

## **CABINET**

Minutes of the Cabinet meeting held at 10.00 a.m. on Tuesday 28 April 2009 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 W L Cowie, M LI Davies, G C Evans and D I Smith.

### **ALSO PRESENT**

Acting Chief Executive; Corporate Director: Lifelong Learning, Principal Solicitor and the Financial Controller.

### **APOLOGIES**

County Clerk, Corporate Director: Environment; Corporate Director: Social Services and Housing.

Cabinet Members asked that their best wishes be passed on to Ian Hearle, County Clerk who was currently on sick leave – they wished him a speedy recovery.

### **912 URGENT MATTERS**

There were no urgent items.

### **913 MINUTES OF THE CABINET MEETING 24.03.2009**

The Minutes of the Cabinet meeting held on 24 March 2009 were submitted.

The Acting Chief Executive reported that the Corporate Director: Environment was in a meeting with the Chief Constable and other agencies regarding the Swine Flu outbreak in various parts of the world. Contingency plans were being considered as were business continuity plans. A briefing would be provided for Members as soon as practicable.

Councillor M M Jones informed Members that young people from the County were participating in many varied competitions at the Urdd Eisteddfod in Cardiff at the end of May. Councillor R W Hughes asked that Councillor Jones pass on Cabinet's best wishes to the competitors and coaches.

Item 5 Risk and Opportunity Management Strategy: Councillor R W Hughes suggested the template for reports be modified.

Item 9 Routine Reporting on Personnel: Councillor R W Hughes, in response to a query from Councillor P J Marfleet, said the Personnel Task Group had held its first meeting which was very productive. A second meeting had been arranged and feedback would be provided to Cabinet at an opportune time.

Item 10 Cabinet Forward Work Programme: Councillor R W Hughes said she had received items from Cabinet Members for inclusion on the Forward Work Programme but was still awaiting timings.

**RESOLVED** that, subject to the above, the Minutes of the meeting held on 24 March 2009 be approved as a correct record and signed by the Leader.

## 914 CORPORATE EXECUTIVE TEAM PERFORMANCE REPORT

The Acting Chief Executive presented the report for Members to consider the progress against the Corporate Executive Team's key actions as provided at Appendix 1 and agree further actions as appropriate. Members were also asked to agree to receive the report on a bi-monthly basis, from June 2009.

The Acting Chief Executive gave a brief update on some of the key issues, including Single Status which was progressing slowly - responses from National Unions were still awaited but the Authority was trying to move the process forward. The Corporate Executive Team was holding a workshop Corporate Planning and Medium Term Financial Planning and this would be further discussed at the Cabinet / CET workshop later in the week. The cycle of area forums had nearly been completed and feedback from the forums would be used to inform the area profiles. It has been noted that the public had also asked for feedback from the forums.

Regarding Single Status, the Financial Controller informed Councillor P A Dobb that there was a fair amount of support from the Unions locally.

Agreement was given to Councillor P A Dobb's request that a report be presented to Cabinet on the Support Services' Review earlier than November 2009. Councillor P J Marfleet supported the need for an earlier report to Cabinet and informed Members of the Operational Efficiency Programme published 21.04.2009 by H M Treasury which took a close look at achieving greater efficiency in a number of cross-cutting areas, such as collaborative procurement and reducing costs.

Councillor H H Evans informed Members of the new monthly press briefing and said this was an opportunity for Denbighshire to inform the media of issues to be discussed at Cabinet and other meetings and any issues arising in the County. He hoped that Cabinet Members would be available to attend relevant briefings.

It was agreed that staff would be informed of when the staff roadshows would be held, along with the dates of Single Status roadshows.

**RESOLVED** that Cabinet notes progress against the Corporate Executive Team's key actions as provided at Appendix 1 and agreed further actions as appropriate. Cabinet further agreed to receive the report on a bi-monthly basis, from June 2009.

## 915 EMPTY HOMES STRATEGY

Councillor P A Dobb presented the report seeking Members' approval of the proposed Empty Homes Strategy as outlined in Appendix 1 and for the Strategy to be adopted by the Council as the Empty Homes Strategy for Denbighshire. She said that as the country seemed to be sliding into an economic recession, and with a reduction in the number of affordable homes being brought forward through the planning system this strategy was of particular importance in delivering affordable housing.

At the last count Denbighshire had in the region of 1800 identified empty homes, many of which were untidy and unkempt, attracting vandals who lived in them which led to crime and anti-social behaviour. It was important to reduce the number of empty homes, not only for regeneration purposes but also as an alternative way of providing affordable housing. At a time when developers were reluctant to build it was especially important to find new and effective ways of bringing more housing on the market.

