

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin on Tuesday, 18 December 2018 at 10.00 am.

PRESENT

Councillors 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 (Deputy Leader in the Chair), and Mark Young, Lead Member for Corporate Standards

Observers: Councillors Mabon Ap Gwynfor, Meirick Davies, Alan James, Arwel Roberts, Peter Scott, Glenn Swingler, Rhys Thomas, Graham Timms and Emrys Wynne

ALSO PRESENT

Chief Executive (JG); Corporate Director: Economy and Public Realm (GB); Heads of Service: Legal, HR and Democratic Services (GW), Finance/S.151 Officer (RW), Highways and Environment (TW); Flood Risk Manager (WH); Commissioning Officer (Homeless Prevention) (LD); Acting Team Manager (Homeless Prevention Team) (CO); Economic and Business Development Officer (SW); Waste and Recycling Manager (TD) and Committee Administrator (KEJ)

POINT OF NOTICE

In the absence of the Leader Councillor Hugh Evans, the Deputy Leader Councillor Julian Thompson-Hill took the Chair for the meeting.

1 APOLOGIES

Councillor Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 20 November 2018 were submitted.

Matters Arising – Page 8, Item 4 Minutes – Cabinet 30 October 2018 (Gypsy and Traveller Site Provision) – Councillor Peter Scott was appreciative of the careful review of all the information received from residents, the wider community and the business sector in response to the pre-planning consultation into the proposals and looked forward to the report being presented in Spring 2019. He was also pleased that Cabinet appreciated the depth of feeling and concerns presented.

RESOLVED that the minutes of the meeting held on 20 November 2018 be received and confirmed as a correct record.

5 SUSTAINABLE DRAINAGE (SUDS) APPROVAL BODY (SAB)

Councillor Brian Jones presented the report detailing the legislative requirement for the Council to undertake the role of a Sustainable Drainage System (SuDS) Approval Body (SAB) and seeking Cabinet approval to delegate powers to officers to establish and operate the SAB.

The Council would be required to undertake the role of SAB with effect from 7 January 2019 following implementation of Schedule 3 of the Flood and Water Management Act 2010. The current approach to managing surface water drainage for new developments had been problematic with conventional drainage systems often exacerbating flooding elsewhere. The SuDs approach aimed to address surface water management in a different way thereby reducing the wider flood risk problem. The cost of establishing and operating the SAB function was assumed by Welsh Government to be self-funded. However there was a risk that the costs of carrying out the function would exceed the fees received for applications requiring SuDs approval. To mitigate that risk the intention was to develop a collaborative regional SAB with local authorities in Flintshire and Wrexham and ensure careful monitoring of the SAB costs and income. It was confirmed that SAB applications ran in parallel with the planning application process and attracted a separate fee.

Councillor Mark Young questioned the risks and liabilities associated with the role. It was confirmed that the SAB role would not apply to retrospective applications and following implementation on 7 January 2019 the SAB would enter into legal agreements with developers to protect the Council from future risk or liability. Given that it was new legislation there would be a learning process and bedding in period but the eight week determination period for applications should provide enough time to put the necessary arrangements in place to provide sufficient protection.

RESOLVED that Cabinet –

- (a) notes the commencement of Schedule 3 ‘Sustainable Drainage’ of the Flood and Water Management Act 2010 made by the Welsh Government on the 1st May 2018 and the legislative requirement for the Council to provide a new service from 7th January 2019, and
- (b) approves the delegation of powers to the Head of Highways and Environmental Services to establish and operate the SAB.

6 SUPPORTING PEOPLE / HOMELESSNESS PREVENTION COMMISSIONING PLAN 2019 - 22

Councillor Bobby Feeley presented the report seeking Cabinet approval of the Denbighshire Supporting People/Homelessness Prevention Commissioning Plan 2019 – 22 prior to its submission to the Regional Collaborative Committee and Welsh Government.

The Council was required to submit a 3 yearly Commissioning Plan/annual update to the Regional Collaborative Committee in January of each year. The Commissioning Plan provided an overview of plans and priorities for 2019 – 22, primarily relating to Supporting People commissioned service development. The Plan was a key part of delivering against the Homelessness Strategy with a focus on commissioned service development and five broad priorities. Commissioning was an important part of the plan and contracts would be continually remodelled and developed to make them more flexible and tailored to need with a focus on prevention. Full details of the Supporting People funded development had been included within the Plan. The Plan had been developed following extensive consultation and had been considered at Partnerships Scrutiny Committee when it had been recommended for approval.

