

COUNTY COUNCIL

Minutes of a meeting of the County Council held in the Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 28 February 2012 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, John Bellis, Brian Blakeley, Joan Butterfield, June Cahill, Jeanette Chamberlain-Jones, Ann Davies, Meirick Davies, Pauline Dobb, Michael Eckersley, Christine Evans, Gwilym Evans, Hugh Evans, Bobby Feeley, Sharon Frobisher, Ian Gunning, Diana Hannam, Colin Hughes, Neville Hughes, Rhys Hughes, Glyn Jones, Huw Jones, Morfudd Jones, Richard Jones, Gwyneth Kensler, David Lee, Paul Marfleet, Peter Owen, Dewi Owens, Allan Pennington, Barbara Smith, David Smith, David Thomas, Selwyn Thomas, Julian Thompson-Hill, Cefyn Williams and Eryl Williams

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Learning & Communities (HW); Demographics, Wellbeing & Planning (SE), and Business Transformation & Regeneration (BJ); Head of Legal and Democratic Services and Monitoring Officer (RGW); Head of Finance and Assets and Chief Finance Officer (PM); Head of Planning, Regeneration and Regulatory Services (GB); and Committee Administrator (KEJ)

POINT OF NOTICE

In the absence of the Chair, Councillor William Cowie, the Vice Chair Councillor Jeanette Chamberlain-Jones presided over the meeting as Chair.

1 APOLOGIES

Councillors William Cowie, Carl Davies, James Davies, Michael Eckersley, George Green, Rhiannon Hughes, Lucy Morris, Glyn Williams and Jane Yorke

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 MINUTES

The minutes of the Council meeting held on 7 February 2012 were submitted.

Matters Arising –

Page 5 – Item No. 7 Local Authorities (Alcohol Consumption in Designated Public Places) Regulations 2007 – Councillor Richard Jones requested a revised figure on

the crime statistics for Bodelwyddan as approximately half of the crime recorded related to Glan Clwyd Hospital. Councillor Meirick Davies confirmed he had received correspondence from officers regarding the breakdown of crime figures.

RESOLVED that the minutes of the meeting held on 7 February 2012 be confirmed as a correct record and signed by the Chairman.

5 ANNUAL IMPROVEMENT REPORT

Mr. Steven Martin and Ms. Karen Lees from the Wales Audit Office (WAO) delivered a presentation to members on the authority's Annual Improvement Assessment. The context for the Annual Report was the duty on local authorities to secure continuous improvement. Members' attention was drawn to the findings that the Council was –

- continuing to develop its planning and arrangements for delivering improvement
- working towards achieving its improvement objectives although further progress would be required to fulfil its aims
- making good use of self assessment and improved performance evaluation in its arrangements to deliver and improve services.

Overall the Council was improving outcomes for residents through better planning, delivery and reporting although there was further to go to achieve its ambitious objectives. No formal recommendations had been issued but two proposals for improvement had been identified as follows –

- the Council should use its annual review of governance arrangements to provide a more robust self assessment of their effectiveness, and
- by September 2012 the Council should establish how it will support the Rhyl Going Forward Delivery Plan.

A report by the Leader and Head of Business Planning and Performance (H:BP&P) was submitted (previously circulated) outlining the Council's response to the Annual Improvement Report. The Leader, Councillor Hugh Evans reflected on the positive WAO report and progress made by the Council over the last four years. He highlighted the authority's position as a high performing council and paid tribute to the work of both councillors and officers in realising that achievement. Councillor Evans felt that the council was focused on continued improvement with robust processes in place which left the authority in a positive position for the new Council administration. He also cautioned that the new Council would need to be more innovative and practical in their delivery and be fully aware of their responsibilities to carry on the good work. The H:BP&P reported upon the Council's response to the recommendations concerning strengthening the self assessment element in the review of effectiveness in the Annual Governance Statement and how the authority was supporting the Rhyl Going Forward Delivery Plan.

