

COUNTY COUNCIL

Minutes of a meeting of the County Council held in via Video Conference on Tuesday, 25 January 2022 at 10.00 am.

PRESENT

Councillors Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Gareth Davies, Meirick Davies, Gwyneth Ellis, Hugh Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Alan Hughes, Hugh Irving, Alan James (Chair), Brian Jones, Pat Jones, Tina Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Richard Mainon, Christine Marston (Vice-Chair), Barry Mellor, Melvyn Mile, Bob Murray, 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, Cheryl Williams, Eryl Williams, Huw Williams and Mark Young

ALSO PRESENT

Chief Executive (GB); Corporate Director: Communities (NS); Head of Legal, HR and Democratic Services (GW); Head of Finance and Property/Section 151 Officer (SG); Chief Accountant (RWE), Zoom Host (RTJ) and Committee Administrator (SLW)

1 APOLOGIES

Apologies for absence were received from Councillors Ann Davies, Joe Welch, David Williams and Emrys Wynne

At this juncture, the Chair, Councillor Alan James paid tribute to ex Councillor, Lloyd Williams who had recently passed away. Councillor James mentioned Councillor Williams' dedication to the council and his hard work. Silent reflection was held in respect.

Councillor Gwyneth Kensler also paid a tribute to Nancy Fletcher Williams who had passed away on 3 January 2022 who was a former Councillor who represented Rhyl.

2 DECLARATIONS OF INTEREST

Councillors Hugh Irving and Tony Flynn declared a personal interest in Agenda Item 8 as they are Governors at Prestayn High School

Councillor Rachel Flynn declared a personal interest in Agenda Item 7 as she occasional works at Prestatyn High School

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters.

Question put to Full Council by Cllr Rhys Thomas

“The UK Government announced in December that they were going to relax immigration rules for overseas care workers. The Department of Health and Social Care then announced that these measures would come into effect early next year and be in place for 12 months.

We are all aware of the critical shortage of care workers in Denbighshire so is the Lead Member aware of these welcome changes and have they come into effect locally”?

Response by Lead Member Cllr Bobby Feeley:

We are aware of these welcome changes. Locally, here in Denbighshire, we are also aware of the new ruling and are supporting providers who are keen to maximise any opportunities to recruit care workers in line with the UK Government’s relaxation of the immigration rules. It was, indeed, announced in December that care workers, care assistants and home care workers will be eligible for the health and care visa on a 12 month period. This will mean that we will be able to recruit additional care workers to boost the adult social care workforce which should make it quicker and easier for social care employers to recruit eligible workers to fill the gaps.

The corona virus pandemic has highlighted a range of staff shortages in the social care sector placing pressures on the existing workforce despite the incredible and tireless efforts of social care staff. Although I am quite sure my letter to the Prime Minister sent on your behalf helped it a bit, it has to said, the changes to the legislation also followed on from a recommendation from Migration Advisory Committee to make care workers and home carers eligible for the Health and Care visa and to add the occupation to the skilled workers occupation list. At the time, the response from UK Government which I shared with you all was rather disappointing but looks as if a short time later we got the result we wanted. This, obviously, won’t solve the problem overnight but it will help and for that I am very grateful.

Question put to Full Council by Cllr Graham Timms

“Could you please give an update to the council on the problems relating to the provision of social care in the Dee Valley and across Denbighshire?”

Response by Lead Member Cllr Bobby Feeley:

“We are still experiencing challenges with the provision of social care across Denbighshire. However, the unmet demand has reduced in the last month by 138 hrs. The Contracts and Commissioning Team are in discussions with Wrexham

around a sub-regional rural approach for the south of the county which has been problematic.

A range of measures and initiatives have been agreed and monitored by a new Denbighshire County Council Social Care Recruitment and Retention Group Chaired by Nicola Stubbins, the Corporate Director for Communities. This will include looking at pay rates for all roles across adult and children social care and promoting our benefits. Additional dedicated HR Resource has been put in place to support social care recruitment and retention. We have accessed additional covid recovery funding to support recruitment to care for both external care providers and our internal services. Providers are also taking initiatives on recruitment and retention which includes such incentives as;

- Financial support towards driving lessons for new applicants
- Funding to purchase bikes for non-driving applicants
- A variety of different golden hello and employment referral schemes
- Boosted advertising on social media
- Online application platform
- Supporting providers to apply for overseas workers permits via Home Office initiatives

The Contracts Officers are currently looking at fee setting for care providers for 2022/23. Denbighshire County Council will be actively advocating that all carers are paid the Real Living Wage, the fees awarded to providers will ensure that this is possible. We continue to negotiate with new providers to provide for people's social care needs and we have one new provider already who will begin within the next few weeks that is subject to necessary checks. In addition, we are working with health to access providers who they have existing business relationships with.

