

## **COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 23 May 2017 at 10.00 am.

### **PRESENT**

Councillors Mabon ap Gwynfor, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Meirick Davies, Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James, Brian Jones, Huw Jones, Pat Jones, Tina Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast (Chair), Arwel Roberts, Anton Sampson, Peter Scott (Vice-Chair), Glenn Swingler, Andrew Thomas, Rhys Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, David Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

### **ALSO PRESENT**

Chief Executive (MM), Corporate Director: Communities (NS), Monitoring Officer/Head of Legal, HR & Democratic Services (GW), Head of Business Improvement & Modernisation (AS), Head of Facilities, Assets and Housing (JG), and Committee Administrator (SLW)

### **1 APOLOGIES**

Apologies for absence were received from Councillor Gareth Davies

### **2 DECLARATIONS OF INTEREST**

Councillor Martyn Holland declared a personal interest in Item 11 – Appointment of Lay Members and abstained from voting.

### **3 APPOINTMENT OF THE CHAIR OF COUNTY COUNCIL**

The retiring Chair, Councillor Ann Davies, invited nominations for the appointment of Chair of County Council for 2017/18.

Councillor Joan Butterfield proposed Councillor Peter Prendergast to be elected Chair, outlining the personal qualities and vast experience he would bring to the position. Councillor Tony Thomas seconded the proposal.

Councillor Arwel Roberts proposed Councillor Meirick Lloyd Davies to be elected Chair, outlining his experience and qualities. Councillor Glenn Swingler seconded the proposal.

At this juncture, a secret ballot took place. The votes were counted and the result was as follows:-

Councillor Meirick Lloyd Davies - 10  
Councillor Peter Prendergast - 36

Therefore, Councillor Peter Prendergast was elected to be Chair of the Council for the 2017/18 municipal year.

The retiring Chair delivered a short speech during which, she reflected on her time as Chair and highlighted some of the numerous events she had attended over the last 12 months. She expressed her thanks to her Chaplain, the Reverend Brian Jones and also to ex-councillor Win Mullen-James for all her hard work and support during her year as Vice-Chair. Thanks were also extended to officers and staff and also to her daughter and consort, Mrs Jane Hugo for her hard work and support.

The retiring Chair presented a cheque for monies raised during her time as Chair to her chosen charities – total £11,028.00:-

- (i) Eluned Yaxley accepted £5,514 on behalf of Ty Gobaith Children's Hospice
- (ii) Laura Parry accepted £5,514 on behalf of St. Kentigern Hospice

The retiring Chair then proceeded to present a gift to her Chaplain, Reverend Brian Jones.

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 her with the Past Chair's Badge and gift on behalf of the Council.

The incoming Chair's Chaplain for the year was to be the Reverend Stan Walker and advised his chosen charities as follows:-

- (i) RNLI (Rhyl Branch)
- (ii) St. Kentigern Hospice, St. Asaph.

At this juncture, the incoming Chair presented the retiring Chair's Consort with a bouquet of flowers in gratitude of her support to the retiring Chair over the past 12 months.

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 Martyn Holland proposed Councillor Peter Scott to be elected Vice-Chair of the Council for the 2017/18 municipal year. He referred to Councillor Scott's

experience and stated he would be a good Ambassador for the county. Councillor Jeanette Chamberlain-Jones seconded the nomination.

There being no further nominations, and following a vote by a show of hands, Councillor Peter Scott was unanimously elected Vice-Chair of the Council for the 2017/18 municipal year.

The Chair invested Councillor Peter Scott with the Vice-Chair's chain of office, following which, he completed his Declaration of Acceptance of Office.

The incoming Vice-Chair named his wife, Susan Scott, as his consort.

Group Leaders and Members congratulated Councillors Peter Prendergast and Peter Scott upon being elected Chair and Vice-Chair respectively.

**At this juncture (10.45 a.m.) there was a break.**

**The meeting reconvened at 11.10 a.m.**

Prior to the commencement of business, the Chair reflected on the recent Manchester Bombing and a one minute silence was held as a mark of respect.

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

No urgent matters.

## **6 ELECTION OF THE LEADER OF THE COUNCIL**

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

Councillor Joe Welch proposed Councillors Hugh Evans and Huw Hilditch-Roberts.

Councillor Bobby Feeley seconded the proposal for Councillor Hugh Evans. She referred to Councillor Evans as an exceptional Leader highlighting his achievements during the previous administration and her confidence that he would lead the authority to further success.

At this juncture, Councillor Feeley wished both Councillor Evans and Councillor Hilditch-Roberts good luck and stated Councillors would work well with whoever won the vote.

Councillor Merfyn Parry seconded the proposal for Councillor Huw Hilditch-Roberts. He stated it was time for change with Councillor Hilditch-Roberts being a fair, approachable man who was extremely capable of being Leader of the Council.