Members raised a number of issues arising from the report including –

- the need to address the fact that some residents were unable to obtain property insurance or were paying significantly higher premiums despite improvements in flood defences
- highlighting the importance of including children and young people in the council's consultations and seeking assurances in that regard
- the need to ensure that self evaluation had a sound basis
- greater coordination being required in terms of grant funding provided for particular initiatives by the Welsh Government and greater communication with local authorities in that regard
- a positive response having also been received from the WAO regarding the previous scrutiny system.

The following responses were received –

- the Corporate Director Business and Transformation (CD:BT&R) reported upon the proactive work being undertaken with a view to influencing the Association of British Insurers in terms policies for properties in flood risk areas involving meetings with Chris Ruane MP and the Environment Agency
- the H:BP&P reported upon the mechanisms introduced to engage children and young people in the council's consultations via schools, youth clubs and leisure centre and via leafleting and online forums
- Mr. S. Martin acknowledged the issue raised regarding better communication between government bodies and advised that the Auditor General had proposed to undertake a study on regeneration in Wales which would include the way the Welsh Government worked with its partners. He also confirmed that positive comments had been made about the former scrutiny system but that the changes had provided better alignment to the way the council managed its business
- it was confirmed that, on page 4 of the presentation slides, reference to page '39' should be page '9'.

Members debated the point made by the WAO regarding support for the Rhyl Going Forward Delivery Plan and further assurances were sought in terms of ensuring that residents were regularly kept informed of progress and developments and that significant effort was being made to secure private investment in the area. The importance of maintaining the area once development work had been completed was also highlighted. The CD:BT&R reported upon the development of various marketing tools to support the Delivery Plan and engage developer interest and private investment in the area. She also provided assurances that the required skills mix would be developed internally with external expertise utilised when required. The need to engage with residents and publicly communicate the Plan effectively was also acknowledged and she advised that work was currently ongoing with the Daily Post to produce a series of positive stories in relation to Rhyl.

The Chief Executive highlighted a number of priority issues for the authority particularly referring to greater public engagement to become truly closer to the community. He felt that the council should be proud of the progress it had made advising that the report was a credit to both councillors and officers.

RESOLVED that, subject to members' comments above, the report be noted.

At this juncture (11.10 a.m.) the meeting adjourned for a refreshment break.

6 COUNCIL TAX 2012 / 13 AND ASSOCIATED MATTERS

The Chief Finance Officer (CFO) submitted a report (previously circulated) seeking members' consideration of the precepts received from the North Wales Police Authority and the Town/Community Councils and to declare the Council Tax levels for the 2012/13 financial year. He outlined the following issues –

- Robustness of Budget Estimates – the requirement to make £3.5m of savings was clearly a risk to the Council but a thorough process of service challenges entitled the Council to have confidence in the robustness of the budget, and
- Adequacy of Reserves – the level of general balances had improved and was considered broadly appropriate given the financial risks faced by the Council.

Councillor Julian Thompson-Hill, Lead Member for Finance and Efficiency commended both staff and councillors for the work they had undertaken on the budget setting process over the last four years. He reminded members that the budget had been developed with a view to protecting front line services as much as possible. The 2.8% increase was significantly lower than current inflation levels and historically Denbighshire had seen one of the lowest increases in council tax levels in Wales over the last four years. Councillor Hugh Evans took the opportunity to thank the Lead Member for leading on the budget and commended the robustness of service challenges allowing a sensible budget to be set and investment in priorities.

Members reviewed the impact of the Council Tax proposals as outlined within the report and sought clarification on a number of issues regarding payment of the precepts and potential accrual of interest and the collection of business rates and associated costs. The Head of Finances and Assets confirmed that the 2012/13 budget followed the priorities set by the Council in the current administration and could not be changed by the new administration.

RESOLVED that for the 2012/13 financial year the Council approves the following amounts calculated in respect of –

- (a) Denbighshire County Council / Town and Community Councils income and expenditure in accordance with Sections 32 to 34(1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2003 as shown in sections (a) to (f) of page 4 of the report;
- (b) Denbighshire County Council / Town and Community Councils Council Tax in accordance with Sections 34(2) and 36(1) of the Act as shown in sections (a) and (b) of the report, and

(c) *The Council Tax for each of the categories of dwellings as shown in Annex B of the report.*

7 RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP

Councillor Julian Thompson-Hill, Lead Member for Finance and Efficiency presented the report (previously circulated) seeking members' approval to include the capital bids received for inclusion in the Council's 2012/13 capital plan.

