

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 9 September 2014 at 10.00 am.

PRESENT

Councillors Raymond Bartley, Brian Blakeley (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, Rhys Hughes, Alice Jones, Pat Jones, Gwyneth Kensler (Vice-Chair), Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Peter Owen, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Eryl Williams

ALSO PRESENT

Chief Executive (MM), Head of Legal, HR and Democratic Services (GW), Head of Finance and Assets (PMc), Head of Customers and Education Support (JW), Head of Education (KE), Democratic Services Manager (SP), and Committee Administrator (SLW)

Also in Attendance were:

Chief Fire Officer, Simon Smith and
Deputy Chief Fire Officer, Dawn Docx

1 APOLOGIES

Apologies for absence were received from Councillors Ian Armstrong, Hugh Irving, Huw Jones, Win Mullen-James, Bob Murray, Dewi Owens, Bill Tasker and Huw Williams

Prior to the commencement of the Full Council meeting, the Chair offered congratulations to Councillor Arwel Roberts who had been admitted to Gorsedd y Beirdd.

At this juncture a minutes silence was held as a mark of respect for Councillor Eryl Williams whose mother had passed away and Councillor Rhys Hughes whose brother had passed away.

2 DECLARATIONS OF INTEREST

Councillors Meirick Lloyd Davies, Richard Davies and Peter Owen declared a personal interest in item 6 – North Wales Fire and Rescue Service.

Councillor Huw Hilditch-Roberts declared a personal interest in item 9 – Reforming Local Government.

Councillors, Martyn Holland, Huw Hilditch-Roberts, Geraint Lloyd Williams, Ann Davies, Joe Welch, Carys Guy, Jason McLellan, Barry Mellor, Paul Penlington, Julian Thompson-Hill, Arwel Roberts, James Davies, Margaret McCarroll, Jeanette Chamberlain-Jones, Gareth Sandilands, Cefyn Williams, Meirick Lloyd Davies and

Richard Davies all declared a personal interest in item 10 – Home to School Transport Policy.

Councillor Jason McLellan declared a personal interest in item 11 – Capital Plan 2013/14 – 2017/18

3 URGENT MATTERS AS AGREED BY THE CHAIR

Councillor Jason McLellan requested that in light of the recent events in Rotherham that the Local Safeguarding Policy be sent out to all Members.

Councillor Bobby Feeley confirmed that following discussions with the Corporate Director: Economic and Community Ambition and the Head of Children & Family Services that a copy of the Local Safeguarding Policy would be forwarded to all members imminently.

4 CHAIR'S DIARY OF EVENTS

A list of civic engagements undertaken by both the Chair and the Vice-Chair for the period 27 May 2014 – 7 September 2014 had been circulated prior to the meeting.

The Chair expressed gratitude to the Vice-Chair for attending a number of events on his behalf.

The Chair informed members of the success of the Beach Festival, Proms on the Prom, and the Rhyl Air Show which had all been held in Rhyl.

The events had been extremely successful, attracting huge numbers of people to Rhyl.

The Chair extended his gratitude to Sian Davies and her team for all their hard work organising the events. It was also recommended that an invitation be sent to Sian and her team for them to attend a future Council meeting to enable members to show their appreciation.

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 10 June 2014 were submitted.

Councillor Meirick Lloyd Davies stated he had declared an interest in Item 8 – Local Government Pension Scheme but his name had not been included in the minutes.

RESOLVED that, subject to the above, the minutes of the Council meeting held on 10 June 2014, be confirmed as a correct record.

6 NORTH WALES FIRE AND RESCUE AUTHORITY

Chief Fire Officer (CFO), Simon Smith and Deputy Chief Fire Officer (DCFO), Dawn Docx attended to consult with members on the North Wales Fire and Rescue Authority's proposals for future delivery of fire and rescue services across the region.

The CFO explained to members (together with a presentation) that the budget for the previous 4 years had been frozen and the levy to Local Authorities had not been increased during this period. The CFO gave examples of service cuts which had taken place during this period and informed members that savings of £3million were to be made over the next 5 years.

The DCFO explained further demands for services would continue, but changes to the service would need to take place due to the financial constraints.

The CFO confirmed that for Denbighshire, a large amount of work would be required to take place before proposals were put forward. Not increasing the revenue budget by the required £3million, over the next 5 years could result in significant reductions in the order of:

- Closing 9 or 10 of the current 36 retained fire stations
- Removing 17 of the current 54 fire engines
- A consequent loss of around 228 out of the current 799 operational firefighter posts.

