

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 14 January 2014 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for Economic Development; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Hugh Irving, Lead Member for Customers and Communities; Huw Jones, Lead Member for Leisure, Youth, Tourism and Rural Development; Barbara Smith, Lead Member for Modernising and Performance, David Smith, Lead Member for Public Realm, Julian Thompson-Hill, Lead Member for Finance and Assets and Eryl Williams, Deputy Leader and Lead Member for Education

Observers: Councillors Ray Bartley, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Meirick Davies, Richard Davies, Stuart Davies, Martyn Holland, Huw Hilditch-Roberts, Colin Hughes, Margaret McCarroll, Jason McLellan, Dewi Owens, Merfyn Parry, Arwel Roberts, Gareth Sandilands, David Simmons, Bill Tasker, Joe Welch, Cefyn Williams and Huw Williams

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Economic and Community Ambition (RM), Customers (HW) and Modernisation and Wellbeing (SE); Heads of Service: Legal and Democratic Services (GW), Finance and Assets (PMc); Revenues and Benefits (RU), Communication, Marketing and Leisure (JG), Adult and Business Services (PG), Education (KE), Customers and Education Support (JW); Programme Manager – Modernising Education (JC), Senior Officer – Strategy and Partnerships (SL), Housing Homelessness Officer (CO), Senior Officer Housing Options (SC), Acting Strategic Procurement Manager (SA), Framework Manager (TS), Design and Construction Team Manager (SE), and Committee Administrator (KEJ).

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillors Hugh Irving and Eryl Williams declared a personal interest in Agenda Item No. 8 – Business Rates Policy Developments in Wales. Councillors Julian Thompson-Hill, Barbara Smith and Eryl Williams declared a personal interest in Agenda Item No. 9 - Discretionary Rate Relief.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 17 December 2013 were submitted.

Page No. 1 – PETITION – Councillor Bobby Feeley asked that Cabinet be advised when the petition had been responded to.

RESOLVED that the minutes of the meeting held on 17 December 2013 be approved as a correct record and signed by the Leader.

5 PROPOSED CLOSURE OF YSGOL LLANBEDR

[At the request of the Leader the Head of Legal and Democratic Services (HLDS) responded to legal issues raised prior to the meeting regarding the consultation process. The HLDS confirmed he was satisfied that relevant legislation had been complied with and there was no legal impediment to a decision being made.]

Councillor Eryl Williams presented the report detailing findings of the formal consultation on the proposal to close Ysgol Llanbedr as of 31 August 2014 and transfer existing pupils to Ysgol Borthyn, Ruthin subject to parental preference, and sought Cabinet approval to publish a statutory notice on the proposal. A letter from The Bishop of St. Asaph opposing the closure was circulated at the meeting.

Councillor Williams acknowledged the difficult decision to be made, noting that Ysgol Llanbedr used to be a thriving school, and praising the wrap around care provided. He highlighted that many children in Llanbedr did not attend the school and referred to previous difficulties affecting pupil numbers. Councillor Williams explained the context of reviewing schools and highlighted previous decisions and outcomes as part of the modernisation education programme. He also described stages of the review process which included school closure, amalgamation, federation and retaining the status quo.

The Leader referred to a recent meeting with parents and governors to discuss the issue of fair play for Llanbedr. He was satisfied that the process had been fair and that Welsh Government would take up the matter if not.

Cabinet acknowledged the need to tackle surplus places as part of the Ruthin review and noted that 21 pupils attended the school which had capacity for 54. It was also noted that only 7 of the 21 pupils lived in the community and there appeared to be no particular preference for an alternative school. Members recognised concerns raised during the consultation but highlighted the importance of providing quality education and maximising the educational potential of youngsters in the Ruthin area. Assurances were sought regarding the impact on pupils' attainment arising from the closure and further clarification was sought in terms of school preferences and consistency of approach taken with other schools. Councillor Eryl Williams and the officers responded as follows –

- Ysgol Borthyn had been named as an alternative school (being English Medium and faith based) with other schools being mentioned as suitable alternatives by consultation respondents including Gellifor, Bro Famau and Rhos Street

- only one respondent confirmed they would send their child/children to Ysgol Borthyn with most choosing not to state a preference – if it was agreed to close the school parents would be contacted again regarding preferences
- clarified the reasoning behind earlier decisions made in relation to smaller schools and the proposals for other schools part of the Ruthin area review based on specific factors relating to those schools
- earlier reviews based on numbers had not been successful and investment could be made in smaller schools if sustainable
- reported upon the good standards of attainment in Ruthin schools, highlighting that the three faith based schools were all performing well
- there were no issues over English Medium or bilingual provision in the area.

