

COUNTY COUNCIL

Minutes of a meeting of the County Council held in the Council Chamber, County Hall, Ruthin and by video conference on Thursday, 20 February 2025 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, Jon Harland, Elen Heaton, Huw Hilditch-Roberts, Martyn Hogg, Carol Holliday, Alan Hughes, Hugh Irving, Alan James, Brian Jones, Delyth Jones, Paul Keddie, Diane King, Julie Matthews, James May, Jason McLellan, Barry Mellor, Terry Mendies, Raj Metri, Merfyn Parry, Will Price, Arwel Roberts (Vice-Chair), Anton Sampson, Gareth Sandilands, Peter Scott (Chair), Rhys Thomas, Andrea Tomlin, Cheryl Williams, Eryl Williams, Emrys Wynne and Mark Young.

ALSO PRESENT

Chief Executive (GB), Corporate Director: Governance and Business / Monitoring Officer (GW), Head of Finance and Audit (LT), Head of Corporate Support Services – Performance, Digital and Assets (HV-E), Head of Corporate Support Services – People (CR), Insight, Strategy and Delivery Manager (RL), Committee Administrator (minutes)(SLW), Committee Administrator (meeting host)(Rh. T-J)

TRIBUTE TO FORMER COUNTY COUNCILLOR GARETH ROWLANDS

The Vice Chair of Council, Councillor Arwel Roberts paid tribute to the late county councillor and his fellow Rhuddlan Town Councillor Gareth Rowlands. The Chair of Council led the Council in a period of silent reflection.

1 APOLOGIES

Apologies were received from Councillors Geraint Lloyd Williams and Elfed Williams.

2 DECLARATIONS OF INTEREST

No interests were declared.

3 URGENT MATTERS AS AGREED BY THE CHAIR

The Chair allowed Councillor Chris Evans to share a success story and excellent engagement he had witnessed from his visit to the job fair in Rhyl the previous day. The Leader and Deputy Leader echoed his comments.

The Chair advised that notice of two questions had been received.

Councillor Terry Mendies referred to current vacant planning enforcement officer posts and requested an answer to whether the Council was actively seeking to recruit two planning enforcement officers?

Councillor Alan James, Lead Cabinet Member for Local Development and Planning in responding referred to a report considered by the Community Scrutiny Committee in December 2024 which had detailed number of cases recorded as under investigation, which was around 590, and the current figure was similar, and had also highlighted that staffing resources which included the two enforcement posts. However, in addition to the two full time posts, the council had been able to secure two improvement officer posts by the Shared Prosperity Fund and these posts were designed to focus on environmental and regeneration issues in town centres. Councillor James outlined the difficulties experienced in recruiting suitable enforcement staff and that the Council was currently revisiting the essential criteria for the posts in order to successfully recruit new enforcement staff.

Councillor Mendies asked whether, during this period of recruitment difficulties, outstanding enforcement activities could be supported by existing planning staff? Councillor James responded that the team were currently looking at other ways to help with the enforcement issues and reassured that work is ongoing. Councillor McLellan also added that planning enforcement was a priority.

Councillor Brian Jones requested information on a provisional opening date for the new Queen's Market facility, along with a figure of how many businesses had signed a legal tenancy agreement to operate out of the new Queen's Market building?

Councillor McLellan reported on the progress of the preparatory works on the site and indicated that it was hoped for the opening to be in early summer. He added that 140 traders have expressed an interest with formal heads of agreement being discussed this week. The Corporate Director - Economy and Environment added that the council would soon be in a position to invite members to visit the Market.

4 MINUTES

The draft minutes of the Council meeting held on the 28 January 2025 (previously circulated) were submitted.

The Leader responded to a query from Councillor Will Price and confirmed the timescales for expressions of interest process in Rhyl's Vue Cinema, and confirming an update report would be made to the Rhyl Members' Area Group.

RESOLVED – That the minutes of the Council meeting held on the 28 January 2025 be confirmed as a correct record.

