

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin on Monday, 15 October 2018 at 4.00 pm.

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 Meirick Davies, Mabon Ap Gwynfor, Alan James, Arwel Roberts, Peter Scott, Glenn Swingler, Andrew Thomas, 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) and Finance/S.151 Officer (RW); Lead Officer – Corporate Property and Housing Stock (DL); Project Manager (KW); Strategic Planning & Housing Manager (AL) and Committee Administrator (KEJ)

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 A GROWTH DEAL FOR THE ECONOMY OF NORTH WALES: PROPOSITION DOCUMENT

Councillor Hugh Evans introduced the report seeking Cabinet's endorsement of the Proposition Document for recommendation to Council for adoption and authorisation for the Leader to commit the Council, alongside its partners, to entering Heads of Terms agreement with the UK and Welsh governments. He explained the need to consider the report at an earlier stage than planned in order that the Chancellor could include reference to the Growth Bid in the Autumn Statement on 29 October 2018.

Some background information was provided regarding previous collaborative approvals to adopt the Growth Vision and develop a Growth Deal Bid for the region. The Proposition Document set out the priority programmes for activity and projects to be considered for inclusion in the Growth Deal at the Heads of Terms stage and required approval from all six North Wales local authorities as the next stage within the process. It was stressed that adoption did not commit the Council to any financial investment of its own at this stage and was subject to the financial risks and benefits of the final Growth Deal being set out in detail, for consideration, when the final Deal was presented for approval at a later date.

The Leader advocated the Proposition Document as the best opportunity to expand the economy of North Wales and compete with other regions highlighting the possible impact on Denbighshire specifically. The importance of Denbighshire aligning itself to other economic plans and strategies through the Growth Deal was also highlighted and it was noted that the Proposition Document was dependent on the delivery of other rail and road investment strategies such as Growth Track 360 and the Welsh Government Trunk Road Programme. The Leader drew attention to the commitment of both UK and Welsh Governments to invest in the Growth Deal and highlighted the excellent relationship between the six Council Leaders in partnership with further and higher education and the private sector which had given confidence in that regard. Once the potential extent and context of the Growth Deal was known, following agreement of Heads of Terms, a full risk assessment and cost-benefit analysis could be undertaken. This would inform decision-making before the region entered into commitments at the stage of final Growth Deal agreement later in 2019. Risk analysis was built into the business case modelling for the programmes and projects which made up the developing Bid. All projects listed in the Proposition Document had an outline business case to demonstrate their value and worth. Other important issues to note included –

- the outline business cases were presently being assessed by civil servants in Cardiff and Swansea
- a stakeholder group for the private sector had been established and challenge sessions had been conducted within the region
- a risk schedule was being developed as part of the next stage – the Council's financial commitments would become clearer over the next few months when the extent of both Governments financial commitment was known
- if Denbighshire signed up to the Growth Deal there would likely be further opportunities following Brexit to engage the region into the Prosperity Fund.

The Corporate Director: Economy and Public Realm explained the purpose of the Proposition Document to set out a package of bold measures and interventions to deliver sustainable economic growth in North Wales. He proceeded to guide Cabinet through the Proposition Document and pertinent points in relation to setting out the case for investment; strategic context and fit with government policy; option appraisal and preferred way forward; Growth Vision; project schedule list; economic case, finance and funding, empowering the region and the governance and delivery structure. The Chief Executive added that Growth Deals elsewhere in the UK had resulted in significant investment and Denbighshire had a tremendous opportunity

through the Growth Deal to secure investment in areas identified in the Corporate Plan including transport, digital, business development and learning and skills.

Cabinet recognised the benefits of progressing with the Growth Deal and during consideration of the report discussed the following –

- in terms of financial commitment assurances were provided that the Council was not committing any additional financial resources at this stage in the process
- if the Bid was successful details of the financial commitments required from individual local authorities in order to be part of the Growth Deal would likely become known as early as February/March 2019 and would depend on the amount of Government investment secured
- if when considering the financial commitments the Council felt that the risks were too high and the benefits to Denbighshire or local benefits to the wider economy did not justify the level of investment from local government then a decision could be taken not to commit that finance and not be party to the pending Growth Deal
- reference was made to the Bodewyddan Key Strategic Site (KSS) and implications should the status of the site change following review of the Local Development Plan (LDP) – it was clarified that the site was recognised regionally as a KSS which could be funded depending on a prioritisation process. In the event funding became available and the site was no longer allocated within the LDP the funding would not be unlocked
- acknowledged that the impact on rural areas needed to be made clearer and discussions were currently ongoing in that regard. However there were specific projects that would have a direct impact including digital, energy and skills and wider benefits to communities from the Growth Deal included positive impacts in terms of unemployment, healthcare, social care and mental health issues
- the importance and extent of private sector involvement and investment in the Growth Deal was highlighted and it was noted that discussions with the private sector were ongoing in that regard – there was a private sector representative on the North Wales Economic Ambition Board and a Stakeholder Group had been established involving the private sector to progress expectations
- clarified that the prioritised projects in the Proposition Document were currently being assessed and would be subject to further negotiation with the UK and Welsh Governments – whilst it would be too late to submit any new projects as part of the Growth Deal they could potentially be considered as part of the Growth Vision.

