

COUNTY COUNCIL

Minutes of a meeting of the County Council held in the Council Chamber, County Hall, Ruthin on Tuesday, 10 January 2012 at 11.30 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, John Bellis, Brian Blakeley, Joan Butterfield, June Cahill, Jeanette Chamberlain-Jones, William Cowie (Chairman), Ann Davies, James Davies, Meirick Davies, Pauline Dobb, Michael Eckersley, Christine Evans, Gwilym Evans, Hugh Evans, Bobby Feeley, George Green, Ian Gunning, Diana Hannam, Colin Hughes, Rhys Hughes, Glyn Jones, Morfudd Jones, Gwyneth Kensler, Paul Marfleet, Lucy Morris, Peter Owen, Dewi Owens, Allan Pennington, Barbara Smith, David Smith, David Thomas, Selwyn Thomas, Julian Thompson-Hill and Cefyn Williams

ALSO PRESENT

M Mehmet (Chief Executive), B Jones (Corporate Director: Business Transformation and Regeneration), G Williams (Head of Legal and Democratic Services), S Cordiner (Principle Solicitor), and S Price (Democratic Services Manager)

CHAIRMAN'S REMARKS

The Chairman congratulated Councillor Hugh Evans, Leader of the Council, on being awarded an OBE in the Queen's New Year's honours list for services to local government. Councillor Hughes responded by saying that the honour was a result of the way members, the Chief Executive and other officers had worked together to improve services.

The Chairman also congratulated Denbighshire's Street Lighting Team on their recent successes with the national Association of Public Services Excellence Awards (APSE) scheme.

PETITION

Councillor Brian Blakeley presented a petition against the introduction of more traffic bollards on Trellewelyn Road, Rhyl which the Chairman accepted for the attention of the Joint Head of Highways and Infrastructure to respond to.

1 APOLOGIES

Apologies for absence were received from Councillors Carl Davies, Neville Hughes, Rhiannon Hughes, David Lee, Eryl Williams and Jane Yorke

2 DECLARATIONS OF INTEREST

No interests were declared.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters were raised.

4 CHAIRMAN'S DIARY

Members were advised that the Chairman's Diary had been circulated.

5 MINUTES

The minutes of the meeting held on the 15 November 2011 were submitted. Councillor Gwilym Evans reported that he was not present at the meeting as stated in the minutes, and that he had sent his apologies.

In respect of the Foryd Harbour Item discussed on the 15 November 2011 Councillor Rhys Hughes' suggestion for regular briefings to Council after Project Board meetings was agreed. Councillor Colin Hughes referred to the Charter with town and community councils, and requested that the Council consider the meeting diaries of town and community council when organising community events such as candidates' road-shows and area member meetings. The Corporate Director: Business Transformation and Efficiency agreed to contact relevant officers.

***RESOLVED** that, subject to the above, the minutes of the meetings held on the 15 November 2011 and the 24 November 2011 be confirmed as correct records and signed by the Chairman.*

6 APPLICATIONS TO REGISTER LAND KNOWN AS 'THE PARK' OFF FFORDD ELAN, RHYL, AS A VILLAGE GREEN

The Principal Solicitor introduced as report in respect of two applications to register land known as The Park, off Ffordd Elan, Rhyl and outlined the history of the site and the applications and the Head of Legal and Democratic Services advised on the criteria in law that the Council must apply when making its decisions as the Commons Registration Authority. Council was advised that desirability and planning considerations did not apply.

Council was advised that a non-statutory independent inquiry commissioned by the Council to examine the merits of the applications had recommended refusal for all parts of the application site.

Councillors Ian Gunning and Brian Blakeley spoke on behalf of the applications on the grounds that the residents wanted to protect and improve the land for open, recreational use; an aim they said that the Council should support.

Members discussed:

- Whether the applications met the statutory requirements for registration of land as a Village Green
- The desirability of enhancing and protecting open space provision in the area

- The ownership of the application site; partly owned by the Council and partly by T Anwyl and Son Limited
- The circumstances where a decision by the Council could be challenged in the High Court through a judicial review
- Reviewing options available to the Council under its powers to secure open space provision
- The views of the residents

A call for a recorded vote was passed but subsequently withdrawn before the vote took place.

RESOLVED that:

- (i) *The Council adopts the recommendations by the Inspector appointed by the Council to reject the two applications, received by the Council, to register land known as The Park, off Ffordd Elan, Rhyl, as a Village Green;*
- (ii) *Officers and local members be requested to meet with representatives of the applicants within 28 days to discuss protection of the land within the Council's ownership for open space provision; and*
- (iii) *Officers be requested to review the statutory powers available to the Council in respect of the application land not within the Council's ownership with a view to securing open space provision.*

7 A COMPACT FOR CHANGE BETWEEN THE WELSH GOVERNMENT AND LOCAL AUTHORITIES

The Leader of the Council, Councillor Hugh Evans, opened the discussion on a Compact between local government and the Welsh Government setting out the terms of a new relationship through collaborative and partnership working to improve performance, efficiency and outcomes for service users. Councillor Evans thanked the political groups for allowing the Chief Executive and himself to discuss the Compact with them individually. He advised that Denbighshire was well placed to sign the Compact and saw collaboration as one of the approaches that could safeguard front-line services. In addition, the Compact would clarify the collaboration agenda for both local and national government over the next few years, but there was a risk that the Council could face financial penalties and political interventions if it did not deliver on the expectations within the Compact.

The Chief Executive reported on the three large collaborative projects that the Council was already participating in regarding education, social services and 'other services' (including waste treatment, highways, ICT and procurement). He advised that viable business cases for improvements and efficiencies would have to be proved before other proposed collaborations could proceed beyond the review stage.

Councillor Barbara Smith queried the milestones (delivery dates) in the compact, some of which had passed, and Councillor Green queried whether the Compact was a one-sided agreement where all the expectations fell on the local authority.

The Chief Executive stated that the Welsh Government had confirmed with him that participation rather than deadlines was the important factor, confirming that some of the deadlines had passed or were unrealistic. He had asked for this to be put in writing by the Welsh Government. He said that the Welsh Government's view was that they had provided a reasonable financial settlement for the next few years and in return expected the Compact agenda to be delivered.

Other issues raised by Members were:

- New ways of engaging with elected members beyond those provided by the regional collaboration boards were required
- All the north Wales local authorities would be considering whether to sign up to the Compact
- The differing numbers of councillors on the north Wales authorities meant that a fair mechanism was needed to ensure that Denbighshire's elected members were not less influential than their counterparts in other councils

The Leader agreed with Councillor Marfleet's statement that the WLGA should not sign agreements before consulting local authorities, and advised that he had raised this point with the WLGA.

RESOLVED that:

- (i) *Members agree to sign up to the Compact;*
- (ii) *Members agree that Denbighshire will play an appropriate role in implementing the full range of collaborations set out in the Compact, provided:*
 - (a) *there are demonstrable service improvements for Denbighshire residents, or*
 - (b) *there are resource savings and the proposed new service model provides a service to Denbighshire residents that is at least as good as the service it proposes to replace.*

8 COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services reported that approval of the Council Tax levels was requested on the 28 February 2012 together with a report on the Treasury Management Strategy. A report in April 2012 on the Corporate Plan was no longer required.

Councillor Rhys Hughes referred to a report on the 28 February regarding joint supplementary planning guidance on the Pontcysyllte Aqueduct and Canal World Heritage Site. He remarked that the impression had been given that this item would go before the Planning Committee before being submitted to full Council. The Corporate Director: Business Transformation and Efficiency agreed to get clarification on this matter.

RESOLVED that the Council's forward work programme be approved.