

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 14 November 2023 at 10.00 am.

PRESENT

Councillors Michelle Blakeley-Walker, Joan Butterfield, Jeanette Chamberlain-Jones, Ellie Chard, Kelly Clewett, Ann Davies, Karen Edwards, Pauline Edwards, Gwyneth Ellis, James Elson, Chris Evans, Hugh Evans, Justine Evans, Bobby Feeley, Gill German, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving, Alan James, Brian Jones, Delyth Jones, Diane King (Vice-Chair), Geraint Lloyd-Williams, Julie Matthews, Jason McLellan, Barry Mellor, Terry Mendies, Raj Metri, Win Mullen-James, Arwel Roberts, Gareth Sandilands, Peter Scott (Chair), Rhys Thomas, Andrea Tomlin, Cheryl Williams, David Williams, Eryl Williams, Huw Williams, Emrys Wynne and Mark Young

ALSO PRESENT

Chief Executive (GB); Corporate Director: Governance and Business (GW); Corporate Director: Economy and Environment (TW); Head of Planning, Public Protection and Countryside Services (EJ), Public Protection Business Manager (IM); zoom host and webcast (NH) and Committee Administrator (SLW)

Chair of Governance and Audit Committee, David Stewart, in attendance for item 7.

1 APOLOGIES

Apologies for absence were received from Councillors Merfyn Parry and Elfed Williams

2 DECLARATIONS OF INTEREST

Councillors Gill German and Rhys Thomas both declared a personal interest in item 10, (Appointment of Director to the Board of Denbighshire Leisure Limited) as they were members of the Board.

3 APPOINTMENT OF THE CHAIR OF COUNTY COUNCIL

The Corporate Director: Governance and Business, introduced the appointment of the Chair of County Council report (previously circulated).

The election of Chair was necessary following the sad passing of the Council's Chair, Councillor Pete Prendergast.

Councillor Hugh Irving nominated Councillor Peter Scott, seconded by Councillor Huw Hilditch-Roberts to be Chair for the remainder of the 2023-2024 municipal year.

No further nominations were proposed.

All members present affirmed their assent to the appointment of Councillor Peter Scott.

Councillor Peter Scott declared his acceptance of the office of Chair.

RESOLVED that Councillor Peter Scott be appointed as Chair of Denbighshire County Council for the remainder of the 2023 – 2024 municipal year.

4 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent items.

At this juncture, Group Leaders paid tribute to the late Chair, Councillor Pete Prendergast who sadly passed away recently.

Councillor Diane King also paid tribute to the late Councillor Pete Prendergast as she had been his friend for many years and was also his consort during his time as Chair to the Council.

Councillor Peter Scott paid a heartwarming tribute to the late Councillor Prendergast especially as he had also recently lost his wife and expressed his gratitude to Councillor Prendergast for his kindness to both him and his wife during the extremely difficult time they had faced.

There was silent reflection held in memory of Councillor Pete Prendergast.

5 APPOINTMENT OF THE VICE-CHAIR OF COUNTY COUNCIL

The Chair, Councillor Peter Scott, requested nominations for the appointment of a new Vice-Chair of Council for the remainder of the 2023-2024 municipal year.

Councillor Gill German proposed Councillor Diane King, seconded by Councillor Delyth Jones.

No further nominations were proposed.

All members present affirmed their assent to the appointment of Councillor Diane King.

Councillor Diane King declared her acceptance of the office of Vice-Chair.

RESOLVED that Councillor Diane King be appointed as Vice-Chair of Denbighshire County Council for the remainder of the 2023-2024 municipal year.

6 MINUTES

The minutes of Full Council held on 5 September 2023 were submitted.

Matters Arising –

Page 23 - Councillor Huw Williams stated that following his Notice of Motion at the meeting, he was disappointed no enforcement action would be taken and that the Notices of Motion which were put forward at meetings were not being carried through. A lot of work went in to researching the Notices of Motion, and if passed at Council they needed to be carried through.

Matters Arising –

Page 12 - Councillor Terry Mendies asked if a written response had been provided to Councillor Chris Evans following his question and supplementary question asked at the meeting. If a response had not been sent, when would it be expected.

The Leader, Councillor Jason McLellan responded that, unfortunately, it had taken time to obtain the information from the appropriate officials in Welsh Government. Councillor McLellan apologised to Councillor Evans for the delay in his response.

