

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 4 December 2018 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Brian Blakeley, Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Gareth Davies, Meirick Davies (Vice-Chair), 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, Melvyn Mile, Bob Murray, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Peter Scott (Chair), Glenn Swingler, Andrew Thomas, Rhys Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, David Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Corporate Director: Communities (NS) (substitute for the Chief Executive), Head of Legal, HR & Democratic Services (GW), Head of Finance (RW), Democratic Services Manager (SP), Electoral Services Officer (GE), and Committee Administrator (SLW)

Also in attendance:

Samuel West, Actor and Chair of the National Campaign for the Arts
Sian Fitzgerald, Community Arts Development Officer

1 APOLOGIES

Apologies for absence were received from Councillors Joan Butterfield, Barry Mellor and Eryl Williams and Chief Executive, Judith Greehalgh

2 DECLARATIONS OF INTEREST

Councillor Christine Marston declared a personal and prejudicial interest in Item 6 - Council Tax Premium on Long Term Empty Homes and Second Homes as she was the owner of a second home.

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 please update Council on the proposed building of 7 houses and 4 flats for social housing on the Pennants flats, Henllan Street, Upper Denbigh site, and why there appears to be further delay?”

Response by the Lead Member for Housing, Regulation and the Environment, Councillor Tony Thomas:

“Site visits had taken place which included the Lead Member, officers and the Programme Manager, Housing Development. The Programme Manager had updated Members regarding the current situation. Grwp Cynefin were to submit a planning application but further assessments were to be run to satisfy the planning process”.

Councillor Glenn Swingler stated that Grwp Cynefin had been unsuccessful in obtaining innovative funding but were applying for further funding from the Welsh Government. Councillor Swingler asked if there was anything the Council could do to assist Grwp Cynefin.

At this juncture, Councillor Tony Thomas confirmed he would provide Councillor Glenn Swingler with a written response in due course.

(ii) Councillor Mabon ap Gwynfor raised the following question:

“Following the announcement that Allied Healthcare was transferring its care contracts to other providers, what is the situation in Denbighshire for people who were receiving care from Allied Healthcare and what steps had the council taken to ensure continuation of care to these people?”

Response by the Lead Member for Well-being and Independence, Councillor Bobby Feeley:

“Allied Healthcare have sold their business assets to a company called The Health Care Resource Group. This means that the existing management and staff operating in Denbighshire remain in place, providing continuity of care for the thirteen people they support in the county. Due diligence tests have been undertaken and Care Inspectorate Wales had advised the new owner of their responsibilities to register with them. We are continuing to monitor the situation and, should registration not be achieved, we will take further action to ensure individuals are able to have their care and support needs met appropriately.”

Councillor Mabon ap Gwynfor requested that a further response be available as to whether the The Health Care Resource Group would be licenced in Wales. He also asked if consideration had been given to bring it back in-house rather than outsourcing.

The Lead Member confirmed she would provide further information as and when it was received.

(iii) Councillor Rhys Thomas raised the following question:

“In September this year a letter was sent to a parent at Ysgol Twm o’r Nant, asking for payment of dinner money arrears amounting to £13.20. There was a threat made in the letter that if the money was not paid or a packed lunch provided for the child, then this would be highlighted as a child protection matter and an instant referral would be made to Denbighshire’s Social Services Children’s Team. In fact, the letter did not come directly from the school but from Denbighshire County Council.

On 27 November this year, another letter was sent out in the name of Denbighshire County Council to some parents at Ysgol Y Parc, stating that if dinner money arrears were not paid, then their children would not be given school Christmas dinner, even if they brought in money on the day to pay for it.

Could the Council please explain why these unpleasant and threatening letters are being sent to parents in the name of our council, and what steps are being taken to reign in those who think that this is an acceptable way to recoup arrears?

I understand that an apology has since been made by the Head of Service.”