Councillor Huw Williams spoke in opposition to the closure of Ysgol Llanbedr and was disappointed that the matter had been brought before Cabinet so soon after the consultation closing date. He highlighted strong community links with the school and church, and the support of local parents and children in community events. In responding to earlier points Councillor Huw Williams explained that parents felt they had not been provided with enough information on alternative schools to express a preference. He referred to previous difficulties affecting pupil numbers but projections showed an increase in to 41 in 2014 and 47 in 2015. He also submitted that officers had under reported admission numbers and sought clarity over the reasons for closure and whether the Council had a small schools policy. The following responses were provided –

- an explanation was given of the process for analysing consultation responses following the closing date in time for submission to Cabinet
- parents had been provided with information relating to Ysgol Borthyn as the named alternative school
- admission figures were subject to change until the nursery admissions round closed – there were currently 13 nursery admissions with 4 from Llanbedr – however even at full capacity of 54 the school was not considered sustainable
- the Council's Modernising Education Policy Framework approved in 2009 included the review of any school with less than 80 pupils
- the Welsh Government had set targets for reducing surplus places and capital funding to improve schools could not be accessed unless targets were met
- there were 24% surplus places in the Ruthin area therefore the Council was not making the best use of its resources.

Councillors Joe Welch and Martyn Holland highlighted the excellent school building and facilities together with the projected increase in pupil numbers and implications of additional housing earmarked for the area as a result of the LDP. Questions were raised over savings arising from school closure and the possibility of federation with a similar school. Councillor Dewi Owens suggested a decision be deferred until future demand for school places was ascertained. The following responses were provided –

- any housing development was likely to be some years away and based on current demand was unlikely to generate more than 2 or 3 pupils for the school

- £68k savings had been identified as a year on year saving which could be used to fund prudential borrowing; although the facilities and building were good the review focused on sustainability and future investment would be required
- a mobile was used at Ysgol Borthyn and there was capacity for more pupils – a capacity assessment would be undertaken in the area when considering pupil numbers for a new Ruthin school
- federation had been considered but there would be costs associated with retaining two buildings and there was a need to reduce the asset base in order to invest in other school buildings and make the best use of resources
- acknowledged an increase in pupil numbers during the year but even at full capacity the school would not be sustainable for the future
- to defer the decision would put the Ruthin area review at risk and would impact negatively on pupils.

In his closing statement Councillor Huw Williams –

- advised that if the school closed the site would revert back to the benefactor and the Council, Diocese and Llanbedr Village would not benefit
- raised concerns that closing the school in order to reduce surplus places and attract capital funding had not been mentioned in the formal consultation document and therefore he felt the process had been improper
- was disappointed the Governing Body had received no response to their legal papers and their Solicitor was concerned as to flaws in the consultation.

The HLDS reiterated his view that due process had been followed and a decision could be made on the information presented. In moving the recommendation Councillor Eryl Williams highlighted Denbighshire's strategic approach for investing in schools and providing quality education provision across the county. Cabinet paid tribute to the energetic campaign to keep the school open but felt that the right decision was to approve the recommendation.

RESOLVED that Cabinet approve the publication of a statutory notice on the proposal to close Ysgol Llanbedr as of the 31 August 2014 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference.

At this juncture (11.15 a.m.) the meeting adjourned for a refreshment break.

6 FRAMEWORK FOR INTEGRATED SERVICES FOR OLDER PEOPLE

Councillor Bobby Feeley presented the report seeking Cabinet's approval of the draft Statement of Intent (attached to the report) for submission to the Welsh Government in response to their intention to establish integrated health and social care services for older people with complex needs. The Statement was a regional document but highlighted areas of good practice developed in Denbighshire.

The Chair of Partnerships Scrutiny Committee, Councillor Jeanette Chamberlain-Jones provided an overview of the scrutiny debate on the Statement confirming that the committee had welcomed the proposals and asked that sufficient resources be made available to deliver those integrated services.

Discussion focused on the following –

- Welsh Language was highlighted as an important element to ensure people could converse in Welsh if they wished – it was also identified as an issue that would benefit from monitoring as part of the integration framework
- details of the timeline to develop proposals for integrated provision were provided with the submission of further actions to Welsh Government required during the year and a completion deadline in December 2014
- it was established that the integration agenda also involved the voluntary sector but funding for voluntary groups would need to be explored via locality areas
- it was hoped that previous difficulties in partnership working with Betsi Cadwaladr University Health Board (BCUHB) could be facilitated as part of the integration agenda and was an issue that would benefit from close monitoring
- the essential role of General Practitioners (GPs) in the establishment of integrated services was highlighted together with concerns over appointment waiting times and how those issues could be dealt with through the integrated framework – the issue was being managed through a number of forums including local leadership teams led by GPs. With regard to waiting times it was noted that the matter had been raised previously with BCUHB and could be highlighted again as a barrier to integration.

