

## **COUNTY COUNCIL**

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 7 May 2013 at 10.00 am.

### **PRESENT**

Councillors Ian Armstrong, Raymond Bartley (Vice-Chair), Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones (Chair), Bill Cowie, Ann Davies, James Davies, Richard Davies, Stuart Davies, 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, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, Bill Tasker, Julian Thompson-Hill, Joe Welch, Cefyn Williams, Cheryl Williams, Eryl Williams and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM), Corporate Director: Economic and Community Ambition (RM), Head of Legal and Administration (RGW), Head of Business Planning and Performance (AS), and Committee Administrator (SLW)

#### **1 APOLOGIES**

Apologies for absence were received from Councillors Meirick Davies and Arwel Roberts

#### **2 DECLARATIONS OF INTEREST**

Councillors Brian Blakeley, Stuart Davies, Hugh Evans, Carys Guy, Huw Hilditch-Roberts, Geraint Lloyd-Williams, Barry Mellor, David Simmons and Cheryl Williams declared a personal interest in the item "Workforce Efficiencies" (Agenda Item 10).

#### **3 CHAIRMAN OF THE COUNTY COUNCIL**

The retiring Chairman, Councillor Jeanette Chamberlain-Jones delivered a speech during which she reflected upon her time as Chairman and highlighted a number of events which had taken place over the last twelve months including the Royal Jubilee and the Olympics. The retiring Chairman also reflected upon the floods which had taken place within the county and the people affected who had lost so much. The heavy snow which had affected so many people and caused such hardship and she paid tribute to the services who dealt with the adverse conditions. The retiring Chairman also made reference to her husband's serious car accident and mentioned that he was now well on the road to recovery. She also thanked Councillor Bill Cowie who had stepped in as her escort at some events whilst her husband recovered. The retiring Chairman also took the opportunity to mention how proud she was of the Council, whose officers, and members of staff had dealt with all the difficulties of the last 12 months and thanked them enormously. The

retiring Chairman also took the opportunity to thank fellow councillors for their support. Special thanks were extended to the Vice Chairman, Raymond Bartley and his wife Dorothy. Thanks were also extended to Eleri Woolford, Member Support and Development Manager, Lona Haf Williams, Member Support Officer, Cannon John Glover, Gary Williams, Head of Legal and Democratic Services and Steve Price, Democratic Services Manager.

The retiring Chairman presented cheques from money raised during her time as Chairman to her chosen charities:

- (i) Jackie Jeffrey accepted the cheque for £2000 on behalf of St. Kentigern Hospice, St. Asaph
- (ii) Martin Jones, Coxon of Rhyl Lifeboat accepted the cheque for £2000
- (iii) Miriam Wright accepted the cheque for £1000 on behalf of Vision Support. Dennis Williams who worked in the Resource Centre in Rhyl and John Graham a Trustee of Vision Support were also in attendance for the presentation of the cheque.

The retiring Chairman also presented gifts to her Chaplain, Cannon John Glover, the Member Support and Development Manager, the Member Support Officer, Councillor Bill Cowie, the Head of Legal and Democratic Services and the Democratic Services 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 2013/14. The Leader, Councillor Hugh Evans proposed Councillor Raymond Bartley be elected Chairman outlining the personal qualities and experience he would bring to the position. Councillor David Smith seconded the proposition adding that it was a pleasure to second Councillor Bartley and wished him well with the nomination. There being no further nominations and following a vote by show of hands, Councillor Raymond Bartley was unanimously elected Chairman of the Council for the 2013/14 municipal year.

The retiring Chairman wished the incoming Chairman all the best for the future and invested him with the Chairman's Chain of Office following which he completed his 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 her with the Past Chairman's badge, plaque and a gift on behalf of the Council.

The incoming Chairman named Reverend Wayne Roberts as his Chaplain for the year and advised of his chosen charities – St. Kentigern Hospice, St. Asaph and Ty Gobaith/Hope House Hospice.

#### **4 VICE CHAIRMAN OF THE COUNTY COUNCIL**

The Chairman sought nominations for the appointment of Vice Chairman.

