

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 30 June 2015 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for the Economy; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Hugh Irving, Lead Member for Customers and Libraries; Huw Jones, Lead Member for Community Development; David Smith, Lead Member for Public Realm; Julian Thompson-Hill, Lead Member for Finance, Corporate Plan and Performance and Eryl Williams, Deputy Leader and Lead Member for Education

Observers: Councillors Joan Butterfield, Meirick Davies, Martyn Holland, Merfyn Parry, Arwel Roberts and David Simmons

ALSO PRESENT

Chief Executive (MM); Corporate Director Economy and Public Realm (RM); Heads of Service: Head of Customers and Education Support (JW), Education (KE), and Planning and Public Protection (GB); Deputy Monitoring Officer/Solicitor (LJ); Strategic Planning Team Manager (LG); Development Planning & Policy Manager (AL); Chief Accountant (RW); Finance and Assurance Manager (SG) and Committee Administrator (KEJ)

1 APOLOGIES

Councillor Barbara Smith, Lead Member for Modernisation and Housing

2 DECLARATIONS OF INTEREST

The following members declared a personal interest in agenda item 5 –

Councillor Joan Butterfield – Governor Ysgol Tir Morfa
Councillor Meirick Davies – Governor Ysgol Cefn Meiriadog & Ysgol Trefnant
Councillor Bobby Feeley – Governor Rhos Street School
Councillor Martyn Holland – Governor Ysgol Bro Famau
Councillor Huw Jones – Governor Ysgol Caer Drewyn & Ysgol Carrog
Councillor Merfyn Parry – Governor Ysgol Bryn Clwyd & Ysgol Gellifor
Councillor Arwel Roberts – Governor Ysgol y Castell & Ysgol Dewi Sant
Councillor David Simmons – Governor Ysgol Tir Morfa
Councillor David Smith – Grandson in Ysgol Pen Barras
Councillor Julian Thompson-Hill – Governor Ysgol Clawdd Offa

Councillors Bobby Feeley, Hugh Irving and Julian Thompson-Hill declared a personal and prejudicial interest in agenda item 11 relating to Cefndy Healthcare. As those members had been nominated by the Council to the Cefndy Healthcare Management Board they had been granted an exemption under the Code of Conduct and permitted to take part in the debate and vote on the item.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 2 June 2015 were submitted.

RESOLVED that the minutes of the meeting held on 2 June 2015 be approved as a correct record and signed by the Leader.

5 ITEMS FROM SCRUTINY COMMITTEES - CABINET DECISIONS OF 2 JUNE 2015 RELATING TO YSGOL LLANFAIR DYFFRYN CLWYD & YSGOL PENTRECELYN AND YSGOL RHEWL

Councillor David Simmons, Chair of Performance Scrutiny Committee presented the report detailing the scrutiny committee's conclusions and recommendations following consideration of the call-in of the Cabinet decisions in respect of Ysgol Llanfair Dyffryn Clwyd & Ysgol Pentrecelyn, and Ysgol Rhewl.

Following careful consideration Performance Scrutiny Committee had upheld Cabinet's decisions and made a number of recommendations in the case of Ysgol Rhewl in order to alleviate community and stakeholder concerns. Officers confirmed they were happy to implement the scrutiny committee's recommendations during the consultation process and report back thereon. As local member for Rhewl, Councillor Merfyn Parry was invited to speak and confirmed he had nothing further to add.

Cabinet considered the report and agreed to endorse the recommendations. For clarity Councillor Simmons agreed to amend the wording of recommendation 3.2 to reproduce the committee's recommendations in full instead of referring to the recommendations in Appendix 1b. This would ensure the recommendations would be reproduced in full in the Cabinet minutes.

RESOLVED that Cabinet –

- (a) receives Performance Scrutiny Committee's conclusions and recommendations in relation to both decisions that were made the subject of the call-in notices, and
- (b) with regards to the recommendations relating to Ysgol Rhewl endorse the additional work recommended to be undertaken, as outlined below –
 - officers be instructed during the consultation period following the publication of the statutory notices to undertake work to assess and mitigate the effects of the loss of Welsh language provision on the community and to ensure that the loss of a dual stream school will not disadvantage the area's pupils in future

- *further work is undertaken with pupils, parents, staff and other stakeholders of Ysgol Rhewl to address their concerns relating to the capacity of the Glasdir site, the transport management of the new school site and road safety concerns for primary school children walking between Rhewl and the Glasdir site, and*
- *that the findings of the work outlined above is reported to Cabinet in the autumn of 2015 when presenting the objections report in response to the publication of the statutory notice.*

6 TOWN AND AREA PLANS

Councillor Huw Jones presented the report recommending approval of funding allocations for Town and Area Plan (TAP) projects following evaluation.

