

COUNTY COUNCIL

Minutes of the Annual meeting of County Council held in the Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 15 May 2012 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, William Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Stuart Davies, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy-Davies, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Hugh Irving, Alice Jones, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Win Mullen-James, Bob Murray, Peter Owen, Dewi Owens, Merfyn Parry, Allan Pennington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Julian Thompson-Hill, Joe Welch, Cheryl Williams, Eryl Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Learning and Communities (HW) and Demographics Wellbeing and Planning (SE); Head of Legal and Democratic Services (RGW) and Committee Administrator (KEJ)

1 APOLOGIES

Councillors Peter Duffy, Barry Mellor, Bill Tasker and Cefyn Williams

2 DECLARATIONS OF INTEREST

No declaration of personal or prejudicial interest had been raised.

3 CHAIRMAN OF THE COUNTY COUNCIL

The retiring Chairman, Councillor William Cowie delivered a speech during which he reflected upon his time as Chairman and highlighted a number of events he had attended over the last twelve months. His proudest moment was when The Royal Welsh was granted freedom of the county of Denbighshire. The retiring Chairman also took the opportunity to thank fellow councillors for their support together with the Chief Executive and his staff. He paid tribute to the work of the former Leader, Councillor Hugh Evans and Cabinet on their achievements. Special thanks were extended to the Vice Chairman, Councillor Jeanette Chamberlain Jones, his Consort, Denise Hodgkinson and to Eleri Woolford, Member Support and Development Manager. Finally thanks were conveyed to the translation team for their hard work.

The retiring Chairman presented cheques from money raised during his time as Chairman to his chosen charities – St. Kenitgern Hospice, St. Asaph and North Wales Cancer Centre at Glan Clwyd Hospital. He also presented gifts to his Chaplain, Reverend Val Rowlands, his Consort and the Member Support and Development Manager in recognition of their support over the past twelve months.

At this point the retiring Chairman invited nominations for the appointment of Chairman of the County Council for 2012/13. Councillor Joan Butterfield proposed Councillor Jeanette Chamberlain-Jones be elected Chairman outlining the personal qualities and experience she would bring to the position. Councillor Raymond Bartley seconded the proposition adding that she would make an excellent ambassador for Denbighshire. There being no further nominations and following a secret ballot Councillor Jeanette Chamberlain-Jones was unanimously elected Chairman of the Council for the 2012/13 municipal year.

The retiring Chairman wished the incoming Chairman all the best for the future and invested her with the Chairman's Chain of Office following which she completed her Declaration of Acceptance of Office. The retiring Chairman's Consort invested the new Chairman's Consort with the Chain of Office. The incoming Chairman paid tribute to the work undertaken by the retiring Chairman and presented him with the Past Chairman's badge, plaque and a gift on behalf of the Council.

The incoming Chairman named Canon John Glover as her Chaplain for the year and advised of her chosen charities – St. Kentigern Hospice, St. Asaph; Vision Support, and Rhyl Lifeboat. Finally she congratulated both returning and new councillors on their success in the recent elections indicating that she was looking forward to working with them all during the forthcoming year.

4 VICE CHAIRMAN OF THE COUNCIL

The Chairman sought nominations for the appointment of Vice Chairman.

Councillor Hugh Evans proposed that Councillor Raymond Bartley be elected Vice Chairman of the Council for the 2012/13 municipal year. He referred to Councillor Bartley's vast experience and his tireless work in the community. Councillor Huw Hilditch-Roberts seconded the nomination adding that he would make a great ambassador for Denbighshire. There being no further nominations and following a secret ballot, Councillor Raymond Bartley was unanimously elected Vice Chairman of the Council for the 2012/13 municipal year.

The Chairman invested Councillor Bartley with the Vice Chairman's Chain of Office following which he completed his Declaration of Acceptance of Office.

At this juncture Group Leaders paid tribute to the work of the retiring Chairman over the last twelve months and congratulated Councillors Chamberlain-Jones and Bartley upon being elected Chairman and Vice Chairman respectively.

5 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

6 ELECTION OF THE LEADER OF THE COUNCIL

The Chairman advised that one nomination had been received for the appointment of Leader of the Council. Councillor Stuart Davies proposed, seconded by

Councillor Eryl Williams that Councillor Hugh Evans be elected Leader of the Council. Both referred to Councillor Evans as an exceptional Leader highlighting his achievements during the previous administration and their confidence that he would lead the authority to further success.