The Leader and officers responded to further questions from non-Cabinet members as follows –

- reported upon the difficulties in predicting the financial implications given the number and cost of projects still to be approved, other partners contributions and assumptions some projects may generate future revenue – consequently a range of estimates had been provided with heavy caveats and with a peak cost for Denbighshire of £130k - £320k depending on a range of variables and over the fifteen year period there may be anything from no cost or over £1m costs – given those uncertainties financial implications should be noted at this stage

- referred to Council Briefings on the Growth Bid and previous reports to Cabinet in that regard and confirmed that a similar report had been submitted to each of the six North Wales local authorities for consistency across the region
- explained the context of the Local Development Plan in terms of the Bodelwyddan Key Strategic Site confirming that planning powers remained with the local authority and there were no proposals within the Proposition Document for a regional planning authority – projects in the Growth Bid would be based on the existing Local Development Plan and any changes to that would need to be considered at the appropriate time
- assurances were provided that the risk and impact on the Welsh Language would be taken into account and it was expected that this element would also be considered as part of Welsh Government funding allocations
- clarified the local scrutiny arrangements in the first stage Governance Agreement together with potential scrutiny options in the event of a second stage Governance Agreement which could include joint scrutiny, a coordinated scrutiny activity across the six councils and their own individual arrangements, or a hybrid thereof
- some concern was expressed regarding projects relating to nuclear technology and it was clarified that the Wylfa Project was not part of the Growth Deal and the SMART Access to Energy Programme included a package of projects which accepted nuclear technology would be part of the UK's energy production but also recognised low carbon projects being brought forward. The two nuclear projects relating to Trawsfynydd Power Station and Nuclear Centre of Excellence amounted to about £38.6m of the total £335m capital investment sought from both governments and therefore was not considered heavily biased towards nuclear energy. In terms of the political context there had been some cross party support for the Wylfa Project both locally and nationally.

RESOLVED that –

- (a) *Cabinet endorse the Proposition Document for recommendation to Council for adoption as (1) the basis of a longer-term regional strategy for economic growth and (2) the regional bid for the priority programmes and projects from which the content of a Growth Deal will be drawn at the Heads of Terms Agreement stage with Governments. Adoption does not commit the Council to any financial investment of its own at this stage and is subject to the financial risks and benefits of the final Growth Deal being set out in detail, for full consideration, when the final Deal is presented for approval at a later date, and*
- (b) *that the Leader be authorised to commit the Council to entering Heads of Terms with Governments alongside the political and professional leaders from the nine other statutory partners represented on the North Wales Economic Ambition Board, and the North Wales Mersey Dee Business Council, with the Proposition Document setting out the parameters for the Heads of Terms agreement.*

5 ITEMS FROM SCRUTINY COMMITTEES - GYPSY AND TRAVELLER SITE PROVISION

Councillor Graham Timms, Vice-Chair of Communities Scrutiny Committee presented the report detailing the conclusions reached by the Scrutiny Committee following consideration of the call-in of the Cabinet decision taken on 25 September 2018 in respect of Gypsy and Traveller Site provision.

In brief, whilst it was acknowledged that Cabinet had received and discussed further information through Cabinet Briefings it was the Scrutiny Committee's view that insufficient comparable information had been provided in the Cabinet report of 25 September 2018 to enable Cabinet to make an informed decision on the most suitable site. Consequently Cabinet had been asked to revisit their decision taking into account additional information including comparable data for each site and the reasons why locations included on an earlier list of potential sites had been discounted. In addition the Scrutiny Committee considered that Cabinet should have reported the matter to Council Briefing for wider member input before making a formal decision and it was recommended that this practice be followed in future when considering potentially controversial decisions. Finally Councillor Timms expressed his view on the timing of Cabinet's review of the decision and felt strongly that the late notification and availability of the additional information requested by Scrutiny in this case had left insufficient time for all councillors to fully digest that information and make arrangements to attend and raise questions at the Cabinet meeting. Therefore he urged Cabinet to reconsider their decision on this issue at the next scheduled meeting on 30 October 2018 which would demonstrate that Cabinet had fully taken into account Scrutiny's recommendations.

