

## CABINET

Minutes of the Cabinet meeting held at 10.00 a.m. on Tuesday 25 May 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; H LI Jones; G M Kensler and D Owens.

## ALSO PRESENT

Chief Executive; Corporate Director: Environment; Corporate Director: Social Services and Housing; Corporate Director: Governance and Efficiency; Corporate Director: Lifelong Learning; Chief Financial Officer and the Head of Corporate Governance.

## APOLOGIES

There were no apologies.

## WELCOME

Councillor H H Evans welcomed Karen Lees, Wales Audit Office to the meeting and also Councillor Lynne Hillan, Leader of the London Borough of Barnet Council who was part of the Peer Review being carried out in the Authority.

## 62 URGENT MATTERS

There were no urgent matters.

## 63 MINUTES OF THE CABINET MEETING 11.05.2010

The Minutes of the Cabinet meeting held on 11 May 2010 were submitted.

Councillor P A Dobb, referring to Item 6 Scala Cinema and Arts Centre, Prestatyn, informed Members that Councillors H LI Jones, J Bellis and C Hughes had agreed to join the Board. The first Extraordinary General Meeting had been held on 24.05.2010 and the Annual General Meeting was to be held during the 1<sup>st</sup> week of July. However, work on the review would commence in June 2010.

***RESOLVED** that, subject to the above, the Minutes of the meeting held on 11 May 2010 be approved as a correct record and signed by the Leader.*

## 64 MONITORING PERFORMANCE AGAINST THE AUTHORITY'S CORPORATE PLAN QUARTER 4 2009 - 2010

Councillor H H Evans presented the report seeking Cabinet consideration of performance against the Corporate Plan 2009-2012 as detailed in the performance for the fourth quarter of 2009 - 2010 (Appendices I - III) attached to the report and agree where action needed to be taken in response to slippage against targets for 2009 - 2010. Appendix IV provided an exceptions report (i.e. those Programmes, Projects, Actions and Performance Indicators where performance was currently below target).

Councillor Evans thanked the Corporate Policy officer for producing a comprehensive report and said the focus would in future be on the 23 national indicators. An intensive approach was being taken by Lead Members and Heads of Service to ensure more accountability and Service Performance Reviews would be held twice a year. There would be more cross collaboration between Members. The Quarterly Report would still be presented to Cabinet and Councillor Evans said he would be discussing PIs in the 1:1 meetings held with each Cabinet Member. Members would receive training on Ffynnon during June / July.

There had been a positive start to the delivery of the Corporate Plan, with 74% of all reported items identified with a Green RAG status. Councillor Evans referred to the Corporate Priorities, Red or Amber status, and asked Member for their comments:

**Demographic Change: Intensively Supported Independent Living** – Councillor P A Dobb said discussions were ongoing with the Betsi Cadwaladr University Health Board - the project had now been scaled down to 8 people, with a further bungalow being built at Henllan for 4 people with a Learning Disability.

**Modernising Education: Support for Improving School Attendance** - Councillor E W Williams said the drop in attendance was related in the main to the prevailing weather conditions in January 2010 where many schools across the County closed and the bad weather affected a number of schools and attendance figures and Councillor Williams felt these absences should be discounted. Many pupils lived in rural areas and were unable to travel to the secondary schools during the bad weather. He suggested that Tim Data perhaps should provide an additional column for such issues to be recorded separately. The Corporate Director: Lifelong Learning said the figures could on occasion be misleading - if a school was closed it was recorded but if the school was open and pupils were unable to attend, this gave a different picture. This was a national issue and it was hoped further guidance would be received.

**Regeneration: Number of village Facilities Improved** – Councillor E W Williams said this related to a grant scheme funded through the Rural Development plan for Wales (RDP) delivered through a partnership with Denbighshire Voluntary Services Council (DVSC) and it was possible that some schemes had not progressed. However other projects had been submitted to draw down funding. Councillor D A J Thomas said he was reviewing the projects on a monthly basis with the Principal Regeneration Manager to ensure progress was being made. Councillor Williams said that partners not fulfilling their roles in a collaborative project could lead to project failure and he suggested this should be borne in mind by the Chief Executive and officers when considering future collaborative projects.

**Roads and Flood Defences: Percentage of Network Resurfaced** – Councillor H H Evans said the quality of the work needed to be improved and this would be a pressure on the budget. The Corporate Director: Environment said much work had been carried out on monitoring the condition of the road network and this would lead to changing the basis of how the target would be set in future. Councillor S Frobisher said she was due to meet with the Environment Head of Operations to progress the issues.

