

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 24 January 2017 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; Barbara Smith, Lead Member for Modernisation and Housing; 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, Jeanette Chamberlain-Jones, Martyn Holland Huw Hilditch-Roberts and Barry Mellor

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Economy and Public Realm (RM) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW), Education (KE); Business Improvement and Modernisation (AS), Community Support Services (PG), Facilities, Assets and Housing (JG); Principal Education Support Manager (GD); Programme Manager – Modernising Education (JC); Strategic Planning and Housing Manager (AL); Lead Officer – Community Housing (GD); Commercial Development Manager (DM); Senior Valuation and Property Surveyor (MJ); Chief Finance Officer (RW), and Committee Administrator (KEJ)

COUNCILLOR RAYMOND BARTLEY - TRIBUTE

The Leader paid tribute to Councillor Raymond Bartley who had sadly passed away just before Christmas. Councillor Bartley had been a frequent observer at Cabinet and was always prepared to contribute if he felt the need to. He was a popular and well-respected councillor and colleague and would be sorely missed by all. Thoughts were with his family at this time. Members and officers stood in silent tribute.

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillor Bobby Feeley declared a personal interest in agenda item 8 because she was a member of the Committee of Canolfan Awelon.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 13 December 2016 were submitted.

RESOLVED that the minutes of the meeting held on 13 December 2016 be approved as a correct record and signed by the Leader.

5 PROPOSED 3 - 16 CATHOLIC SCHOOL IN RHYL

Councillor Eryl Williams presented the report seeking approval to commence consultation proposals to close Ysgol Mair Catholic (3 – 11 Primary) and Blessed Edward Jones Catholic High School (11 – 16 Secondary) as of 31 August 2019 and open a new 3 – 16 Catholic School on the same site on 1 September 2019.

Initial commitment had been for joint faith secondary provision but extensive discussions with partners had resulted in the project proposal for a new Catholic School to replace existing provision in Rhyl. Councillor Williams was pleased to present the report, which had taken some time to reach this stage, and advised that consultation on the proposal would commence in partnership with the Catholic Diocese of Wrexham, subject to Cabinet approval. Further details regarding the consultation process, timescales, business case and financial implications for delivering the project had been included within the report.

Cabinet welcomed the proposals for investment in a new Catholic School in Rhyl to replace existing provision. Questions were raised regarding various aspects of the proposal including the consultation process and funding requirements.

The Lead Member and officers responded to questions as follows –

- an explanation of the funding requirements for the project was provided which would be progressed as part of the 21st Century Schools Programme – whilst the overall programme was funded 50/50 between Welsh Government and the Council, the actual figure would be different for individual schemes
- assurances were given that there was collective support for the proposal from the two Governing Bodies and the Catholic Diocese of Wrexham and care would be taken to ensure a robust and appropriate consultation process
- whilst the 3 – 16 model was new to Denbighshire there was strong evidence to support the model as a positive offer and there were distinct features of Catholic education which the new model would deliver and strengthen
- highlighted the current lack of capacity in secondary school places in Rhyl advising that the proposal would ensure sustainability in that regard
- with regard to investment in St. Brigid's School, which was no longer part of the proposal, the school would be considered alongside other projects for Band B funding under the 21st Century Schools Programme
- in terms of the site, including size/design of the proposed new school, officers were mindful that pupils would be educated on site whilst work commenced and were confident that this aspect would be managed effectively. It was also considered that the separate playing field should be maintained for team sports and extra-curricular activities and would be managed appropriately.

Councillor Joan Butterfield welcomed the project as another means of delivering the Rhyl regeneration priority. In response to further questions officers drew attention to the draft consultation document (attached to the report) confirming consultation would commence in partnership with the Catholic Diocese of Wrexham to run from 14 February – 27 March 2017. In terms of the initial proposal for a Joint Anglican Faith School the Lead Member explained the impasse in terms of the site location.

RESOLVED that Cabinet –

- (a) *approve proceeding to formal consultation on a proposal to close Ysgol Mair Catholic primary and Blessed Edward Jones Catholic High school as of the 31 August 2019 and to open a 3 – 16 Catholic school on the same site on 1 September 2019, and*
- (b) *recommend approval of the funding to commence to the concept /detailed design stage.*

6 AMENDMENTS TO THE GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT

Councillor Hugh Irving was pleased to introduce two members of the Gypsy and Traveller Community who were in attendance at the meeting.