Cabinet had endorsed the TAP review recommendations in January 2015 and agreed to invite Member Area Groups to nominate remaining projects for funding. The evaluation of those projects had been set out in the report against criteria intended to test benefit, value for money and deliverability. Review dates had been set for each project and a contingency allocation made for the Bodelwyddan Town Plan. Councillor Huw Jones commended the work of the Town Champions in their evaluations and presented their funding recommendations.

The Leader welcomed the investment in communities and community benefits arising from the TAPs. He also reported upon future intentions to align TAPs more closely with the economic strategy and highlighted the importance of service departments supporting the plans delivery. Cabinet was satisfied clear processes had been established with an assessment criteria to promote fairness and transparency in funding allocations but sought further assurances regarding the swift progression of projects and match funding elements. The Corporate Director: Economy and Public Realm reassured members regarding the robust monitoring processes in place to oversee the progression of projects within appropriate timescales. It was suggested further regular monitoring could be undertaken via an appendix to Cabinet's regular finance report to show progress against spend and funding could be reallocated if projects failed to progress. Most of the recommended schemes had identified or secured match funding and the introduction of review dates would enable the match funding element to be assessed. Councillor Eryl Williams suggested a report back to the Town Champions or Group Leaders to ensure councillors were kept up to date with progress of particular projects. In terms of future funding of TAPs reference was made to the Rural Development Plan, windfarms and European funding as potential sources to continue the investment in towns/villages.

As an aside Councillor Eryl Williams highlighted that local government reorganisation proposals would impact on the availability of external funding. In order that Denbighshire did not lose out in that regard he suggested clarification be sought on the financial implications directly from the Minister and Assembly Members. The Deputy Monitoring Officer/Solicitor agreed to draft a letter in that regard in consultation with the Head of Legal, HR and Democratic Services.

Members thanked officers for their hard work on various projects and highlighted the important role of the Town Champions within the process. Members also commented on various projects submitted for evaluation and expressed disappointment in cases where they had not been supported with no appeal mechanism in place. Councillor Huw Jones advised that projects not currently recommended for funding may have a further opportunity to bid from reallocated funding if other projects failed to progress. Work was underway to examine different ways of working and potential external funding sources to enable TAPs to continue in the future.

RESOLVED that Cabinet approve the funding allocations recommended in Appendix 1 of the report.

7 CONCLUSIONS AND RECOMMENDATIONS FROM AFFORDABLE HOUSING TASK & FINISH GROUP

Councillor David Smith presented the report seeking endorsement of the conclusions and recommendations from the Affordable Housing Task and Finish Group. The Group had been set up to review the Council's approach to delivering affordable housing and its recommendations would inform the Housing Strategy and be reflected in Council's strategies, plans and guidance as appropriate.

During consideration of the report the following matters were discussed –

- assurances were provided that further detail and timescales in which to progress the recommendations would be taken forward through the Housing Strategy
- there was some frustration that due to national legislation it would not be possible to progress some recommendations as soon as members would like
- much debate focused on the problem of 'land banking' where developers and landowners failed to proceed with development following planning permission and were waiting for land values to increase. The Council had some control over the timescale for developments to commence but could take no action in cases where development had commenced in line with planning permissions but not progressed – this aspect was governed by national legislation. It was agreed that Welsh Government be provided with evidence of the problem within Denbighshire and lobbied to change legislation to require completion of development within a defined time period. Officers agreed to progress the issue outside of the meeting and raised the possibility of a joint approach with other local authorities and putting forward alternative suggestions for consideration
- an explanation was provided in terms of member involvement on the Housing Strategy Group with those Cabinet members having elements of housing in their portfolios being involved at an early stage to provide a member perspective before the strategy was submitted through formal channels – Communities Scrutiny Committee in September and full Council in October
- Councillor Joan Butterfield referred to homelessness issues and difficulties finding suitable accommodation, advising of an existing case in order to illustrate the point, and the need to address the issue as a matter of urgency – officers confirmed that homelessness had been identified as a priority within the Housing Strategy and members would have the opportunity to scrutinise the strategy at Communities Scrutiny Committee in September. With regard to the

existing case referred to, it was agreed that the matter be looked into further by officers outside of the meeting

- concerns were raised regarding the Council's eyesore sites and the need for a more vigorous approach to be undertaken to address them.

Cabinet paid tribute to the work undertaken by the Group and its supporting officers in producing clear recommendations to deliver benefits in matters relating to affordable housing and noted some recommendations were already being actioned. Councillor David Smith reported upon the dynamic approach undertaken, most notably the Supplementary Planning Guidance approved by Planning Committee which permitted the conversion of redundant rural buildings for market housing.