Response by the Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill:

“Firstly, a letter had been issued after the summer break, which had been an outdated letter and should not have been issued. As soon as the issue came to light, the Head of Service immediately had the letter changed and assurances have been given that that particular form of letter would not go out in the future.

Regarding the Christmas dinner – that letter should not have been issued and had not been through the proper referral process of the service. Steps have been taken with the Head of Service and Management to ensure this would not happen again. Any child who wanted to avail themselves of Christmas dinner could do so.

A debt management process was in place which should have been used.

I can assure you, all relevant measures are in place so there should not be a reoccurrence of this.”

Councillor Rhys Thomas stated he was still puzzled as the letters were written by the Council yet the schools had to send them out even if they did not agree with them. He then went on to ask the Lead Member if it was true that if the schools refused to send out the letters, the arrears would be taken out of their budget?

The Lead Member assured Councillor Thomas that it would not be legal to do that and to the best of his knowledge it was not true.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken by the Chair and Vice-Chair for the period 14 October 2018 to 21 November 2018 had been circulated prior to the meeting.

The Chair thanked all Members who had laid wreaths on 11 November 2018 and also thanked the Vice-Chair who had attended a school visit to County Hall on 21 November 2018.

***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 23 October 2018 were submitted.

Accuracy – Councillor Gwyneth Kensler pointed out on Page 1 of the minutes under Item 1 – within the paragraph for the petition there was a spelling mistake and should read “a petition was handed in by Councillor Joan Butterfield on behalf of” and not “on behave of ...”

Matters Arising:

Page 10 (Item 3) – Councillor Arwel Roberts asked the Lead Member for Housing, Regulation and the Environment, what was the current position regarding the Empty Homes Officer. Had an officer been appointed and what was the timescale?

The Lead Member, Councillor Tony Thomas responded that the programme for empty homes was on course to meet its targets but there was not a specific officer to deal with empty homes.

***RESOLVED** that, subject to the above, the minutes of Full Council held on 23 October, 2018, be confirmed as a correct record and signed by the Chair.*

6 COUNCIL TAX PREMIUM ON LONG TERM EMPTY HOMES AND SECOND HOMES

Councillor Christine Marston declared a personal and prejudicial interest as she owns a second home and left the Council Chamber for the duration of this item.

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Council Tax Premium on Long Term Empty Homes and Second Homes report (previously circulated).

As a result of the Housing Act (Wales) 2014, from 1 April 2017, councils in Wales had been given the powers to charge homeowners up to 100% extra Council Tax on long term empty homes and second homes. The aims of the legislation were intended to:

- Help bring empty homes back into use
- Increase the supply of affordable housing
- Enhance the sustainability of local communities

At a meeting of Full council on 5 December 2017, it was agreed to utilise those powers and the following had been resolved:

- Charge an additional 50% Council Tax levy on long term empty homes from April 2018
- Charge an additional 50% Council Tax levy on second homes from April 2019 (legislation advised second home owners must be given 12 months' notice of any change).

The report had been brought back to Council to review the position throughout the previous eight months.

There had been an administrative impact noted throughout the year which included:

- An increase in property inspector visits to distinguish empty homes from second homes. Until the premium was applied to both classifications of property, some homes had been reclassified from empty homes to second homes during the year and had been visited as part of the progress.
- There had been an increase in telephone call enquiries initially but this had now stabilised
- Five Stage 1 complaints had been received, though none were upheld or progressed to Stage 2.

Data statistics were highlighted within the report which showed a reduction in long term empty properties although the number eligible to pay a premium had increased. There had also been an increase of properties classed as second homes which suggested some reclassification of properties between categories during the year.

The number of properties eligible for the long term empty homes premium had been higher than forecast and had an estimated consequence on the tax base. The forecast suggested the impact on the Council Tax yield would be approximately £238k in a full year, compared to the forecast of £99k calculated last year. The number of properties now classified as second homes was higher than the original estimate. The impact of this on the yield, using the same assumptions as in December 2017, would generate approximately £158k.

