

To: Members of the Cabinet

Date: 14 October 2020

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Dear Councillor

You are invited to attend a meeting of the **CABINET** to be held at **10.00 am** on **TUESDAY, 20 OCTOBER 2020 BY VIDEO CONFERENCE.**

**PLEASE NOTE: DUE TO THE CURRENT RESTRICTIONS ON TRAVEL AND THE REQUIREMENT FOR SOCIAL DISTANCING THIS MEETING WILL NOT BE HELD AT ITS USUAL LOCATION. THIS WILL BE A REMOTE MEETING BY VIDEO CONFERENCE AND NOT OPEN TO THE PUBLIC.**

Yours sincerely

G. Williams  
Head of Legal, HR and Democratic Services

## **AGENDA**

### **PART 1 - OPEN SESSION**

#### **1 APOLOGIES**

#### **2 DECLARATION OF INTERESTS**

Members to declare any personal or prejudicial interests in any business identified to be considered at this meeting.

#### **3 URGENT MATTERS**

Notice of items which, in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972.

#### **4 MINUTES (Pages 7 - 18)**

To receive the minutes of the Cabinet meeting held on 22 September 2020 (copy enclosed).

## **PART 2 - CONFIDENTIAL ITEMS**

### **EXCLUSION OF PRESS**

It is recommended in accordance with Section 100A (4) of the Local Government Act 1972, that the Press be excluded from the meeting during consideration of the following item of business because it is likely that exempt information as defined in paragraph 14 of Part 4 of Schedule 12A of the Act would be disclosed.

#### **5 PROPOSED APPROACH TO TENDERING FOR PHASE 1 / ENABLING WORKS CONTRACT FOR COLOMENDY INDUSTRIAL ESTATE EXPANSION INCLUDING NEW DCC WASTE TRANSFER STATION (WTS) (Pages 19 - 40)**

To consider a confidential report by Councillor Brian Jones, Lead Member for Waste, Transport and the Environment (copy enclosed) seeking Cabinet approval to undertake the proposed tendering exercise to identify a main contractor to deliver Phase 1 / Enabling Works Contract for the expansion of the Colomendy Industrial Estate, Denbigh.

## **PART 1 - OPEN SESSION**

#### **6 ITEM FROM SCRUTINY COMMITTEE - REVIEW OF CABINET DECISION RELATING TO DISPOSAL OF LAND ADJACENT TO YSGOL PENDREF, DENBIGH (Pages 41 - 66)**

To consider a report by Councillor Huw Williams, Chair of Communities Scrutiny Committee (copy enclosed) detailing the conclusions reached by the Scrutiny Committee following consideration of the call-in of the Cabinet decision taken on 22 September 2020 in respect of the disposal of land adjacent to Ysgol Pendref and recommending Cabinet revisit its decision to take into account the Scrutiny Committee's conclusions and further recommendations.

#### **7 EXTENSION OF THE COUNCIL'S UK LEISURE FRAMEWORK (Pages 67 - 70)**

To consider a joint report by Councillors Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets and Bobby Feeley, Lead member for Well-being and Independence (copy enclosed) seeking Cabinet approval to extend the Council's UK Leisure Framework until January 2022.

#### **8 ASBESTOS REMOVAL CONTRACT (Pages 71 - 94)**

To consider a report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) seeking Cabinet approval to commence a procurement for a works contract with a licensed Asbestos Removal Contractor.

**9 FINANCE REPORT** (Pages 95 - 114)

To consider a report by Councillor Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets (copy enclosed) detailing the latest financial position and progress against the agreed budget strategy.

**10 CABINET FORWARD WORK PROGRAMME** (Pages 115 - 118)

To receive the enclosed Cabinet Forward Work Programme and note the contents.

**MEMBERSHIP**

Councillor Hugh Evans  
Councillor Bobby Feeley  
Councillor Huw Hilditch-Roberts  
Councillor Richard Mainon

Councillor Tony Thomas  
Councillor Julian Thompson-Hill  
Councillor Brian Jones  
Councillor Mark Young

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## LOCAL GOVERNMENT ACT 2000

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### Code of Conduct for Members

### DISCLOSURE AND REGISTRATION OF INTERESTS

I, *(name)*

a \*member/co-opted member of  
*(\*please delete as appropriate)*

**Denbighshire County Council**

**CONFIRM** that I have declared a \***personal / personal and prejudicial** interest not previously declared in accordance with the provisions of Part III of the Council's Code of Conduct for Members, in respect of the following:-  
*(\*please delete as appropriate)*

Date of Disclosure:

Committee *(please specify)*:

Agenda Item No.

Subject Matter:

Nature of Interest:

*(See the note below)\**

Signed

Date

\*Note: Please provide sufficient detail e.g. 'I am the owner of land adjacent to the application for planning permission made by Mr Jones', or 'My husband / wife is an employee of the company which has made an application for financial assistance'.

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## **CABINET**

Minutes of a remote meeting of the Cabinet held by video conference on Tuesday, 22 September 2020 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's Services and Public Engagement; Brian Jones, Lead Member for Waste, Transport and the Environment; Richard Mainon, Lead Member for Corporate Services and Strategic Direction; Tony Thomas, Lead Member for Housing and Communities; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Planning, Public Protection and Safer Communities

**Observers:** Councillors Joan Butterfield, Meirick Davies, Alan James, Gwyneth Kensler, Paul Penlington, Peter Scott, Rhys Thomas and Emrys Wynne

## **ALSO PRESENT**

Chief Executive (JG); Corporate Director Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW) and Finance and Property (SG); Programme Manager – Modernising Education (JC); Programme Manager – Housing Development (MD); Principal Chartered Valuation and Estates Surveyor (MJ); Strategic Planning Team Manager (NK); Lead Officer – Strategic Asset Management (TB); Project Manager (RV); Scrutiny Coordinator (RE), and Committee Administrator (KEJ)

The Local Democracy Reporter was also in remote attendance to observe proceedings.

## **POINTS OF NOTICE**

Due to the current restrictions on travel and requirement for social distancing as a result of the coronavirus pandemic the meeting was held remotely by video conference and was not open to the general public. All members had been given the opportunity to attend as observers and the Local Democracy Reporter had also been invited to observe.

The Leader referred to the sad news that Sue License, Legal, HR and Democratic Services had passed away. She had been a highly respected officer and he paid tribute to her professionalism and valuable support to members. Thoughts were with her family at this sad time. Council Chairman Councillor Meirick Davies echoed those sentiments.

### **1 APOLOGIES**

There were no apologies.

### **2 DECLARATION OF INTERESTS**

The following members declared a personal interest in agenda item 5 – 21st Century Schools Programme Band B Proposals –

Councillor Meirick Davies – School Governor Ysgol Cefn Meiriadog  
Councillor Huw Hilditch-Roberts – Parent Ysgol Brynhyfryd / School Governor Ysgol Pen Barras  
Councillor Peter Scott – School Governor St. Asaph VP Infants School  
Councillor Emrys Wynne – School Governor Ysgol Brynhyfryd & Ysgol Borthyn  
Councillor Mark Young – School Governor Denbigh High School

Councillor Bobby Feeley declared a personal interest in agenda item 11 – Former Savoy Hotel and the Queen’s Market, Theatre and Hotel, Rhyl because she was a Director of Denbighshire Leisure Limited.

### **3 URGENT MATTERS**

At the Leader’s request the Chief Executive gave an overview of the current situation with regard to Covid-19 in Denbighshire. The latest figures showed a rise in cases over the last seven days to 25.1 cases per 100,000 population. There was currently no evidence of sustained community transmission however it was a rapidly evolving situation. The figures were similar to four other counties in North Wales and therefore a regional meeting had been called for later that day to discuss the situation. The rise in infection rates was a national trend with a number of counties in local lockdown and although the situation was worrying assurances were provided that public bodies were working closely together to carefully monitor and manage the position and members would be kept informed of developments.

### **4 MINUTES**

The minutes of the Cabinet meeting held on 28 July 2020 were submitted.

**RESOLVED** that the minutes of the meeting held on 28 July 2020 be received and confirmed as a correct record.

### **5 21ST CENTURY SCHOOLS PROGRAMME - BAND B PROPOSALS**

Councillor Huw Hilditch-Roberts presented the report providing an update on the progression of the proposals and seeking approval of the approach to the delivery of Band B of the 21st Century Schools Programme in Denbighshire.

Band B proposals focused on investment in schools in the Llangollen and Denbigh area together with a new primary school in Rhyl. Cabinet had considered options to progress Band B in December 2019 and agreed to seek additional funding of £15m from Welsh Government (WG) which also required an overall contribution of close to £21m for Denbighshire in order to deliver the programme of a value of £83m. Details of WG’s response had been provided which effectively required the list of projects to be prioritised and delivery of the programme in two phases. The first phase of projects would include detailed feasibility works to enable them to commence and the second phase would require the council to continue to discuss with WG the case for additional resources to ascertain delivery options.



The Lead Member explained that whilst the programme focused on the same schools it would not be possible, given the WG funding adjustment, to progress all projects at the same time. A prioritisation process had been undertaken based on need and he further elaborated upon that process and the reasoning behind the priority order for each individual school project. It was suggested that a further report be brought back to Cabinet in 18 months' time given the need to lobby WG for additional funding towards the projects in the second phase. In terms of timescales details of the various stages were provided and it was pleasing to note that the development and management of low carbon building projects would have a positive impact on the council's carbon footprint and result in financial savings.

Cabinet was disappointed to note it would not be possible to progress the original proposals as planned due to the financial adjustment but agreed with the approach outlined in the report as the best way forward to provide targeted investment based on need and welcomed that investment in schools. It was considered that the council's proven track record in delivering projects would stand it in good stead and supported the lobbying of WG for additional funding for phase two and to review the situation in 18 months' time. The energy efficiency measures for school projects referred to by the Lead Member was also welcomed. In response to questions from Councillor Mark Young it was confirmed that all head teachers had been briefed on the situation together with local members and assurances were provided that communication would continue with schools going forward. It was hoped that business cases could be developed early next year but was dependent on WG.

Lead Members responded to questions from non-Cabinet members as follows –

- in response to Councillor Paul Penlington it was explained that schools in Band B had been chosen based on a prioritisation process of greatest need and overall condition. There had been significant investment in Prestatyn High School in terms of repair and maintenance work and the school would likely be included in Band C, although work would need to be undertaken to measure the impact on pupil numbers as a consequence of the investment in Rhyl schools
- Councillor Emrys Wynne referred to the use of the North Wales Construction Framework to procure projects and was keen for greater emphasis to be put on local companies – assurances were provided that over 50% of firms were based in North Wales and proactive steps had been taken to enable local firms to participate. Some large projects precluded local firms due to capacity however a high proportion of that work was also carried out by sub-contractors locally
- at the suggestion of Councillor Meirick Davies it was agreed to amend the recommendation to include submission of the proposals to Welsh Government.

**RESOLVED** that Cabinet –

- (a) *approve the commencement of projects at Ysgol Plas Brondyffryn / Denbigh High School, Denbigh; Ysgol Bryn Collen / Ysgol Gwernant, Llangollen and Ysgol Pendref, Denbigh as part of the first phase of projects for Band B of the 21st Century Schools Programme and the submission of these proposals to Welsh Government, and*

- (b) *to continue to seek additional funding for the second phase of projects of Band B and to review the position in 18 months to ascertain options for the delivery of some of these projects.*

## **6 DISPOSAL OF LAND ADJACENT TO YSGOL PENDREF, DENBIGH**

Councillor Julian Thompson-Hill presented the report seeking approval for the disposal of land (a field extending to 2.28 ha / 6.97 acres) adjacent to Ysgol Pendref, Denbigh on the open market for residential development.