RESOLVED that Cabinet endorses the conclusions and recommendations agreed by the Affordable Housing Task and Finish Group (attached as Appendix 1 to the report) to be taken forward through the Housing Strategy and accompanying Delivery Plan.

8 DELEGATION OF POWERS UNDER THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014 AND AMENDMENTS REQUIRED TO THE OFFICER SCHEME OF DELEGATION IN RESPECT OF POWERS PREVIOUSLY DELEGATED TO THE HEAD OF HOUSING

Councillor David Smith presented the report providing an overview of the new provisions for tackling anti-social behaviour contained within the Anti-Social Behaviour Crime and Policing Act 2014 and seeking delegation of powers to relevant Heads of Service to ensure effective implementation of the new powers and reflect other changes in legislation and responsibilities following the recent restructure.

The new provisions streamlined tools for tackling anti-social behaviour with six new powers to replace the nineteen existing ones; there were also two new powers. The responsibility for dealing with anti-social behaviour was shared between a number of agencies and the new legislation encouraged those agencies to work in partnership to address anti-social issues. Examples were provided where the Council could work jointly with the Police on matters involving Community Protection Notices and Public Space Protection Orders. In response to a question regarding powers for dealing with street drinking in the Rhyl area, the Deputy Monitoring Officer/Solicitor advised that subject to resources the Council could exercise its powers in that regard but would need to rely on the Police to assist. She also made reference to one of the new powers – Community Trigger – which gave greater powers to victims to seek a review in cases where they felt local agencies had failed to respond effectively. The reforms were designed to give professionals flexibility to deal with any given situation.

RESOLVED that –

- (a) *the Officers listed in Appendix 1 to the report be given delegated authority to exercise the new powers and additional functions brought in under the Anti-Social Behaviour, Crime and Policing Act 2014 in order to enable the Council*

and its partners to tackle anti-social behaviour in an appropriate, consistent and proportionate way and within resource constraints;

- (b) the level of fines for Fixed Penalty Notices issued as a sanction for breaching Community Protection Notices and Public Spaces Protection Notices be set at £100 which is the maximum under the legislation;*
- (c) the Monitoring Officer is instructed to amend the Officer Scheme of Delegation to reflect these new and amended powers in respect of anti social behaviour, and*
- (d) the Monitoring Officer is also instructed to amend the Officer Scheme of Delegation to reflect that the Head of Planning and Public Protection has taken on the responsibilities under a recent restructure in respect of the Councils housing functions and to carry out a 'tidy up' of the listed legislation set out in the Scheme due to repeals and amendments of legislation which are within the purview of the public protection service.*

9 CORPORATE PLAN PERFORMANCE REPORT QUARTER 4 - 2014/15

Councillor Julian Thompson-Hill presented the report providing an update on the delivery of the Corporate Plan 2012 – 17 as at the end of quarter 4 of 2014/15.

The report covered three elements –

- Corporate Plan 2012 – 17 – a number of indicators had been highlighted 'Red' which meant they were identified as a 'Priority for Improvement' or where there was an issue with the data that needed to be raised – an explanation behind the 'Red' status of each indicator had been included within the report and elaborated upon further at the meeting and in response to questions
- Corporate Project Register – there were no projects with a 'Red' Priority for Improvement' status, details had been provided of three projects at an 'Orange' Acceptable level where there were particular issues but they were as expected
- Outcome Agreement – the Council had achieved the required number of points for full payment of the Outcome Agreement Grant for 2014 – 15, however reference was made to two main areas where targets had been missed.

Most Cabinet members had attended training on the Verto Performance Management System and therefore could access information in real time. Training would also be rolled out to Performance Scrutiny Committee members.

Debate focused on the following –

- it was recognised that the green indicator for 'the percentage of principle A roads that are in overall poor condition' could be misleading but it was in fact a positive outcome – unfortunately it would not be possible to amend the wording for the indicator as it was set nationally
- 'the percentage of Houses in Multiple Occupation (HMO) that had a full licence' had missed its outcome agreement target by 8% - it was explained that recent changes to the licensing regime had resulted in an increase in the number of

HMOs which required licensing. At the request of Councillor Joan Butterfield the Head of Planning and Public Protection agreed to report upon the recent changes and latest position to the Rhyl Member Area Group

- the two red indicators from the Residents Survey in which residents had not responded positively to the Council was queried as it seemed at odds with feedback and meetings involving members – the Strategic Planning Team Manager advised that the data was from the 2013 survey and results from the 2015 survey reflecting the latest views would be available later in the year
- members reflected upon a recent training session about Corporate Parenting which had been well received and included an overview of looked after children in Denbighshire, routes into care and the support needs of looked after children and care leavers – members felt it was important to publicise and promote positive experiences and work carried out through the Communications Teams and also discussed their own responsibilities in that regard
- it was clarified that the Council had protected their funding element of school budgets but had no control over cuts to other elements of school funding provided directly by Welsh Government – the management and mitigation of school budgets by the Schools Budget Forum was also discussed.