It was confirmed that approximately 90 homes had been brought back into use but further validation was required.

At this point in the discussion, the Head of Finance confirmed an Empty Homes Officer was in the employ of Denbighshire contrary to the statement earlier in the meeting.

Following discussion it was:

RESOLVED that Council:

- (i) *note the contents of the report and retain the agreed current levy of an additional 50% Council Tax premium on long term empty properties*
- (ii) *progress the implementation of the agreed additional 50% Council Tax premium second homes from April 2019*

7 THE REAL LIVING WAGE

The Lead Member for Corporate Standards, Councillor Mark Young, introduced the report (previously circulated) to provide information about and to consider the implications of paying the Real Living Wage (RLW) and becoming a RLW accredited employer.

The Lead Member confirmed work and discussions were being carried out involving the revised pay structure from April 2019 to incorporate the changes introduced by the Local Government Pay Award.

At this juncture, the Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, provided information on the financial challenges. There would be uncertainty moving forward if Denbighshire County Council became an accredited RLW employer, as the Council would need to guarantee all suppliers and contractors who dealt with Denbighshire were also paid the RLW. One of the largest cost implications would be the care sector, which would increase by £1million-£1.5million the result of which could result in reduction in other service areas.

At this juncture, Councillor Graham Timms put forward two amendments to the recommendations. The initial amendment was for a RLW update report to be submitted to Full Council in July 2019 but following discussion it was agreed the report be submitted to Full Council in December 2019. The amendments were **SECONDED** by Councillor Cheryl Williams.

The amendments were as follows:

- (i) Denbighshire County Council agrees that from April 2019 onwards, all employees shall earn at least the minimum of the real living wage set by the Real Living Wage Foundation by the April following the announcement of the result of the new annual calculation.
- (ii) Denbighshire County Council also agrees to instruct its officers to prepare a report for Full Council in December 2019 that outlines how the Council could move towards the goal to ensure that all those working for the Council either directly or indirectly are paid at least a real living wage and it should include costs and estimates to enable the Council to make an informed decision on the issue.

During debate the following points were raised:

- It was confirmed in respect of payment of staff, the national pay deal meant the RLW or equivalent thereof, would be paid in April 2019. During the last few years the lower end of the scales had increased by a much higher percentage than those further up the pay scales. This had caused a compression of scales, which had meant a new pay spine being agreed nationally which would commence from April 2019. Discussions were taking place with unions regarding the process of transferring staff from the current pay scales on to the new pay scales.
- The issue in respect of guaranteeing to always pay the RLW would, as mentioned previously, cause a situation where the lower scales rise to equal to a higher scale. This would cause disquiet from staff due to the erosion of pay differentials.
- Regarding external companies working for Denbighshire, this would cause procurement issues as they would require to be audited and monitored. Information regarding this issue could be brought back as further information.
- It was confirmed that within Wales, Cardiff City Council were the only accredited RLW employers.

At this juncture a vote took place and the results were as follows:

- (i) In favour of the recommendations plus 2 amendments – 33
- (ii) Abstain – 0
- (iii) Against the recommendations plus 2 amendments – 10

Therefore, it was:

RESOLVED that:

- (i) *The Council notes the estimated cost implications of paying the Real Living Wage and becoming a Real Living Wage employer*
- (ii) *The Council receives, in December 2019, a report on the recommendation of the Real Living Wage Foundation and the outcome of the national pay negotiations, and, if there is a differential between the two, decide whether or not to pay the Real living Wage to its staff in the following financial year.*
- (iii) *The Council also agrees to instruct its officers to prepare a report for Full Council in December 2019 that outlines how the Council could move towards the goal to ensure that all those working for the Council either directly or indirectly are paid at least a real living wage and it should include costs and estimates to enable the Council to make an informed decision on the issue.*

At this juncture, it was agreed by all present to change the order of the remaining items of the agenda to accommodate the Heart for Arts presentation attendees.

