

COUNTY COUNCIL

Minutes of a meeting of the County Council held in via Zoom on Tuesday, 26 January 2021 at 10.00 am.

PRESENT

Councillors Mabon ap Gwynfor, 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, Tina Jones, Geraint Lloyd-Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Merfyn Parry, Paul Penlington, Pete Prendergast, Arwel Roberts, Anton Sampson, Peter Scott, Glenn Swingler, Andrew Thomas, Rhys Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Joe Welch, Cheryl Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (JG), Head of Legal, HR and Democratic Services (GW), Corporate Director: Communities (NS), Corporate Director: Economy and Public Realm (GB), Head of Finance and Property (SG), Head of Business Improvement & Modernisation (AS), Head of Highways & Environmental Services (TW), Head of Customers, Communications & Marketing (LG), Strategic HR Manager (CR), HR Specialist – Pay & Rewards (SV) Chief Digital Officer (BE), Service Manager – Looked After Children (RM) Democratic Services Manager (SP), Zoom Host (RT-J) and Committee Administrator (SLW)

1 APOLOGIES

Apologies received from Councillors Brian Blakeley, Joan Butterfield, Pat Jones, Gwyneth Kensler, Bob Murray and David Williams.

2 DECLARATIONS OF INTEREST

Councillor Meirick Lloyd Davies declared a personal interest in item 5, Budget 2021/22 - Final Proposals as he was on the Fire Authority Board.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

At this juncture, the Chair, on behalf of Full Council, offered congratulations to Ann Jones, Member of Senedd and a former Denbighshire Councillor on being awarded an OBE.

Question put forward by Ceri Mair Davies on behalf of Friends of the Earth Ruthin:

“Could Denbighshire County Council provide a full list of all properties, land, rooms, assets owned by Denbighshire Town and County Councils that are currently under-utilised or un-occupied?”

Could Denbighshire County Council outline exactly what is the process involved in a Community Asset Transfer and what is the remit for organisations who can apply? (we would be happy to be sent a copy of this document after the meeting if you would like to put us in touch with the department and persons in charge of this)”

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, responded as follows:

“A schedule of vacant premises in our property portfolio and a current list of vacancies within the commercial portfolio can be provided.

Our Asset Strategy is not to hold any building or property that is not required for our operational or commercial reasons.

Town and Community Council buildings - we cannot provide those as we do not have that data. There is only data on Denbighshire County Council assets.

Underutilisation re: office portfolio - we are aware where we have vacancies and have been working with partners. NHS and the Coroner work from County Hall and we are in the process of moving other groups into County Hall also. All buildings are under-utilised at the moment due to Covid and change in working patterns during the last 12 months. This will be reassessed when get back to some sort of normality.

In terms of the Commercial portfolio which includes things such as farms and industrial units, these are run on a commercial basis for generating income. There is a high rate of occupancy.

Second question regarding policies – there is no formally adopted policy for this. They are dealt with on a case by case basis, working with Town and Community Councils and local groups. Normally it is a case of the Council being approached by organisations to buy a property. It would be based upon a business plan to clarify how buildings are utilised, maintenance and running costs and generally done on a long term transfer.

There is an entire process we go through to make sure people have applied with Local Government Act disposal consent and an internal process to make decisions.

The Lead Member for Waste, Transport and the Environment, Councillor Brian Jones gave a statement regarding the recent flooding as follows:

“Flooding last week by storm Christophe was devastating for everyone affected and we want to express our sympathies to those people who are now undertaking the long journey to recover.

I have been out to the various areas affected by flooding and next week going to see rural areas affected by flooding.

I want to pay tribute to the highways staff who put in a lot of hours and work in preparing before the flood and in some cases, councillors and all those who were involved.

We need to look at what we can do as a local authority and how best to protect communities going forward.

At a recent Scrutiny Committee meeting it was mentioned about a Task and Finish Group to look at flood areas. We have already had an agreement for NRW and Welsh Water to be part of the Group and also want involved land and farm owners, and relevant local county councillors. This Group will be a good tool and mechanism.

Thank you to all involved from all Full Council members.”

Question put forward by Councillor Emrys Wynne:

“At the weekend there were reports in the press saying that Denbighshire County Council staff had received Covid 19 vaccines even though not entitled to have one. Why weren't councillors told about this? When did this become apparent to you?

Leader, Councillor Hugh Evans – From my perspective on this occasion this information was not shared with any members of the council and only officers were familiar with the situation prior to it breaking out in the press. Due to the seriousness, we did hold a special Cabinet on Sunday evening to try and understand what was happening, and another on Monday morning with officers. It was unclear as to what had happened and we have called for an internal investigation. This was for three main considerations.