It was hoped the Strategy would attempt to encourage property owners to improve their properties, become landlords or sell or lease the properties to the Council for 5 years. Grants of up to £10,000 are available for individuals with insufficient funds to refurbish properties, but who had owned the properties for 3 years or more, and for first time buyers purchasing empty properties in a community where they had a local connection. In all cases where grant was given it would have to be repaid in full if the property was sold within the 5 year period.

A pilot scheme had been tested in Llangollen with success – a small terraced property had been secured whose owners lived on the Wirral who were happy for the Authority to lease the property out. Other homeowners were being encouraged to become landlords. In St Asaph and Trefnant, for example, interest was also being generated by the Authority and advice given which had led to some people bringing their properties up to a leasable standard.

The action plan was until 2011 as it had 3 years funding for the officer post - the funding was by way of an innovative partnership with the North Wales Housing Association.

Councillor P J Marfleet said this was an excellent initiative and was a good opportunity to bring many houses into service. He felt this should be given priority as many were unable to sell/or to raise mortgages owing to the economic pressures. He asked Councillor Dobb how many of the empty houses were for sale, Councillor Dobb said there were possibly fewer homes for sale than there were 12 months earlier when the original research had been done.

The Head of Planning and Public Protection introduced the Housing and Area Renewal Manager and the Empty Homes Officer who said currently there were 800 long term empty properties which included houses on the market. It was possible that if the owners were unable to see they would be interested in leasing the properties. The Empty Homes Officer detailed the grant conditions and said that to qualify for grant funding certain conditions would have to be met e.g. owning the property for 3 or more years or first time buyers with a local collection. She agreed with Councillor J Thompson Hill that there was not enough capacity or funding for all the houses to be brought into use. The scoring matrix at Appendix 4 would be used to ensure all the empty homes qualified for funding.

The team was congratulated by Councillor D A J Thomas who said the strategy would also help with area renewal and would help remove derelict properties across the County. It would also be a way of reducing the Council house waiting list.

Once a property has been renovated with grant funding, it can be let almost immediately via a Housing Association. Councillor S Frobisher also thanked the Housing Team for the Strategy and said it was important to work closely with the North Wales Fire Service.

The Empty Homes Officer agreed to discuss any Denbighshire County Council owned houses with Councillor D I Smith, in particular the empty properties on Mwrog Street, Ruthin. Councillor P J Marfleet said that progress on the options for the Mwrog Street properties had been requested. These properties had been acquired for the purposes of a highway scheme but have now been declared surplus to requirements which means there is an opportunity to bring them into beneficial use.

Councillor H H Evans thanked the Lead Member and officers for an excellent report.

**RESOLVED** that Cabinet recommends Council adopts the Strategy as Denbighshire's Empty Homes Strategy and that the Lead Member for Health, Social Care and Well-being have delegated powers to make any subsequent minor changes to the Strategy once adopted.

## **916 YOUR VOICE – THE AUTHORITY'S UNIFIED COMPLAINTS, COMPLIMENTS AND SUGGESTIONS POLICY**

Councillor S Frobisher presented the report seeking Members' approval of 'Your Voice', the Authority's revised Customer Feedback Policy. She introduced Clare O'Gorman, Complaints Officer to Members.

Councillor Frobisher stressed that it was important for both Members and staff to learn from complaints received by the Authority and to see the Policy as a positive within the County. There would be an opportunity for the public to compliment the County on its work and to make suggestions on service improvement for example. The Policy would be launched on 01.06.2009, followed by a publicity drive in September 2009.

Councillor P J Marfleet congratulated the Complaints Officer on a good initiative and agreed with Councillor Frobisher that it should be turned into an opportunity for the Authority. He felt that if a complainant was dealt with efficiently and politely, it made the person feel better. He asked whether schools would be included as complaints there would also need resolving and monitoring. Councillor Frobisher said both external and internal consultation had taken place and random checks on the Policy in work would be carried out.

Councillor P A Dobb congratulated the Complaints Officer on the Policy and asked how the new Policy would affect Social Services in particular. Responding to Councillor Dobb's query, the Complaints Officer said the 3 policies (Social Services, Schools and Corporate) in place had been amalgamated into one robust system – this would not involve any diminution to the Social Services aspect of the Policy. The Welsh Assembly Government had decided on the Stage 3 panel hearing for Social Services complaints. Panel member training was under review and as this was statutory, the Authority could not make any changes to that element of the policy. The statistics for schools were inconsistent and the schools process had received the most overhaul. An officer would visit / train governors to ensure they encouraged use of the process. The Chair of the School Governing Body would be informed when a complaint reached Stage 3 of the process. The Corporate Director: Lifelong Learning suggested the Headteachers would be involved in complaints in smaller schools sooner than in larger schools. He was eager for all schools to apply a consistent approach.

