

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 26 February 2013 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, James Davies, Meirick Davies, Richard Davies, Stuart Davies, Peter Duffy, Hugh Evans, Peter Evans, Bobby Feeley, Carys Guy, 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, Barry Mellor, Win Mullen-James, Bob Murray, Dewi Owens, Merfyn Parry, Paul Penlington, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams and Eryl Williams

ALSO PRESENT

Chief Executive (MM), Corporate Director: Customers (HW), Corporate Director: Modernising and Wellbeing (SE), Head of Legal and Democratic Services (RGW), Head of Finance and Assets (PMcG), Head of Planning and Public Protection (GB), Project Manager, Rhyl Going Forward Team (PMcD), Planning Policy Officer (BB) and Committee Administrator (SLW)

The Chair welcomed Councillor Paul Penlington to his first Council meeting.

1 APOLOGIES

Apologies for absence were received from Councillors Peter Owen and Huw Williams

2 DECLARATIONS OF INTEREST

Councillors Bill Tasker, Jeanette Chamberlain-Jones, Ann Davies, Hugh Evans, Geraint Lloyd Williams, Rhys Hughes, Brian Blakeley and Raymond Bartley declared a personal interest in the item "Feedback from meeting with BCU Executive on "Healthcare in North Wales is Changing" decisions" (Agenda Item 6).

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Corporate Director: Customers (CD:C) presented an update to Members regarding the "Horsemeat Scandal". Information had previously been forwarded to Members from both CD:C and also the Public Protection Manager.

Following discussion at CET, a Review Group was to be set up. The Terms of Reference were made available for Members to peruse. Three meetings were to be planned, with each meeting discussing individual issues. Following the three

meetings, a report would be prepared and produced to Scrutiny for the Scrutiny Committee to decide what decisions to be presented at Cabinet or Council.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken for the council by the Chair for the period 19 December 2012 to 12 February, 2013 had been circulated with the papers for the meeting.

RESOLVED that the list of civic engagements undertaken for the council by the Chair be received and noted.

5 MINUTES

The minutes of the Council meetings held on 31 January, and 5 February, 2013 were submitted.

RESOLVED that the minutes of the Council meetings held on the 31 January and 5 February, 2013 be confirmed as a correct record.

6 FEEDBACK FROM MEETING WITH BCU EXECUTIVE ON "HEALTHCARE IN NORTH WALES IS CHANGING" DECISIONS

The Corporate Director, Modernising and Wellbeing (CD:MW) introduced the report (previously circulated) providing feedback following the meeting held with the BCU Executive on the 8 February, 2013 and the recommendations which arose therefrom.

Following the Council meeting held on 5 February, 2013, it had been agreed that a delegation of 10 Members would meet with the BCU Executive representatives to address outstanding concerns arising from the Betsi Cadwaladr University Health Board (BCUHB) decisions on 18 January, 2013 regarding "Healthcare in North Wales is Changing" proposals. The members attending were Councillors Julian Thompson-Hill, Huw Williams, Alice Jones, Stuart Davies, Pat Jones, Jason McLellan, Peter Evans, Gwyneth Kensler, Bobby Feeley and Arwel Roberts.

Councillor Raymond Bartley opened the discussion by explaining to Members, he was one of three Members who represented Denbighshire on the Community Health Council (CHC). The other Members were Councillors Brian Blakeley and Ann Davies. Councillor Bartley wished to make it clear that it had not been the CHC who had taken the decision not to refer the issues identified as cause for concern to the Minister, but it had been the Executive Committee of the CHC. The CHC was made up of 72 members, who were representatives from each of the six North Wales Councils, and met on a monthly basis. The Executive Committee of the CHC was made up of 15 members of the CHC, including the six Chairs and six Vice-Chairs plus the Chair and Vice-Chair of BCCHC and the Chief Officer.

Councillor Bartley clarified he strongly disagreed with a vote of no confidence. There was a need to continue working together with the Health Service in the best

interest of the residents. The most important people within the Health Service were the patients.

The CD:MW continued to report on the update following the meeting with BCU representatives on 8 February, 2013. The meeting had been attended by Mary Burrows, BCUHB Chief Executive, Grace Lewis Parry, Director, Neil Bradshaw, Director, and Sally Baxter, Assistant Director. Reassurances were provided by the BCU Executive representatives as follows:-

- The future of Ysbyty Glan Clwyd. Including confirmation of its future as the centre for complex vascular surgery. A range of capital investments (totalling around £100million) were already secured at Ysbyty Glan Clwyd including investments in A & E, theatres and cath labs. The BCU representatives agreed to produce a “blueprint” type document explaining what was planned to be delivered from the Ysbyty Glan Clwyd site in the future.
- Agreement to work to develop a transport plan
- Agreement to carry out modelling of financial consequences of proposed NHS changes on the local authority, especially Enhanced Care Services and Services for Carers.
- Agreement to use the County Health and Social Care Forum to ensure continue dialogue.

