

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 16 December 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; 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, Bill Cowie, Meirick Davies, Martyn Holland, Huw Hilditch-Roberts, Arwel Roberts and Cefyn Williams

### **ALSO PRESENT**

Chief Executive (MM); Director of Social Services (NS); Heads of Service: Legal, HR and Democratic Services (GW), Finance and Assets (PM), Customers and Education Support (JW), Education (KE), Planning and Public Protection (GB), and Adult and Business Services (PG); Chief Accountant (RW); Public Protection Manager (EJ); Service Charges Officer (DO), Corporate Improvement Officers (KN & IM), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Councillor Barbara Smith

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

No declaration of personal or prejudicial interest had been raised.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 25 November 2014 were submitted.

**RESOLVED** that the minutes of the meeting held on 25 November 2014 be approved as a correct record and signed by the Leader.

#### **5 CONSULTATION - YSGOL ESGOB MORGAN**

Councillor Eryl Williams presented the report detailing the findings of a formal consultation carried out on proposals to change Ysgol Esgob Morgan from a community junior school into an Anglican faith junior school with effect from 1

September 2015. He sought Cabinet approval for the next stage – publication of a statutory notice to carry out the proposal to change the denomination of the school.

Cabinet considered the merits of the proposal together with the consultation results and noted the proposal would assist in the transition of pupils from St. Asaph VP Infants to Ysgol Esgob Morgan and streamline any future amalgamation proposals between the two schools. In response to questions officers detailed the consultation process undertaken, which included a tailored consultation for pupils, and provided an overview of the analysis of responses received. It was considered that the majority of objectors were not directly related to the school. Assurances were sought regarding the impact on education standards and officers confirmed no negative impact but positive enhancements as a result of strengthening existing links with the church.

**RESOLVED** that Cabinet approves the publication of a statutory notice to carry out the following proposals –

- *Denbighshire County Council will close Ysgol Esgob Morgan on 31 August 2015; and*
- *the Anglican Diocese of St. Asaph will open a new Anglican Faith Voluntary Controlled School to serve the communities of St. Asaph and the surrounding areas on 1 September 2015 on the existing site of Ysgol Esgob Morgan.*

## **6 ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION (HMO)**

Councillor David Smith presented the report seeking Cabinet approval to the re-designation of an additional licensing scheme for HMOs within Rhyl together with associated licensing conditions and fees. The current additional scheme was due to expire on 31 December 2014 and following a comprehensive review and consultation exercise it was recommended that the scheme be re-designated for a further five years.

Cabinet considered the findings of the review and consultation exercise and were supportive of the scheme as a means of improving standards of accommodation. Officers confirmed that Rhyl Town Council and Rhyl Member Area Group were in support and other local authorities had been consulted in order to share best practice. Assurances were sought that adequate resources were available for housing enforcement and officers explained enforcement was just one of a range of measures to secure improvement and they were content that appropriate resources had been made available given the current financial climate. Delivery of the scheme had been identified as a service priority. Communities Scrutiny Committee Chair Councillor Huw Hilditch-Roberts outlined the scrutiny debate on re-designation of the scheme and confirmed they were supportive of it.

**RESOLVED** that Cabinet –

- (a) *approve the re-designation of an additional licensing scheme for Housing in Multiple Occupation (HMOs) within Rhyl for a further 5 years as detailed in Appendix 1 to the report;*
- (b) *approve the Conditions to be imposed as part of an “Additional” and “Mandatory” Licensing Scheme as detailed in Appendix 2 to the report;*
- (c) *approve the Fees to be applied to an “Additional” and “Mandatory” Licensing Scheme as detailed in Appendix 3 to the report, and*
- (d) *supports the implementation date to be no later than 1 April 2015 which complies with the minimum 3 month statutory period between an approved designate and implementation.*

## **7 VARIATION OF COUNCIL HOUSING TENANCY AGREEMENTS**

Councillor Hugh Irving presented the report seeking Cabinet approval to adopt the new tenancy agreement with formal notice of variation. The tenancy agreement had been revised to reflect changes in law and practice and would enable the council to deal with issues such as anti-social behaviour more effectively.

Cabinet noted the tenancy agreement had been subject to a comprehensive review and consultation process with much positive feedback received. The timescale for implementation of the new agreement for existing and new tenants was also noted with an amendment of 1 January 2015 applying to new tenants. Councillor Irving was pleased to report upon the positive contribution of the Tenants Advisory Group within the process. Members welcomed the new agreement as a robust document providing consistency for all tenants and were happy to note the level of input from tenants and other stakeholders during its formulation. In terms of Welsh Language provision officers confirmed all documentation would be available bilingually and requests for brail or other languages would be dealt with on a one to one basis.

