

## CABINET

Minutes of the Cabinet meeting held at 10.00 a.m. on Tuesday 15 July 2008 in Conference Room 1, County Hall, Ruthin.

## PRESENT

Councillors P A Dobb, Lead Member for Health, Social Care and Wellbeing; H H Evans, Leader and Lead Member for Education; S Frobisher, Lead Member for Communities; R W Hughes, Lead Member for Personnel and Business Management; M M Jones, Lead Member for Children's Services; P J Marfleet, Lead Member for Modernisation and Improvement; J Thompson Hill, Lead Member for Finance; D A J Thomas, Lead Member for Environment: Regeneration and E W Williams, Lead Member for Environment: Sustainable Development.

Observers: Councillors J R Bartley, M LI Davies, G C Evans, R L Feeley, D Hannam, C Hughes, G M Kensler, D Owens and D I Smith, and Mr C Halliday (Chair of Standards Committee).

## ALSO PRESENT

Chief Executive; Deputy Chief Executive / Corporate Director: Resources; Corporate Director: Environment; Corporate Director: Social Services and Housing; Interim Corporate Director: Lifelong Learning; Financial Controller and County Clerk.

## APOLOGIES

There were no apologies.

### 146 URGENT MATTERS

There were no urgent items.

### 147 MINUTES

The Minutes of the Cabinet meeting held on 3 June 2008 were submitted. The Chief Executive referred to the recent elections and said Councillor E C Edwards had been the only senior Councillor having been involved with the Cabinet system from its inception.

**RESOLVED** that, subject to the above, the Minutes of the meeting held on 3 June 2008 be approved as a correct record and signed by the Leader.

### 148 MODERNISING EDUCATION PLAN MONITORING

Councillor H H Evans presented the report in its new format for Members to consider the work undertaken to progress the Modernising Education Agenda. The report from the Estyn monitoring visit had concluded that Denbighshire had maintained its good start to addressing the recommendations following the inspection reports. Referring to the Key Objectives, extra funding had been allocated to support KS4 and the work would be evaluated with a view as to how the lessons could be implemented across the Authority. There had been a decrease in the number of permanent exclusions to below the Welsh average. An increase in pupil attendance in both primary and secondary schools had been achieved.

The Chief Executive informed Members the results of pupil attainment would be publicised in August.

Councillor R W Hughes suggested that another column be included in the appendix to show actions taken which had influenced improvements.

The Interim Corporate Director: Lifelong Learning said targets would be reviewed at year end and further options were built in for reviews if required.

**RESOLVED** that Members note the progress achieved to date by the Authority in relation to progressing the recommendations within the Action Plan.

#### 149 **PERFORMANCE APPRAISAL SYSTEM FOR THE LEADER OF THE COUNCIL AND CABINET MEMBERS**

Councillor R W Hughes presented the report seeking Members' approval of an annual performance appraisal system for the Leader of the Council and all Cabinet Members. The process had started in 2006 when it had been agreed the Council should apply for Member Charter status. It was important that the role expected of Members was acknowledged as was the support required to deliver that role.

Councillor Hughes referred to paragraph 2.5, and the suggestion that political groups identify Councillors who could potentially become Cabinet Members so that additional training could be developed. However, Councillor P J Marfleet queried whether by identifying potential Cabinet Members and offering training, their expectations would be raised.

Councillor P A Dobb expressed her support for the report and the introduction of an appraisal system but expressed disappointment that no mention was made of leadership training for Cabinet Members and proposed that this be included in the recommendations. Members agreed with the introduction of leadership training for Cabinet Members. Councillor H H Evans felt that the performance appraisal of the Leader needed some form of independent appraisal which could be reciprocated for other Authorities. Councillor R W Hughes agreed to investigate independent appraisals through I&DeA or the Welsh Local Government Association.

Councillor R W Hughes agreed to ascertain whether the small room allocated for use by Members could be reinstated. The County Clerk confirmed that a Members' room was available for use in Russell House, Rhyl and that the room key was kept at reception. The County Clerk further agreed to provide a computer for use in the Members' room.

