

CABINET

Minutes of the Cabinet meeting held at 10.00 a.m. on Tuesday 24 November 2009 in Conference Room 1, County Hall, Ruthin.

PRESENT

Councillors 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; P J Marfleet, Lead Member for Modernisation and Improvement; D A J Thomas, Lead Member for Environment: Regeneration and J Thompson Hill, Lead Member for Finance.

Observers: Councillor W L Cowie; M LI Davies; G C Evans, R L Feeley; G M Kensler and D I Smith.

ALSO PRESENT

Chief Executive; Acting Corporate Director: Resources; Corporate Director: Environment; Corporate Director: Lifelong Learning; Corporate Director: Social Services and Housing and the County Clerk.

APOLOGIES

Councillors P A Dobb, Lead Member for Health, Social Care and Wellbeing, M M Jones, Lead Member for Children's Services and E W Williams, Lead Member for Environment: Sustainable Development.

505 URGENT MATTERS

There were no urgent items.

506 MINUTES OF THE CABINET MEETING 08.09.2009

The Minutes of the Cabinet meeting held on 20 October 2009 were submitted.

***RESOLVED** that the Minutes of the meeting held on 20 October 2009 be approved as a correct record and signed by the Leader.*

507 MONITORING PERFORMANCE AGAINST THE AUTHORITY'S CORPORATE PLAN: QUARTER 2 2009-2010

Councillor P J Marfleet presented the report seeking Cabinet to consider performance against the Corporate Plan 2009-2012 as detailed in the attached report of performance for the second quarter of 2009/10 and to agree where action needed to be taken in response to current slippage against targets for 2009/10. Appendix II provided an exception report showing those Performance Indicators, Programmes, Projects and Actions where performance was currently below target (i.e. Red or Amber).

Councillor Marfleet reminded colleagues that specific performance issues identified within the report could be referred to the Focused Agenda Board (FAB) for further in-depth discussion, and he assured Members that the PIs were now being dealt with in the correct manner. All Heads of Service and Performance Managers had been asked to set specific quarterly targets for cumulative PIs, for example some annual targets could not be divided into four quarters as this simplification did not take into account any seasonal variations. Targets are now more meaningful and Councillor Marfleet expressed confidence that the amber RAG status really meant performance was below what was expected whilst the red RAG status meant performance was subject to significant slippage. Having said that, Councillor Marfleet questioned whether we were really on track to complete 100% of performance appraisals by the end of the year when we have achieved 11.5% at quarter 2. Out of 78 items in Quarter 2, there were fewer green and red than in the previous Quarter. Councillor Marfleet suggested that the amber band may be too broad and that too many Programmes, Projects and Actions were being included.

Indicator SCC001a (page 5 of 5 Appendix 2) the percentage of first placements of looked after children during the year that began with a care plan was of concern and Councillor Marfleet recommended that colleagues should refer this, an outturn of 47.17% against a target of 95%, and any other items of poor performance to FAB so they could consider the issues in detail.

Councillor H H Evans said he was pleased with the report and the importance being given to PIs. He asked whether the Authority was on track to be the high performing Council with excellent services or was there a need to change any of the PIs. The Policy and Performance Officer informed Members that a new draft set of National Strategic Indicators for 2010/11 had been received and he was in discussion with Heads of Service and Performance Managers regarding setting appropriate targets for these PIs in order to ensure that Denbighshire is able to achieve its aim of becoming a high performing Council. Councillor Marfleet reminded colleagues that targets should not be set unrealistically. He also thanked the Policy and Performance Officer for his excellent and thorough work.

The Red RAG for Review of Policy Making was referred to by Councillor R W Hughes who said it was important that a decision on its importance was taken as this affected capacity. Everyone thinks policy is something different.

Councillor H H Evans said the focus on outcomes must be relevant to the Statement of Intent and priorities.

RESOLVED that Cabinet notes the Quarterly Performance Report and refers the Indicator SCC001a (page 5 of 5 Appendix 2) the percentage of first placements of looked after children during the year that began with a care plan to the Focused Agenda Board for consideration.

