

**COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 22 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, Peter Duffy, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy-Davies, Huw Hilditch-Roberts, Martyn Holland, Colin Hughes, Rhys Hughes, Hugh Irving, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Margaret McCarroll, Jason McLellan, Barry Mellor, Win Mullen-James, Bob Murray, Peter Owen, Merfyn Parry, Allan Pennington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cheryl Williams, Eryl Williams and Huw Williams

**ALSO PRESENT**

Chief Executive (MM), Corporate Directors: Business Transformation & Regeneration (BJ); and Learning & Communities (HW), Head of Legal and Democratic Services and Monitoring Officer (RGW), Democratic Services Manager (SP), Scrutiny Coordinator (RE) and Committee Administrator (CIW).

**PRAYERS**

Prayers were offered by the Vice Chairman Councillor J.R. Bartley at the commencement of the meeting.

**1 APOLOGIES**

Apologies for absence were received from Councillors Alice Jones, Dewi Owens and Cefyn Williams

**2 DECLARATIONS OF INTEREST**

No personal or prejudicial interest were declared.

**3 URGENT MATTERS AS AGREED BY THE CHAIR**

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

**4 REVIEW OF POLITICAL BALANCE AND COMMITTEE MEMBERSHIP**

A copy of a report by the Head of Legal and Democratic Services (HL&DS), which facilitates the statutory review of political balance and considers Committee membership requirements, had been circulated with the papers for the meeting.

The Democratic Services Manager introduced the report which contained information to assist the Council and the political groups to allocate seats on various committees, in accordance with the statutory political balance provisions of the Local Government and Housing Act 1989 and Regulations. The statutory obligation being to give effect, so far as reasonably practicable, to the four principles set out in the Act aimed at avoiding single party committees whilst allowing a majority party the majority of the seats on a committee.

Details of the Committees and Panels of the Council, and the total number of "available" seats which required distribution on a politically balanced basis, had been included in Appendix 2. The Local Government Measure (Wales) 2011 required the establishing of 2 new committees; an Audit Committee and a Democratic Services Committee. The Measure also stipulated how the positions of Chairs of the Scrutiny Committee would be allocated, reflecting a position in favour of scrutiny chairs being, as far as possible, independent from the leadership of a Council and linked to political balance.

A summary of issues for the Groups to consider when appointing their Members to Committees had been outlined in the report and included:-

- Cabinet Members could not be Members of a Scrutiny Committee, the Corporate Governance Committee or the Democratic Services Committee.
- Membership of the new Democratic Services Committee to be 11 Councillors, not to include a Cabinet Member, with the Committee being politically balanced.
- The Corporate Governance Committee to be the new Audit Committee consisting of 6 elected Councillors, not to include a Cabinet Member, and a lay-member, all to be appointed by full Council. Membership to include the Vice Chairman of the Council and Corporate Governance Members should not be Members of a Scrutiny Committee.
- The Local Joint Consultative Committee to include 1 Cabinet Member, preferably the Cabinet Member with responsibility for HR matters.
- The Corporate Health, Safety and Well-being Committee to include 8 Councillors, appointed by the political groups, and 8 trade union representatives.
- A Member to be appointed to the Fostering Panel and the Joint Adoption Panel.
- The Standing Advisory Council for Religious Education (SACRE) membership to include 8 Councillor Members and representatives from religious denominations, teacher associations and co-opted members.
- The Standards Committee membership to include 2 County Councillors.

Councillor J. Butterfield referred to the excellent work undertaken by Councillor J. Chamberlain-Jones as a member of the Fostering Panel and the Joint Adoption Panel and supported her appointment to the post. She challenged the allocation of seats on the Corporate Governance Committee and requested that the figures be reviewed and that the Labour Group be allocated 3 seats and the Independent Group 1 seat on the basis that the Labour Group were the largest Group on the Council.

