

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 25 February 2014 at 10.00 am.

PRESENT

Councillors Raymond Bartley (Chair), Brian Blakeley (Vice-Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Peter Duffy, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy, Huw Hilditch-Roberts, Colin Hughes, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Bob Murray, Peter Owen, Dewi Owens, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Eryl Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM), Corporate Director: Modernisation and Wellbeing (SE), Head of Legal & Democratic Services (GW), Head of Customers and Education Support (JW), Head of Finance and Assets (PMc), Head of Strategic HR (LA), Project Manager, NE Hub (JE), Democratic Services Manager (SP) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Stuart Davies, Martyn Holland, Win Mullen-James, Merfyn Parry and Cheryl Williams

WELCOME

The Chair extended a welcome to the full Council meeting of Denbighshire County Council.

At this juncture, the Chair accepted a petition from Councillor Huw Williams, on behalf of the children and parents of Llanbedr school.

The Chair proceeded to pay tribute to the Corporate Director: Modernisation and Wellbeing (CD: M&W), Sally Ellis who was retiring at the end of February 2014. The four political group leaders and the Lead Member for Social Care and Children's Services all paid tribute to the CD:M&W. A presentation was made and the CD:M&W gave a speech of thanks.

2 DECLARATIONS OF INTEREST

Councillor Geraint Lloyd Williams declared a personal interest for Item 9, Domestic Abuse and Disclosure & Barring Service Policies.

Councillor Huw Hilditch-Roberts declared a personal interest for item 10, Flexible Retirement Policy.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken for the Council by the Chair and Vice Chair for the period 22 January 2014 to 18 February 2014, had been circulated prior to the meeting.

The Chair informed Members of the "Marsh Tracks" in Rhyl and what an amazing facility it was. The Chair extended thanks to all officers and staff involved with the facility.

A competition had been held for primary school children to design a flag to denote what St. David's Day meant to them. Also to write a poem. The two winners of the competition had attended County Hall with their parents. The flag had been raised until after St. David's Day, whereupon it would be presented to the winner of the competition. The Poem had been printed and framed and presented to the winner.

RESOLVED that the list of civic engagements undertaken for the Council by the Chair and Vice-Chair be received and comments of the Chair be noted.

5 MINUTES

The Minutes of the Council meeting held on 27 January, 2014 were submitted.

Councillor Gareth Sandilands stated he had declared a personal interest in Item 7, Budget for 2014/15, but this had not been included in the minutes. The correction would be noted.

RESOLVED that subject to the above, the minutes of the Council meeting held on 27 January 2014, be confirmed as a correct record.

6 APPROVAL OF BUSINESS CASE FOR RHYL NEW SCHOOL PROJECT

The Lead Member for Education, Councillor Eryl Williams, introduced the report (previously circulated) to provide an update of the current position with regard to the Council's submission of the Final Business Case for Rhyl New School, to the Welsh Government

At this juncture, the Head of Customers and Education Support (HofC&E) showed a presentation of the design of the Rhyl New School. The video had not been finalised but showed Members the layout and design.

The Rhyl New School project would be a community school providing a new school building for Rhyl High School to serve up to 1200 pupils in mainstream education

whilst also housing approximately 45 pupils from Ysgol Tir Morfa, the community special school in Rhyl.

The Business Case had been attached to the report (previously circulated). The Business Case would seek 50% funding from the Welsh Government. This would mean £12,293,050 would be required from Denbighshire County Council. The sum would be covered within the overall Corporate Plan and Capital Plan.

Following receipt of a condition survey, it had been agreed that the existing Leisure Centre would continue to be used by Rhyl High School and by Ysgol Tir Morfa for the delivery of the PE curriculum. This would enable the focus to be on improving the existing facilities rather than building another asset.

There had been extensive consultation with the school communities of Rhyl High School and Ysgol Tir Morfa in the development of the project. This had included a number of neighbourhood consultation meetings to discuss the emerging designs for the new school buildings. There had also been engagement with the Rhyl Member Area Group and Rhyl Town Council on the progression of the project.

The Members extended thanks to the Lead Member for Education, the HofC&E and her team, for all their hard work.

RESOLVED that Council approve the Business Case for the Rhyl New School prior to determination by the Welsh Government.

7 COUNCIL TAX 2014/ 15 AND ASSOCIATED MATTERS

The Lead Member for Finance & Assets, Councillor Julian Thompson-Hill, introduced the report (previously circulated) to set the levels of Council Tax for 2014/2015.

In adopting the resolutions of the Council budget meeting of the 27 January 2014, it was necessary for the Council to pass further resolutions in a particular form to ensure that the Council Tax and its associated matters were legally valid.

Following discussions, Members agreed the recommendations within the report.

