

COUNTY COUNCIL

Minutes of a special meeting of the County Council held in the Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 27 March 2012 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, John Bellis, June Cahill, Jeanette Chamberlain-Jones, William Cowie, Ann Davies, James Davies, Meirick Davies, Pauline Dobb, Michael Eckersley, Christine Evans, Gwilym Evans, Bobby Feeley, Sharon Frobisher, Ian Gunning, Diana Hannam, Colin Hughes, Huw Jones, Morfudd Jones, Richard Jones, Gwyneth Kensler, Paul Marfleet, Lucy Morris, Peter Owen, Dewi Owens, Allan Pennington, David Thomas, Selwyn Thomas, Julian Thompson-Hill, Cefyn Williams, Eryl Williams and Jane Yorke

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Learning & Communities (HW) and Demographics, Wellbeing & Planning (SE); Head of Legal and Democratic Services and Monitoring Officer (RGW); Head of Finance and Assets (PM); Deputy Monitoring Officer/Solicitor (LJ), and Committee Administrator (KEJ)

ANNOUNCEMENTS

The Chair issued congratulations to –

- the Council's Engagement and Consultation Manager on gaining a Masters Degree with distinction in Business Administration
- the Council's Lifelong Learning Department on the latest Estyn Inspection Report into the county's education and children and young people's services which described the authority as good with excellent leadership skills and he paid tribute to the dedication and work of members and officers
- the twenty four sixth formers who had won a three day visit to the European Parliament as part of an essay competition organised by Europe Direct Llangollen. Special mention was made to Alice Rowland of Ysgol Brynhyfryd who won first place and a week's apprenticeship in the office of Jill Evans, MEP for Wales
- St. Asaph on being awarded City status as part of the Queen's Diamond Jubilee celebrations, and
- Ysgol Dinas Bran Choir on their excellent performance singing as part of the Six Nations Rugby celebrations.

1 APOLOGIES

Councillors Brian Blakeley, Joan Butterfield, Hugh Evans, Neville Hughes, Rhiannon Hughes, Rhys Hughes, Glyn Jones, Barbara Smith and David Smith

2 DECLARATIONS OF INTEREST

Councillor Ian Armstrong declared a personal interest in the Foryd Harbour projects which formed part of the Capital Plan 2011/12 – 2014/15 at agenda item 8.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 CHAIRMAN'S DIARY

The Chairman referred to the civic engagements he had undertaken on behalf of the Council for the period 1 – 20 March 2012 (diary previously circulated).

***RESOLVED** that the events attended by the Chairman in March 2012 be noted.*

5 CONSTITUTION REVIEW

The Monitoring Officer (MO) presented his report with the Deputy Monitoring Officer/Solicitor (DMO/S) seeking members' approval of proposed changes to the Council's constitution in order to modernise the current version and make it more transparent. An amended copy of the constitution had been made available to members separately which highlighted the proposed changes for ease of reference. The MO apologised for the late availability of the draft constitution which had been due to printing difficulties.

Members were reminded that they had considered the outline of the proposed amendments at their last County Council meeting with a view to adopting the full draft at this special meeting. Reference was made to the extensive consultation process with both members and officers resulting in the final draft for approval. The MO asked members to consider the proposed amendments as set out within the report and he and the DMO/S guided members through the draft constitution and elaborated upon those areas where changes had been proposed including the Code of Conduct; Member Role Descriptions; Champions; Cabinet; Planning; Standards Committee; Article 12 – Statutory Officers; Article 13 – Decision Making; Signing and Sealing of Documents; Continual Review of the Constitution; Description of Functions; Committee Terms of Reference; Scrutiny; Contract Procedure Rules; Standards Committee Hearing Procedures; Protocols; Scheme of Delegation to Officers, and Freedom of Information.

