

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 25 March 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 Raymond Bartley, Brian Blakeley, Joan Butterfield, Jeanette Chamberlain-Jones, Bill Cowie, Ann Davies, Meirick Davies, Richard Davies, Huw Hilditch-Roberts, Gwyneth Kensler, Margaret McCarroll, Jason McLellan, Peter Owen, Dewi Owens, Merfyn Parry, Paul Penlington, Gareth Sandilands, David Simmons, Cefyn Williams, Cheryl Williams and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM); Corporate Director Economic and Community Ambition (RM), Director of Social Services (NS), Head of Legal and Democratic Services (GW); Heads of Service: Finance and Assets (PMc); Communication, Marketing and Leisure (JG), Education (KE), Customers and Education Support (JW), Economic and Business Development Manager (TB), Programme Manager – Modernising Education (JC) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Apologies were submitted on behalf of Councillor Hugh Irving who would be arriving late for the meeting.

#### **2 DECLARATION OF INTERESTS**

Councillor Huw Hilditch-Roberts declared a personal interest in Agenda Item No. 5 – Proposal to close Ysgol Llanbedr. Councillor Jason McLellan declared a personal and prejudicial interest and Councillor David Simmons declared a personal interest in Agenda Item No. 6 – Coastal Facilities in Rhyl and Prestatyn.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 18 February 2014 were submitted.

***RESOLVED** that the minutes of the meeting held on 18 February 2014 be approved as a correct record and signed by the Leader.*

**5 PROPOSAL TO CLOSE YSGOL LLANBEDR AS OF 31 AUGUST 2014 AND TRANSFER EXISTING PUPILS TO YSGOL BORTHYN, SUBJECT TO PARENTAL PREFERENCE**

Councillor Eryl Williams presented the report detailing the objections received following publication of the Statutory Notice to close Ysgol Llanbedr with pupils transferring to Ysgol Borthyn, subject to parental preference, together with factors to be considered prior to determining the proposal.

Councillor Williams explained the context of reviewing schools as part of the modernising education programme and statutory processes to be followed. Cabinet considered the objections detailed within the report together with the arguments for the proposal and factors detailed in the School Organisation Code. During that process members asked questions and sought assurances regarding a number of issues. The following responses were provided to the issues raised –

- Ysgol Borthyn was considered sustainable long term and had been identified as an alternative school (being English Medium and faith based) – only one respondent had confirmed a preference for that school at this stage
- the stages of the review process were explained and assurances given that all schools in the Ruthin area had been treated equally with different outcomes depending on the particular circumstances relating to each school
- the reasoning behind the proposal for Ysgol Llanbedr was explained taking into account the criteria applied and the need to tackle surplus places and rationalise the school estate in order to access capital funding and invest in schools
- even at full capacity (54 pupils) the school was not considered sustainable with suitable alternative provision 2.1 miles away
- assurances were provided that all responses received as part of the consultation process had been taken into account and due process had been followed
- consideration had been given to attainment levels which were generally good across all Ruthin area schools; it was believed standards would not suffer as a result of the proposal and the Council strived for continuous improvement.

Councillor Huw Williams spoke against the proposal and commented as follows –

- he felt that reference (within the determination report) to the allocation of £8400 to Llanbedr Village Hall was unfair and should be removed
- parents felt they had not been provided with enough information on alternative schools to express a preference
- the option to federate the school should be explored further
- whilst Rhos Street School and Ysgol Pen Barras had surplus places there were safety issues in terms of traffic management which would be worsened if pupils transferred to those schools
- assurances had been provided by the Head of Education to the Governing Body in March 2012 that there was no intention to close the school

- queried whether 'Munchkins' child care facility could be safeguarded if the school closed
- asked whether the Diocese had been approached for funding.