The Leader stated that the report provided evidence of the robust and challenging processes implemented by the Council. He highlighted the Council's significant achievement in maintaining a consistently high level of performance despite the difficult financial climate and congratulated all those involved. Councillor Julian Thompson-Hill welcomed members' comments on the report and asked that Cabinet receive and note the report.

RESOLVED that Cabinet receives the report and notes the progress in delivering the Corporate Plan 2012 – 17 as at the end of quarter 4 of 2014/15.

At this juncture (11.55 a.m.) the meeting adjourned for a refreshment break.

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 £0.534m was forecast for service and corporate budgets
- savings of £7.3m were agreed as part of the budget and at this stage 72% had already been achieved and progress on the remaining 28% would be closely monitored with a high degree of confidence that most would be achieved
- 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).

The following matters were discussed in more detail –

- in terms of treasury management an explanation was provided on the Council's investment strategies taking into account security, liquidity and yield factors
- some frustration was expressed over the involvement and reaction of some members to the decisions made on the budget cuts and whether those decisions should be more vigorously defended
- much discussion focused on the role of scrutiny's Cutting Our Cloth Task and Finish Group and the Chief Executive reported upon the first meeting during which its terms of reference had been agreed – he clarified that their role was to scrutinise the impact of some of the cuts on the public. It was important to allow sufficient time for implementation of the cuts to ensure an evidence based assessment and measurable outcomes. Members were encouraged to refer specific cuts they wished to be scrutinised to the Group. Cabinet was keen for the Group's outcomes to be fed back to members and it was confirmed that findings would be reported back to the relevant Scrutiny Committee, Lead Member or Cabinet as appropriate. Lessons could be learned from measuring the impact and inform future decision making. The Leader was keen for Lead Members to be kept abreast of any work undertaken relating to their portfolio and it was confirmed that the Group's terms of reference allowed Lead Members to be called when matters within their portfolios were being considered
- assurances were provided that the Council was financially better off after exiting the Housing Revenue Account Subsidy System and any surplus over and above the Housing Stock Plan would amount to additional funding to be invested in improving existing housing stock or new build.

RESOLVED that Cabinet notes the budgets set for 2015/16 and progress against the agreed budget strategy.

11 FINAL REVENUE OUTTURN 2014/15

Councillor Julian Thompson-Hill presented the report on the final revenue outturn position for 2014/15 and proposed treatment of reserves and balances.

Members were guided through the detail of the report and appendices. In brief the overall outturn position showed an underspend against the approved budget which, together with a better than forecast council tax yield, strengthened the Council's financial position. Consequently it was possible to make recommendations for services to carry forward balances and make transfers to specific reserves that would assist in addressing future financial pressures and meet the cash commitments required to deliver the Corporate Plan. The final position on service and corporate budgets was an underspend of £1.075m which was 0.57% of the net revenue budget.

During consideration of the report the following matters were raised –

- the reasoning behind the creation of specific reserves was explained, particularly in social care in order to accommodate peaks and troughs in demand for care packages and placements. With regard to Supporting People, this reserve had been created in order to mitigate the threatened future removal of the Supporting People Grant by Welsh Government – assurances were provided that reserves were reviewed on a regular basis

- grants received by the Council at the end of the financial year were initially allocated to Revenue Grants Unapplied before being processed and reallocated to individual services – there was flexibility during the year and some grants had been reallocated earlier in the year
- it was noted that earmarked reserves had been considered as part of the budget workshops and that they were regularly reassessed and reviewed on an annual basis. In order for comparisons to be made with previous years Councillor Eryl Williams asked for a more detailed report showing both historical figures and future projections with a view to identifying trends
- work would soon be undertaken to review the Council's reserves policy following the requirement that all Welsh local authorities publish details of their treatment of reserves in a manner that could be more easily understood – it was suggested that Welsh Government should also be more open and transparent about their reserves and that the issue be raised with them when the opportunity arose
- in terms of funding for the Corporate Plan it was confirmed that based on current assumptions it was affordable and deliverable – any changes to those assumptions would require a further review and it was recognised that the Council was not in overall control over all elements within the plan
- with regard to the schools balances in deficit assurances were provided that each school had a financial recovery plan in place.

RESOLVED that Cabinet notes the final revenue outturn position for 2014/15 and approves the proposed treatment of reserves and balances as detailed in the report and Appendices 1 and 2 attached to the report.

12 CABINET FORWARD WORK PROGRAMME

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

RESOLVED that Cabinet's Forward Work Programme be noted.

The meeting concluded at 1.20 p.m.