

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 11 September 2018 at 10.00 am.

PRESENT

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

ALSO PRESENT

Chief Executive (JG), Corporate Director: Economy and Public Realm (GB), Head of Legal, HR & Democratic Services (GW), Democratic Services Manager (SP) and Committee Administrator (SLW)

Representatives from the North Wales Fire & Rescue Authority:

Chief Fire Officer – Simon Smith

Assistant Chief Fire Officer – Helen MacArthur

Assistant Chief Fire Officer – Sian Morris, and

Deputy Chair of the Board of North Wales Fire & Rescue Authority – Councillor Peter Lewis.

1 APOLOGIES

Apologies for absence were received from Councillors Joan Butterfield, Jeanette Chamberlain-Jones, Meirick Davies, Tony Flynn, Pat Jones, Pete Prendergast and Julian Thompson-Hill

2 DECLARATIONS OF INTEREST

Councillor Ann Davies and Peter Evans both declared a personal interest in item 6 as they are members of the Fire Authority Board.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items.

At this juncture members were informed that there would be three questions put forward as follows:

(i) Councillor Glenn Swingler raised the following question:

“Can the Lead Member responsible, please update the council on work carried out so far on the proposal to provide free sanitary products to young ladies in our schools?”

Response by the Lead Member for Education, Children and Young People, Councillor Huw Hilditch-Roberts:

“Work has been carried out and all schools contacted to understand the needs of the issue. It was quite categorically clear from the schools and head teachers that they did not feel there was a need and shortage at this time and it was well managed. However, what we have done over and above that is, we are investing £23,732 into sanitary equipment in schools which is being distributed using the school element of the capital funding formula and also there is a further £7,388 which is being distributed using the latest standard local government spending assessment formula. This has been passed through the homelessness team who has arranged for Ty Golau to procure, store and issue feminine hygiene products. £1,000 will be retained for ad hoc products. This is in terms of the letter which has been received from the Minister in Cardiff supporting this. Also what has really been at the forefront of the schools is the campaign to end period poverty. This has been used by the schools in raising awareness and the pads are only available to UK state schools and at least 1% of girls eligible for free school meals. We have done as much as we possibly can within the budget constraints we have and we gave that assurance last time at Council.”

Councillor Glenn Swingler then asked if the issue would be put before Cabinet at the next meeting.

The Head of Legal, HR & Democratic Services confirmed the item was not on the agenda for the next Cabinet meeting as actions taken did not require a formal decision but, if members were discontent with that, they could speak to the Lead Member about any future proposals to put it on any future agenda.

(ii) Councillor Rhys Thomas raised the following question:

“According to the Local Government Association, there is grave concern that financial restraints are making it increasingly difficult to protect vulnerable children from harm. In the last 2 years, all Local Authorities in Wales have seen an increase of about 10% in the number of children coming into Local Authority care.

This Council has pledged that protecting vulnerable children from harm is a top priority. Can the Lead Member assure this Council that no children or young people in Denbighshire will come to harm because of financial restraints on the departments involved and could he/she explain to this Council how our ability to protect these vulnerable children and young people will be maintained and even expanded according to the need?”

Response by the Lead Member for Education, Children and Young People, Councillor Huw Hilditch-Roberts:

“For those who had attended the Children Service briefing earlier in the year, there was a budget which Karen I Evans and Julie Moss took us through the process of looked after children here in Denbighshire. There is a really strong message which came out of that workshop and that is Denbighshire will always put looked after children at the forefront. No budget constraint will hold back the care those children deserve. We have already seen in the budget where we have an overspend in the area because if somebody is in need here in Denbighshire, and we have to look after them out of county, we have to find the money to do that and will always do that. Figures of looked after children in Denbighshire:

2013/14 – 160

2015 – 160

2016 – 175

2017 – 165

I cannot give you the figures today as it is a moving feast. There are certain legal duties which are placed on the Local Authority to safeguard the welfare which meets the needs of the children who come into our care. It is not a matter of choice but a duty which must be adhered to. The service is committed to prioritise the resource to meet the needs of those children who are most vulnerable. Ultimately the capacity to meet the needs of these children is a matter for the whole council as it will be an issue and priority of management of resource as part of the budget setting process. We are currently in overspend and will always put these children as a priority.”