The land used to be part of the Council's Agricultural Estate and was currently used for grazing under a short term let. It had been allocated for residential development in the Local Development Plan and a Site Development Brief adopted. The field together with a smaller one adjacent to Tan y Sgubor had been appropriated to the Council's Housing Revenue Account (HRA) and work to build houses on the smaller field (for social rent to be retained by the Council) was due to start in the autumn. Due to the number of homes which could be accommodated on the larger field and the desirability of offering different housing types/tenures to meet the needs in the Denbigh area, it was proposed that the field be sold and developed by an external party but with the expectation that 20% of homes provided would be built as affordable units and offered for sale to the Council at a price determined in accordance with the Supplementary Planning Guidance for affordable homes.

The Lead Members and officers responded to questions as follows –

- the 20% figure for affordable housing had been based on an analysis of need in the Denbigh area taking into account other housing developments and a stipulation would be added to any sale agreement that 20% of the homes built would have to be affordable housing and offered for sale to the council first
- the land had been allocated for housing in the LDP and appropriated to HRA, and therefore the former policy covering capital investment into the agricultural estate would not have applied
- clarified the location of the smaller plot referred to in the report which had not been illustrated as it had already been dealt with
- with regard to questions regarding the infrastructure to support future development it was noted that a Site Development Brief had been approved by the Planning Committee and that scoping for the school had not yet been completed but it would be taken into account as part of that process
- due to the size of the site there would be little merit in obtaining planning permission beforehand and approval of the Site Development Brief had been considered the best option with the developer applying for planning permission based on their own plans for the site taking account of that Brief
- Councillor Rhys Thomas asked that the latest draft National Development Framework published by WG also be borne in mind when selling the site and there was some debate regarding the context of that framework and how it would impact on both existing and future development sites.

**RESOLVED** that Cabinet –

- (a) *approves the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan (Appendix A to the report) which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale, and*
- (b) *confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix B to the report) as part of its consideration.*

## **7 ANNUAL PERFORMANCE REVIEW 2019 TO 2020**

Councillor Julian Thompson-Hill presented the report together with the draft Annual Performance Review (APR) for 2019 to 2020 prior to its submission to Council and publication as required by the Local Government (Wales) Measure 2009.

Cabinet was advised that the report had been delayed due to the disruption caused by Covid-19 and therefore also covered quarter 1 where information was available including the council's response to the pandemic. The APR presented the council's performance against its priorities in 2019 to 2020; outlined plans for the Corporate Plan delivery in 2020 to 2021; showed the progress of council projects, and highlighted the council's progress in managing its risks.

The Strategic Planning Team Manager delivered a brief presentation on the APR highlighting the key challenges/achievements to Covid-19; an update on progress made against each of the corporate priority areas; references to risk management, sustainable development and equality issues, and also provided assurance around the scrutiny of external regulatory reports. In summary the council had made good progress against priorities which had since been impacted by Covid-19 and had brought forward significant challenges. The Lead Member added that a tranche review of priorities had revealed them to still be relevant in reflecting the needs of communities although some modification may be required. The Chief Executive reported on a recovery strand to review progress against the Corporate Plan and progress in some areas had been affected – the outcome of the review would be reported back to members. It was noted that future planning for the next Corporate Plan due to start in the next six months may well be impacted by Covid-19.

The Leader felt the report highlighted the flexibility of the council in addressing the challenges faced and paid tribute to the way in which the authority had responded to the pandemic, working well with communities in dealing with issues, and how the workforce had adjusted its resources at a pressurised time. He was pleased that the role of local government and its work in responding to the pandemic had been recognised by Welsh Government. Despite all those pressures the authority had also been able to deliver key elements in terms of its corporate priorities and he highlighted two issues which required an increased focus going forward (1) supporting town centres/rural areas given the emerging economic pressures, and (2) investment in digital connectivity to align with changing working practices.

The following issues were raised during the ensuing debate –

- Councillor Bobby Feeley paid tribute to the service provided by Working Denbighshire; the Chief Executive confirmed work was in progress to consider how the service could be delivered in future given the reliance on grant funding
- in response to issues raised by Councillor Meirick Davies, the Strategic Planning Team Manager agreed to look into the appropriate phrasing to describe empty dwellings and also to include an overall explanation within the project register where projects were at risk or experiencing obstacles; Councillor Bobby Feeley confirmed she was the Lead Member responsible for the project working towards becoming a Dementia Friendly Council (the Lead Officer was the Head of Community Support Services) and provided an update on progress
- Councillor Peter Scott welcomed the flood defence project for East Rhyl but highlighted the outstanding remedial work required relating to the River Elwy
- in response to questions from Councillor Gwyneth Kensler officers confirmed a draft climate change strategy was being developed which would include ways to reduce carbon emissions and it was acknowledged that consideration would need to be given as to how the council disposed of additional plastics used in response to Covid-19. Details of financial support by Welsh Government for additional costs incurred by schools as a result of the pandemic were provided.

**RESOLVED** that Cabinet confirms the content of the draft Annual Performance Review 2019 to 2020.

[At this point (11.30 am) the meeting adjourned for a ten minute refreshment break]

## **8 ANNUAL TREASURY MANAGEMENT REPORT 2019/20**

Councillor Julian Thompson-Hill presented the report updating members on the performance of the treasury management function and demonstrating compliance with treasury limits and Prudential Indicators during 2019/20.

In summarising the report Councillor Thompson-Hill highlighted the importance of treasury management and referred to the economic background and impact on treasury management activities. He highlighted the main points for members in terms of borrowing and investment activity and confirmed compliance with all prudential indicators set, guiding members through those indicators as detailed in Annex B confirming appropriate ratios of financing costs and borrowing levels within limits. It was noted that Corporate Governance and Audit Committee monitored the treasury management function and had accepted the report.

The Head of Finance explained the reasoning for the two new loans taken earlier in the year which had been largely due to cash flow issues in delivering Welsh Government schemes. In terms of assurance treasury management had been given a high assurance rating by Internal Audit. The council was in regular contact with its external treasury advisers and the policy of borrowing at the lowest interest rates possible was reiterated. The current level of borrowing as a proportion of the net revenue stream at 6.72% was considered affordable. In response to a question from Councillor Mark Young the Lead Member confirmed a new category had been introduced into the risk register covering the level of acceptable risk on various different issues which for treasury management would be minimal.

**RESOLVED** that Cabinet –

- (a) *note the performance of the Council's Treasury Management function during 2019/20 and its compliance with the required Prudential Indicators as reported in the Annual Treasury Management Report 2019/20 (Appendix 1 to the report), and*
- (b) *confirms it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 2 to the report) as part of its consideration.*

## **9 FINANCE REPORT**

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy as outlined below –

- the net revenue budget for 2020/21 was £208.302m (£198.538m in 2019/20)
- an overspend of £5.221m was forecast for service and corporate budgets (the overspend did not assume receipt of further 'income loss' grants or claims)
- highlighted current risks and assumptions relating to individual service areas together with the financial impact of coronavirus and Leisure ADM budgets
- detailed required savings and efficiencies of £4.448m agreed including corporate savings relating to triennial actuarial review of Clwyd Pension Fund (£2m); 1% schools savings (£0.692m); service savings (£1.756m)
- provided a general update on the Capital Plan, Housing Revenue Account and Housing Capital Plan.

Cabinet was also asked to agree the setting up of a small reserve to help pay for the investment in the Ruthin Gaol complex to improve the visitor experience.

Councillor Thompson-Hill elaborated upon the latest financial position in detail, particularly with regard to the financial impact of Covid-19, including grant funding secured to date and the position on claims for the council. A payment of £2.6m had been received to cover losses of income for common areas across authorities but it was unknown whether a further claim for a diverse range of losses would be paid in full as Welsh Government (WG) had emphasised the need for consistency across councils and to avoid subsidising local choice. WG had also announced a further £264m for local authorities to support them with the additional costs and loss of income as a result of the Covid-19 pandemic for the rest of the financial year and further details and guidance in that regard were expected in the coming weeks.

The Lead Member and Head of Finance responded to questions as follows –

- gave an overview of funding streams available for Denbighshire Leisure Limited together with agreed arrangements to help with cash flow. The main funding source was WG's loss of income fund and the payment for Quarter 1 had been received. It was hoped that the claim for Quarter 2 would also be paid in full
- detailed the arrangements for payment of the £500 gifted to care workers by WG which was being administered by the council with good progress being made. Nearly all council staff had been paid and a third payment run for external providers was imminent following which most would have been paid.

Councillor Bobby Feeley paid tribute to Community Support Service and staff in delivering the scheme particularly given the lack of consultation beforehand

- clarified that agreement was sought to the principle of setting up a reserve to help pay for investment in the Ruthin Gaol complex and the intention was for the service to work to find savings to build up the reserve to £60k by 2025; it was understood that a different service was responsible for town centre recovery and consequently there was no cross over or counter commitment between those service budgets – the Leader asked for further clarification and for an email to be sent to Councillor Gwyneth Kensler in response to her query in that regard
- with regard to reimbursement of costs incurred for delivery of WG schemes, the view was that if it was a genuine increase in costs, unavoidable due to Covid-19, costs would be claimable but each case would be assessed on its own merits.

**RESOLVED** that Cabinet –

- (a) *note the budgets set for 2020/21 and progress against the agreed budget strategy, and*
- (b) *agree to the setting up of a small reserve to help pay for investment in the Ruthin Gaol complex to improve the visitor experience.*

## **10 CABINET FORWARD WORK PROGRAMME**

The Cabinet forward work programme was presented for consideration and members noted the following additions –

- Proposed approach to tendering for phase 1 / enabling works contract for Colomendy Industrial Estate Expansion – October
- Asbestos Removal Contract (to obtain permission to tender) – October
- Asbestos Removal Contract (to award the contract) – December

**RESOLVED** that Cabinet's forward work programme be noted.

## **11 FORMER SAVOY HOTEL AND THE QUEEN'S MARKET, THEATRE AND HOTEL, RHYL**

Councillor Hugh Evans presented the report updating members on the future development of the former Savoy Hotel and the Queen's Market, Theatre and Hotel, Rhyl along with the associated risks and additional funding required.

Some background information was provided regarding the acquisition of the site and plans for its redevelopment (over a number of phases/stages) which was considered critical to the regeneration and future economic success of the area. The focus was on delivery of phase 1 with additional phases subject to review in light of the financial and economic impact of Covid-19. An overview of the project elements relating to phase 1 demonstrating the benefits to the area was also provided. Cost estimates had increased significantly since the original estimate leaving a current shortfall of £4.3m and a full breakdown of costs had been detailed within the report together with the reasoning behind those cost increases which was further elaborated upon at the meeting. The detailed review of the current financial

position provided some assurance that the project could be delivered within the revised cost estimate. To keep the project on track and enable demolition of the site as a matter of urgency Cabinet approval was sought to allocate an additional £1.5m funding to the project. The risks associated with the project were highlighted, including the further £2.8m funding requirement for which it was hoped that Welsh Government would provide additional monies.