5 COUNCIL BUDGET 2025/26

Councillor Gwyneth Ellis, the Lead Member for Finance, Performance and Strategic Assets, and the Head of Finance and Audit introduced a report (previously circulated) on the Council Budget 2025 / 2026.

Members were advised that the Provisional Settlement for 2025/26 was received by the Council on 11th December 2024 and resulted in a cash increase of £14.427m or 7% when compared with the level of funding received at the start of 2024/25. The Welsh Government had produced tables so that funding levels in 2024/25 and 2025/26 could be compared on a like for like basis across all Welsh councils. Denbighshire's reported percentage increase at 4.6% was lower than the cash comparison above as additional funding to cover pay and pensions costs have been made during the year and the Welsh Government had adjusted for this in the 2024/25 comparator used.

Denbighshire's reported increase compared favourably to the Welsh average of 4.3% and follows increases in pupil numbers and free school meals data used in the formula to distribute funding to councils.

Councillor Ellis explained the aim today was to present a balanced budget and advised that the process of setting a balanced budget had been challenging, with work starting a year ago immediately after setting the 2023/24 budget. She reported that the financial challenges in Denbighshire were being experienced by local authorities nationally. In addition, Councillor Ellis reported:

- the budget presented today was different to the budget that was discussed at full Council in November 2024, because Denbighshire had received more funding than expected from the Welsh Government. However, the improved settlement wasn't enough to set a balanced budget without the Council making other savings and increasing the council tax levels.
- The Council's draft budget had increased for a number of reasons, including salary inflation, the additional cost of employer national insurance contributions and increasing demands on essential, statutory front-line services. Demand for services continued to grow and the complexity of needs had intensified in areas such as Education and Children's Services and Adult Social Care.
- In order to set a balanced budget the biggest contribution had come from the Welsh Government's funding settlement, with the remainder to be found from savings and an increase in council tax. Today's report to Council had proposed savings of £4.2m and an increase in council tax which equating to £5.2m. A council tax increase of 5.3% plus the 0.7% required for the Fire and Rescue Authority levy brought the final figure to 6%.
- Saving proposals focused on making efficiencies and increasing income in accordance with the fees and charges policy, and savings from the Council's transformational projects.
- A council tax reduction scheme was available to help the most vulnerable.
- The budget presented had intentionally not estimated any additional income that might be received later in the year from the government to fund the increases in national insurance contributions.

The Head of Finance and Audit referred members to the Medium-Term Financial Plan (MTFP) in appendix one, that contained the proposals for setting a balanced budget today and the budgetary pressures that resulted in the levels of savings required.

Members were advised of the budgetary implications for schools, including teacher and non-teacher pay awards, increases in employer national insurance contributions and other inflationary pressures. The Head of Finance and Audit reported that these had led to an additional £5.2m being allocated to schools which equated to an increase of 5.9% overall, and was a better settlement than had previously been anticipated.

The Chair opened up the debate to the group leaders:

Councillor Huw Hilditch-Roberts, Independent Group leader, stressed his concerns over providing schools with the increased funding they needed for children's education (above the inflationary sums), the increasing fees for residents, for example, in relation to car parking charges. He expressed his concerns over the lack of Denbighshire-based transformational projects and asked for assurances that other savings that were not included in the budget would not be sought part way through the year.

In addition, Councillor Huw Hilditch-Roberts sought clarification on whether the budget included an allocation for public toilet provision, whether the budget would allow for a return to normal library opening hours, and whether the heads of services were committed to the savings required of them.

The Head of Finance and Audit confirmed that the senior leadership team were familiar with and committed to the savings identified for their services. She reported that it was not possible to always accurately project how costs and pressures would change over the year and gave examples of circumstances that could require reactionary measures if they arose. The budget for 2024/25 for public conveniences had been reduced and the future plans for public conveniences had yet to be decided and a working group had been established to consider library opening hours.