***RESOLVED*** that Cabinet adopts the revised final version of the Council House Tenancy Agreement with Final Notice of Variation as detailed within the report.

## **8 DISAGGREGATING SERVICE CHARGES FOR COUNCIL TENANTS**

Councillor Hugh Irving presented the report seeking Cabinet agreement of key principles to determine how service charges would be calculated and implemented from rents from April 2015. The report had been prepared in response to Welsh Government's new rent setting policy which required service charges to be separated from tenants' rental payments to clearly identify what services they were paying for and charges made.

Cabinet considered the options contained within the report in order to meet the requirement and accepted the reasoning behind the recommendation to adopt a variable charge policy to recover service charges and reduce rents for the first year by the amount of chargeable services received. Councillor Bobby Feeley highlighted the complexity of the process and sought assurances that the changes would be effectively communicated to tenants. She was particularly concerned

about the disproportionate impact upon sheltered complexes which mainly affected older people and how that would be managed. The Service Charge Officer (SCO) explained that charges would be higher in sheltered schemes due to the costs of maintaining communal areas which would be mitigated in part for those in receipt of housing benefit and by the proposal to reduce the rents in the first year and then follow an uplifting policy. In response to communication concerns, he agreed to consider further contact with sheltered complexes to clarify matters. Assurances were sought that the variable approach would not lead to significant cost increases in future years due to undercharging. The SCO was confident that projections had been accurately calculated, detailing the amount of work undertaken in that regard. He also confirmed that there was no opt out mechanism for tenants.

**RESOLVED** that Cabinet agrees the key principles that will determine how service charges will be calculated and implemented from rents from April 2015 onwards as detailed within the report, specifically to –

- adopt a Variable Charge Policy for apportionment and recovery to all Tenants who receive services, and
- that individual rents are reduced at year one implementation by the amount of chargeable services that tenants receive, and

that Cabinet notes a further paper will be considered on the final charges as part of the council's annual council house rent setting process in February 2015.

## **9 CORPORATE PLAN PERFORMANCE REPORT (Q2 2014 - 15)**

In the absence of the Lead Member, Councillor Barbara Smith, the Leader presented the report updating Cabinet on the delivery of the Corporate Plan 2012 – 17 at the end of quarter 2 of 2014/15. The report also included performance in relation to the Outcome Agreement and Project Register.

The Leader advised that the report was more favourable than the previous quarter, particularly in relation to the local economy and he highlighted a number of improvements. Reference was made to the impact of the funding cuts and links between decision making around the budget process and the Corporate Plan. He stressed the importance of continuing with the Council's ambitions and priorities as detailed within the Corporate Plan.

Councillor Julian Thompson-Hill queried the likelihood of receiving full payment of the outcome agreement grant. Officers referred to the negotiation of targets with Welsh Government in that regard and did not anticipate any loss of points which would affect the amount payable for 2014-15. A final decision was expected in January on the outcome of performance for 2013-14. Councillor David Smith highlighted his concerns regarding highway maintenance and whilst it was hoped that an acceptable standard would be maintained, it could not be guaranteed for future years given the financial situation and removal of LAGBI (Local Authority Growth Business Incentive) funding.

**RESOLVED** that Cabinet notes progress made in delivering the Corporate Plan.

## 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 –

- a net under spend on the revenue budget of £327k was forecast for service and corporate budgets
- savings of £7.1m were agreed as part of the budget and at this stage 90% had been achieved with 10% in progress
- highlighted other key variances from budgets or savings targets relating to individual service areas, and
- a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

Cabinet was also asked to approve a £20k transfer to the Coroner Service Reserve.

Councillor David Smith provided an update on Phase 3 of the West Rhyl Sea Defence Project and members noted it would soon be included in the Capital Plan. As Chair of TAITH, Councillor Smith reported upon letters he had sent to the Business Minister regarding concerns over income from the North and Mid Wales Trunk Road Agency and to the Finance Minister regarding concerns about LAGBI funding, for which he was awaiting responses. Councillor Eryl Williams reiterated his previous concerns regarding the implications of the allocation of funding for the M4 improvements and asked that letters be sent to Assembly Members in that regard. In relation to the reduction in the Supporting People Grant, Councillor Thompson-Hill reported upon the setting up of a reserve to manage the issue.

**RESOLVED** that Cabinet –

- notes the budgets set for 2014/15 and progress against the agreed budget strategy;*
- approves the transfer of £20k to the Coroner Service Reserve, and*
- that the Council write to all Assembly Members in North Wales to ask for their position on the reduction in highway funding for Denbighshire and the allocation of funding for the M4 improvements.*

## 11 CABINET FORWARD WORK PROGRAMME

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration.