Councillor Joan Butterfield proposed that Councillor Brian Blakely be elected Vice Chairman of the Council for the 2013/14 municipal year. She referred to Councillor

Blakeley's vast experience and the fact he was so well respected in both the town of Rhyl and the County. Councillor Colin Hughes seconded the nomination. There being no further nominations and following a vote by show of hands, Councillor Brian Blakeley was unanimously elected Vice Chairman of the Council for the 2013/14 municipal year.

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

The new Chairman's Consort invested the new Vice-Chairman's Consort with the chain of office.

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

**At this juncture (10.50 a.m.) Council adjourned for a refreshment break and reconvened at 11.10 a.m.**

## **5 POLICE AND CRIME COMMISSIONER**

The Chair welcomed Mr Winston Roddick, Police and Crime Commissioner and also Hannah Humphreys, Chief Executive for the Police Commissioner.

Mr Roddick congratulated both Councillors Raymond Bartley and Brian Blakeley on their election as Chair and Vice-Chair, respectively, of Denbighshire County Council and wished them both luck for the future.

Mr Roddick outlined his aims for the future.

The over-riding duties were to deliver an efficient and effective police force which clearly demonstrated value for money and, above all, cut crime. Achieving those aims would reassure the public they were safe in their homes and in public places. The relationship between the Police and Crime Plan and the police budget would be of the highest importance and consideration of ensuring they were linked to the fluctuating nature of demands, capacity, and capability, and that these were directly affected by budgetary constraints.

Within the Police and Crime Plan were four main objectives:-

- (i) Reduce crime and anti-social behaviour
- (ii) Protect people and reduce harm
- (iii) Deliver a quality service that meets the needs of our communities
- (iv) Promote a well led, organised, and skilled workforce.

Three main outcomes which were to be achieved through the objectives were:-

- (i) Security in the home
- (ii) Safety in public places
- (iii) Visible and accessible policing.

The duration of the Plan was five years which would be reviewed at regular intervals in light of changes to the Secretary of State's guidance and any other material changes of circumstances.

A Police and Crime Panel had been developed in 2012. The Panel had the statutory responsibility to scrutinise the activities of the Police and Crime Commissioner.

The Police and Crime Commissioner together with the Chief Constable had set up a Joint Audit Committee, the function of which was to support and challenge certain activities undertaken by the police force and the Police and Crime Commissioners office and to provide constructive solutions for improvements.

An Operational Delivery Plan would be set up to address rural crime, which had recently been on the increase.

A dedicated rape and sexual abuse team/ unit had been set up. This was to be operational imminently.

The Council Tax precept had been increased and with the additional funding, 51 additional police officers were to be recruited.

Following the presentation, members took the opportunity to raise questions with the Police and Crime Commissioner:-

- (i) The Victims Code of Practice was currently being re-drafted. Previously funding had been distributed by the Home Office and ring fenced but that function would be taken over by the Police and Crime Commissioner and it would not be ring fenced.
- (ii) The Police and Crime Commissioner has visited the impoverished areas of the west and south west of Rhyl. There was excellent use of video cameras within the area. The presence of more police officers on the street was paramount.
- (iii) The additional 51 police officers were not yet in post but would be imminently.
- (iv) The aim was to stop repeat offenders and to achieve this, working together with other partnerships had to take place. The cost to the community would be higher if a crime had been committed. There would be the expense of incarceration, the effect on the victim could be enormous and the cost of attending to the victim would be huge. In the long run it saved tax payers money to deter crime.
- (v) The Police and Crime Commissioner had no role regarding the fixed penalty notices. He could reflect on this issue and investigate if issuing of fixed penalty notices was reducing crime.
- (vi) The Police and Crime Commissioner currently had a staff of six. A Finance Officer was yet to be appointed. It was important to have a link with youth, but the Police and Crime Commissioner confirmed a Youth Commissioner would not be appointed.
- (vii) Following the termination of the farm watch scheme a new scheme would be put in place which would assist with the reduction of rural crime.

