

## **CABINET**

Minutes of the Cabinet meeting held at 10.00 a.m. on Tuesday 30 March 2010 in Conference Room 1, County Hall, Ruthin.

### **PRESENT**

Councillors P A Dobb, Lead Member for Health, Social Care and Wellbeing, H H Evans, Leader; S Frobisher, Lead Member for Environment and Sustainable Development; R W Hughes, Lead Member for Customers and Communities; M M Jones, Lead Member for Welsh Language, Children, Young People and Leisure; P J Marfleet, Lead Member for Modernising the Council; D A J Thomas, Lead Member for Regeneration and Tourism, J Thompson Hill, Lead Member for Finance and Efficiency and E W Williams, Lead Member for Education.

Observers: Councillors W L Cowie; M LI Davies, G C Evans, R L Feeley, I A Gunning, D Owens and D I Smith.

### **ALSO PRESENT**

Chief Executive; Corporate Director: Environment; Corporate Director: Social Services and Housing, Corporate Director: Governance and Efficiency; Corporate Director: Lifelong Learning; Head of Corporate Governance and the Principal Management Accountant.

### **APOLOGIES**

There were no apologies.

### **ANNOUNCEMENT**

Councillor P A Dobb wished to take the opportunity to thank Susan Cordiner, Principal Solicitor and Adrian Walls, Highways Information Manager for all their hard work over recent months where they had worked well over and above their expected duties and for long hours in regarding a public inquiry being held in her Ward.

Councillor E W Williams wished to take the opportunity to thank colleagues for their good wishes during his recent stay in hospital.

### **836 URGENT MATTERS**

SCALA CINEMA AND ARTS CENTRE, PRESTATYN: Request for discussion following Resources Scrutiny meeting on 25.03.2010. Members agreed with the Head of Corporate Governance the item be discussed in Part II, at item 9.

### **837 MINUTES OF THE CABINET MEETING 16.02.2010**

The Minutes of the Cabinet meeting held on 16 February 2010 were submitted.

**RESOLVED** that the Minutes of the meeting held on 16 February 2010 be approved as a correct record and signed by the Leader.

### **838 TRANSFORMING POST 16 EDUCATION AND TRAINING IN DENBIGHSHIRE**

Councillor E W Williams presented the report seeking Members' agreement to the recommendations made by DTZ Consultants to the Denbighshire Learning Partnership Board and to support the plans of the Denbighshire Learning Partnership to progress the Post 16 Transformation Agenda in Denbighshire. He referred to the Dyffryn Clwyd prospectus and said much good work had been achieved through partnership working. He thanked the 14-19 Network Coordinator and the Education team for their hard work in considering the need to improve facilities in the Vale of Clwyd, including provision through the Welsh Language and also in the Dee Valley. He praised the commitment to co-working with schools, Headteachers and colleges.

Councillor P A Dobb was pleased to see the strategic outline for the transformation but expressed concern on the emphasis of keeping young people in Denbighshire and North Wales and not losing them from the area which led on to the need to ensure workforce planning over the next 20 years was addressed. There was a need to work collaboratively on this. She reminded colleagues that skills for everyone were required, not just the higher skills being provided for. Responding, Councillor Williams said the post 16 education was linked to the 14-19 pathways so as to ensure that every pupil gained a qualification, whether academic or vocational. The calibre of courses offered in our colleges was high as were the academic achievements in Denbighshire's schools.

The 14-19 Network Coordinator said there were 2 levels, with pre and post 16 – for example the number of courses on offer could be expanded e.g. now there were 20 vocational courses on offer through the Partnership compared to 1 on offer last year at Denbigh High School. Regarding workforce planning, he said the County was working with other North Wales Authorities on Llwyddo'n Lleol activities.

Transport costs for young people to travel to the various schools / colleges would be higher than at present.

