

DENBIGHSHIRE COUNTY COUNCIL

Minutes of the meeting of the County Council held in the Council Chamber, Town Hall, Ruthin on Tuesday, 21st January, 2003 at 10.00 a.m.

PRESENT

Councillors J. Butterfield, D.W. Davies, M.L.I. Davies, P.A. Dobb, S. Drew, E.C. Edwards, A.E. Fletcher-Williams, I.M. German, M.A. German, K.N. Hawkins, D.M. Holder, N.J. Hughes, R.W. Hughes, N.H. Jones, E.R. Jones, F.D. Jones, G. Jones, P.M. Jones, R.E. Jones, R.J.R. Jones, G.M. Kensler, J.S. Kerfoot-Davies, D.M. Morris, E.A. Owens, T.M. Parry, A.E. Roberts, W. Roberts, F. Shaw, J.A. Smith, K.P. Stevens, D.A. Thomas, D.A.J. Thomas, S. Thomas, A.J. Tobin, W.R. Webb, K.E. Wells, C.H. Williams, E.W. Williams, P.J. Williams, P.O. Williams and R.L.I. Williams.

ALSO PRESENT

Chief Executive, Corporate Directors, County Clerk, Financial Controller and Administration Services Manager.

PRAYERS

Rev. S. Walking offered prayers at the commencement of the meeting.

APOLOGIES FOR ABSENCE WERE RECEIVED FROM

Councillors D. Jones, M.M. Jones, W.G. Thomas, and G. Williams (Chairman).

CHAIRMAN

In the absence of the Chairman, the Vice-Chairman, Councillor T.M. Parry took the chair for the meeting.

930. ANNOUNCEMENTS

- (i) Councillor E.A. Owens, Lead Member for Finance, reminded Members of the opportunity to claim tax allowances from the Inland Revenue arising from their duties as a Councillor.
- (ii) The County Clerk advised Members of the insurance cover provided by the Council for Councillors undertaking official duties. It was agreed that the Corporate Director - Resources would confirm this in a letter to Members.

Councillor M.A. German reminded Members of the risk of accidents and to wear hard hats on site visits Councillor D.W. Davies also advised Members to check that their car insurance covered business use.

931. MINUTES OF THE COUNCIL

RESOLVED that the Minutes of the County Council held on 19th November, 2002 (previously circulated) be approved as a correct record and signed by the Chairman.

932. MINUTES OF COMMITTEES/PANELS

The Minutes of the various Committees/Panels contained within the Volume of Minutes dated 23 October - 28 November 2002 (previously circulated) were submitted.

Matters arising:-

- (i) Minute No. 726 (Minutes of Committees/Panels) - in accordance with Standing Order 8 of the Constitution Councillor R.E. Jones raised the following question:-

"The release of Minutes of Meetings of the Full Council and the Cabinet

On behalf of the Resources Scrutiny Committee of which I am a member I would ask the Council if they would agree that the Minutes of these meetings should be released within 3 working days, if at all possible, of the date on which the meeting was held.

(The various Scrutiny Committees are empowered to review any decision made - but not implemented - by the Council or Cabinet - Articles of the Constitution, Para 6.3(ch) - but the Scrutiny Committees find that their ability to call for such a review is impeded because of the delay in allowing them access to the Minutes of such meetings)".

The County Clerk referred to the practical difficulties in publishing the Minutes within three working days and suggested that a summary of the Minutes and the actions agreed by Members could be published within that time scale.

In response to Members' questions the Chief Executive indicated that the proposed arrangements would need to be kept under review and any changes to the Constitution would need to be considered by the Modernising Panel.

RESOLVED that a record of decisions of Council/Cabinet meetings be published within three working days of a meeting.

- (ii) Minute No. 711 (Community Strategy) - in accordance with Standing Order 8 of the Constitution Councillor R.E. Jones raised the following question:-

"Area Partnerships

I seek permission to comment on the way in which the Area Partnerships are being progressed and the Question I wish to ask is that the Council agree to the process of consultation agreed upon by the Modernising Panel on the 22nd April, 2002 and endorsed by the full Council on the 14th May, 2002 proceeding as a matter of urgency and be completed by 1st March, 2003 at the latest".

Councillor Jones suggested that the full consultation process had not taken place and should include statutory/non-statutory bodies including members of the public.

Councillor D.A. Thomas felt that the new Area Partnerships should progress with the existing boundaries and a review be undertaken at the appropriate time.

The Assistant Chief Executive (Strategy) reported that a letter had been despatched to all Town/Community Councils in Denbighshire regarding the Area Partnerships with an indication that the officers would be happy to attend their meetings to talk through the partnership arrangements. He suggested that the 1st March deadline suggested by Councillor R.E. Jones be used as the response date for Town and Community Councils and that the deadline for the full consultation process be 1st May, 2003.

