

## **COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 8 April 2014 at 10.00 am.

### **PRESENT**

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

### **ALSO PRESENT**

Chief Executive (MM), Head of Legal & Democratic Services (GW), Head of Finance & Assets (PMc), Head of Strategic HR (LA), HR Business Partner (JW), Democratic Services Manager (SP) and Committee Administrator (SLW)

## **1 APOLOGIES**

Apologies for absence were received from Councillors Geraint Lloyd-Williams

## **WELCOME**

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

A welcome was also extended to Nicola Stubbins, the new Director of Social Services.

At this juncture, the Chair accepted a petition from Councillor Gwyneth Kensler, on behalf of a large number of residents from Denbigh following falls on some of the pavements resulting in one resident breaking their arm.

## **2 DECLARATIONS OF INTEREST**

The following Councillors declared a personal interest in Item 10 – Independent Remuneration Panel for Wales:

Councillors, Raymond Bartley, Brian Blakeley, Colin Hughes, Martyn Holland, Hugh Carson Irving, Julian Thompson-Hill, Peter Owen, David Smith, Alice Jones, Jason McLellan, Paul Penlington, Barry Mellor, Carys Guy, Robert Murray, Gareth Sandilands, Cheryl Williams, Barbara Smith, Janet Ann Davies, Huw Williams, Dewi Owens, Bill Tasker, Peter Duffy, Hugh Evans, Peter Evans, Jeanette Chamberlain

Jones, Margaret McCarroll, Patricia Jones, Joan Butterfield, David Simmons, Ian Armstrong, Richard Davies, Bill Cowie, Stuart Davies, Bobby Feeley, Merfyn Parry, Joseph Welch, Huw Hilditch-Roberts, Gwyneth Kensler, Meirick Lloyd Davies, Huw Jones, Cefyn Williams, Arwel Roberts and Eryl Williams.

Councillors Stuart Davies and Huw Hilditch-Roberts also declared a personal interest in the following items:

- Item 6 – Revision of the Absence Policy
- Item 7 – Agile Working Policy
- Item 8 – Pay Policy Statement

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

No urgent matters.

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

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 20 February 2014 – 18 March 2014 had been circulated prior to the meeting.

The Chair expressed thanks to:

- the Vice-Chair Councillor Brian Blakeley for attending some functions on his behalf.
- Members who had attended the Chairman's Dinner at Oriel House, St. Asaph on 28 March 2014.
- Staff in Democratic Services for their successful fundraising events which had raised over £1650.00 in aid of Ty Gobaith Children's Hospice, Conwy.
- Councillor Cefyn Williams' wife for making and selling Welsh cakes on St. David's Day which had raised over £100.

Councillor Gwyneth Kensler offered congratulations to the Chair for the success of the Dinner at Oriel House and also to the choir who performed.

***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 25 February, 2014, were submitted.

Councillor Meirick Lloyd Davies stated with regards to Item 10 (pages 12 & 13) "Flexible Retirement Policy" as the motion put forward by Councillor Colin Hughes had been lost the vote should be shown within the minutes.

As members had requested the information to be shown it was agreed this would be added as follows:

Vote take -	In favour	-	16
	Against	-	21
	Abstain	-	1

**RESOLVED** that subject to the above, the minutes of the Council meeting held on 25 February, 2014, be confirmed as a correct record.

## **6 REVISION OF THE ABSENCE POLICY**

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Attendance at Work Procedure report (previously circulated) set out in the Agenda as the Revision of the Absence Policy.

The introduction of a new Attendance at Work procedure would allow the Council to manage absence in a more proactive way. The aim would be to reduce the average days lost per employee across the organisation and, therefore, increase productivity and service delivery for customers.

A significant review of absence management had been undertaken over the last twelve months. The new procedure had focused on addressing managers' concerns and presented a clear and structured process for managers to follow and employees to understand.

Reference was made to the main changes as follows:

- introduction of trigger levels – four main triggers to an employee being entered into an absence capability process
- more autonomy of decision making for services by removal of the Health Management Panel and the introduction of an inbuilt audit process
- introduction of three clear absence capability stages allowing attendance targets to be set and monitored for a defined period
- a review of Occupational Health provision with a new structure and definition of roles to support attendance at work and assist understanding absence causes, trends and how to prevent or reduce absence from occurring.

The Policy had been presented at the Local Joint Consultative Committee (LJCC) on 2 April 2014. The policy had been supported on the whole, with the exception of issues regarding disability. At LJCC, the Corporate Director: Economic and Community Ambition had agreed to include the Disability Policy as part of the review of key HR Policies and report back to LJCC thereon.