I am sure you will understand that although things are improving, this problem actually pre-dates the pandemic so improvements coming forward now will take time to make a real difference.

Both the UK Government and the Welsh Government are certainly taking initiatives and putting more money into social care but, it is still not enough, and even when factoring in paying the Real Living Wage, funding of social care most certainly does not compare with NHS. We are, however, making progress and we will keep trying.”

Councillor Graham Timms submitted a supplemental question:

“I recognise it is a huge problem in Denbighshire and much wider as well. It is a particular problem in the Dee Valley which really desperately needs to be addressed. It seems it has been caused by the cherry picking of care providers. They choose the best packages and then suddenly when they think it does not suit them they drop these people with no help whatsoever and leave a huge hole. I am pleased to hear about the new initiatives but, obviously, they will take time to come through and I wonder if it is time to start thinking about moving back to providing social care through the county council rather than having masses of other companies and contracts. We can then ensure we look after our staff and they are looking after our population.”

Response from the Lead Member, Councillor Bobby Feeley:

“Denbighshire County Council are doing that also. Recruitment days and recruitment drives have been held over the last year or so. It is equally as difficult for us within social care in-house to recruit as it is for the outside companies.”

Additional response from Nicola Stubbins, Corporate Director: Communities:

“Regarding the comment on “cherry picking” which is very concerning, if Councillor Timms has evidence of this, please let me know and we will talk to the providers. The majority, if not all, of our social care providers are dedicated to that work and the role they undertake, which is a crucial role.

It has been a really challenging time and, as the Lead Member mentioned, these issues pre-date the pandemic. As things have got more difficult and challenging, and staffing has become an issue, agencies have had no choice but to hand back packages of care and I know, having had discussions with them, that had not been something that they have wanted to do. They have relationships with those individuals that have been built up, sometimes over many years. It tends to be the most complex cases as they are most labour intensive and more difficult to provide that level of staffing for. I have not seen evidence that providers are cherry picking in a negative context but, clearly their staffing situation means that those more complex and challenging cases are more difficult for them to resource efficient staffing to meet those individual needs. If Councillor Timms or any Member has any evidence to the contrary, please raise that directly with me and I will look into those details and work with our providers to ensure that that is something that is not tolerated.”

4 MINUTES

The minutes of Full Council held on 7 December 2021 were submitted.

Accuracy

Item 9 – Notice of Motion – Councillor Gwyneth Kensler stated that it should read “Councillor Graham Timms proposed that the question be put”.

Matters Arising

Cllr Arwel Roberts – Petition re: Abergele Road, Rhuddlan. A response had been received but not the one I wanted. I hope they will reconsider the situation because people with disabilities live along that road and they have to travel far just to cross that road. We must remember people less fortunate than ourselves who are in wheelchairs so, hopefully, the County Council and Officers will look at the matter again.

RESOLVED that, subject to the above, the minutes of Full Council held on 7 December 2021 be confirmed as a correct record.

5 BUDGET 2022/23 - FINAL PROPOSALS

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Budget 2022/23 – 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 2022/23 had been received by the council on 21 December 2021 and resulted in a positive settlement of 9.2%, compared to the Welsh average of 9.4%. The Final Settlement was expected on 1 March but the Welsh Government (WG) had indicated that there should be very few changes.

Within the announced figure the WG advised that there were a number of new responsibilities, not all of which had clear funding consequentials within the data. The expectations required to fund included the following:

- All pay increases for both teaching and non-teaching posts were included within the RSG;
- The responsibility to pay both in-house social care and the private sector social care the Real Living Wage;
- The core operational costs in connection with the new Corporate Joint Committee; and
- Mitigation for the fact that the Covid Hardship Fund would cease as from the end of the existing financial year.

The WG draft settlement included indicative average settlement increases of 3.5% for 2023/24 and 2.4% for 2024/25 (estimated DCC figures would be 3.3% and 2.2%). Although this was welcome from a planning perspective, it did indicate that difficult decisions would be required over the coming years.