The new system would be better and although Councillor R W Hughes felt that more complaints would be received initially, the aim was to improve the response in 10 days target. Councillor J Thompson Hill suggested that with the changes in reporting of complaints resulting in increased numbers, the situation would need to be managed so that external bodies would not perceive this as the Authority becoming worse. Councillor S Frobisher urged colleagues and staff to see this as a positive.

The issue of duplication was discussed by Councillor D A J Thomas, some residents make the same complaint to their local Member, AMs and MPs and he said these should be linked. The Complaints Officer informed Members that a new database was available which would capture the information, the complaint would be recorded and an audit could be made to reduce duplication.

The quarterly update to Corporate Governance was suggested by Councillor P J Marfleet as a management tool for performance appraisals. The Complaints Officer said Service and Directorate information would be included. It was important to promote the Policy as a single access channel, with a single e-mail / postal address to ensure complaints were recorded properly, although most complaints were received by telephone. The Social Services & Housing Business Service Manager said it was imperative for officers to receive the complaints as soon as possible in order to achieve the 10 day response time. It was also essential that as many complaints were resolved at the first stage.

Councillor G C Evans reminded colleagues complaints could be resolved by Councillors in some instances and that this should be taken into consideration. Councillor W L Cowie congratulated the Complaints Officer on the Policy and gave it his full support.

**RESOLVED** that Cabinet approve 'Your Voice', the Authority's Unified Complaints, Compliments and Suggestions Policy and recognize the value of customer feedback as an improvement tool, and publicly endorse the scheme.

**917 APPLICATIONS TO REGISTER LAND KNOWN AS THE PARK, OFF FFORDD ELAN, RHYL AS A VILLAGE GREEN**

Councillor J Thompson Hill, (on behalf of Councillor E W Williams) presented the report seeking Members' authorisation to a procedure to determine two applications, received by the Council, to register land known as The Park, off Ffordd Elan, Rhyl as a Village Green.

The applications have been submitted to the Council in its capacity as Commons Registration Authority and had been made on behalf of the Park View Residents Association to protect the land as Open Space. The applications cover land owned partly by the Council and partly by a development company T Anwyl and Son Limited. The Council has a dual role as Commons Registration and an affected landowner.

Both the Council and the development company have lodged objections to the applications. It was therefore recommended that the Council hold a non statutory hearing assessed by an impartial Inspector as detailed in the report.

The Principal Solicitor said the report did not deal in any way with the merits of the applications, but was to determine a mechanism to ensure impartiality of the Commons Registration Authority in determining the applications. In reply to a question from Councillors Paul Marfleet as to why the Council is objecting to the applications, the Principal Solicitor advised as to the grounds of the objection.

Members were advised that it is understood that the objection was under review by the Council in its capacity as landowner but even if the Council was not making an objection the appointment of a barrister would still be required because of the Council's dual role as Commons Registration Authority and an affected landowner.

Members discussed the issue in report and agreed with Councillor H H Evans an impartial viewpoint was necessary to ensure clarity.

**RESOLVED** that Cabinet receive the report and authorise the County Clerk to deal with the applications on behalf of the Council, as Commons Registration Authority, and appoint a Barrister:

- a) to act as an Inspector to hold an informal non statutory inquiry where oral evidence will be heard, and
- b) to submit a report to the Council with a recommendation as to how the applications should be determined.

*Councillors R W Hughes and P J Marfleet abstained.*

## **918 MONITORING THE ACTIONS AGREED BY CABINET**

Councillor R W Hughes presented the report for Cabinet to consider the progress the Authority was making against the actions which had been agreed by Cabinet since the 12 September 2006 (Appendix I refers). Members were asked to note that the LDP approval by Full Council had not been held on 27.04.2009.

**RESOLVED** that Cabinet notes the progress the Authority is making against the actions which have been agreed by Cabinet since the 12 September 2006.

At this juncture (11.25 a.m.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

## **919 HOUSING REVENUE ACCOUNT BUDGET & 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 latest forecast showed that an in-year revenue surplus of £226k should be generated by the end of the financial year, which was £206k less than forecast in the original budget set in February 2008.