**RESOLVED** that Cabinet:

- 1 *approves an annual performance appraisal system for the Leader of the Council and all Cabinet Members*
- 2 *recommend the annual performance appraisal for the Leader of the Council be carried out by Chief Executive and four Cabinet Members (to be agreed by Cabinet)*
- 3 *recommends that the annual performance appraisal of Cabinet Members be undertaken by the Leader and Corporate Directors who have a significant input into the portfolio*
- 4 *recommends that Group Leaders are asked to identify other Members who might be interested in Cabinet posts, and that their training and development needs are addressed*
- 5 *agree leadership training be provided for Cabinet Members*
- 6 *reviews the process within 9 months, after 1 round of appraisals has taken place.*

#### 150 **CUSTOMER SERVICE STRATEGY**

Councillor S Frobisher presented the report seeking Members' approval for the Customer Service Strategy.

Councillor Frobisher said this was the first Customer Service Strategy and it would focus on three key components and outlined what the Council aimed to achieve over the next 3 years – access to Council services, delivery of the services requested and complaint handling. She thanked the team for their hard work in providing the Strategy.

Councillor P J Marfleet welcomed the Strategy and asked that a mechanism be included for feedback to Members and / or residents on reported matters. Councillor P A Dobb agreed with Councillor Marfleet and also suggested that postal contact issues be considered sooner rather than later as there were some

cross-Directorate issues which should be dealt with. Councillor R W Hughes also agreed with Councillor Marfleet and suggested the issue of Blackberrys for front-line staff would help.

Councillor H H Evans said the Strategy would help improve communication with the public. He quoted South Tyneside bulk item collection which had gone from 11 to 3 processes and said this Strategy would also improve service delivery in Denbighshire.

The Head of Customer Care informed Members that the 20 day standard was set by Services and was manageable and the Strategy would benefit managers and services. She agreed that feedback to customers was important and should be done but this would also cause extra work. A culture change was required in the Authority. An electronic document management system was being introduced in the Authority and this would also help with communication issues. Councillor P A Dobb agreed that any letters received when scanned should be sent to the relevant Directorates.

Councillor M LI Davies informed colleagues that he had not received his Welsh version of the Cabinet papers. He suggested that staff include their office address on their e-mail signatures.

**RESOLVED** that Cabinet approves the Customer Service Strategy and endorse the Customer Service Standards attached at Appendix A to the report.

#### **151 DENBIGHSHIRE SAFEGUARDING CHILDREN BOARD: SERIOUS CASE REVIEW**

Councillor M M Jones presented the report for Members to note the executive summary and agree the action plan arising from the serious case review of the 'S' children. A panel had been set up by the Head of Children's Services as Chair of the Denbighshire Safeguarding Children Board to begin the serious case review process. The report would be considered by the joint Denbighshire and Conwy Safeguarding Children Board.

**RESOLVED** that Members note the findings of the serious case review and agree the proposed arrangements for monitoring the implementation of the action plan.

#### **152 DENBIGHSHIRE CHILDREN AND YOUNG PEOPLE'S PLAN**

Councillor M M Jones presented the report seeking Members' recommendation to Council to adopt the Denbighshire Children and Young People's Plan (CYPP). She asked Members to note the priorities identified in the Plan which would improve the expectations for children.

Councillor P A Dobb supported the Plan which was the culmination of work by many different agencies. She was pleased to see that children had stressed the importance of healthy eating and exercise. Councillor R W Hughes suggested funding for transport for children to be able to access activities was required.

**RESOLVED** that Cabinet recommends adoption of the Denbighshire Children and Young People's Plan to Council.

#### **153 DENBIGHSHIRE'S NORTHERN RECYCLING PARK**

Councillor E W Williams presented the report seeking confirmation of the Council's position in relation to its proposed northern recycling park.

Councillor D A J Thomas suggested Environment Agency approval was necessary before further proceeding with the proposed site. As the site was on a busy road officers would be working closely with residents on the plans. He felt the new site if approved would be a vast improvement on what was currently in place.