Councillor Irving presented the report seeking Cabinet approval of amendments to Denbighshire's draft Gypsy and Traveller Accommodation Assessment (attached as a confidential appendix to the report) for submission to the Welsh Government.

It was a statutory requirement under the Housing (Wales) Act 2014 to carry out an assessment of both residential and transit Gypsy and Traveller accommodation needs and to make provision for sites when need was identified. Cabinet had approved the original assessment in February 2016 but points of clarification had been requested prior to its submission for ministerial approval and amendments were also needed in light of further information relating to the circumstances of the individuals identified. The key amendments related to the potential need for a residential site in Denbighshire and the approach to transit provision.

The Strategic Planning and Housing Manager responded to questions as follows –

- elaborated upon the methodology used in carrying out the assessment highlighting the substantial and proactive consultation process which included further follow up interviews resulting in the revised assessment and conclusion that there was a need for residential provision in the form of 6 pitches (allowing for 5 existing and 1 emerging need over the next five years); in terms of transit provision much information had been gained from the number and location of unauthorised encampments together with discussions with those communities which had identified a need for a transit site (4 – 5 pitches)
- explained the legalities governing police powers to direct travellers to leave land where there was a suitable pitch elsewhere in the same local authority area and previous work undertaken with Conwy in considering a joint site located in

Conwy County which was no longer viable given those legalities – in any event the need for a site in Denbighshire had since been established

- in terms of timescales the revised assessment would need to be submitted to Welsh Government to test its robustness prior to submission for ministerial approval – following that approval a site search would formally commence and officers would also liaise with the Gypsy and Traveller Community in that regard
- clarified that the assessment had a five year lifespan and the long term need for future pitches was unknown at this stage
- preliminary costing had been carried out on unauthorised encampments and rent could be charged for residential and transit pitches; a Welsh Government grant was available to establish the sites but it did not include land acquisition.

Councillor Hugh Irving was pleased to advise that a good working relationship had been established with members of the Gypsy and Traveller Community.

RESOLVED that Cabinet approve amendments to Denbighshire's draft Gypsy and Traveller Accommodation Assessment for submission to Welsh Government, including requirements for –

- a) a residential Gypsy and Traveller site in Denbighshire of 6 pitches to meet the needs of Gypsy and Traveller households in the county, and
- b) a transit site for 4 – 5 pitches to provide for Gypsies and Travellers travelling through the county.

7 COMMUNITY PLANS IN THE NEW COUNCIL

Councillor Hugh Evans presented the joint report with Councillor Huw Jones describing a new model of community planning for the Council with particular emphasis on the need to move away from Town and Area Plans (TAPs) in favour of a new flexible system with a wider application.

Councillor Evans elaborated on the proposed new model which had been developed following consultation with Town Champions and Member Area Groups (MAGs) and focused on developing an enabling, community driver approach to community planning with the Council providing support and advice when required. If approved officers would develop a 'toolkit' to help communities develop their own plans. Advice and support would be provided by the Council subject to the project being supported by the Local Member or MAG and in cases where local leadership was lacking in order to help develop that provision, such as in deprived or isolated rural areas. The Council would not support any proposal that did not comply with relevant legislation, conflicted with Council objectives or was not an efficient use of public resources. Councillor Evans suggested that the next Council launch the new approach in order to raise awareness and also monitor progress. Councillor Huw Jones also highlighted links to the Corporate Plan and merits of local members being involved and supporting the new process for the benefit of their communities.

During consideration of the report members discussed the following –

- highlighted the importance of drawing on existing experience and successes across the county and there were suggestions for a mentoring scheme and also provision of a database/directory which could be accessed for community use in order to support and facilitate the development of new projects, including external funding streams and grant sources available for community projects
- concern was expressed that smaller rural areas would not have the necessary inclination or skills to develop ideas and assurances were sought that those communities would not become disenfranchised as a result of the new approach. Councillor Evans explained the intention to ensure that no community would lose out and it was accepted that communities needed to be encouraged. The new approach would help develop community resilience, meet new legislative requirements, and would be further developed by the new Council following cessation of the TAPs
- the need to revisit governance arrangements for the new approach was raised. The role of Town Champions was linked to TAPs and delivery of those projects but under the new inclusive approach there would be a critical role for all members. It was suggested that a broad outline of the new approach and the role of councillors in facilitating community planning be scheduled for Council Briefing as early as possible following May's elections and that specific member training in that regard be arranged on the new model.