- (viii) Community Safety was an extremely important issue, but the police were not the only ones who needed to secure this and work was underway to ensure partnership working. If Councillors had any issues which needed to be referred to the Police and Crime Panel, these needed to be directed through Councillor Bill Cowie, who was the Panel representative.
- (ix) The Owl system was good but there was an issue depending in which postcode area residents lived. For example living in a rural area in Denbighshire which had a postcode "CH", all crime alerts received were for Flintshire which had no bearing on the Denbighshire area postcode.
- (x) The outcomes were measured by the Plan being in existence. Statistics showed whether aims had been successful. Outcomes were measured with reference to an action plan which the Chief Constable had drawn up.

The Chairman thanked the Police and Crime Commissioner for attending the Annual Council meeting and wished him well for the future in his post.

**At this juncture (12.05 p.m.) Council adjourned for lunch and re-convened at 1.00 p.m.**

Prior to the commencement of the afternoon session of the meeting, the Chairman informed Annual Council that the order of business would be amended. Workforce Efficiencies would be brought forward on the Agenda but all other items were to run in order. The minutes would reflect the re-arranged order of items.

At this point, Councillor Huw Jones offered his congratulations to Prestatyn Town Football Club on their cup win yesterday. Both Councillor Huw Jones and Councillor Win Mullen James offered congratulations to Rhyl Football Club who had completed the football season without losing a single game. Other clubs mentioned who had also done well this season were St. Asaph and Llandyrnog.

## **6 URGENT MATTERS AS AGREED BY THE CHAIR**

None.

## **7 MINUTES**

The minutes of the Council meeting held on Tuesday, 9<sup>th</sup> April, 2013 were submitted.

**Accuracy** – Page 6, Item 5 – Councillor Alice Jones stated within the last paragraph on page 6 it should read "Emergency Surgery Services" and not "Emergency Services".

**Matters Arising** - Page 6, Item 5. Councillor Alice Jones informed Members that a response had been received from Sally Baxter, BCUHB who was aware members were concerned with the emergency surgery service at Ysbyty Glan Clwyd. As yet, no decision had been made, but if there was substantial change to current arrangements, there would be a formal consultation.

Page 10, Item 9 – Councillor Colin Hughes confirmed the Ministry of Justice had been in contact with Denbigh town Council and confirmed the land in question would be large enough to home the new prison.

## **8 WORKFORCE EFFICIENCIES**

The Chief Executive introduced the report detailing the savings required to achieve the workforce efficiencies identified in the budget.

The Chief Executive clarified that the item had been considered at the previous Council meeting which had been held on 9<sup>th</sup> April 2013. It had been apparent from that meeting that members of LJCC did not feel sufficiently involved and Members wanted the Council to work very hard with trade unions to reach an agreed settlement.

Work had been on-going since the meeting of 9<sup>th</sup> April. Two meetings of LJCC had since taken place. A decision had been reached to recommend the proposal to Members and the Trade Unions.

The Corporate Director: Economic and Community Ambition clarified that discussions had taken place with Joint Secretaries, Trade Unions and LJCC. The three main areas of concern from the Trade Unions were:-

- Inclusion of a clause within individual contracts of employment requiring employees for whom travel is an essential part of their job to make their own care available for that travel
- Impact of proposals on lower paid employees
- Lack of detailed discussion on the proposed changes to pay protection and disturbance allowance.

The proposal for consideration by Trade Unions was now:-

- (1) To achieve permanent budget savings from workforce costs amounting to £510k by March 2015. £200k of these savings were required in 2013/14 with the balance to be found in 2014/15.
- (2) These would be achieved by:
  - a. Immediate removal of the Essential User Lump Sum payment with effect from 1<sup>st</sup> June 2013. This would secure £194k saving in 2013/14.
  - b. To allow time for staff to adjust to the changes, mileage rates would harmonise on the existing Casual User rate of 52.2p per mile for a transitional period, following which the rate for all staff would harmonise on the HMRC rate (currently 45p per mile up to 10,000 miles)
  - c. The transitional period would be as follows:
    - 10 months (to end March 2014) at 52.2p, followed by
    - 3 months (to end June 2014) at 47p
    - Reducing to HMRC rate (currently 45p) for all users from 1 July 2014