8 HEARTS FOR ARTS AWARD

In attendance, Samuel West, Actor, star of film, television and radio to present Denbighshire County Council with the prestigious arts award.

Samuel West, the Chair of the National Campaign for the Arts' presented a Heart for the Arts Award to the Council, named Best Local Authority Arts Project, encouraging community cohesion for its Lost in Art project.

Lost in Art is a visual arts project for people living with dementia and their carers. The aim of the project was to explore the role of visual arts in addressing issues that can affect people with dementia, including social isolation, confidence, communication and quality of life.

The project, created by the Arts Service, was developed with the support of the Arts Council for Wales and the Dementia Services Development Centre at Bangor University and its Dementia and Imagination research project. There were currently two groups running in Denbighshire, one in Rhyl and the other at the Ruthin Craft Centre.

Samuel, whose parents were the well-known actors, Timothy West and Prunella Scales, has personal experience of dementia as his mother had been diagnosed with the condition.

Samuel West stated that projects like lost in Art were increasingly important. As we live longer and become used to problems around dementia and loneliness, it came down to all of us to celebrate those things that bring this community together and make it less of a stigma. It is such a simple idea and, as such, it has this power to be rolled out to other places. It is extremely well done and done to a great level of artistry. It gives people a wider variety of different art forms to try. It gets them to work with professional artists and volunteers in lots of different disciplines. It is not just for the people involved, but their carers, families and communities.

Lead Member for Well-being and Independence, Councillor Bobby Feeley stated how delighted she was to have the honour of picking up the award and recognised the tremendous amount of work going on with dementia and the arts. Research had shown that taking part in creative arts activities could improve mood, confidence and encourage an increased sense of belonging to a community for those taking part.

The Intergenerational element with local schools was also a wonderful addition and everyone involved had a real sense of satisfaction knowing that this work really improved the quality of life for all concerned.

The Lead Member acknowledged the wonderful work of the Arts Service and the Lost in Art creative team who had devised a project that had proven health benefits for participants as it really did make a real difference to their quality of life.

Both the Lead Member and Councillor Gwyneth Kensler extended thanks to Sian Fitzgerald, Community Arts Development Officer, and her team for the fantastic work they produced.

9 ELECTORAL REVIEW OF DENBIGHSHIRE

The Lead Member for Corporate Standards, Councillor Mark Young, introduced the Electoral Review of Denbighshire report (previously circulated) to provide the Local Democracy & Boundary Commission for Wales' draft proposals for Denbighshire.

The Local Democracy & Boundary Commission for Wales (the Commission) had carried out a consultation in 2017 on the criteria for the review. The Commission invited responses to its proposals by 13 December 2018.

The statutory criteria covered electoral equality (the optimum number of electors per Councillor), community identity and effective and convenient local government arrangements (e.g. coherent electoral wards with common interests).

Within Denbighshire, the Commission recommended an increase from 47 to 48 Councillors. The additional Councillor would be for Rhyl South East area due to the division into two electoral wards named Trellewelyn y Rhyl / Rhyl Trellewelyn and Ty Newydd y Rhyl / Rhyl Ty Newydd. Each ward would then be represented by two Councillors.

A Working Group of Members established with the Group Leaders had met in November 2017 and January 2018 and their recommendations were shown in Appendix 2 of the report. The Working Group then met again in November 2018 to review the Commission's draft proposals and the conclusions were shown in Appendix 3 of the report.

RESOLVED that Council confirms the formal response to the Commission's draft proposals for the electoral arrangements of the county of Denbighshire.

10 SURVEY OF MEMBERS ON THE TIMINGS OF COUNCIL MEETINGS

The Lead Member for Corporate Standards, Councillor Mark Young, introduced the Survey of Members on the Timing of Council Meetings report (previously circulated) to provide results of the Survey.