508 NATIONAL REVIEW OF SAFEGUARDING CHILDREN'S ARRANGEMENTS

The Corporate Director: Social Services and Housing presented the report for Cabinet to consider and discuss key issues linked to Denbighshire's Review of Safeguarding Arrangements and agree the action plans submitted as Appendices 4 and 5 to the report.

The Council had a duty to safeguard children and promote their wellbeing and the report detailed Denbighshire's review of safeguarding arrangements, undertaken by the Care and Social Services Inspectorate for Wales (CSSIW) and that of the Conwy and Denbighshire Local Safeguarding Children Board (LSCB). It outlined headline messages from the overview report from CSSIW on performance across Wales.

An audit report had been presented to Council in February with a report to the Welsh Assembly Government. The review in March had coincided with the Estyn Inspection and the main finding was that the Authority's own safeguarding arrangements were very positive. Comments had been made on the Authority's effective leadership on safeguarding arrangements and appropriate scrutiny and involvement of Members. The LSCB was in the early stages of development and there was a need to clarify its role along with that of the Children and Young People's Partnership. The national Safeguarding and Protecting Children in Wales said there was a tendency for too much reliance on social services.

The two action plans had been submitted to the Welsh Assembly Government, showing progress through the year. There were actions not only for Social Services, but also for Corporate HR and procurement for example, to ensure safeguarding children in a broader sense. The second action plan was for children's services.

The Corporate Director: Social Services and Housing expressed her concern that many Elected Members were not attending training on child protection issues. She stressed the need for this to be given a high priority although she accepted a few Members may have received the training through other avenues e.g. school governors.

Councillor H H Evans said there was concern when setting priorities that children's services had not been included and he said it was important to welcome the review and he thanked the Corporate Director and staff for their work. He agreed they were right not to be over-confident as their staff were

always working under pressure. The Head of Children's Services said that the volume of referrals from the North Wales Police was very high and Denbighshire received more referrals per head of population than Cardiff or Swansea. The Police have just completed a summary report on how they will deal with the issue. Denbighshire would be seeking agreement on the way forward to ensure that only information needing action would be reported. It was important to ensure the process did not lead to any child being missed. The LSCB, CCSIW, Estyn and HM Inspectorate of Constabulary would be conducting a review in the new year.

Councillor P J Marfleet said it was not only staff and budget pressures, potential dangers could be masked by so many referrals by the Police. He said some adults were now reluctant to take on charitable work with children because of the perceived dangers. He stressed the need to ensure that absolute support should be given to our staff.

Referring to too much reliance on social services, Councillor R W Hughes asked how this could be moved forward. She suggested more parents should be brought into schools for support, with referrals from other agencies.

The Head of Children's Services accepted that Children's Services was not in the Priorities but they understood the level of scrutiny and the various groups in service was a strength for the Authority. Any further strengthening required could come from inspections.

It was suggested by Councillor D A J Thomas that Member training be prioritised for different issues. Members are unable to sit on Planning Committee until the training has been undertaken. He had attended the very instructive corporate parenting training and highlighted the serious work to be undertaken. Councillor Evans agreed and said he would discuss with Group Leaders and ask them for Group nominations for training. However, the Corporate Director: Social Services and Housing said it was important for all Members to attend. Councillor R W Hughes said Members should have a compulsory training programme and the Administration Services Manager was currently reviewing the programme. She encouraged all Members to complete the survey when available.

The Chief Executive, referring to the effective leadership in safeguarding children, said it was good to receive recognition from outside bodies. He also agreed with the Corporate Director: Social Services and Housing that problematical issues could quickly arise. Referring to joint working, he said inspections would be carried out in a collaborative way and as Authorities were trying to prevent children from harm the inspectors would need to see how this was being approached collectively – with other departments or partnerships – to raise the profile and put pressure on the safeguarding element. He also asked whether Group Leaders should be asked whether Members were having too many pressures – from the number of meetings to number of training sessions to attend.

