williams seconded the proposal.

The Chair requested each of the nominated Councillors to deliver a 5-minute presentation.

Councillor Jason McLellan stated that he stood for the position of Leader understanding that immense challenges lay ahead. He had numerous priorities if he were appointed as the Leader. These included tackling the cost-of-living crisis, flooding, social care, improving education, the local economy, housing, rural communities, the Welsh language and working towards becoming a carbon neutral council.

Councillor McLellan added that the cost of living crisis was a real challenge faced by residents across the County. He would look at economic regeneration, which would look at having a local economic approach which would be a town centre first approach. He added that the Council worked with the North Wales Economic Ambition Board to deliver the North Wales Growth Deal and believed that continued work with this regional body was vitally important.

Councillor Huw Hilditch-Roberts stated he would be open and transparent, and his approach would be more public-facing. He added that he could provide much-needed experience for the new Council. Councillor Hilditch-Roberts added that there was a dire need for a highway plan which was funded correctly to alleviate the decreasing standards of the highways in Denbighshire. He also added he would work on improving public transport, flood defences, and health and social care.

In closing his address, he highlighted that he was an excellent bi-lingual communicator and was able to negotiate professionally and methodically. He aimed to leave a positive impression on Denbighshire and sought Members' support.

The Monitoring Officer informed the committee of the voting procedure for a hybrid meeting; all members indicated they were happy with the process. The votes were as follows:

Councillor Jason McLellan – 27

Councillor Huw Hilditch-Roberts – 19

Councillor Jason McLellan was duly elected Leader of the Council.

At this juncture, Councillor Huw Hilditch-Roberts congratulated Councillor Jason McLellan and offered his full support.

Group Leaders and Members congratulated Councillor Jason McLellan on his election as leader of the Council.

Councillor Jason McLellan thanked the members for their support and their faith in his abilities to carry out his duty as the leader of the Council; he thanked the former leader of the Labour Group, Councillor Joan Butterfield, for her support, as well as the leader of the Plaid Cymru Group Councillor Rhys Thomas for all of the assistance offered thus far.

Councillor Hugh Evans, the previous leader of the Council, congratulated Councillor Jason McLellan on his appointment and thanked all the officers he had worked with over his 14 years as the Leader. He stated that there had been a good and respectful culture between all council members regardless of politics. He added that an excellent council needed to have good governance arrangements in place. In closing, he wanted to thank his family for all of their support during his term as the Leader; he also wanted to thank his business co-ordinator Sharon Evans for all of her support during his term as leader.

6 MINUTES

The minutes of Full Council held on 22 February 2022 and 14 March 2022 were submitted

RESOLVED that the minutes of Full Council held on 22 February 2022 and 14 March 2022 be confirmed as a correct record.

7 ANNUAL REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF SCRUTINY CHAIRS

The Democratic Services Manager (DSM) introduced the Annual Review of Political Balance and Appointment of Scrutiny Chairs Report (previously circulated).

The Local Government and Housing Act 1989 and supporting Regulations make provision for political balance in the membership of the Council to be reflected in the membership of the Council's committees (though this requirement in the Act does not cover Cabinet).

Full Council must appoint the members of the Democratic Services Committee. There were to be no co-opted members. Under the Measure, there may be no more than one member of the Cabinet on the Committee (who cannot be the Leader), but Council in May 2012 decided that the membership would be 11 councillors and would not include members of the Cabinet. Accordingly, Council would be asked to make these appointments once it was known which members would be eligible to sit on the committee.

The DSM highlighted that the Local Government (Wales) Measure 2011 provides the principles for allocating the Scrutiny Chairs to the political groups.

The Group Leaders would be asked to confirm their Scrutiny Chair appointments once the Cabinet and non-Cabinet group memberships have been agreed.

RESOLVED that the Council notes the political balance position and the arrangements for the appointment of the chairs of the Scrutiny committees.

8 APPOINTMENT OF MEMBERS TO THE STANDARDS COMMITTEE

The Head of Legal, HR and Democratic Services / Monitoring Officer introduced the report (previously circulated) for Council to approve appointments to the Standards Committee.