A survey of Members had been conducted during August and September 2018 to ascertain preferences in respect of timings and locations of Council and Committee meetings. A total of 35 responses were received which represented 74% of the Council members.

Councillor Paul Penlington stated that the survey had been based on an anonymous Survey Monkey which, in his opinion was undemocratic and the questions were leading. He felt morning meetings in Ruthin were not conducive to the majority of people in Denbighshire if they wanted to attend a meeting. Planning Committee was the meeting at which members of the public attended because they usually had a vested interest.

Councillor Penlington went on to state that 6.30 p.m. meetings had not been suggested, but the Task and Finish Group had been in favour of at least one Committee meeting commencing at 4.00 p.m. The Task and Finish Group remit

was to report back to Full Council but it had reported back to the Democratic Services Committee, which again, in his opinion, was undemocratic.

Finally, Councillor Penlington stated that the Wellbeing of Future Generations Act was in place to involve people and the Council needed to reflect the diversity of the area. In conclusion he believed the survey was largely inadequate and undemocratic. He felt the Council was failing to address the Wellbeing & Future Generations Act and any decisions made on meeting times should have been as a result of a democratic vote at Full Council.

The Head of Legal, HR & Democratic Services stated that there was a requirement under the Local Government Measure to survey Councillors as to when they would prefer to attend meetings. Leading up to elections, roadshows had taken place throughout the county for prospective candidates to attend. There would be cost implications to keeping buildings open for evening meetings. There would not be an additional cost regarding staff who support meetings as they worked on a flexible system.

During debate, the following points were raised:

- It was felt by certain members that there was a need for some sort of public survey to ascertain the views of the public.
- Some members expressed concern regarding evening meetings as, especially during the winter months, it was unsafe for people to make journeys late at night.
- Members who had families would not like to be out at meetings in the evenings as they would miss out on valuable family time.
- A number of Councillors were Town & Community Councillors and also School Governors, meetings of which were held in the evenings.
- A number of Councillors expressed the fact that they had taken offence at the recently published Daily Post article which referred to Councillors as being in a "retirement club".
- It was confirmed that a discussion could take place outside the meeting to discuss the questions within the survey for future reference.
- Democratic Services Committee was to support Members in all areas and was a statutory Committee which was able to deal with the Task and Finish Group report.
- Regarding public accessibility, one way the council was addressing that issue was by webcasting meetings.

At this juncture, Councillor Paul Penlington accepted and proposed the findings of the Task and Finish Group and agreed with the suggestion of holding one Committee meeting at 4.00 p.m. He proposed the meeting to be held at 4.00 p.m. should be Planning Committee. The proposal was **SECONDED** by Councillor Emrys Wynne.

Councillor Joe Welch in his capacity as Chair of the Planning Committee stated that Planning Committee was one of the most well attended by both public and non-Committee Members. He stated his disapproval of Planning Committee taking place at 4.00 p.m.

It was agreed that the amendment would read that the findings of the Task and Finish Group be agreed with one Committee meeting taking place at 4.00 p.m. The proposal was SECONDED by Councillor Geraint Lloyd Williams.

A vote on the proposed amendment by Councillor Paul Penlington took place as follows:

- (i) In favour – 10
- (ii) Abstain – 2
- (iii) Refuse – 28

Therefore, the proposed amendment was not carried.

A vote on the original recommendation to confirm the current arrangements took place as follows:

- (i) In favour – 29
- (ii) Abstain – 5
- (iii) Refuse – 6

RESOLVED that the Council considered the results of the survey and the recommendation by the Democratic Services Committee and confirms the arrangements for the timing and venues of Council and Committee meetings to remain as currently.

11 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

It was confirmed that since the Agenda pack had been published the Forward Work Programme had been updated and a copy had been emailed to all Councillors for their information.

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

The meeting concluded at 12.40 p.m.