

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin on Tuesday, 18 July 2017 at 10.00 am.

PRESENT

Councillors Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance; Bobby Feeley, Lead Member for Well-being and Independence; Huw Hilditch-Roberts, Lead Member for Education, Children and Young People; Brian Jones, Lead Member for Highways, Planning and Sustainable Travel; Richard Mainon, Lead Member for Developing Community Infrastructure; Tony Thomas, Lead Member for Housing, Regulation and the Environment; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Corporate Standards

Observers: Councillors Jeanette Chamberlain-Jones, Martyn Holland, Gwyneth Kenlser, Glenn Swingler, Rhys Thomas, Huw Williams and Emrys Wynne

ALSO PRESENT

Chief Executive (MM); Corporate Director: Economy and Public Realm (RM); Heads of Service: Legal, HR and Democratic Services (GW), Finance/S.151 Officer (RW), Facilities, Asset and Housing (JG), Education and Children's Services (KE); Principal Education Support Manager (GD); Programme Manager Modernising Education (JC); Programme Manager Business Change (TB); Valuation and Estates Manager (GT) and Committee Administrator (KEJ)

POINTS OF NOTICE

The Leader –

- welcomed and introduced the two recently appointed Cabinet members – Councillor Brian Jones, Lead Member for Highways, Planning and Sustainable Travel and Councillor Mark Young, Lead Member for Corporate Standards, and
- reported upon the departure in September of Rebecca Maxwell, Corporate Director: Economy and Public Realm and paid tribute to her valuable work during her time at Denbighshire, particularly with regard to the economy and regeneration of Rhyl, and on behalf of Cabinet and the Council conveyed their best wishes for the future.

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

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

Councillor Martyn Holland – Governor Ysgol Bro Famau
Councillor Huw Hilditch-Roberts – LEA Governor and Parent
Councillor Tony Thomas – Governor St. Brigid’s School
Councillor Julian Thompson-Hill – Governor Ysgol Clawdd Offa
Councillor Emrys Wynne – Governor Ysgol Borthyn
Councillor Mark Young – Governor Denbigh High School

Councillor Richard Mainon declared a personal and prejudicial interest in agenda item 12 because members of his family were employed at Bodelwyddan Castle.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 6 June 2017 were submitted.

RESOLVED that the minutes of the meeting held on 6 June 2017 be approved as a correct record and signed by the Leader.

5 DENBIGHSHIRE LEARNER TRANSPORT POLICY

Councillor Huw Hilditch-Roberts presented the report detailing feedback following consultation on Denbighshire’s new Learner Transport Policy and recommending adoption of the new policy from 1 September 2018.

Some background history to the policy was provided which had been subject to the scrutiny process and consideration at County Council on 4 July when it was resolved to approve submission of the policy to Cabinet for adoption. Reference was also made to the consultation process and feedback which had been used to inform the final document. The new policy had been positively received and viewed as a significant improvement, providing a more balanced approach than the previous policy. Main changes included the two stage appeals process and use of discretionary powers in particular cases. The final policy would also be subject to some minor changes as recommended by scrutiny and at County Council.

Cabinet noted the comprehensive consultation process and detailed scrutiny of the new policy and was pleased to note the positive changes made to the provision of learner transport following input from both elected members and the public.

RESOLVED that Cabinet –

- (a) *confirms that the Well-being Impact Assessment (Appendix 5 to the report) has been read and understood, and*
- (b) *after consideration of the information contained within the report and the specific consultation process, approves adoption of Denbighshire’s new Learner Transport Policy from 1 September 2018 subject to minor amendments raised at scrutiny and full Council.*

6 21ST CENTURY SCHOOLS PROGRAMME - BAND B PROPOSALS

Councillor Huw Hilditch-Roberts presented the report seeking approval of the draft Strategic Outline Programme (Band B Proposals) for the 21st Century Schools and Education Programme for submission to Welsh Government (WG).

Cabinet's attention was drawn to the proposals for future capital investment in the next round of the funding programme based on priority review areas as follows –

- Review of Denbigh Provision including Ysgol Plas Brondyffryn (bid for £23.6m)
- Rhyl Primary Provision (bid for £5.15m)
- Centre to provide additional pastoral support for pupils (bid for £3.95m)
- Review of Llangollen Provision (bid for £11.9m)
- Extension at Ysgol y Faenol, Bodelwyddan (bid for £900k)

The proposals would be subject to WG approval and the availability of funding and there was no guarantee the projects would be undertaken. The overall submission would cost the Council £32m and no funding had been agreed to support the Council's contribution at this stage which would be subject to discussions in future budget rounds. Should investment in schools not be identified as a priority the scale of the programme would need to reduce significantly. Councillor Julian Thompson-Hill also highlighted the need to discuss the investment required in other schools which fell outside of the 21st Century Schools funding programme with especial reference to the situation at Prestatyn High School.