The Chair requested each of the nominated Councillors in turn to approach the dais to deliver a 5 minute presentation.

Councillor Hugh Evans stated he had stood for Leader not only due to the achievements of the past but to work to achieve progress and improvements for

Denbighshire in the future. He outlined his past achievements and what his aims were for the future which would result in better and resilient communities. If elected as Leader he was proposing to hold a City, Town and Community Council summit in the autumn and would also arrange a meeting with all political group leaders at the earliest possible opportunity.

Councillor Evans concluded his presentation by advising that the Authority would be facing many challenges over the next 5 years but was well placed to deal with those challenges and would work to maintain the Council's position as a high performing Authority.

In closing his address, Councillor Evans provided some personal background information highlighting the fact he would create a politically stable Council with the ability to challenge and change. He assured Members he would move the county forward if elected as Leader and sought Members' support.

Councillor Huw Hilditch-Roberts stated he would be open and transparent and his approach would be more public facing. He outlined the experience he had gained in his commercial life and assured members he would put in the time and energy to build on being a more aspirational council to make a difference. He stated his priorities which included strategy for education, health and social care, mental health, the care of vulnerable people, housing, supporting small businesses, and for work to continue with Rhyl and Prestatyn. He stressed the importance of communication with communities.

In closing his address, he highlighted the fact he was a good bi-lingual communicator and was able to negotiate in a professional and methodical manner. His aim was to leave a positive footprint on Denbighshire and sought Members' support.

In accordance with the Council's Constitution, a secret ballot was held. The Votes were as follows:

Councillor Hugh Evans - 30  
Councillor Huw Hilditch-Roberts - 16

Councillor Hugh Evans was duly elected Leader of the Council.

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

The Leader thanked Members for their support and advised he would work very hard on their behalf during the next 5 years.

## **7 MINUTES**

The minutes of Full Council held on 31 January 2017 and 14 February 2017 were submitted.

**RESOLVED** that the minutes of Full Council held on 31 January 2017 and 14 February 2017 be confirmed as a correct record and signed by the Chair.

## **8 ANNUAL DELIVERY DOCUMENT 2017/2018**

The Head of Business Improvement & Modernisation introduced the Annual Delivery Document 2017-2018 (previously circulated) for Members to approve the final draft of the Document to enable it to be translated and published.

The Council's Corporate Plan for 2012-2017 was at an end and the County Council elections held in May 2017 resulted in a new team of elected Members shaping a new Corporate Plan for 2017-2022. 2017 was to be a year of transition.

The document covered the transition period between April 2017 and March 2018 (within that time period the new Corporate Plan would be published) and explained how progress would continue to be delivered in relation to previous priorities.

The following six objectives had been adopted:-

- Denbighshire to be a place where younger people would want to live and work and to have the skills to do so
- Communities are connected and have access to goods and services locally, online or through good transport links
- To have an attractive and protected environment supporting communities' wellbeing and economic prosperity
- People to live independent and fulfilled lives in strong, caring, safe and resilient communities
- The Council and communities work together to overcome challenges; devising and delivering joint solutions
- Events to bring people together, creating active communities and helping business to prosper.

Discussions took place and the following issues were raised:

- There would be a Senior Leadership Team and Councillor Workshop to set priorities within the Plan in July. All Members were urged to attend the workshop. Thereafter it would go out to public consultation and the final version be agreed in October.
- Under Priority 5 – Clean and Tidy Streets, refurbishment programme for nine public conveniences throughout 2017/18 and members asked which public conveniences would be refurbished. The Head of Business Improvement & Modernisation stated he would refer the query back to officers and send the relevant information to all Councillors.
- Digital Denbighshire and Broadband in rural areas. Many installations would not take place until December 2017. In certain rural areas of England they have investigated alternatives for superfast broadband, and would that be a possibility for rural Denbighshire?
- Following the General Election on 8 June if amendments to the Annual Delivery Document were required, it would be presented at Full Council on 4 July.

- Building of council houses – there was to be a strategic plan which would be presented at Full Council in the autumn. The plan was to build 200 council houses in the term of this council.
- Highway Department work with the Member Area Groups regarding roads which require repair work. A selection of the planned road activities were outlined in the document to be undertaken in 2017/2018
- There was to be a 10 year maintenance programme for bridges and other highways structures.
- New processes were to be developed to manage Support Budgets for vulnerable people who required managed care and support in order to provide greater choice and control.
- Social care for the elderly and unwell was raised as these people required assistance to complete the necessary forms for assistance. This was to be referred back to officers.

It was reiterated that the Corporate Plan would be a living document and the importance of Member involvement.

***RESOLVED*** that Members approve the final draft of the Annual Delivery Document to enable it to be translated and published.