The governing regulations regarding the composition of the Council's Standards Committee require a committee of between five and nine members comprising persons independent of the Council (Lay or independent Members), County Councillors and a Town or Community Council Councillor. Due to the passage of time and the legal time limits in which the Lay Members may serve, it was now necessary for one retiring Independent Member (Ian Trigger) to be replaced; one Lay Member to be reappointed for a further term of office; a re-appointment of a Town or Community Council Member and also the establishment of a Special Appointments Panel to interview the prospective candidates for the vacant Lay Member role and make the appropriate recommendations to the Full Council thereafter.

Councillor Merfyn Parry proposed that Councillor Bobby Feeley be appointed as one of the County Councillors on the Standards Committee, seconded by Councillor Huw Hilditch-Roberts. Cllr Peter Scott nominated Cllr Hugh Irving to sit on the Committee. This was seconded.

There were no nominations at the meeting for members to sit on the appointments panel, however, the Council agreed for the matter to be decided upon by group leaders.

The council supported independent member Peter Lamb serving another term; the proposal was put forward by Councillor Mark Young and seconded by Councillor Rhys Thomas.

Regarding the reappointment of the Community Council Member, the Monitoring Officer stated that the current Community representative Councillor Gordon Hughes has advised he was happy to continue, subject to the statutory consultation, then approval. Once that consultation has been completed, a report would be brought back to the Full Council together with recommendations in respect of the Lay Member appointment.

RESOLVED that:

- (i) *the Council agree for the Monitoring Officer to consult with the Town, City and Community Councils in respect of the proposed reappointment of the Standards Committee's Town and Community Council Member, Councillor Gordon Hughes..*

- (ii) the independent member Peter Lamb, be reappointed for a second and final term of office.*
- (iii) The three County Councillors to sit on the Standards Committee Special Appointments Panel be agreed upon between the Monitoring Officer and the group leaders.*
- (iv) That Councillors Bobby Feeley and Hugh Irving be appointed to sit as county Councillors on the Standards Committee.*

9 APPOINTMENT OF MEMBERS TO THE GOVERNANCE AND AUDIT COMMITTEE

The Head of Legal, HR and Democratic Services (HL&DS) introduced the report (previously circulated). The report sought Council's approval to appoint three independent Lay Members.

The Council had been required under the Local Government (Wales) Measure 2011 to appoint at least one independent lay member to its Governance and Audit Committee. This externally advertised vacancy resulted in the appointment of Mr Paul Whitham. Unlike the Council's Standards Committee Independent Member appointments, Lay Members of the Governance and Audit Committee do not have a maximum term of office but may be reappointed by Council should they wish to continue for a further term. Mr Witham has agreed to continue for an additional term, subject to Council approval.

The Local Government and Elections (Wales) Act 2022 amended the 2011 Measure to require one-third of the Governance and Audit Committee members to be independent lay members. A recruitment campaign and interview process have now been completed to appoint two additional lay members; and also re-appoint Mr Whitham providing the Committee with three independent lay members in total.

Full Council delegated the selection process to a Special Appointments Panel consisting of Members of the Governance and Audit Committee at its meeting on the 22nd of May 2012. Councillor Barry Mellor, Councillor Rhys Thomas, and now retired Councillor Martyn Holland undertook the interviews with support from the Council's Interim Chief Auditor and the Legal Services Manager. Following interviews, references were sought and shared with the Special Appointments Panel. The Panel now wished to recommend the following formally –

- The re-appointment for a second term of office of Paul Whitham
- The appointment for a term of office of David Stewart
- The appointment for a term of office of Nigel Rudd

Councillor Barry Mellor proposed the appointment of the three independent members, seconded by Councillor Rhys Thomas.

Members were unanimously in favour and,

RESOLVED that the three independent lay members Paul Whitham, David Stewart and Nigel Rudd be appointed to the Governance and Audit Committee

10 CONSTITUTION GUIDE

The Head of Legal, HR and Democratic Services (HLHRDS) introduced the report (previously circulated) informing members of the constitution Guide.