During the meeting, the BCU representatives strongly defended the decisions made which had been due to demography, financial challenges and staff issues.

£27million of the total £40million funding required across North Wales for replacement community health facilities was to be spent in Denbighshire.

Councillor Bobby Feeley, Lead Member for Social Care and Children’s Services, clarified that BCUHB had given assurances on a number of issues. Unfortunately, there were still outstanding issues which required assurance. There had been a strong recommendation to call on the CHC to refer the proposals to the Minister. Councillor Feeley reiterated working in partnership with BCUHB was a linchpin to Denbighshire services.

At this juncture, Councillor Joan Butterfield, on behalf of the Labour Group, moved a motion of no confidence in the CHC Executive due to the CHC’s ambiguous inaction and their position on various aspects yet to be clarified. Councillor Butterfield referred to the statement released by the CHC as being unclear due to the fact that it left more questions unanswered than had been answered. Throughout the process, the Local Health Board confirmed alternatives would be in place prior to the closure programme. The removal of the neonatal intensive care services to Arrows Park Hospital rather than remaining at Ysbyty Glan Clwyd had been a major cause for concern.

For accuracy, the Chair challenged the statement “removal of the neonatal care at Ysbyty Glan Clwyd”. Ysbyty Glan Clwyd currently run a Special Care Baby Unit and any sick babies requiring neonatal care were currently transferred to Alder Hey Hospital for treatment. Ysbyty Glan Clwyd do not have a neonatal baby unit.

Councillor Joan Butterfield stated that the public perception was that the neonatal baby unit was to be removed from North Wales. The Labour Group were reflecting the public view.

Councillor Ann Davies stated that as a member of the CHC she needed to reiterate the good work which was undertaken by CHC members. Councillor Davies stated she would not approve a vote of “no confidence”.

A number of members expressed concern regarding the failure to refer proposals to the Minister.

Following a lengthy debate and following advice given to members by the Head of Legal and Democratic Services, it was agreed to amend the resolution as follows:-

“If the CHC Executive have not referred those issues identified by them as cause for concern to the Minister by Friday, 1st March then this Council has no option but to deliver a vote of no confidence in the Executive Committee of the CHC”.

A recorded vote was requested. The recorded vote took place and there was unanimous agreement for the amended resolution.

A vote was also taken for the recommendations within the report, apart from recommendation 3.4.

RESOLVED that the Council unanimously:-

(i) *approved the amended resolution:*

If the CHC Executive have not referred those issues identified by them as cause for concern to the Minister by Friday, 1st March then this Council has no option but to deliver a vote of no confidence in the Executive Committee of the CHC

(ii) *noted the progress made with respect to:-*

- a. reassurances on the future of Ysbyty Glan Clwyd*
- b. agreement to work with public authorities to develop a transport plan to mitigate the impact of the proposed NHS changes on the public*
- c. agreement to carry out modelling of the financial consequences of the proposed NHS changes on the local authority, especially Enhances Care Services and services for carers*
- d. agreement to using the County Health and Social Care Forum as the mechanism to ensure continued dialogue and reporting back, including on those issues identified for further work in b and c above.*

(iii) *Expresses its concerns with respect to the NHS capital funding system which leaves local communities without the guarantee that promised new services will materialise.*

(iv) *Agrees to write to the Health Minister reinforcing the need for earliest decisions on the allocation of WG capital for the schemes in Denbighshire.*

(v) Calls on the Minister to consider DCC's concerns before endorsing the proposals.

7 SUPPLEMENTARY PLANNING GUIDANCE WEST RHYL

Councillor David Smith presented the report (previously circulated) to inform Members about the consultation responses received regarding the West Rhyl Supplementary Planning Guidance note, and outline any subsequent changes proposed to the document.

A decision by full Council was required on whether to formally adopt the West Rhyl Supplementary Planning Guidance note so that it could be used as a material consideration at planning application stage and guide the regeneration of the area. The West Rhyl Supplementary Planning Guidance note had previously been discussed at the Planning Committee on 23 January 2013 at which the Members expressed support for the document.

The consultation period for the Guidance ran from 24 October – 19 December, 2012. During that period, 15 responses were received with some recommended amendments to the Guidance.