The current contribution to North Wales Fire and Rescue Authority was £4,342,155. Therefore, the maximum increase in future years would be:

- 2015/16 - £77,666
- 2016/17 - £91,100
- 2017/18 - £102,478
- 2018/19 - £102,631
- 2019/20 - £68,062

Total additional funding over 5 years £441,937

Councillor Julian Thompson-Hill asked for assurances that the Fire and Rescue Service had scrutinised every budget line prior to coming to the Local Authorities for increased contributions.

The CFO offered the re-assurance Councillor Julian Thompson-Hill had requested.

Following in-depth discussion, the CFO confirmed he would feed back the members comments as part of the consultation comments.

7 NOTICE OF MOTION

Councillor James Davies put forward the following Notice of Motion for the consideration of Full Council:

“This Council supports initiatives to train ‘Dementia Friends’ and to create ‘Dementia Friendly Communities’. It seeks to take a lead locally in this field through becoming a ‘Dementia Friendly Council’ and will consider, via Scrutiny Committee and other appropriate channels, a range of measures that can be taken to enhance its services to dementia patients and their carers”.

Councillor Davies explained the importance of the need to raise awareness of Dementia as a whole, including customer services, front line staff, and councillors to ensure people receive the help they need.

Councillor Bobby Feeley confirmed that work had been taking place regarding ‘Dementia Friendly Communities’. Once the work had been completed, it would be forwarded on to members. The number of people with dementia was expected to increase over the next 20 years. The programme currently run by Denbighshire County Council was an excellent programme.

During discussion, various members expressed their support for the Notice of Motion. It was also clarified again that the Council carried out huge amounts of work relating to Dementia.

Councillor Barbara Smith recommended that the wording of the Notice of Motion be changed, for it to endorse the work which was currently carried out by the council. This was seconded by Councillor Joan Butterfield.

Additional wording to the Notice of Motion would be “that the council members acknowledge the excellent work currently taking place within Denbighshire but are also willing to look at further work”.

Councillor Huw Hilditch-Roberts moved that the matter be referred to Scrutiny. This was seconded by Councillor Peter Evans.

RESOLVED that the matter be referred to Scrutiny Committee for further consideration.

8 NOTICE OF MOTION

Councillor Joe Welch put forward the following Notice of Motion, on behalf of Councillors Colin Hughes, Geraint Lloyd-Williams, Meirick Lloyd Davies and Eryl Williams, for the consideration of Full Council.

“We would like the support of the council to have a firm stance to demand that the NW Wind Farms connection is placed underground for its entire length”.

RESOLVED that the Notice of Motion put forward by Councillor Joe Welch to request the support of the council to have a firm stance to demand that the NW Wind Farm connection be placed underground for its entire length be carried.

**At this juncture (11.50 a.m.) there was a 15 minute break
Meeting re-convened at 12.05 p.m.**

9 REFORMING LOCAL GOVERNMENT

The Chief Executive presented the Reforming Local Government Report (previously circulated).

The White Paper – Reforming Local Government – had been published for consultation on 8 July 2014. The consultation period was to close on 1 October, 2014 at 23:59. The purpose of the report was to set out the main proposals within the White Paper, provide a strategic assessment of the options it presented for the council and request a decision on whether to submit an expression of interest to voluntarily merge with Conwy County Borough Council. The expression of interest must be submitted by November 2014, and would require the agreement of Conwy County Borough Council.

The White Paper set out the necessary steps towards the merging of local authorities into larger, 'more sustainable' organisations. It was proposed that members carefully consider the implications of this part of the paper and develop a response by the closing date of consultation, 1 October, 2014.

The White Paper identified, as its preferred option, a programme of local authority mergers that would reduce the current 22 local authorities to 12, with three in North Wales and Denbighshire merging with Conwy.

The Welsh Government were unlikely to support any proposal that cut across current Health and Police boundaries and would not support proposals that changed existing local authority boundaries.

The White Paper was clear that there was insufficient time to develop, plan and legislate for a full programme of mergers before the next National Assembly elections in May 2016. A Bill to merge authorities would not, therefore, be introduced to the National Assembly during the assembly term, which would end in April 2016.

A draft Bill would be published in the autumn of 2015 for consultation so that the elected Welsh Government in May 2016, would be in a position to make early decisions about whether and how to proceed.