Councillor Bobby Feeley was concerned to note the current position and queried the possibility of taking on the role of development partner in-house, perhaps with Denbighshire Leisure Limited (DLL). During debate it was noted that the cost increases would have occurred regardless and that the current development partner had a proven track record and had worked successfully with the council on previous regeneration projects. Given the size of the project the council did not have the resources or expertise in-house to deliver it and an external partner was therefore considered the right approach to progress the development. It was also noted that there may be scope for DLL to be involved in future phases of the project subject to the relevant procurement rules and correct governance procedures.

The Lead Officer – Strategic Asset Management responded to questions as follows:

- none of the buildings on site were listed
- a building fronting onto Sussex Street (known as Queen's Chambers) within the town centre conservation area would be retained and refurbished as part of the overall scheme and all other buildings would be demolished
- considerable time had been taken to try and retain the buildings with a number of surveys carried out but unfortunately they were beyond economic repair
- work had been ongoing with the Historical Society and others with a view to saving anything of historical value or local interest at the site
- the basement and canal no longer existed and was thought to have been destroyed by the fire in 1912 which had burned down the building
- there had been no suggestion that there would be any merit in inserting a clause in the demolition contract regarding archaeology but there were processes in place if anything of archaeological value was found during the demolition
- apologised that the Welsh contained within the illustrations did not currently comply with the Welsh standards which would be rectified shortly
- future phases would need to be reviewed in light of Covid-19 and the potential siting of council services would need to be considered at that time.

Councillor Joan Butterfield spoke in favour of the recommendation and confirmed that Rhyl Member Area Group had scrutinised the programme in depth and, whilst appreciating the significant funding required and associated risks, were comfortable with the project going forward for the benefit Rhyl and Denbighshire. The Leader confirmed it was proper to have concerns and to understand the risk and that he had been comfortable with the answers given in response to the issues raised. Consequently he was comfortable with his recommendation to Cabinet.

***RESOLVED*** that Cabinet approves to allocate £1.5m of funding to the project to enable the demolition and complete the planning process.

**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 and 16 of Part 4 of Schedule 12A of the Act.

**12 MUTUAL INVESTMENT MODEL 21ST CENTURY SCHOOLS WELSH EDUCATION PARTNERSHIP - STRATEGIC PARTNERING AGREEMENT**

Councillors Julian Thompson-Hill and Huw Hilditch-Roberts presented a joint confidential report seeking approval to enter into a Strategic Partnering Agreement with WEPCo Limited to facilitate the delivery of education and community facilities.

The Welsh Government had procured a private sector partner to work with it on the delivery of education and community facilities in Wales under the Mutual Investment Model (MIM) 21st Century Schools Programme. Details of the partnering agreement and the benefits to Denbighshire joining the agreement were explained and would facilitate the use of the MIM financing model if it was deemed appropriate for future Bands of 21st Century Schools investment. Cabinet was advised that approval of the report did not assume a position on the merits or not of the funding model and any future proposal to utilise that funding method would be subject to the council's appropriate decision making channels. In view of the need for the national agreement to be signed by 25 September it was recommended that the decision to award the contract be implemented immediately.

Officers responded to questions regarding the seat on the Strategic Partnering Board and clarified the provisions for urgent decisions as set out in the constitution.

**RESOLVED** that Cabinet –

- (a) *approves the execution, delivery and performance of the Strategic Partnering Agreement with the Welsh Education Partnership Co in September 2020 to facilitate the delivery of a range of infrastructure services and the delivery of education and community facilities;*
- (b) *approves the Strategic Partnering Agreement at Appendix A of the report and summarised in Appendix 1 of the report so as to give effect to recommendation 3.1 of the report [resolution (a) above];*
- (c) *notes that the Strategic Partnering Agreement shall be executed as a deed and attested in accordance with Section 12.5.2 of the Constitution;*
- (d) *approves the appointment of the Head of Finance and Property as 'Participant Representative' to sit on the Strategic Partnering Board (SPB);*
- (e) *notes that any decision to proceed with a MIM Project in future will be reported back to Cabinet in future report(s) for decision, and*



- (f) *agrees that the decisions above be implemented immediately in accordance with the Council's call in procedure rules and urgency contained in the constitution set out in paragraph 8.1 of the report.*

The meeting concluded at 13.15 hrs.

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By virtue of paragraph(s) 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

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<b>Report to</b>	<b>Cabinet</b>
<b>Date of meeting</b>	<b>20 October 2020</b>
<b>Scrutiny Chair:</b>	<b>Councillor Huw O Williams (Chair of Communities Scrutiny Committee)</b>
<b>Report author</b>	<b>Rhian Evans, Scrutiny Co-ordinator</b>
<b>Title</b>	<b>Review of Cabinet Decision relating to disposal of land adjacent to Ysgol Pendref, Denbigh</b>

## **1. What is the report about?**

- 1.1 The conclusions reached by Communities Scrutiny Committee following its review of Cabinet's decision of the 22<sup>nd</sup> September 2020 in relation to the disposal of land adjacent to Ysgol Pendref in Denbigh.

## **2. What is the reason for making this report?**

- 2.1 To inform Cabinet of Communities Scrutiny Committee's recommendations following its review of the Cabinet's decision in relation to the disposal of land adjacent to Ysgol Pendref, Denbigh. The review was undertaken in accordance with the Council's Call-in Procedure Rules following receipt of a formal signed request for the decision to be reviewed.

## **3. What are the Recommendations?**

That Cabinet:

- 3.1 acknowledges Communities Scrutiny Committee's conclusions and recommendations following its review of the Cabinet decisions of the 22<sup>nd</sup> September 2020;
- 3.2 revisits its decision of 22<sup>nd</sup> September 2020 having regard to the vision for future social and affordable housing as set out in the draft new national development framework 'Future Wales – the National Plan 2040';

- 3.3 delays the decision in relation to this particular site for 12 months until the new national development framework is agreed;
- 3.4 considers options to make the land more attractive to social landlords and smaller developers by breaking it up into smaller parcels/plots; and
- 3.5 does not create an oversupply of large unaffordable homes in Denbigh which do not meet the local need

## 4. Report details

- 4.1 On the 22 September 2020 Cabinet considered a report on 'Disposal of Land Adjacent to Ysgol Pendref in Denbigh'. The report to Cabinet can be seen at Annex A
- 4.2 At the conclusion of its discussion Cabinet resolved to:
  - “(a) approve the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan (Appendix A to the report) which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale, and*
  - (b) confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix B to the report) as part of its consideration.”*
- 4.3 The Cabinet's decision was published on the Council's website on 24<sup>th</sup> September. In accordance with the Council's Call-In Procedure Rules the decision was not implemented immediately enabling non-Cabinet members to call-in the decision for examination, if they felt it merited detailed scrutiny
- 4.4 'Notice of Call-In' e-mails by the required number of non-Cabinet councillors, were received in respect of the above decision between the 30<sup>th</sup> September and 1<sup>st</sup> October 2020, which was within the 5 working day timescale stipulated in the Council's 'Call-in Procedure Rules'. The grounds for the Call-in were:
  - “1: This is more land owned by Council being sold for a quick fix to fill budget holes.*

- 2: *Upper Denbigh has up to 300 houses being built on the NWH (North Wales Hospital) site and more (mostly) unaffordable housing is not required.*
- 3: *The land is presently farm land. We should be encouraging more people into farming. We don't yet know the effects of Brexit on food security and now would be a foolish time to dump this land.*
- 4: *Although it mentions the land not being suitable for a new build for Ysgol Pendref it was only a very, very short time ago Cabinet agreed to the new 21st century schools programme and to commence a scoping exercise. Has that been completed already?*
- 5: *Once land belonging to the people has been sold to private enterprises there is no going back. How are cabinet certain the land will not be needed in the future.*
- 6: *We must surely be building more social housing.”*

- 4.5 In accordance with the Council’s Call-in Procedure Rules Scrutiny had to consider the request within 5 working dates of its receipt. To facilitate this a special meeting of the Communities Scrutiny Committee was convened on the 5<sup>th</sup> October 2020. For information a copy of that report is attached at Annex B.
- 4.6 Detailed discussion took place at the Communities Scrutiny Committee meeting in respect of the Cabinet decision and the grounds put forward in the Call-in request. Having given regard to the various grounds given for calling-in the decision the Committee acknowledged that the land had been declared surplus to requirements by the Council’s Agricultural Estate a number of years previously. It also acknowledged that any capital receipt realised from the sale of land or any other asset could not lawfully be used to finance the Authority’s revenue spend or any revenue shortfall.
- 4.7 However the Committee felt that there was merit to request Cabinet to review its decision to dispose of the land on the basis of the number of houses and types of housing developments currently being built, or already planned for Denbigh in the next few years.

- 4.8 The Committee has concerns that the developments will render the town with an oversupply of large unaffordable houses and an insufficient supply of affordable housing and social housing units to meet the needs of local residents. Members are of the view that developing the land adjacent to Ysgol Pendref would further exasperate the problem. Whilst acknowledging that some social housing would be built on this plot of land as part of any future development, it was felt that the number of affordable and social housing units proposed for the development were insufficient given that this particular plot of land was located in one of the most deprived council wards in Wales, and therefore the majority of the houses built there would be unaffordable for local residents.
- 4.9 The Welsh Government recently published its draft new national development framework 'Future Wales – the National Plan 2040'<sup>1</sup>, which is currently undergoing scrutiny in the Senedd, prior to being adopted in 2021. Once adopted this framework will set the direction for development across Wales until 2040. Whilst the Committee acknowledges that this is still a working draft it does however have a clear emphasis on the need for more affordable housing across Wales.
- 4.10 On this basis the Committee requests Cabinet to reconsider its decision to sell the land adjacent to Ysgol Pendref at the present time, and to defer the decision to dispose of the land for twelve months by which time the final 'Future Wales – the National Plan 2040' framework should have been approved by the Senedd. Once the new framework is in place a decision could then be taken in relation to the sale of the land in line with the vision for social and affordable housing set out in the framework. At that time consideration should also be given to making the land more attractive to social landlords and smaller developers by breaking it up into smaller parcels/plots.

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<sup>1</sup> 'Future Wales – the National Plan 2040': <https://gov.wales/sites/default/files/publications/2020-09/working-draft-national-development-framework-document-september-2020.pdf>

4.11 Scrutiny requests that Cabinet reconsiders its decision of 22<sup>nd</sup> September 2020 relating to the disposal of the land adjacent to Ysgol Pendref, Denbigh, and in doing so has regards to the above observations and recommendations.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1. See Section 5 of the Cabinet report dated 22 September 2020 (Annex A).

## **6. What will it cost and how will it affect other services?**

6.1. See Section 6 of the Cabinet report dated 22 September 2020 (Annex A).

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. See Section 7 of the Cabinet report dated 22 September 2020 (Annex A).

## **8. What consultations have been carried out with Scrutiny and others?**

This report outlines the conclusions of the Scrutiny process

## **9. Chief Finance Officer Statement**

9.1. See Section 9 of the Cabinet report dated 22 September 2020 (Annex A).

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. Scrutiny's review of the original Cabinet decision should mitigate against any future risks to the Council posed by external challenges to the decision.

## **11. Power to make the decision**

11.1. Sections 21(2) and (3) of the Local Government Act 2000; and

11.2 Section 7.4.2(a) of the Council's Constitution stipulates that "Scrutiny Committee may review and scrutinise the decisions...of the Cabinet" whilst Section 7.4.2(d) states that they may "make recommendations to the Cabinet...arising from the outcome of the scrutiny process."