Councillor Thompson-Hill elaborated upon the remit and scope of the Strategic Investment Group (SIG) and provided a context to the current capital plan following the reduction in the capital settlement over recent years which was likely to continue. He clarified that only capital receipts which had been actually been received and available for allocation had been included within the report. The available funding for 2012/13 had also been detailed within the report together with funds already committed. The Lead Member elaborated upon the recommendations of the SIG and clarified a number of issues in response to members' questions thereon regarding the carbon footprint of the Council; the amount invested in road maintenance, and agricultural estates capital works. In terms of highways spend Councillor Rhys Hughes hoped that future allocations would also be spread evenly throughout the county.

Councillor Eryl Williams reiterated the comments he had raised at the last Cabinet meeting that –

- the unspent contingency funds had been committed to Modernising Education and not specifically to 21st Century Schools (paragraph 4.5 of the report referred) and he asked that all references in the report and future documentation reflect that, and
- the recommendation to combine disparate funding sources to create a larger strategic fund to support town plans, regeneration and communities needed to be scrutinised in order to ensure that smaller communities did not lose the opportunity to bid for funding and lose out to larger projects. Councillor Gwilym Evans agreed, adding that some rural areas relied on grant funding for community projects which should be taken into consideration during the scrutiny process.

Councillor Thompson-Hill apologised that there had not been time to correct the reference to Modernising Education within the report. In terms of the community revenue funding he confirmed there was no intention to remove or change the funding avenue as a result of the recommendation. It was proposed to combine funding sources in order to provide a strategic overview and ensure best value.

RESOLVED that the projects shown in Appendix 1 to the report be included in the 2012/13 capital plan.

8 REVIEW OF THE NEW SCRUTINY SYSTEM

The Head of Business Planning and Performance (H:BP&P) submitted a report (previously circulated) outlining the conclusions of a review of the new scrutiny system adopted by the Council. In February 2011 the Council had resolved to replace the four directorate based committees with three themed committees (Partnerships, Communities and Performance) and to review the new system within the first twelve months. The H:BP&P took members through the findings of that review with particular emphasis on members' feedback and response to the scrutiny questionnaire.

During the ensuing debate members provided a mixed response to the report and interpretation of the results of the questionnaire. The number of non respondents and those neither agreeing nor disagreeing with the questionnaire statements was highlighted and accordingly the evidence base leading to the officers recommendations was questioned. Councillors Gwilym Evans, Christine Evans, Meirick Davies, Diana Hannam and Joan Butterfield spoke against the recommendation to confirm the new structure in its current configuration based on the following reasons –

- Cabinet and Scrutiny were too integrated with members from both functions on other committees which did not provide a clear distinction between the two for effective scrutiny
- a new Review Group should have been established to review the system in order for the process to be objective
- no reference had been made to consultation with the Corporate Governance Committee who had considered the review findings the previous week
- under the old system members had a greater empathy and understanding of the subject matters, drawing on their own field of expertise to ensure effective challenge and scrutiny which was lacking under the new structure
- whilst the current structure may be used as a pilot scheme much more work was required to progress scrutiny with much shorter reports and briefing papers from officers, and
- in view of the reservations expressed by some members it was considered too early to make a decision to confirm the new structure.

Whilst noting and accepting some of the reservations of particular members and acknowledging that further work needed to be done, Councillors John Bellis, David Smith, Ian Gunning, Hugh Evans, Bobby Feeley, Dewi Owens, Brian Blakeley and Barbara Smith felt that scrutiny was moving in the right direction and spoke out in favour of continuing with the new structure in its current configuration based on the following reasons –

- the WAO had found the new scrutiny arrangements to be soundly based and developing satisfactorily which would likely be echoed within the forthcoming Estyn Inspection Report
- highlighted that councillors had acknowledged the need for change and improvement when agreeing to the new structure the previous year
- changes should be made to the new system to address the concerns raised by members rather than reintroducing the former system