Councillor Joan Butterfield drew attention to disadvantaged groups in Rhyl and whilst she agreed that local councillors should take the lead under the new approach, she also stressed the importance of support from the Council, particularly for groups who did not have the expertise to develop projects or access funding.

RESOLVED that Cabinet –

- agrees that the Town and Area Plans for each Member Area Group area in the Council are no longer required, and*
- that the new system of community planning described in the report be adopted.*

8 REPORT ON THE OPTIONS FOR THE FUTURE USE OF AWELON RESIDENTIAL CARE HOME

Councillor Bobby Feeley presented the report detailing the options for the future use of Awelon Residential Care Home and sought approval to work through specific options to take forward the best configuration for the site to meet all parties' needs and provide the least disruption for existing residents/tenants.

The recommendations had been based on the work of the Task and Finish Group (established to review the Council's in-house social care provision) and Performance Scrutiny Committee. Consequently the Leader invited Councillor Barry Mellor, Chair of Performance Scrutiny Committee to report on the committee's scrutiny of the findings of the Task and Finish Group on the feasibility study commissioned for the Awelon site at Ruthin which was considered at their meeting on 6 January 2016.

Councillor Mellor reported that the committee believed the recommendations to be a viable solution to meet the demand for both care and support in the form of extra care arrangements in the Ruthin area and support community activities through the development of the new community facilities. The committee agreed that the project would benefit from being managed by the three current users of the site: the Council, Grwp Cynefin and the Committee of Canolfan Awelon – hence the recommendation that they work together to implement the best configuration for the site based on Options 2a, 2b and 3a in the report. All five options in the feasibility study had been discussed and the committee was satisfied that neither Option 1 or 3b were viable for the reasons stated within the report. Consequently the committee accepted the Task and Finish Group’s conclusion and recommendations (as detailed in the Cabinet report). The committee had added to the recommendation that discussions also include floor space requirements for Canolfan Awelon – this stipulation had not been included in the Cabinet recommendations as the discussions may conclude a better arrangement and Councillor Mellor had been satisfied with that reasoning.

Both the Leader and Councillor Bobby Feeley thanked Councillor Mellor for his comprehensive report and expressed their appreciation to the Task and Finish Group and Performance Scrutiny for the hard work involved. Councillor Feeley referred to the proposals for modernised and sustainable facilities which would maintain independence for residents and avoid social isolation. She stressed that the recommendations would ensure least disruption for existing residents who could remain on the site whilst building work took place and all involved had been kept informed of progress. The recommended options, developed with Grwp Cynefin, would increase the number of extra care apartments up to around 57 and would include respite care and a new community centre. Councillor Feeley detailed the lengthy process to date and thanked officers for their dedication and hard work. She also paid tribute to Councillor Raymond Bartley who had been a dedicated and hardworking member of the Task and Finish Group.

Cabinet acknowledged the hard work involved in reviewing the Council’s in-house social care provision leading to the latest recommendations for the Awelon site and welcomed the re-development and investment. Members agreed with the findings of the Task and Finish Group and Performance Scrutiny Committee that the recommended options represented the best way forward to progress matters and modernise services for the benefit of Ruthin and the surrounding area.

During consideration of the report the following matters were raised –

- Councillor David Smith highlighted the importance of Canolfan Awelon as a community facility which was extremely well-used. Whilst acknowledging the discussions underway to manage those arrangements he still had some concern regarding the impact on users of the centre during the construction phase and felt the Council should be more proactive in offering alternative facilities. Consequently Cabinet agreed that the identification of appropriate alternative facilities for use by those community groups be reflected within their resolution
- it was noted that the temporary negative impact on Canolfan Awelon during the construction phase had not been identified in the Wellbeing Impact Assessment and there were calls to ensure more robust assessments in the future

- Cabinet was pleased to note that Grwp Cynefin had adopted a comprehensive Welsh Language policy and were able to provide all of their services bilingually
- discussions on the best configuration could start following Cabinet approval of the options and Grwp Cynefin anticipated that firm proposals on the preferred option could be produced in approximately three months' time
- to ensure the development could be progressed in as timely and smooth manner as possible, the Head of Community Support Services recommended that no new permanent residential admissions be permitted following approval of the recommendations. Councillor Huw Hilditch-Roberts asked that the issue of admissions be discussed further between local members and the Leader suggested that the matter be discussed at Ruthin Member Area Group.