As part of the settlement there were “transfers in” of £0.275m which had been passported to the relevant service areas as in previous years:

- Gate Fees for Regional Waste Recycling £0.109m
- Social Care Workforce Grant £0.166m

The final proposals to balance the 2022/23 budget were shown in the Medium Term Financial Plan (MTFP) in Appendix 1.

The pressures identified amounted to £17.628m. A draft settlement of around 11% would have been required in order to fund all the pressures. The net +9.2% settlement generated £15.005m additional revenue leaving a funding gap of £2.623m. The following items were included in the proposals in order to bridge the gap:

- Fees and Charges Income Budgets had been inflated in line with agreed Fees and Charges policy which increased external income by £0.120m;

- Operational efficiencies amounted to £0.634m had been identified which were within Head Service delegated responsibility in consultation with Lead Members (shown in Appendix 2 of the report for summary by category);
- No savings had been requested from Community Support Services or Schools;
- It was recommended that the Council Tax increased by 2.95% which, along with minor changes to the Council Tax Base, would generate £1.869m additional revenue. This compared to the previous year's increase of 3.8% and 4.3% the year prior to that.

The Section 151 Officer confirmed that work had taken place with other Local Authorities in Wales for a joint approach and the WLGA in relation to allocation for pay and the Real Living Wage in Social Care settings. The Section 151 Officer stated this to assure members regarding the figures within the report.

Councillor Paul Penlington expressed concern if council tax were to be raised by 2.95% and raised the point that approximately £14m per year was to service loans for council projects. Councillor Penlington also raised horizon scanning for capital works and enquired as to what were the capital works, what would be the cost of the works and would there be further debts due to the works.

The Lead Member for Finance, Performance and Strategic Assets, responded by confirming that 2.95% rise in council tax was a realistic figure that could be delivered and could deliver the level of services which was expected by Denbighshire residents. There was a significant figure which was within the budget for servicing historical capital expenditure. That was for a whole range of things for schools, flood policies etc. carried out by the council and some of those go back some considerable time as they were usually paid over a 25 year period. In construction projects, occasionally they go over the time stated and above budget but everything was done at all times to minimise the impact in terms of that.

In terms of horizon scanning, at the July Budget Workshop the Section 151 Officer and the Lead Member for Finance, in terms of capital, Services were asked what they thought they would need during the next 5-10 years. The list came to approximately £180m which Denbighshire could not meet but to give an idea of the scale of what would be needed in the future. Each individual scheme would need a Business Case and go through the internal processes prior to being included in the Capital Plan. Some of those schemes would require an element of funding with some budget allocated to meeting that.

Councillor Glenn Swingler raised the fact that the cost of living was the highest it had been for over 30 years. The retail and price index stood at 7.5%. Gas and Electricity prices were soaring and expected to rise by another 50%. Food prices were soaring, and higher National Insurance payments to be introduced. The money from the Welsh Government to the Council was higher than expected which was welcome. However, Denbighshire County Council had a budget in excess of £200m. As the rising costs would force even more Denbighshire individuals to fall into poverty, lose their homes, require free school meals, access more health care, family breakdowns etc., that would ultimately cost the council a lot more money.

At this juncture Councillor Glenn Swingler PROPOSED for 2022/2023 Denbighshire County Council not to increase Council Tax. This was proposed due to the hardship people of Denbighshire were going through currently as the rise in the cost of living would cause a lot of people financial difficulties.

Councillor Gwyneth Ellis SECONDED the proposal put forward by Councillor Swingler for a 0% rise in Council Tax.

The Lead Member for Finance, Councillor Thompson-Hill responded to Councillor Swingler clarifying 2.95% increase in council tax provided £1.723m of income. There would need to be plans from Councillor Swingler as to which of the £17m of pressures would not be met or which services would have £1.723m of cuts.

The Head of Legal, HR and Democratic Services, Gary Williams informed members they would need to debate the amendment proposed by Councillor Swingler. Following the debate, a vote would take place on the amendment and would then go back to the substantive recommendations within the report.

Councillor Swingler again expressed concern regarding the financial pressures being placed upon the working people of Denbighshire and reiterated that for one year Denbighshire County Council should not make any increase in the council tax.

Both the Lead Member for Finance and the Section 151 Officer expressed concern as there would be a gap in the budget if the council tax were not to be increased. It was stated that a balanced budget was required and the proposal would not constitute a balanced budget. Councillor Swingler would need to indicate which pressures would not be funded and in which areas there would be service cuts to accommodate the amount of income lost. It was also confirmed by officers that discussions would need to take place with services regarding potential savings. Time would be an issue as a balanced budget was required before the end of the financial year and this would cause problems for all services within the county.