Councillor Brian Jones, Conservative Group leader, endorsed the points raised by the Independent Group leader with Councillor Jones also intending to raise public convenience closure proposals and library hours as concerns for a Council that looked after its residents. In identifying future savings, Councillor Jones asked for a transparent process for thoroughly reviewing all the Council's services and expenditure.

Councillor Ellis reported the on-going work by the heads of services in reviewing their budgets and services and the new focus on achieving transformational changes. The Head of Finance and Audit agreed that she could support attendance at the political group level of heads of services in order for departmental budgets, services and staffing structures to be scrutinised.

Councillor Martyn Hogg, Green Group leader, reported that there was no enthusiasm amongst members for above inflation council tax rises, reducing services, raising fees, reducing staffing levels or keeping posts vacant but the budget setting process had been robust and balanced and had clearly demonstrated the gap between the Council's income and necessary expenditure.

He highlighted the importance of the impact assessment process for service and budget proposals. Councillor Hogg voiced his hopes that national fiscal policies would move towards providing better support for public services and that the Council's transformation programme would be successful. Councillor Hogg recognised the modest increase in climate change programme funding and he hoped that the Council would see a positive return on the investment.

Councillor Delyth Jones, Plaid Cymru Group leader, acknowledged that the previous speakers had covered elements of interest to her and she praised the budget setting process. Councillor Jones endorsed the proposal by the Conservative Group leader, for the engagement between the political groups and the heads of services in scrutinising together departmental services, structures and expenditure. Councillor Jones expressed her disappointment that government funding levels was shared with councils only a short while before the start for the financial year, when they should be given over a longer term. Councillor Jones reported that the proposed budget was prudent and appropriate, it addressed important inflationary and education demands and she supported the focus on the transformation programme.

Councillor Ellis and the Head of Finance and Audit agreed to Councillor Jones' request for an inclusive process with all members for the allocation of any national insurance funding.

Councillor Jason McLellan, Leader of the Council and Labour Group leader, gave his thanks to the Lead Member for Finance, the Head of Finance and their teams for engaging on and producing this budget which, in agreement with the Plaid Cymru Group leader, he viewed as a fair and prudent budget, which protected services for residents, protected education and was a better budget than had been expected. Councillor McLellan endorsed this budget for not containing the major cuts that had been required in some previous years when the Council's settlement had been less favourable, and noted it would result in Denbighshire having the lowest council tax in North Wales.

The Chair opened the discussion to other members.

Councillor Mark Young referred to the recent positive Estyn education inspection but he was concerned with the number of schools facing financial deficits and that these were not as a result of poor financial management on the part of the schools and their governing bodies. He stated that schools' core budgets needed to be reviewed.

Councillor Young declared a personal interest in this item from his position as a chair of a school governing body and his membership of the North Wales Fire and Rescue Authority.

Councillor Ellis confirmed that the proposed budget had prudently not included the receipt of any funding for national insurance contributions.

Councillor Young outlined a link between high levels of school non-attendance and poverty, and he urged attention to be given to improving attendance at school. He

referred to the proposed budget's allocation of £500k for reserves and to the likely receipt in the year of additional national insurance funding. Councillor Young proposed an amendment to the budget to use the £500k allocated for reserves to be allocated to education in order to improve learner well-being and attendance initiatives.

Councillor Diane King, Lead Member for Education, agreed that high levels of absenteeism were unacceptable and that she and the education service were focusing on attendance and school support issues and she endorsed Councillor Young's initiatives.

Councillor McLellan, as Leader of the Council, stated that the amendment would not unbalance the budget nor require a higher council tax level so he was minded to support and second the amendment. Councillor Ellis, as Lead Member for Finance also supported the amendment.

The Head of Finance and Audit advised members of the different levels of reserves proposed in the draft budget.

Councillor Emrys Wynne requested a recorded vote on the amendment which Council duly agreed.