The HLHRDS informed the committee that the Local Government and Elections (Wales) Act 2021 requires that a local authority publishes an ordinary language guide to the Constitution.

The model guide allows for adaptation to recognise local variations in council constitutions. The draft attached as Appendix 1 has been adapted to be read in conjunction with the Council's Constitution.

Members' would see that the guide seeks to identify the types of questions that a person may wish to find the answer to in the Constitution. The guide tries to give a brief answer to those questions and to refer the reader to the relevant part of the Constitution for further detail.

Councillor Martyn Hogg PROPOSED the contents of the Guide to the Constitution for approval, SECONDED by Councillor Win Mullen-James.

Members were unanimously in favour and,

RESOLVED that Full Council approve the contents of the Guide to the Constitution for publication.

11 CONSTITUTION UPDATE

The Head of Legal, HR and Democratic Services (HLHRDS) introduce the Constitution Update (previously circulated) which aimed to inform the Council of changes required to the Constitution as a result of various provisions of the Local Government and Elections (Wales) Act 2021.

The Council is required to have a Constitution by virtue of section 37 Local Government Act 2000, and to keep it up to date. The Constitution provides at sections 2.6.2 and 2.6.3 authority for the Monitoring Officer to make changes where they were required to comply with any legislative provision.

The Local Government and Elections (Wales) Act 2021 has introduced a number of changes that require amendments to the Constitution. The Monitoring Officer has therefore made changes to the Constitution to reflect the new legislative provisions.

The main changes that have been made related to –

- the change to the term of office of elected members from four years to five (section 1)
- the requirement to allow remote attendance at meetings of the authority (section 4)
- the requirement to webcast Council meetings (section 4)
- the possibility of job sharing Cabinet roles, (section 5)

- the possibility of the role of Leader being occupied by Joint leaders (section 6)
- new statutory functions for the Chief Executive and the removal of the role of Head of Paid Service, (section 11)
- the requirement to have a Constitution Guide, (section 2)
- the requirement to have a Petition Scheme, (section 3)
- changes to the functions of the Standards Committee (section 8)
- changes to the functions, composition and name of the Governance and Audit Committee, (section 13)
- to recognise the existence of Corporate Joint Committees (section 10)

Councillor Bobby Feeley queried the record of attendance at meetings, regarding hybrid meetings, as some would attend from afar and others would attend physically, it was also raised how presentations would be visible to all attendees. Responding the HLHRDS informed the committee that members' attendance whether on Zoom or in the Chamber would be recorded. Regarding presentations they would be shown through Zoom to ensure all in attendance would be able to see the presentations.

Councillor Bobby Feeley PROPOSED that Council note the changes to the constitution, SECONDED by Councillor Emrys Wynne.

RESOLVED that the Council notes the changes required to the Constitution as set out in the appendices to the report.

12 URGENT MATTERS AS AGREED BY THE CHAIR

The Head of Legal, HR and Democratic Services (HLHRDS) presented the report (previously circulated) regarding the temporary appointment of members to Bodfari Community Council and Cynwyd Community Council.

Both of the Community Councils have an insufficient number of members following the recent local government elections for them to be able to lawfully act and make decisions. The County Council has the power to make temporary appointments to the Community Councils to enable them to act lawfully. The Local Government Act 1972 provides that where there are so many vacancies on a town or community council that it cannot lawfully act, a county council may, by order, appoint persons to fill all or any of the vacancies until other councillors are elected or co-opted and take office.

The Bodfari Community Council consists of 7 seats. The quorum for the Community Council to be able to act lawfully is 3, and the Cynwyd Community Council consists of 9 seats. The quorum for the Community Council to act lawfully is 3. It was therefore proposed that Councillor Chris Evans, as the local member, be appointed to sit on the Bodfari Community Council, and that Councillors Gwyneth Ellis and Alan Hughes, as the local members, be appointed to sit on the Cynwyd Community Council on a temporary basis.

Councillor Emrys Wynne PROPOSED the temporary appointment of members to the Community Councils be approved, SECONDED by Councillor Peter Scott.