First point, while things are highlighted in the press, officers and members need to be familiar with all the facts before we take any action, and therefore, responding to the press is not ideal way to reach conclusion.

Second point - We have brilliant staff within the Local Authority and the work they have done during Covid has been unbelievable. We do not want all the staff painted with the same brush with the possible actions of a small minority.

Third point – it is important that we as a Local Authority, give assurance, that our relationship with BCU is open and transparent and it is important to them that everything the local authority does is open and transparent and we will not support anyone to jump the queue and will be in line with guidelines of Welsh Government.

Chief Executive, Judith Greenhalgh – Denbighshire County Council has submitted a list to Besti Cadwaladr of our staff who were eligible for a vaccine in line with guidelines. Those staff were sent an email by BCU inviting them to book an

appointment for a vaccination. What became apparent recently was the possibility that if eligible staff had forwarded that email, there was a glitch in the BCU system that may have allowed non eligible staff to book a vaccination appointment. When this became apparent to us we instructed all staff not to forward the e-mail and our IT team are currently investigating what action, if any, has occurred with those staff. We have completed the first phase of that investigation. There is certainly no evidence of mass sharing of the email. Once the investigation is complete if there is any evidence that any staff have acted improperly it will be followed up with disciplinary action. At this time, there is no evidence staff have used this loop hole. As the Ledaer said our staff have worked incredibly hard during the pandemic and I have the utmost confidence in their integrity and honesty. If anyone has taken this action, it will be a very small number of staff and we will update members when the investigation has concluded. The press statement was inaccurate and at this time, we are not aware of any member of staff who had the vaccine when they should not have done so.”

Cllr Emrys Wynne asked a supplementary question which was when did it become apparent to officers that this situation might exist and when it became apparent that this was likely to appear in the press?

The Chief Executive responded that on 14 January 2021 it became apparent to us that there may be a loophole in the booking system of BCU and we then sent an email to all staff that this was not allowed and the press picked up from that.

4 MINUTES

The minutes of Full Council held on 26 January 2021 were submitted.

PROPOSED by Councillor Alan James to accept the minutes, SECONDED by Ann Davies.

A vote took place and a majority of Members agreed to accept the minutes with one Member voting against.

RESOLVED that the minutes of the Council meeting held on 26 January 2021 be confirmed as a correct record.

5 BUDGET 2021/2022 - FINAL PROPOSALS

At this juncture, Councillor Meirick Lloyd Davies declared a personal interest as he was a member of the Fire Authority Board.

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Budget 2021/22 – Final Proposals report (previously circulated).

The Council was legally required to set a balanced and deliverable budget before the start of each financial year and to set the resulting level of Council Tax to allow bills to be sent to residents.

The Draft Local Government Settlement for 2021/22 was received by the council on 21st December and had resulted in a positive settlement of +3.6%, compared to the Welsh average of 3.8%. The Final Settlement was expected on the 2nd March but Welsh Government (WG) had indicated that there should be very few changes.

As part of the settlement there were 'transfers in' of £1.280m which had been passported to the relevant service areas as in previous years:

- 2020/21 Teachers' Pay Grant - £0.135m
- Coastal Risk Management Programme £1.145m

The final proposals to balance the 2021/22 budget were shown in the Medium Term Financial Plan (MTFP) in Appendix 1. The main areas of growth and pressures were:

- Pay pressures of £0.870m
- Price and energy inflation of £250k
- Fire Service Charge of £162k
- Allowance for increase in Council Tax Reduction Scheme of £350k
- Schools inflationary pressures are recognised amounting to £1.205m
- Schools investment in Additional Learning Needs £1.192m
- Schools investment in small schools' sustainability £161k
- Schools demographic pressure of £718k
- £2.4m to recognise demand pressures and forecasts in Community Support Services as part of the council's long term strategy to manage care budgets
- £0.750m to recognise existing pressures in Education and Children's Services relating to Out of County Placements and Recoupmnt.
- £250k pressures in Waste Services had been recognised based on estimates of ongoing year pressures
- Impact of previous decisions by Council/Cabinet (eg Rhyl Flood Scheme, North Wales Economic Ambition Board): £0.276m
- £389k pressure for investment in Carbon Zero Target required in order to meet the 2030 target agreed by Council.
- Investment of £250k in the Ash Die-Back problem. This would make permanent the one-off funding identified in last year's budget.
- In light of the scale of the pressures and the Covid and Brexit impact still unresolved, a contingency of £683k had been included

The pressures identified above amounted to £9.903m. The impact of using £685k of cash in 20/21 (which had the effect of just delaying the need to identify savings) meant that the total shortfall amounted to £10.588m. A draft settlement of around 8% would have been required in order to fund all these pressures. The net +3.6% settlement generated £5.42m additional revenue leaving a funding gap of £5.167m.