In favour of the amendment were:

Councillors Blakely-Walker, Butterfield, Chamberlain-Jones, Chard, Clewett, Davies, Karen Edwards, Pauline Edwards, Ellis, Elson, Chris Evans, Hugh Evans, Justine Evans, Feeley, Harland, Heaton, Hilditch-Roberts, Hogg, Holliday, Hughes, James, Brian Jones, Delyth Jones, Keddie, King, Matthews, May, McLellan, Mellor, Metri, Parry, Price, Roberts, Sampson, Sandilands, Scott, Thomas, Tomlin, Cheryl Williams, Eryl Williams, Wynne and Young.

Against the amendment were:

Councillors Irving and Mendies.

Abstaining were:

None.

The amendment was therefore carried.

Councillor Huw Hilditch-Roberts proposed an amendment to include in the budget a £560k pressure for libraries and public conveniences to be funded by a credit from national insurance contributions, seconded by Councillor Brian Jones.

A recorded vote was agreed.

In favour of the amendment were:

Councillors Chamberlain-Jones, Davies, Karen Edwards, Pauline Edwards, Elson, Chris Evans, Hugh Evans, Justine Evans, Feeley, Hilditch-Roberts, Brian Jones, Keddie, Mendies, Parry, Price, Sampson, Scott, Tomlin, and Young.

Against the amendment were:

Councillors Blakely-Walker, Butterfield, Chard, Clewett, Ellis, Harland, Heaton, Hogg, Holliday, Hughes, Irving, James, Delyth Jones, King, Matthews, May, McLellan, Mellor, Metri, Roberts, Sandilands, Thomas, Cheryl Williams, Eryl Williams, and Wynne.

Abstaining were:
None.

The amendment therefore was not carried.

Members agreed to hold a recorded vote on the recommendations as amended by Councillor Young's amendment.

In favour were:

Councillors Blakely-Walker, Butterfield, Chamberlain-Jones, Chard, Clewett, Davies, Ellis, Elson, Feeley, Harland, Heaton, Hogg, Holliday, Hughes, James, Delyth Jones, Keddle, King, Matthews, May, McLellan, Mellor, Metri, Roberts, Sandilands, Scott, Thomas, Cheryl Williams, Eryl Williams, Wynne and Young.

Against were:

Councillors Karen Edwards, Pauline Edwards, Chris Evans, Hugh Evans, Justine Evans, Hilditch-Roberts, Irving, Brian Jones, Mendies, Parry, Price, Sampson, and Tomlin.

Abstaining were:
None.

RESOLVED - that Council

(i) Supports the proposals outlined in the Medium Term Financial Plan 2025/26 – 2027/28 (Appendix 1), detailed in Section 4, as recommended by Cabinet in order to set the budget for 2025/26 subject to the transfer of £500k into the Education Department budget to develop plans to improve learner well-being, attendance, behaviour and learners in poverty, contingent upon such plans being considered by Scrutiny and approved by Cabinet.

(ii) Approves the average Council Tax rise of 5.29% for council services plus an additional 0.71% for the increase in the levy to the North Wales Fire and Rescue Authority. This equates to an overall uplift of 6.00% proposed (paragraph 4.5).

(iii) Delegates authority to the Head of Finance and Audit, in consultation with the Lead Member for Finance, to adjust the use of cash reserves included in the budget proposals by up to £500k if there is movement between the draft and final settlement figures in order to allow the setting of Council Tax in a timely manner.

(iv) Supports the strategy for use of reserves as set out in paragraph 4.6. subject to the transfer of the £500k contribution to unearmarked reserves referred to in paragraph 4.6.1 of the report to the Education Department's budget as per resolution (i) above.

(v) Confirms that it has read, understood and taken account of the Cumulative Well-being Impact Assessment as set out in Section 7.

6 COUNCIL TAX 2025/26 AND ASSOCIATED MATTERS

Councillor Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets and the Head of Finance and Audit presented and introduced a report (previously circulated) to facilitate the Council in passing resolutions to ensure that the Council Tax and its associated matters are legally valid.

Members agreed for a recorded vote to be taken.