The Corporate Director: Social Services and Housing said the Corporate Safeguarding Action Plan was good although not every authority had one. Pressure was being put on partnerships, e.g. the CYPP and LSCB, and the LSCB, which was responsible for commissioning services, could fail if it did not have excellent links. The LSCB was also linked to the Community Safety Partnership for example and such links should be developed further.

RESOLVED that Members considered the outcome of the CCSIW review of safeguarding arrangements and endorse the action plans at Appendices 4 and 5 to the report. Members further agree that Group Leaders discuss the issue of training for all Members for Child Protection.

509 HOUSING REVENUE ACCOUNT BUDGET & CAPITAL PLAN UPDATE 2009-2010

Councillor H H Evans presented the report for Members to note the forecast outturn of the Housing Revenue Account (H.R.A.) and Housing Capital Plan for 2009/10. The revenue position had improved slightly since last month (by £14k). The main reason for this was the impact of transferring private leased accommodation out of the HRA and into the Council fund, in response to a WAG direction. The Council benefited financially by having leased properties in the HRA because of the housing subsidy system rules. Rent levels in leased property have had to be increased to compensate for the loss but this increase was eligible for Housing Benefit. There still remained a net loss on transfer and the Council's revenue budget was therefore now reporting a pressure of £55k as a result. This pressure would be less if voids were reduced.

The HRA capital plan was forecasting a reduction in expenditure this year (previously reported) as a result of changing contractors on the major improvement programme. Whilst there was some slippage this year as a result of the change, the financial implications benefit the Housing Stock Business plan and the tendering exercise has resulted in the forecast expenditure for this phase of the programme being lower than original estimates. The slippage would be recovered next year and the Council is still on track to meet the Welsh Housing Quality Standard by 2012.

The Acting Corporate Director: Resources responding to a query by Councillor P J Marfleet, said the Council paid over a negative subsidy on the HRA but received a Major Repairs Allowance from the Assembly.

Councillor R W Hughes referred to the voids and the Corporate Director: Social Services and Housing confirmed that the PI on voids referred to Council houses whilst the voids referred to in this report referred to private sector leases. It was important to optimise the use of leased properties to attract more housing benefit. She also confirmed for Councillor S Frobisher the properties referred to were homeless leased properties.

RESOLVED that Members note the forecast outturn of the Housing Revenue Account (H.R.A.) for the current financial year.

510 REVENUE BUDGET AND SUMMARY CAPITAL PLAN 2009-2010

(Councillor J Thompson Hill declared an interest in the item, as Chair of Governors of Ysgol Clawdd Offa.)

Councillor J Thompson Hill presented the report for Members to note the latest estimate of the likely outturn figures for the 2009/10 financial year as detailed in Appendix 1 attached to the report and the summary capital plan performance for 2009/10 as detailed in Appendices 2 and 3 attached to the report.

Lifelong Learning were forecasting an overspend position of £341k owing to the impact of redundancy / early retirement costs in schools in financial difficulty. Social Services and Housing was forecasting a reduced underspend from last month of £269k owing to various pressures.

The Corporate Director: Lifelong Learning explained the proposed use of the one-off £250k Post Estyn Reserve and said the Authority was modernising the way SEN was dealt with which would lead to savings but it would take some while for schools to adopt new working practices, therefore funding would be required in the short term. Regarding Ysgol Clawdd Offa, he said the original budget setting process was based on too low a level of pupils initially which meant the school was running at a deficit budget since the start as it had more pupils than expected. However, this would be remedied. The Authority was in discussion with the Welsh Assembly Government, Department for Children, Education, Lifelong Learning and Skills (DCELLS) to see if there was funding available to help with the transitional costs of setting up the Rhyl Sixth Form College. This would be the first development of its kind in Wales.

Secondary schools in deficit had higher redundancy figures last year and this was a consequence of bringing schools into balanced budgets. To alleviate this in future years the headteachers would be given financial information earlier and they would be challenged to allow staff to leave gradually.