- the new process had addressed the silo mentality under the directorate based system and had broadened the outlook of members
- the mechanism of involving Area Member Groups within the scrutiny process was proving beneficial
- teething problems should be expected whilst the new arrangements were being established
- the former system was not as effective in scrutinising the authority's performance with its partners
- disagreed that the roles of Cabinet and Scrutiny had become too integrated and unclear
- the new system allowed for members to have greater involvement in processes and be more informed about the Council's business rather than having a specialism in one area
- the review process had been thoughtfully carried out and had taken members' views into account
- highlighted the importance of the three scrutiny committees – (1) Partnerships as a mechanism for scrutinising partnerships due to the increase in partnership working and the collaboration agenda; (2) Performance scrutinising important performance issues which did not have a place under the old system, and (3) Communities involving scrutiny of local issues and greater involvement of the community and Area Member Groups and contributing to the Council's aim of becoming closer to the community.

The Chief Executive highlighted the importance of scrutiny being carried out effectively and noted the different viewpoints of members. He reminded members that prior to 2008 scrutiny had been criticised and whilst much improvement had been made between 2008 and 2010 the system was outdated with too much duplication and silo working and there was an emerging need for scrutiny of community issues and partnerships. The new system had been acknowledged by the WAO, Estyn, senior managers and partners as a better way of working and whilst some members had reservations the Chief Executive counselled against reintroduction of the old system. He felt that scrutiny was moving in the right direction and that the new system should continue with a further report back to council in the new year to address members' reservations.

Overall members felt that the new structure had not been in operation long enough to allow for a fully informed review and whilst accepting that there were issues of concern which needed to be addressed, it was proposed by Councillor Huw Jones and seconded by Barbara Smith that the structure should continue pending a further review in twelve months time. Reservations were also expressed by members regarding the recommendation to reduce the membership of the current Chairs and Vice Chairs Group in view of its importance in setting future agendas and members felt that the Vice Chairs should be included within that process. Accordingly Councillor Huw Jones proposed, seconded by Councillor Christine Evans that the current membership be retained with the exception of the Chair and Vice Chair of the Council. Members considered the recommendations and proposals and upon being put to the vote it was –

RESOLVED that –

- (a) *Council acknowledges the new structure for scrutiny was to continue in its current configuration and requests a further review in twelve months time;*
- (b) *membership of the Chairs and Vice Chairs Group be modified to consist of the Chair and Vice Chair of each of the three scrutiny committees together with the Chair and Vice Chair of the Corporate Governance Committee and that the Group's main focus be on coordination of the scrutiny programme with shorter and more business like meetings;*
- (c) *training for members on the scrutiny system be included in the induction programme for the new Council, and*
- (d) *membership of any future Scrutiny Review Group be different from the current Review Group.*

At this juncture (1.25 p.m.) the meeting adjourned for lunch and proceedings resumed at 2.00 p.m.

9 NOTICE OF MOTION

[This item was brought forward on the agenda with the consent of the Chair.]

Councillor Brian Blakeley submitted the following Notice of Motion for consideration.

“The Council notes with concern the fact that the Local Development Plan Inspector has reached a preliminary conclusion that the County Council has made insufficient provision for housing.

This Council wishes to remind both Cabinet members and officers of the extent of authority delegated to them and recognise that it is for the full Council to decide upon any changes to plans and alterations which comprise the Local Development Plan.

This Council wishes to inform the Inspector that all Council members must be informed of any change to policy, proposals or strategy discussed by officers, at explanatory meetings, on behalf of Denbighshire County Council are matters that must first be subject of approval by full Council.”

Councillor Blakeley outlined the reasons behind the notice of motion. The Head of Planning, Regeneration and Regulatory Services clarified the latest position advising that the Inspector had made preliminary conclusions around housing need and supply and had requested additional information from the Council which was being provided. He confirmed that any changes made by the Inspector would be reported back to members. With regard to the notice of motion, officers had not made any material changes or alterations to the Local Development Plan (LDP) and would not do so. Councillor Eryl Williams proposed an amendment, seconded by Councillor Gwyneth Kensler that support be sought from the Assembly Members for the county and North Wales Region on the Council's provision for housing as detailed within the LDP. Councillor Blakeley indicated his agreement to the amendment and upon being put to the vote it was –

RESOLVED that –

(a) *the Notice of Motion be supported, and*

(b) *support for the Council's provision for housing as detailed within the Local Development Plan be sought from the Assembly Members for the county and North Wales Region.*

10 CONSTITUTION REVIEW

Councillor Hugh Evans, Leader of the Council presented his joint report with the Monitoring Officer (MO) informing members of the outcome of the consultation process to date and suggested areas of changes to the Council's constitution.