In favour of the proposal:

Councillors Blakely-Walker, Butterfield, Chamberlain-Jones, Chard, Clewett, Davies, Ellis, Elson, Chris Evans, Hugh Evans, Justine Evans, Feeley, Harland, Heaton, Hilditch-Roberts, Hogg, Holliday, Hughes, Irving, James, Brian Jones, Delyth Jones, Keddie, King, Matthews, May, McLellan, Mellor, Mendies, Metri, Parry, Price, Roberts, Sampson, Sandilands, Scott, Thomas, Cheryl Williams, Wynne and Young.

Against the proposal were:
None.

Abstaining were:
None.

RESOLVED - that:

(i) County Council, as the Billing Authority, has considered the precepts received from the Police and Crime Commissioner for North Wales and the Town/Community Councils and declares the Council Tax levels for the 2025/26 financial year.

(ii) The amounts calculated by the Council for the 2025/26 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 are as Appendix A section 3.

(iii) The amounts calculated by the Council for the 2025/26 financial year, in accordance with Sections 34 (2) to 36 (1) of the Local Government Finance Act 1992 (the Act) are as Appendix A section 4.

(iv) The amounts of Council Tax for the 2025/26 financial year for each of the categories of dwellings be as shown in Appendix C.

(v) 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 year 2025/26 with the caveat that this is dependent on no changes to legislation or local conditions.

7 UPDATE OF CONTRACT PROCEDURE RULES

Councillor Julie Mathews, Deputy Leader and Lead Member for Corporate Strategy, Policy and Equalities introduced a report (previously circulated) on an update to Contract Procedure Rules detailing that this report provided information regarding new updates to the Contract Procedure Rules to align with the Procurement Act 2023.

Councillor Matthews added that the update did not affect or change the current Procurement Strategy, it was a short-term update as Contract Procedure Rules would be further reviewed later this year in readiness for the implementation of the Social Partnership and Public Procurement (Wales) Act, anticipated to be at the end of 2025 or early in 2026, with the actual date to be confirmed by the Welsh Government.

The Head of Corporate Support Services: People advised members that summarised the Social Partnership and Public Procurement (Wales) Act would lead to a much more comprehensive review of the contract procedure rules and probably result in quite substantial changes to them. She explained that Denbighshire had worked with the other North Wales local authorities to get consistency across the region, and the intention was to continue that collaborative approach for when the more extensive review was undertaken.

RESOLVED - that Council acknowledges the changes to the Contract Procedure Rules to enable the continuation of compliant procurement and to amend the Constitution to adopt the new Contract Procedure Rules.

8 DENBIGHSHIRE COUNTY COUNCIL PANEL PERFORMANCE ASSESSMENT (PPA) - REPORT AND RESPONSE

Councillor Gwyneth Ellis, the Lead Member for Finance, Performance and Strategic Assets introduced a report (previously circulated) on Denbighshire County Council's Panel Performance Assessment report and response.

Councillor Ellis advised that Panel Performance Assessments were a new statutory requirement, to be completed once every political term. Denbighshire's Panel Performance Assessment was the first of these assessments to be completed in Wales. Councillor Ellis summarised that the assessment provided a useful comparative tool, it was a wide-ranging exercise and the report and action plan had been considered by the Governance and Audit Committee and Cabinet, prior to consideration by Council. She outlined how the Panel Performance Assessment report contained significant findings, was positive about the council and had recognised the tremendous contributions made by the council's staff including

during difficult times. Councillor Ellis wanted to put her thanks on record to Denbighshire's employees for their dedicated service.

The Head of Corporate Support Services (HCSS: PDA) Performance, Digital and Assets, referred members to the Panel Performance Assessment report in appendix 1, the statutory response statements in paragraphs 4.7 and 4.8 of the covering report to Council and the Action Plan in appendix 2 containing the actions the Council would take in response to the Panel Performance Assessment report recommendations. The HCSS: PDA also acknowledged the contributions made by Denbighshire's staff. Members were advised that the Council's proposed response was to accept all the recommendation of the Panel Performance Assessment which had identified Denbighshire as a well-run council.