The aim of the West Rhyl Supplementary Planning Guidance was to provide a clear planning framework to take forward the regeneration of West Rhyl against which planning decisions can be made. Without clear guidance, there was a risk that a lack of a consistent holistic approach for development proposals would make it difficult to refuse planning applications that do not accord with the strategy outlined for West Rhyl. Furthermore, an absence of this document could partly undermine the evidence base used to help support compulsory purchase orders which are considered a key mechanism in helping to regenerate West Rhyl.

RESOLVED that the Members unanimously agreed to formally adopt the West Rhyl Supplementary Planning Guidance note, to be used as a material consideration at planning application stage and guide the regeneration of the area.

8 COUNCIL TAX SETTINGS AND ASSOCIATED MATTERS

Councillor Julian Thompson-Hill presented the report (previously circulated) for the Council to pass further resolutions in a particular form to ensure that the Council Tax and its associated matters were legally valid.

Budget sessions had been arranged for July, October, December and March. The Head of Finance and Assets (H:F&A) stressed to the Members the importance of the sessions and encouraged as many Members as possible to attend.

Councillors Julian Thompson-Hill and Hugh Evans expressed their gratitude to the H:F&A, the Head of Revenues and Benefits and their respective teams for all their hard work.

RESOLVED that the Council unanimously approves the following recommendations:-

- (i) *The County Council as the Billing Authority considered the precepts received from the Police and Crime Commissioner for North Wales and the Town/Community Councils and declared the Council Tax levels for the 2013/2014 financial year.*
- (ii) *That the amounts calculated by the Council for the 2013/2014 financial year, in accordance with Sections 32 to 34 (1) of the Local Government Finance Act 1992 (the Act) and Alteration of Requisite Calculations (Wales) Regulations 2008 be as Appendix A section 3 of the report.*
- (iii) *That the amounts calculated by the Council for the 2013/2014 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) be as Appendix A section 4 of the report.*
- (iv) *That the amounts of Council Tax for the 2013/2014 financial year for each of the categories of dwellings be as shown in Appendix C of the report.*
- (v) *That the level of discount for Class A, B, and C as prescribed under the Council Tax (Prescribed Class of Dwellings) (Wales) Regulations 2004 be set at zero for the financial years 2013/2014, 2014/2015, 2015/2016 and 2016/2017 being the term of this Council with the caveat that this is dependent on no changes to Legislation or local conditions.*

9 TREASURY MANAGEMENT STRATEGY STATEMENT

The Head of Finance and Assets (H:F&A) presented the report showing how the Council would manage its investments and borrowing for the coming year and also setting the policies within which the Treasury Management function operated. The report also outlined the likely impact of the Corporate Plan on this Strategy and on Prudential Indicators.

The Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury management (the "CIPFA TM Code") required the Council to approve the Treasury Management Strategy Statement and Prudential Indicators annually.

The report had previously been presented at Corporate Governance Committee where some changes to the report had been agreed.

RESOLVED that the Council approves:-

- *the Treasury Management Policy Statement for 2013/2014*
- *the Treasury Management Strategy Statement for 2013/2014*
- *the setting of Prudential Indicators for 2013/2014, 2014/2015 and 2015/2016*
- *the minimum Revenue Provision Statement*
- *the use of Specified and Non-Specified Investments.*

10 APPOINTMENT OF STANDARDS COMMITTEE LAY MEMBERS

The Head of Legal and Democratic Services / Monitoring Officer presented the report (previously circulated) for full Council to consider either a re-appointment for

one further term of office or to instruct the Monitoring Officer to re-advertise the appointment for an Independent (Co-opted) Member of the Standards Committee.

RESOLVED that the Council agreed to the re-appointment of Ms Margaret Medley as an Independent (Co-opted) Member of the Standards Committee for one further term of office.

11 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services (H:LDS) submitted the Council Forward Work Programme.

Councillor Bill Cowie raised the issue of the election of Chair and Vice-Chair not being on the Council FWP. It would be placed on the FWP for April for discussion together with any nominations and in May for election of Chair and Vice-Chair.

Councillor Alice Jones suggested a presentation by DEFRA would be useful as they deal with animal health, cross compliance, and traceability of food. It was agreed this would be added to an informal Council meeting.

Councillor Jones also stated the Common Agricultural Policy was shortly to be put in place and as there was very little understanding of this topic recommended it be added to the FWP. It was agreed this would be added to an informal Council meeting.

Councillor Joan Butterfield stated the Police Commission to attend a future Council meeting was not on the FWP. H:LDS agreed to this being added to the FWP.

RESOLVED that subject to the above, Council's Forward Work Programme be noted.

The meeting concluded at 1.05 p.m.