

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 25 February 2020 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Gareth Davies, Meirick Davies (Chair), Hugh Evans, Peter Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James (Vice-Chair), Brian Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Peter Scott, 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

Chief Executive (JG), Head of Legal, HR and Democratic Services (GW), Head of Finance and Property (SG), and Committee Administrator (SLW)

Also in attendance:

Sue Lewis – Member of the Public

1 APOLOGIES

Apologies for absence were received from Councillors Brian Blakeley, Pat Jones, Tina Jones, Bob Murray and Glenn Swingler

2 DECLARATIONS OF INTEREST

No declarations of interest.

At this juncture, the Chair paid tribute to the late Councillor Huw Jones who had passed away recently.

Tributes were paid by Councillor Rhys Thomas, on behalf of Plaid Cymru, Councillor Joe Welch on behalf of the Independent Group, Councillor Joan Butterfield, on behalf of the Labour Group and Councillor Martyn Holland, on behalf of the Welsh Conservative Group.

Condolences were conveyed to Councillor Jones' family and as a mark of respect, all in attendance stood in silent tribute.

The Chair also conveyed condolences to Judge Ian Trigger, Chair of the Standards Committee who had recently lost his wife, Jennifer Ann Trigger.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

Question put forward by a member of the public, Sue Lewis, Bodfari –

“The Clwyd Pension Fund Committee, hosted by Flintshire, has recently consulted with employer members of the Fund, including Denbighshire, on the development of its Responsible Investment Policy. Amongst other things, this looks at the issue of disinvestment from fossil fuels. Did Denbighshire respond to this consultation, and if so, can you share with us your response please?”

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

Denbighshire is a member of the Clwyd Pension Fund which is administered by Flintshire County Council. The late Councillor Huw Jones was the elected member on the Clwyd Pension Fund Committee (“the Committee”) on which he had served for a number of years. The Committee oversees the Pension Fund. In addition, officers from Denbighshire County Council interact on a regular basis with officers from the Clwyd Pension Fund.

Clwyd Pension Fund has an investment strategy in place, obviously, its primary objective is to ensure current and future pension liabilities are able to be met in full. The Fund update those policies on a regular basis and their investment strategy does state that they will make selective investments in environmental areas such as clean energy, environmental infrastructure, and forestry projects.

Currently around 1.2% of the Funds’ assets are invested in fossil fuel areas. Denbighshire County Council’s Head of Finance and Property attended Steering Group meetings in the autumn and early winter 2019 and fed back into that Group the discussions we had been having internally within Denbighshire regarding the development of our policies to become carbon neutral. All of those discussions fed back into a draft version of the Responsible Investment Policy for the Clwyd Pension Fund. The draft Policy very much reflected Denbighshire’s own internal discussions which had taken place with regards to prioritising the importance of climate change and taking that into account in their decisions going forward.

Therefore, we are support the adoption of the draft Policy as it was in line with Denbighshire’s internal discussions.

Highlighting a section from the Policy as follows:

Consideration in respect of climate change is not only the duty of the Fund but is also consistent with the long term nature of the Fund. The Fund investments need to be sustainable to be in the best interests of all stakeholders. Engagement is the best approach to enabling the change required to address the climate emergency. However, selective risk based disinvestment is appropriate to facilitate the move to a low carbon economy.

The Fund has three main priority areas and one of those in the responsible investor priorities states that they intend to measure and understand the carbon exposure within the investment portfolio and then once assessed, that there be an agreed carbon reduction target within twelve months to be implemented over the next five years.

Supplemental Question put forward by Sue Lewis –

Would Denbighshire County Council follow the Welsh Government and other councils such as Cardiff and Camarthenshire and pass a resolution stating they wish their Pension Fund to disinvest entirely from fossil fuels within a fixed time frame.

It is understood that the council can only advise fund managers but this would, nevertheless, give a very powerful message to the public, to its beneficiaries that you mean business and would be in line with your Policy of carbon reduction.

Further response by Councillor Julian Thompson-Hill, as follows –

It is possible Denbighshire County Council could make such a resolution. In terms of the governance structure, we are only one vote amongst five on the Committee, so it would depend on the other local authorities having a similar point of view. It is not within our gift to insist upon it, but I see no reason why such a resolution could not be made. We could not do it today but would have to take it through the formal process.