The Chief Executive suggested that the results of the consultation process be referred to the Modernising Panel for consideration and it was:-

RESOLVED that the consultation process regarding Area Partnerships be completed by 1st May, 2003 and the results be considered by the Modernising Panel.

RESOLVED that subject to the above, the Volume of Minutes dated 23 October - 28 November, 2002 be received and noted.

933. CHAIRMAN'S REPORT

The Vice-Chairman referred to the current incapacity of Councillors D. Jones and W.G. Thomas and wished them both a speedy recovery.

The Vice-Chairman also extended a warm welcome to the newly appointed Area Partnership Managers and wished them every success in their new posts. In conclusion the Vice-Chairman referred to the list of events attended by the Chairman and himself over the past two months.

RESOLVED that a letter be sent to Councillor W.G. Thomas wishing him a speedy recovery.

934. ANNUAL AUDIT LETTER AND FINANCIAL STATEMENTS FOR 2001/2002

The Vice-Chairman welcomed to the meeting Mr Ceri Stradling, District Auditor, who had been invited to the meeting to give a presentation of the Annual Audit Letter for 2001/2002.

Mr. Stradling, with the aid of slides, informed Members of the background to the audit and indicated that in another demanding year the Council had faced major issues that included:-

- implementing the requirements of the Wales Programme for Improvement;
- designing and implementing a new constitution for the Council, and
- finalising the Private Finance Initiative contract to provide new civic offices in Ruthin.

Mr. Stradling was pleased to announce that the key outcome from the audit had been the provision of an unqualified opinion on the Accounts for the year ended 31st March, 2002. He indicated that it was the first occasion that this had been achieved and the Council had also established positive general balances for the first time since its formation.

Mr. Stradling raised concerns over the performance of the Clwyd Pension Fund and felt that the Council needed to develop procedures for monitoring the pension fund's performance and Denbighshire's position within it.

The District Auditor proceeded to take Members through the report particularly referring to:-

- the financial aspects of corporate governance;
- performance management within the Council;
- the results of two Best Value inspections on I.C.T. and Planning Services;
- changes in post-16 funding;
- managing school places;
- planning and control of early retirement, and
- elderly mental health services.

Councillor E.A. Owens, Lead Member for Finance, thanked Mr. Stradling for a very constructive report. She referred to the departure of auditor Delyth Morris to the Audit Commission's office in Cardiff and requested Mr. Stradling to present her with a bouquet of flowers on behalf of the Council.

Councillor E.A. Owens referred to the Annual Statement of Accounts for 2001/02 (attached to the report) and responded to Members' questions thereon. Councillor M.LI. Davies suggested that the Building Control Trading Account should indicate provision of statutory and non-statutory services.

RESOLVED that:-

- (a) *it be noted that the Annual Statement of Accounts for 2001/02 had been certified by the District Auditor; that an unqualified Audit Opinion had been achieved and that negative balances had been eliminated, and*
- (b) *the Resources Scrutiny Committee be requested to monitor the performance of the Clwyd Pension Fund and Denbighshire's position within it, and to invite the actuaries to give a presentation to the Committee.*

935. ADOPTION OF SUPPLEMENTARY PLANNING GUIDANCE

Councillor M.A. German, Lead Member for Sustainable Development and Environment, submitted a report (previously circulated) seeking confirmation of a Cabinet recommendation of 26 November, 2002 that the County Council adopts the following Supplementary Planning Guidance Notes (SPGs) for use in development control:-

- No. 7 - Self Contained Flats and Houses in Multiple Occupation
- No. 9 - Agricultural and Forestry Workers' Dwellings
- No. 10 - Infill Housing in the Countryside
- No. 13 - Conservation Areas
- No. 14 - Listed Buildings
- No. 17 - Advertisements

With reference to SPG No. 7 (Section 6), Councillor J. Butterfield indicated that the guidance did not cover situations where self-contained flats were being converted to hostel type accommodation, and would take that issue up with the Lead Member.

RESOLVED that the Supplementary Planning Guidance Notes Nod. 7, 9, 10, 13, 14 and 17 be adopted by the County Council for use in development control as a material planning consideration.

(At this juncture 11.40 a.m. the meeting adjourned for 10 minutes to allow Members to participate in refreshments).

936. CORPORATE POLICY ON THE SETTING OF FEES AND CHARGES

Councillor E.A. Owens, Lead Cabinet Member for Finance, submitted a report (previously circulated) seeking confirmation of a Cabinet recommendation of 26 November, 2002 that the County Council adopts a Corporate Policy on the setting of Fees and Charges (Policy attached to the report).