Members welcomed the review of the Constitution and paid tribute to the work of the officers in that regard. During consideration of the draft document a number of typographical errors and formatting issues were highlighted together with a number of irregularities requiring correction and the need for a list of abbreviations. In noting those issues the MO advised that the entire draft would be subject to thorough checking prior to being published. Members also sought clarification on a number of matters which they felt should be included within the constitution and the MO confirmed that those issues had been referenced within different sections of the constitution or outside of the constitution as appropriate as follows –

- the rules of political balance and number of seats on the Cabinet had been set out within the constitution
- the Council kept a list of politically restricted posts which did not need to be contained within the constitution

- the principles within the members' code of conduct included showing respect and consideration for others and would also cover political allegiance
- reference had been made to the leader's role and responsibilities within the constitution together with a list of delegations setting out the leader's powers. The mechanism for the leader to deal with urgent matters was highlighted together with the safeguards in place to call in decisions made by Cabinet members
- the scheme of allowances had not been reviewed but would need to be considered by the new Council following receipt of the Remuneration Panel's report on future salaries for members
- provision for annual reports produced by members had been made in the Local Government (Wales) Measure 2011 and would be reflected in the constitution when it became law
- responsibility for local choice functions had been set out detailing where the Council had previously determined particular functions to be undertaken by Council or Cabinet
- the issue of substitute members at meetings had not been raised as a matter for review but could be revisited if Council wished and would involve consultation with members and groups
- the list of representatives on outside bodies was currently being reviewed and could be made available to members upon completion, and
- reported upon the new political balance arrangements for the appointment of Scrutiny Committee Chairs under the Local Government (Measure) 2011.

The MO also agreed to check with the Planning Department with a view to incorporating any changes to the Planning Protocol adopted in 2005 and to revisit the legislation listed within the constitution covering delegations to the Head of Planning, Regeneration and Regulatory Services to ensure it was up to date.

In considering the draft constitution members took the opportunity to comment and raise questions with the MO and DMO/S. Key discussion points included –

- the importance of Champions and the need for greater clarity on their role and responsibilities and in the appointment process. Councillor Ian Gunning also advocated a Champion for young people. It was agreed to revisit the issue of Champions early on in the new Council
- members' attendance at meetings was identified as a key issue and it was agreed that reference be made in the members' role descriptions that records of attendance would be published
- Councillor Gwyneth Kensler referred to the recent licensing training and sought assurances that the issues raised in terms of licensing functions had been addressed. The DMO/S confirmed that matters falling with local choice provision could be delegated to the Licensing Committee
- in response to concerns raised by Councillor June Cahill, the MO referred to the statutory process for licensing applications and agreed to ascertain whether there was any scope for the procedures to be amended to further engage and involve interested parties within the process
- the need to include mandatory training for the Licensing Committee in line with the Planning Committee due to the quasi judicial nature of those committees

- the need to include mandatory training for Corporate Governance Committee members on financial matters in view of their responsibilities for Treasury Management and Annual Accounts
- the importance of member training on Data Protection
- the protocol for liaising with members should include a mechanism whereby local members were kept informed of responses to issues raised by the town/community council(s) within their area and to ensure a timely response to matters raised by county councillors
- the need for the constitution to be made available and easier to navigate online. The MO confirmed that work was ongoing with ICT in that regard
- in response to concerns the DMO/S reported upon the requirement for delegated decisions to be published and agreed to amend the wording within the constitution to ensure that the requirement was clear and that officers could not act until the process had been completed. She also agreed to raise the issue of accessibility of published decisions with Democratic Services to address any weakness, and
- the tendering process was discussed and the DMO/S confirmed that the Procurement Team was exploring the possibility of including community benefits as part of tender specifications which would benefit the local economy.

Members also acknowledged the importance of Code of Conduct training and agreed that training be made mandatory once in each term of office and that refresher courses also be made available to members together with the opportunity to undertake e-learning/distance learning on the subject. The need for provision to be made for mandatory training to be undertaken early in the Council's new administration was also raised. It was also suggested that members in breach of the Code should be subject to further training. In response to members' comments the MO elaborated upon the process for dealing with breaches of the Code together with the role of the Standards Committee and sanctions imposed. He confirmed that Code of Conduct training had been scheduled early in the new members' training programme and that training would also be delivered to Town and Community Councils in the first few months which would provide plenty of opportunities for members to attend and a refresher course scheduled for October 2012. Attendance at Code of Conduct training would be monitored by the Standards Committee.