Regarding highway asset management, the Corporate Director: Environment confirmed for Councillor H LI Jones that Conwy CBC operated some different systems and that some data had been lost during conversion. However, these problems were being resolved.

**Improvement Themes: High Performance Culture Delivering Value for Money** – Councillor H H Evans said the 100% target was aspirational. Councillor P J Marfleet suggested that targets needed to be continually monitored as budgets were tight. Turning to WorkSMART, Councillor Marfleet said savings details were required. Responding to a query from Councillor P A Dobb, the Head of Business Planning and Performance said he would provide her with the feedback to date from staff who had worked at the pilot project in Caledfryn which had formed part of the report to Scrutiny Committee.

**Sickness Absence:** Councillor H LI Jones suggested that the dedicated HR Officer and Administrative Officer working on reducing sickness absence be retained after November 2010 to ensure that sickness absence figures did not again start to increase.

Outward Looking: Develop partnership Governance Framework - The Head of Business Planning and Performance said the new Partnership and Communities Manager would be in post by the end of June and would work on the framework.

Reduction of Carbon Emissions – Councillor P J Marfleet suggested that there was insufficient awareness amongst many employees on what they could do to lessen emissions in the Authority and he said there was currently no mechanism to send meter readings to the Carbon Reduction Team. The Corporate Director: Governance and Efficiency said Project Gaia was being refocused and would address many of the issues raised.

The Average Number of Units of Housing Related Support – The Corporate Policy Officer informed Members that the removal of funding to support units led to fewer units being available for the purpose of calculating the performance indicator. The Corporate Director: Social Services and Housing said although the funding had been transferred, this made no difference to the number of bed places in the night shelter at Rhyl. Councillor S Frobisher asked the Corporate Director to push for increased funding, which would allow an increase in the number of beds provided. The Corporate Director agreed to discuss further with Councillor Frobisher. Councillor D A J Thomas suggested practices in neighbouring authorities should be considered as it was possible that night shelter was being provided for people from outside the County.

Councillor S Frobisher congratulated Trading Standards on achieving 100% on Food Hygiene, Animal Health and Health and Safety inspections.

Councillor P A Dobb said on the following day she would be attending the sod-cutting ceremony to being the start of the extra care provision in Ruthin.

**RESOLVED** that Cabinet notes the Quarterly Performance Report and refers the Indicators not currently on target to the Service Performance Reviews for consideration.

## **65 MERGER OF DENBIGHSHIRE COUNTY COUNCIL AND CONWY COUNTY BOROUGH COUNCIL CHILDREN'S SERVICES**

Councillor M M Jones presented the report seeking Cabinet approval to agree formally to merge Denbighshire Children's Services with Conwy Children's Services to create an integrated service and agree a range of practical matters to enable the merger to proceed. Approval was required to seek a joint meeting with Conwy Members in support of implementation of the Children's Services collaboration. Members were asked to receive a further report at a date to be determined setting out options for streamlining governance arrangements for collaborations, given the increasing number of collaborations across Conwy and Denbighshire. She thanked officers for the comprehensive report.

Colleagues were reminded that outcomes for children were all important and that a more robust service with career development opportunities could be provided through the joint service provision and it could also lead to better partnership working. The appointment of a project manager and team was all important and they would deal with any issues as they arose. It was hoped that the Joint Head of Service post, hosted by Denbighshire, would be filled by November 2010. Discussions with staff in both Authorities would need to be carried out and issues such as budgets, funding, PARIS for example would all need to be agreed.

Councillor H H Evans stressed that as the joint merger of service was progressed, it was vital that the level of service provision was uninterrupted. There was high level political pressure from the Welsh Assembly for Authorities to collaborate but service provision in such cases was paramount. The transition period was important and it was hoped that support would be given from the SSIA, CSSIW, WAG and other agencies. The Corporate Director: Social Services and Housing said an offer of support of 2 days a month had been received from the SSIA and the WLGA were encouraging officers to seek help with project management arrangements and process e.g. HR and mapping arrangements. A meeting had been held with the WAG policy officer and high Ministerial support was being sought although nothing

specific had been offered but the project manager would need to be in post before such support could be forthcoming.

Responding to a query from Councillor J Thompson Hill on the costs which could not currently be quantified and the possibility of cashable savings, the Corporate Director: Social Services and Housing said revised staffing structures and scale of savings for example could not be quantified at present but more details would emerge following the appointment of the Joint Head of Children's Services.