The Chief Executive reported that the policy had been agreed by Cabinet but County Council was recommended to adopt the policy for all fees and charges including Planning and Licensing Fees. He indicated that the Policy would need to be amended when referring to fees set by the Planning and Licensing Committees.

In response to a question from Councillor R.E. Jones the Lead Member indicated that the condition of buildings would be taken into account when considering rebates and reductions of fees.

Following a general debate on the setting of fees and charges Councillor D.A. Thomas proposed, seconded by Councillor M.L. Davies that the policy be amended so that:-

- the relevant Scrutiny Committees be consulted on any significant increases in annual fees over and above inflation, and
- any significant increase in fees over and above inflation be shown in the annual budget statements.

Upon being put to the vote the proposed amendments to the policy were agreed and it was:-

RESOLVED that the Corporate Policy on the setting of Fees and Charges as set out in Appendix 1 to the report be adopted subject to the following amendments:-

- (a) the relevant Scrutiny Committees be consulted on any significant increases in annual fees over and above inflation, and
- (b) any significant increase in fees over and above inflation be shown in the annual budget statements.

937. COUNCIL TAX BASE FOR FINANCIAL YEAR 2003/2004

The Lead Cabinet Member for Finance submitted a report (previously circulated) concerning the requirement - under The Local Authorities (Calculation of Council Tax Base) Regulations 1995 (S.I. 2561) - that the County Council calculates the tax base for each and every community within its billing area for the 2003/2004 financial year. The report detailed the calculation process.

RESOLVED that:-

- (a) *the calculation of the Council's tax base for 2003/2004 be approved, and*
- (b) *in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1995 - S.I. 2561, the amount calculated by the County Council as the tax base for each community area for the year 2003/2004 shall be:-*

Community Area	Tax Base 2003/2004
<i>Aberwheeler</i>	136
<i>Betws GG</i>	119
<i>Bodelwyddan</i>	688
<i>Bodfari</i>	149
<i>Bryneglwys</i>	128
<i>Cefn Meiriadog</i>	166
<i>Clocaenog</i>	83
<i>Corwen</i>	782
<i>Cyffylliog</i>	169
<i>Cynwyd</i>	194
<i>Denbigh</i>	2,903
<i>Derwen</i>	187
<i>Dyserth</i>	985
<i>Efenechtyd</i>	246
<i>Gwyddelwern</i>	178
<i>Henllan</i>	292
<i>Llanarmon Yn Ial</i>	458
<i>Llanbedr D C</i>	402
<i>Llandelga</i>	230
<i>Llandrillo</i>	212
<i>Llandyrnog</i>	381
<i>Llanelidan</i>	121
<i>Llanfair D C</i>	452
<i>Llanferres</i>	321
<i>Llangollen</i>	1,323
<i>Llangynhafal</i>	263
<i>Llanrhaeadr Y C</i>	413
<i>Llantysilio</i>	190
<i>Llanynys</i>	269
<i>Nantglyn</i>	122
<i>Prestatyn</i>	6,624
<i>Rhuddlan</i>	1,606
<i>Rhyl</i>	8,301
<i>Ruthin</i>	1,959
<i>St. Asaph</i>	1,195
<i>Trefnant</i>	553
<i>Tremeirchion</i>	497

938. VARIOUS MATTERS RELATED TO THE CONSTITUTION

The Chief Executive submitted a report (previously circulated) requesting County Council:-

- to consider amendments to the constitution in respect of the allowance for the Chair of the Corporate Governance Committee and to permit substitution of Members who are absent through long-term illness, and
- to refer to the Modernising Panel questions relating to the status of the Corporate Governance Committee and allowances received by Members from other public bodies.

The Chief Executive informed Members that the Assembly Minister had reaffirmed her previous decision not to approve the payment of a Special Responsibility Allowance at Band 4 to the Chair of the Corporate Governance Committee. The Minister did, however, suggest that the Council might wish to consider the option to change [the Committee's] terms of reference so as to include it amongst the Scrutiny Committees.

The Chief Executive also referred to concerns raised with him regarding the effect of the prohibition of substitutes in standing committees of the Council when Councillors were absent for a significant period of ill health. He also referred to representations made regarding the operation of the allowances scheme where Members receive an allowance from another public body.

RESOLVED that:-

- (a) *Schedule 1 to Part 6 of the constitution (page 138) be amended by omitting the words "& Corporate Governance" and inserting after the entry for Leader of the Largest Opposition Group*

<i>Chair of Corporate Governance Committee</i>	<i>Band 5</i>	<i>4,495</i>
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- (b) *rule 13A of Standing Orders, in Part 4 of the constitution (page 57) be amended by omitting the 3rd paragraph and inserting in its place: "Substitutes shall not be permitted in the Planning Committee. Substitutes shall be permitted in other standing committees of the Council only if the Member of the standing Committee is absent for a significant period because of ill health and the Chair of the Council has agreed in advance that a substitute may be appointed".*

- (c) *the Modernising Panel be invited to consider:-*

- *the status of the Corporate Governance Committee, and*
- *the operation of the allowances scheme where Members receive an allowance from another public body;*

and to make recommendations to the Council.