The MO took the opportunity to thank members for their input into the review process and to the DMO/S and his PA for their hard work in producing the document.

RESOLVED that Council –

- (a) *approves mandatory training, once in each term of office, for all members on the Code of Conduct together with the provision of periodic refresher training, approves the limit of £25 for the requirement to register gifts and hospitality, and adopts the amended Code of Conduct to reflect those requirements;*
- (b) *adopts the Protocols referred to in paragraph 4.15 of the report, and*

(c) *approves the proposed changes to the Constitution as set out in the report and detailed in the draft Constitution.*

6 REVIEW OF THE CORONER SERVICE

The Monitoring Officer (MO) presented his report seeking members' approval of options relating to the provision of a Coroner service and supporting administration for the North East Wales and North Central Wales jurisdictions. A summary of the advantages and disadvantages of each option (Appendix 1) together with a cost comparison of the four options (Appendix 2) had been attached to the main report.

Members were provided with some background information to the coroner system and the current position in North Wales, in particular to the coroner jurisdictions subject to the review, North East Wales (administered by Wrexham County Borough Council) and North Wales Central (administered by Denbighshire County Council) in terms of caseload, budget provision and administrative support. The MO elaborated upon the four main options identified in terms of future service delivery as follows –

Option 1 – Maintain the current arrangement

Option 2 – Retain two jurisdictions but amalgamate administrative arrangements

Option 3 – Amalgamate the two jurisdictions and appoint a single full time Coroner

Option 4 – Amalgamate the two jurisdictions and appoint a single part time Coroner

Officers from both current Lead Authorities had recommended Option 3 which was also the preferred option of both the Ministry of Justice and the Coroner's Society. Conwy County Borough Council had also confirmed their acceptance of that option. If Option 3 was adopted it was felt that Denbighshire would be best placed to take on the role of Lead Authority in view its central location and managerial capacity. The main disadvantage to Option 3 was the potential for increased travel time for families to attend inquests if only one court location was used. However that could be overcome by requiring the coroner to travel to hold inquests in different locations.

During consideration of the report and options Councillor Ian Gunning echoed North Wales Police's response to consultation confirming that the Police Authority had enjoyed a good relationship with the coroners for many years and sought to maintain that positive relationship. Councillor Paul Marfleet referred to an e-mail received by some members the previous evening from a Ruthin resident who had raised the issue of translation in the Coroner's service which may need further consideration. He also made reference to the Funeral Director's fee for recovery of bodies. Councillors Cefyn Williams and Allan Pennington reported upon their own personal experience of the Coroner service and concerns were raised regarding the tone of particular correspondence to the recently bereaved; the lack of provision for inquests to be conducted through the medium of Welsh and Welsh documentation, together with delays within the process compounding the grief felt by families. Any advancement on those issues and improvements to the Coroner service arising from the review was welcomed. The MO reported upon the legalities of completing the death certificate and subsequent difficulties in producing bilingual documentation in that regard. However Welsh language provision at inquests and

the production of Welsh documentation by the Coroner service would be reviewed should the proposal go ahead. He added that the fees paid to Funeral Directors to collect bodies would also be subject to review with Wrexham County Borough Council.