Councillor Gwyneth Ellis stated that the Wellbeing Impact Assessment should take into consideration the loss of income and increase in the cost of living as this would have a negative impact on people's health and mental wellbeing within the county. In this regard she questioned why the impact would be neutral.

The Section 151 Officer, Steve Gadd responded that assessments were always difficult because the primary reason for the assessment of neutral impact whilst recognising that any increase in council tax would have an impact on individual budgets. In Wales, there was the Council Tax Reduction Scheme which meant that the most vulnerable people and those on benefits did not pay the council tax so that had to be balanced with the actual provision of services delivered for everyone in Denbighshire. In England, for example, the Council Tax Reduction Scheme did not exist, but as it did in Wales, it offered protection to those who would struggle to pay. It was a difficult process to do the wellbeing impact assessment on a particular thing that helped fund every single service in the council. Without council tax, schools would not be funded, would not be able to fund social care, and would

not be able to fund every service in the council. It was a very difficult process but both sides are included in the Wellbeing Impact Assessment by Officers.

Councillor Gwyneth Ellis stated that she appreciated doing the wellbeing impact assessment was difficult but under healthier Denbighshire people's emotional and mental wellbeing should be taken into consideration. The rise in council tax was going to have an impact on people's emotional and mental wellbeing and Councillor Ellis thought, in her opinion, it was wrong it would not be considered in the report.

fThe Section 151 Officer stated If the vote on the amendment were carried as there was not a set of proposals which could be carried during the meeting, hence there would not be a balanced budget. If one part of the budget were to be removed the budget proposals would not be valid. He also stated if the amendment were granted, members would not be able to vote on the budget as it would not be a balanced budget.

The Head of Legal, HR and Democratic Services clarified that whilst a vote could be taken on the amendment and if carried would change the recommendation, consideration would have to then be given to the recommendation as passed. This was due to the fact that there were no suggestions being put forward to fund the gap that the amendment would have caused. Members had a legal responsibility to set a balanced budget which would not be in place if the amendment were to be passed.

The Chief Executive, Graham Boase stated, in his opinion, a rise of 2.95% was a reasonable level of council tax. The overall budget had to be taken together as it was difficult to isolate certain parts of the budget. A balanced budget required a rise of 2.95% in council tax.

Councillor Graham Timms raised a point of order to propose the question of the amendment be put to the vote. Seconded by Councillor Andrew Thomas.

The Head of Legal, HR and Democratic Services clarified the amendment proposed was to amend the recommendation in the report so that recommendation 3.3 would read "that Council approves a 0% rise on the average Council Tax".

Councillor Paul Penlington requested a recorded vote.

The Head of Legal, HR and Democratic Services confirmed that 7 members would be required to support the request for the recorded vote.

Councillors Paul Penlington, Gwyneth Ellis, Gwyneth Kensler, Rhys Thomas, Alan Hughes, Arwel Roberts and Glenn Swingler supported the recorded vote for the amendment proposed by Councillor Glenn Swingler.

At this juncture, Cllr Meirick Lloyd Davies confirmed he would abstain from the vote as he had missed a majority of the discussion.

A recorded vote took place as follows:

FOR – Councillors Gwyneth Ellis, Alan Hughes, Gwyneth Kensler, Paul Penlington, Arwel Roberts, Glenn Swingler, Rhys Thomas

AGAINST – Councillors Alan James, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Gareth Davies, Hugh Evans, Bobby Feeley, Rachel Flynn, Tony Flynn, Huw Hilditch-Roberts, Martyn Holland, Hugh Irving, Brian Jones, Pat Jones, Geraint Lloyd Williams, Richard Mainon, Christine Marston, Barry Mellor, Melvyn Mile, Bob Murray, Merfyn Parry, Pete Prendergast, Anton Sampson, Peter Scott, Andrew Thomas, Tony Thomas, Julian Thompson-Hill, Graham Timms, Cheryl Williams, Eryl Williams, Huw Williams and Mark Young

ABSTAIN – Councillor Meirick Lloyd Davies

FOR – 7

ABSTAIN – 1

AGAINST – 33

Therefore, the amendment failed and debate went back to the original recommendations as set out in the report.