RESOLVED that Cabinet agrees that the draft Statement of Intent document (as detailed in Appendix 1 to the report) be submitted to Welsh Government as an initial regional response to the Welsh Government document “A Framework for Delivering Integrated Health and Social Care” (July 2013).

7 COMMON ALLOCATIONS POLICY - SINGLE ACCESS ROUTE TO HOUSING

Councillor Hugh Irving presented the report on the development of a Single Access Route to Housing (SARTH) across the North East Wales sub region and sought Cabinet’s approval of the Common Allocations Policy for implementation locally. SARTH was a partnership project between major social landlords in North East Wales. The aim of the Common Allocations Policy (CAP) and its proposed implementation across partner organisations had been detailed within the report.

Officers responded to a number of different scenarios put to them relating to housing need and confirmed there was no cross border link between local authorities. Members were reassured that local people, including those currently on the housing list, would not be disadvantaged as a result of the new policy and that local connections featured prominently in the assessment process. Reference was made to the legal context and categorisations of reasonable preference relating to housing need in which local connections could also be applied.

The Chair of Partnerships Scrutiny Committee, Councillor Jeanette Chamberlain-Jones provided an overview of the scrutiny debate on the report highlighting a number of concerns which had been detailed in Appendix C to the report. Officers reported on progress in addressing some of the issues raised and it was noted that concerns in respect of poor quality housing provided by Registered Social Landlords should be dealt with as a separate issue. Other members raised issues not directly related to the CAP including sub-letting of affordable housing; standards

of sheltered accommodation and lack of wardens in particular areas, and tenants not maintaining properties and actively preventing improvement to properties. To ensure all issues raised would be addressed it was agreed that officers report back to scrutiny thereon.

RESOLVED that Cabinet –

- (a) *approves the new Common Allocations Policy for Denbighshire as detailed in Appendix A to the report, and*
- (b) *requires officers to report back to scrutiny on actions to be taken in respect of the issues raised by Partnerships Scrutiny Committee as set out in Appendix C to the report and further points raised by elected members at Cabinet.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED that under Section 100A 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 it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972

8 FUTURE OF CLWYD LEISURE LIMITED

[This item was brought forward on the agenda with the consent of the Leader]

Councillor Huw Jones presented the confidential report on the future delivery options for the facilities currently operated by Clwyd Leisure Limited.

A petition coordinated by a member of staff at the North Wales Bowls Centre was read out urging the Council to take action to prevent the closure of the facilities.

Members carefully considered the findings of the due diligence exercise carried out and the case made for future options and took the opportunity to question the officers thereon in order to satisfy themselves as to the best way forward. During an in depth discussion serious concerns were raised about the way the company was being run and the operation of facilities. Whilst it was agreed that the Council could not take over or continue to fund the company in light of those concerns they reiterated their commitment to improving the coastal tourism and leisure offer.

RESOLVED –

- (a) *that the Council reaffirms its vision of developing first class tourist and leisure facilities as part of the longer term coastal offer;*
- (b) *that Cabinet calls upon the Board of Clwyd Leisure Limited to state by 31 January 2014 what its future plans are for the operation of its facilities in the short and medium terms;*

- (c) *that Cabinet endorses the position that it is too great a risk to the Council to take over the Clwyd Leisure Limited Company;*
- (d) *that in light of the ongoing concerns and the due diligence exercise findings, the Council ceases to fund Clwyd Leisure Limited completely from 1 April 2014 onwards, and*
- (e) *that the current funding available to support Clwyd Leisure Limited (circa £200k in 2014/15) is used to support these changes and to develop an interim offer whilst the Council decides upon the longer term coastal offer.*

At this point Cabinet adjourned for lunch and resumed in open session at 3.00 p.m.

9 BUSINESS RATES POLICY DEVELOPMENTS IN WALES

Councillor Julian Thompson-Hill presented the report detailing legislative changes to Business Rates to promote new developments and bring back into use long term empty properties, and recommended Cabinet adopt the two new schemes.

Both schemes had been designed to promote growth and increasing levels of employment on a national scale. In response to questions the Head of Revenues and Benefits advised that the maximum amount of European aid limits would apply and ratepayers would benefit from the most favourable scheme in cases where more than one applied. Cabinet noted the merits of the schemes and the Leader asked that they be promoted as much as possible to maximise the economic benefits.

