

COUNTY COUNCIL

Minutes of a meeting of the County Council held in Council Chamber, County Hall, Ruthin LL15 1YN on Tuesday, 10 September 2013 at 10.00 am.

PRESENT

Councillors Ian Armstrong, Raymond Bartley (Chair), Brian Blakeley (Vice-Chair), 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, Colin Hughes, Rhys Hughes, Huw Jones, Pat Jones, Gwyneth Kensler, Geraint Lloyd-Williams, Jason McLellan, Win Mullen-James, Bob Murray, Peter Owen, Dewi Owens, Arwel Roberts, Gareth Sandilands, David Simmons, Barbara Smith, David Smith, 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), Senior Engineer, Flood Risk Management (WH), Head of Legal & Democratic Services (GW), Corporate Director: Modernisation and Wellbeing (SE), Head of Finance and Assets (PMc), Democratic Services Manager (SP) and Committee Administrator (SLW).

Independent Flooding Investigators:
Dr Jean Venables, Clive Onions and John Young.

1 APOLOGIES

Apologies for absence were received from Councillors Martyn Holland, Hugh Irving, Alice Jones, Margaret McCarroll, Barry Mellor, Merfyn Parry, Paul Penlington and Bill Tasker

The Chair welcomed Councillor Peter Owen to the Council meeting following a lengthy illness.

The Chair also welcomed Councillor Richard Davies who had recently had a short stay in hospital.

At this juncture, the Chair paid tribute to two very special people who had recently passed away. Jane Kennedy had died peacefully in hospital at the end of July. A book of condolence had been placed in the Members Room. Also the recent passing of ex-Councillor Richard Jones. The thoughts of everyone were with the families and friends of both Jane Kennedy and Richard Jones at this sad time.

There followed a one minutes silence as a mark of respect.

The Chair reminded members that there would be a display in Conference Rooms 1a and 2 by Dave Evans, Project Manager, Corporate Programme Office, in respect of the new Rhyl High School.

Prior to the commencement of the meeting, the Leader, Councillor Hugh Evans, wished to congratulate officers, services and volunteers involved with the recent National Eisteddfod which had been a huge success. Volunteers including officers and residents had made a huge contribution to ensure the event had been so successful.

The Leader wished to express thanks to everyone involved especially:-

- (i) Hywyn Williams who had attended the event daily and had worked towards the event for the past two years.
- (ii) Also Gareth Watson who had set up the Pavilion which had shown Denbighshire at its best.

Both Hywyn and Gareth were to thank officers on behalf of the Council.

Congratulations were offered to Robat Arwyn the composer of the music for the opening concert.

Congratulations were also offered to Councillor Meirick Lloyd Davies for his award at the Eisteddfod for services to the Welsh Language.

Eisteddfod Officers had been extremely complimentary towards Denbighshire County Council and how they had risen to the challenge for the event. It had been a model other Local Authorities could follow and adopt in the future. Gratitude was offered to the Chairman and his wife on their continued presence at the event. The local economy had also benefitted from the success of the event.

2 DECLARATIONS OF INTEREST

None.

3 URGENT MATTERS AS AGREED BY THE CHAIR

No urgent matters had been raised.

4 CHAIRMAN'S DIARY

A list of civic engagements undertaken for the Council by the Chair and Vice-Chair, for the period 28 June 2013 to 28 August 2013 had been circulated prior to the meeting.

The Chair stated that both the Llangollen Eisteddfod and the National Eisteddfod had been extremely successful. The concerts held at the National Eisteddfod had been amazing and in the Chair's opinion it had been the best Eisteddfod ever held.

Councillor Meirick Lloyd Davies thanked members for their congratulations.

Councillor Hugh Jones expressed his thanks to everyone involved with the Eisteddfod and wished to add his thanks to Ruth Williams from tourism for the beautiful flowers and the bunting which had made the area look outstanding to both the local people and to visitors.

The Chair stated that the Council's best wishes should be sent to Camarthenshire for the Eisteddfod in 2014.

5 MINUTES

The minutes of the Council meeting held on 9 July 2013 were submitted.