Councillor P J Marfleet enquired whether the possible disposal of Middle Lane, Denbigh had been put on hold pending the outcome of the post 16 project. The 14-19 Network Coordinator said the first priority was to ensure post 16 Welsh education at Ysgol Glan Clwyd, followed by consideration of other capital implications for the Vale of Clwyd. He accepted that huge capital investment would be required for Middle Lane, Denbigh and this would involve our partners. The Corporate Director: Lifelong Learning confirmed that it would not be possible to make a decision on possible disposal of the site until September 2010 when the strategic outline case had been submitted to the Welsh Assembly. Coleg Llandrillo Cymru (Denbigh College) is probably nearing capacity and any developments at Middle Lane would need to be considered by partners.

Responding to a question from Councillor H H Evans, the 14-19 Coordinator said the Post 16 Education would be on a par with the rest of Wales and the Authority had to work with partners on both the learning and skills aspects. Operationally, in the Vale of Clwyd, the Authority was second to none in Wales and had been invited to other Authorities to share experiences.

Transport finances of £50-60k were being met by the 14-19 Network via the Welsh Assembly grant. A Memorandum of Understanding would be agreed with partners over a 3 year period with a commitment to work together but this was not a legal document. 80% of funding for students would be passed on by the school and course fees would not be greater than what was being received. Responding to Councillor M LI Davies' query, Councillor Williams confirmed the Welsh Assembly Government would be paying transport costs for the next 3 years and agreed with the Corporate Director: Lifelong Learning that savings on the curriculum would help to sustain the service into the future, beyond the first 3 years.

**RESOLVED** that Cabinet accepts the DTZ Report and approves the proposed actions of the Learning Partnership Board to

- (a) *Develop a Memorandum of Understanding and set of Protocols to formalise collaborative arrangements between the partners schools and colleges*
- (b) *Agree with the Welsh Assembly Government to engage CPC as specialist consultants to produce the Strategic Outline Case for Transformation in Denbighshire, and, subject to Welsh Assembly Government approval build the business case using the 5 case business model to consider the capital implications of transforming post 16 education in the three geographical areas.*

## **839 REVENUE BUDGET AND SUMMARY CAPITAL PLAN 2009-2010**

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. Members were asked to note the latest Housing Revenue Account and Capital Plan updates attached at Appendices 4 and 5.

An overall underspend of £865k was forecast, excluding the schools' delegated budgets. Lifelong Learning were forecasting an overspend of £13k. Social Services and Housing was forecasting an underspend of £749k, mainly due to the Continuing Health Care funding, and the Environment Directorate was forecasting an underspend of £209k mainly due to successful vacancy control procedures. The capital expenditure was at £22.3m against a plan total of £32.2m.

Councillor D A J Thomas said the Housing Revenue Account budget was now included in the report and the latest figures showed an in-year surplus of £202k. It was hoped the slippage of the capital expenditure would recover in the next financial year.

The Continuing Health Care funding was discussed by Councillor P A Dobb and she said Authorities may be subject to clawback of the NHS funding assumed in the outturn and for which some invoices had been raised. She also referred to the need to build new extra care housing as this saved the Authority money as residents were not in full time care. The Corporate Director: Social Services and Housing said the process of submitting applications to the Minister for continuing health care had been long and arduous and the original £9m across North Wales was now £5m. A Regional Panel would consider the NHS and Local Authority and see how much should be paid to each Authority. Denbighshire was approaching this in a prudent way to ensure Denbighshire received a fair deal. She confirmed that there was no reason to doubt funding would be received in compensation for the Royal Alexandra Hospital ward closures. The Betsi Cadwaladr UHB Executive Director was being pressed for action in order that this could be resolved for Denbighshire. Councillor D Owens expressed his disappointment that no funding had been received from the Trust and he suggested the Chief Executive and Leader take this matter up at the highest level. The Chief Executive confirmed he had already discussed the issue with Mary Burrows, Chief Executive of the BCU who said the funding would be transferred and he saw no reason to doubt this.

Councillor P J Marfleet said he was pleased Denbighshire had been robust with the forecasts but this could have gone the other way. He asked what impact the underspend would have on next year's budget. He urged colleagues to ensure that Service Level Agreements were in place with the Health Authorities which would detail for example who would provide services and who pays for what service. The Corporate Director: Social Services and Housing said the North Wales Authorities were seeking clarity on funding regarding continuing health care. Councillor J Thompson Hill said Cabinet would consider underspends once the final outturn figures were determined.