Provision for early mergers would be included in legislation which would be introduced early in 2015. A 'Prospectus' would be published by the summer of 2014 setting out the Welsh Governments incentives for voluntary mergers. At the time of the meeting, the 'Prospectus' had not been published.

The Chief Executive outlined to members, the timetable for mergers which had been outlined within the report.

There were two options to consider:

- Option 1 – Wait for the Welsh Government election in May 2016; or
- Option 2 – Voluntary merger with Conwy.

It seemed clear that waiting to see what would happen in May 2016 was, in fact, to accept that serious cuts to budgets and services would occur for at least the next

six years, after which, the future would be an enforced merger. Making severe cuts, for several years, followed by enforced merger, did not appear as a particularly good outcome for residents or the council.

The decision would not be a simple one and either option carried risks and costs. On balance, the voluntary merger option was strategically better because it was a viable option for both councils, and it could offer the possibility of avoiding the worst of the cuts by a combination of securing a financial deal with Welsh Government and securing savings from the merger itself. However, this option could only be considered if two conditions were satisfied:

- That the financial and support package from Welsh Government would be substantial and binding; and
- That once the two authorities and Welsh Government agreed the Statement of Intent in November 2015, that the agreement would be binding on all three parties.

If the conditions could be secured then that would allow both councils to reduce the level of cuts to services and avoid the possible failure of the project either because of local disagreements or change of position by Welsh Government. If they could not be secured, then the risks of voluntary merger were too high.

In-depth discussion took place, during which the following points were raised:

- There were, in total, 106 members between Denbighshire and Conwy. Current legislation dictated there could not be more than 75 members to each local authority. The figures equated to 1 member per every 1750 electors. If this equation were to be applied to the prospective merged local authority that would be 96 members, 21 over the maximum figure. The suggestion was made that if a merger were to go ahead then it would be imperative to have the electoral boundary assess the area as soon as practically possible
- It was stressed by members that the priority for Denbighshire must be for its residents
- BCUHB were to embark upon a change in their structure. They were to do a rebalance of care from secondary to primary. There were to be three structures together with Local Authorities:
 - Wrexham and Flintshire
 - Denbighshire and Conwy, and
 - Gwynedd and Anglesey

RESOLVED that:

- *Council agree that, subject to reaching agreement with Conwy County Council, both councils proceed to develop a joint expression of interest to voluntarily merge by April 2018 and to submit this expression of interest to Welsh Government by November 2014, provided the two councils can:*
 - *Secure a substantial financial and support package from Welsh Government that is binding, and*

- *That once the two authorities and Welsh Government agree the statement of intent in November 2015 that the agreement is binding on all three partners*
- The 'substantial financial and support package' referred to will be negotiated with Welsh Government and put before both Denbighshire and Conwy members to consider before agreeing to proceed.

**At this juncture (1.25 p.m.) there was a break.
Meeting reconvened at 2.15 p.m.**

PRESENT

Councillors Brian Blakeley (Chair), Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Duffy, Hugh Evans, Peter Evans, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Alice Jones, Pat Jones, Gwyneth Kensler (Vice-Chair), Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Julian Thompson-Hill, Joe Welch, Cefyn Williams, and Eryl Williams

10 REVIEW OF HOME TO SCHOOL TRANSPORT POLICY

The Head of Customers & Education Support presented the Home to School Transport Policy (previously circulated) for members to consider the contents of the revised policy.

At the Freedom & Flexibilities Workshop on 17 June 2014, elected members gave approval to undertake a review of the existing transport provision and to undertake consultation on a revised policy.

The Council published a consultation on the proposed new policy on 11 August 2014. The new policy had to be adopted by 1 October 2014 to ensure the regulations were met. This was in accordance with the Learner Travel Information Regulations 1.105 where it stated:

If a Local Authority decides to change or remove the discretionary transport provision it provides, it must publish the information before the 1 October of the year preceding the academic year in which the changes will come into force.

Members would need to consider:

- The outcome of enforcing the new policy to remove all historic anomalies in the eligibility process
- Implementation of central pick up points as detailed in paragraph 4.2 of the policy – there would be approximately 232 secondary pupils and 352 primary pupils directly affected by this change.

The proposal would have a direct impact on the Passenger Transport Service. It was estimated that there would be a saving in the region of £303k. The savings could be subject to change depending on the outcome of the review of hazardous

routes and from any payments made to parents for journeys as an alternative to providing free transport.