Responding to queries from Councillor P J Marfleet, the Corporate Director: Lifelong Learning said all schools received HR advice from the Lifelong Learning HR team and staff were encouraged to redeploy to other schools. The Authority was the compensatory body for redundancy payments as this was not delegated to the schools budgets. Councillor J Thompson Hill said there was a specific reserve for non-teaching voluntary redundancies and this had been used to fund the corporate redundancy scheme. The Acting Corporate Director: Resources said the target of £1m savings was going forward and Council had agreed in June 2009 £600k to meet one-off redundancy costs.

Referring to the Social Services and Housing underspend, the Corporate Director: Social Services and Housing said the underspend could increase again but discussions with various bodies were ongoing and service remodelling would be of help.

Early retirement in schools had been reviewed as it was not cost effective and rules had been tightened. Voluntary early retirement would only be applied if there was a budget crisis. The school link officers and HR officers try to redeploy staff into other schools but school governors could not be forced to accept redeployed staff. The Corporate Director: Lifelong Learning said he would be discussing these issues with neighbouring authorities to gain more flexibility. He went on to provide further details on the situation at Ysgol Clawdd Offa.

RESOLVED that Members note the latest projected outturn figures for 2009/10 as detailed in Appendix 1 attached to the report and also note the summary Capital Plan performance figures for the 2009/10 financial year as detailed in Appendices 2 and 3 attached to the report. Members further agreed to recommend to Council the use of the Modernising Education reserve as detailed in the appendix in respect of SEN, Ysgol Clawdd Offa and the Rhyl Sixth Project as detailed in Appendix 1.

511 ROUTINE REPORT ON PERSONNEL

Councillor R W Hughes presented the report for Members to note and comment on the new content of the report on Personnel Statistics which provided a comparison of collated data for Headcount Analysis and Sickness Absence within the Authority for the period of July - September 2008 and July - September 2009. The data looked at had been analysed and the following areas / trends had been reviewed -

- Headcount Analysis / Starters & Leavers Analysis
- Average days lost per employee per Directorate
- Short Term & Long Term absences within the period
- Absence Reasons for each Directorate within the period
- Absence on Mondays & Fridays
- Absence during schools holidays

Stress / depression / anxiety / mental health / fatigue remained the main reasons for sick leave although reduced from 2008, but absence on a Monday or Friday was an issue but the levels were dropping in most Directorates.

Councillor H H Evans said the report was comprehensive and suggested that it was not the Cabinet's role to scrutinise and that Resources Scrutiny be asked to consider the detail. Councillor G C Evans informed colleagues that the report would be presented to the next Resources Scrutiny for consideration. Referring to starters and leavers across the Authority, he asked whether this could affect sickness levels. The Head of Personnel said it was too early at this stage to see if there was a pattern but the information would be available in the future. Councillor Evans said it was good to see the high profile being given to sickness absence by Cabinet and the Corporate Executive Team and the work being undertaken by Social Services on absence.

The Head of Personnel, responding to a query from Councillor P J Marfleet, said 20 days was the cut off for short term absence into long term absence. She said it was possible to run reports by location to see if Worksmart had an effect on absence but not everyone working in Caledfryn was on Worksmart. The demographic makeup of the workforce for the Authority was reported to Scrutiny Committee every 6 months and this could be provided by Directorate.

The Chief Executive posed questions for Resources Scrutiny to consider regarding the headcount analysis and said it appeared as though the headcount was increasing. He asked them to consider whether there was a need to strengthen rules on recruitment, including recruitment in schools.

It was suggested by Councillor D I Smith that figures for each Directorate be kept together as this would make it easier to read. The Senior Personnel Officer informed Members that staff were automatically referred to Occupational Health when 28 days sick leave was reached and immediately referred in cases of stress or mental health. Exceptions were for an officer on sick leave with a

broken leg, for example. The cost of the service was £144k, but with recharges to schools and counselling the cost to the department was £75k

Councillor S Frobisher welcomed the report and was pleased to see the levels of stress had been reduced.