In response to a question from Councillor H H Evans on possible effects on sites in Denbigh and Ruthin if the proposed site was agreed, Councillor Williams said currently there were no planned changes to those sites.

The Head of Environmental Services informed Members that the Environment Agency had confirmed in writing that the site was not considered to be a closed landfill site. He confirmed that Members were consulted by e-mail and those not on e-mail had been sent information separately.

**RESOLVED** that the existing Cabinet “approval for the development of a new recycling park in the Rhuddlan area” (extract from the June 2007 Cabinet Recommendations) should now be superseded with the phrase “approval for the development of a new recycling park in the Marsh Road area of Rhyl” and that in all other respects the Council’s policy remain unaltered.

#### **154 HOUSING REVENUE ACCOUNT BUDGET AND CAPITAL PLAN UPDATE 2008-2009**

Councillor P A Dobb presented the report for Members to note the forecast outturn position of the Housing Revenue Account (HRA) and Housing Capital Plan for 2008-2009. The capital charge for the year was higher than originally planned as the capital plan had exceeded expectations towards the end of 2007-2008 which affected the borrowing charge in 2008-2009 and because the amount of capital funded by CERA had been reduced. The major refurbishment programme was progressing well and the windows contract had been completed with the heating contract due for completion at the end of July 2008.

**RESOLVED** that Members note the latest financial forecast position of the Housing Revenue Account for the current financial year.

#### **155 REVENUE BUDGET AND SUMMARY CAPITAL PLAN 2008-2009**

Councillor J Thompson Hill presented the report for Members to note the estimate of the likely outturn figures for the current financial year as detailed in Appendix 1 attached to the report and the summary capital plan performance for 2008-2009 as detailed in Appendices 2 and 3 to the report. Members were also asked to note the current position on the vacancy control procedure. Members were further asked to consider the proposal to implement the deferred Library Service savings.

Lifelong Learning were forecasting an overspend. The ongoing under occupancy position at Hyfrydle Children’s Home would be detailed as part of the report at item 14 on the agenda. The Social Services and Housing Directorate were also forecasting an overspend, mainly due to demographics and the trading position of Cefndy Enterprises. There was an additional item of potential pressure for the Leisure Services Mentro Allan grant which could be subject to clawback.

Members discussed the Library Service budget and the £20k set aside to allow more time for alternative methods of savings to be given consideration. Following consideration, it was proposed to close St Asaph Library on Thursday afternoons, close Rhuddlan Library Monday evening sessions and reduce the evening opening at Rhyl Library to 3 nights a week. Councillor Thompson Hill confirmed that there would be no change of status of the mobile library service in the current financial year due to lease arrangements already in place.

The Chief Executive referred to Blessed Edward Jones High School which had previously been in special measures and informed Members that he had written to the school as it was still projecting an overspend on the budget. He agreed with Councillor R W Hughes’ comments on the school withdrawing from the Post 16 agreement and said the Welsh Assembly Minister would be considering the issue of Post 16 education in Rhyl.

Councillor H H Evans said he had asked for further information on the Community Learning Centre revenue funding.

**RESOLVED** that Members note the projected outturn figures for 2008-2009 as detailed in Appendix 1 to the report and note the summary capital plan performance figures for the 2008-2009 financial year as detailed in Appendices 2 and 3 to the report including the current position on the vacancy control procedure recently introduced. Members further agree to implement the deferred Library Service savings proposals.

#### **156 ROUTINE REPORTING ON PERSONNEL**

Councillor R W Hughes presented the report for Members to note the statistics on Personnel. She expressed concern regarding the number of staff appraisals carried out to date. A further report would be presented to Cabinet if the target for completion was not reduced by the end of August 2008 as not having a 100% eligible staff receiving appraisals was unacceptable. Also of concern was the level of sickness absence and Councillor Hughes said she would be looking at other organisations which had previously been affected by high levels of absence.

Councillor P J Marfleet agreed with Councillor Hughes' comments but reminded colleagues that some appraisals could be outside the 12 months measured as the HR Department were looking at a rolling 12 or 15 months programme. Regarding sickness absence levels, Councillor Marfleet detailed the actual number of days lost by Directorate in one month and the resulting loss of productivity.