The Lead Member and officers responded to questions as follows –

- the proposals had been submitted based on the intervention rate of 50/50 for traditional capital projects and WG had indicated that the projects would be considered alongside those submitted by other local authorities given there was only a finite amount of funding available – the proposals had not been submitted in priority order and the results of discussions with WG would be reported back
- elaborated upon the two funding options (1) traditional capital route, and (2) Mutual Investment Model (MIM) which attracted a rate of 75% WG / 25% Local Authority. Proposals which would attract MIM funding had not been presented at this stage because the initial view was that it would not be a suitable funding option for Denbighshire. The MIM was similar to a Private Finance Initiative agreement, details of which were currently being tested to assess how it would meet Denbighshire's needs
- the criteria for this round of the funding programme did not focus directly on surplus places but it was an issue for consideration given the inefficiencies it created. Reference was made to a recent WG consultation document regarding small rural schools which could see a change in emphasis on that type of educational provision. Officers had continued the same approach as in Band A in terms of considering the whole area and context of condition and suitability of the building and where there were deficits in educational provision.

Cabinet agreed a sensible approach had been taken in formulating the proposals.

RESOLVED that –

- (a) *the draft Strategic Outline Programme for the 21st Century Schools and Education Programme be submitted to the Welsh Government, and*
- (b) *Cabinet confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix 3 to the report) as part of its consideration.*

7 APPOINTMENT OF MEMBERS TO OUTSIDE BODIES

Councillor Hugh Evans presented the report on the review and appointment of members to outside bodies which was required following the local government elections and formation of the new Council.

Councillor Evans referred to the review process undertaken in order to ensure suitable appointments to appropriate outside bodies and he proposed an amendment to the recommendation to approve the appointments detailed within the report save as to four organisations where appointments would be made via delegated decision following further consultation with members. The Head of Legal, HR and Democratic Services (HLHRDS) elaborated upon the consultation process undertaken with both outside bodies and elected members regarding appointments which indicated that further information was required before appointments to some outside bodies were confirmed. The appointments to outside bodies not contained within the report would be subject to future delegated decision reports or considered collectively at Cabinet if a larger number of appointments required approval at the same time. Members were encouraged to submit their views on any outstanding appointments which would be taken into account as part of the appointment process.

Members took the opportunity to discuss the report with the HLHRDS as follows –

- Clwyd Alyn Housing Association – as the Council’s former representative on that body Councillor Bobby Feeley advised that she was supportive of the recommended appointment of Councillor Emrys Wynne to that role
- Councillor Martyn Holland highlighted the need for more information to better enable councillors to input into the process. He also felt appropriate mechanisms should be developed for representatives to report back to Council. The HLHRDS responded that further information regarding those bodies for which the Council had yet to appoint representatives could be circulated to members once the relevant information had been received. He also reported that the requirements for particular appointments differed between organisations as did allowances/expenses payable. Where outside bodies had their own system of reimbursement it was used and in other cases a claim could be made via the Council’s allowance scheme. Training was provided covering members’ responsibilities on outside bodies and with regard to liabilities the Council had a protocol and guidance in respect of the different roles and indemnity offered which could be circulated. The issue of reporting mechanisms for those representatives would be considered by the Corporate Governance Committee

- Councillor Jeanette Chamberlain-Jones reported upon her experience as a member on the Adoption and Fostering Panels and highlighted discrepancies between allowances payable. She felt that there should be a greater awareness of those roles, particularly for new members, and that those meetings should be included in the members' calendar. The HLHRDS agreed to look into the practicalities of including those meetings in the members' calendar. He also elaborated upon the allowances payable in respect of different bodies, including discrepancies between some members on the Adoption Panel and the distinction between independent members and councillors.

RESOLVED that Cabinet approves the appointment of members to outside bodies as recommended in Appendix 1 to the report with the exception of the Clwydian Range AONB Partnership; Cadwyn Clwyd Denbighshire Local Action Group; St. Kentigern Hospice, St. Asaph (Trust), and Valuation Tribunal for Wales, appointments of which can be made by delegated decision following further consultation with members in respect of those appointments.

8 ASSET MANAGEMENT STRATEGY

Councillor Julian Thompson-Hill presented the Asset Management Strategy for approval and adoption.

The new Asset Management Strategy had been developed in response to tighter budgets and new duties under the Wellbeing of Future Generations (Wales) Act 2015 and clearly set out the Council's corporate approach to the management of its assets. The draft strategy had been subject to consultation and a summary analysis of the responses had been included in the report together with changes as a result and following discussions with the Wales Audit Office.

Councillor Thompson-Hill added that the new strategy strengthened the process and ensured a more holistic approach was undertaken which linked to other key documents. He also elaborated upon the four main outcomes in the strategy document itself together with actions underpinning those outcomes. The role of the Asset Management Group was highlighted which provided an appropriate level for decision making and meetings were open to all members to ensure greater transparency within the process. The Well-being Impact Assessment had demonstrated a generally positive impact.