The following items were included in the proposals in order to bridge that gap:

- Fees and Charges Income Budgets had been inflated in line with agreed Fees and Charges policy which increased external income by £0.462m.
- Operational efficiencies amounted to £690k mostly identified by services throughout the year and within Head Service delegated responsibility in consultation with Lead Members.

- Savings of £0.781m had also been identified which changed service provision in some way and which were shared in detail with Cabinet and Council in the December briefings.
- 1% (£0.733m) Schools efficiency target from Schools Delegated Budgets. As school budgets were devolved, it would be for each governing body to determine how the savings would be delivered.
- It was recommended that the Council Tax increased by 3.8% which would generate £2.132m additional revenue. This compared to last year's increase of 4.3% and 6.35% the year before that.
- Finally, the Council Tax Base had increased more than expected this year which meant that additional Council Tax of £369k was projected.

During discussions, the following points were raised:

- Councillor Mabon ap Gwynfor expressed his concerns as, in his opinion, there had been a lack of consultation and transparency with all councillors. A budget paper had been presented at a Budget Briefing on 21 December 2020 and also presented at Cabinet which, Councillor ap Gwynfor stated did not allow time to fully discuss details. Therefore, Councillor ap Gwynfor confirmed he would not support the Budget Report.
- Councillor Glenn Swingler expressed his agreement with Councillor Mabon ap Gwynfor. Councillor Swingler also expressed his concern regarding the amount of increase of Council Tax and did not agree with the proposal for schools to make 1% savings.
- Councillor Paul Penlington expressed his agreement with Councillor Mabon ap Gwynfor. Councillor Penlington then asked what the impact of Brexit would be. The Lead Member for Finance confirmed that the impact of Brexit, if any, was unknown at the current time.
- The Head of Finance and Property confirmed he had attended the School Budget Forum and provided full information regarding savings required.

Following discussion, Councillor Julian Thompson-Hill proposed the Budget recommendation, seconded by Councillor Richard Mainon.

At this juncture, Councillor Paul Penlington requested a recorded vote. More than one sixth of those present were required to enable a recorded vote to take place and eight members indicated their preference for a recorded vote.

Therefore, a recorded vote took place.

Those who voted in favour of the Budget Report were as follows:

Councillors – Jeanette Chamberlain-Jones, Ellie Chard, Ann Davies, Gareth Lloyd Davies, Hugh Evans, Peter Evans, Bobby Feeley, Tony Flynn, Rachel Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Alan James, Brian Jones, Tina Jones, Geraint Lloyd Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Merfyn Parry, Anton Sampson, Peter Scott, Tony Thomas, Andrew Thomas, Julian Thompson-Hill, Joe Welch, Cheryl Williams, Huw Williams and Mark Young.

Those who voted against the Budget Report were as follows:

Councillors – Mabon ap Gwynfor, Paul Penlington, Arwel Roberts, Glenn Swingler, Rhys Thomas and Emrys Wynne

Those who abstained from the vote were as follows:

Councillors – Meirick Lloyd Davies and Eryl Williams

RESOLVED that Council:

- *note the impact of the Draft Local Government Settlement 2021/22.*
- *approves the proposals outlined in Appendix 1, and detailed in Section 4, in order to finalise the budget for 2021/22.*
- *approve the average Council Tax rise of 3.8% proposed.*
- *delegate authority to the Head of Finance and Property in consultation with the Lead Member for Finance to adjust the use of cash included in the budget proposals by up to £500k if there is movement between the draft and final settlement figures in order to allow the setting of Council Tax in a timely manner.*
- *confirms that it has read, understood and taken account of the Well-being Impact Assessment.*

6 COUNCIL TAX REDUCTION SCHEME 2021/2022

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill introduced the Council Tax Reduction Scheme 2021/2022 report (previously circulated).

The Welfare Reform Act 2012 contained provisions to abolish council tax benefit in its current form across the UK. From 31 March 2013 council tax benefit ceased and the responsibility for providing support for council tax and the funding associated with it, had been passed to the Welsh Government. The Welsh Government, in partnership with local authorities in Wales, introduced a new scheme to provide council tax support which was adopted by the Council in January 2013. The Welsh Government had finalised both sets of regulations on 2nd December 2019 and the new Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and amendments Regulations 2020 were required to be adopted by 31st January 2021.