In response to a question from Councillor D.I. Smith regarding the allocation of Chairs for Scrutiny Committees, the HL&DS explained that this matter had been

clarified with Welsh Government officials who had confirmed that the Local Government Measure (Wales) 2011 set out how to determine the number of Scrutiny Committee Chairs the Groups would be entitled to allocate, but did not specify a process for allocating Committees to Groups. This would be a matter for the respective political Groups to determine and not an issue for determination by Council.

The Head of Legal and Democratic Services (HL&DS) explained that prior to consideration of the recommendations in the report Members would be required to consider the proposal put forward by Councillor Butterfield, that the figures pertaining to the distribution of seats of the Corporate Governance Committee be reviewed, on being put to the vote the proposal was lost.

Nominations for the appointment of 2 Members to the Standards Committee included Councillors R.J. Davies, W.L. Cowie, M.L. Holland and C. Hughes. Each Member was invited to provide a brief presentation and at this point Councillor R.J. Davies withdrew his nomination. A secret ballot was held and Councillors W.L. Cowie and C. Hughes were appointed to the Standards Committee.

Council considered the recommendations in the report and following a full discussion, including consideration of nominations from Group Leaders, it was:-

**RESOLVED** – that Council agrees:-

*(a) the allocation table used to achieve a politically balanced allocation of Committee seats as included in Appendix 1 to the report.*

*(b) the distribution of seats as set out in Appendix 2 and that the political groups notify the Head of Legal and Democratic Services of named Members to their allocated seats at the earliest opportunity, with the exception of Cabinet appointments.*

*(c) the following appointments:-*

- (i) non-Cabinet Members Councillors W.L. Cowie, S.A. Davies, M.L. Holland, G.M. Kensler, W.M. Mullen-James, R.M. Murray, P.W. Owen, T.M. Parry, A. Roberts and G. Sandilands be appointed to the Democratic Services Committee with Councillor B. Mellor as Chair.*
- (ii) non-Cabinet Members Councillors J.R. Bartley, S.A. Davies, M.L. Holland, G.M. Kensler, J.M. McLellan and D. Simmons be appointed to the Corporate Governance Committee.*
- (iii) Councillor J. Chamberlain-Jones be appointed to the Fostering and Joint Adoption Panels, and.*
- (iv) Councillors W.L. Cowie and C. Hughes be appointed to the Standards Committee.*

*to delegate to the Corporate Governance Committee the role of interviewing candidates for the position of lay-member on the Committee and to make recommendations on the appointment to full Council.*

A copy of a joint report by the Scrutiny Chairs and Vice Chairs Group and the Scrutiny Coordinator which, in accordance with the Denbighshire's Constitution, presented to Council the Scrutiny Committees' Annual Report on their activities during 2011/2012, had been circulated with the papers for the meeting.

The Scrutiny Coordinator explained that the Annual Report would assist in introducing the work of the Scrutiny Committees and the role to all elected Members. The report included the results of a self-evaluation exercise undertaken to measure the effectiveness of the scrutiny function. Last years self-evaluation exercise had identified some areas which required further work in order to strengthen them, these areas had again been appraised against the findings of this year's self-evaluation exercise and the conclusion drawn been included on pages 6 and 7 of the Annual Report.

The Scrutiny Chairs and Vice-Chairs Group had expressed concern regarding the recurring problem of maintaining a quorum at Scrutiny Committee meetings. Whilst there had been no evidence that this had impaired scrutiny's effectiveness it was felt there was potential to undermine scrutiny and the democratic process in the long run. Consequently the Group had recommended that at the end of the 2012/13 municipal year the attendance record of each individual Member of the Council's Scrutiny Committees be published in the Annual Report. A meeting record would indicate apologies tendered, if submitted prior to the meeting being held.

The new Scrutiny Committee structure had been introduced in 2011/12 with four operational based Scrutiny Committees being replaced with three thematic Committees. Details of the review of the effectiveness of the new structure had been evaluated and included in the Report. The general conclusion being that, subject to a few minor modifications, the new structure was fit for purpose.