## **9 SIZE AND COMPOSITION OF PLANNING COMMITTEE**

The Monitoring Officer introduced the Size and Composition of Planning Committee report (previously circulated) regarding changes required to the Council's Constitution as a result of legislation requiring changes to the size and composition of the Council's Planning Committee.

The Planning (Wales) Act 2015 amended the Town and Country Planning Act 1990 to grant the power to Welsh Ministers to make regulations prescribing the size and composition of a Local Authority's Planning Committee.

The Committee Regulations provided the Planning Committee must have no fewer than 11 and no more than 21 Members.

There could be no more than one Member for any particular ward on Planning Committee. This meant that in a multiple Member ward, only one Member from that ward may be on Planning Committee at any given time.

The Welsh Ministers also made the Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017 (the Standing Orders Regulations) which came into force on 5 May.

The Standing Orders Regulations provided that the quorum of Planning Committee must be at least 50% of the total number of Members rounded to the nearest whole number, and prohibit the use of substitutes.

Failure to comply with the Committee Regulations would invalidate the proceedings of the Planning Committee.

It was agreed 21 Members to sit on Planning Committee.

**RESOLVED** that:

- (i) Council confirms the size of the Planning Committee as 21 and authorises the Monitoring Officer to amend the Council's Constitution accordingly.*
- (ii) Council authorises the Monitoring Officer to make the necessary amendments to the Council's Constitution to reflect the quorum requirements for the Planning Committee as set out in the Local Authorities (Standing Orders)(Wales)(Amendment) Regulations 2017.*
- (iii) Council endorses the approach proposed in the report for the appointment of Members to the Planning Committee from multiple member wards.*

## **10 ANNUAL REVIEW OF POLITICAL BALANCE AND APPOINTMENT OF SCRUTINY CHAIRS**

The Monitoring Officer/Head of Legal, HR and Democratic Services (MO/HL&DS) introduced the Annual Review of Political Balance and Appointment of Scrutiny Chairs Report (previously circulated).

The MO/HL&DS informed Members that the report contained information to assist the Council and political groups to allocate seats on various committees in accordance with the statutory political balance provisions of Schedule 12 of the Local Government Act 1972; Local Government and Housing Act 1989 and the Local Government (Wales) Measure 2011.

The MO/HL&DS confirmed that the political groups contained the following number of members:

Conservatives – 15  
Labour – 13  
Independent – 10  
Plaid Cymru - 9

Cabinet – 8 Members  
Conservative - 3  
Labour - 2  
Independent – 2  
Plaid Cymru – 1

The Labour Group did not intend taking the 2 seats on Cabinet and the Leader would fill those 2 vacancies with Councillors from other political parties.

Details of the Committees and the total number of “available” seats which required distribution on a politically balance basis, had been circulated to all Councillors. The Measure stipulated how the positions of Chairs of the Scrutiny Committee would be allocated, reflecting a position in favour of Scrutiny Chairs being, as far as possible, independent from the leadership of a Council and linked to political balance.

Councillor Arwel Roberts raised the question of who had made the decision for 8 Members to be on Cabinet. The MO/HL&DS confirmed Council had made the

decision for the number of Members on Cabinet. If the number of Members were to be increased, then it would need to be put before Full Council to change.

Nominations for the appointment of 2 Members to the Standards Committee were Andrew Thomas and Paul Penlington.

Councillor Alan James was nominated to be Chair of the Democratic Services Committee.

Council considered the recommendations in the report and following a full discussion, including consideration of nominations from Group Leaders for Standards Committee and the Chair of the Democratic Services Committee, it was:-

**RESOLVED – that:-**

- (i) Council considered the updated position in relation to the membership of the political groups, the executive (Cabinet) arrangements, and the allocation of the Scrutiny Committee Chairing positions;*
- (ii) Council agrees the appointment of Councillor Alan James as Chair of the Democratic Services Committee. Membership of the Democratic Services Committee to be notified following Full Council for the 2017/18 municipal year*
- (iii) Council appoints 2 Councillors to the Standards Committee – Councillor Andrew Thomas and Councillor Paul Penlington*

## **11 LAY MEMBER APPOINTMENTS TO CORPORATE GOVERNANCE AND THE STANDARDS COMMITTEE**

Councillor Martyn Holland declared a personal interest as Mr Ian Trigger lived in the same village and was Chair of the Conservative Party. Councillor Holland also asked for it to be recorded that he would abstain from the vote regarding Mr Ian Trigger.

The Monitoring Officer/Head of Legal, HR and Democratic Services (MO/HL&DS) introduced the report (previously circulated) for Council to approve the continued appointments of two lay (independent) Members to the Standards Committee and Corporate Governance Committee.

### Standards Committee Appointment

The Standards Committee Regulations 2001, as amended, (the Regulations) govern the composition and proceedings of Standards Committee. The Committee membership must include independent lay members, County Councillors and City, Town and Community Council representation.