RESOLVED that the minutes of the Council meeting held on 9 July 2013 be confirmed as a correct record.

6 INVESTIGATORS REPORT ON THE FLOODS AT GLASDIR, RUTHIN

Councillor David Smith, Lead Member for Public Realm, presented the Investigators Report on the floods at Glasdir, Ruthin (previously circulated), to inform members of the finding of the independent investigation. The independent investigation had been carried out by Dr Jean Venables, of Crane Environmental Ltd., supported by Clive Onions, Clive Onions Ltd., and John Young, Edenvale Young Associates Ltd.

Dr Jean Venables had been recommended to Denbighshire County Council by the Institute of Engineers.

Dr Jean Venables gave a brief outline of her career. Standards had recently changed and modelling techniques had improved. The investigation had looked at the situation in light of the guidance available at the time decisions were made. Therefore, it had been no surprise that the level for the bund on the basis of current calculations was different to the bund originally built. Even though the level was now different, this did not mean that the original level was wrong in light of the guidance and information available at the time.

The Welsh Development Agency had constructed the Ruthin North Link Road (A525) with a roundabout to the north of Ruthin to give access to land which had been allocated for development. The Link Road crossed the natural flood plain of the River Clwyd on an embankment.

Residents' assurance was important as flooding events cause much stress. Residents needed to be assured that the flood risk was being managed by adequate flood defences. These defences need to satisfy insurers and allow residents to sleep at night.

Various engineering solutions had been explored to restore the level of protection. It was the Investigating Team's opinion that the solution that offered the earliest and most cost-effective solution to re-instating the flood defences around the development was to raise the bund height. In the interim, sandbags could be placed on top of the bund until the work commenced to raise the height.

The Independent report authors felt blockage played a significant part and the blockages had been noted. Blockages had been caused by natural vegetation, debris, builders refuse and garden clippings washed down by the flood water.

The extent of the flooding in the Glasdir area had been considered in more detail to determine the role that the screens on the culverts under the Link Road had, and particularly the level of blockage.

The proposed new level of the bund was based on an assumption of 95% blockage.

The flow results were compared with recognised guidance to determine the approximate return period of the flooding which was judged to be biased towards 1 in 100 years (i.e. between 1% and 0.5% chance of happening in any one year).

The Investigating Team had considered what would be a normal level of protection if the development were to be promoted at the present day, and felt that the appropriate standard would be a level of protection provided by:

1 in 100 year + Climate Change Allowance, with 95% culvert blockage and 600mm freeboard. A freeboard of 600mm was a standard requirement for residential areas adjacent to sensitive flooding.

The Investigating Team recommended that a formal inspection and maintenance regime of all the flood defence structures, culverts and flood plain should be established with clear responsibilities. The NRW was installing additional flood warning equipment and were to set up a reporting system with the Council and Residents. It was equally important that, whilst responsibility for these, lay with the Authorities, the residents were alert to the flood risk, and recognised that they needed to report immediately, potential hazards, such as fly-tipping in the flood plain or fallen trees or branches. Flood wardens were recommended to be set up to have a direct line of contact with a member of staff.

The Investigating Team were encouraging grills to be removed from the culverts and posts to be in place to stop large debris.

Within the report, it was stated that the work would cost an estimated £250,000. Both the Welsh Government and Taylor Wimpey had pledged funding.

Councillor David Smith informed members that he wished to add a fourth recommendation to the report. The recommendation was as follows:-

(4) The Council notes that there are still a number of issues in relation to the flooding event that occurred on 27 November 2012 that Glasdir residents consider remain unresolved and the Council commits to officers and councillors working with the Glasdir Residents to resolve those issues.

At this juncture, the Chair asked for questions to be submitted by members, three at a time.

Councillor Hugh Hilditch-Roberts stated that on behalf of the residents, the report had been welcomed but there were many questions which remained to be answered. The questions were :-

- (i) If the Link Road had been a bridge structure was it true that we would not be having this report today?
- (ii) Was the design of the original flood defences to blame?
- (iii) Many agencies had been involved with the original design of Glasdir and were these agencies to be held responsible?
- (iv) Alternative route for flow in case of blockage? Why was this not the case?
- (v) Who designed the trash screens, and why were they not checked for blockage?
- (vi) Who had ownership of the flood system?
- (vii) Why was there no mention of the saturation in September 2012 which may have contributed towards the flooding in November 2012.