**RESOLVED** that Members note the information in the report and that an update report on appraisals be reported to Cabinet in September 2008.

#### **157 CABINET FORWARD WORK PROGRAMME**

Councillor R W Hughes presented the Cabinet Forward Work Programme and said she would welcome input into the work programme from Cabinet Members.

**RESOLVED** that Cabinet note the Cabinet Forward Work Programme.

#### **158 URGENT ITEMS**

There were no Urgent Items.

At this juncture (11.15 a.m.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

### **PART II**

#### **EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** 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 paragraph 12, 13 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

#### **159 HYFRYDLE CHILDREN'S HOME – 52 WEEK RESIDENTIAL SERVICE, YSGOL PLAS BRONDYFFRYN**

Councillor H H Evans presented the comprehensive report seeking Members' agreement to the need to close the 52 week provision at Hyfrydle Children's Home. He asked colleagues for an open and frank discussion on the report and said officers from the Education, Social Services and Finance departments would answer in detail any question from Members. He referred to the publicity and negative comments and mis-information in the public domain and reminded Members that discussion on the item was to be based on the correct information. It was important not to be guided by political pressure when considering the issue. The children, their families and staff were the most important people who would be

affected by any decision taken and he asked officers for assurance they would provide as much support as possible to both families and staff whatever decision was taken.

The Interim Corporate Director: Lifelong Learning detailed the current situation regarding the provision at Hyfrydle and said lengthy consideration and debate between the various services had taken place to ensure that the correct decision would be taken at this time. He reminded colleagues that Hyfrydle was a children's home with provision for up to 6 children with autism but to ensure financial viability at least 10 children would need to be registered. The provision was established with the Welsh Assembly Government at a time when it was believed there was insufficient provision in the area. A project group was established to consider all options following discussion at Cabinet earlier in the year and the region had been extended to include Cheshire, Powys and Ceredigion.

The Chief Executive said a wide review would be conducted and would include, for example, project management of the proposal, registration of places and marketing being scrutinised. He discussed the letter received from the Head of Support for Learners' Division of the Welsh Assembly Government regarding possible closure and informed Members that it was not acceptable to delay the decision to close the home any longer.

Members, whilst expressing their deep concern for all those affected by the situation, welcomed the decision by the Chief Executive to conduct a thorough review and confirmation that all possible marketing exercises had been undertaken. They felt it was important that officers re-engage with the Welsh Assembly Government.

The Interim Corporate Director: Lifelong Learning referred to Ysgol Plas Brondyffryn and informed Members it was a separate, well-run school and had received a good Estyn inspection.

Councillor D Hannam, Chair of Social Services and Housing Scrutiny Committee suggested the Committee consider the events leading to the current situation before any decision was taken. She felt it was important to separate the facts and suggested the facility be kept open until this had taken place. Councillor E W Williams reminded colleagues that this was a decision for Cabinet to make and that Scrutiny Committees could not ratify any decisions before they were considered by the Cabinet. However, all Scrutiny Committees could scrutinise Cabinet decisions. He reminded colleagues that 2 pupils were being affected by the decision currently sought and this had no effect on Ysgol Plas Brondyffryn at the Gwynfryn and Gerddi Glasfryn site. Councillor D I Smith supported the in depth investigation to be carried out by the Chief Executive and said a joint Lifelong Learning and Social Services and Housing Scrutiny meeting be held to consider the background to the situation and the way forward.

The Corporate Director: Social Services and Housing reminded colleagues that the provision had to be viable for the foreseeable future. By delaying closure it could mean a child being enrolled and then being asked to move elsewhere which would be particularly disruptive.

The Head of Children's Services confirmed that discussions had been held with staff in regard to the key elements and they were informed they could potentially be facing a redundancy situation.

Councillor H H Evans reminded colleagues that Cabinet had discussed the situation at previous meetings and unpalatable decisions had to be made.