In light of the concerns raised regarding Welsh language provision within the service, Councillor Meirick Davies advocated that the ability to communicate in Welsh be made essential criteria for the Coroner's post. That view was supported by Councillor Richard Jones. The MO indicated that the Ministry of Justice specified requirements for the post and that if a non Welsh speaking candidate was appointed measures would need to be put in place to ensure inquests and paperwork could be dealt with through the medium of Welsh. During consideration of the recommendations Councillor Meirick Davies proposed that specific reference be made to Option 3 at 3.2 of the recommendations for clarity. Upon being put to the vote it was –

RESOLVED that –

- (a) *the current North East Wales and North Wales Central jurisdictions be combined to cover the four local authority areas of Conwy, Denbighshire, Flintshire and Wrexham;*
- (b) *a full-time Coroner be appointed covering the combined jurisdictions as detailed in Option 3 set out within the report;*
- (c) *Denbighshire County Council be designated as the Lead Authority to accommodate the Coroner and provide the administrative support functions to the service, and*
- (d) *costs be apportioned on a population ratio basis.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 14 of Part 4 of Schedule 12A of the Act.

7 CAPITAL PLAN 2011 / 12 - 2014 / 15

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

Councillor Ian Armstrong declared a personal interest in the Foryd Harbour projects contained in this item.

Councillor Julian Thompson-Hill, Lead Member for Finance and Efficiency presented his joint confidential report with the Head of Finance and Assets (H:F&A) updating Council on the 2011/12 element of the Capital Plan and seeking approval of the Capital Plan for the period 2011/12 to 2014/15. The Lead Member updated members on the current range of major projects and additional projects approved

by CET and Cabinet on 20 February and 20 March respectively, capital receipts and prudential indicators. He confirmed that the Council remained within its borrowing limits at all times.

Whilst welcoming the improvement projects for Rhyl, Councillor Selwyn Thomas highlighted the traffic congestion problems for visitors to the area and the need for a relief road to address them. Councillors Diana Hannam and Jeanette Chamberlain Jones concurred with that view and stressed the urgency of addressing the problem to ensure visitors were not deterred from visiting the town. Councillor Chamberlain Jones also sought assurances that initiatives such as the Foryd Harbour project had taken into account disabled access and that the flood defence works enhanced the promenade area. Councillor Meirick Davies also highlighted the need for a relief road between St. Asaph and Trefnant. With regard to a property acquisition on the promenade, Councillor Davies raised concerns about the likely demolition of the building and highlighted the need to ensure that due consideration was given to retaining the property given that it was situated in a conservation area. Members also took the opportunity to raise questions regarding other individual projects detailed in the Capital Plan together with cost implications and provision for slippage.

In response to members' questions/comments the Lead Member and H:F&A –

- advised that any requirement for a relief road for Rhyl was outside the remit of today's report
- agreed to look into whether a flood risk assessment was required following the Rhyl Coastal Defence works and any associated costs
- confirmed that projects would be completed with full disability measures in place in compliance with the Disability Discrimination Act
- elaborated upon Phase 3 of the Rhyl Coastal Defence works and the proposals for flood defence works and associated costs
- confirmed that if projects were delayed beyond the current financial year the allocated finance would be carried over into next year's Capital Plan and some contingency had been built in
- updated members on the likelihood of demolishing a property on Rhyl Promenade and future redevelopment of the site
- agreed to provide further detail regarding the New Ruthin Craft Centre project
- advised that the Skytower remained closed with future options being explored by the Rhyl Going Forward Team
- provided an update on the latest position regarding proposals for a cycle path between Ruthin and Denbigh
- advised that match funding for 21st Century Schools had been included within the Capital Plan which was unlikely to be spent in 2012/13.

RESOLVED that Council –

- (a) *note the latest position on the 2011/12 element of the Capital Plan and the update on major projects, and*
- (b) *approves the Capital Plan as shown in Appendix 1 to the report.*

OPEN SESSION

Upon completion of the above the meeting resumed in open session.

At this juncture the meeting became inquorate and proceeded on an informal basis.

8 COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services (H:L&DS) submitted the Council Forward Work Programme advising that the Council meeting scheduled for 17 April 2012 may be cancelled due to lack of business.

In responding to a question from Councillor Eryl Williams the H:L&DS indicated that he did not know whether support had been sought from Assembly Members regarding housing provision in the LDP as requested at the last County Council meeting.

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

The meeting concluded at 1.15 p.m.