Councillor Graham Timms stated that the settlement received would make a difference to the people of Denbighshire. In 2017 Councillor Timms had raised the issue of paying the Real Living Wage to all Denbighshire workers. He confirmed that the Welsh Government paid the Real Living Wage, as did the NHS in Wales. 14 councils also paid the Real Living Wage to their workers. Denbighshire had a responsibility to pay the Real Living Wage. Within the forward work programme the Real Living Wage had been put for consideration by the next Council. Denbighshire should move forward with paying the Real Living Wage and he urged the Lead Member for Finance to come back to Full Council with proposals how this could be introduced.

Councillor Joan Butterfield supported Councillor Timms for the payment of Real Living Wage to all Denbighshire Workers.

The Lead Member for Finance, Councillor Julian Thompson-Hill stated it was beneficial to have a three year budget settlement for planning ahead.

Regarding the Real Living Wage, this had not been progressed as the national pay award had not been agreed and was not able to bring a report forward without the confirmation of the pay award. On the implications on what was being budgeted for, it was likely that all Denbighshire staff would then be covered by the Real Living Wage element.

Councillor Meirick LI Davies stated that on page 18 of the Welsh pack at item no. 5, it read “that the Cabinet confirms it has read....”, it should read “that the Council confirms it has read”

The Head of Legal, HR and Democratic Services apologised for the error and it was actually correct in the English papers.

In terms of the Real Living Wage, all Council staff were paid the Real Living Wage at the time of the last pay deal. The pay deal that was to take effect on the 1 April 2021 had still not been agreed nationally between the employers and the trade unions. The final offer that had been made by the employers would have meant that all of Denbighshire staff would be continued to be paid the Real Living Wage. Some of the trade unions had balloted in respect of industrial action, one trade union ballot did not meet the legal threshold in terms of turn out. Another trade union was currently balloting and confirmation was awaited from the National Joint Council of Employers and Trade Unions whether negotiations would be finalised. The deal that was offered would have meant that all Denbighshire staff would continue to be paid the Real Living Wage.

Councillor Julian Thompson-Hill proposed the approval of the proposals for members to approve the Budget 2022/2023 – Final Proposals, seconded by Councillor Christine Marston.

A zoom poll vote took place as follows:

FOR – 33
ABSTAIN – 3
AGAINST – 3

RESOLVED that Council:

- (i) Note the impact of the Draft Local Government Settlement 2022/2023;*
- (ii) Supports the proposals outlined in Appendix 1, and detailed in Section 4, in order to finalise the budget for 2022/2023;*
- (iii) Approve the average Council Tax rise of 2.95% proposed;*
- (iv) Delegate authority to the Head of Finance and Property in consultation with the Lead Member for Finance and 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;*
- (v) Confirms it has read, understood and taken account of the Wellbeing Impact Assessment.*

6 COUNCIL TAX REDUCTION SCHEME 2022/2023

The Lead Member for Finance, Performance and Strategic Assets, Councillor Julian Thompson-Hill, introduced the Council Tax Reduction Scheme 2022/2023 report (previously circulated).

Councillor Julian Thompson-Hill PROPOSED to accept the Council Tax Reduction Scheme 2022/2023, SECONDED by Councillor Peter Scott.

A zoom poll 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 2022 in respect of the 2022/2023 financial year*
- *Members approve the discretionary elements of the scheme, shown in section 4.4 for 2022/2023 financial year.*

**AT THIS JUNCTURE (11.55 A.M.) THERE WAS A 20 MINUTE BREAK
THE MEETING RECONVENED AT 12.15 P.M.**

7 NOTICE OF MOTION

Councillor Brian Jones withdrew the Notice of Motion.

8 NOTICE OF MOTION

Councillor Paul Penlington put forward the Notice of Motion for consideration by Full Council –

“That this council tasks officers to seek additional Welsh Government funding in order to fund a complete re-build of Prestatyn High School”

At this juncture Councillor Penlington informed members that he wished to amend the wording of the Notice of Motion slightly.

The Head of Legal, HR and Democratic Services confirmed this would be acceptable.

Councillor Penlington read the amendment as follows –

“This Council tasks officers to seek additional Welsh Government funding in order to fund a complete re-build of Prestatyn High School based on earlier designs drawn up for the 21st Century Schools programme that modernised to meet the current needs of secondary pupils of Prestatyn and our climate change and ecological emergency declaration”.