Councillor D A J Thomas supported the Chief Executive's decision to carry out an investigation and reminded colleagues that the pupils were of paramount importance. He asked that Members be given clarification of the letter from Head of Support for Learners' Division.

It was agreed both families and staff be informed of the decision being taken.

(Councillors R W Hughes, M M Jones and D A J Thomas voted against the proposal).

**RESOLVED** that:

- 1 Cabinet agree the closure of Hyfrydle Children's Home, the 52 Week Residential Service at Ysgol Plas Brondyffryn. Cabinet further agree, given the potential impact on the young people affected, that officers proceed to terminate the planned placements in July and September 2008. Cabinet note this action has already been taken.
- 2 Cabinet agree the Chief Executive carry out an in-depth investigation of the 52 week residential project.

At this juncture (1.30 p.m.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

**160 CAPITAL PLAN 2007-2008 TO 2010-2011**

Councillor J Thompson Hill presented the report for Members to note the latest position on the 2008-2009 element of the Capital Plan and also the final position of the 2007-2008 financial year and the successful projects delivered in the year. He informed colleagues that the Community Learning Centres had all been completed, on budget.

The overrun and projected overspend on the Scala project was discussed. A formal bid for funding was being prepared for consideration by the Welsh Assembly. The Ruthin Craft Centre had been completed and it was planned to open at the end of July 2008.

Members discussed Community Projects and in particular the 2 outstanding projects which had not so far drawn down funding. It was agreed a further Recommendation be included to remove the 2 projects outlined in paragraph 2.7 of the report from the allocation.

Members also agreed that Appendix 5 to the report be included in Part I of the Council papers and that the information therein be available for the public.

Members also agreed to reallocate the Rhuddlan Recycling Park budget to the proposed new facility at the Marsh Road area, Rhyl.

Following further discussion, it was

**RESOLVED** that Members note the latest position on the 2008-2009 element of the Capital Plan and also the final position of the 2007-2008 financial year and the successful projects delivered in the year. Members further agree that subject to confirmation that projects are not underway, the 2 projects detailed in paragraph 2.7 of the report be removed from the Community Capital Fund allocation by 01.09.2008.

**161 PROPERTY AND ACCOMMODATION REVIEW**

Councillor P J Marfleet presented the report seeking Members' approval of a strategy:

- 1 to rationalise the Council's core office accommodation by consolidating office accommodation in buildings which offer the best value, taking account of the current and any future reductions in staff numbers and producing office accommodation that is fit for purpose in a rapidly changing environment
- 2 which would re-locate staff away from the former Henllan Training Centre and the former Middle Lane school site in Denbigh and to declare those properties surplus to their current portfolio requirements
- 3 for the co-location of the Education Department at Trem Clwyd, Ruthin and the development of a satellite Education function in Rhyl.

Councillor Marfleet said each property and its occupancy rates had been considered and spare capacity had been found at some locations. The Worksmart Project piloted at Caledfryn could be taken on board

and provided at other locations. It was important to ensure that the ICT was upgraded as necessary. It was likely that funding would be required to spend on buildings to allow any office moves to take place but this could come from capital receipts once the moves had taken place.

The Head of Development Services confirmed that some discussions had been held at the Modernising Education Board. Timescales for any proposed moves would follow the initial consultation. Cabinet was being asked to approve a general strategy in order that the detail could then be brought to Cabinet for final approval. It was agreed a further detailed report be provided to Cabinet in September 2008.

Following further discussion, it was

**RESOLVED** that Cabinet approve a strategy:

- 1 *to rationalise the Council's core office accommodation by consolidating office accommodation in buildings which offer the best value, taking account of the current and any future reductions in staff numbers and producing office accommodation that is fit for purpose in a rapidly changing environment*
- 2 *which would re-locate staff away from the former Henllan Training Centre and the former Middle Lane school site in Denbigh and to declare those properties surplus to their current portfolio requirements*
- 3 *for the co-location of the Education Department at Trem Clwyd, Ruthin and the development of a satellite Education function in Rhyl.*

The meeting concluded at 3.05 p.m.

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