Councillor Evans thanked his fellow councillors for proposing him as Leader advising that he would work to continue improvement and aspire to excellence through innovation and practical application of service delivery. He reflected upon the work of the authority over the last few years and highlighted its success in areas such as education, highways and recycling. In setting out his future vision for the authority, Councillor Evans indicated that whilst Denbighshire had enjoyed much success over recent years there was room for improvement and he elaborated upon three key areas of responsibility to focus on in the future together with a number of proposals to secure that improvement in terms of –

- (1) Regional and National Commitment and Understanding
- (2) Internal Ways of Working
- (3) Community Expectations – getting closer to our communities

Councillor Evans concluded his presentation by advising that the authority would be facing many challenges but was well placed to deal with those challenges and maintain the Council's position as a high performing authority. In closing his address Councillor Evans provided some personal background information highlighting his strong links to Denbighshire and sought members' support for his election as Leader.

In accordance with the Council's constitution a secret ballot was held and Councillor Hugh Evans was unanimously elected Leader of the Council. The Leader thanked members for their support advising that he would work very hard on their behalf.

7 MINUTES

The minutes of the Council meeting held on 28 February 2012 were submitted.

Matters Arising –

Page 8 – Item No. 9 Notice of Motion – Members had previously requested that support be sought from Assembly Members for the Council's housing provision as detailed within the Local Development Plan and Councillor Eryl Williams expressed his concern regarding the delay in receiving a response to this important issue. The Head of Legal and Democratic Services (H:L&DS) agreed to ascertain whether support had been forthcoming from Assembly Members and apologised for the delay in that regard. Councillor Williams requested a response by the end of the week.

The minutes of the special Council meeting held on 27 March 2012 were submitted.

Matters Arising –

Page 18 – Item No. 6 Review of the Coroner Service – Councillor Meirick Davies referred to reference in the resolution to agree an option set out within the report and felt that the information would not be easily available as it was contained within a separate document. The H:L&DS confirmed it was usual practice to reference documents which were readily available with the minutes on the Council’s website.

Page 19 – Item No. 7 Capital Plan 2011/12 – 2014/15 – With regard to his previous comments concerning property acquisition on Rhyl Promenade, Councillor Meirick Davies supported the need to demolish the building in question in view of its state of disrepair but cautioned that the Council needed to ensure that any replacement building was in keeping with the surrounding conservation area.

Page 15 – Item No. 5 Constitution Review – In response to a question from Councillor Bobby Feeley the H:L&DS confirmed that work would be undertaken to amplify the role descriptions of Champions within the Council’s constitution.

RESOLVED that the minutes of the meetings held on 28 February 2012 and 27 March 2012 be confirmed as a correct record and signed by the Chairman.

8 LOCAL GOVERNMENT (WALES) MEASURE 2011

The Head of Legal and Democratic Services (H:L&DS) presented his report (previously circulated) relating to changes to the Council’s Constitution required by provisions of the Local Government (Wales) Measure 2011 to include the establishment of an Audit Committee, a Democratic Services Committee and arrangements for the appointment of Chairs of Overview and Scrutiny Committees.

The H:L&DS explained that the report dealt with a number of mandatory provisions for members to consider and there was an expectation that they would be implemented at the Annual Council meeting. The draft statutory guidance had been taken into account where it was consistent with the Measure. However if the final guidance (due to be issued in June) differed significantly from the draft there may be a need for further review. The H:L&DS elaborated upon the relevant sections of the Measure and the implications for the Council in carrying out those mandatory requirements which needed to be reflected within the Council’s constitution.

During presentation of the report members took the opportunity to raise questions and clarify particular issues with the H:L&DS and the legalities surrounding implementation of the statutory provisions. Consideration was given to each of the following issues in turn –

Establishment of an Audit Committee

Council considered the name, size and composition of the committee and its terms of reference. Members noted that the functions of the existing Corporate Governance Committee closely mirrored those required by the Measure for an Audit Committee. In view of that, the effectiveness of the existing committee, and in the interest of efficiencies it was agreed that the Corporate Governance Committee continue (taking on the functions required by the Measure) and that it be designated as the Audit Committee for that purpose. In accordance with the