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<b>Report to</b>	Cabinet
<b>Date of meeting</b>	22 <sup>nd</sup> September 2020
<b>Lead Member / Officer</b>	Councillor Julian Thompson Hill  Lead Member for Finance, Performance & Strategic Assets
<b>Report authors</b>	Mair Jones, Principal Valuation and Estates Surveyor  Mark Dixon, Housing Development Manager
<b>Title</b>	Disposal of land adjacent to Ysgol Pendref, Denbigh

## **1. What is the report about?**

1.1 The report is about selling the Council's freehold interest in a field which was formerly part of the Council's Agricultural Estate and which is adjacent to Ysgol Pendref, Denbigh to enable the construction of new homes. The field extends to 2.82 ha (6.97 acres).

## **2. What is the reason for making this report?**

2.1 Because the market value of the land with vacant possession is estimated to be greater than £1,000,000, the decision has to be made by Cabinet to comply with the Council's constitution.

## **3. What are the Recommendations?**

3.1 The recommendation is that Cabinet approves the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan in Appendix A which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale; and

3.2 That Cabinet members confirm that they have read, understood and taken account of the Well-being Impact Assessment in Appendix B as part of the consideration.

## **4. Report details**

4.1 The field to which this report relates had formerly been part of the Council's Agricultural Estate but came back in hand - subject to short term tenancy provisions, with a view to it either being developed or sold at a later stage. The land is currently used for grazing and is let under a short term arrangement.

4.2 The field was allocated for residential development in the current Local Development Plan under policy BSC1 (Building Sustainable Communities - Growth Strategy for Denbighshire). A Site Development Brief was adopted as Supplementary Planning Guidance by the Council's Planning committee on 15<sup>th</sup> March 2017.

4.3 This field together with another smaller one adjacent to Tan y Sgubor were appropriated to the Council's Housing Revenue Account. Contractors will be starting work on building 22 houses for social rent to be retained by the Council on the Tan y Sgubor site this autumn. Because of the number of new homes which can be accommodated on the larger field and the desirability of being able to offer a choice of different housing types and tenures to meet identified needs in the Denbigh area, it would be more appropriate for the larger field to be sold to enable its development to be progressed by a party external to the Council but with the expectation that 20% of the homes provided would be built as affordable units and offered for sale to the Council in the first instance at a price determined in accordance with the adopted Supplementary Planning Guidance for affordable homes.

## **5. How does the decision contribute to the Corporate Priorities?**

5.1 The Council's Corporate Plan includes a priority to ensure that everyone is supported to live in homes that meet their needs. The Housing Strategy approved by the County Council at its meeting on 1st December 2015 includes an action to review both Council and Housing Revenue Account landholdings to determine their suitability and availability for affordable housing development and establish a clear programme for delivery. This decision will contribute towards the delivery of the Corporate Plan and Housing Strategy by enabling a developer to build new homes including a proportion which are affordable to address the need for this type of accommodation in this location.



## **6. What will it cost and how will it affect other services?**

6.1 There will be costs associated with the disposal incurred by the Council's own valuers and solicitors, and external agents appointed to deal with the sale. These will be met from the capital receipt generated by the sale.

6.2 The impact of the subsequent development upon the environment will be assessed through the Planning process.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1 The main conclusions of the assessment are that the proposal will have a positive impact on all of the well-being goals through the provision of new homes suitable for people who acquire protected characteristics which are situated in a location which will enable them to access services on foot or by cycling and which will minimize the risk of fuel poverty amongst residents as a consequence of their energy efficiency; it will have a positive impact on the economy by contributing towards the vitality of shops and services in Denbigh town centre and through supply chain opportunities and the acquisition of new skills as a consequence of the creation of apprenticeships; it will increase community cohesiveness by improving the attractiveness of a previously undeveloped area and providing access to community leisure facilities for residents; and it will have a positive impact upon biodiversity through habitat improvements; and it will promote the use of the Welsh language through the use of bilingual signage and Welsh street names.

## **8. What consultations have been carried out with Scrutiny and others?**

8.1 The Site Development Brief was the subject of consultation with the public and specialist consultees and the proposal has been presented to the ward members and the Denbigh Member Area Group. The land was considered by the Council's Modernising Education team as a possible candidate site for the construction of a new school but was rejected.

8.2. The Asset Management Group supported the disposal of this land at its July meeting and recommended that Cabinet should approve the disposal.

## **9. Chief Finance Officer Statement**

9.1 The proposal to support this disposal of land is in line with the Council's Priorities and Policies and is therefore supported. The additional funding generated which will help reduce

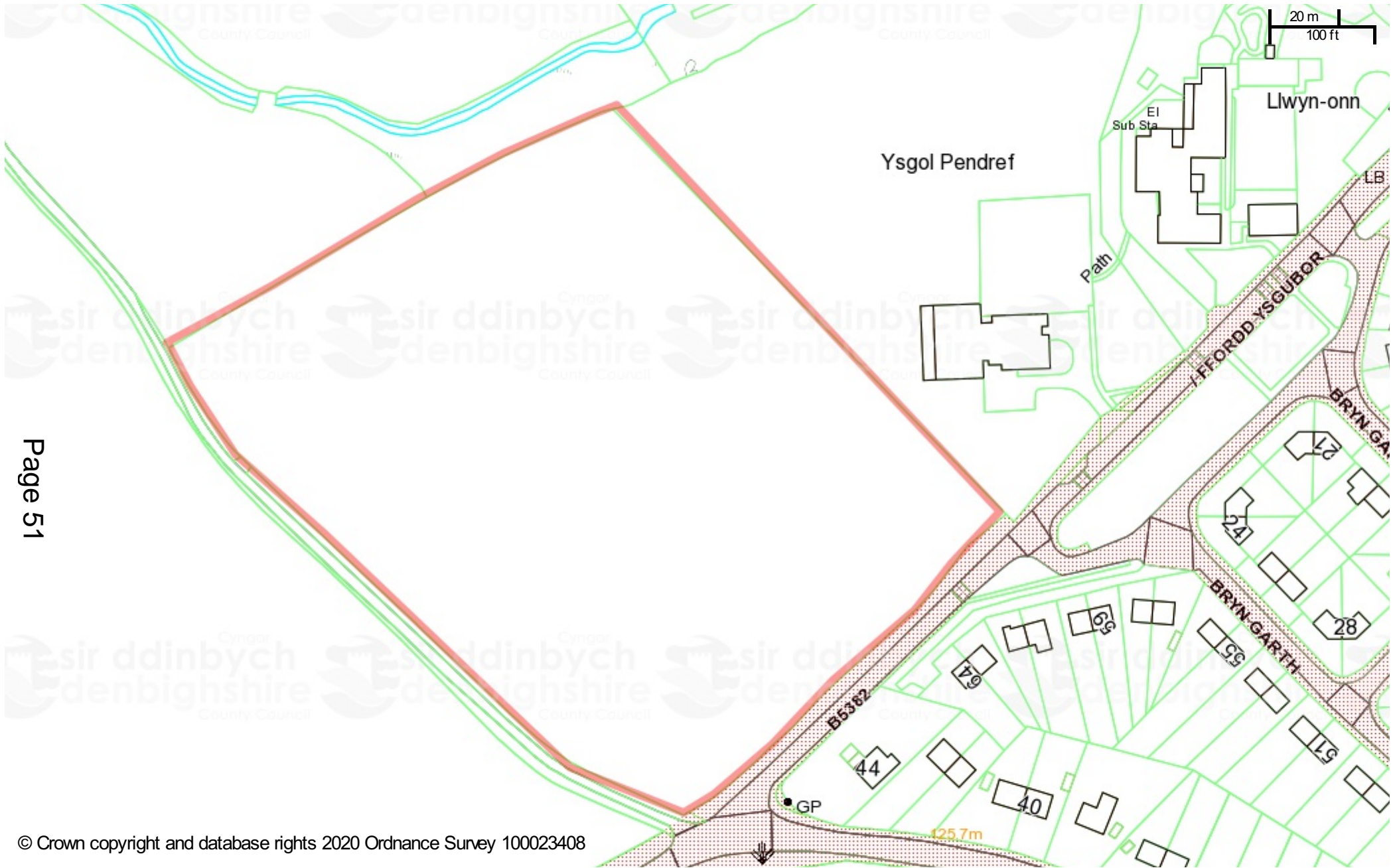
the borrowing requirement of the Capital Plan is particularly welcome during a time when Council finances are stretched.

## **10. What risks are there and is there anything we can do to reduce them?**

10.1 The risk of not obtaining the best price for the land and the highest proportion of affordable homes on the development will be mitigated by the appointment of specialist agents to handle the sale.

## **11. Power to make the decision**

11.1 Section 123 of the Local Government Act 1972 gives the Council the power to dispose of land.



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**APPENDIX A - Land adjacent to Ysgol Pendref, Denbigh**

Scale: 1:1500

Printed on: 8/9/2020 at 12:16 PM

# Proposed disposal of land adjacent to Ysgol Pendref, Denbigh.

## Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	672
Brief description:	The proposal involves the disposal of land adjacent to Ysgol Pendref, Denbigh to enable the construction of new homes to be made available in a range of tenures.
Date Completed:	08/09/2020 12:50:43 Version: 1
Completed by:	Mair Jones
Responsible Service:	Facilities, Assets & Housing
Localities affected by the proposal:	Denbigh,
Who will be affected by the proposal?	Prospective tenants and owner occupiers seeking new homes
Was this impact assessment completed as a group?	Yes

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

★★★★ ( 4 out of 4 stars ) Actual score : 30 / 30.

## Implications of the score

We can apply the five ways of working to improve the sustainability of our approach.

We can prevent problems occurring in the long term by developing assets which enable people to live in their own homes for longer by providing affordable homes which meet the Lifetime Homes Standard as part of the development thereby improving community resilience. We can improve the resilience of our infrastructure by providing homes on developments where drainage has been installed to reduce flood risk. We can ensure our proposal is embedded and sustained by making provision in our housing stock business plan for the future maintenance of the Council homes on the development.

We can prevent problems occurring by creating an inter-generational community where tenants can help each other and be less reliant on public services.

We will link our proposal to other corporate priorities by supporting people's independence and minimizing carbon emissions and improving habitats on the development site. We will help to deliver the Local Development Plan by providing more affordable homes on land which has been allocated for this purpose.

We will collaborate with the chosen developer to deliver affordable homes which meet identified needs in the Denbigh local housing market area which includes the Denbigh Upper/Henllan ward.

The community has been involved in developing the proposal through engagement in the consultations which took place prior to the adoption of the development brief for the site and there will be a further opportunity for community involvement during the pre-Planning application consultation.

## Summary of impact

### Well-being Goals

A prosperous Denbighshire

A resilient Denbighshire

A healthier Denbighshire

A more equal Denbighshire

A Denbighshire of cohesive communities

A Denbighshire of vibrant culture and thriving Welsh language

A globally responsible Denbighshire

Positive

Positive

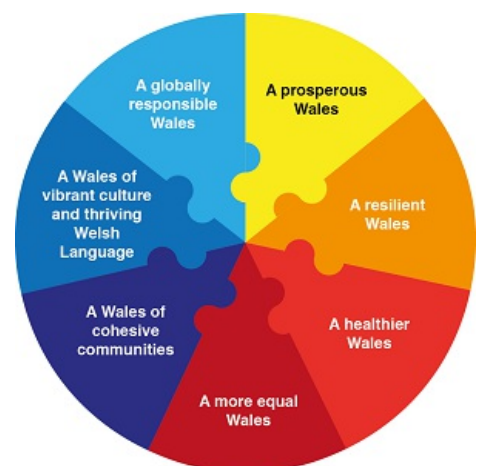
Positive

Positive

Positive

Positive

Positive



## **Main conclusions**

The main conclusions of the assessment are that the proposal will have a positive impact on all of the well being goals through the provision of new homes suitable for people who acquire protected characteristics which are situated in a location which will enable them to access services on foot or by cycling and which will minimize the risk of fuel poverty amongst residents as a consequence of their energy efficiency; it will have a positive impact on the economy by contributing towards the vitality of shops and services in Denbigh town centre and through supply chain opportunities and the acquisition of new skills as a consequence of the creation of apprenticeships; it will increase community cohesiveness by improving the attractiveness of a previously undeveloped area and providing access to community leisure facilities for residents; and it will have a positive impact upon biodiversity through habitat improvements; and it will promote the use of the Welsh language through the use of bilingual signage and Welsh street names.