The ensuing discussion by members included the following points:

- The assessment process had been conducted by highly qualified independent people.
- A view held by some councillors questioning whether the Assessment had properly reflected the difficulties recently experienced by the council and residents regarding the new waste collection service and the level of complaints received as a result.
- At the political level, a motion of no confidence in the council leadership had not appeared to feature in the Assessment, although noted the fieldwork happened during the same week.
- The Assessment considered the corporate resilience and the wider picture.
- The council's response suggested that going forward more information on the Assessment Panel's evidence that led to the recommendations would be helpful.
- The Assessment was undertaken during a difficult period for the council and Panel's findings indicated resilient leadership.
- The Assessment report contained minor factual errors about the council due in part to the time lapse between documentary analysis / fieldwork and finding report.

The (HCSS: PDA) advised members that the statutory remit for the Panel Performance Assessments focused on corporate governance, risk and financial management, rather than operational issues. In addition, the Panel Performance Assessments were one tool in the council's wider performance management framework, and that framework included measures, performance indicators, complaints received, service user perception that focused on operational matters and these would all be reflected in the council's annual performance report in July.

RESOLVED – That Council:

(i) Notes and welcomes the Panel Performance Assessment Report (Appendix 1).

(ii) Approves the response to the Panel Performance Assessment, namely: 1) the response statements (Section 4.7 and 4.8); and 2) the Action Plan (Appendix 2).

9 STANDARDS COMMITTEE ANNUAL REPORT

Councillor Bobby Feeley referred to a previous request she had made for the annual report of the Standards Committee to be placed early on the agenda. The Monitoring Officer acknowledged the point and advised that the agenda order had been determined by the importance of the budgetary and other agenda items included for this meeting.

The Monitoring Officer introduced to Council the independent Chair for the Council's Standards Committee, Julia Hughes. The Monitoring Officer stated that this was the last annual report to be presented by Ms Hughes because her term of office would end in May this year and the Monitoring Officer wanted to place on record his thanks for the outstanding work she had accomplished as chair of the committee.

Ms Hughes' presentation to members included the following points:

- In addition to her own term of office ending, the term of office of independent member and Vice Chair of the Standards Committee, Anne Mellor, was also ending.
- The role of the Standards Committee members in observing county, city, town and community council meetings and providing supportive feedback.
- The committee's central role in the arrangements for the members' code of conduct, the code being not only to provide assurance to the public but to also protect councillors.
- The low level of applications for dispensations (for members with a prejudicial interest in business being conducted) concerned the Standards Committee with Ms Hughes asking county councillors to support awareness raising.
- The political group leaders' duties to take reasonable steps to promote and maintain high standards of conduct and to co-operate with the Standards Committee in this regard. The committee had been satisfied that all of the group leaders had complied with their duties and Ms Hughes hoped that this could be maintained in the future.
- An update on the numbers of complaints investigated by the Public Services Ombudsman for Wales over the last year.

Members contributed the following issues:

- Members' gratitude for the work undertaken by Ms Hughes and her Standards Committee colleagues.
- Clarification of the recruitment procedure to replace the two independent members whose terms of office were ending.
- The added difficulties around chairing and supporting hybrid meetings.
- The time taken by the Ombudsman's office to deal with complaints was probably too long and would add to the stress felt by many who submitted complaints or were subject to a complaint about them. Ms Hughes confirmed that the Ombudsman's office was facing increased workloads, especially in

relation to health sector complaints and occurrences of 'tit-for-tat' complaints. The Ombudsman therefore promoted the benefits of effective local resolution measures where appropriate.

RESOLVED – that Council notes the contents of the Standards Committee Annual Report 2024.

10 COUNTY COUNCIL FORWARD WORK PROGRAMME

The Monitoring Officer introduced the Council's forward work programme (previously circulated) and advised members that the next meeting of Council would be the Annual Meeting which would elect the new Chair and Vice Chair of Councils. He also referred to the programme of Council Workshops which had been attached to the report.

Members noted the Council forward work programme.