4 MINUTES

The minutes of Special Council held on 19 November 2019 were submitted.

RESOLVED that the minutes of Special Council held on 19 November 2019 be confirmed as a correct record and signed by the Chair.

The minutes of Full Council held on 28 January 2020 were submitted.

Matters Arising –

Page 6 – Councillor Rhys Thomas asked following developments at the Ruthin Independent School since the last Full Council meeting, were this council satisfied that the safeguarding issue had been resolved?

Councillor Huw Hilditch-Roberts, Lead Member for Education, Children's Services and Public Engagement responded that following the recent developments, he could assure members that local authority officers were working with Estyn and CIW on all recommendations and that safeguarding of the students was paramount.

Page 7 – District Enforcement Limited.

Councillor Rhys Thomas confirmed the Lead Member for Planning, Public Protection and Safer Communities had circulated the activity statistics to all members. He expressed concern as only 22 of the 147 offences had been for dog

fouling or dogs running loose on fields. It was requested that the Lead Member contact District Enforcement to ascertain if the offences of discarded cigarettes was as easier option for the issuing of fixed penalty notices.

RESOLVED that, subject to the above, the minutes of Full Council held on 28 January 2020 be confirmed as a correct record and signed by the Chair.

5 COUNCIL TAX 2020/2021 AND ASSOCIATED MATTERS

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill introduced the report (previously circulated) to set the levels of Council Tax for 2020/2021.

Councillor Thompson-Hill particularly referred to:

- The main features of the budget which had been approved on 28 January 2020
- Observations of the Head of Finance and Property on the robustness of budget estimates and adequacy of reserves
- A breakdown of the precepts from City, Town and Community Councils and the Police and Crime Commissioner for North Wales
- Recommendations for the levels of Council Tax 2020/2021
- A positive settlement of +4.3% in the Council's Local Government revenue from Welsh Government

Historical data including Fire, Police and Community Councils precepts was requested to enable comparisons to be made. This was agreed to be circulated to all members.

Councillor Mark Young raised the issue of flooding. It had been reported that homes affected by flooding in England were to receive 100% Council Tax relief. He questioned whether this would happen in Wales. Also householders who had been affected by flooding in England were to receive £5000 but in Wales that figure would be £500. Councillor Young expressed his displeasure at the difference in the amounts.

The Head of Finance and Property confirmed that it was a devolved issue for Wales. Denbighshire were working closely with Citizens Advice Bureau to assist residents with claims to any funding available. A statement with all relevant contact numbers and an online link would be circulated to all members for their information.

Regarding the Council Tax Relief, local authorities would need to take this into consideration as it would be taken from their budget.

During the discussion, the Barnett formula had been referred to and it was explained that it was a very complicated formula, one block formed part of what the council received as the revenue support grant. If additional money announced during the year then it has a knock on effect to the budget in the following year.

Following the discussion, it was:

RESOLVED that Council:

- (i) *Note that it is necessary for the County Council, as the Billing Authority, to consider the precepts received from the Police & Crime Commissioner for North Wales and the Town/Community Councils and declare the Council Tax levels for the 2020/2021 financial year.*
- (ii) *Approve the recommendation that the amounts calculated by the Council for the 2020/2021 financial year, in accordance with Sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as Appendix A section 3.*
- (iii) *Approve the recommendation that the amounts calculated by the Council for 2020/2021 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as Appendix A section 4.*
- (iv) *That the amounts of Council Tax for the 2020/2021 financial year for each of the categories of dwellings be as shown in Appendix C.*
- (v) *Approve the level of discount for Class A, B and C as prescribed under the Council Tax (Prescribed Class of Dwellings)(Wales) Regulations 2004 be set at zero for the financial year 2020/2021 with the caveat that this is dependent on no changes to legislation or local conditions.*

6 CAPITAL PLAN 2019/2020 - 2022/2023 AND RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the report (previously circulated) to provide members with an updated Capital Plan including an update on major projects and the Corporate Plan.

The full Capital Plan had been last reported to Council in February 2019. Monthly updates had been presented to Cabinet. The Estimated Capital Plan was now £33.86m. The Plan had been updated since being reported to Cabinet on 18 February 2020.