Highways maintenance was queried by Councillor R L Feeley as was the non-appointment of a Head of Regeneration / Tourism. The Corporate Director: Environment provided an update on the winter maintenance spend and said additional resources had been directed at highway maintenance over the last few weeks. Some of this extra spend was additional one-off funding from the Welsh Assembly and the County was also hiring in plant to carry out permanent repairs. Councillor S Frobisher said the County had ordered a jet patcher for use rather than having to hire one as this would be cheaper in the longer term. The Corporate Director: Environment said a list would be provided to Area Member Groups of planned road maintenance works over the coming months.

Regarding the vacant Head of Regeneration / Tourism post, the Corporate Director: Environment said this was being discussed by the Focused Agenda Board. The Chief Executive said as the Authority had already been unable to recruit on 2 separate occasions it was now unlikely that the post would remain the same. The Chief Executive said he would consider leadership for that area from across the Council. He also confirmed that interim arrangements were in place to ensure continued service delivery.

**RESOLVED** that Members note the latest projected outturn figures for 2009/10 and the summary Capital Plan performance figures for the 2009/10 financial year along with the Housing Revenue Account forecast, all as detailed Appendices 1, 2, 3, 4 and 5 attached to the report.

## **840 CABINET FORWARD WORK PROGRAMME**

Councillor H H Evans presented the Cabinet Forward Work Programme. He confirmed that Rhyl High School Procurement would be discussed at the Cabinet Briefing meeting on 14.04.2010 whilst there was now no need for further reports on Monitoring Cabinet Action Plans.

A query on Hyfrydle was raised by Councillor S Frobisher and the Corporate Director: Environment said bids were due to be received by the end of March and that their scrutiny would be discussed. This would be discussed at the Cabinet Briefing meeting prior to being presented to Cabinet for decision.

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

## **841 ISSUES REFERRED TO CABINET BY THE SCRUTINY COMMITTEES**

SCALA CINEMA AND ARTS CENTRE, PRESTATYN: Request for discussion following Resources Scrutiny meeting on 25.93.2010. Members agreed with the Head of Corporate Governance the item be discussed in Part II, at item 9.

## **842 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.*

## **843 APPROVAL OF AFFORDABILITY ENVELOPE FOR THE NORTH EAST WALES FOOD WASTE TREATMENT PROJECT (DENBIGHSHIRE COUNTY COUNCIL, CONWY COUNTY BOROUGH COUNCIL AND FLINTSHIRE COUNTY COUNCIL)**

Councillor S Frobisher presented the report seeking Cabinet approval for the Affordability Envelope (representing the upper limit of the financial threshold calculated for each Council) for the North East Wales Food Waste Treatment Project.

Councillor Frobisher said this was a partnership between Denbighshire, Conwy and Flintshire County Councils to jointly procure food waste treatment capacity over a period of 15 years and needed to treat separately collected food waste from the 3 Authorities. The Welsh Assembly Government (WAG) was encouraging joint working by providing additional financial assistance to partnerships - working together was cost effective, mainly due to economies of scale. WAG had set targets to reduce the amount of waste going to landfill and Councils would be penalized for not meeting their targets. One of the specific measures introduced was a food waste recycling target. It was estimated that up to 20% of the domestic waste was food waste and therefore removing this and treating it contributed to both the landfill allowance targets and the recycling targets. The food waste recycling target would require domestic food waste collection services to be rolled out all across Wales. The current project had been designed to provide the necessary treatment infrastructure and the procurement process was due to commence in May 2010 and take approximately 9 months to appoint a contractor.

The Partnership had developed an affordability model and Cabinet was being asked to approve this. Cabinet approval was also being sought for the Inter Authority Agreement, which set out how the Councils would work together on the project and what their liabilities were towards each other. WAG had provided significant financial support to the Partnership towards procurement costs and the next tranche was due once the affordability model had been approved by each Authority's Cabinet.