The following responses were provided –

- reference had been made to the funding allocation for Llanbedr Village Hall in order to respond to questions raised regarding community impact
- the context in which the discussion took place with the Governing Body in 2012 was provided in order to support the school and provide stability at a time before the school had entered into a review situation
- 'Munchkins' was a private business linked to the school and the value of that provision had been acknowledged – officers would work with other Ruthin schools to explore the possibility of providing wrap around care for pupils
- during general discussion on faith reviews it was apparent that the Diocese did not have the capital to invest in schools.

Councillor Dewi Owens thought the proposal premature because pupil numbers could increase over the next few years. Councillor Merfyn Parry highlighted that some parents wanted their children educated in a rural school. Officers responded that such a preference was not a fundamental priority for consideration and the Council provided a mix of rural and town schools where sustainable. Councillor Huw Hilditch-Roberts was concerned about uncertainty for pupils and was advised that a report would be submitted to Cabinet in June regarding capital funding for the outcome of the review but there would still be some unknowns in terms of timescale for a new Ruthin school.

The Head of Legal and Democratic Services highlighted the relevant factors which must be considered when approving and determining proposals together with the requirements of S.53 of the School Standards and Organisation (Wales) Act 2013 for members to approach the proposal with an open mind and consider objections alongside arguments for the proposal. Cabinet was satisfied that the relevant factors had been considered throughout the process and that the requirements of S.53 of the Act had been met when determining the proposal.

In moving the recommendation Councillor Eryl Williams highlighted the difficult decisions required in order to progress the modernising education agenda and ensure the best quality education in the future. The Leader supported the recommendation adding that the review presented an opportunity to manage surplus places and modernise schools.

**RESOLVED** that Cabinet –

- note the determination report and objection report, and*
- following consideration of the above, Cabinet approve the proposal to close Ysgol Llanbedr as of 31 August 2014 with existing pupils transferring to Ysgol Borthyn, Ruthin subject to parental preference.*

[Councillor Hugh Irving took no part in the discussion or voting on this item as he had not been present throughout the entire proceedings.]

At this juncture (10.55 a.m.) the meeting adjourned for a refreshment break.

## **6 COASTAL FACILITIES IN RHYL AND PRESTATYN - INTERIM MANAGEMENT OPTIONS**

Councillor Huw Jones presented the report detailing interim management options for the Sun Centre, Nova Centre and North Wales Bowls Centre which had been returned to the Council after Clwyd Leisure Limited (CLL) had ceased trading.

Councillor Jones explained the position to date and the reasoning behind each of the recommendations following a detailed appraisal of the different options for the facilities pending the development of the business case for an improved coastal leisure offer. With regard to the recommendation for the Sun Centre he proposed an amendment to include the opportunity for wet leisure activities in view of potential interest in that regard which had recently come to light.

Cabinet considered the merits of each recommendation in order to satisfy themselves as to the best way forward. The following key points were discussed –

**North Wales Bowls Centre** – Members highlighted the importance of the Bowls Centre as a community facility and acknowledged the valuable contribution made by the existing bowling clubs and key role in ensuring its future success. Officers were asked to progress the recommendation to reopen the Bowls Centre as soon as possible.

**Nova Centre** – Cabinet accepted it would not be financially viable for the Nova Centre to reopen for a short period pending its redevelopment. However concerns were raised about the impact of its temporary closure on other businesses in the locality and Councillor Julian Thompson-Hill asked that consideration be given to reducing/removing some long stay car parking charges during that period to help businesses. Councillor David Smith confirmed he would ask officers to consider that request as part of the car parking review currently being undertaken. In response to questions from Councillors Paul Penlington and Gareth Sandilands regarding leisure provision in Prestatyn the Head of Communication, Marketing and Leisure confirmed that in the interim alternative gym and fitness provision would be available at Prestatyn Leisure Centre and alternative public access swimming opportunities would be explored with other local providers. He also confirmed developer interest in the Nova Centre and likely timescales for redevelopment.