general rule in local government law the Council agreed with the recommendation that the committee be politically balanced. Consideration was also given to increasing the size of the committee which appeared small in comparison to full Council, perhaps up to eleven members in line with scrutiny committee membership. However, the consensus was that the current membership of six councillors would be sufficient to carry out the duties required within the Measure together with the mandatory independent lay member. Councillor Julian Thompson-Hill supported exercising discretion to include the relevant Lead Cabinet Member as a member when considering the required functions set out in the Measure. Council considered the merits of that proposal but overall felt that in order to be fully independent the committee should not include any scrutiny or cabinet members within its membership. In response to questions the H:L&DS detailed the recruitment process of the lay member and confirmed that the lay member should be independent from the Council with no well known political allegiance and should not be a former Councillor or Officer of the Council. Members were supportive of an independent lay member on the committee and in view of the decision to designate the Corporate Governance Committee as the Audit Committee for the purpose of the Measure there was some discussion about whether the lay member should have voting rights on other functions carried out by the committee which fell outside those required by the Measure. Councillor Alice Jones was a particular advocate for full voting rights as she felt it would prove divisive if the lay member did not have equal status with other committee members. However, the majority view was that the lay member's voting rights should be restricted to those functions set out in the Measure and that other matters be reserved for those councillors elected to that position. The H:L&DS clarified the legal position in terms of voting rights advising that all members of the Audit Committee, including the lay member, may vote on any question that falls to be decided by the committee. Any abstention from voting on matters falling outside the remit of the functions set out in the Measure would require agreement from the lay member. In practical terms the committee's business could be managed to separate the functions of the Audit Committee as defined in the Measure from other corporate governance functions. He conceded that it may be defensible to limit the lay member's participation to Audit Committee functions only.

Establishment of a Democratic Services Committee

Council considered the establishment of the committee, its size, composition and its terms of reference. Members noted that the Measure had clearly set out the requirements for and functions of the Democratic Services Committee which must be politically balanced. The H:L&DS advised that it was unlikely that the committee would need to meet more than once a year. Following a proposition by Councillor Joan Butterfield, seconded by Councillor Barbara Smith members unanimously agreed that the committee be established with eleven members, politically balanced in line with scrutiny committees.

Appointment of Chairs of Scrutiny Committees

Council considered the allocation of Chairs of Scrutiny Committees as provided by the Measure in circumstances where there were two or more political groups and multiple scrutiny committees as in Denbighshire. In explaining the appointment

process, the H:L&DS added that the Council may adopt a different allocation system and outlined the procedures which would need to be followed. There was no reference to the appointment of Vice Chairs in the Measure and it was suggested that the appointment of Vice Chairs be a matter for those committees. The H:L&DS clarified the definition of an 'opposition group' as a group not represented on the Cabinet.

RESOLVED that –

- (a) *the Corporate Governance Committee be designated as the Audit Committee for the purpose of the Local Government (Wales) Measure 2011 and the Terms of Reference for that committee as set out in Appendix 2 to the report be adopted subject to (1) reference being made to reflect that where possible the committee's business be managed to separate the functions of the Audit Committee as set out in the Measure from other corporate governance functions, and (2) by agreement, the participation of the independent lay member be limited to Audit Committee functions;*
- (b) *members of the Audit Committee be appointed by the Council on a politically balanced basis;*
- (c) *a Democratic Services Committee be established comprising eleven members, politically balanced and the Terms of Reference for that committee as set out in Appendix 3 to the report be adopted;*
- (d) *the principles to be applied to the appointment of Chairs of Scrutiny Committees as set out in paragraphs 4.26 to 4.30 of the report be adopted, and*
- (e) *the Head of Legal and Democratic Services be authorised to make the necessary changes to the Council's Constitution to reflect the amendments required by the Local Government (Wales) Measure 2011 as set out in (a) to (d) above.*

9 MEMBERS' REMUNERATION

The Head of Legal and Democratic Services (H:L&DS) submitted a report (previously circulated) seeking members' approval of the level of members' remuneration for the financial year 2012/13 following the recommendations of the Independent Remuneration Panel for Wales in respect of the amounts to be paid by way of Basic Salary, Senior Salaries and Civic Salaries.

Members were advised that under S153 Local Government (Wales) Measure 2011 Council must implement the Panel's requirements. Accordingly Council must pay each member a Basic Salary and may pay Senior Salaries and Civic Salaries for the positions identified and the amounts set by the Panel. A maximum number of seventeen Senior Salaries had been prescribed for Denbighshire. Details of the Basic, Senior and Civic Salaries had been set out within the report together with fourteen posts which would be eligible for a Senior Salary. Whether any other posts were eligible for a Senior Salary would depend on the appointment of

members to the fourteen identified posts. In guiding members through the report the H:L&DS also highlighted the following –

- the fees Council must pay to co-opted members
- maximum payments payable for the care of children or dependants whilst members/cop-opted members were undertaking their duties
- travel and subsistence expenses payable, and
- the need to maintain and publish an annual schedule of member remuneration and to publish the total sum paid to each member/co-opted member.