Major variances during the course of the year had been in Supervision / Management, mostly accounting between the Housing Account and the Council Fund and the HRA. The increase in capital charges was due to the borrowing for housing stock and renovations. Subsidy increases were due to increased leased

properties. No further information was available as to whether the HRA subsidy would be available in 2009-10 for leases but in the interim the Welsh Assembly Government would commit on a month by month basis to compensate Councils for any lost revenue on leased properties, therefore there was no increase in leased property rents.

Although the capital plan showed lower than forecast spending on projects, the improvement plan was back on track and the year end official figures would show little under spending.

Councillor P A Dobb confirmed that the bad debt provision was no worse.

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

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

Councillor J Thompson Hill presented the report for Members to note the projected final outturn figures 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.

An overall underspend of £555k was forecast, excluding the schools' delegated budgets. Little had changed since the last month in the Lifelong Learning Directorate, the overspend forecast at £589k. The losses incurred by the School Meals' Service above the £150k provided for within the budget was likely to reach £80k. Both Social Services and Housing and Environment were forecasting underspends of £507k and £287k respectively, increases to previous reports.

The money market investments continued to be an issue but there was little change. The reduction in the interest rates were a potential pressure on investment income.

Councillor Thompson Hill thanked officers across the Directorates for the efforts made to come in under budget in difficult times.

**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.

## **921 ROUTINE REPORTING ON PERSONNEL**

Councillor R W Hughes presented the report for Members to note the statistics on Personnel.

The Head of Personnel said that much effort had been made in reducing the absences in Social Services and Housing, whilst Resources and Chief Executive/County Clerk's absences were low. There had been increases in the Environment Directorate in March. She felt the focus should be on Lifelong Learning as the figures were consistently higher since January, particularly in schools. Since two officers had left the Lifelong Learning Personnel Department the provision of information had slipped. However, a new officer had been appointed and the priority would now be to address absences and ensure that return to work interviews were carried out. Meetings with Heads of Service in May / June would discuss sickness absences and information would be included in People Matter. It was important that Members understood what would be implemented to ensure the trends changed. A programme of work was being put in place by the Personnel Officer - Sickness Absence and the top 10% of absences detailed with a view to those being addressed. It was important that the Authority saw a dramatic fall in absences during the next 6 months.

The Head of Personnel agreed to provide Councillor P A Dobb with graphs of absences in Social Services and Housing.

Responding to Councillor Dobb's query on training provision for middle and lower managers, the Head of Personnel said a training programme was frequently held and managers were provided with questions to use at return to work interviews. Responding to Councillor H H Evans' request for the programme of work, Councillor R W Hughes said information would be provided for Cabinet by Personnel, to enable them to work with Heads of Service covering their portfolios.

Turning to the Personnel Statistics, Councillor Hughes said there was a decrease in staff numbers and asked whether Members wanted more central information on vacancy control. The number of Performance Appraisals carried out had significantly improved and over 90% had been carried out in a 15 month window, although the 100% target had not been met. Councillor H H Evans emphasised the need for Members and officers to understand what would need to happen to change some current trends.

Councillor S Frobisher discussed the requirement for an update on the vacancy figures. The Head of Personnel said that figures of grant funded posts would become available within the next 3 months or so. She also said Managers should by now have informed staff who had expressed an interest in the early retirement initiative and 31 staff would retire at the end of the first trawl.

Councillor J Thompson Hill was pleased to see the agency project working and savings being made. However, he queried why the FTE headcount was higher than at the same time in 2008, when a vacancy control procedure was in place. Councillor Hughes agreed Personnel should provide details on the statistics. She also informed Councillor Thompson Hill that areas of concern regarding performance appraisals not being reached were being targeted.

The improvement in the number of performance appraisals carried out was good and Councillor P J Marfleet said this should lead to an improvement in performance, career development and opportunities for staff. He agreed Cabinet would find information on the vacancy control procedure would be useful and it was important to know if it was not working in any particular areas. Councillor Hughes said the same process used for Sickness Absence would now be applied to Performance Appraisals.

The Head of Personnel agreed to provide accurate figures for Councillor P A Dobb on the adult services performance appraisal figures. Councillor Dobb said performance appraisals, 6 monthly reviews and absenteeism were linked and should be considered as a high priority. Responding to Councillor D I Smith's comments on line manager training on return to work interviews, the Head of Personnel said the corporate Sickness Absence Management course was mandatory for all managers but not all managers had attended the training. However, return to work interviews are required to be held including after one days sickness absence from work.

The Acting Chief Executive said a lot of effort had been made to improve statistics and that he supported the work done by Councillor R W Hughes and the Head of Personnel. However, the accountability rested with management and he suggested the Corporate Directors' perspective on absence was important and their views should be sought. Members also agreed to the suggestion of looking to have a central vacancy control system.