Councillor Bobby Feeley queried the possibility of delaying the Modernisation Education Proposals for the Ruthin area to allow additional time to consider the options. Councillor Eryl Williams was keen for the item to proceed in January given that particular projects had already been delayed to enable all projects to be considered at the same time, and he highlighted the need for funding to be formally

allocated. He also felt there was sufficient time for all stakeholders to consider the proposals beforehand. The Leader urged all members to try and address any outstanding issues before the next meeting.

The Head of Finance and Assets' suggestion to remove the Business Rates item from the work programme in January was accepted.

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

At this juncture (11.25 a.m.) the meeting adjourned for a refreshment break.

## **12 THE FUTURE OF IN-HOUSE SOCIAL CARE SERVICES**

Councillor Bobby Feeley presented the report seeking Cabinet's agreement to enter into a consultation exercise on the future of in-house social care services. She provided some context to the report highlighting the requirements of the Social Services and Wellbeing (Wales) Act and impact of the significant budget cuts.

A Members' Task and Finish Group had been established to examine the financial sustainability of the Council's in-house social care services and their recommendation to outsource services and save £700k had been agreed as part of the budget setting process. To progress that work a consultation exercise, including equality impact assessments, needed to be undertaken. Much attention had focused on the proposal to close the three existing residential care homes and assurances were provided at the outset that they would not be closed if there were residents whose needs could not be met in alternative provision. Councillor Feeley was also keen to highlight the quality of provision in the private sector which had been subject to some unfair publicity advising that nearly 90% of care home placements funded by the Council were in private sector homes.

Cabinet referred to the impact that closing the care homes would have on their residents, families and wider communities. Members were keen to explore the possibility of alternatives, such as extra care housing schemes together with enhanced care packages allowing people to live at home independently for longer, but highlighted the need to consider whether the needs of both existing and future service users could be met within their current localities if proposals went ahead. Such provision was greater in more populated areas of the county but lacking in the South, particularly in the Corwen area and the need to consider Welsh Language provision when undertaking individuals' impact assessments was also highlighted. Officers elaborated upon progress in developing alternative provision in particular areas together with the consultation process which would involve meeting with care home residents and their families to explain how services could be provided and gather their view on any changes. An impact assessment for those affected would be carried out which would include Welsh Language provision. Members felt there would be merit in the Task and Finish Group considering the consultation results prior to the matter being reported back to Cabinet in April/May 2015.

Councillor Ray Bartley highlighted the need for wider public consultation which prompted a lengthy debate about the nature of the consultation to be undertaken in terms of canvassing views and meeting specific needs of current service users and

the wider debate on future modernisation of social care services. It was generally accepted that two separate consultations were required. The need for effective communication with service users, their families and staff was also highlighted together with appropriate press management. Councillor Cefyn Williams stressed that Cysgod y Gaer was an important part of the local community which had already been subject to school closures and reduced facilities and he was concerned that suitable alternative provision meant a move out of the area for local residents.

Cabinet considered there was a need to amend the recommendations in light of the debate and it was subsequently –

**RESOLVED** Cabinet agrees that –

- (a) *in accordance with the appropriate statutory framework there be consultation with each individual service user and their family in respect of the proposals referred to in the report to include an assessment of their needs and the availability of suitable alternative provision to meet those needs;*
- (b) *there be a wider public consultation exercise on the future modernisation of social services;*
- (c) *a report/reports on the results of the consultations referred to in (a) and (b) above be presented to the Task and Finish Group prior to it being presented to Cabinet with an options appraisal for each of the services, and*
- (d) *Cabinet confirms that no individual service user will be moved unless suitable alternative provision is identified.*

## **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 Paragraphs 13, 14, 15 and 16 of Part 4 of Schedule 12A of the Local Government Act 1972

### **13 MORFA LODGE, ABERGELE ROAD, RHUDDLAN AND LAND AT ABERGELE ROAD, RHUDDLAN**

Councillor Julian Thompson-Hill presented the confidential report recommending Cabinet approve the declaration of the farm and land as surplus to requirements and disposal on the open market.

Cabinet considered the merits of the proposal noting that disposal complied with the Council's agricultural estates strategy and would generate a substantial capital receipt providing finance for capital projects. Officers confirmed that the land would be divided into lots to maximise income generation and responded to questions regarding potential land use. Members also raised questions regarding general policy and practice relating to the management of agricultural estates and developments regarding particular farmsteads. Consequently it was –

**RESOLVED** that Cabinet approves the declaration of Morfa Lodge Farm, and land at Abergele Road (as edged red on Appendix A attached to the report) as surplus to requirements and approves the disposal of the farm on the open market by auction.

The meeting concluded at 1.00 p.m.