Councillor Huw Hilditch-Roberts asked for it to be recorded in the minutes that he believed residential beds should be retained in Ruthin for residential care in the future. However he understood the need for compromise and had been assured that the proposals would provide a different way of delivering care with the same quality and better facilities within the complex. In response to his question regarding the delivery of respite care in the new complex, officers advised of the approach in other extra care facilities where flats were rented and furnished accordingly for respite care.

RESOLVED that Cabinet –

- (a) *confirm that they have taken account of the Well-being Impact Assessment as part of their considerations;*
- (b) *agree that Options 1 and 3b of Grwp Cynefin's feasibility study are not viable options for the reasons stated in appendices 1 and 5 respectively to the report;*
- (c) *agree that discussions take place between local members, officers, Grwp Cynefin and the committee of Canolfan Awelon to work through Options 2a, 2b and 3a to take forward the best configuration for the site that meets all parties needs and provides least disruption for existing residents/tenants, and*
- (d) *requests that officers work with representatives of the community groups who currently use Canolfan Awelon to identify appropriate alternative facilities for their use during the construction process.*

(At a suitable point, this would enable the remaining Awelon Site to be cleared and for work to begin on the extension. The task and finish group were of the view that maximising the number of Extra Care units developed (as set out in Option 2a) would deliver the optimum arrangements for providing Extra Care Housing with Community Facilities on the Awelon site. However, it was acknowledged that further discussions needed to take place with the committee for Canolfan Awelon to ensure the final scheme could deliver the community activities they already provided.

This met the preferred option of Cabinet following discussion in May 2016 (see paragraph 2.2 of the report) and would secure up to 35 additional Extra Care apartments on the site whilst enabling those residents who were currently receiving residential care services to remain on site through the development if that was their wish, as well as continuing to provide community facilities to promote independence and reduce social isolation.)

9 HOUSING RENT SETTING & HOUSING REVENUE AND CAPITAL BUDGETS 2017/18

Councillor Julian Thompson-Hill presented the report seeking Cabinet approval for the Denbighshire housing annual rent increase, the Housing Revenue Account Capital and Revenue Budgets.

Councillor Thompson-Hill guided members through the budget figures and income level assumptions which had been calculated taking into account the Welsh Government Policy for Social Housing Rents and mechanism for uplifting rents. The annual review of the Housing Stock Business Plan showed it remained robust and viable and there were sufficient resources to support the management and supervision of the housing service and the investment needs of the stock.

During consideration of the report the following issues were discussed –

- it was noted that ministerial approval of the business case to suspend Right to Buy (RTB) sales was still awaited, despite reminders, and both members and officers voiced their frustrations in this regard given that the delay was undermining the Council's ability to invest and resulting in the further loss of housing stock through RTB sales. Welsh Government had taken four months to test the robustness of the business case prior to its submission for ministerial approval in November which could take up to a further six months. Officers agreed to consider with the Lead Member whether political support was required
- a survey had been undertaken of council garages and consultation was taking place with Member Area Groups regarding council garage sites with land which could be developed for housing. The survey had highlighted a significant maintenance backlog which was not covered by the rent payable and would take years to undertake. The findings of the survey together with viability of other uses for council garages sites would be subject of a future report
- in terms of the Welsh Housing Quality (WHQ) Standards particular elements were contained and monitored within the Housing Stock Business Plan and officers reported upon the improved lettable standard for housing resulting in Denbighshire providing better quality housing that the WHQ Standards
- with regard to the uplifting of rents it was anticipated that all tenants would be paying the full target rent from 2021 and Denbighshire was aiming for the mid point target rent subject to any welfare reform implications.

RESOLVED that –

- (a) *the Housing Revenue Account Budget for 2017/18 (Appendix 1 to the report) and the Housing Stock Business Plan (Appendix 2 to the report) be adopted;*

- (b) *rents for Council dwellings be increased in accordance with the Welsh Government Policy for Social Housing Rents introduced in April 2015 to an average weekly rent of £81.77 with effect from Monday 3 April 2017, and*
- (c) *rents for Council garages be increased in line with the increase in rents for Council dwellings to £6.85 for Council Tenants and £8.22 for other Tenants per week.*

At this point (11.45 a.m.) the meeting adjourned for a refreshment break.

10 RECOMMENDATIONS OF THE STRATEGIC INVESTMENT GROUP

Councillor Julian Thompson-Hill presented the report seeking Cabinet's support of projects identified for inclusion in the 2017/18 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 explained the 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 and a summary of their recommendations had been provided and elaborated upon further at the meeting. SIG had considered a range of projects and had applied a consistent approach with the focus on maintenance priorities. Specific bids for which SIG had recommended no or reduced funding be allocated had been detailed in Appendix 2 to the report.