A response had been sent to Councillor Evans which outlined the position in that the money referred to was money that the UK Government gave to Welsh Government for covid and throughout covid the monies for revenue projects had been able to be utilised for capital projects. Unfortunately, the UK Government had informed the Welsh Government, that the sum in question, £155 million, could not be used for capital projects, such as the Llanerch Bridge, and took the money back.

RESOLVED that, subject to the above, the minutes of Full Council held on 5 September 2023 be confirmed as a correct record.

7 DRAFT ANNUAL REPORT OF GOVERNANCE AND AUDIT COMMITTEE

The Chair of Governance and Audit Committee, David Stewart, introduced the Draft Annual Report of Governance and Audit Committee (previously circulated) to account to the Council concerning the work of the Governance and Audit Committee for the municipal years 2020/21, 2021/22 and 2022/23.

The Council was statutorily required under the provisions of the Local Government Wales Measure 2011, as amended, to have a Governance and Audit Committee. The Committee was the Council's designated committee for this purpose.

The Committee was also the body responsible for keeping the Constitution under review.

Prior to May 2022 the Committee had been comprised of six elected members and a lay member. The Chair of the Committee during that time had been Councillor Barry Mellor. The current Chair, David Stewart, thanked Councillor Mellor for all his work during his time as Chair.

The Local Government and Elections (Wales) Act 2021 amended the position and the law now required that a third of the Committee's members must be lay members. Therefore, six elected members on the Committee and three lay

members. There was a statutory requirement that the Chair of the Committee must be a lay member, which was David Stewart.

During a brief discussion, it was confirmed that the Climate and Ecological Change Strategy would be on a future agenda of the Climate and Ecological Change Strategy Panel Group.

Members thanked the Chair David Stewart and the Governance and Audit Committee members for all their work.

RESOLVED that –

- (i) *Council continues to take account of the importance and good corporate governance and notes the content of the report, particularly in regard to –*
- *The continued effectiveness of the corporate risk register*
 - *The Committee's concerns about the potential impacts on service delivery and key governance functions of difficulties in staff recruitment and retention*
 - *The importance of the Climate and Ecological Change Strategy.*

8 PROPOSED REVISED GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES

The Lead Member for Local Development and Planning, Councillor Win Mullen-James, introduced the Proposed Revised Gambling Act 2005 Statement of Licensing Principles report (previously circulated) to request members to formally adopt the Principles.

Gambling could be addictive and lead to individuals becoming problem gamblers, where the activity disrupted or compromised their lives and those of their families. Problem gambling had an impact on families, communities and health services.

As required by legislation, and in accordance with the Guidance issued by the Gambling Commission, the Council was required to consult upon, and prepare a Statement of Gambling Principles on a three yearly basis.

On 7 December 2022 the revised Statement of Gambling Principles was approved by members of the Licensing Committee for statutory consultation. As a result of the consultation, no representations were received and, therefore, referred to Full Council for approval.

The Council had not received any legal challenge to the existing Principles, nor had the Licensing Authority received any adverse comments from the Gambling Licensed Trade or Legal Profession in regards to the content. Therefore, significant changes had not been proposed in the revised Principles, support by the Licensing Committee.

Discussions took place and the following points were raised –

- (i) It was confirmed that licenses were renewed annually which gave the opportunity to note the gambling machines in each premises.

- (ii) Within the Wellbeing Impact Assessment, the impact of a Prosperous Denbighshire and Healthier Denbighshire were both marked as Positive. Councillor Mark Young queried whether this was appropriate especially knowing the issues gambling addiction caused. The Head of Planning and Public Protection, Emlyn Jones responded that careful consideration had been taken around the risks and the detrimental impacts of gambling activities when it was not regulated well. It was confirmed he would note Councillor Young's point and review the WBIA.
- (iii) Within the Policy one of the objectives had been to reduce crime or avoid criminal activity to protect the vulnerable. Under protecting the vulnerable it stated "people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs". A question was raised as to why would gambling machines be sited in an establishment which sold alcohol and should this type of establishment be allowed gambling machines? It was confirmed that the Local Authority was guided by the legislation and codes of practice which were in place set by the UK Government. The individual premises had a responsibility of the management of the gambling machines. They were obliged to ensure there were appropriate signs and under 18s were not given access to the machines.
- (iv) The Addiction Recovery Agency were a Charity contracted by Welsh Government for the whole of Wales to provide emergency help and support for people suffering from gambling addictions and the effects it could cause. The welfare of residents was paramount and officers confirmed they would engage with Agencies to ensure assistance would be made available.