During debate the need for sufficient social housing was raised and examples of housing/homelessness cases were highlighted to illustrate points and problems faced in that regard. In responding to the issues raised and further questions arising from the report Councillor Bobby Feeley and officers advised that –

- the Council had a robust housing enforcement regime and powers to deal with issues in the private rented sector and any concerns in that regard should be directed to the Head of Planning and Public Protection for his team to deal with
- the Homeless Prevention Team worked with Housing Enforcement to ensure only registered landlords were used and to report issues of concern; links between Supporting People commissioned projects and Housing Enforcement were also being fostered to ensure properties were of a good standard
- elaborated upon initiatives and ongoing work to engage with reputable private sector landlords in order to support them to provide homes for those requiring emergency, temporary and permanent accommodation
- homelessness was a corporate issue and there were many council services involved to help tackle the issue in addition to the Homeless Prevention Team
- recognised the impact of national policies such as Welfare Reform and reported on measures to mitigate those impacts together with initiatives receiving Welsh Government support such as the Denbighshire/Conwy Housing First Project. Cymorth Cymru represented the sector and campaigned on their behalf
- assurances had been provided that next year's funding allocation would not be cut with a slight caveat that if savings could be achieved they should be made however there was a potential issue about changes to the grant distribution in future years and the subsequent impact on the various regions
- the Housing Revenue Account was ring-fenced from wider council funds to be spent around provision of service for tenants. A project was currently underway to direct some of that funding into a service provision for emergency temporary accommodation owned and managed by the Council to assist the wider

homelessness issue. In addition the Homeless Prevention Team was leasing a number of properties from Community Housing to house those presenting as homeless who could not currently be accommodated in the private sector

- provided assurances that in addition to a specific section on mental health issues it was a common theme threaded through the Plan; support for people with mental health issues had been identified as a priority area over the next two years and would be a consideration throughout all service developments
- acknowledged that it was far more challenging to source emergency temporary accommodation in rural areas and often those presenting as homeless had the option of bed and breakfast accommodation near to their community or more suitable accommodation elsewhere – for those families supported housing could be an option or stepping stone back into independent accommodation and much work had been ongoing to broaden the supported housing offer for families, particularly in the south of the county.

RESOLVED that Cabinet –

- (a) *approves the draft Denbighshire Supporting People/Homelessness Prevention Commissioning Plan 2019-22, prior to its submission to the Regional Collaborative Committee and Welsh Government in January 2019, and*
- (c) *confirms it has read, understood and taken account of the Well-being Impact Assessment attached at Appendix 2 to the report as part of their consideration.*

7 NORTH WALES DIGITAL CONNECTIVITY STRATEGY AND LOCAL FULL FIBRE NETWORK PROGRAMME

In the absence of Councillor Hugh Evans, Councillor Richard Mainon presented the report updating Cabinet on the digital work carried out to date by the North Wales Economic Ambition Board (NWEAB) and seeking approval of authorisations for the work going forward.

The NWEAB had approved a Digital Connectivity Strategy for the region and the Local Full Fibre Network (LFFN) project was an important project to help deliver that Strategy. The Board had agreed to develop and submit a regional bid to the UK Government's LFFN Programme Challenge Fund and that Denbighshire County Council would be the lead authority for the project. The LFFN Bid had been approved in principle by UK Government and the proposal currently stood at approximately £9m investment in the region. The investment would be directed to improving connectivity across the public sector resulting in wider enhancement of networks serving communities. Cabinet was asked to formally adopt the Digital Connectivity Strategy and approve the Council's role in delivering the LFFN project.

Councillor Mainon highlighted the benefits of the project which would deploy a full fibre network throughout North Wales linking up to 400 public buildings including schools, libraries, local government offices and also involved the Health Board and GP surgeries. The project presented a positive step in terms of bringing much needed digital infrastructure into the region and Denbighshire was particularly well

placed to benefit with 95 of the premises to be upgraded located in the county. There was also huge potential for ancillary benefits to other properties as part of that process. The focus of the report was improving public sector connectivity and there were other digital schemes working in parallel to address digital requirements in other sectors. The Economic and Business Development (EBD) Officer added that the intention was to commence the project in March 2019 for completion in March 2021 which was a challenging timescale but given the procurement route arranged by Welsh Government there was confidence that it would be delivered.

Cabinet welcomed the project and noted the positive benefits across the region. In response to questions Cabinet was advised that –

- the potential scope of public sector building upgrades had been detailed in the Strategy however the Department for Digital, Culture, Media and Sport had recently asked that further sites be proposed with a view to further extending full fibre into rural areas and a review would be carried out in that regard
- in terms of health partners the technology would enable them to modernise their services and build further resilience – whilst they may choose to make Wi-Fi available in waiting areas they would not be compelled to do so. There would also be huge benefits to other public buildings such as schools and libraries
- scrutiny arrangements would be carried out locally at this stage and the project could be called in for scrutiny by the Council; there was potential for regional scrutiny of regional projects in the second phase of the Growth Deal.