The Leader felt it was an opportune time to review the constitution and to test its relevance and purpose and promote transparency of processes and understanding of roles within that process. In terms of member role descriptions, he asked that members liaise with their Group Leaders and report back to the Group Leaders meeting the following week. Reference was also made to the Constitution review workshop held on 24 January 2012. The MO asked members to consider the outline of the proposed amendments within the report prior to consideration of the draft new constitution at the next Council meeting when the amendments would be considered in detail. He elaborated upon the main areas where changes had been proposed including the Scheme of Delegation; Description of Functions; Committee Terms of Reference; Contract Procedure Rules; Freedom of Information; Members Role Descriptions; Self Regulatory Protocol; Cabinet; Public Speaking; Protocols, and the Local Government Wales Measure. A briefing note for Council on the Measure had been circulated at the meeting.

Members welcomed the review of the Constitution and commented on the report as follows –

- if a Freedom of Information Panel was established it should include provision for the Panel to advise town and community councils
- clarity on the role of the Chair of the Council when greeting visiting dignitaries should be included in the Chair's role description
- the proposals to increase the thresholds for the award of contracts should also include a section on the safeguards in place for those arrangements
- a mechanism was required in the scheme of delegation to ensure clarity and accountability in the process and for bringing those decisions to members' attention together with timescales for recording those decisions
- there should be an expectation that members attended meetings but that an exemption from attending the statutory minimum number of meetings should be limited to a 12 month period in line with staff exemptions
- a protocol should be introduced on the role of the first citizen and visiting signatories
- clarification on the Champions' role was required
- there was a need for flexibility in terms of co-opting individuals with specific expertise for particular scrutiny matters on an ad hoc basis

- reference to the fact that officers should liaise with ward members at the same time should be included in the protocol
- a suggestion that the former practice of the public meeting with Cabinet Members prior to formal meetings be reintroduced
- highlighted the lack of reference to the discrepancies noted during the recent training session on taxi licensing for matters relating to the Licensing Committee
- further consideration be given to allowing public speaking at meetings of Cabinet and Full Council in order to bring the council closer to the community
- the need for greater differential between the role descriptions for Group Leader and Leader of the Opposition Group
- an updated list of representatives on outside bodies be submitted to the next meeting for review and the need for those representatives to report back to council on their activities should be included within the Constitution
- checks and balances on the delegated decisions for the disposal of assets be included.

The MO responded to members' questions and comments as follows –

- agreed to look into the possibility of producing a protocol on the role of the first citizen and visiting dignitaries
- reported on the clear process of awarding contracts within financial parameters via delegated decisions resulting in the publication of the decision
- confirmed that reference to the Champions role would be included
- advised that guidance to the Local Government Measure included co-options onto scrutiny committees for standing or specific items
- the role descriptions placed an expectation on members to attend relevant meetings and Modern.Gov would make attendance records available
- the protocol should include reference that ward members should be notified at the same time of issues within their ward
- the public meeting of Cabinet Members prior to meetings was not a constitutional issue
- public speaking at Cabinet and or Full Council would require a change to the constitution
- the references to the Licensing Committee would be included within that committee's terms of reference
- Corporate Governance Committee had previously debated the process for delegated decisions and the mechanism to alert members when decisions had been made. That committee had also discussed the issue of representatives on outside bodies which had prompted an exercise whereby outside bodies had been asked to confirm the number of representatives and in what capacity they were required. Guidance on outside bodies would be provided together with the reporting back mechanism dependent upon the role of representation.