Following a unanimous agreement to the report, it was –

RESOLVED that –

- (i) *The Council formally adopts the Draft Revised Statement of Gambling Principles (Appendix 1).*
- (ii) *The Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.*

9 PROPOSED REVISED STATEMENT OF LICENSING POLICY

The Lead Member for Local Development and Planning, Councillor Win Mullen-James, introduced the Proposed Revised Statement of Licensing Policy report (previously circulated) for members to formally adopt the Policy.

The Licensing Act 2003 regulated the sale and supply of alcohol, the provision of regulated entertainment and the sale and supply of late night refreshment. Responsibility for the administration and enforcement of licensing the above activities was that of the Licensing Authority – the Council – and was delivered through Public Protection service.

Legislation, along with the Statement of Licensing Policy aimed to reduce harm and nuisance whilst ensuring a level playing field for businesses.

As required by the legislation, and in accordance with the Guidance issued by the Secretary of State under Section 182 of the Act, the Council was required to consult upon, and prepare a Statement of Licensing Policy on a five yearly basis.

Officers confirmed that spot checks were carried out on premises to ensure legislation was being adhered to. Members were invited to attend spot checks in the future which were usually carried out in the evenings so they could assess the process which took place.

Following discussions, it was –

RESOLVED that –

- (i) *the Council formally adopts the Draft Revised Statement of Licensing Policy (Appendix 1).*
- (ii) *the Committee confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2) as part of its consideration.*

10 DENBIGHSHIRE LEISURE LIMITED - APPOINTMENT OF DIRECTOR

At this juncture, Councillors Gill German and Rhys Thomas both declared a personal interest in this item as they were members of the Board.

The Leader, Councillor Jason McLellan, introduced the Denbighshire Leisure Limited – Appointment of Director report (previously circulated).

The Corporate Director: Governance and Business, Gary Williams informed Council that following the sad death of Councillor Pete Prendergast, the seat on the Board of Directors of DLL needed to be occupied by a non-cabinet elected member.

Councillor Julie Matthews nominated Councillor Diane King, seconded by Councillor Carol Holliday.

Councillor Huw Hilditch-Roberts nominated Councillor Bobby Feeley, seconded by Councillor Hugh Irving.

A vote took place as follows –
Councillor Diane King – 24
Councillor Bobby Feeley – 19

Therefore, it was

RESOLVED that *Councillor Diane King be appointed as Director of Denbighshire Leisure Limited (DLL).*

11 APPOINTMENT OF MEMBER TO NORTH WALES POLICE AND CRIME PANEL

The Lead Member for Corporate Strategy, Policy and Equalities, Councillor Julie Matthews, introduced the Appointment of a Member to the North Wales Police and Crime Panel report (previously circulated).

The Corporate Director: Governance and Business confirmed that the appointment of a representative to the Police and Crime Panel was a Council function. The Council's previous appointment to the Panel had been the late Councillor Pete Prendergast.

Each of the six Local Authorities in North Wales could nominate a member or members to sit on the Panel. The allocation of seats to each local authority was based on political balance and population distributions across North Wales with the d'hondt methodology used to identify the number of seats each local authority was allocated and to which political group or groups they apply.

Based on population, Denbighshire would appoint 1 member from the Labour Group.

The Leader, Councillor Jason McLellan, nominated Councillor Diane King on behalf of the Labour Group, seconded by Councillor Barry Mellor.

It was unanimously agreed for Councillor King to be appointed to the North Wales Police and Crime Panel.

RESOLVED that Council appoint Councillor Diane King to the North Wales Police and Crime Panel for the term of this Council.

12 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Corporate Director: Governance and Business, Gary Williams, introduced the Council's Forward Work Programme and the Council Workshop Forward Work Programme.

RESOLVED that the Council's Forward Work Programme and the Council Workshop Forward Work Programme be noted.

THE MEETING CONCLUDED AT 11.30 A.M.