Councillor Penlington PROPOSED the Notice of Motion, SECONDED by Councillor Glenn Swingler.

The Lead Member for Education, Children’s Services and Public Engagement, Councillor Huw Hilditch-Roberts explained procedure in place was that the Modernising Education Board assessed the condition of all schools in Denbighshire and that was the process which had been in place for the past 14 years. Over £2m had been spent at Prestatyn High School to address urgent areas which had included refurbishment of laboratories, heating upgrade, new windows, new toilets etc. The standard construction costs for a complete new school together with net

carbon costs would be in the region of £55million. Therefore, the cost of the feasibility study alone would cost £850k. The Lead Member confirmed that he was not aware of plans which had been drawn up for a new building for Prestatyn High School or a feasibility study in 2017. He would confirm with officers.

Councillor Hilditch-Roberts stated that the way forward, taking into account the sums involved it is important the council had a process to determine the priority order for investment in school buildings. The process is evidence based, taking into account the respective needs of all schools to ensure that those in greatest need are dealt with first. A comprehensive condition survey of all schools was undertaken in order to identify the schools that required improvements. This was undertaken prior to the submission of the 21st Century Band B proposals to Welsh Government which had been put forward to Cabinet and Scrutiny on numerous occasions. This survey was considered by the Modernising Education Board and provided evidence based information upon which they could recommend the priority order of schools which needed work.

Councillor Hilditch-Roberts PROPOSED an amendment in light of the Notice of Motion that the Modernising Education Board be asked to review the condition surveys of all schools to see whether those had been significantly changed to the condition of the school estate which would call into question that the current priority order of schools is still current and correct. The outcome of this review could be reported to Cabinet together with any recommendations the Modernising Education Board may have as a result.

Councillor Jeanette Chamberlain-Jones SECONDED the amendment put forward by Councillor Huw Hilditch-Roberts.

The Head of Legal, HR and Democratic Services clarified that debate should take place on the amendment and if the amendment was carried then that would become the Notice of Motion which would be voted on as the substantive Notice of Motion. If the amendment was not agreed members would refer back to the Notice of Motion as put forward by Councillor Penlington.

Councillor Paul Penlington supported the amendment put forward by Councillor Huw Hilditch-Roberts.

The zoom poll vote took place on the amendment put forward by the Lead Member for Education, Councillor Huw Hilditch-Roberts and the result was as follows -

For – 32
Abstain – 0
Against – 5

The amendment was passed and became the substantive Notice of Motion.

A vote took place on the substantive Notice of Motion to which a majority were in favour, 2 Councillors indicated they were against (Councillors Rhys Thomas and Glenn Swingler) and 1 Councillor abstained (Councillor Gwyneth Ellis).

RESOLVED that the Modernising Education Board be asked to review the condition surveys of all schools to see whether those had been significantly changed to the condition of the school estate which would call into question that the current priority order of schools is still current and correct. The outcome of this review could be reported to Cabinet together with any recommendations the Modernising Education Board may have as a result.

9 NOTICE OF MOTION

Councillor Tony Flynn withdrew his Notice of Motion.

10 NOTICE OF MOTION

Councillor Rachel Flynn put forward the Notice of Motion for consideration by Full Council –

Councillor Flynn stated that the Notice of Motion was put forward on behalf of the Womens Cross Party Group of the Women in Politics Group.

“We ask that Denbighshire County council take a more decisive stance with its grievance policy and procedure. In light of the updated diversity and equalities act, we ask that the council forms a new internal procedure to ensure the behaviour of councillors can be held to account.

We also ask that the council reviews its policies and procedure for reviewing grievances concerning bullying and harassment, involving Councillors, Officers, and others whether it be virtually, physically or on social media.’

‘Recommendation.

1. That the Democratic Services Committee look at the current grievance process to ensure it is fit for purpose.
2. That the council create a diversity and ethics working group to examine how the council protects and promotes diversity and good ethics in Wales, including awareness of how women are still being treated unequally and the effects of misogyny and sexual discrimination on women.
3. That we are more forthright as a council in tackling unacceptable behaviour in any Community, Town or County Council forum.”

Councillor Rachel Flynn PROPOSED the Notice of Motion, SECONDED by Councillor Barry Mellor.