Councillor Rhys Thomas stated he was pleased the Lead Member had referred to the Education and Children Services Challenge on 8 February 2018. As a member of that Panel he recollected three challenges were given to the Service. The third challenge that it should look at its performance management structures in order to strengthen its ability to predict future trends. He stated that predicting future trends actually meant it was code for when the budget was going to stop increasing. He asked that an explanation be given to Council. He was re-assured with what the Lead Member had stated but asked for an explanation as to how vulnerable children would always be a top priority when the service was being challenged to bring its costs under control?

The Lead Member, Councillor Huw Hilditch-Roberts responded as follows:

“We have really responded positively to that Challenge, as Estyn have reported back in that the major restructure of the service bringing education and children services together had been a fundamental factor in that success of what we do. We now have a spectrum because both departments are now together we know at any point where that child is in its cycle. Where before we had the different departments working and not talking. That had been recognised by Estyn that we are quite unique in the way we do that and it helps identify children far quicker to get the right services to them and to make sure they get the best possible care they deserve. The budget restraints are still there but what we are saying is so far we will keep maintaining the budget in children services, it is not under the spotlight for a cut in the next round. We are really committed that we give the best to our children and we have a legal responsibility where we have to take these children in,

and we will do that, and I don't think any Councillor in this room would support that we didn't."

(iii) Councillor Graham Timms raised the following question:

"At the meeting of the full Council on 30th January this year, all members present unanimously agreed to a motion asking the relevant officers to present a report on the financial and HR implications related to implementation of the Real Living Wage by the end of 2018.

In the Forward Work Programme agreed by the full Council meeting on 3rd July this year it was indicated that the report was to have been presented to the full Council at the September meeting. However, when the papers were circulated for the meeting, the Real Living Wage report was not on the agenda and the report had been put back to December.

I look forward to receiving the report in our December meeting and appreciate that the rescheduled time still meets the deadline of the end of 2018 which was set out in the amended motion. However, would it be possible for the Cabinet member responsible to explain why it was necessary to postpone the report and would he also be able to update the council on the progress made so far in this important issue?"

Response by the Lead Member for Corporate Standards, Councillor Mark Young (on behalf of the Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill):

Councillor Mark Young read out a written response by Councillor Julian Thompson-Hill who was, unfortunately, unable to attend the meeting.

"Unfortunately, I am not going to be present at Council tomorrow and, therefore, in line with the constitution, I am responding to you in writing.

As you say, the agreed amended motion on this subject stated that it would be reported back to Council by the end of this calendar year. You are also correct that the forward work programme last time had this down for September. This had been picked up after publication as being incorrect when it should have been down for the end of the year but, clearly, it was not a worthwhile exercise to have the document reissued at that stage. Therefore, the paper has not been postponed.

As I am sure you are also aware this is a very complex issue. A key element in estimating the financial impact of the Real Living Wage is understanding fully the impact of the latest pay award and the range of potential consequential impacts on the council's grading structure. This task is currently ongoing with detailed pay modelling work taking place. It is a complex process. When the outcome of the pay award implementation is complete and a more definitive position on the future grading structure established, the differential cost between the council's pay grades and the Real Living Wage can be assessed. Further estimates based on the

potential impact on key external contracts are also being considered. The report will be presented in December, in line with the motion passed at Full Council.

I trust this clarifies the extent of the work and consideration of this proposal which is necessary in order to provide members with the data necessary for them to make a fully informed decision and what work the team in Finance and HR are currently proceeding with.”

Councillor Graham Timms responded that he was not satisfied and would ask a further question:

“The item was changed from September meeting and put on the December meeting. I had extensive discussions with county officers and groups regarding timings and one of the important factors was to separate it from the pay award which was settled on 9 April and so it did not overlap with the budget. It is dangerous to intermingle the two. I do not agree it is not worthwhile to let Council know it had been delayed. Would it be possible to move it forward to our next meeting in order to present before the budget gets underway?”

The Head of Legal, HR & Democratic Services confirmed he would contact the team and request them to respond directly to Councillor Timms during the current week regarding the timescale.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 26 June 2018 to 2 September 2018 had been circulated prior to the meeting.

The Chair highlighted two events, one being the National Armed Forces Day VIP Reception which had been held in Llandudno and also the Tom Price exhibition which had been held in Denbigh. All events attended had been a great success.

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

5 MINUTES

The minutes of Full Council held on 3 July 2018 were submitted.

Matters Arising:

Page 8 (item 3) – Councillor Arwel Roberts requested further details of the Task & Finish Group which had been set up by GwE for the needs of children with communication issues through the medium of Welsh.