**RESOLVED** that Members note the information in the report. Members further agree to centralise the vacancy control procedure and for future reports to contain the views of Corporate Directors in regard to sickness absence figures.

## **922 CABINET FORWARD WORK PROGRAMME**

Councillor R W Hughes presented the Cabinet Forward Work Programme. Members were asked to provide dates for the information provided on issues to be included in the Forward Work Programme.

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

## 923 ISSUES REFERRED TO CABINET BY THE SCRUTINY COMMITTEES

Councillor G C Evans, Chair of Resources Scrutiny Committee presented the report seeking Cabinet support to a recommendation made by the Resources Scrutiny Committee that the Welsh Assembly Government (WAG) increases the funding allocated to local authorities for the purpose of enforcement action under the Animal Welfare Act 2006. Cabinet were also asked to make representations to the Welsh Assembly Government's Minister for Rural Affairs highlighting the imbalance that exists in the current funding allocation criteria. Councillor Evans detailed the background to the report and thanked the Animal Health and Welfare Officers and Scrutiny Officer for their work.

Councillor S Frobisher supported the request and said that in the current economic climate, it was possible that the number of animal welfare cases would increase and this was at a huge cost to the Authority.

The Senior Animal Health and Licensing Officer said that although the Authority had been awarded costs in some cases, it was difficult to enforce against defendants if they are not solvent.

**RESOLVED** that Cabinet:

*1 supports the Resources Scrutiny Committee's recommendation that the Welsh Assembly Government (WAG) increases the funding it allocates local authorities for the purpose of enforcement action under the Animal Welfare Act 2006*

*2 makes representations to the WAG's Minister for Rural Affairs in relation to the above and highlighting the current imbalance that exists in the funding allocation criteria, and seeks the WAG to review the formula for future years through the established process of the Distribution Sub-Group.*

## 924 URGENT ITEMS

There were no Urgent Items.

## 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 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

## 925 MENTRO ALLAN PROJECT

Councillor D A J Thomas presented the report to provide Members with a detailed background to the Mentro Allan grant and also sets out the mechanisms that will be put in place to prevent mismanagement of funds and the risk of clawback by the Big Lottery Fund.

Councillor Thomas agreed with Councillor P J Marfleet's suggestion that the monitoring process be adopted across all Directorates, where appropriate. He also reminded colleagues that every grant awarding body had stringent conditions on the use of the grant funding. Scrutiny Committee would also be monitoring external funding expenditure.

The Head of Leisure Services informed Members of the latest position regarding the programme of works - some equipment would be re-distributed with voluntary groups for use across Denbighshire.

It was noted that a Business Improvement Manager was to be appointed to provide further strategic support within the service.



Councillor D A J Thomas and Councillor H H Evans thanked the Head of Leisure and Finance Officers for their work.

**RESOLVED** that Cabinet accept the findings of the report and support the commitment shown by the Service to ensuring that appropriate monitoring and controls are in place to prevent any occurrence of mismanagement within the service.

**926 CAPITAL PLAN 2008-2009**

Councillor J Thompson Hill presented the report for Members to note the latest position on the 2008/09 element of the Capital Plan and approve £1m additional capital resources being added to the Capital Contingency Budget in 2009/10 as detailed in paragraph 2.4 of the report. He detailed the current position regarding the major projects.

A feasibility study was to be carried out to investigate all options for Hyfrydle and to provide clear recommendations for the future use of all the buildings on the site.

The Foryd Harbour Walking and Cycling Bridge design had been selected and would now go forward to detailed design. The proposed Convergence Coastal Towns Project and the Convergence Business Accommodation Project had both been considered by the Capital Strategy Group. A further report would be provided on the schemes when further developed.

Councillor P A Dobb expressed concern regarding the level of additional capital resources, and suggested that more capital should be put into the County's roads for example. The Financial Controller said the annual repayment and interest would be funded through re-financing some borrowings. Approximately £250k would be contributed towards the savings requirement in the next financial year.

Councillor P J Marfleet said funding should be directed at essential items, including European funding.

The Acting Chief Executive detailed how the Welsh Assembly were providing capital and said the Authority was good at making use of available funding streams. Councillor H H Evans agreed and said that because of the way in which Authorities were funded, it was not possible to concentrate on schools or roads for example.

**RESOLVED** that:

- 1 *Members note the latest position on the 2008/09 element of the Capital Plan*
- 2 *Members approve £1m additional capital resources being added to the Capital Contingency Budget in 2009/10 as detailed in paragraph 2.4 of the report. (Councillor P A Dobb voted against the proposal).*

The meeting concluded at 1.10 p.m.

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