The Head of Legal, HR and Democratic Services explained how the provisions of the public notification legislation under the Local Government Act 1972 had been met and also provided details of the Constitution's call in rules. Having taken into account Scrutiny's recommendations Cabinet may consider reviewing the decision at this meeting or defer to a future meeting. Lead Member Councillor Tony Thomas provided some further background advising that the project had been ongoing for some time and had never been called into Scrutiny with Cabinet having confirmed a preference for the site in April 2018. After considering the issues raised by Scrutiny and given that the information they had requested had been provided Councillor Thomas proposed, seconded by Councillor Julian Thompson-Hill, that Cabinet proceed to review their decision without delay. On that basis the Leader sought assurances that Cabinet was satisfied they were able to make a fully informed decision and upon being put to the vote it was **RESOLVED ACCORDINGLY**. Councillor Richard Mainon abstained from voting on that proposition.

Prior to reviewing the decision Councillor Huw Hilditch-Roberts referred to Scrutiny recommendation 3.3 for all councillors to be briefed on potentially controversial decisions at Council Briefing and Cabinet supported his proposition for an amendment to also include other briefing methods as appropriate including Scrutiny Committee, Member Area Groups or workshop/training events.

EXCLUSION OF PRESS AND PUBLIC

In order to revisit the Cabinet decision of 25 September 2018 and consider the detail of the confidential appendices it was –

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that it would involve the disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Act.

The Lead Officer – Corporate Property and Housing Stock reminded Cabinet of the Council’s statutory responsibilities in meeting the needs identified for the provision of Gypsy and Traveller Sites and detailed the comprehensive and lengthy process of site selection and assessment leading up to the current position. Cabinet’s attention was drawn to the additional information requested by Scrutiny and the Lead Officer elaborated on the pros and cons of each site and reasoning behind the proposal for the Greengates site as opposed to other potential sites initially identified and members were given the opportunity to raise questions thereon.

Councillor Peter Scott (Local Member for St. Asaph) thanked Scrutiny for their work but was disappointed that consideration of the decision had not been delayed to the next Cabinet meeting in line with Councillor Timms’ request. Councillor Scott also felt that some of the information contained within the pros and cons table was subjective and was concerned that no consultation with the public or stakeholders had been carried out in advance. He sought assurances that any future process would involve a robust and extensive consultation process. Officers responded that given the element of confidentiality and the process to be followed it would not be appropriate to consult on a range of potential sites during the selection process. However Cabinet felt there would be merit in extending the statutory pre planning consultation requirements given the nature of the proposal and agreed to include this element within their resolution. Councillor Richard Mainon suggested that similar processes in the future should be carried out more objectively with key criteria and scoring mechanisms which were factually based to remove the element of subjectivity which had been raised in this case. Councillor Glenn Swingler was concerned to note that whilst additional information had been provided in terms of the pros and cons of each site, there were still a number of examples where they had not been applied consistently to each site on a comparable basis.

Cabinet noted the lengthy and extensive process followed in reaching this stage and considered that the information provided clear reasons why sites had been deemed unsuitable and discounted. Having considered Scrutiny’s conclusions and the additional information provided Cabinet was satisfied that a fully informed decision could be made at this time and it was subsequently –

RESOLVED that Cabinet –

- (a) *acknowledges Communities Scrutiny Committee’s conclusions and recommendations following its review of the Cabinet decisions of 25 September 2018;*
- (b) *having taken into account the recommendations from Communities Scrutiny Committee and the further information provided at the meeting confirms the decisions made on 25 September 2018 to –*

- (i) approve undertaking pre-planning consultation and subsequent full planning applications (taking into consideration the outcomes of the pre-planning exercise) for the residential and transit Gypsy and Traveller sites on the Green-gates Farm East site in the locations indicated in Appendix 1 to the report, and*
- (ii) approve the submission of funding bids to the Welsh Government in respect of proposals for residential and/or transit Gypsy Traveller sites subject to planning consent being granted in line with the programme outlined in paragraph 4.11 of the report.”*
- (c) the Lead Member liaise with Local Members as to the most appropriate form and method of consultation with the local community during the pre-planning consultation, and*
- (d) in all matters to come before Cabinet for a formal decision Lead Members do now and will in future consider the need to brief and engage the wider membership and the most appropriate and proportionate way to do this which could include Council Briefing, Scrutiny Committee, Member Area Groups or workshops/training events.*

Councillor Richard Mainon voted against resolution (b) above.

The meeting concluded at 6.10 p.m.