It was confirmed by the Lead Member for Education, Children and Young People, Councillor Huw Hilditch-Roberts that information was expected later in the month. Information had not been received to date due to the summer holiday break.

Page 8 (item 5) – Councillor Mabon ap Gwynfor requested an update on the situation regarding Enforcement and Kingdom.

The Lead Member for Housing, Regulation and the Environment, Councillor Tony Thomas, confirmed a report would be presented at Cabinet on 25 September 2018 but no decisions had been taken to date.

Page 10 (item 7) – Councillor Emrys Wynne asked to which Scrutiny Committee would the issue of Single Use Plastics be submitted.

It was confirmed by the Corporate Director: Economy and Public Realm and the Head of Legal, HR and Democratic Services that the item would be discussed at the Scrutiny Chairs & Vice-Chairs Group in October and a report would be presented at Full Council in either May or June 2019. A Scrutiny Task & Finish Group comprising of 8 members (2 from each political group) had been set up to discuss the use of plastics. The issue was being dealt with but it was too early in the process to present an update.

RESOLVED that, subject to the above, the minutes of Full Council held on 3 July 2018 be confirmed as a correct record and signed by the Chair.

6 NORTH WALES FIRE AND RESCUE AUTHORITY: 2019-20 FINANCIAL UPDATE AND CONSULTATION

Councillors Ann Davies and Peter Evans declared a personal interest as they were members of the Board of the North Wales Fire and Rescue Authority.

Members of the North Wales Fire and Rescue Authority were in attendance to present the 2019/20 Financial Update and Consultation.

In attendance were:

Chief Fire Officer – Simon Smith

Assistance Chief Fire Officer – Helen MacArthur

Assistance Chief Fire Officer – Sian Morris, and

Deputy Chair of the Board of North Wales Fire and Rescue Authority – Councillor Peter Lewis.

Councillor Peter Lewis introduced the officers and explained the presentation was to inform Council of the work carried out by the North Wales Fire and Rescue Authority together with financial difficulties which will be faced in the future.

The Chief Fire Officer, Simon Smith, explained the focus of the presentation would be on the resources available. The presentation coincided with the launch of the Fire Authority's consultation document and they were seeking informal responses from Councillors but also a formal response from Denbighshire County Council.

The Assistant Chief Fire Officer, Sian Morris explained all six Local Authorities in North Wales were represented on the North Wales Fire and Rescue Authority Board. The Board was not based on political balance.

Both Assistant Chief Fire Officer, Sian Morris and Assistance Chief Fire Officer, Helen MacArthur led members through the presentation.

Duties of the Fire and Rescue Authority were far reaching. They had a duty to ensure all fire fighters were fully trained and equipped to respond. The majority of fire fighters employed were retained fire fighters.

The budget outgoings were set out within the presentation as follows:

- Transport – 3%
- Premises – 5%
- Capital Financing – 8%
- Supplies – 10%
- Employees – 71%, and
- Outsourcing and support – 2%

Throughout the previous five years steps had been taken to reduce expenditure:

- Savings
 - £2.1m removed from staff budgets and £0.7m from non-pay budgets
- Efficiencies
 - Changes of policy. No longer responding to:
 - automatic fire alarms but wait for the 999 call, and
 - large animal rescue
 - Continued emphasis on reducing demand (prevention)
- Occasional windfall gains
- Using the reserves that it had built up

The Chief Fire Officer confirmed he was reticent regarding income generation as it could cause issues and did not encourage sponsorship preferring to keep their independence, credibility and reputation in good stead.

An increase in the levy paid to the North Wales Fire Authority would have an impact on Denbighshire due to the cuts faced by Local Authorities and how the pressures were to be dealt with.

The Section 151 Officer confirmed that that the proposal and financial plan put forward would see a level of increase proposed to be a cash increase of £258,000 which would be just under a 6% increase. This would cause an additional implication for 2019 as budget figures had been calculated on the assumption of a 2% increase. This would have an effect on the level of Council Tax and funding prioritised from other services.

The Chief Fire Officer confirmed that within the consultation document were all the options which had been considered and the cost implications of each. It had been agreed no frontline services would be cut.

RESOLVED that Full Council noted the North Wales Fire and Rescue Authority presentation.

At this juncture (11.35 a.m.) there was a 25 minute break.

The meeting reconvened at 12.00 noon.

7 MEMBER TRAINING AND DEVELOPMENT

The Lead Member for Corporate Standards, Councillor Mark Young, introduced the report (previously circulated) to provide members with an update in respect of mandatory and discretionary training and possible sanctions.