Details of the new powers and duties to be conferred on Local Authority Scrutiny Committees, following the enactment of the provisions of the Local Government (Wales) Measure 2011, had been outlined in the report. Further information regarding the provisions, and the options they present, would be presented to Members following the publication of the final statutory guidance.

Councillor H.L. Jones referred to the appointment of new Members to the Council and the importance of noting the changes and work undertaken by scrutiny during the last year. The need to ensure Scrutiny Committee meetings were quorate was highlighted and it was confirmed that attendance records would be included in the Annual Report for 2012/13. A scrutiny information pamphlet had been published to generate residents' interest in scrutiny's work and this would be replicated to summarise scrutiny's work for 2011/12. Councillor Jones referred to paragraph 4.8 of the report which outlined 6 of the new powers and duties bestowed on Scrutiny Committees under the provisions of the Local Government (Wales) Measure 2011, and to Annex 7, the Scrutiny Referral and Interface Chart, which outlined the role and status of scrutiny within the Council.

Councillor D.I. Smith explained that being a Member of a Scrutiny Committee provided an invaluable insight into the operational aspects of the Council. He referred to the number of issues examined by the Communities Scrutiny Committee and explained that he was proud of the work undertaken by the Committee and the subsequent outcomes.

Councillor R.L. Feeley referred to the effectiveness of scrutiny which had been endorsed by the Estyn Inspection Report, as highlighted on page 39 of the Annual Report. She explained that the Performance Scrutiny Committee had successfully linked Members to individual service efficiency challenges which had assisted in distributing workloads and responsibilities.

The Chief Executive thanked Members and officers for the comprehensive report and self evaluation in respect of the scrutiny process and highlighted the following issues which he felt required further work and debate during the coming year:-

- the importance of Member attendance at Scrutiny Committee meetings and the need to ensure that an objective is set that meetings are quorate on all occasions.
- consideration of Members views regarding the times and locations of meetings, particular reference being made to the possibility of holding evening meetings.
- communication between Cabinet and Scrutiny and the dissemination of information being crucial to the operational aspect of the Council. Cabinet having a specific agenda item for issues referred from Scrutiny, the effectiveness of the call in process and the inclusion of Group Leaders on Cabinet to improve accountability and communication.
- the importance of the issue of scrutinising designated persons and the provision of the opportunity to call to account and scrutinise both the public and private sectors.
- The role of the Programme Boards in providing Members of scrutiny with the opportunity to participate in the internal workings of the Authority.
- the role of Champions and the need for the provision of further guidance and assistance in ensuring their effectiveness. Councillor J. Butterfield suggested that in future reports be submitted by Champions outlining the work undertaken in respect of their individual roles.

In response to Councillor C. Hughes' reference to the power to co-opt non Council members as members of Local Authority Scrutiny Committees, Councillors R.L. Feeley and G.M. Kensler explained that they would welcome the appointment of persons with expert knowledge in specific areas. However, they felt that the Authority should be cautious in respect of appointing co-opted members as full members of the Committee, and Councillor Feeley referred to the democratic process of appointing Members of the Council. Councillor H. Hilditch Roberts referred to the importance of reporting the work carried out by the Council and the need for improved communication with the public.

A number of Members referred to the admirable work undertaken by Champions and a number of the Champions provided details of the work carried out within their respective roles. The Chair explained that the work undertaken by the Champions should be more widely publicised both within the Chamber and externally.

In reply to concerns expressed by Members regarding Member attendance at meetings, the HL&DS confirmed that details of Members' attendance records would be published on the website and would be monitored by the Corporate Governance Committee. However, the minimum number of meetings Members would be required to attend was stipulated and governed by law.

Members supported the view expressed by Councillor E.W. Williams that the Annual Report of the Scrutiny Committees should be presented to Council at the end of the municipal year to which the report related.

During the ensuing discussion a proposal by Councillor M.LI. Davies to accept the Annual Report was seconded by Councillor S.A. Davies, on being put to the vote the proposal was carried.