**Sun Centre** – Cabinet agreed to an amendment to the recommendation to include wet leisure activities at the facility. Whilst accepting it was not viable for the Council to re-open the Sun Centre members were keen for the facility to be operated by a third party. Councillor Barbara Smith queried the number of employees affected and was advised that records showed 13 full time equivalent posts with a large cohort employed through the summer season, most of whom resided outside the area. Councillor Eryl Williams referred to a recent site visit and expressed serious concerns regarding the state of the facility and how it had been managed.

Councillor Joan Butterfield stated that Rhyl members would never have voted to close the Sun Centre but were supportive of officers' actions after seeing the condition of the facility. Concerns had been raised for a number of years about CLL's management and Labour Members called for an internal inquiry to establish the facts and ensure it never happened again. Councillor Brian Blakeley also voiced his concerns and sought assurances regarding future investment in Rhyl's coastal offer. The Corporate Director Economic and Community Ambition provided assurances on the longer term vision for Rhyl and delivering the aquatic offer. She also confirmed members would be kept informed of potential developer interest in both current and future provision.

The Chief Executive confirmed a review would be undertaken to learn from the experience but emphasised the need to focus on the present and future recommendations in order to move forward. Cabinet agreed to reference the review within their recommendations. Councillor David Simmons highlighted public perception that the Council was to blame for the Sun Centre's closure and at his request the Chief Executive agreed to issue a factual statement.

**RESOLVED** that Cabinet –

- (a) *approve the re-opening of the Bowls Centre from April/May 2014 and that officers explore a future operating arrangement in partnership with the existing bowls clubs;*
- (b) *agree that the Nova Centre remains closed pending agreement of the Alliance Leisure redevelopment proposals in May 2014, note that in the interim alternative gym and fitness provision will be available at Prestatyn Leisure Centre, and ask officers to explore alternative public access swimming opportunities for the local community with other local providers;*
- (c) *agree that the Sun Centre is not reopened as an aquatic facility operated or managed by the Council; authorise officers to explore further opportunities for the operation of the Sun Centre by a third party either as a wet or dry leisure facility, and note that in the interim alternative gym, fitness and swimming provision will be available from Rhyl Leisure Centre;*
- (d) *note that the financial consequences of the recommendations can be contained within the budget available for coastal facilities in Rhyl and Prestatyn;*
- (e) *confirm that the Council remains focused on securing a new aquatic leisure offer for Rhyl through the arrangements agreed by Cabinet in February, and*
- (f) *agrees that an internal review be undertaken into the way in which the Council monitored the operation by Clwyd Leisure Limited of the facilities referred to within the report.*

At this juncture (12.20 p.m.) the meeting adjourned for a refreshment break.

## 7 TOWN AND AREA PLANS

Councillor Hugh Evans presented the report seeking adoption of the Town and Area Plans for Rhyl, Denbigh and Rhuddlan and approval of funding for the priorities contained within those plans. The report also provided an update of spend to date against Town and Area Plans.

Councillor Evans highlighted the need to link Town/Area Plans to the economic strategy and explained how the plans contributed to the corporate priority of developing the local economy and bringing the Council closer to communities. In terms of the Rhyl Plan he explained how it was linked and aligned to existing plans, including Rhyl Going Forward and Rhyl City Strategy. Councillor Joan Butterfield supported the Rhyl Plan for approval and thanked officers for their guidance in its development. In response to questions from Councillor Meirick Davies regarding Rhyl Railway Station, the Chair asked the Lead Member for Public Realm to investigate the funding allocation and works to be carried out.