A report had been considered at Full Council on 10 April 2018 on Member Training and Development and it had been agreed that a further report be submitted in respect of mandatory and discretionary training and possible sanctions.

Members had commended the excellent standard of in-house training provided during this new Council term.

The previous Council had not set any sanctions (other than that for the Planning Committee) if a member failed to undertake mandatory training.

Councillor Paul Penlington asked if training courses were cross-transferable due to the fact that he undertook training as part of his job. The Head of Legal, HR and Democratic Services confirmed they could be taken into consideration.

Personal Development Reviews (PDRs) were offered to all members but they had a choice whether to take part or not. PDRs were a way to identify and support a Councillor's training and development needs.

Any training identified as being "mandatory" would be offered at appropriate times to enable Members to fulfil their obligations. E-learning for Members was being developed and would offer modules including safeguarding and domestic violence. In some instances, e-learning modules would be cost-effective and a convenient way for Members to access training.

Following discussion, it was agreed the following would be mandatory training courses:

- Code of Conduct – it was a requirement of the Code itself for training and to date had 100% attendance by Members.
- Planning – Two training events to take place per annum. If the training sessions had not been attended then the individual concerned could not take part in any discussions or vote.
- Licensing – if the training sessions had not been attended then the individual concerned could not take part in any discussions or vote.

Mandatory training was also agreed for the following:

- Finance – Local Government Finance – training to take place once during a council term.
- Safeguarding – training to take place once during a council term.

- Corporate Parenting – training to take place once during a council term.
- Data Protection (GDPR) – training to take place annually.

It was agreed that the following sanctions be put in place for non-attendance of mandatory training:

- Publication on the website once a year as to who had and who hadn't attended mandatory training courses.
- It had originally been discussed that a list of non-attendees be sent to Standards Committee for the Councillors to account for their non-compliance at the public meeting. During discussions it was suggested and agreed that a list of attendees and non-attendees be distributed to Group Leaders and they would then consult with their Members to ascertain the reasons of non-attendance.

RESOLVED that the following training courses are mandatory:

- (i) Code of Conduct
- (ii) Planning
- (iii) Licensing
- (iv) Finance – Local Government Finance
- (v) Safeguarding
- (vi) Corporate Parenting, and
- (vii) Data Protection

The sanctions to be set are that the names of attendees and non-attendees be added to the website on an annual basis and also a list of attendees and non-attendees to be circulated to Group Leaders to monitor.

8 ANNUAL REPORT OF THE CORPORATE GOVERNANCE COMMITTEE

Councillor Barry Mellor introduced the report, as Chair of the Corporate Governance Committee, (previously circulated) to inform all members of the work of the Committee for the municipal year 2017/18.

The Council was statutorily required under the provisions of the Local Government Wales measure 2011, to have an Audit Committee. The Corporate Governance Committee (the Committee) was the Council's designated committee for that purpose.

This was the first Annual Report of the Committee since the local government elections in 2017.

The Committee recognised that it had been learning together about its roles and responsibilities during this period. During the period covered by the circulated report, the Committee had received:

- a number of internal annual reports on matters relating to governance.
- a number of reports relating to financial matters
- external regulatory reports
- reports on the Welsh Audit Office (WAO) programme of work

- regular reports from the Chief Internal Auditor on the progress made against the Internal Audit Plan
- reports reviewing other corporate issues including the Strategic Risk Management Framework and the Council's preparations for the introduction of the General Data Protection Regulation.

Councillor Barry Mellor took the opportunity to thank the representatives of the WAO and all officers who attend the Corporate Governance meetings. In particular he recognised the amount of work undertaken by the Internal Audit team. Thanks were extended to each member of the Committee as the agendas were often lengthy but the Committee members were always well prepared for the meeting. Lead Members were also thanked for their attendance at Committees and for their support.

Members expressed their gratitude to the Chair and Committee members of Corporate Governance for all their hard work. Councillor Huw Jones thanked the previous Chair of Corporate Governance, Jason McLellan for his hard work for the Committee.

RESOLVED that Members of Full Council noted the content of the report.

9 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

Following discussion, it was agreed to move the National Development Framework item from 5 November 2018 to 18 March 2019 as feedback was awaited from Welsh Government.

Cefndy Enterprise to be added to 5 November 2019 for a presentation by the Commercial Service Manager and the Operational Services Manager to inform all Councillors of the work undertaken by Cefndy Enterprises.

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

THE MEETING CONCLUDED AT 1.00 P.M.