During consideration of the report members sought clarification on a number of issues and the H:L&DS responded to members' questions as follows –

- S153 of the Local Government (Wales) Measure 2011 made it mandatory to implement the Panel's requirements
- if the Council did not implement the requirements of the Panel the Welsh Ministers had power to direct the Council to comply with the requirements and may enforce any such direction by applying for a mandatory order
- every councillor must receive a Basic Salary with the Council having discretion to award up to seventeen Senior Salaries and two Civic Salaries which must be allocated in accordance with the Panel's recommendations as detailed within the report
- the costs of implementing the Panel's recommendations could be met from within existing budgets
- confirmed that Council had previously paid Special Responsibility Allowances to eighteen posts but in light of the Panel's recommendations Senior Salaries could only be paid to seventeen posts.

Councillor Julian Thompson-Hill welcomed the Panel setting prescribed rates as he felt Council had been in a difficult position when determining their own allowances. Council noted the statutory requirement to adopt the Panel's recommendations and further considered the allocation of positions that would attract Senior Salaries in Denbighshire. Mixed views were expressed as to whether the full seventeen Senior Salaries should be payable with some members in favour of paying only the fourteen identified posts and others highlighting the extra work undertaken by particular members which may warrant further remuneration. During debate members agreed that Senior Salaries should be payable to the fourteen posts identified within the report together with the two Civic Salaries but felt that they did not have sufficient information at this time to make a fully informed decision as to whether the remaining three Senior Salaries at its disposal should be allocated. The need to provide an opportunity for members to consult within their groups and to raise awareness of the different posts with the newly elected councillors was also highlighted together with the need to consider the forthcoming report on Political Balance and Committee Membership prior to making a decision. The Chief Executive suggested that some options on how to deal with the remaining allocations be set out for members' consideration at a future meeting of Council.

RESOLVED that –

- (a) *the recommendations of the Independent Remuneration Panel for Wales in respect of the amounts to be paid by way of Basic Salary, Senior Salaries and Civic Salaries be adopted;*
- (b) *fourteen Senior Salaries for the posts set out in 4.23 of the report plus two Senior Salaries for the posts of Civic Head and Deputy Civic Head be agreed with consideration of the allocation of the remaining three Senior Salaries at the Council's disposal to be deferred to a future meeting of the Council;*
- (c) *the fee rates for co-opted members as recommended by the Independent Remuneration Panel for Wales be adopted, and*
- (d) *the recommendations of the Independent Remuneration Panel for Wales in respect of the payment of travel expenses, subsistence, and reimbursement of expenses incurred for the care of children or dependants be adopted.*

10 COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services (H:L&DS) submitted the Council Forward Work Programme advising that items for consideration at next week's Council meeting included a review of political balance arrangements and the scrutiny committees' annual report. Councillor David Smith asked that the report on political balance be made available to Group Leaders in advance of the meeting.

In response to a question from Councillor Julian Thompson-Hill the H:L&DS advised that once the allocation of politically balanced committee seats had been confirmed the number of Scrutiny Chairs available to particular groups would be known. The Chairs could then be appointed by those particular groups.

Councillor Rhys Hughes referred to the item scheduled for Council on 10 July dealing with the joint supplementary planning guidance on the Pontcysyllte Aqueduct and Canal World Heritage Site. As a new member had been elected for the Llangollen ward Councillor Hughes requested that the item be deferred in order to provide the opportunity for new members to be fully briefed on the matter prior to formal consideration. Councillor Stuart Davies agreed advising that he had requested that consideration of the matter also be deferred from the Planning Committee agenda until members had been made fully aware of the situation.

Lastly Councillor Alice Jones submitted her apologies for next week's Council meeting due to her attendance at the Local Development Plan hearings and highlighted her disappointment at the clash of meetings which she felt may have been avoided by better planning. The Chairman sympathised agreeing that the clash of meetings was unfortunate.

RESOLVED *that, subject to members' comments above, the Council Forward Work Programme be received and noted.*

The meeting concluded at 1.05 p.m.