A lay member to the Standards Committee may, under the regulations, only serve two terms of office, therefore, this would be the proposed appointee's final term, if re-appointed.



The Member put forward for re-appointment would have been recruited via a public advert and selected from amongst a number of applicants by the Council's Appointments Panel.

It was confirmed that Mr Ian Trigger be appointed to the Standards Committee for a term of office to expire on the date of the next Local Government Elections in 2022.

At this juncture Councillor Joan Butterfield questioned Mr Ian Trigger being Chair of the Standards Committee due to the fact he was Chair of the Conservative party.

Some Members expressed their support for Mr Ian Trigger as he had been an excellent Chair.

A vote took place for Mr Ian Trigger to continue as Chair of Standards Committee:

For – 27

Abstain – 7

Against – 6

#### Corporate Governance Appointment

The Local Government (Wales) Measure 2011 (the Measure) required the Corporate Governance Committee membership to include at least one lay member.

The council advertised the position of lay member in the local press by means of a joint advertisement with four other North Wales authorities. Three applications were received for the Denbighshire County Council vacancies.

The lay member was selected by the Corporate Governance Committee members.

A vote took place for Mr Paul Witham to be appointed to the Corporate Governance Committee:

For – 33

Abstain – 3

Against – 4

#### ***RESOLVED that:***

- (i) Mr Ian Trigger be appointed to the Standards Committee for a term of office to expire on the date of the next Local Government Elections in 2022*
- (ii) Mr Paul Witham be appointed to the Corporate Governance Committee for a term of office to expire on the date of the next Local Government Elections in 2022*

## **12 UPDATES TO THE CONSTITUTION**

The Monitoring Officer introduced the Updates to the Constitution Report (previously circulated) for approval by Full Council that the Constitution be updated.

The Monitoring Officer confirmed that the Constitution was reviewed on an annual basis. Some operational changes Officers have made necessitated an update to the Constitution scheme of delegation.

The Council's procurement service had been transferred from Finance, Assets and Housing to Legal, HR and Democratic Services.

Two officers from legal services (one highways and one property lawyer) had been relocated to the Caledfryn Office.

There was, therefore, an operational need to expand the range of authorised signatories yet still retaining the authority at a sufficiently senior level.

**RESOLVED** *that the amendments as proposed by the Monitoring Officer are adopted and that the Monitoring Officer is authorised to amend the Constitution accordingly.*

### **13 INDEPENDENT REMUNERATION PANEL FOR WALES ANNUAL REPORT 2017/2018**

The Monitoring Officer introduced the Independent Remuneration Panel for Wales Annual Report 2017/18 (previously circulated) to advise of the Panel's determinations for 2017/18 in respect of payments to members and co-opted members and to adopt a schedule of remuneration.

This year the Panel had decided to provide a very modest increment of £100 per year to the basic salary for each Councillor. At this juncture, Councillor Mabon ap Gwynfor asked that the £100 increment he would receive be given to Charity.

The Monitoring Officer explained that the basic salary had to be paid to each Councillor but Councillor ap Gwynfor could put his request in writing as it was a matter for each individual.

Following discussion it was:

**RESOLVED** *that:*

- (i) Council notes the determinations of the Panel for the 2017/18 municipal year in respect of the payment of Basic Salaries, Senior and Civic Salaries and payments to co-opted members.*
- (ii) Council adopts the schedule of remuneration as set out in appendix 1 (which remains unchanged from 2016/17 except as outlined in paragraph 4.4 of the report) for the 2017/18 municipal year.*

### **14 TEMPORARY APPOINTMENT OF MEMBER TO BODELWYDDAN TOWN COUNCIL**

The Monitoring Officer/Head of Legal, HR and Democratic Services (MO/HLHR&DM) introduced the Temporary Appointment of Member to Bodelwyddan Town Council report (previously circulated).

The Town Council had an insufficient number of Members following the recent Local Government Elections for it to be able to lawfully act and make decisions.

The County Council had the power to make a temporary appointment to the Town Council to enable it to act lawfully.

Councillor Richard Mainon had agreed to accept the temporary appointment to Bodelwyddan Town Council to enable the Town Council to act lawfully.

***RESOLVED*** that the Council authorise the making of an Order pursuant to s91 Local Government Act 1972 for the temporary appointment of Councillor Richard Mainon to Bodelwyddan Town Council to enable the Town Council to act lawfully on the terms set out in the draft Order attached as Appendix 1 to the report.

## **15 COUNTY COUNCIL FORWARD WORK PROGRAMME**

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

At this juncture, Councillor Barry Mellor expressed to new Members, the importance of attending Council Briefing as well as Full Council.

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

At this juncture, Councillor Gwyneth Kensler expressed her gratitude to the Electoral Officer and his Team for their excellent work during the recent election.

**The meeting concluded at 1.25 p.m.**