Councillor Bobby Feeley stated that the residents would be more assured if they were informed of who had been accountable for the flooding to ensure an event such as this did not occur again in the future.

- (i) Why were there no maintenance records?
- (ii) Why was the Link Road built above the level of the estate?
- (iii) In light of the accepted climate change, why were the original flood defences not re-assessed and updated?
- (iv) Was there an alternative solution to the use of sandbags on the top of the bund? If the sandbags were to become saturated, they would be useless.

Councillor Eryl Williams asked what had been the volume of water required from the river to fill the area and go over the bund and how long had it taken to fill up due to the culvert being blocked. Councillor Williams expressed his concern regarding the amount of tree debris which fell into rivers and how these would be dealt with, due to the fact the former Environment Agency was now part of a larger organisation.

Dr Jean Venables responded. Prevention had not been mentioned within the report. Flood Risk Management was the key. The structure of the Link Road which had been built by the Welsh Development Agency had been constructed to the standards required at the time. The trash screens had been designed to prevent people accessing the culverts. There had been such a large amount of debris caused by the flood water that any design of screen would have become blocked. There had been awareness of the September 2012 event and there had been experience up and down the country of catchments becoming totally saturated.

Regarding attributing blame, there was no evidence any negligent decisions had been made.

Sandbags on the top of the bund were not a desirable solution but they offered, in the interim, protection during the winter prior to the bund height being raised in spring 2014.

There had been a significant amount of water but the amount of time to fill up the culvert was not known. Water courses needed to be kept clear of debris and actions were in place to monitor the situation in the future.

Interim solutions were in place until permanent solutions were finalised by spring 2014.

Councillor Stuart Davies expressed concern regarding who had the responsibility of cleaning rivers.

Councillor Rhys Hughes agreed with Councillors Davies' concerns and also expressed concern regarding the culverts having grills removed.

Dr Jean Venables confirmed the responsibility of clearing rivers was a national issue in both England and Wales. Clearing of main rivers was extremely difficult and a multi-agency approach would be required.

When culvert grills were removed, stake columns would be added to trap large items preventing them from flowing through and blocking the culverts.

Councillor Meirick Lloyd Davies confirmed the Independent Report was extremely comprehensive. Councillor Davies suggested a solution could be a large hole to be dug under the Link Road to enable water to flow through.

Councillor Gwyneth Kensler asked about the cost of the works involved especially due to the current economic climate and cuts having to be made.

Councillor Colin Hughes stated that regarding the cost of £250,000 including a contribution from the Welsh Government and Taylor Wimpey, a contribution from partners would be of benefit to the local residents giving them peace of mind.

Councillor Joan Butterfield explained that Town Councils throughout the county had been asked to be on flood alert and Rhyl Town Council had put forward a Warden and training would take place this month. It had also been mentioned at one of the meetings held why farmers could not be held responsible for rivers on their land.

Dr Jean Venables stated that in England the Environment Agency were looking at land owners to maintain rivers on their land. It would be important that Wardens reported back on blockages and fly-tipping. Diverting flood water away would not be possible without adverse consequences to others downstream so there has to be a balance.

The Corporate Director: Economic and community Ambition confirmed to members that the majority of the cost was to increase the height of the bund. A Flood Wardens network would be in place across the county.

A vote took place regarding the recommendations put forward and the vote was carried in favour 37 to 1 against.

RESOLVED that Members subject to the above :

- (i) Note the findings of the Independent Investigation
- (ii) Accept the recommendations set out in the Investigation Report
- (iii) Instruct Officers of the Council to proceed with the implementation of the recommendations set out in the Investigation Report.

(iv) The Council notes that there are still a number of issues relating to the flooding event that occurred on 27 November 2012 that Glasdir residents consider remain unresolved and the Council commits to Officers and Councillors working with Glasdir residents to resolve those issues.