The prospective saving of Primary school transport would be in the region of £30k. Due to this being a relatively small amount of savings, it was yet to be decided whether to make any changes to Primary transport.

There were a number of contentious issues and in-depth discussion took place.

Concessionary Transport would be provided if a pupil did not qualify for free transport against any of the criteria detailed in this policy, but could be placed on an existing contract transport route that had empty seats. A reasonable charge per term would be applied. Denbighshire currently charged £50 per term.

Due to the continuing trend of overspend within school transport, other areas had been subsidising the budget. The savings to be made would enable the school transport budget to break even.

Discussion also included the categorisation of schools.

The Authority would provide discretionary transport to the nearest school providing Welsh medium education, even if it was not their nearest qualifying school. For that purpose, it would be a school which was categorised as 1 or 2 within the Welsh Government guidelines on Welsh Medium Provision. Transport would not be provided where a preference for bilingual education was made. Preference would only be considered against Welsh medium or English medium.

The Head of Education clarified categorisation to members. There were three aspects to categorisation which were:

- (i) Curriculum
- (ii) Language, and
- (iii) Outcomes.

Transport would be provided for all managed transfers for the life of the transfer whether long or short-term.

The Head of Education reserved the right to apply discretionary powers in certain cases to ensure minimum disruption to the pupil.

The central pick-up points suggested were to undergo risk assessments prior to confirmation.

RESOLVED that members received and considered the Revised Home to School Transport Policy, which would also be presented at Scrutiny and Cabinet.

11 CAPITAL PLAN

The Lead Member for Finance and Assets introduced the Capital Plan 2013/14 – 2017/18 report (previously circulated) to provide Council with an update regarding the Capital Plan including major projects and the Corporate Plan.

General discussion took place regarding projects within the report.

RESOLVED that:

- *Members note the 2013/14 outturn position of the Capital Plan; the latest position on the 2014/15 capital plan and the update on major projects.*
- *Members approve Bodnant Community School extension and refurbishment scheme proceeding to construction phase.*

12 BUDGET 2015/16 - 2016/17

The Lead Member for Finance and Assets introduced the Budget 2015/16 – 2016/17 report (previously circulated) to provide Council with an update of the latest budget position and to approve the saving proposals listed in Appendix 1 of the report.

The report outlined the latest budget position and presented Phase 1 of a programme of budget savings for approval in order to deliver the revenue budget for 2015/16 and to begin the process for 2016/17.

The majority of the council's funding (around 78%) was from the Welsh Government, via the Revenue Support Grant and redistribution of NNDR.

The settlement for 2014/15 had been reduced by 4.6% from the previous year which had been the biggest reduction in the council's history and the highest reduction in Wales. The reduction had been above average due to adjustments arising from the results of the 2011 census. The estimated growth in the local population had been over-estimated over a number of years. The impact would mean that Denbighshire's funding would be adversely affected for several years.

Further cuts had been announced. Therefore, up to and including 2016/17 £18million in savings would be required to be made.

A new budget process had been put in place, named Freedoms & Flexibilities, and was a significant change to the council's approach to budget setting. The process analysed each service down to individual budget lines to assess what functions each service performed, how much those cost and whether they were statutory or legal requirements and/or corporate priorities.

Budget Workshops had been arranged of which four full day workshops had taken place. A further six workshops had been arranged. All workshops had been well attended by members.

At the workshops, members were asked to consider proposals under the categories of:

- Adopt
- Develop, and
- Defer.

Appendix 1 to the report highlighted the savings proposed from the first four workshops where there had been support to “adopt”. Other proposals were to be considered at further workshops.

There had been significant consultation around the budget process and it had been considered by CET, SLT, Cabinet Briefing and Council Briefing meetings. By the end of the process there would have been at least ten budget workshops held with elected members.

The Corporate Governance Committee had an oversight role and had received reports to each of its meetings since April 2014.

In addition, consultation over individual proposals would take place with trade unions over the coming months. As the process developed, it may be necessary to consult publically on certain proposals.

Councillor Joan Butterfield stated that the Labour Group would not be prepared to vote through any changes, especially those affecting staff and people in the community. The reason for the decision had been that whilst they accepted the Budget Workshops had been transparent, there had been no final information to any of the outcomes. Councillor Butterfield also requested sight of the Equality Impact Assessments regarding the cuts.

The Lead Member for Finance and Assets, Councillor Julian Thompson-Hill, responded to Councillor Butterfield confirming that all information had previously been provided. The Equality Impact Assessments had been emailed to all members although some had been late.