## **Evidence to support the Well-being Impact Assessment**

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact of the proposal is positive because it will help to minimise carbon emissions through the provision of energy efficient homes; it will help to minimize flood risk through the introduction of surface water drainage to the area; it will help to develop the county's economy by enhancing the vitality of the shops and services in Denbigh town centre; and it will help to raise skills levels by enabling the provision of training in the construction sector.
<b>Further actions required</b>	Positives can be maximised by requiring that the design includes the highest levels of energy efficiency which are feasible; by enabling businesses to promote the services available in the town centre to new residents; and by the provision of new skills to apprentices involved in the construction of the new homes. The negative can be maximised by ensuring that the potential additional demand for childcare provision in the area is taken into account in the annual assessment.

### Positive impacts identified:

<b>A low carbon society</b>	The proposal will lead to the construction of new homes which will require limited amounts of energy for their operation thereby minimizing carbon emissions from energy generation.
<b>Quality communications, infrastructure and transport</b>	The proposal will improve infrastructure through the installation of surface water drainage to land where this has not been provided previously thereby minimizing flood risk.
<b>Economic development</b>	The proposal will help to enhance the vitality and viability of the shops and services in Denbigh town centre by enabling more households to live in the town thereby increasing demand and improving their profitability.
<b>Quality skills for the long term</b>	The proposal will help to provide quality skills for the long term through the provision of training and job opportunities in the construction sector through the adoption of a "Local Employment Strategy" for the development.
<b>Quality jobs for the long term</b>	Not applicable
<b>Childcare</b>	Not applicable

### Negative impacts identified:

<b>A low carbon society</b>	None
<b>Quality communications, infrastructure and transport</b>	None
<b>Economic development</b>	None

<b>Quality skills for the long term</b>	None
<b>Quality jobs for the long term</b>	None
<b>Childcare</b>	The provision of additional family housing could lead to increased demand for increased pressure on childcare provision.

## A resilient Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact of the proposal is positive because residents will be provided with facilities to recycle more waste; biodiversity in the urban environment will be enhanced through the inclusion of soft landscaping in the development; residents of the development will be able to access town centre shops and services without having to travel by car thereby saving fuel; and it will improve flood risk by providing surface water drainage for the site.
<b>Further actions required</b>	The landscaping and planting will compensate for any loss of habitat and will be of better quality.

### Positive impacts identified:

<b>Biodiversity and the natural environment</b>	Not applicable
<b>Biodiversity in the built environment</b>	The proposal will enhance biodiversity in the built environment through the inclusion of landscaped areas and planting in the development.
<b>Reducing waste, reusing and recycling</b>	The proposal will help to encourage recycling by residents through the provision of locations for the different bins required on each plot.
<b>Reduced energy/fuel consumption</b>	The proposal will reduce fuel consumption by enabling people to live near town centre shops and services thereby reducing the need to travel by car.
<b>People's awareness of the environment and biodiversity</b>	Not applicable
<b>Flood risk management</b>	The proposal will reduce flood risk through the installation of surface water drainage on the site.

### Negative impacts identified:

<b>Biodiversity and the natural environment</b>	Construction on a previously undeveloped area could potentially result in the loss of habitat.
<b>Biodiversity in the built environment</b>	None
<b>Reducing waste, reusing and recycling</b>	None
<b>Reduced energy/fuel consumption</b>	None



<b>People's awareness of the environment and biodiversity</b>	None
<b>Flood risk management</b>	None

## A healthier Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact of the proposal is positive because the health and well being of residents will be improved by being able to access shops and services in Denbigh town centre and open space provided on site, and participation in leisure opportunities will be increased access to health care will be improved by locating new homes close to existing facilities.
<b>Further actions required</b>	Positives can be maximised by town centre services and leisure facilities promoting awareness of their offer to new residents.

### Positive impacts identified:

<b>A social and physical environment that encourage and support health and well-being</b>	The proposal will encourage and support health and well being by providing homes which are located near shops and services in Denbigh town centre which can be accessed by pedestrians or by cycling and through the provision of open space for recreation on the development.
<b>Access to good quality, healthy food</b>	Not applicable
<b>People's emotional and mental well-being</b>	Not applicable
<b>Access to healthcare</b>	The proposal has the potential to improve residents' access to healthcare by providing new homes within easy reach of the primary health care facilities in Denbigh town centre.
<b>Participation in leisure opportunities</b>	The proposal has the potential to improve participation in leisure opportunities through the provision of new homes close to facilities such as the playing field at Cae Howell and within easy travelling distance from Denbigh Leisure Centre.

### Negative impacts identified:

<b>A social and physical environment that encourage and support health and well-being</b>	None
<b>Access to good quality, healthy food</b>	None
<b>People's emotional and mental well-being</b>	None
<b>Access to healthcare</b>	None

<b>Participation in leisure opportunities</b>	None
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## A more equal Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact is positive because the well being of people with protected characteristics will be improved by the provision of affordable Lifetime Homes and because poverty will be reduced by providing energy efficient homes which minimize the amount which residents spend on energy.
<b>Further actions required</b>	Positives can be maximised by instructing new tenants on how to minimise energy consumption in their homes.

### Positive impacts identified:

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	The proposal will improve the well being of people with protected characteristics by providing affordable homes which meet Lifetime Homes Standards which will enable tenants to continue living in their homes if they acquire a disability.
<b>People who suffer discrimination or disadvantage</b>	Not applicable
<b>Areas with poor economic, health or educational outcomes</b>	Not applicable
<b>People in poverty</b>	The proposal will help to tackle fuel poverty by providing energy efficient homes which will minimize the proportion of residents' income spent on fuel.

### Negative impacts identified:

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	None
<b>People who suffer discrimination or disadvantage</b>	None
<b>Areas with poor economic, health or educational outcomes</b>	None
<b>People in poverty</b>	None

## A Denbighshire of cohesive communities

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact will be positive because community participation will be improved through engagement in the design process, and the attractiveness of the neighbourhood will be enhanced with soft landscaping and planting.
<b>Further actions required</b>	Additional planting and external lighting which is designed to reduce impact on nocturnal wildlife will help to address concerns about any adverse impact upon the attractiveness of the area arising from the proposal.

### Positive impacts identified:

<b>Safe communities and individuals</b>	Not applicable
<b>Community participation and resilience</b>	The proposal encourages community participation through engagement in the design process during the pre-Planning application consultation for a major development.
<b>The attractiveness of the area</b>	The proposal will improve the attractiveness of the area through the provision of soft landscaping and planting on the site.
<b>Connected communities</b>	The increase in demand arising from the additional homes provided by the development will support the case for improved broadband speed in the area.
<b>Rural resilience</b>	Not applicable

### Negative impacts identified:

<b>Safe communities and individuals</b>	None
<b>Community participation and resilience</b>	None
<b>The attractiveness of the area</b>	The proposal will involve construction on a green field site which could be perceived as being negative by some stakeholders.
<b>Connected communities</b>	None
<b>Rural resilience</b>	None

## A Denbighshire of vibrant culture and thriving Welsh language

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	A community linguistic assessment will be required for the development which will identify how it can have the maximum positive impact overall upon people using the Welsh language.
<b>Further actions required</b>	Additional mitigation measures could include the local advertisement of properties for owner occupation. Particulars for the Council's affordable properties on the development will be bilingual.

### Positive impacts identified:

<b>People using Welsh</b>	A community linguistic assessment will be required for the development and this will provide an opportunity for identifying how it can be progressed in a way which has the maximum positive impact overall upon people using the Welsh language.
<b>Promoting the Welsh language</b>	The proposed development will promote the use of the Welsh language by incorporating bilingual signage during construction and Welsh language street names.
<b>Culture and heritage</b>	Not applicable

### Negative impacts identified:

<b>People using Welsh</b>	None
<b>Promoting the Welsh language</b>	None
<b>Culture and heritage</b>	None

## A globally responsible Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	The overall impact will be positive because local supply chains will potentially be able to benefit from the works procured by the developer.
<b>Further actions required</b>	The benefit to local supply chains will be enhanced through the actions taken by the developer to deliver the "Local Employment Strategy" which it provides for the development.

### Positive impacts identified:

<b>Local, national, international supply chains</b>	Local supply chains will potentially be able to benefit from the works procured by the developer.
<b>Human rights</b>	Not applicable
<b>Broader service provision in the local area or the region</b>	Not applicable

**Negative impacts identified:**

<b>Local, national, international supply chains</b>	None
<b>Human rights</b>	None
<b>Broader service provision in the local area or the region</b>	None

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<b>Report to</b>	<b>Communities Scrutiny Committee</b>
<b>Date of meeting</b>	<b>5 October 2020</b>
<b>Lead Member/Officers</b>	<b>Councillor Julian Thompson-Hill/Mark Dixon, Housing Development Officer/Mair Jones Principal Valuation and Estates Surveyor</b>
<b>Report author</b>	<b>Rhian Evans, Scrutiny Co-ordinator</b>
<b>Title</b>	<b>Review of Cabinet Decision relating to disposal of land adjacent to Ysgol Pendref, Denbigh</b>

## **1. What is the report about?**

- 1.1 The report is about a review under the Council's Scrutiny 'call-in' procedure of a decision on 'Disposal of Land Adjacent to Ysgol Pendref, Denbigh' taken by the Cabinet on the 22<sup>nd</sup> September 2020.

## **2. What is the reason for making this report?**

- 2.1 A notice of a 'call-in' was submitted by 5 non-Cabinet councillors in accordance with the Council's Constitution. The notice called for a review by one of the Council's Scrutiny committees into a decision of the Cabinet relating to the disposal of land adjacent to Ysgol Pendref in Denbigh.

## **3. What are the Recommendations?**

- 3.1 That the Scrutiny Committee, after considering the information in this report, appendices and the representations made today, decides whether to refer the decision on the disposal of land adjacent to Ysgol Pendref in Denbigh, taken on the 22 September 2020, back to Cabinet for further consideration.
- 3.2 That if Cabinet is requested to reconsider its original decision, the Scrutiny

Committee identifies the reasons for the review and any recommendations it would like Cabinet to consider.

## 4. Report details

4.1 On the 22 September 2020 Cabinet considered a report on 'Disposal of Land Adjacent to Ysgol Pendref in Denbigh' (copy attached at Annex A).

4.2 At the conclusion of its discussion Cabinet resolved to:

*“(a) approve the disposal of land adjacent to Ysgol Pendref, Denbigh outlined in red on the plan (Appendix A to the report) which is surplus to Council requirements on the open market for residential development and delegates authority to the Lead Member for Finance, Performance and Strategic Assets to approve the final sale, and*

*(b) confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix B to the report) as part of its consideration.”*

4.3 The Council's 'call-in' procedure defines a process for Scrutiny to exercise its statutory powers to review or scrutinise executive decisions, and to request that the decision-maker reconsiders a decision that has been taken, prior to it being implemented.