At this juncture (11.55 a.m.)

The meeting reconvened at 12.15 p.m.

Prior to the commencement of the remainder of the meeting, the Leader, Councillor Hugh Evans, informed Members that Denbighshire County Council once again had been the highest performing council in Wales. This success was achieved by services working closer together and officers and members working closer together. Denbighshire's focus on performance was the most intensive in Wales. The Leader wished to express his gratitude to members and officers for their part in making Denbighshire County Council, one of the best in Wales.

7 BUDGET UPDATE

The Lead Member for Finance and Assets presented the Budget Update Report (previously circulated), to provide members with an update of the latest position with regard to setting the Council's budget for 2014/15. The prime focus of the report was to approve an initial range of savings proposals for 2014/15. The savings proposals had emerged from the Service Challenge process over the past two years.

The WLGA were recommending, that for planning purposes, local authorities assume a cash reduction of -4% in 2014/15.

In the past three years, Welsh Government had sought to influence local decision making by requiring that education and social care budgets be "protected". Continuing protection to some services from a national level had meant that potential funding reductions would fall disproportionately on non-protected areas and the council would have less flexibility to manage the impact.

In addition, the council had been adversely affected by the census data which had highlighted that the council's actual population was lower than estimated in the national population estimates. The financial impact of the change was likely to be around £3.1million, but clarification was still awaited from the Welsh Government about how the change would be implemented.

Services were currently modelling budget scenarios and identifying possible future savings. These would be presented to members at the budget workshops scheduled for 21st October and 9th December. A report would be presented to County Council on 3rd December where savings supported by elected members could be agreed and more energy could be focussed on any remaining savings to be agreed before the final budget was agreed by council on 4th February, 2013.

Following discussions the following matters were raised :

- (i) It had been requested that the AONB pressure of £20,000 should not be included within Appendix 1 to the report, due to the fact that Denbighshire fund £130,000, Flintshire £111,000 and Wrexham £5,000. A request would be sent to partners to increase their funding to counteract the £20,000. The amendment was proposed and seconded.
- (ii) Denbighshire has a transient population who would not be on the electoral roll and would not have completed a census form. This had been an issue previously.
- (iii) The day care of the elderly was raised as a concern and examples given regarding difficulties with domestic equipment at Hafan Deg.
- (iv) If members sat on the board of institutions such as the Craft Centre, Ectarc etc., would they have the right to be part of the debate and vote on those matters?

The Head of Legal and Democratic Services firstly responded to the point raised regarding members who sat on the board of institutions. If a member was appointed by this council then the member had an exemption from having a prejudicial interest but have to declare a personal interest and, therefore, would be able to take part in discussions and voting.

The Head of Finance and Assets then responded to the other questions.

There would be no issue around removing the £20,000 from Appendix 1.

The census was an official document of data. It had been made worse in Denbighshire's case as it had been segregated by age group, school age population and elderly population.

The Corporate Director: Modernisation and Wellbeing confirmed services would be required to change. Hafan Deg would be used to assist people with reablement. A decision had not been made as to what equipment would be required in Hafan Deg.

The Chief Executive explained to members that even though Denbighshire County Council was an extremely successful council there were difficult times ahead.

The Corporate Plan had been set prior to notification from the Welsh Government of the financial cuts in funding. The Corporate Plan was aspirational and about moving the Council forward. An update on the Corporate Plan would be brought back to a future Council meeting.

It was stressed to members the importance of attending the budget workshops scheduled for October and December 2013 whereby detailed discussions would take place regarding the future efficiency savings.

A vote took place regarding the recommendations put forward and the vote was carried in favour 33 to 1 against.

RESOLVED that Members :

- (i) Note the latest position with regard to the budget for 2014/15
- (ii) Approve the savings proposed
- (iii) Remove the AONB pressure of £20,000 as agreed.