- d. This would allow £426k saving to be achieved on a recurrent basis from 1 April 2015. The transitional period would, however, incur additional cost to the authority from what had been assumed in the Medium Term Financial Plan. The impact of this was factored into the saving shown above for 2013/14. For 2014/15, the additional cost/slippage in savings was estimated at £142k.
  - e. The Employers and Unions would work together to secure additional temporary in-year cash savings to cover this slippage.
- (3) In order to minimise the impact on individual members of staff, any employee travelling over 6,500 miles in a year would be offered dedicated use of a pool car. This would be a voluntary arrangement and would be on offer to staff from 1<sup>st</sup> June 2013.
  - (4) Some employees would continue to have an essential requirement to travel as a core part of their job. This would be specified in individual contracts but staff would not be required to use their own vehicle for this if they did not wish or were not able. They would, however, be expected to undertake travel timeously and in accordance with the requirements of their role. The Council was committed to working with any member of staff who wished to explore alternative travel arrangements and to agreeing suitable alternative arrangements with them, including access to pool vehicles.
  - (5) The Trade Unions agreed to recommend this proposal to their Members and to work with the Council to promote a positive response to any ballot with the intention of securing a collective agreement.
  - (6) The Trade Unions further agreed to commit to full and meaningful negotiations and to work with Employers to secure the remaining £72k workforce savings required to meet the target identified in the Medium Term Financial Plan, recognising that the Council had already reduced this target from £1.5M to £762k.
  - (7) Negotiations would be undertaken with the target of reaching agreement on the remaining £72k by no later than 30 September 2013, for implementation in full during 2014/15
  - (8) The starting point for the balance of £72k savings would be proposed changes to the pay protection and disturbance mileage arrangements; however, Employers were open to considering other alternatives proposed by the Trade Unions and commit to working with them to explore all realistic alternatives proposed.
  - (9) Both sides were committed to reach agreement on a proposal to recommend both to Trade Union members and to full Council in time for the Council meeting on 7<sup>th</sup> May 2013. If no agreement had been reached, Employers reserved the right to present their own proposals to Council in lieu of an agreed position.

**RESOLVED** that Council:

- (a) Agree the revised proposal developed following further negotiations with the Trade Unions as set out above.
- (b) Note that the Trade Unions will now ballot their members on the recommended proposal with the aim of securing a collective agreement.
- (c) Note the budget pressure of £143k in 2014/15 arising from the proposed transitional arrangements and the commitment of the Trade Unions to work with the Council to identify in-year savings to cover the pressure.

(d) *Note that negotiations on the final £72.5k savings will be concluded with the Trade Unions by no later than 30<sup>th</sup> September 2013.*

## **9 LOCAL GOVERNMENT (WALES) MEASURE 2011**

Councillor Barbara Smith, Lead Member for Modernising and Performance presented the report (previously circulated) updating members of the progress made in respect of the implementation of the Measure and to seek Members' views regarding the way forward in respect of those matters awaiting implementation.

The Head of Legal and Democratic Services clarified he was not seeking a decision on the report but for Members views prior to the matters contained within it receiving more detailed consideration and then a final decision made by Council.

There were 10 parts to the Measure. Parts 1, 5 and 6 were most relevant to Denbighshire County Council.

### **Part 1 – Strengthening Local Democracy.**

- To provide for the conduct of a survey of councillors and unsuccessful candidates in the last election which asked prescribed questions regarding gender, age, language, race, disability, sexual orientation, religion, health, education and employment. The responses were to be submitted to the Welsh Government who must publish the results within 12 months.
- A survey had been conducted and repeated due to a relatively low response to ascertain the preference of timings and locations of meetings. The information would be fed into work being carried out by officers for the Chief Executive in respect of meeting times and locations. The responses to the survey had indicated no appetite for change.
- The provision for members to attend meetings remotely was not yet in force, but guidance was awaited. There would be a lot of governance and technological issues to deal with before remote attendance would be in place. Meetings would not be quorate if less people were in the meeting room than were attending remotely. The Welsh Government had given all Local Authorities in Wales a grant for the scheme. Webcasting of meetings would enable members of the public to view meetings either live or on the internet. There had been arranged a webcasting demonstration which was to take place on 15 May.
- There would need to be a requirement for each local authority to make arrangements for individual Members to draw up an annual report of their activities as a member. The authority must also make arrangement for publication of these annual reports. A template of the annual report would be drawn up to enable members to just enter the narrative.
- Local Authorities would need to secure the provision of reasonable training and development opportunities for members. Members would have the opportunity to review their training and development needs on an annual basis.