Councillor P J Marfleet supported the programme and said there were 3 main drivers. The first was the opportunity to ensure the right person was appointed to the Joint post, the second was efficiency gains in the long term although indirect costs could rise. He suggested a baseline assessment was needed immediately for PARIS or ICT for example. He asked at what stage Conwy CBC were at with the merger. The Corporate Director: Social Services and Housing said the issue would be debated by Conwy CBC at a special Cabinet meeting to be held on 14.06.2010. The Project / Change Manager would hold a workshop in July for the merger project brainstorming. She confirmed that there would be costs to resolve the ICT and PARIS issues for example but it was possible these may cross-cut a number of other service areas. Workstreams could be developed which had commonality.

Regarding cost implications, Councillor P A Dobb said all reports on collaboration should include as much information as possible on cost implications, where there were different salary rates for example. She also asked for information on WorkSMART implications – look at where staff were currently based, what accommodation would be required etc. The Corporate Director: Social Services and Housing said terms and conditions was a risk which had been flagged and it was important to understand the differences in the 2 Authorities. Integrating services would require the issues resolving and this would take time. WorkSMART issues would be considered i.e. where staff were currently based and what accommodation would be required.

Councillor S Frobisher referred to the various collaboration opportunities being taken by Denbighshire with Conwy and asked whether consideration was being given to collaboration on a larger scale, throughout North Wales. Councillor P J Marfleet informed colleagues that the 6 North Wales ICT Managers met on a regular basis and were looking at what was being done well and also at different ways of providing services.

The Chief Executive said there were various strands to collaboration and Denbighshire wanted to collaborate with Conwy CBC in particular on the Children's Service provision – the services were at similar levels and the staff already worked well together. With a vacancy for a Head of Service in the 2 Authorities, this was a good time to merge the services. He said it would be important to be robust about the financial implications and it was expected that there would be savings but the quality of service provision came first. He and his Corporate Executive Team (CET) had met with the Conwy CBC CET and they were on board with this collaboration between the 2 Authorities although both Authorities recognised there would be barriers and obstacles to be overcome. He was meeting the other North Wales Chief Executives and ICT provision would be discussed. Regarding collaboration in general, further consideration and discussion would be carried out on what collaboration would mean to Denbighshire. Robust business planning was necessary and collaboration would be part of this.

Councillor E W Williams, referring to Councillor Marfleet's comments on ICT, said the picture for the whole of Wales was important. The capacity within Authorities to deal with issues was important and he supported the appointment of a Project Manager. He also agreed with Councillor Dobb that financial issues had to be resolved. Collaboration would allow purchasing opportunities to emerge, as it had with the Highways collaboration.

***RESOLVED*** that Cabinet agrees formally to merge Denbighshire County Council Children's Services with Conwy County Borough Council Children's Services to create an integrated service and agree a range of practical matters to enable the merger to proceed namely –

*1 proceeding to appoint a Joint Head of Service, the salary level, recruitment and administering authority arrangements set out in paragraph 2.5 of the report*

*2 the initial merger project governance arrangements set out in Appendix 2 and membership of the Project Board set out in paragraph 2.6 of the report*

*3 arrangements for recruitment of a Project Team, specifically a Change/Project Manager and admin support, set out in paragraph 2.8 of the report*

*Cabinet also agree for officers to seek a joint meeting with Conwy Members in support of implementation of the Children's Services collaboration (para 2.6) and to receive a further report on options for streamlining governance arrangements for Conwy/Denbighshire collaborations, given the increasing number of collaborations between the two Counties (para 2.6.1 refers).*

*Cabinet agree that the Corporate Executive Team would monitor and progress the actions.*

## **66 CABINET FORWARD WORK PROGRAMME**

Councillor H H Evans presented the Cabinet Forward Work Programme.

Members noted that a Telecare Business Case report and Regional Collaboration on School Improvement would be presented to the July Cabinet meeting.

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

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

There were no issues referred to Cabinet by the Scrutiny Committees.