RESOLVED that the new format and data and the relevance of the information supplied was considered by Cabinet who also noted the information in the report. Members agreed that Resources Scrutiny be requested to consider all the data in the report in detail.

At this junction (11:30 a.m.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

512 MONITORING THE ACTIONS AGREED BY CABINET

Councillor R W Hughes presented the 6 monthly report for Members to note the progress the Authority is making against the actions which have been agreed by Cabinet since the 12 September 2006 (Appendix I refers).

Members noted that there were no areas of concern in the action plans.

The Corporate Director: Social Services and Housing informed Councillor M LI Davies that progress reports on vacant houses would be presented to Scrutiny Committee as part of the quarterly performance report.

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

513 CABINET FORWARD WORK PROGRAMME

Councillor R W Hughes presented the Cabinet Forward Work Programme and asked Members and officers to supply information on reports to be presented in 2010 as soon as possible.

Councillor H H Evans said he would be attending an open meeting with residents in Rhyl to discuss the Village Green, Ffordd Elan and it was hoped to report to Cabinet following the meeting.

RESOLVED that Cabinet note the Cabinet Forward Work Programme.

514 ISSUES REFERRED TO CABINET BY THE SCRUTINY COMMITTEES

There were no issues referred.

515 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.

516 COMMUNITY CAPITAL PROJECTS

The following Members declared a specific interest in the named projects or were closely linked to projects:

Councillor S Frobisher - Prestatyn Town Council and Prestatyn Town Football Club
Councillor R W Hughes – Meliden Football Club
Councillor J Thompson Hill – Bryn Newydd Bowling Club, Prestatyn Town Council Green Gym, DCC Coronation Gardens

Councillor D A J Thomas presented the report for Members to approve the allocation of funding to community capital projects in 2009/10. He said £150k had been allocated to the Community Capital Projects from the budget and a further £150k made available from the VAT receipts refund, making a total of £300k available for new projects. However, applications had been received with a total cost of nearly £800k. He said the maximum grant available per project would not exceed £20000 with the proportion of the cost being met from the grant to be no more than 50%.

The Principal Regeneration Manager responded to various queries from Members, including planning permissions and leases to be in place at time of application. There were opportunities for some projects to obtain match funding from the Rural Key Fund and the Strategic Regeneration Area funding. He confirmed that applications had been considered by the 6 Area Members Groups following initial eligibility checks and projects most closely meeting the criteria were being recommended for approval at Appendix A. Also, dependent on the project, the Authority would be the project sponsor in some instances. Councillor H H Evans said participatory budgets could be given consideration in future years.

The Acting Corporate Director: Resources said the Capital Strategy Group process was due to commence. However, the level of Welsh Assembly funding would reduce by 50% in 3 or 4 years and it would be difficult to fund the Community Capital Projects in the next and following years.

Community Capital Projects was supported by the Chief Executive as it was important to keep close to communities and he also favoured the use of participatory budgets where possible. He reminded Members that organisations should not use the available funding for item replacement. He also said cross checking was important to ensure that funding was not awarded to schools which could, for example, be merging in the very near future.

Councillor M LI Davies said there was a need for the funding to be spent wisely and that any new projects should take into account the future maintenance costs. However, Councillor H H Evans said Local Members had been involved in the decision making in each area, therefore they should take such matters into account.

Councillor D A J Thomas thanked the Principal Regeneration Officer and team for their hard work and said he would ensure that checks on any school projects would be carried out as per the earlier suggestion by the Chief Executive. An update report on projects would be presented to Cabinet during the year.

RESOLVED that Cabinet approve the allocation of funding to community capital projects listed in Annex A to the report. Members further agree that any match funding required by applications be secured within 6 months and that all projects be completed within 18 months of approval.