The Lead Member recommended Council adopt the procedure.

In-depth discussion took place and the following points were raised:

- how were the victims of domestic abuse to fit in with the Policy? The HR Business Partner explained the Absence Policy was purely to deal with

sickness and there were other Policies in place within the Local Authority for people who required time off for other appointments. The Policy was focussed on people who took time off sick and for management to understand the reason for absence.

- It had been confirmed that the Local Authority would monitor absence on a monthly basis. Absence data would also be submitted to Members on a regular basis to keep them informed of statistics.

**RESOLVED** that Full Council agree to adopt the Attendance at Work Procedure.

## **7 AGILE WORKING POLICY**

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Agile Working Policy Statement (previously circulated).

A decision would be sought from Full Council on the adoption of the Agile Working Policy Statement.

The Agile Working Policy Statement was intended to be the over-arching policy about how employees would work in the council going forward. It covered flexible working, communication, office space, desk ratios, information security and technology which would help the council to work in a more agile and flexible way.

In light of concerns raised at the Local Joint Consultative Committee (LJCC) meeting held on 2 April regarding the robustness of the Equality Impact Assessments (EqIAs) generally, it was agreed that the issue be passed to Councillor Hugh Evans as the Lead Member responsible for Equalities.

Discussion took place regarding the change of title from “Agile Working Policy” to “Flexible Working Policy”.

**RESOLVED** that:

- *The Agile Working Policy be renamed to “Flexible Working Policy”.*
- *The Flexible Working Policy Statement be agreed and adopted by Full Council.*

## **8 PAY POLICY STATEMENT**

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Pay Policy Statement Report (previously circulated).

The report had been prepared to satisfy the Council’s legal obligations in respect of the Localism Act 2011.

Approval was sought, of the Pay Policy Statement which had been drafted in accordance with the requirements of 38(1) of the Localism Act 2011 and incorporated all existing pay arrangements for the workforce groups within the Council, including Chief Officers and the lowest paid employees.

The Pay Policy was largely unchanged from the previous year but it did reflect the 1% pay increase to NJC, Soulbury and Youth Staff and Chief Officers' 0%. The pay settlement for 2014/15 was yet to be agreed.

Discussion took place and it was requested that comparative information of salaries paid to civil servants in Cardiff and Westminster would be useful for comparison purposes. It was agreed as the information was published nationally the information would be collated and distributed to members.

**RESOLVED** that the Council approve the Pay Policy Statement to comply with its legal obligation under the Localism Act 2011

## 9 CAPITAL PLAN

The Lead Member for Finance & Assets, Councillor Julian Thompson-Hill, introduced the Capital Plan 2013/14 – 2016/17 and recommendations of the Strategic Investment Group (previously circulated).

Monthly updates of the Plan were presented to Cabinet and the estimated Capital Plan was currently £36.468 million. The Plan had been updated slightly since being reported to Cabinet in March 2014.

The Strategic Investment Group had reviewed capital bids and had made recommendations for inclusion in the Capital Plan from 2014/15 onwards.

Projects had been reviewed to ensure they satisfied the Council's Corporate objectives.

Each new project would require a Business Case form completed and any specific implications would be discussed at that stage.

No capital project was without risk, however, all schemes would be reviewed by the Strategic Investment Group and would also be subject to on-going monthly monitoring and reporting.

In response to questions posed by members, Councillor Julian Thompson-Hill confirmed that:

- Funding for the repair of Rhuddlan bridge had been requested. As the bridge was a listed structure, a feasibility study would be carried out and funding would be sought from the Welsh Government and CADW.
- It would be necessary to ensure new capital projects were future proof and able to adapt to climate change. The Head of Internal Audit had been preparing a statement as Denbighshire County Council did not have an Environmental Policy in place. Larger schemes which were Welsh Government funded were to include environmental elements.
- Work on a Procurement Strategy was taking place. A three county model was being investigated between Denbighshire, Flintshire and Gwynedd. A lot of work had been carried out with procurement over the previous 12 months. Work to develop a joint team with Flintshire, to make Denbighshire

more resilient, had been taking place. Within the forthcoming 2 months, a new procurement system would be in place. Thereafter, all contracts would go through one process.

- Phase 3 of the coastal sea defence element in Rhyl was almost ready to begin. It had been requested that extra funding be sourced to enable the sea defence to be more aesthetically pleasing e.g. to include lighting and seating areas. It was supported by Members that coastal defences be a priority.
- Various schemes costing less than £30,000 were not detailed within the report. Members requested details of all the schemes to be circulated to them.
- Cefndy Enterprises had received investment to replace out of date machinery. The subsidy which Denbighshire paid to Cefndy Enterprises would be phased out at the request of Cefndy. From 2015/2016, there would no longer be a subsidy paid.