8 PAY POLICY STATEMENT

The Chief Executive presented the Pay Policy Statement (previously circulated) to members to satisfy the Council's legal obligations in respect of the Localism Act 2011. Members approval was sought to the Pay Policy Statement which had been drafted in accordance with the requirements of 38 (1) of the Localism Act 2011 which incorporated all existing pay arrangements for the workforce groups within the Council, including Chief Officers and lowest paid employees. The only amendment to be made to the Report was under 4.3.1 due to the fact that all staff, other than Chief Officers, had been awarded a 1% pay increase which would be back dated to April 2013. This would be paid in the September payment.

A vote took place regarding the recommendations put forward and the vote was carried unanimously.

RESOLVED that members approve the Pay Policy Statement as amended to ensure the Council complies with its legal obligations under the Localism Act 2011.

9 CONSULTATION RESPONSE TO THE COMMISSION ON PUBLIC SERVICE GOVERNANCE AND DELIVERY

The Chief Executive presented the Consultation Response to the Commission on Public Service Governance and Delivery Report (previously circulated). The Council had been requested to provide evidence to the Commission on six key areas of focus: Performance; Scale and Capacity; Complexity; Governance, Delivery and Scrutiny; Culture and Leadership; and Welsh Government and National Assembly for Wales.

The Chief Executive had prepared a draft response under each of the headings. The draft had been circulated to members and a decision was required on whether to submit the draft, appropriately amended by members, as the Council's formal response to the call for evidence.

In addition to the draft response, the Chief Executive had submitted a paper "Leadership in Denbighshire County Council" representing his own views of how leadership and performance had improved in Denbighshire and offering this as evidence to the Commission. This had previously been circulated to members.

As far as Local Government was concerned, the Commission were considering whether current organisational arrangements should be changed as the Commission had apparently reached the conclusion that the current 22 unitary councils were unsustainable.

The most credible options appeared to be the following :

Option 1 : 22 is about right, we are not in favour of changing this number.

Option 2 : two councils should replace the six in North Wales.

Option 3 : we believe that fewer councils would be better but we don't have a number in mind.

Option 4 : we believe the number of councils in North Wales can be reduced to three and a number of smaller councils in South Wales could merge too.

Option 5 : we don't have an opinion.

Following a lengthy discussion the following points were raised :

- (i) Councillor Joe Welch on behalf of the Independent Group confirmed the group had recently held a debate on the issue. Cost of re-organisation was a matter of concern. The fact that services would be disrupted during re-organisation would be an issue. The Independent Group would opt for either Option 1, 3 or 4. Any long term changes would have to be to the benefit of the residents of Denbighshire.
- (ii) Councillor Joan Butterfield stated that a majority of Labour members had responded as individuals. The Labour Group would be sending a Group response which would be copied to all members.
- (iii) Councillor Julian Thompson Hill expressed concern of the impact on services, the cost of re-organisation and the fact that performance dipped dramatically during re-organisation. Larger councils were not necessarily best.

The Leader, Councillor Hugh Evans stated it was extremely difficult as Denbighshire was in a very good position currently. Denbighshire could influence the decision made by the Commission. There would be more responsibility on Councillors covering a larger area. Denbighshire were in a position to influence the Commission's decision.

The Chief Executive gave a summing up of the debate.

There was a vote as to who would be in favour of Denbighshire County Council remaining as a single authority and the vote held was 25 in favour and 2 against.

Several members expressed the view that they were opposed to the number of Councils in North Wales being reduced to one or two Councils in the future.

The Chief Executive confirmed he would draft a response and circulate to Group Leaders.

A vote took place regarding the recommendations put forward and the vote was carried in favour 26 to 1 against.

RESOLVED that:

- (i) *Submit the proposed response, as amended at the Council Meeting, to the Commission as Denbighshire County Council's evidence.*

(ii) That the Chief Executive be authorised to write to the Commission setting out the Council's views on the future number of local authorities in consultation with Group Leaders.

10 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Head of Legal and Democratic Services introduced the Council's Forward Work Programme (previously circulated).

There was a possibility there would be an additional item to be added to the meeting being held on 8 October 2013 – Scrap Metal Dealers Act 2013 but this was yet to be confirmed. The matter was to be presented at Cabinet.

RESOLVED that subject to the above, the Council Forward Work Programme be approved and noted.

Meeting concluded at 2.15 p.m.