## **Part 5 – Local Authority Functions: Discharge by Committees and Councillors.**

There was a provision to make more flexible the criteria for establishing area committees and to delegate decision making powers to them.

There was also provision for the Leader to make arrangements for a non-executive member to make delegated decisions in respect of an executive function. Council could also delegate decisions in respect of non-executive functions to non-executive members. These powers could only be exercised in respect of the Councillor's own ward or in respect of an outside body to which they had been appointed. The Welsh Ministers could make an Order specifying functions that were not to be delegated and may issue guidance. They had not done either yet.

## **Part 6 – Overview and Scrutiny**

Power for one or more Local Authorities to have a Joint Scrutiny Committee. In setting up a Joint Scrutiny Committee, Councils must have regard to guidance issued by Welsh Ministers.

Where two or more authorities appointed a joint scrutiny committee they must enter into an agreement which identified matters about which the committee may make reports and recommendations.

The Chair of the Joint Scrutiny Committee would be entitled to a payment in accordance with the Independent Remuneration Panel's recommendation. In Denbighshire's case this would be a senior salary at the level paid to Scrutiny Chairs.

Endeavouring to ensure members of the public were much more engaged and aware of the scrutiny process.

Councillor Bobby Feeley expressed her views as follows:-

- she understood the Measure was meant to strengthen democracy but it seemed that the Welsh Government wanted to make more decisions as to how local members worked.
- Remote working could be a problem if more than a dozen members decided to work remotely.
- Annual reports – there would be an issue regarding the costs of translations?
- Delegated decisions – this could cause more incorrect decision making.
- Guidance would be required as to how members of the public could have more say and output.

Councillor Feeley stated she would be reluctant to see any change put into place to question the democratic process. Councillor Feeley also stated she was unhappy about the financial aspects of the measure and expressed concern it would undermine the already fragile local authority.

***RESOLVED*** that following consideration of the report and subject to the above, the Members noted the report.

## 10 DATA PROTECTION AND FREEDOM OF INFORMATION POLICIES AND PROCEDURES.

The Head of Business Planning and Performance (HofBPP) presented the report (previously circulated) to provide the Council with the reviewed Freedom of Information and Data Protection Policies and Procedures.

HofBPP clarified that a lot more information was now held electronically. This issue had been the subject of a Wales Audit Office Report and Internal Audit Report. There was a requirement to have amended policies in place ready for changes coming into effect by the EU early next year.

**RESOLVED** that the Council:-

- (i) Approve both policy and procedure documents
- (ii) Approve the amendments to the officer scheme of delegation in relation to the Access to Information Exemptions Panel
- (iii) Delegate the Senior Information Risk Officer role to the head of Business Planning and Performance and the Data Protection Officer role to the Deputy Monitoring Officer.
- (iv) Authorise the Monitoring Officer to amend Constitution in respect of recommendation (ii) and (iii).

## 11 ANNUAL REPORT OF THE COUNCIL'S SCRUTINY COMMITTEE

Councillor Colin Hughes presented the Scrutiny Committee's Annual report (previously circulated) for Members consideration.

Councillor Hughes expressed his thanks to the Democratic Services Manager, the Scrutiny Co-ordinator and the Democratic Services Officer for all their hard work to produce the document.

Self-Evaluation had not been included in the Annual Report due to the fact that Denbighshire this year, like all other local authorities in Wales, was participating in the Scrutiny Improvement Study facilitated by the Wales Audit Office (WAO). Therefore, it was decided that undertaking a separate self-evaluation for the purposes of the Annual Report would not be an effective use of resources.

Councillor David Smith expressed his disappointment of the fact that the self-evaluation had not been included within the Annual Report.

**RESOLVED** that the Council accept the Annual Report of Council's Scrutiny Committee 2012/ 13.

## 12 COUNTY COUNCIL FORWARD WORK PROGRAMME

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

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

**The meeting concluded at 2.30 p.m.**