Councillor Thompson-Hill guided members through the report.

Both Councillor Thompson-Hill and the Head of Finance and Property responded to questions regarding various aspects of the Capital Plan. Main areas of discussion focused on the following:

- Traffic Block Capital Bid 2020-21 – Brown signs to be Welsh above English. The Vale of Clwyd brown sign scheme would sign Rhuddlan Castle, Denbigh Castle and St. Asaph Cathedral. It would also include the title of Vale of Clwyd and, therefore, raise awareness of the Vale. Members asked for timescale of the signs and it was confirmed that “Tourism Signage Strategy for Denbighshire” was to be presented at Communities Scrutiny Committee on 12 March 2020.
- It was queried if schools not within the report would be modernised at a future date. It was clarified that band A 21st Century Schools had been

completed and the Council was now embarking under band B. Schools not in band A or B were delayed due to financial constraints. It was confirmed by the Lead Member for Education, Children's Services and Public Engagement that he would look into the timescales.

- Councillor Gwyneth Kensler stated she had received negative feedback regarding the new Christ the Word School building in Rhyl as there had been a number of snagging issues. A number of members confirmed that with all new builds there were snagging issues. They assured Council that the building was of a good standard and encouraged members to visit the school to view the building.
- Funding allocated for bridges had been welcomed but there was an £11m backlog of work. Councillor Martyn Holland asked if there would be any further funding for repair of bridges especially following the adverse weather conditions over recent months. It was confirmed that the Welsh Government would be contacted with regards to additional funding.
- Concerns regarding potholes on the roads was raised. In response, Councillor Brian Jones advised that work was ongoing to find a more permanent solution and in addition to the forthcoming annual visits to Member Area Groups to discuss road maintenance, a members' workshop was also being arranged on highway matters. Councillor Jones confirmed officers were looking at new technology and cost effective solutions.

Councillor Huw Hilditch-Roberts referred to the recent adverse weather conditions and thanked staff for their hard work in that regard.

At this juncture, Councillor Graham Timms moved for close of debate and to go to the vote. This proposal was seconded.

Therefore, a vote took place whether to proceed to the vote by a show of hands. Members were unanimously in favour to close debate and to go to the vote.

RESOLVED that Members:

- (i) Note the latest position on the 2019/2020 element of the Capital Plan and the update on major projects*
- (ii) Support the recommendation of the Strategic Investment Group as detailed in Appendix 5 and summarised in Appendix 6*
- (iii) Approve the 2020/2021 Capital Plan*
- (iv) Approve the Capital Strategy Report for 2020/2021 as detailed in Appendix 7*
- (v) Request that officers in the Highway Service carry out an assessment of damage caused to the network by the recent storms in order that the extent of further funding can be identified.*

7 TREASURY MANAGEMENT STRATEGY STATEMENT 2020/2021 AND PRUDENTIAL INDICATORS 2020/2021 - 2022/2023

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the report (previously circulated) to seek Council's approval of the Treasury Management Strategy Statement (TMSS) 2020/2021 and Prudential Indicators 2020/2021 to 2022/2023.

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management required the council to approve the TMSS and Prudential Indicators annually.

It was confirmed that investments were always with banks. Temporary investments in the short-term were carried out and the Council did not have any other investments.

When investing, the Council's priorities were to:

- Keep money safe (security)
- Make sure that the money came back when it was needed (liquidity)
- Make sure a decent rate of return was achieved (yield).

Councillor Paul Penlington requested a list of the Banks in which investments were made.

RESOLVED that Council:

- Approves the TMSS for 2020/2021 (Appendix 1)*
- Approves the setting of Prudential Indicators for 2020/2021, 2021/2022, and 2022/2023 (Appendix 1 Annex A)*
- Approves the Minimum Revenue Provision Statement (Appendix 1 Section 6)*
- Confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.*

8 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

Members were invited to put forward nominations for Vice-Chair of Council for the forthcoming municipal year commencing in May 2020.

RESOLVED that the Council and Council Briefing Forward Work Programmes be approved and noted.

The meeting concluded at 12:05 p.m.