Members were unanimously in favour and,

RESOLVED that

- (i) Councillor Chris Evans be appointed to Bodfari Community Council to enable that Council to act lawfully.
- (ii) Councillors Gwyneth Ellis and Alan Hughes be appointed to Cynwyd Community Council to enable that Council to act lawfully.

13 COUNTY COUNCIL FORWARD WORK PROGRAMME

Prior to the Forward work programme being discussed the Chief Executive, wanted to thank all the officers for their support for the first full Council meeting. He congratulated Councillors Arwel Roberts, Pete Prendergast and Jason McLellan for their new roles within the Council and also thanked the previous leader Councillor Hugh Evans for all the work and dedication he showed during his time as leader.

The Head of Legal, HR and Democratic Services introduce 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 Programme be approved and noted.

THE MEETING CONCLUDED AT 12:50 P.M.

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COUNCIL FORWARD WORK PROGRAMME

Meeting	Item (Description / Title)		Purpose of Report	Council Decision Required (yes/no)	Lead member and Contact Officer
5 July 2022	1	Appointment of Corporate Directors		Yes	Leader / Graham Boase / Louise Dougal
19 July 2022	1.	Pay Policy 2022/2023	Report and Policy requiring agreement from Full Council	Yes	Cllr Gwyneth Ellis / Louise Dougal / Sophie Vaughan
	2.	Petition Scheme	To approve a Petition Scheme for the Council	Yes	Cllr Julie Matthews / Gary Williams
	3.	Appointment of Democratic Services Committee	To appoint membership and Chair of Democratic Services Committee	Yes	Gary Williams
	4.	Appointment of Independent Member of Standards Committee	To confirm the appointment of an Independent Member of the Standards Committee	Yes	Gary Williams
	5.	Appointment of Member Champions	To appoint members to the various roles of Member Champion	Yes	Cllr Julie Matthews / Gary Williams
	6.	Appointment of Directors to the Board of Denbighshire Leisure Limited	To appoint members to the Board of Denbighshire Leisure Limited	Yes	Leader / Gary Williams
	7	Council Performance Self-Assessment 2021 to 2022	To approve the Council's Performance Self-Assessment for 2021 to 2022	Yes	Cllr Gwyneth Ellis Nicola Kneale / Iolo McGregor
	8.	Annual report of the Council's Scrutiny Committees 2021 to 2022	To receive the Annual Report of the Scrutiny Committee for 2021-22	No	Rhian Evans
	9.	Appointment to the North Wales Police and Crime Panel	For Council to appoint a member to the Panel.	Yes	Cllr Julie Matthews / Steve Price
	10.	Committee Timetable 2023	To approve the Committee Timetable	Yes	Cllr Julie Matthews / Steve Price / Kath Jones

COUNCIL FORWARD WORK PROGRAMME

6 September 2022					
11 October 2022					
6 December 2022	1	Central Rhyl and Prestatyn Coastal Defence Schemes		Yes	Councillor Barry Mellor Tony Ward and Wayne Hope

FUTURE ITEMS

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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>
		24.05.2022	10.05.2022	05.07.2022	21.06.2022
06.09.2022	23.08.2022	11.10.2022	27.09.2022	06.12.2022	22.11.2022

COUNCIL FORWARD WORK PROGRAMME

Updated 29/06/2022 SLW

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Council Workshop Forward Work Programme

Meeting	Item (Description / Title)		Purpose of Report	Lead member and Contact Officer
29 July 2022 (Fri 10am)	1	All Member Budget Workshop	To brief members on the budget and budget setting process	Councillor Gwyneth Ellis Steve Gadd
28 September 2022 (Wed 2pm)				
24 October 2022 (Mon 2pm)				
7 November 2022 (Mon 2pm)	1	Inclusion Service & Pupil Referral Unit	To brief members of the roles the Inclusion Service and PRU undertake on behalf of the Council and wider partners.	Councillor Gill German Geraint Davies / Nicola Roberts
16 Dec 2022 (Fri 10am)				

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