The Leader, Councillor Hugh Evans, confirmed that at the conclusion of all the Budget Workshops, Councillor Thompson-Hill asked all present if there were any issues or problems and no-one in attendance had responded. The details had gone through a rigorous process and discussed in detail. Therefore, the Leader was confident the report could be put before members for approval.

The Chief Executive clarified that a robust assessment process had been put in place to enable members to make the decision of what required protection and what had scope for cuts. This had been the first phase. All information had been received by members and the Budget Workshops had enabled intense scrutiny of services and the decisions within the Budget Report papers had been agreed.

At this juncture (4.30 p.m.) it was agreed for a 5 minute adjournment of the meeting to allow the Labour Group to have a brief discussion on the way forward.

Meeting re-convened at 4.35 p.m.

Councillor Joan Butterfield thanked the Chair for allowing the adjournment. The Labour Group confirmed their stance on non-agreement to the cuts without further information. They had agreed to not support the Budget cuts.

Councillor Gwyneth Kensler requested to make an amendment. Due to the fact she had not participated in the Budget Workshop which had taken place on 26 August, she requested that the rights of way be deferred for her to make the correct informed decision.

Councillor Arwel Roberts seconded the amendment.

A vote was taken and the proposal was lost.

RESOLVED *that members receive the report and approve the savings listed.*

13 FINANCE REPORT - FINAL REVENUE POSITION & STATEMENT OF ACCOUNTS 2013/14

The Lead Member for Finance and Assets introduced the Finance Report – Final Revenue Position 2013/14 (previously circulated) to provide members with the final revenue position and the impact on reserves and balances, for information.

Cabinet had received regular monitoring reports throughout the financial year on the performance of expenditure against budget and savings agreed as part of the Medium Term Financial Plan. The final outturn report had been accepted by Cabinet on 25 June 2013. The first draft of the Annual Statement of Accounts for 2013/14 had been submitted to the external auditors on 30 June. The accounts were currently being audited and the final accounts were planned to be presented to the Corporate Governance Committee on 29 September for formal approval.

The overall financial outturn position for 2013/14 was an under spend against the approved budget, which together with an increase in the yield from Council Tax strengthened the financial position. As a consequence, funds were transferred to specific reserves to assist the Council in addressing the future severe financial pressures and to meet the cash commitments required to deliver the Corporate Plan.

Discussions took place with the Head of Finance responding to queries raised by Members.

Thanks were put forward from members to the Head of Finance and Assets, Chief Accountant and their team for the huge amount of work which had been carried out.

RESOLVED *that members note the final revenue outturn position for 2013/14 revenue budget and note the treatment of reserves and balances as detailed within the report.*

14 MEMBER TRAINING

The Lead Member for Modernising and Performance, Councillor Barbara Smith, introduced the Member Training Report (previously circulated) to give an update position on member training matters including Mandatory Sessions and Personal Development Plans and Reviews.

A decision was required from members as to which sessions were to be classed as mandatory for all members and which sessions would be classed as mandatory for specific roles.

The Local Government (Wales) Measure 2011 at Section 7 required each Local Authority to secure the provision of reasonable training and development opportunities for its members.

General discussion took place during which, Councillor Stuart Davies moved to remove the word “sanction” from the recommendation. This was seconded by Councillor Dave Smith.

RESOLVED that:

- *The following ‘Generic’ mandatory training be attended by all members:*
 - *Code of Conduct*
 - *Safeguarding / Corporate Parenting / Child Protection*
 - *Finance*
 - *Equalities*
 - *Induction (structure of Council, Constitution and Data Protection).*
- *The following role specific mandatory training, over and above the generic mandatory training which must be attended by various committee members, with all members welcome to attend if of interest. Proposed sessions:*
 - *Chairing skills (for Chairs and Vice-Chairs of all Committees)*
 - *Scrutiny (Chairing)*
 - *Group Leaders*
 - *Cabinet (to include public speaking and talking to the media)*
 - *Planning Committee*
 - *Licensing Committee*
- *(Chairs training to take place in February each year, so that prospective new Chairs would be eligible for nomination for future Chairs’ role. Further Scrutiny Chairs training would also be held in May).*

15 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal, HR and Democratic Services introduced the Council’s Forward Work Programme (previously circulated).

RESOLVED that the Council Forward Work Programme be approved and noted.

THE MEETING CONCLUDED AT 5.10 P.M.