The Leader highlighted the importance of the document to help the Council meet its objectives and priorities which included the potential for investment as well as disposal of assets which had caused some concern. Discussion focused on Outcome 4 – community capacity and resilience and members noted that this outcome had been added following consultation with Member Area Groups and that further work would be required to develop the outcome further. Cabinet was pleased to note its addition and highlighted the need to be aware of infrastructure challenges in the community and to take into account the impact on the community when considering disposal. Some discussion focused on the proposals for Ruthin Library and how the consultation process may be improved for future plans to share information and engage with stakeholders and the community at an early stage in the process regarding the merits of particular proposals to secure local support and

influence a positive outcome for all concerned. Officers referred to the process for engagement and consultation and it was noted that the strategy emphasised working with the community and City/Town/Community Councils when considering acquisitions and disposals. Cabinet added that some assets may prove difficult to dispose of and highlighted the need to guard against those assets standing empty.

It was noted that Asset Management had been highlighted within the Wales Audit Office (WAO) Annual Improvement Report as an area to address and WAO had been made fully aware of the strategy and were happy with its contents.

RESOLVED that Cabinet approves and adopts the Asset Management Strategy.

9 STRATEGIC INVESTMENT GROUP - TERMS OF REFERENCE

Councillor Julian Thompson-Hill presented the report seeking approval of the amended Terms of Reference for the Strategic Investment Group (SIG).

Some background history was provided leading to the establishment of the current SIG which was an elected member/officer group that appraised proposals for capital expenditure. Its terms of reference included delegated powers and therefore it was appropriate that it be reaffirmed by the current Cabinet and updated more generally to reflect current practices, and also now included reference to Housing Revenue Account Capital Expenditure. The updated terms of reference would ensure that SIG continued to provide an effective assessment and internal control function. Membership of SIG included both Cabinet and Scrutiny representatives.

RESOLVED that Cabinet approves the amended Terms of Reference for the Strategic Investment Group as detailed in Appendix 1 to the report.

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 underspend of £0.432m was forecast for service and corporate budgets
- service efficiencies worth £0.902m having already been agreed as part of the budget with the assumption that all would be delivered – any exceptions would be reported to Cabinet if required
- there were few variances to report at this stage in the financial year but a number of service pressures had been highlighted which required careful monitoring, and
- provided 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 £653k from the Corporate underspend to the new Corporate Priorities Reserve in order to help the initial delivery of the new Corporate Priorities that were currently being developed.

The following matters were clarified during debate –

- Customers, Communications and Marketing – the projected overspend on IT costs represented the current projection for the end of the financial year, and the service was looking at mitigation measures with a view to reaching a breakeven position. Services were encouraged to flag up pressures at an early stage so that they could be addressed at the earliest opportunity
- School Transport – the cost of implementing the new policy was unknown at this stage and would be carefully monitored throughout the year
- Schools – financial recovery plans were in the process of being agreed with schools in deficit and would be continually monitored, any concerns in that regard would be brought before the Corporate Governance Committee
- Rhyl Harbour Development – discussions were ongoing with the constructors of the bridge to ensure a proper maintenance schedule was in place long term.

RESOLVED that Cabinet –

- (a) notes the budgets set for 2017/18 and progress against the agreed strategy, and
- (b) approves the transfer of £653k from the Corporate underspend to the new Corporate Priorities Reserve in order to help the initial delivery of the new Corporate Priorities that were currently being developed.

11 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented for consideration and two additional items were added to the work programme for September regarding Corporate Income Generation/Fees and Charges and Debt Repayments.

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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

12 BODELWYDDAN CASTLE

[Having declared a personal and prejudicial interest Councillor Richard Mainon left the meeting during consideration of this item.]

Councillor Julian Thompson-Hill presented the confidential report regarding the future of Bodelwyddan Castle.

Cabinet was provided with some background information regarding acquisition of the Bodelwyddan Castle Estate by the former Clwyd County Council in 1984 together with the management of its operation to date. The report detailed proposals for the the freehold disposal of the Bodelwyddan Castle Hotel and part of

the estate whilst retaining other areas to be operated as a Country Park with public access. Details of the financial implications had been clearly set out within the report and officers responded to questions regarding those financial considerations and legalities of the proposals and provided assurances regarding future maintenance provision.

RESOLVED that –

- (a) *the Council pursue discussions with a named third party for the sale of the freehold interest with vacant possession;*
- (b) *to negotiate terms for the freehold disposal of The Bodelwyddan Castle Hotel (as shaded blue on the attached plan 2 to the report), to a named third party for the sum as set out within the report;*
- (c) *to negotiate terms for the freehold disposal to a named third party of part of Bodelwyddan Castle Estate, to include the Bodelwyddan Castle Trust (BCT) buildings, carpark, lawns, events arena and woodland (currently subject to a 125 year lease to BCT) for the sum as set out within the report;*
- (d) *the Council to retain the existing parkland, including WW1 trenches and grasscrete carpark together with a 125 year lease of the woodland. These areas will be run by Countryside Services as a Country Park with public access;*
- (e) *the Agricultural land to be retained as part of the Council's Agricultural Estate, and*
- (f) *Cabinet confirms that it has read, understood and taken account of the Well-being Impact Assessment attached to the report as part of its consideration.*

The meeting concluded at 11.30 a.m.