RESOLVED *that the 'model resolutions' and 'model application forms' for both new schemes in respect of Business Rates as set down by the Welsh Government be formally adopted.*

10 DISCRETIONARY RATE RELIEF

Councillor Julian Thompson-Hill presented the report on the levels of Discretionary Rate Relief (DRR) awarded to Charities and Non Profit making organisations and sought approval of proposed amendments to the DRR Criteria.

Members were provided with the current cost of DRR to the Council together with actions to generate savings for 2015/16, and asked to consider further amendments to the DRR criteria. Under current legislation rate relief could only be amended from 2015/16 for existing applicants but with immediate effect for new applications. Cabinet discussed the case for amendment and welcomed the proposals as an equitable way forward to ensure the Council continued to provide discretionary relief where needed and to benefit the local community.

RESOLVED *that Cabinet approve the proposed amendments to the Discretionary Rate Relief Criteria to be applied from 1 April 2014 for new applicants and 1 April 2015 for existing applicants, as set out in paragraphs 4.1 – 4.9 of the report.*

11 BUDGET 2014 / 2015

Councillor Julian Thompson-Hill presented the report detailing the budget proposals for 2014/15 and resulting 3.5% increase in the level of Council Tax. Additional budget saving proposals of £2m in order to finalise the Revenue Budget for 2014/15 had been attached to the report (Appendix 1) together with details of previously approved budget savings of £6.5m for 2014/15 (Appendix 2).

Reference was made to members' views arising from the recent Budget Workshop and the reasoning behind the proposals put forward. Some reservations were expressed regarding the use of general balances to help meet the savings shortfall, but Cabinet was reassured that balances would remain at a reasonable level and did not pose a risk to the authority. The use of balances was intended as a one off allocation allowing time to develop further savings proposals for 2015/16. Any windfalls at the end of the financial year would be allocated to general balances unless earmarked for specific services. The significant financial challenge for future years was also highlighted with more difficult decisions to be made.

Councillor David Smith paid tribute to the Head of Finance and Assets and his team for their hard work and management of the budget setting process.

RESOLVED that Cabinet –

- (a) *supports the budget proposals for 2014/15 as shown in Appendix 1 to the report and recommends accordingly to full Council, and*
- (b) *recommends the resulting 3.5% increase in the level of Council Tax for 2014/15 to full Council.*

12 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a summary of the Council's financial position as follows –

- an under spend of £951k was forecast across service and corporate budgets
- 76% of agreed savings had been achieved to date (target £3.061m)
- highlighted key variances from budgets or savings targets relating to individual service areas
- a negative movement of £6k on school balances brought forward from 2012/13
- a general update on the Capital Plan and Housing Revenue Account.

Cabinet was also asked to approve three transfers to reserves as detailed in section 6 of the report. In response to a question from the Leader, Councillor Thompson-Hill advised that the Council was currently projecting an underspend of £950k at the end of the financial year but that figure was subject to change.

RESOLVED that Cabinet –

- (a) *note the latest financial position and progress against the agreed budget strategy, and*

(b) *approve the following transfer to reserves as detailed in Section 6 of the report:*

- *£72k to the EDRMS Reserve*
- *£355k to the Strategic Investment Reserve (Extra Care Housing)*
- *£300k to a Modernising Social Care Reserve.*

13 CABINET FORWARD WORK PROGRAMME

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration. The Head of Legal and Democratic Services advised that if a scrutiny committee called upon Cabinet to review the decision taken in respect of Ysgol Llanbedr the issue would need to be considered at the February meeting.

RESOLVED *that Cabinet's Forward Work Programme be noted.*

EXCLUSION OF PRESS AND PUBLIC

RESOLVED *that under Section 100A 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 it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972*

14 NORTH WALES SCHOOLS AND PUBLIC BUILDINGS CONTRACTOR FRAMEWORK

Councillor Julian Thompson-Hill presented the confidential report recommending the appointment of named contractors to the North Wales Schools and Public Buildings Contractor Framework (NWSPBCF). The report detailed the outcome of the NWSPBCF procurement process and merits of the collaborative approach.

Councillor Thompson-Hill introduced the team working on the framework and paid tribute to their hard work. Officers confirmed each authority could determine their own specific economic needs and community benefits sought for each project.

RESOLVED *that the named contractors detailed in paragraph 3 of the report be appointed to the North Wales Schools and Public Buildings Contractor Framework.*

The meeting concluded at 4.15 p.m.