The Leader and Councillor Barbara Smith were also members of the SIG and concurred that all bids had been subject to the same robust review process conducted in an open and transparent manner. All bids had merit and it had been a difficult and challenging process with demand far exceeding the funding available. Councillor Huw Jones was pleased to note that funding had been allocated for structural and other repairs including bridges and a report on the Bridge Maintenance Strategy would be scrutinised by Performance Scrutiny Committee later that week. Councillor David Smith highlighted the need for the maintenance strategy to be appropriately funded over the ten year plan.

RESOLVED *that the projects detailed in Appendix 1 to the report for inclusion in the 2017/18 Capital Plan be supported and recommended to full Council.*

11 BUDGET 2017/18 - FINAL PROPOSALS

Councillor Julian Thompson-Hill presented the report setting out the financial implications of the Draft Local Government Settlement 2017/18 and proposals to finalise the budget for 2017/18, including the level of Council Tax.

Councillor Thompson-Hill provided an overview of the budget process and latest budget position and elaborated upon the proposals for consideration and recommendation to full Council in order to set the budget for 2017/18. The final settlement had provided a cash increase of 0.6% but was a cut real terms because it took no account of inflation or service demand pressures. Reference was made to a number of Welsh Government announcements which could benefit the council

financially but they were not part of the financial settlement and therefore did not impact on the budget for 2017/18. With regard to Council Tax a proposed rise of 2.75% was considered prudent and sustainable.

Cabinet discussed the budget proposals and debate focused on the following –

- Councillor Eryl Williams highlighted the considerable pressure on school budgets, particularly for funding pupils with special needs through the education system which should be reviewed to reduce problems in future years. School balances had diminished significantly over recent times and tribute was paid to the work undertaken with schools to ensure funding was being used effectively
- Councillor Bobby Feeley also raised her concerns regarding pressures on social services and queried whether the proposed rise in Council Tax was sufficient to help address those pressures. Councillor Julian Thompson-Hill advised that the continuing pressures on social care had been recognised with a pressure of £750k funded in the budget proposals with further increases planned for future years. However, it was accepted that £750k would not fully meet the current level of overspend (£2m) and it was not possible to meet the full outstanding pressures on all services: difficult choices would need to be made in future. The proposed 2.75% rise was considered a prudent and sustainable level. It would have been necessary to increase Council Tax beyond the capped level to meet all current pressures. Officers referred to additional funding for social services announced by the Welsh Government which would likely be in the form of a grant which would be managed going forward
- Councillor David Smith reported upon the limited funding being made available from the Welsh Government in order to help meet costs incurred by the Council in the restoration of transport services following the collapse of GHA coaches. No decision had been made as yet on the amount of funding for Denbighshire but it would not be sufficient to cover all additional costs incurred and would be a one off payment with no ongoing provision. Further discussion would need to take place with regard to managing the ongoing provision of services.

Cabinet agreed that the proposed budget was comprehensive and provided short term sustainability and also enabled small investment for the next Council.

RESOLVED that Cabinet –

- (a) notes the impact of the Local Government Settlement 2017/18, and*
- (b) supports the proposals outlined in Appendix 1 to the report which were in line with assumptions presented to members at the budget workshop held on 1 November 2016, and accordingly recommends them to the full Council in order to finalise the 2017/18 budget, and*
- (c) recommends to Council that the average Council Tax rise required to support the budget is 2.75%.*

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and service budgets for 2016/17. He provided a summary of the Council's financial position as follows –

- a net underspend of £1.070m was forecast for service and corporate budgets
- 68% of savings had been achieved to date (target £5.2m) with a further 2% making good progress; 25% would be deferred and achieved in 2017/18 with only 5% of savings not being achieved within the timeframe
- highlighted current risks and assumptions relating to individual service areas
- 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 the transfer of £1m from the Corporate and Miscellaneous budget to the Budget Mitigation Reserve to facilitate the delivery of the Medium Term Financial Plan together with the Strategic Investment Group's recommendations with regard to the Ysgol Llanfair 21st Century Schools project.