4.4 Cabinet's decision was published on the 24 September. The 'call-in' procedure allows non-Cabinet councillors 5 working days in which to submit a notice of 'call-in'. Councillor Glenn Swingler submitted a notice of 'call-in' electronically on 30 September. This request was supported (via individual e-mails) by four other non-Cabinet councillors, namely Councillors Gwyneth Kensler, Paul Penlington, Arwel Roberts, and Rhys Thomas.

4.5 The reason stated on the request for 'calling-in' the decision is:

*“1: This is more land owned by Council being sold for a quick fix to fill budget holes.*



- 2: *Upper Denbigh has up to 300 houses being built on the NWH (North Wales Hospital) site and more (mostly) unaffordable housing is not required.*
- 3: *The land is presently farm land. We should be encouraging more people into farming. We don't yet know the effects of Brexit on food security and now would be a foolish time to dump this land.*
- 4: *Although it mentions the land not being suitable for a new build for Ysgol Pendref it was only a very, very short time ago Cabinet agreed to the new 21st century schools programme and to commence a scoping exercise. Has that been completed already?*
- 5: *Once land belonging to the people has been sold to private enterprises there is no going back. How are cabinet certain the land will not be needed in the future.*
- 6: *We must surely be building more social housing.”*

- 4.6 After considering the Cabinet’s decision and the representations made at today’s meeting, Communities Scrutiny Committee must decide whether the decision should be referred back to Cabinet. The Scrutiny Committee should provide its reasons for doing so and any information it wants Cabinet to consider. These would be considered by Cabinet at its next available meeting and Cabinet should demonstrate that appropriate consideration is given to the Scrutiny Committee’s recommendations.
- 4.7 Cabinet will have the options to change or re-affirm its original decision.
- 4.8 If Communities Scrutiny Committee decides that Cabinet’s decision should not be referred back to Cabinet, then the original decision can be implemented immediately.

## **5. How does the decision contribute to the Corporate Priorities?**

- 5.1. See Cabinet report dated 22 September 2020 (Annex A).

## **6. What will it cost and how will it affect other services?**

6.1. See Cabinet report dated 22 September 2020 (Annex A).

## **7. What are the main conclusions of the Well-being Impact Assessment?**

7.1. See Cabinet report dated 22 September 2020 (Annex A).

## **8. What consultations have been carried out with Scrutiny and others?**

N/A. This report has been prepared under the provisions and timescales of the Council's constitution for a 'call-in' of a Cabinet decision

## **9. Chief Finance Officer Statement**

9.1. See Cabinet report dated 22 September 2020 (Annex A)

## **10. What risks are there and is there anything we can do to reduce them?**

10.1. See Cabinet report dated 22 September 2020 (Annex A)

## **11. Power to make the decision**

11.1. Section 21(2) and (3) of the Local Government Act 2000

11.2. Sections 7.2.1 and 7.25 of the Council's Constitution

<b>Report to</b>	Cabinet
<b>Date of meeting</b>	20 <sup>th</sup> October 2020
<b>Lead Member / Officer</b>	Julian Thompson Hill Deputy Leader and Lead Member for Finance, Performance and Strategic Assets.  Bobby Feeley, Lead Member for Well Being and Independence
<b>Report author</b>	Lisa Jones Legal Services Manager/Deputy Monitoring Officer
<b>Title</b>	To seek Cabinet Approval to Extend the Council's UK Leisure Framework

## 1. What is the report about?

To consider and agree whether to extend the Council's UK Leisure Framework.

## 2. What is the reason for making this report?

In accordance with the Council's Contract Procedure Rules awards of contracts following a competitive procurement process, above the threshold of 2 million pounds, fall to the full Cabinet. The 4 year term of the current UK Leisure Framework, set up by the Council, is due to expire in January 2021. As the Council has set this up, only the Council is able to formally approve any extension of the same, as the Contracting Authority.

The Council itself may choose not to call off under the framework specifically over an extension period, however the arrangement has been set up to enable other public bodies, named in the original advertisement, to be able to use it and therefore it could be of benefit to other public bodies.

## 3. What are the Recommendations?

That Cabinet approve the extension of the UK Leisure Framework until January 2022 on the same terms as let, and in any event such extension period shall be

limited to 50% of the value of the original framework agreement in accordance with Regulation 72 Public Contracts Regulations 2015.

#### **4. Report details**

There is provision within procurement legislation permitting an extension of a lawfully let framework in limited circumstances. The extension needs to be linked back to the detail of the original arrangement, and must be, and remain within the material scope of the original award. In other words we are not permitted to grant a wholly new arrangement, this would be a new contract requiring a new competitive process; therefore this extension cannot alter the overall nature of the original framework. The extension will also need to comply with the thresholds set out in procurement legislation and these are replicated in the recommended wording of a proposed recommendation and resolution.

The Council, the 'Contracting Authority' who awarded the framework, could not have foreseen, at the time of the original letting, a global pandemic. In such unforeseen situations, provided the thresholds of the extension are met, it will be lawful to extend. Such pandemic has hit certain industries significantly, in particular the leisure industry and its supply chain, whose staff will have been, or remain furloughed and would not be in a state of readiness to pull together the tender submission for a substantial UK wide bid.

Similarly, the Council and its wholly owned Company, Denbighshire Leisure Limited have been operating within the pandemic restrictions and staff redeployed and public services focused elsewhere. The setting up of any framework on any scale involves a resource commitment in officer time, notwithstanding a large scale national framework.

It is therefore in the interests of the Council, and Denbighshire Leisure Limited, but also in fairness to all providers in the market, to delay the launch of a new procurement process during this crisis until next year, when a planned new exercise will commence. Meet the buyer and pre-procurement market engagement can take place, which should encourage competition and therefore best value for the Council and Denbighshire Leisure Limited as it prepares to go out to the market for the third generation framework.

#### **5. How does the decision contribute to the Corporate Priorities?**

The extension, and therefore the resulting delay in a new procurement exercise will enable immediate corporate priorities to be supported and to enable an assessment of a suitable arrangement to be properly and thoughtfully planned as to how it can contribute to

Corporate Priorities and also Denbighshire Leisure Limited's strategic objectives in providing modern facilities enabling health and wellbeing of our citizens.

**6. What will it cost and how will it affect other services?**

The cost to the Council in granting the extension, providing this is not challenged in law, is minimal and can be met within existing resources. Denbighshire Leisure Limited are contracted to manage the existing framework on the Council's behalf and are supportive of the extension.

**7. What are the main conclusions of the Well-being Impact Assessment?**

A well being impact assessment is not required.

**8. What consultations have been carried out with Scrutiny and others?**

The current supplier, Alliance Leisure have confirmed to Denbighshire Leisure Limited that they would be willing to continue with the current framework.

**9. Chief Finance Officer Statement**

The proposal to extend the UK Leisure Framework for a limited period of 12 months seems a sensible approach under the current circumstances and is supported.

**10. What risks are there and is there anything we can do to reduce them?**

There may be a risk that the extension decision is challenged; this would need to be brought within strict time limits following the publication of the relevant notice to extend the framework on the Sell2wales website.

**11. Power to make the decision**

Regulation 72 (1) (c) Public Contract Regulations 2015

s.2 Local Government Act 2000

Councils' Constitution in particular the Contract Procedure Rules.

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<b>Report to</b>	Cabinet
<b>Date of meeting</b>	20 <sup>th</sup> October 2020
<b>Lead Member / Officer</b>	Councillor Julian Thompson Hill - Lead Member for Finance, Performance & Strategic Assets  Steve Gadd – Head of Finance & Property
<b>Report author</b>	Sarah Wainwright – Property Health & Safety Manager
<b>Title</b>	Asbestos Removal Contract Report

## 1. What is the report about?

This report is to seek approval to commence a procurement for a works contract with a licensed Asbestos Removal Contractor.

## 2. What is the reason for making this report?

The reason for making this report is to seek approval to commence the procurement process for a works contract with a licensed Asbestos Removal Contractor.

## 3. What are the Recommendations?

The recommendations of this report are for Cabinet to agree to commence the procurement process for this works contract with a licensed Asbestos Removal Contractor to be advertised.

It is also recommended that Cabinet agree to implement the decision immediately in order to prevent any delay in awarding the contract.

That the Cabinet confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1) as part of its consideration.

## **4. Report details**

The Asbestos Team, manage and coordinate the removal of asbestos in council properties. We coordinate removal works in domestic void properties and we undertake asbestos removal works as part of wider planned maintenance schemes.

In order to facilitate this work, the Council joined a collaborative framework and has an existing agreement with A & D Environmental, following a procurement exercise completed in December 2018. However, the team have decided a more flexible and streamlined approach would be preferred. Following consultation with the Legal and Procurement teams it was felt that a works Contract would facilitate a better working relationship between partners and allow for a more bespoke service. A works contract would mean an agreement with one contractor, with fixed rates thus ensuring value for money and a more tailored service to meet Denbighshire's needs. All works under the £25k value could be awarded directly to the successful contractor.

The existing framework agreement between Denbighshire County Council and A&D Environmental expires on 20<sup>th</sup> December 2020. We are seeking Cabinet's approval to commence the procurement process to appoint a new contractor to continue Asbestos Removal works.

The new works contract will be set up for an initial 12 months, with the opportunity to extend annually to a maximum of 10 years. Renewal would only occur if we were satisfied with the contractor's performance. This approach gives us greater control but is also an efficient process in order to facilitate Asbestos Removal.

## **5. How does the decision contribute to the Corporate Priorities?**

The decision to approve the procurement of this works contract will contribute to the corporate priorities by providing homes and a corporate estate that meets the needs of the communities and residents who live and use those premises.



## **6. What will it cost and how will it affect other services?**

The contract value is estimated at approximately £400k per annum and comprises of a capital funded investment programme of around £250k per annum. The remainder of the spend (£150k) is through the Housing team, for void removals and providing a reactive service for housing. As the maximum number of extensions is to 10 years, the total contract value over the full duration is potentially up to £4m.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

The primary conclusion of the Well-being Impact Assessment is that the new contract would offer a positive contribution. The contract would offer financial security and help the council achieve property compliance in the management of Asbestos across the property portfolio. This value for money would mean that council resources can be directed to where they are needed most. As part of the contract we have ensured that we have a comprehensive community benefit requirement, meaning contractors will have to give back to the communities they are working in. The process being undertaken is globally responsible as it is in line with EU procurement rules and follows industry best practice and safety principles.

## **8. What consultations have been carried out with Scrutiny and others?**

There is no requirement for consultation with Scrutiny or any other body or Service.

## **9. Chief Finance Officer Statement**

The proposals in the Cabinet report support the business needs of the Council and appear to deliver value for money and are therefore supported. The work undertaken is part of a necessary and planned programme of works which is funded from existing resources within the Council's annual capital programme and the Housing Revenue Account.

## **10. What risks are there and is there anything we can do to reduce them?**

The risks posed if this procurement exercise is not undertaken are for the authority to return to the situation pre 2018 framework agreement, whereby each job would need to be advertised to all interested asbestos contractors and a quoting exercise undertaken. Following the successful tender a form of contract must be entered into, all before work can begin. This process for Asbestos Removal works is very inefficient and will result in significant time delays.