The Lead Member for Finance and Assets moved on to the summary of Strategic Investment Group Recommendations (Capital Plan 2014/15) set out in Appendices 5, 6 and 7.

The Welsh Government's capital settlement for 2014/15 was £22,000 lower than for 2013/14. With the lack of capital investment from the Welsh Government, the Council had no choice but to rely on its own resources to invest in key projects.

It had been agreed by the Strategic Investment Group to invite bids in line with previously agreed block allocations from departments.

In-depth discussion took place and in response to further questions posed by members, Councillor Julian Thompson-Hill confirmed that

- The council had three years to deliver receipts within the Corporate Plan. The Head of Finance and Assets confirmed that where resources were being targeted, the Council were on track for delivery of what was required to be delivered.
- Money had been allocated for the A525 Rhuddlan to St. Asaph crash barrier between the carriageway on the recommendation of a Coroner's Report into a fatal crash on the road 10 years previous. A bid had been submitted but the general feeling had been that it would not be the appropriate approach. The scheme did not proceed and the resolution had been that the funding be re-allocated for a road safety bid.
- Councillor Alice Jones proposed an amendment of an additional £80,000 be added to the amount allocated to Agricultural Estates. Clarification was submitted to members that if an increased amount was to be allocated to a scheme then the equivalent amount would have to be deducted from other schemes to balance out the figures. Councillor Alice Jones recommended £80,000 be deducted from the capital contingency. The proposal was seconded by Councillor Arwel Roberts. A vote took place, 14 members voted in favour of the proposal and 29 against the proposal. Therefore, the amendment was lost.

It was therefore,

**RESOLVED** that Members:

- *Note the latest position on the 2013/14 element of the Capital Plan and the update on major projects*
- *Support the recommendation of the Strategic Investment Group as detailed in Appendix 5 and summarised in Appendix 6.*

**At this juncture (12.20 p.m.) there was a 20 minute break.**

**Meeting re-convened at 12.40 p.m.**

It was agreed by the Chair to vary the remaining items on the Agenda.

## **10 ARRANGEMENTS FOR THE ELECTION OF CHAIR AND VICE CHAIR OF COUNCIL**

The Head of Legal and Democratic Services presented the report (previously circulated) seeking agreement for the proposed Chair and Vice-Chair of the County Council for the municipal year 2014/15 to be formally elected at the Council's annual meeting on 13 May, 2014. Nominations for both posts had been sought.

**Election of Chair** – Councillor Joan Butterfield proposed, seconded by Councillor Win Mullen-James, that Councillor Brian Blakeley be nominated Chair for the 2014/15 municipal year. There were no further nominations. Councillor Blakeley thanked members for their support and was congratulated upon his nomination.

**Election of Vice-Chair** – Councillor Julian Thompson-Hill proposed, seconded by Councillor Martyn Holland that Councillor Dewi Owens be nominated for Vice-Chair for the 2014/15 municipal year. Councillor Eryl Williams proposed, seconded by Councillor Meirick Lloyd Davies that Councillor Gwyneth Kensler be nominated for Vice-Chair for the 2014/15 municipal year. Councillor Joan Butterfield confirmed the Labour Group would not be submitting a nomination.

In accordance with the Council's Constitution, a secret ballot was undertaken for the proposed Vice-Chair and Councillor Gwyneth Kensler was nominated as the proposed Vice-Chair for the 2014/15 municipal year. Councillor Kensler thanked members for their support and was congratulated upon her nomination.

**RESOLVED** that *Councillor Brian Blakeley be proposed Chair and Councillor Gwyneth Kensler be proposed Vice-Chair of the County Council for the municipal year 2014/15 to be formally elected at the Council's annual meeting on 13 May 2014.*

## 11 INDEPENDENT REMUNERATION PANEL FOR WALES

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Independent Remuneration Panel for Wales Report 2014/15 (previously circulated) to notify Members of the Panel's report. Also for Members to adopt the recommendations within the report and to decide upon the level of remuneration for the Chair and Vice-Chair of Council for the financial year 2014/15.

The Local Government (Wales) Measure 2011 (the Measure) provided that the Panel must publish a report about the exercise of its functions with respect to each financial year.

The Panel had visited all 22 local authorities in Wales to ascertain the views of Members and officers, during the summer of 2013.

The Panel had not changed the level of remuneration since 2011. The Panel had previously aligned the payment of Basic Salary to the median gross earnings of full time employees in Wales. In the last three years, there had been a reduction in funding for local authorities and a freeze on public sector pay. The Panel had determined during that period, not to retain the alignment with median earnings which had resulted in a reduction of the Basic Salary level in real terms.