517 APPOINTMENT OF FRAMEWORK CONTRACTORS FOR THE DENBIGH AND CORWEN FLOOD RISK MANAGEMENT SCHEME (FRMS) AND THE CONTRACTOR FOR PHASE 1 OF THE DENBIGH FRMS

Councillor H H Evans presented the report seeking Cabinet approval for the appointment of three civil engineering contractors (as detailed in the report) onto a Framework Agreement for the construction of the Denbigh and Corwen Flood Risk Management Schemes. Cabinet approval was sought, under the terms of the Framework Agreement, to appoint the contractors named in the report to undertake Phase 1 of the Denbigh Flood Risk Management Scheme and for authority to delegate the award – through the Framework – of all future phases of the Denbigh FRMS to the Lead Member Environment: Sustainable Development.

The communities of Denbigh and Corwen have suffered serious flooding in recent years, most notably in Autumn 2000. With the support of Welsh Assembly Government grant aid, the Authority has carried out project appraisal studies to investigate the economic viability of land drainage improvement works.

The Assembly Government is now supporting, through Convergence Funding and Assembly Government match funding, a scheme to reduce the risk of flooding at Denbigh, with the possibility of funding support being extended to include Corwen.

With respect to the Denbigh scheme, in order to maximize the availability of external funding and overcome potential delays from planning, environmental or land ownership issues, it would be advantageous to construct the works in several discrete phases. In the interests of best value, a contractor framework will be established. A procurement process has been carried out, in accordance with the European Commission Services Directive, to identify three best value contractors, scored on cost and quality. The highest scoring of the three contractors would be appointed to carry out phase 1 of the works.

Councillor P J Marfleet said it was important the Authority ensure maximum benefit from the framework and he wanted assurance on the costs in the agreement as any cost escalation would have to be paid for by the Authority. The Corporate Director: Resources reminded Members of the excellent flood works carried out in Ruthin following the floods of 2000 but said that he could not give any guarantees but it was hoped that by using the agreement there would be no cost over-runs.

RESOLVED that Cabinet approves the appointment of Framework Contractors for the Denbigh and Corwen Flood Risk Management Scheme (FRMS) and the Contractor for Phase 1 of the Denbigh FRMS as detailed in the report. Cabinet authorise to delegate the award, through the Framework, of all future phases of the Denbigh FRMS to the Lead Member Environment: Sustainable Development.

518 CAPITAL PLAN

Councillor J Thompson Hill presented the report for Members note the latest position on the 2009/10 element of the Capital Plan. Members were asked to approve the use of the £400k Contingency allocation for Health & Safety Asbestos works to Public Buildings as included in paragraph 2.3 of the report.

In order to comply with the current Asbestos Recovery Plan and meet Health & Safety legislative requirements, a 10 year programme of works is required for the management or removal of asbestos from all public building assets. The Capital Strategy Group has reviewed the project and recommended the additional sum from the contingency allocation to the project.

Councillor Thompson Hill said the Dinas Bran project should be completed by 21.12.2009, the Royal International Pavilion with works which had to be completed by mid May 2010 and Tir Morfa whose recently established officer group would review the pre-feasibility study and consider options. The Corporate Director: Environment said the roofing element of the Royal International Pavilion project would be complete by the end March and there should be no reason for works not to be completed by the due date. He said although Modus Properties Ltd remained in administration he hoped for positive progress in the near future.

The Corporate Director: Lifelong Learning, responding to queries, said he was in discussion with DCELLS on future proposals regarding the Welsh Assembly Government funding to carry out a detailed feasibility study for Rhyl High School and said it was likely there would be an opportunity to follow up should there be a need. Regarding Ysgol Tir Morfa, he said there was a need for clarity on how to progress to Phase 3 and how feasible its delivery was.

RESOLVED that Members note the latest position on the 2009/10 element of the Capital Plan and approve the use of £400k Contingency allocation for Health & Safety Asbestos works to Public Buildings as included in paragraph 2.3 of the report.

The meeting concluded at 12.55 p.m.