**RESOLVED** – *that Council receives the Annual Report of the Scrutiny Committees for 2011/12 and notes Members comments accordingly.*

## **6 MEMBERS' REMUNERATION**

A copy of a report by the Head of Legal and Democratic Services, which detailed the options for the allocation of Senior Salaries in accordance with the recommendations of the Independent Remuneration Panel for Wales for the financial year 2012/13, had been circulated with the papers for the meeting.

At its meeting on the 15<sup>th</sup> May, 2012 Council considered a report on Members' Remuneration which set out the provisions contained within the Independent Remuneration Panel for Wales' report. Council allocated 14 Senior Salaries and expressed a wish to consider options in respect of whether or how the remaining 3 possible Senior Salaries should be allocated.

The HL&DS provided a summary of the report which outlined details pertaining to the:-

- payment of Senior Salaries.
- payment of Civic Salaries to the Chair and Vice of Council.
- number of Senior Salaries the Council may allocate being limited to 17.
- positions prescribed by the Panel to which a Senior Salary may be allocated.

It was explained that Council may, but would not have to, allocate a further 3 Senior Salaries. Council had determined that the Chair of Democratic Services Committee would not attract a Senior Salary as the Committee was likely to only meet once a year. The remaining positions eligible for a Senior Salary were Band 3 - Leader of the Largest Opposition Group and Band 4 - Leaders of other political Groups. Members were reminded that there were 4 political Groups on the Council and only 3 Senior Salaries which may be allocated.

The HL&DS provided a summary of the 4 possible options for consideration by Council, which had been included in the report, together with the relevant costs and the possible affect on other services.

Councillor S.A. Davies expressed the need to retain the allowances and supported the principle incorporated in Option 3 and suggested that further options be examined, such as the possible inclusion of payments for Champions, for the remaining 2 senior salaries. The HD&LS provided details of the Measure which required the Council to implement the recommendations of the Independent Remuneration Panel for Wales which set out the senior salaries which could be paid, as indicated in 4.5 of the report.

Reference was made by Councillors C. Hughes and G.M. Kensler to the appointment of Group Leaders to Cabinet, the timescales for reviewing Members' remunerations in respect of political balance and the monitoring of the performance of Group Leaders.

Councillor J. Thompson-Hill highlighted two issues which he felt should be considered, the element of justification for allocating salaries to Group Leaders and consideration being afforded to a situation where a Group Leader, who was also a Cabinet Member, forgoes the salary of Cabinet Member if they vacate the post. He explained that he felt that Option 1 would be the preferred Option and that the number of Senior Salaries be capped at 14.

Councillor T.R. Hughes supported Option 1 with the suggestion that the money saved be utilised to provide dog fouling collection bags, as an alternative to the provision of additional Member training. Councillor E.W. Williams referred to the costs involved in addressing the problem of dog fouling and suggested that this issue be examined separately.

It was explained by Councillor H.H. Evans that one of the main issues of the previous Council had been ineffective communication between the executive and Members. He felt that the appointment of Group Leaders on Cabinet would provide stronger political leadership and improve accountability. He referred to the Councils' Constitution which referred to the restriction of payments to Leaders of Groups with less than 5 Members, and suggested that Option 3 would assist in addressing the problem through the provision of Member development which could be defined following discussions between the respective Members and their Groups. Councillor J. Butterfield also expressed a preference for Option 3 and highlighted the importance of Member development.

During the ensuing discussion Option 3 was proposed by Councillor B. Blakeley and seconded by Councillor C. Hughes and on being put to the vote Option 3 was carried.

***RESOLVED*** – *that Council agrees Option 3, to allocate a Senior Salary to the Leader of the Largest Opposition Group and cap the number of Senior Salaries at 15. The funds which would have been payable in respect of 2 Group Leaders could be used for Member Development.*

Meeting ended at 11.55 a.m.