Members also discussed the merits or otherwise of producing both paper and electronic copies of the Constitution with Councillor Colin Hughes requesting an electronic copy and Councillor John Bellis requesting a paper copy to ensure he

could track changes made. The MO advised that work was ongoing to ensure that the electronic version of the Constitution was more user friendly and easier to navigate.

Councillor Meirick Davies proposed that Council adopt the new draft Constitution at the next Council meeting and it was –

RESOLVED that Council –

- (a) *note the contents of the report and feedback from members at the Constitution review workshop held on 24 January 2012, and*
- (b) *consider the proposed overview of changes to the Constitution and recommend that the Monitoring Officer proceed with drafting the changes in order that members can have sight of the full draft for adoption at a proposed special Council meeting in March 2012.*

11 TREASURY MANAGEMENT STRATEGY STATEMENT 2012 / 13 AND PRUDENTIAL INDICATORS 2012 / 13 TO 2014 / 15

Councillor Julian Thompson-Hill presented the report detailing how the Council would manage its investments and its borrowing for the coming year and sought approval for the policies within which the Treasury Management function operated. He guided members through the report and particularly drew attention to –

- the 2012/13 revenue budget assumptions that the Council would undertake £3.65m of new prudential borrowing to fund capital expenditure on Highways and £4m to support regeneration projects and schools
- the Housing Stock Business Plan assumptions that prudential borrowing would be undertaken and would be financed through the equivalent of a rise in weekly housing rents
- the Treasury Management Policy Statement including background information, policies and objectives of treasury management activities
- the Treasury Management Strategy Statement and Investment Strategy 2012/13 to 2014/15 including the Minimum Revenue Provision Statement and associated appendices.

Councillor Huw Jones requested further details of the amount the Council had received from prudential borrowing compared to other authorities in Wales which he felt would be particularly useful for the new intake of councillors to highlight the Council's borrowing. Councillor Thompson-Hill reported upon a borrowing total of approximately £136m payable over various timescales up to 50 years with the majority of borrowing to mature well into the future. He advised that recent borrowing figures could be easily provided but as some borrowing dated back to the former Clwyd County Council those details may not be as easily obtained and ensuring like for like comparisons with other authorities may be difficult. Members were assured that the Council was currently well within its borrowing limits.

RESOLVED that Council approves –

- (a) *the Treasury Management Policy Statement for 2012/13;*
- (b) *the Treasury Management Strategy Statement for 2012/13 as detailed in Appendix A of the report;*
- (c) *the setting of Prudential Indicators for 2012/13, 2013/14 and 2014/15 as detailed in Appendix B of the report;*
- (d) *the Minimum Revenue Provision Statement as shown in Section 6 of Appendix A of the report, and*
- (e) *the use of Specified and Non-Specified Investments as detailed in Appendices D and E of the report.*

12 TIMETABLE FOR COUNCIL AND COMMITTEE MEETINGS FOR 2012 / 13

The Democratic Services Manager presented the report (previously circulated) seeking members' approval of the timetable of meetings for 2012/13 as detailed in Appendix 1 of the report. He also advised of the requirements introduced by the Local Government Measure (Wales) 2011 for a Democratic Services Committee and Audit Committee and guidance about the timing of meetings.

Councillor Julian Thompson-Hill advocated introducing evening meetings in order to attract a greater number of election candidates and proposed that the timetable of meetings for 2012/13 contain some evening meetings. Whilst supporting the need for evening meetings Councillor Colin Hughes felt that it was a decision for the new Council to make and not for the current administration. During consideration of the proposal members felt it was important for prospective candidates to be aware of the amount of work involved and it was suggested that evening meetings may not suit everyone. Reference was also made to the implications on staffing and resources if evening meetings were introduced and overall it was felt that the issue should be considered further by the new Council.

RESOLVED *that the timetable of meetings for 2012/13 as detailed in Appendix 1 to the report be approved.*

13 COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services submitted the Council Forward Work Programme and advised that a report on the Council's Constitution would be brought back to members for consideration at the next meeting. He referred to the possibility of replacing Informal Council with a formal meeting in March which may negate the need for the Council meeting on 17 April 2012.

RESOLVED *that the Council Forward Work Programme be received and noted.*

The meeting concluded at 3.45 p.m.