939. JOINT REVIEW

The Corporate Director - Personal Services gave a short presentation on the Joint Review process which was being jointly undertaken by the Social Services Inspectorate (Wales) and the Audit Commission. She indicated that the purpose of the Review was to judge the way Councils were carrying out their responsibilities for the delivery of social care.

The Corporate Director outlined the aims of the Review and referred to the methodologies that the Reviewers would use when carrying out the Review. She referred to the Review stages and time scales in Denbighshire and the important role of elected Members.

Councillor P.A. Dobb, Lead Member for Health and Well-being expressed her appreciation to the Corporate Director and her staff for the tremendous amount of work undertaken in preparing for the Review. The Leader of the Council and the Chair of the Personal Services Scrutiny Committee echoed those comments.

940. BUDGETS OF NORTH WALES POLICE AUTHORITY AND NORTH WALES FIRE AUTHORITY 2003/04

The Chief Executive submitted a report (previously circulated) which gave Members the opportunity to scrutinise the proposed budgets of the Police and Fire Authorities for 2003/04.

The Chief Executive reported that the Fire Authority had provisionally set a net budget for 2003/04 of £25.3m representing an increase in contribution from Councils of 5.63% (impact on D.C.C. - 7.1%) over the current year. The proposed budget only assumed a pay increase of 4% in November 2002 and a further increase of 4% in November 2003 and might need to be revised following any pay deal reached with the Fire Brigades Union. The Chief Executive indicated that no questions had been raised by Members regarding the Fire Authority's budget.

The Chief Executive updated Members on the Police Authority's spending plans and the options to be put forward to a forthcoming meeting of that authority, The options would include:-

- (i) a budget below standstill;
- (ii) a budget at "standstill" representing an increase of £8.4m and an increase of 27.4% in the Police element of Council Tax, and
- (iii) increasing beat officers by 50 representing an increase of 33% in the Council Tax element.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities and Police Authority Member responded to questions raised by Councillors E.A. Owens and J.A. Smith under Section 20 of the Police Act 1996.

Councillor E.A. Owens requested information on the level of Home Office funding to the Police Authority. She felt that accurate information was required to assess the true levels of central/local authority funding. Councillor Owens referred to the presentation given to the Council by the Chief Constable in November 2002 and the inference that Home Office funding had decreased significantly since 1995.

The Chief Executive reported that as a percentage of the total budget Home Office funding had decreased but the actual levels of funding had not increased.

Councillor E.C. Edwards indicated that he would liaise with Councillor Owens and the Corporate Director - Resources and report back with the relevant information to the Special County Council meeting to be held on 4th February, 2003. Councillor Edwards also requested Members to consider giving him some guidance at that meeting as to which of the budget options was the Council's preferred option.

In response to the question submitted by Councillor J.A. Smith the Local Member reported that 32 Crime Beat Managers had been appointed to the Central Division.

RESOLVED that:-

- (a) the report be received and noted, and
- (b) a report on the level of Home Office funding to the North Wales Police Authority be submitted to Special County Council on 4th February, 2003.

941. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 6 of Part 1 of Schedule 12A of the Act.

942. MINUTES OF THE DENBIGHSHIRE ADOPTION AND FOSTERING PANEL

RESOLVED that the confidential Minutes of the Denbighshire Adoption and Fostering Panels held on 28th October, 2002 and 25th November, 2002 be received and noted.

943. RETURNING OFFICER

(The Chief Executive and the County Clerk declared an interest in the following item and left the Chamber during discussion and voting thereon).

The Deputy Chief Executive submitted a confidential report (previously circulated) requesting the Council to appoint the Chief Executive as the Returning Officer for all types of election. He referred to the previous arrangements agreed by Council on 26th July, 2000 which appointed the former Chief Executive and County Clerk as Returning Officers for different elections/referenda.

Councillor D.A. Thomas proposed, seconded by Councillor I.M. German that the present arrangements for Returning Officers should continue.

Councillor G.M. Kensler proposed, seconded by Councillor M.LI. Davies that the Chief Executive be appointed as the Returning Officer for all types of election. Upon being put to the vote it was:-

RESOLVED that the Chief Executive be appointed as the Returning Officer or Acting Returning Officer for all types of elections.

The meeting concluded at 1.40 p.m.