The Leader, Councillor Hugh Evans responded by thanking Councillor Flynn for bringing forward the Notice of Motion. As Lead Member for Equality and Leader of the Council he was committed the Council continually strived to place equality at the heart of all work carried out. The Council was committed to diversity and made a declaration in September 2021 to commit to become a diverse council and the Democratic Services Committee would, later this week, consider a draft action plan related to some of the barriers to participate in local democracy. In terms of disputes between members, a new legal duty on Group Leaders would take effect

after the May elections to promote and maintain high standards of conduct amongst their Groups.

In addition, the recent independent Penn Review of ethical framework in Wales, had reported to the Wales Government and had made recommendations regarding the use of ambit of local resolution processes. The Government's response to the Review was awaited, and details of any proposals to change guidance and/or legislation as a result.

Councillor Hugh Evans responded to the recommendations contained within the Notice of Motion as follows -

1. This recommendation refers to the local resolution process used to try and resolve issues between members of the County Council on an informal basis without the need to involve the Ombudsman. Councillor Evans agreed there should be a review of the process. Councillor Evans PROPOSED that a Working Group of members be established to undertake a review of work with the Standards Committee and the Monitoring Officer to develop a suitable process in the context of the new duty to which he referred, and any changes introduced as a result of the Penn Review.
2. The Council did, at one time, have an Equalities Group which was removed as part of an agenda to mainstream equalities issues. However, there is ongoing work being done by the Business Improvement and Modernisation team to consider the establishment of an Equalities Group and Councillor Evans proposed that the work should continue and take into account any overlap between equalities issues and the ethical framework.
3. The Council would provide support, training and guidance to Town and Community Councils but it had no direct role in resolving disputes within those Councils other than through the Ombudsman and Standards Committee. As members, all should be mindful of their responsibilities to treat each other with respect and consideration and that would all challenge unacceptable behaviour when seen.

The review of the local resolution process would be the appropriate mechanism to consider what changes would be needed to be made in the context of the new duty on Group Leaders and the Penn Review.

Councillor Hugh Evans PROPOSED the following amendments to the recommendations as follows –

Recommendation 1 - That a Group of members be established to work with the Monitoring Officer and the Standards Committee to review the current local resolution process and make recommendations in respect of any changes to be adopted.

Recommendation 2 – That Officers work to establish proposals for an Equalities and Diversity Group to include an appropriate terms of reference

Recommendation 3 – That the Council works with the Town and Community Councils to provide support and assistance within the context of the current ethical framework and any changes made as a result of the Penn Review.

Councillor Mark Young **SECONDED** the amendments put forward by Councillor Hugh Evans.

A vote took place and a majority of members approved the amendments with one vote against the amendment.

The Head of Legal, HR and Democratic Services clarified that as the amendment had been carried, it was now the substantive Notice of Motion and a vote would be taken on the substantive Notice of Motion.

A vote took place and a majority of members approved the substantive Notice of Motion with one vote against (Councillor Gwyneth Kensler).

RESOLVED that:

- (1) a Group of members be established to work with the Monitoring Officer and the Standards Committee to review the current local resolution process and make recommendations in respect of any changes to be adopted.*
- (2) Officers work to establish proposals for an Equalities and Diversity Group to include an appropriate terms of reference*
- (3) the Council works with the Town and Community Councils to provide support and assistance within the context of the current ethical framework and any changes made as a result of the Penn Review.*

11 YOUNG PERSONS' CHAMPION

The Head of Legal, HR and Democratic Services introduced the Appointment of Young Person's Champion report (previously circulated).

On 7th December 2021 Council resolved to create the role of Young Persons' Champion in accordance with the role description attached as Appendix 1.

Nominations had been sought from the political groups in order that Council may elect a member to be appointed as Young Person's Champion.

Councillor Joan Butterfield nominated Councillor Cheryl Williams, seconded by Councillor Brian Blakeley.

Councillor Julian Thompson-Hill nominated Councillor Rachel Flynn, seconded by Councillor Peter Scott.

A vote by zoom poll took place and the results were as follows -

Councillor Cheryl Williams – 19
Councillor Rachel Flynn – 15

Therefore, it was

RESOLVED that Councillor Cheryl Williams be appointed as the Young Person's Champion.

12 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

It was stated that it was normal practice not to hold Full Council during the pre-election period which was due to commence on 18 March and, therefore, the Council meeting due to take place on 5 April would be cancelled.

14 March 2022 – Special Council and Council Briefing were to take place.

RESOLVED that, subject to the above, the Council and Council Briefing Forward Work Programme be approved and noted.

THE MEETING CONCLUDED AT 1.15 P.M.