Councillor Julian Thompson-Hill proposed to accept the Council Tax Reduction Scheme 2021/2022 report, seconded by Councillor Martyn Holland.

A vote took place and it was unanimously agreed to accept the report.

RESOLVED that Members:

- adopt the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 and the Council Tax Reduction Schemes (Prescribed Requirements and Default Scheme) (Wales) (Amendment) Regulations 2021 in respect of the 2021/22 financial year.
- approve the discretionary elements of the scheme, shown in section 4.4, for 2021/22 financial year.

At this juncture (11.25 a.m.) there was a 20 minute break.

The meeting reconvened at 11.45 a.m.

7 REAL LIVING WAGE

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill introduced the Real Living Wage report (previously circulated).

County Council originally considered the implications of paying the Real Living Wage in December, 2018 and then in January 2020 following the national pay negotiations. It was then requested that the Council received a further report in January 2021 to consider the current situation and if there was a differential between the National Pay Award and the Real Living Wage whether or not to pay the Real Living Wage to its staff in the following financial year.

There are two levels of living wage. The National Living Wage which is set by Government and all employers are legally obliged to pay, and the real Living Wage which is assessed and set by the Real Living Wage Foundation in November each year.

Recent local government pay awards had sought to ensure that the lowest pay grades would be paid above the real living wage rate. Subsequent increases in the level of the real living wage have resulted in Grade 1 and the bottom point of Grade 2 falling below that rate. The Council currently has 725 staff who are paid below the current real living wage level.

Employers had six months following the November announcement to implement the increase in the real living wage level and given the wider financial situation the Council were in regarding Covid, if implemented in year it would add additional pressure. Therefore, it was stated it would be advantageous to utilise the six-month period and implement it in the next financial year having regard to the national pay award.

Following a brief discussion, Councillor Graham Timms proposed further recommendations as follows:

- (i) To backdate to April 2020 the Real Living Wage amount for those who would have lost out at the last pay deal at a cost of approximately £17,000 per annum
- (ii) For the financial year 2021/2022 DCC pay the Real Living Wage as set in November 2020 to all staff who would be below it and that would cost £37,500, and
- (iii) Propose the Lead Member for Finance bring back a report to Council with a costing and a route map of how the Council could become an accredited Real Living Wage Employer.

Councillor Graham Timms proposed the additional recommendations seconded by Councillor Barry Mellor.

The Strategic HR Manager explained the second recommendation could raise issues between Grades as it would affect pay relativities and have potential equal pay implications. Work would need to take place to assess the risk caused to the Council prior to agreement.

Members agreed that officers would need to do work of what the consequences would be financially in 2021/2022 which would be dependent on pay awards which may or may not be agreed during that time.

Therefore, it was agreed that the following two recommendations be put forward to vote:

- (i) All council employees receive the real living wage for the financial year 2020/2021 which would involve backdating the pay of those on spinal column point 1 who are on £9.25 per hour, up to £9.30 per hour which would cost £17,500, and
- (ii) The Lead Member bring back a report to Council with a costing and a route map as to how the Council could become an accredited real living wage employer.

Both Councillors, Graham Timms and Barry Mellor, the original proposer and seconder, agreed to this.

A vote took place on the amendment to the recommendation and it was unanimously agreed.

Therefore, following agreement to the amendment, a vote took place on the substantive recommendation and it was unanimously agreed.

RESOLVED that:

- (i) All Council employees receive the real living wage for financial year 2020/2021 which would involve backdating the pay of those on spinal column 1 who are on £9.25 per hour up to £9.30 per hour which would cost £17,500*
- (ii) The Lead Member bring back a report to Council with a costing and a route map as to how the Council would become an accredited real living wage employer.*

8 NOTICE OF MOTION

Councillor Glenn Swingler put forward the following Notice of Motion on behalf of the Plaid Group for consideration by Full Council:

That Denbighshire County Council:

Calls for the decision date on the intended restructuring of the Homelessness Service with the loss of 9 posts to be postponed from February 1st 2021 until the

reasoning behind this proposed major internal reorganisation has been examined by a council Scrutiny Committee.

Following discussion, Councillor Glenn Swingler confirmed that he would withdraw the Notice of Motion.

9 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal, HR and Democratic Services introduced the Council's forward work programme (previously circulated).

Future meetings to be confirmed:

- (i) Real Living Wage Accredited Employer
- (ii) Flooding – Investigation Report

RESOLVED that subject to the above, that the Council's forward work programme be approved and noted.

The meeting concluded at 1.10 p.m.