In addition, this contract will require the tenderer to submit a schedule of rates (SORs). SORs offer economies of scale and ensure that value for money is obtained as well as predictability.

These risks are negated if the cabinet authorise the Council to complete a procurement process for this works Contract.

Once the procurement process is completed and we have appointed a contractor, there is a risk of poor performance. We would manage this by regular contract meetings which are a requirement of the contract itself. Furthermore, if non-performance persists we would opt not to extend the works contract beyond the 12 month break clause.

## **11. Power to make the decision**

Cabinet is required to authorise the commencement of this procurement procedure pursuant to section 2.7.2 iii of the Council's Contract Procedure Rules.

Cabinet is required to agree the award of the contract pursuant to section 5.4.3 iii of the Council's Contract Procedure Rules.

Cabinet may dispense with the call-in procedure under paragraph 7.25 of the Constitution.

The Council also has power to issue the procurement and enter into contracts pursuant to section 111 Local Government Act 1972 (power to undertake any act to facilitate, or which is conducive or incidental to, the discharge of any of their functions); section 135 Local Government Act 1972 (power to make standing orders to govern entering into contracts), section 112 Local Government Act 1972 (appoint such officers as they think necessary for the proper discharge by the authority of the authority's functions); section 3(1) Local

Government Act 1999 (general duty on a best value authority to make arrangements to secure continuous improvement in the way in which its functions are exercised).

### **List of Appendices**

Appendix 1 - Wellbeing Impact Assessment

Appendix 2 - Commissioning Form

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# Asbestos Removal Contract Report

## Well-being Impact Assessment Report

This report summarises the likely impact of the proposal on the social, economic, environmental and cultural well-being of Denbighshire, Wales and the world.

Assessment Number:	833
Brief description:	A new procurement exercise is being undertaken in order to appoint a new Asbestos Removal Contract, this is moving away from the existing framework agreement.
Date Completed:	06/10/2020 09:04:31 Version: 1
Completed by:	Sarah Wainwright
Responsible Service:	Facilities, Assets & Housing
Localities affected by the proposal:	Whole County,
Who will be affected by the proposal?	Denbighshire Housing Residents and anyone using commercial buildings
Was this impact assessment completed as a group?	No

# IMPACT ASSESSMENT SUMMARY AND CONCLUSION

Before we look in detail at the contribution and impact of the proposal, it is important to consider how the proposal is applying the sustainable development principle. This means that we must act "in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs."

## Score for the sustainability of the approach

★ ★ ★ ★ ( 3 out of 4 stars ) Actual score : 21 / 30.

## Implications of the score

This score is accurate for the report and a fair representation of the contents.

## Summary of impact

### Well-being Goals

- A prosperous Denbighshire
- A resilient Denbighshire
- A healthier Denbighshire
- A more equal Denbighshire
- A Denbighshire of cohesive communities
- A Denbighshire of vibrant culture and thriving Welsh language
- A globally responsible Denbighshire

- Positive
- Positive
- Positive
- Neutral
- Neutral
- Neutral
- Positive



## Main conclusions

The primary conclusions from this report is that the new contract would offer a positive contribution to the areas highlighted as part of the Well-being Impact Assessment. The contract would offer financial security and help the council achieve property compliance in the management of Asbestos across the property portfolio. This value for money would mean that council resources can be directed to where they are needed most. As part of the contract we have ensured that we have a comprehensive community benefit requirement, meaning contractors will have to give back to the communities they are working in. The process being undertaken is globally responsible as it is in line with EU procurement rules and follows industry best practice and safety principles.

## Evidence to support the Well-being Impact Assessment

- We have consulted published research or guides that inform us about the likely impact of the proposal
- We have involved an expert / consulted a group who represent those who may affected by the proposal
- We have engaged with people who will be affected by the proposal

# THE LIKELY IMPACT ON DENBIGHSHIRE, WALES AND THE WORLD

## A prosperous Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	Our community benefits package will encourage training in schools and work experience opportunities. This contract may employ local contractors who will use the services in the local communities and ensure quality jobs in the long term. Enhancing the property stock held by Denbighshire will also contribute towards economic development
<b>Further actions required</b>	.

### Positive impacts identified:

<b>A low carbon society</b>	
<b>Quality communications, infrastructure and transport</b>	
<b>Economic development</b>	
<b>Quality skills for the long term</b>	
<b>Quality jobs for the long term</b>	
<b>Childcare</b>	

### Negative impacts identified:

<b>A low carbon society</b>	
<b>Quality communications, infrastructure and transport</b>	
<b>Economic development</b>	
<b>Quality skills for the long term</b>	
<b>Quality jobs for the long term</b>	
<b>Childcare</b>	

## A resilient Denbighshire

<b>Overall Impact</b>	Positive
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<b>Justification for impact</b>	This particular project ensures a number of compliances will be met. Firstly, Denbighshire County Council being compliant with the EU directive on procurement and providing full transparency. Secondly, ensuring compliance with EU directives in relation to asbestos, these are set out in the UK legislation document 'The Control of Asbestos Regulations 2012'.
<b>Further actions required</b>	Asbestos waste is sealed and disposed of in a predetermined manner in accordance with strict UK legislation at licensed landfill sites. Asbestos waste is not currently recycled in the UK. However, there are new advances in this area that are looking to transform asbestos waste into an inert substance using extremely high temperatures. The recycled waste being reused as road aggregate. This is something still in the development stage in the EU.

**Positive impacts identified:**

<b>Biodiversity and the natural environment</b>	
<b>Biodiversity in the built environment</b>	
<b>Reducing waste, reusing and recycling</b>	
<b>Reduced energy/fuel consumption</b>	
<b>People's awareness of the environment and biodiversity</b>	
<b>Flood risk management</b>	

**Negative impacts identified:**

<b>Biodiversity and the natural environment</b>	
<b>Biodiversity in the built environment</b>	
<b>Reducing waste, reusing and recycling</b>	
<b>Reduced energy/fuel consumption</b>	
<b>People's awareness of the environment and biodiversity</b>	
<b>Flood risk management</b>	

**A healthier Denbighshire**

<b>Overall Impact</b>	Positive
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<b>Justification for impact</b>	Removal of asbestos in domestic and corporate premises, potentially providing a safer environment for our tenants and the users of our buildings. Reduction in any occupant anxiety related to the knowledge of asbestos being present within a domestic or corporate setting.
<b>Further actions required</b>	.

**Positive impacts identified:**

<b>A social and physical environment that encourage and support health and well-being</b>	
<b>Access to good quality, healthy food</b>	
<b>People's emotional and mental well-being</b>	
<b>Access to healthcare</b>	
<b>Participation in leisure opportunities</b>	

**Negative impacts identified:**

<b>A social and physical environment that encourage and support health and well-being</b>	
<b>Access to good quality, healthy food</b>	
<b>People's emotional and mental well-being</b>	
<b>Access to healthcare</b>	
<b>Participation in leisure opportunities</b>	

**A more equal Denbighshire**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	This particular project for a new contract in asbestos removal services is not thought to have any impact on the above statement.
<b>Further actions required</b>	We can ensure as part of the procurement process that the company employed on this contract have policies and procedures to prevent discrimination.

**Positive impacts identified:**

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	

**Negative impacts identified:**

<b>Improving the well-being of people with protected characteristics. The nine protected characteristics are: age; disability; gender reassignment; marriage or civil partnership; pregnancy and maternity; race; religion or belief; sex; and sexual orientation</b>	
<b>People who suffer discrimination or disadvantage</b>	
<b>Areas with poor economic, health or educational outcomes</b>	
<b>People in poverty</b>	

**A Denbighshire of cohesive communities**

<b>Overall Impact</b>	Neutral	Page 82
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<b>Justification for impact</b>	This particular project for a new contract in asbestos removal services is not thought to have any impact on the above statement.
<b>Further actions required</b>	.

**Positive impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	
<b>Rural resilience</b>	

**Negative impacts identified:**

<b>Safe communities and individuals</b>	
<b>Community participation and resilience</b>	
<b>The attractiveness of the area</b>	
<b>Connected communities</b>	
<b>Rural resilience</b>	

**A Denbighshire of vibrant culture and thriving Welsh language**

<b>Overall Impact</b>	Neutral
<b>Justification for impact</b>	This particular project for a new contract in asbestos removal services is not thought to have any impact on the above statement.
<b>Further actions required</b>	.

**Positive impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	
<b>Culture and heritage</b>	

**Negative impacts identified:**

<b>People using Welsh</b>	
<b>Promoting the Welsh language</b>	
<b>Culture and heritage</b>	

## A globally responsible Denbighshire

<b>Overall Impact</b>	Positive
<b>Justification for impact</b>	<p>Supplier materials may in some cases be produced outside the EU, removal consumables such as 1000 gauge polythene, disposable type 5 coveralls, adhesive tape etc.</p> <p>The successful contractor is UK based with UK registered businesses and employees under legitimate UK employment contracts. This would be a condition of the HSE licensing regime for the medical examination of asbestos operatives and stringent insurance requirements.</p> <p>Denbighshire are expecting that this contract can reduce the turnaround time for the refurbishment of void properties in the County. This should have a positive impact on other services.</p>
<b>Further actions required</b>	.

### Positive impacts identified:

<b>Local, national, international supply chains</b>	
<b>Human rights</b>	
<b>Broader service provision in the local area or the region</b>	

### Negative impacts identified:

<b>Local, national, international supply chains</b>	
<b>Human rights</b>	
<b>Broader service provision in the local area or the region</b>	

# Commissioning Form

This form is to be completed by the commissioning service or department for all procurement proposals with a total value above £25,000. If you are seeking an exception from Contract Procedure Rules or exception from the requirement to tender, you must complete an **Exception Form**.

<b>Title</b>	Asbestos Removal – Call off Contract
<b>Head of Service:</b>	Steve Gadd
<b>Manager:</b>	Sarah Wainwright
<b>Report Completed by:</b>	Sarah Wainwright
<b>Date:</b>	27 <sup>th</sup> August 2020
<b>Total Estimated Value:</b>	Up to £4m

PROCUREMENT TEAM USE ONLY	
<b>Officer</b>	<input type="text"/>
<b>Priority</b>	High/Med/Low
<b>Category</b>	<input type="text"/>
<b>Received</b>	<input type="text"/>
<b>Complete by</b>	<input type="text"/>
<b>Est Hrs Required</b>	<input type="text"/>

## Asbestos Removal

Copy and paste:



Goods:	<input type="checkbox"/>
Services: services not subject to the 'light touch regime' (i.e. most services)	<input checked="" type="checkbox"/>
Light Touch Regime: certain social, health, education & other services subject to the 'light-touch regime'	<input type="checkbox"/>
Works:	<input type="checkbox"/>

Does the proposal include Land contracts or the appointment of developers?

Yes  No

If Yes, has the Monitoring Officer (Legal) been consulted?

Yes  No

If Yes state the Monitoring Officer's advice. If No, state why not:

Does the proposal include Information & Communication Technology, property or works?

Yes  No

If Yes, has the relevant council service been involved?

Yes  No

If Yes state the services' involvement. If No, state why not:

## Procurement Level

Copy and paste:



Intermediate Value: £25,000 to OJEU threshold*	<input checked="" type="checkbox"/>
High Value: above relevant OJEU threshold*	<input type="checkbox"/>

\*OJEU limit Goods/ Services: £181,302 \*OJEU limit works: £4,551,413 \*OJEU limit light touch regime: £615,278, concession agreements: £4,551,413

## Procurement Process

Copy and paste:

Is there a corporate purchasing arrangement or National Procurement Service framework or other framework agreement relevant to your proposal?