The Economic and Business Development Manager responded to questions regarding spend to date and explained the process of monitoring funding for Town and Area Plans. Councillor Eryl Williams raised concern that proof of match funding had been required for a project in his area with no such requirement for other areas. The Chief Executive agreed the need for a clear position on match funding and felt that as a general principle projects should not commence until match funding had been secured. During discussion the important role of the Member Area Groups in monitoring spend and reviewing projects' progress was raised together with the need for realistic project timescales. The lack of consistency across the Town and Area Plans was highlighted and the need to ensure allocations based on the best use for communities. Councillor Bobby Feeley in particular expressed her concerns about the way monies had been allocated and although she agreed to accept the town and area plans this year, she asked that the plans be 'sharpened up' in line with the content of the Corporate Plan before next year. The Corporate Director Economic and Community Ambition gave assurances that the issues raised by members would be considered as part of the review into the Area Plans process.

**RESOLVED** that Cabinet –

- (a) *approve the adoption of Area Plans (incorporating the existing Town Plans) for Rhyl, Denbigh and Rhuddlan;*
- (b) *approve the funding for the priorities detailed in the above referred Area Plans, and*
- (c) *note the information with regard to spend to date against Town and Area Plans.*

## 8 WIGGLE ETAPE CYMRU 2014 CYCLING EVENT

Councillor Huw Jones presented the report updating Cabinet on the Etape Cymru closed cycling event scheduled for September 2014. The report addressed

concerns raised about the 2013 event and provided details of the proposed new route, communications with event organisers and planned road closures.

Cabinet acknowledged the significant economic benefits of the event on the local economy but highlighted the need to be sensitive to local businesses and residents and felt that communication was key in that regard. They took reassurance from the arrangements to be put in place to address previous concerns including communications with residents/landowners; marshalling and traffic management and proposed changes to the route. Consequently it was –

**RESOLVED** that Cabinet note the arrangements put in place to address the communities, and members' concerns, agree the road closure, and endorse the event taking place.

## **9 RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP**

Councillor Julian Thompson-Hill presented the report seeking Cabinet's support of projects identified for inclusion in the 2014/15 Capital Plan as recommended by the Strategic Investment Group (SIG) and detailed in Appendix 1 to the report.

Councillor Thompson-Hill guided members through the report and elaborated upon funding available for capital investment to one-off projects and block allocations for on-going programmes of work. Reference was made to the work of the SIG in reviewing bids for allocations together with issues that arose during that process and a summary of the recommendations.

As Lead Member, Councillor David Smith was pleased with the allocations to Highways in order to progress necessary works. Councillor Eryl Williams explained the background to the A525 Crash Barrier scheme and was concerned that funding had been retained for that project since 2006/07 instead of reallocated to other schemes. He asked that the matter be investigated and processes put in place to ensure funding allocations were used appropriately. Both Councillor Thompson-Hill and the Head of Finance and Assets accepted that it had taken too long to release the funding allocation in this case and gave assurances that most elements of the capital plan were robustly monitored. The bid had not been supported by the SIG who recommended that funding be released back into the capital plan.

Councillor Thompson-Hill thanked colleagues on the SIG for all their hard work.

**RESOLVED** that the projects detailed in Appendix 1 to the report for inclusion in the 2014/15 Capital Plan be supported and recommended to full Council.

## **10 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 £1.412m was forecast across service and corporate budgets
- 91% 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 positive movement of £398k 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 a transfer of £23k to the Planning reserve.

Councillor Eryl Williams referred to his request at Full Council that a letter be sent to Assembly Members asking them to lobby for a change to the Housing Revenue Account finance system to ensure local authorities who had achieved the Welsh Housing Quality Standard were not penalised with regard to the amounts they were able to invest in the future. He asked that the letter be sent as soon as possible and that he be provided with a copy.

Members noted the underlying financial position was good and congratulated departments on their achievements.

**RESOLVED** that Cabinet –

- (a) *note the progress against the agreed budget strategy, and*
- (b) *approve the following transfer to reserves as detailed in Section 6 of the report – £23k to the Planning reserve in respect of fees received in the current year but that relate to expenditure in 2014/15.*

## **11 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and members noted a number of amendments.

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

The meeting concluded at 2.00 p.m.