The partnership was technology neutral i.e. would consider a range of food waste treatment solutions. The final solution chosen would be the most economically advantageous to the Partnership. The

affordability model had been developed based on merchant capacity because with the tonnages committed the project team believe this to be the most realistic outcome. However, this would not mean that building a treatment facility was ruled out as the winning bidder would be the one who was cheapest for the Partnership.

The affordability model compared the cost of going ahead with the project against the cost of 'do nothing'. Carrying on with existing methods would result in higher disposal costs and therefore the future cost of the 'do nothing' option would be more expensive than going ahead with this project. It therefore makes financial sense for the Council to commit to the project, and the Chief Financial Officer's statement confirms this. However, for food waste treatment there are costs for the treatment of food waste and costs for its collection. The collection costs are currently paid for through the food element of the sustainable waste management grant received from WAG one year at a time. Therefore committing to a 15 year treatment contract does carry certain risks. However, with the landfill tax escalator within 2 years the costs of collection and treatment of food waste will be cheaper than landfill costs alone.

Councillor Frobisher went on to detail the agreed affordability envelope and she outlined the penalties if Denbighshire chose not to go ahead with the project.

Councillor Frobisher thanked Steve Parker, Head of Environmental Services and Jim Espley, Waste Management Project Manager for all their hard work and congratulated them on the quality of their report. Councillor H H Evans also congratulated the team on being first in Wales. The Head of Environmental Services thanked Members and said Members of a previous term in Denbighshire had made sound decisions.

Councillor P J Marfleet agreed officers had provided a comprehensive piece of work and he was impressed that Denbighshire was now first in Wales on recycling. This was commendable and only due to the commitment put in by both Members and officers. The Waste Management Project Manager confirmed that smaller vehicles would be used in rural areas to enable food waste to be collected if the project was approved by Cabinet.

Councillor D A J Thomas asked for further detail regarding any budget implications and these were provided by the Head of Environmental Services.

**RESOLVED** that:

- (a) *Cabinet approves the Affordability Envelope for the procurement of the food waste treatment capacity in North East Wales and gives authority to the Corporate Director: Environment to continue with the procurement process, through to the Final Business Case.*
- (b) *Cabinet endorses the Inter Authority Agreement (IAA) included at appendix H and gives the Head of Legal and Democratic Services delegated powers to make amendments to the draft in consultation with the Corporate Director: Environment and Executive Member for Waste Management and Strategy.*
- (c) *In accordance with Section 25 of the Council's Contract Procedure Rules a further report will be presented to Cabinet prior to the final contract award.*

**844 SCALA CINEMA AND ARTS CENTRE, PRESTATYN**

(Councillor J Thompson Hill informed Members that he was no longer on the Board of the Scala Cinema and Arts Centre)

(Councillor R W Hughes declared an interest in the item. The Head of Corporate Governance informed Members that Councillor Hughes was a Board Member as an appointee from Denbighshire and would be able to be present at the discussion of the item but would have to leave the meeting at decision time.)

Councillor G C Evans, Chair of Resources Scrutiny informed Cabinet that an update report on the Business Plan of the Scala Cinema and Arts Centre, Prestatyn had been considered at Resources

Scrutiny on 25.03.2010. Resources Scrutiny had raised serious concerns regarding the financial position of the company and asked that Cabinet consider the issues and options for the future sustainability of the Scala as a matter of urgency. He thanked Councillor R W Hughes and the Centre Manager for their contribution at Scrutiny.

Councillor H H Evans said he had discussed the issue with the Corporate Director: Environment and he suggested an initial report be presented to Cabinet Briefing on 14.04.2010 with a report to Cabinet for decision on 27.04.2010.

The Corporate Director: Environment said there was no deadline to meet regarding finances and that the report would include the latest information on the business plan, terms of reference and agreement with Prestatyn Town Council and any implications thereon.

***RESOLVED*** that a report be presented to Cabinet Briefing on 14.04.2010 for initial discussion, with a report to Cabinet for decision on 27.04.2010.

The meeting concluded at 11.35 p.m.

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