Given the modest relaxation in the constraints on public sector pay, the Panel had decided to increase the Basic Salary by less than 1% from £13,175 to £13,300 for financial year 2014/15.

The Panel had decided that each local authority should set the level of salary payable to Civic Heads and Deputies (Chair and Vice-Chair) from one of three levels determined by the Panel as payable. These levels did not relate to population size and were for each local authority to determine according to the anticipated workload and responsibilities.

The levels of salary available were as follows:

	<b>Chair</b>	<b>Vice-Chair</b>
a)	£24,000	£18,000
b)	£21,500	£16,000
c)	£19,000	£14,000

The current levels payable to the Chair and Vice-Chair were £19,035 and £14,805 respectively.

Councillor Barbara Smith suggested to Members that the level of payment to Chair and Vice-Chair be dealt with separately. This was agreed.

Following in-depth discussion the following points were raised:

- Councillor Julian Thompson-Hill proposed Band c) £19,000 for Chair. Seconded by Councillor Peter Owen.

- Councillor Meirick Lloyd Davies proposed Band b) £21,500 for Chair. Seconded by Councillor Jeanette Chamberlain Jones.

A vote took place for the level of payment to the Chair as follows:

- 20 members voted in favour of £21,500
- 18 members voted in favour of £19,000
- Councillor Gwyneth Kensler requested it be noted that she did abstain from the vote.

Therefore it was carried that the salary for the Chair of Council for 2014/15 be £21,500.

Councillor Julian Thompson-Hill proposed Band c) £14,000 for Vice Chair. Seconded by Councillor Martyn Holland

A vote took place for the level of payment to the Vice-Chair as follows and 33 members voted in favour of Band c) £14,000 and 4 voted against.

Therefore, it was carried that the salary for the Vice-Chair of the Council for 2014/15 be £14,000.

At this juncture, Councillor Arwel Roberts raised an objection. Councillor Roberts recommended additional salaries should not be paid to Chairs of Committees due to the current economic climate and the fact it would be a financial saving to the Council.

The Head of Legal & Democratic Services clarified that the Independent Remuneration Panel report put before Council applied to posts which attracted senior salaries. Council had decided in 2012 that only 15 senior salaries would be paid, rather than the recommended 17.

There was a requirement, by law, to pay all members a basic salary and also to pay the Leader of the largest opposition group. It would be at the members' discretion as to whether senior salaries were to be paid.

Discussion took place and it was agreed that due to the fact the 2014/15 financial year was underway, a report be presented to a future Council meeting to discuss senior salaries for the 2015/16 financial year onwards and whether to forego the senior salaries.

Councillor Eryl Williams proposed that an analysis and review of the workloads carried by members, should take place by Democratic Services. The proposal was seconded by Councillor Meirick Lloyd Davies.

It was agreed that Democratic Services carry out an analysis and review of the workloads carried by members in relation to the salary paid.

**RESOLVED** that Members:

- *adopt the recommendations of the Panel for financial year 2014/15 in respect of the payment of Basic Salaries and Senior Salaries.*
- *determined the level of remuneration to be paid to the Chair (£21,500) and Vice-Chair (£14,000) for the financial year 2014/15.*
- *adopt the recommendations of the Panel in respect of payments to co-opted members.*
- *adopt the scheme of payments to Members set out in Appendix 3 to the report.*
- *agreed to a report being presented to a future Council meeting regarding the payment of senior salaries.*
- *agreed that Democratic Services conduct a review of the workloads associated with various posts and roles held and carried out by members and report back.*

## **12 NOTICE OF MOTION**

Councillor Gwyneth Kensler put forward the following Notice of Motion for the consideration of Full Council.

“we call on the council to ban the release of sky lanterns from land in the ownership of Denbighshire County Council”.

Discussion took place and the Head of Legal & Democratic Services recommended a report be presented to Scrutiny and thereafter a decision to be made by Cabinet.

Councillor Gwyneth Kensler agreed to this proposal.

**RESOLVED** that a report regarding sky lanterns be presented to Scrutiny Committee and thereafter considered by Cabinet.

## **13 COUNTY COUNCIL FORWARD WORK PROGRAMME**

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

Council Briefing 28 April 2014

North Wales Police – Force Communications Centre (FCC) to be deferred to 13 May 2014.

Councillor Julian Thompson-Hill prompted Members about the Budget workshops which were to take place throughout the year. 14 July 2014 would likely be an all-day event. A provisional date for 1 July 2014 would be confirmed in due course.

**Meeting concluded at 1.40 p.m.**