RESOLVED that:

- (i) County Council as the Billing Authority considered the precepts received from the Police & Crime Commissioner for North Wales and the Town/Community Councils and declared the Council Tax levels for the 2014/2015 financial year.*
- (ii) The amounts calculated by the Council for the 2014/2015 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) The amounts calculated by the Council for the 2014/2015 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 2014/2015 financial year for each of the categories of dwellings be 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 years 2014/2015, 2015/2016 and 2016/2017 being the term of this Council with the caveat that this is dependent on no changes to Legislation or local conditions.

8 TREASURY MANAGEMENT STRATEGY STATEMENT (TMSS) 2014/ 15 AND PRUDENTIAL INDICATORS 2014/ 15 TO 2016/ 17

The Lead Member for Finance and Assets, Councillor Julian Thompson-Hill, introduced the report (previously circulated) for Members to approve the Treasury Management Strategy 2014/2015 and the Prudential Indicators 2014/2015 to 2016/2017.

Treasury Management involved looking after significant sums of the Council's cash which had been a vital part of the Council's work. It required a sound strategy and appropriate controls to safeguard the Council's money to ensure that reasonable returns on investments were achieved and that debt was effectively and prudently managed.

Council adopted the revised CIPFA Code of Practice on TM (November 2011) at its meeting on 28 February 2012. It was a requirement of that Code for a Treasury Management Strategy Statement to be approved each financial year.

The Council had approved an ambitious Corporate Plan showing substantial investment in delivering its priorities over the next five years. It was vital that the Council had a robust and effective Treasury Management function underpinning the investment in all other activities.

When investing, the Council's priorities were to:

- Keep money safe (security)
- Make sure the money could be accessed when needed (liquidity), and
- Ensure a decent rate of return (yield).

Councillor Eryl Williams stated there had been a vision whereby a process could be commenced in the next year or so for Denbighshire to build their own houses. Councillor Williams proposed a Forum be established to enable indepth discussion on this issue.

The Head of Finance and Assets confirmed additional information would be required from the Welsh Government prior to commencement of the Forum.

RESOLVED that Council approves:

(i) The Treasury Management Strategy Statement

(ii) The setting of the Prudential Indicators for 2014/2015, 2015/2016 and 2016/2017

(iii) The Minimum Revenue Provision Statement, and

(iv) That all seven Assembly Members for Denbighshire be asked to lobby for an equitable change to the Housing Revenue Account finance system which ensures that local authorities who have achieved the Welsh Housing Quality Standard are not penalised with regard to the amounts they are able to invest in the future.

9 DOMESTIC ABUSE AND DISCLOSURE & BARRING SERVICE POLICIES

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Domestic Abuse Policy and Disclosure & Barring Service Policy report (previously circulated).

Domestic Abuse Policy

The Welsh Government commissioned the 10,000 Safer Lives Project to ensure that all relevant service providers and organisations were able to identify the signs of domestic abuse and were able to effectively support individuals who experienced domestic abuse.

Members raised the issue that the Policy did not include male members of staff. Statistics were available which stated 1 in 6 men suffer violence from their partners. It was suggested and agreed that men should also be included within the Policy.

The Policy detailed Denbighshire County Council's condemnation of any form of domestic abuse, violence against women and sexual violence and recognised it was both a crime and unacceptable.

The Policy detailed the responsibility of Managers, HR and other employees along with what support the victim/survivor could expect from the Council. It provided Managers with clear guidance on what they should do if an employee disclosed to them that they had been subjected to domestic abuse, violence or sexual violence.

Within the Policy document was a very useful section of the practical support that the Council could offer to an employee which would ensure that those experiencing domestic abuse and sexual violence were able to work in a safe and supported workplace.

Discussion took place and the following points were raised:

- Obtaining legal advice by the victim/survivor could be a very time consuming process and it was hoped by Members that HR took a lenient view on a Member of staff requesting time off to attend Solicitor or Court appointments.
- As it was a problematic and sensitive issue, it could be difficult for a member of staff to open up about their private life. Extensive training would be required by Managers. It was suggested a dedicated person be in place, with whom employees felt comfortable and confident speaking to. It was agreed the single point of contact would be looked into although it did not need to be included in the Policy, it would become part of the training provided.

- The AM for Alyn and Deeside, Carl Sargeant had invited Local Authorities to become Corporate supporters of the White Ribbon Campaign. It was agreed that information regarding the White Ribbon Campaign would be shared with the Group Leaders and it would not be necessary for it to be reported back to County Council.

Disclosure and Barring Service Policy

The Disclosure and Barring Service (DBS) replaced the Criminal Records Bureau (CRB) and Independent Safeguarding Authority (ISA) and the policy had been developed to meet the changes required as a result of the merger. The new Policy complied with the DBS Code of Practice.

RESOLVED that County Council:

- *Adopt the Domestic Abuse, Sexual Violence Policy, and agree that appropriate training on the Policy be rolled out to all Managers within the authority*
- *Agree in principle to support the White Ribbon Campaign subject to officers researching the commitments required of the Council as a corporate supporter of the campaign and report back to Group Leaders, and*
- *Adopt the Disclosure and Barring Service Policy.*

10 FLEXIBLE RETIREMENT POLICY

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Flexible Retirement report (previously circulated).