Questions were also invited from non-Cabinet members and Councillor Mainon and the EBD Officer responded to those further questions as follows –

- regarding calls for other community buildings to benefit from the project it was confirmed that the distribution of smaller community/town council buildings across the region was potentially a means of deploying full fibre further into more rural areas – all of the work identified by the project would be subject to survey work by Openreach on a quarterly basis which would identify the extent and location of that impact on communities. Whilst much of the broadband work in Wales had been overseen by the Welsh Government, the Council would have greater control to an extent on work in the county as part of this project
- with regard to partner contributions every participating organisation would be investing in hardware at the actual site to enable themselves to connect – this included the Health Board and GP surgeries which accounted for a large proportion of the 400 sites identified
- the scope of the project and building upgrades included figures of premises passed at 50m and 200m which was the UK Government's model of proposed impact – however the number of premises that could access the infrastructure was dependent on the local network design which was not uniform – once Openreach had conducted the survey work there would be greater clarity on those figures which could potentially be higher or lower than the report figures.

Concerns were also raised by some members regarding poor digital connectivity experienced by residents and businesses in their particular ward areas. Councillor Mainon reiterated that the project subject of the report focused on improving public sector connectivity and there were other schemes currently being developed which

would focus on other digital requirements. There was much sympathy with those blighted by poor connectivity and the issue had been recognised and identified as a priority with the Council's Corporate Plan with work ongoing to effect a solution.

RESOLVED that Cabinet –

- (a) *adopts the North Wales Connectivity Strategy;*
- (b) *approves Denbighshire County Council's role as Lead Body on behalf of the North Wales Economic Ambition Board for the LFFN Project and agrees that the Council enters into a suitable Inter Authority Agreement with the other partner bodies in respect of the LFFN Project, and*
- (d) *authorises the Corporate Director Economy and Public Realm in consultation with the S151 Officer, Monitoring Officer and Leader to agree the final terms of the Inter Authority Agreement.*

8 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 –

- the net revenue budget for 2018/19 was £194.418m (£189.252m in 2017/18)
- an overspend of £0.964m was forecast for service and corporate budgets
- detailed agreed savings and efficiencies worth £4.6m including those which had already been achieved with the assumption that all service efficiencies/savings would be delivered – any exceptions would be reported to Cabinet if required
- highlighted current risks and variances relating to individual service areas, and
- provided a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

The following matters were raised during debate –

- funding for the rise in teachers' pensions was being considered as part of the budget preparations for next year. Dialogue was ongoing between UK and Welsh Governments in this regard and whilst it was expected that the cost implication would be funded confirmation of that position was still awaited
- Councillor Arwel Roberts queried the potential for school clusters to access community funding benefits arising from Windfarm developments and Councillor Huw Hilditch-Roberts encouraged all school clusters and other bodies to bid for additional funding to benefit their communities. Councillor Richard Mainon confirmed that the Council was well placed to help and support any groups coming forward in order to put a good case together and maximise the chances of success in accessing that funding
- there was a total budget of £23.813m for the Rhyl Faith School (£7.005m expenditure to date and anticipated expenditures of £8.122m in 2018/19 and £8.686m in 2019/20); the funding was paid in tranches throughout the term of the contract dependent on when certain points in construction were achieved

- there was no financial impact arising from the Education Minister's decision in respect of Ysgol Llanbedr as the Council had continued to fund the school whilst the decision was awaited and would continue to do so – the Council's decision had been based on surplus places as opposed to funding issues. There had been a change to the school organisation code and pupil numbers had increased and the educational offer for the area was considered appropriate.

RESOLVED that Cabinet note the budgets set for 2018/19 and progress against the agreed budget strategy.

At this juncture (11.40 a.m.) the meeting adjourned for a refreshment break.

9 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented for consideration and it was noted that the following item would be added to the future work programme – North Wales Learning Disability Strategy.

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 would involve the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

10 PROPOSED NEW WASTE AND RECYCLING SERVICE DESIGN AND ASSOCIATED INFRASTRUCTURE (DEPOT) REQUIREMENTS

Councillor Brian Jones presented the confidential report detailing the outcome of the modelling carried out to identify the best new operating model for waste and recycling services and seeking members' determination on the suitability of the proposed new service design and associated depot requirements.

Councillor Jones advised that the proposal was centred on environmental improvement and benefits included a reduction in the carbon footprint of the service, generating more recycling and improving the quality of recyclable material. The Welsh Government had set a recycling target of 70% by 2025 with the expectation that the target would rise to 80% in future and had committed £7.9m towards the proposed service which would be used to develop the infrastructure necessary to enable the service changes. The proposal would also result in savings of at least £500k and create around 20 jobs. If the new service design was approved it was anticipated that no changes would take place until at least 2020.