The following matters were raised during debate –

- the Leader was pleased to note progression of the business case for Ysgol Llanfair and stressed the importance of ensuring those involved were provided with regular updates. Officers provided assurances that there was regular communication with the Governing Body and following Cabinet approval of the project recommendations a clear timescale would be developed and shared. The Governing Body had already been engaged in the early design stages for the new school building. It was agreed that Cabinet's decision with regard to the Ysgol Llanfair project be subject to a press release
- it was agreed that reference to Pentrecelyn be removed from future reports on this item and that individual report recommendations be numbered appropriately
- reference was made to the Education Secretary's views in supporting small rural schools and whether there would be an impact on the Council's school reorganisation proposals as a result of her recent announcement. Councillor Eryl Williams advised that those issues would be subject to further debate at the appropriate time as part of future areas reviews and when considering Band B proposals as part of the 21st Century Schools Programme.

RESOLVED that Cabinet –

- notes the budgets set for 2016/17 and progress against the agreed budget strategy;*
- approves the transfer of £1m from the Corporate and Miscellaneous budget to the Budget Mitigation Reserve in order to facilitate the delivery of the Medium Term Financial Plan which requires an additional cash contribution of £1m for 2018/19 in order to mitigate and smooth the effects of the projected funding reductions over a number of years, and*
- having considered the Strategic Investment Group's recommendations with regard to the Ysgol Llanfair 21st Century Schools project, Cabinet –*

- *supports the submission of a Business Case for Ysgol Llanfair (Appendix 5 to the report) new school building to the Welsh Government*
- *formally approves the overall budget of £5.369m as detailed in the business case*
- *supports in principle the proposed purchase of land at Llanfair to facilitate the development of the new school.*

13 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented for consideration and members noted the addition of an item on 'Y Dyfodol Contract Exemption – Supporting People and Clwyd Alyn Partnership Agreement Proposal' for February.

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

14 TO APPROPRIATE THE BENEFIT OF RESTRICTIVE COVENANTS AT EAST PARADE, RHYL TO FACILITATE THE DELIVERY OF THE PROPOSED HOSPITALITY PHASE OF THE WATERFRONT DEVELOPMENT

Councillor Julian Thompson-Hill presented the confidential report recommending the appropriation of restrictive covenants as identified to facilitate the delivery of the proposed Hospitality Phase of the Waterfront Development, Rhyl.

The reasoning behind the recommendation was explained in light of the various covenants restricting the land's use and subsequent impact on the development. Officers clarified particular issues in response to members' questions thereon, particularly with regard to the legal process and potential outcomes, including timescales and financial implications.

***RESOLVED** that the Council should appropriate the restrictive covenants that run with the land edged red on the plan at Appendix A to the report.*

15 LAND AT TIRIONFA, MELIDEN ROAD, RHUDDLAN

Councillor Julian Thompson-Hill presented the confidential report recommending Cabinet approve the declaration of the land identified as surplus to requirements and its subsequent disposal as detailed within the report.

The report detailed the ownership and planning history of the parcels of land referred to in this case and reasoning behind the proposals for the site following negotiations with the neighbouring land owner on the way forward. Cabinet questioned the access arrangements to the parcels of land identified together with land classifications and noted the complexities of the site. Reference was made to

the views of the Local Members but it was accepted that such a restriction on the land would not be conducive to maximising income generation from its disposal and would meet with resistance from the third party land owner.

RESOLVED that Cabinet approves –

- (a) *the declaration of the blue land (as detailed within Appendix A to the report) as surplus to requirements to the Council and to dispose on the open market;*
- (b) *to enter into a Land Ownership Agreement with the owner of the red land (as detailed within Appendix A to the report) and releasing the covenant on the red land owned by a third party in exchange for a right of way over the red land to benefit the blue and yellow land owned by the Council, and*
- (c) *to dispose of the red, green and blue land (as detailed within Appendix A to the report) jointly with the adjacent owner with the Council receiving 66.05% of the net proceeds of sale after the deduction of agreed costs for obtaining outline planning consent for the red and blue land only.*

16 BODYNYS FARM, RHEWL, RUTHIN

Councillor Julian Thompson-Hill presented the confidential report recommending Cabinet approve the declaration of the farm and land identified as surplus to requirements and its subsequent disposal.

Cabinet considered the merits of the proposal and noted that disposal conformed with the Council's agricultural estates strategy and would generate a capital receipt, albeit that a small service pressure would be created due to the loss of rental income. Councillor Joan Butterfield raised some general queries regarding the disposal of agricultural estates and she was directed to the Agricultural Estates Working Group.

RESOLVED that Cabinet approves the declaration of Bodynys Farm, as shown edged red on the plans attached at Appendix A to the report, as surplus to requirements and approves the disposal of the farm.

The meeting concluded at 1.15 p.m.