Members of the Local Government Pension Scheme had a right to apply for flexible retirement. This was where an employee over the age of 55, could request a change to the nature and intensity of their work and receive their pension whilst continuing to work and receive a salary. The purpose of flexible retirement was to facilitate a gradual move into retirement.

Negotiations regarding the Flexible Retirement Policy had been ongoing for over 12 months. Both the Trade Unions and Management agreed on recommendation a) that a minimum reduction in hours or pay of 20% was introduced. However, no agreement had been possible on element b) regarding the maximum length of time between granting flexible retirement and retirement.

The Local Joint Consultative Committee (LJCC) had considered the proposals formally on three occasions and despite detailed discussions had not been able to reach an agreed position with the Trade Union representatives. The previous meeting of LJCC agreed to refer the proposals to Council with a recommendation to adopt despite the failure to agree.

Councillor Colin Hughes proposed a motion that the definitive retirement date should be no more than 36 months from the date of flexible retirement with a further 12 months in exceptional circumstances. This had been seconded by Councillor Joan Butterfield.

A vote took place for members to agree or disagree to the amendment. The vote was lost and the amendment was not carried.

Members voted on the recommendations contained within the report, and it was,

RESOLVED that County Council adopt:

- (a) *The introduction of a minimum reduction – this reduction should equate to a minimum of 20% reduction in either hours or pay.*
- (b) *The introduction of a retirement plan with the employee which will give a definitive date at which the employee will take full retirement. The definitive retirement date should be no later than 24 months from the date of flexible retirement with the option to have this reviewed at the end of the period and extended for a further 12 months in exceptional circumstances if this meets the needs of the business and the individual.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

11 NORTH WALES RESIDUAL WASTE TREATMENT PROJECT (NWRWTP)

The Lead Member for Public Realm, Councillor David Smith, introduced the North Wales Residual Waste Treatment Project (NWRWTP) report (previously circulated).

The Lead Member confirmed the NWRWTP report had previously been presented at Cabinet, Council Briefing and Scrutiny Committee. The recommendations had been agreed at all meetings.

Discussion took place and it was,

RESOLVED that Council

- (a) *Approve the award of Preferred Bidder status to Wheelabrator Technologies Inc (WTI), on the basis that following a rigorous dialogue and negotiation with WTI, the Call for Final Tender (CFT) bid submitted by WTI represents value for money for the partnership; and that following detailed financial, legal and technical evaluation of WTI's CFT bid, the partnership is satisfied with the risk balance proposed with the contract "Project Agreement".*
- (b) *Grant authority to the North Wales Residual Waste Committee to take all necessary steps to take the process forward with WTI from Preferred Bidder through to Financial Close, and award the contract.*
- (c) *Commit to the Partnership and the project by adopting, along with the other four councils, the principles in the second Inter-Authority Agreement which reflect the key terms of the Project Agreement to be entered into by the Lead Council with the Preferred Bidder on Contract Award.*

- (d) *Delegate authority to the Lead Chief Executive of Flintshire to finalise the second Inter-Authority Agreement for signing by the constituent authorities take into account the views of all constituent authorities and to refer back to the Joint Committee for approval any material departures from the agreed principles.*
- (e) *Agree to sign the second Inter Authority Agreement once it has been finalised in accordance with the above procedure.*
- (f) *Approve the proposed 2013/14 revised project budget of £595,558, together with the proposed expenditure of £321,066 for 2014/15, to take the procurement process to the final stage of Financial Close (both as set out in appendix 5).*
- (g) *Delegate the authorisation of ongoing budget requirements to the NWRWTP Joint Committee.*

OPEN SESSION

Upon completion of the above business, the meeting resumed in open session.

12 COMMITTEE TIMETABLE 2014/ 15, ANNUAL REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF SCRUTINY CHAIRS

The Democratic Services Manager presented a report (previously circulated), which asked Council to determine a number of issues relating to the organisation of County Council meetings.

It was necessary for Council to approve a timetable for 2014/15 to enable meeting venues and resources to be confirmed, to publicise the timetable and to populate the Members' diary. As the new municipal year started in May, it was also appropriate for Council to consider changes in political balance and be aware of how Scrutiny chairing arrangements worked.

Some members had voiced suggestions that extending the timetable to cover a longer period would be helpful. A discussion took place and it was agreed that a timetable covering an 18 month period on a rolling basis would be preferable.

Members suggested that the following Committees also be included within the Committee Timetable:

- Fostering and Adoption, and
- Corporate Parenting.

RESOLVED that Council approves the draft timetable and agreed the merit of extending the timetable to 18 months on a rolling basis.

13 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal & Democratic Services introduced the Council's Forward Work Programme (previously circulated).

Independent Remuneration Panel for Wales to be added to the Council FWP for 8 April 2014.

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

The meeting concluded at 1.20 p.m.