The proposed new service design would result in the majority of residents moving to a weekly kerbside sort recycling service and a four weekly service for the remaining non-recyclable waste. A free weekly service for the collection of Absorbent Hygiene Products (nappies and incontinence waste) would be introduced together with a fortnightly collection for clothes and small electrical

items. The most economically advantageous solution also required investment in depot infrastructure and the report outlined the preferred depot solution – Option B (central depot) with Option A (two site option) as a contingency and proposed how those requirements would be funded.

Cabinet welcomed the positive impact of the proposals on the environment and was pleased to note the expansion of the recycling service to encourage environmentally friendly practices. Given the greater capacity for recycling offered to residents, the proposal to move to a four weekly service for non-recyclable waste was considered sufficient but it was noted that larger bins could be provided if appropriate. Councillor Huw Hilditch-Roberts highlighted a number of issues raised by Communities Scrutiny Committee which had provided greater clarity on the proposed new service including cost to new houses/households; new weekly collection service for nappies; dealing with pet waste, and discussions with individual households on a case by case basis. As a result of the review by the Communities Scrutiny Committee the proposed charges for containers had now been removed from the draft policy and all containers would continue to be provided to households free of charge, including to new build houses. Cabinet considered public engagement and an effective and timely communication strategy to educate and inform residents about implementation of the new service to be of paramount importance and assurances were provided by Councillor Brian Jones and officers in that regard. It was noted that there were some areas which were proving difficult to engage but the officers were working hard to tackle those problem areas before the roll out of the project in order to stand the Council in good stead when implementing the changes and it was recognised that there were particular cases where residents would still need to use sacks or require more frequent collections and there were issues still to be addressed in terms of access and fly tipping etc. The financial implications were also discussed and Councillor Julian Thompson-Hill referred to the robust financial modelling and rigorous scrutiny of the business case by the Strategic Investment Group who had supported the proposals. Cabinet also discussed the infrastructure requirements and agreed Option B to be the preferred option which provided the Council with direct control and investment in the county.

Councillor Bobby Feeley was keen for the Council to lobby supermarkets with a view to adopting more environmentally friendly packaging practices and officers advised that it was a national issue which was being dealt with by WRAP Cymru who could exert greater pressure in that regard – however the issue could also be considered as part of the wider Council agenda on the use of plastics.

Councillor Huw Hilditch-Roberts asked that his disappointment be recorded in the minutes that only three non-Cabinet members had been present for the debate given that it was one of the biggest changes in Denbighshire. Councillor Julian Thompson-Hill considered the lack of observers present to be testament to the work of officers in explaining all the issues in various member forums prior to this stage.

RESOLVED that Cabinet –

- (a) *confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix III to the report) as part of its consideration;*

- (b) *note that the projected revenue savings (Section 9 of the report referred) achievable from implementation of the preferred Waste and Recycling service design and depot option B, are higher than any other service delivery option modelled by WRAP (Appendix IV to the report);*
- (c) *note that the social benefits and financial implications (Section 9.7 of the report) of utilising the third sector for the collection of textiles and WEEE (Waste Electrical and Electronic Equipment), and recommend the continuation and expansion of an arrangement with a Denbighshire based Social Enterprise for the collection, re-use and recycling of these materials;*
- (d) *approve the proposed new Waste and Recycling service design as outlined in Appendix II [A] to the report to implement the preferred Welsh Government (WG) Blueprint for Waste Collections, subject to the expected revenue savings (for the first seven years) being at least within the range of £500,000 to £750,000. The expected revenue savings will be examined by the Council's finance team prior to any significant project gateway, for example, purchase of land;*
- (e) *approve the Household Waste Collection Policy (Appendix II [B] to the report) designed to support the implementation and regulation of the proposed service in order that revenue savings and environmental targets are met;*
- (f) *note WG have confirmed capital funding support of £900,000 in 2018/19, £4m in 2019/20 and a further £3m in 2020/21 for the implementation of a kerbside sort recycling operation, and instruct the Head of Highways and Environment to commit £900,000 of expenditure in 2018/19 in accordance with the terms and conditions of the grant funding to enable the full grant to be claimed. Members should note the risk highlighted in paragraph 13.3 of the report;*
- (g) *support the Option B (central depot) as the preferred option for delivery of the new model, and authorise the Head of Highways and Environment to liaise with the Head of Facilities, Assets and Housing to pursue purchase of the land required for development of the central depot, providing the acquisition price is reasonable and reflects the current market value for such land;*
- (h) *grant permission for the Head of Highways and Environment to submit a formal business case, through the North Wales Residual Waste Treatment Partnership, to request that WG fund a further element of Option B (central depot), which would reduce the prudential borrowing requirement outlined in Section 9.3 of the report, and*
- (i) *approve depot Option A (the two site option) as a contingency, and authorise the Head of Highways and Environment to continue to develop costings and funding sources with a view to defaulting to Depot Option A should we be unable to secure the land required for Depot Option B (the preferred option).*

The meeting concluded at 12.35 hrs.