## **68 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.

## **69 APPLICATIONS TO REGISTER LAND SITUATE ADJOINING FFORDD ELAN AND LLYS BRENIG, PARK VIEW ESTATE, RHYL AS A VILLAGE GREEN – POSSIBLE OBJECTION BY DENBIGHSHIRE COUNTY COUNCIL AS AN AFFECTED LANDOWNER**

Councillor P J Marfleet presented the report seeking Cabinet endorsement of the action Denbighshire County Council should take as the freehold owner of part of two pieces of land situate adjoining Ffordd Elan and Llys Brenig, Park View Estate, Rhyl ('the application site') in relation to two applications, received respectively under Section 13 of the Commons Registration Act 1965 and Section 15 of the Commons Act 2006, to register the application site as a Village Green. It was understood that Denbighshire County Council's statutory duty as a Commons Registration Authority, which was to consider the two registration applications impartially and on their merits, was quite distinct and separate from any action which the Council as an affected landowner might take in relation to such applications. The purpose of the report was to seek a decision as to what action the Council as an affected landowner of part of the application site should take in relation to the two registration applications.

Councillor Marfleet outlined the background to the report in detail and said consultations with the Park View Residents' Association had been carried out. Officers had worked hard to try and resolve the issues and had attended many meetings with relevant parties. Denbighshire wanted the area to be kept as an open space, for use by local residents.

Members discussed the issue and possible costs in detail and resolved the Lead Member for Finance and Efficiency be included in the delegated authority to authorise the Council's officers to prepare the case for objection at Recommendation 10.3 of the report.

**RESOLVED** that:

- 1 *Cabinet agrees in principle (subject to paragraphs 2 to 3 below) to maintain its existing objection to the two Village Green registration applications made in respect of the Council's land*
- 2 *the Head of Corporate Governance be instructed to immediately seek Counsel's Advice on the merits of the Council's existing objection to the said Village Green registration applications and the likelihood of that objection being successfully upheld at the forthcoming Public Inquiry*
- 3 *Subject to Counsel's Advice indicating that there is a reasonable prospect of the Council's objection being upheld at the Public Inquiry, that the Lead Member for Modernising the Council and the Lead Member for Finance and Efficiency be granted delegated authority to authorise the Council's Officers to prepare the Council's case for objection and to instruct Counsel to present the Council's case at the Public Inquiry*
- 4 *subject to paragraphs 10.1 to 10.3 of the report (as amended above) and in the event of the two registration applications being amended to exclude the Council's land either before or during the Public Inquiry, the Council's Officers be authorised to formally withdraw the Council's objection to the said applications.*

## **70 HYFRYDLE – PREFERRED USE OF THE BUILDING**

Councillor P J Marfleet presented the report to inform Cabinet that on 31 March 2010 the Council received Expressions of Interest from three organisations - Betsi Cadwaladr University Health Board (BCUHB); Governing Board and Leadership Team at Ysgol Plas Brondyffryn; and C-SAW/Autism Initiatives – who all have proposals for occupying and providing services from the Hyfrydle building in Denbigh. The report sought a decision on which of the three interested parties Cabinet considered the most appropriate as the preferred future use of Hyfrydle. The recommendation was that Cabinet support the preferred use of Hyfrydle as a Child Development Centre by Betsi Cadwaladr University Local Health Board, and authorise officers to undertake negotiations to agree the detail of the terms of occupation. Councillor H H Evans queried if the Scrutiny discussions were accounted for – these were referred to in detail in the report and were part of the considerations in relation to the final recommendation.

Councillor Marfleet said all the options were credible and worthwhile. He commended officers for their work and the fair and reasonable way in which they had arrived at the recommendations.

It was agreed by Councillor J Thompson Hill that a rigorous process had been followed and the most logical preferred option was being recommended. Both Councillor Marfleet and the Corporate Director: Social Services and Housing said the BCUHB were positive about providing services in Hyfrydle. The Corporate Director: Environment, responding to Councillor H H Evans' query, said the BCUHB had given clear indications they wished to move ahead with the proposals and they would be agreeing a timescale. They had an effective funding package available for the service provision. Members noted that the issues had been discussed at Joint Scrutiny Committee.

Members discussed various issues relating to the other 2 expressions of interest received and agreed that their concepts and ideas were good and could possibly be further explored at a later date for provision of their services elsewhere in the County.

The Chief Executive said he would write to Mary Burrows, Chief Executive of the BCUHB to ask for confirmation of their commitment to progress the proposal.

**RESOLVED** that Cabinet support the preferred use of Hyfrydle as a Child Development Centre by the Betsi Cadwaladr University Health Board, and authorise officers to undertake negotiations to agree the detail of the terms of occupation. The approach would not preclude the Council from entering into further discussions with C-SAW and Autism Initiatives about their potential use of other Council properties for the provision of their services. The issues identified in the submission from Ysgol Plas Brondyffryn will be considered and addressed through the wider 21<sup>st</sup> Century Schools programme which is currently being developed.

The meeting concluded at 12 noon.

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