Yes

No

If Yes, state which below:

But unsuitable for our needs

Are you planning to make use of any corporate purchasing arrangement or framework agreement identified above?

Yes

No

If Yes, will the process be direct award or mini competition?

## Timescales

Date	Milestone
20/10/2020	Authorisation of Commissioning Form at Cabinet
22/10/2020	Publish notice
25/11/2020	Tender closed to responses, start evaluation
15/12/2020	Award submitted to Cabinet for consideration
17/12/2020	Standstill Period commences
11/01/2021	Contract start

## Outline

Briefly describe the proposal

This Contract is to procure Asbestos removal works for both Housing and Commercial properties.

## Price / Quality Weighting

Please state the percentage weightings being given to price and quality in your tender evaluation:-

**Price**

50%

**Quality**

50%

### Options

Copy and paste:

Has a zero cost option been considered?

Yes

No

Has a reduced cost option been considered?

Yes

No

*State whether and why zero and/or reduced cost options have been adopted or discounted:*

### Collaborative Procurement

Copy and paste:

Has a collaborative procurement with Denbighshire/Flintshire County Council been considered?

Yes

No

*If yes please give details, if no please state reason:*

Denbighshire are moving away from the collaborative framework agreement, in order to streamline processes even further with a bespoke call-off contract.

### Cross Service Procurement

Copy and paste:

Has a procurement across another Council Service been considered if there is the same or similar need for the works/goods/services?

Yes

No

*If yes please give details:*

All works associated with asbestos will be incorporated into this contract, however housing and commercial will be separated as far as possible.

## Existing Council Contracts

Copy and paste:

Is there an existing Council contract that covers the same or similar works, goods or services which can be utilised?

Yes  No

*If yes please give details:*

## Safeguarding

Safeguarding includes everything a Council can do to keep people safe, including minimising the risk of harm and accidents, taking action to tackle safety concerns and ensuring people grow up and live in safe circumstances. Safeguarding covers physical, sexual, psychological and financial abuse, neglect, modern slavery and radicalisation.

Does the works, goods or services include any elements that raise safeguarding concerns or requirements?

Copy and paste:

Yes  No

*If yes please give details:*

This is because the work area will always be segregated, and usually when the property is unoccupied.

## Data Protection

Does the works, goods or services include any elements that involve the processing or sharing of personal data of living individuals?

Copy and paste:

Yes  No

*If yes please give details:*

In some instances, the work may involve giving the contractors access to residents details for domestic and commercial properties, where access is reliant on them. We have developed an agreement which will form part of the contract and is in line with current GDPR

If Yes, has the Information Governance Team been consulted?

Yes  No

*If No, state why not:*



# Grant Funding

Is grant funding being used in whole or in part to fund the procurement?

Copy and paste:

Yes  No

If yes please give details and please state whether there is a grant agreement:

## Procurement Checklist

Copy and paste:

Has a Sustainability / Wellbeing Impact Assessment been completed?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Have you identified and mitigated any potential conflicts of interest?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you conducted market dialogue, research, analysis?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you consulted stakeholders, partners and/or end users?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you consulted the Insurance and Risk Manager on potential insurance issues?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you instructed the legal team to develop contract terms?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you sought advice on safeguarding issues?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Have you sought advice on any TUPE, IPR or other legal issues?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Have you determined contract management & information requirements?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you determined whether to use lots (e.g. to encourage SMEs)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Could you reserve the contract for public mutuals or social enterprises?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Have you drafted the tender specification?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you developed evaluation criteria & scoring methodology?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Have you identified the scorers/evaluators?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
Will you need to arrange interviews, presentations, site visits etc.?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>

Is this proposal funded wholly or in part by EU grant?

Yes  No  N/A

If you wish to expand on any of your responses to these questions please give details in the box below:

--

### Finance

Grant Funding Source	Amount
	£
	£
<b>Total Grant Funding:</b>	<b>£</b>

Capital Funding Source	Amount
YR1	£ 250,000
<b>Total Capital Funding:</b>	<b>£ 250,000</b>

Revenue Funding Source	Amount
YR1	£150,000
<b>Total Revenue Funding:</b>	<b>£150,000</b>

<b>Estimated Total Value:</b>	<b>£ 4,000,000</b>
<b>Estimated Annual Value</b>	<b>£ 400,000</b>

<b>Cost Code</b>	<b>P14020CJD7</b> - Asbestos capital funding
	<b>HR2532C1F6</b> – Housing Survey (revenue budget)
	<b>HR2532C1C2</b> – Housing Works (revenue budget)

**If the contract is a collaboration with external partners the figures quoted should include the total contract value not just the Local Authority element.**

## Contract

*Provide basic details of any contract to be awarded*

Type of Contract:	Works Contract
Form of Contract for Works (eg JCT or NEC)	Bespoke Call-Off Contract
Proposed Start date:	11/01/2021
Proposed End date:	11/01/2022
Proposed options for extension (if any):	12 Monthly
Maximum duration (including extensions):	10 Years

## Community Benefits

Copy and paste:

Are you including community benefits?

Yes

No

*If Yes, provide details below: If No, state why community benefits have not been included*

*Note that it is mandatory to include community benefits for all contracts for the value of £1,000,000 and over.*

Contacted Karen Bellis and begun work on including this in the evaluation methodology

## The Local Economy

Copy and paste:

Have you considered ways in which this proposal might benefit the local economy and increase opportunities for local businesses?

Yes

No

*If Yes, provide details below: If No, please state why not.*

Again more research will be completed on this area, to identify the best way to benefit the local community.

## Risk Assessment

What is the total estimated value of the proposal?	Over £2m
If things go wrong, what is the operational risk to the Local Authority?	Medium
If things go wrong, what is the reputational risk to the Local Authority?	High
If things go wrong, what is the financial risk to the Local Authority?	Medium

## Risk Mitigation

For risks which have a medium or high risk, state steps to be taken to minimise the risk:

<p><b>Reputational Risk</b>  Reputational risk is always high with any works associated with Asbestos, this risk will be avoided at all costs by ensuring quality contractors are engaged and proactive contractor management. Enhancing emergency protocol with main contractor.</p> <p><b>Financial Risk</b>  Strengthen clauses in end contract in order to allow penalties and greater control. This may mitigate some of the financial risk as some of the costs could be recouped from the contractor.</p> <p><b>Operational Risk</b>  With one primary supplier, there is a risk should they be unable to fulfil the contract, in these instances the Asbestos Team at DCC would need to go externally to complete a quoting exercise in order to find an alternative contractor. This is only likely to be an issue with reactive works as most jobs will be planned in advance.</p>
--

## Consultation with Members

Please confirm that relevant members have been informed where the decision has implications for a particular locality.

Copy and paste:

Yes  No

If Yes, please list member's names below and details of any feedback incorporated.

--

The undersigned authorise the commissioning proposal described

**TEAM MANAGER:** (if within spend authorisation limit)

Signature  Date

**HEAD OF SERVICE/CHIEF OFFICER:** (Mandatory)  
(or Service Manager if within their spend authorisation limit)

Signature  Date

**MANAGER OF BUSINESS TRANSFORMATION & ICT** (Mandatory or all ICT Contracts)

Signature  Date

**SECTION 151 OFFICER (Finance):** (Mandatory for all contracts above £250,000)

Signature  Date

**MONITORING OFFICER (Legal):** (Mandatory for all contracts above £250,000)

Signature   
Date

**LEAD CABINET MEMBER:** (Mandatory for all contracts above £1,000,000)

Signature   
Date

**N.B: Contracts over £2,000,000 also require Cabinet approval and the completion of a Cabinet report.**

**PROCUREMENT TEAM ASSESSMENT**

*This section to be completed by the Procurement Team following receipt of an appropriately completed commissioning form.*

**PROPOSED START DATE**

**TARGET END DATE**

**RECOMMENDATIONS:**

Proceed with Procurement via Proactis.  
Work closely with procurement Business Partner during tender process.  
Well being assessment (if applicable) and Comm form to be added as 'private' attachments in project.  
Please put through to contract Management on completion.

**PROCUREMENT  
OFFICER**

A.Argyle

**DATE** 28/08/2020

<b>Report to</b>	Cabinet
<b>Date of meeting</b>	20 <sup>th</sup> October 2020
<b>Lead Member / Officer</b>	Julian Thompson Hill
<b>Report author</b>	Steve Gadd, Head of Finance and Property
<b>Title</b>	Finance Report (September 2020/21)

## **1. What is the report about?**

The report gives details of the council's revenue budget and savings as agreed for 2020/21. The report also provides a summary update of the Capital Plan as well as the Housing Revenue Account and Housing Capital Plan.

## **2. What is the reason for making this report?**

The purpose of the report is to provide an update on the council's current financial position and confirm the agreed service budgets for 2020/21.

## **3. What are the Recommendations?**

3.1 Members note the budgets set for 2020/21 and progress against the agreed strategy.

## **4. Report details**

The report provides a summary of the council's revenue budget for 2020/21 detailed in Appendix 1. The council's net revenue budget is £208.302m (£198.538m in 19/20). The position on service and corporate budgets is a forecast overspend of £5.107m (£5.221m last month). This overspend does not assume any 'income loss' grant for Quarter 2 (claim is currently being brought together) or any further claims. Narrative around the current risks and assumptions underlying this assessment are outlined in Section 6 and Appendix 2 which also highlights the gross overspend.

The 2020/21 budget required service savings and efficiencies of £4.448m to be identified and agreed as detailed below:

- Corporate savings identified relating to the triennial actuarial review of the Clwyd Pension Fund (£2m)
- Schools savings of 1% (£0.692m)
- Service efficiencies and savings (£1.756m)

The corporate savings have already been achieved and the schools' savings are delegated to the governing bodies to monitor and deliver. On top of this £1.086m of the service savings had originally been designated as savings that have already been implemented. A full analysis will be undertaken and reported to Cabinet in future reports.

## **5. How does the decision contribute to the Corporate Priorities?**

Effective management of the council's revenue and capital budgets and delivery of the agreed budget strategy underpins activity in all areas, including corporate priorities.

## **6. What will it cost and how will it affect other services?**

Significant service narratives explaining variances and risks are detailed in Appendix 2, however the following should also be noted:

**Impact of Corona Virus** - The current short term strategy of working with Welsh Government has helped secure the following funding:

- Major Grants for Wales as a whole have been announced – all claimed through the same process (smaller specific grants have also been announced):
    - £30m initial Hardship Fund – working well (for Q1)
    - £40m Social Care Grant (April to June) Plus additional £22.7m (July to September)
    - £33m additional Free School Meal Grant (to end of August) Plus additional £2.8m for 2 weeks in September
    - £10m Homelessness Grant for accommodating and supporting rough sleepers
- The table below summarises the position of the claims for DCC. The 'Holding' column indicates items that WG are requesting further information on:



Month	Original total claim	Disallowed	Net Amounts Holding	Partial payment (50% ICT costs)	Net Claim paid to date
March 2020	£61,701	£0	£0		£61,701
April 2020	£666,927	0	(£8,865)		£658,062
May 2020	£1,200,170	(£22,377)	(£190,316)		£987,477
June 2020	£1,027,489	(£14,586)	(£157,313)	(£14,640)	£840,950
July 2020	£608,569	0	(£248,013)		£360,556
August 2020	£449,370		£179,149		£628,519
<b>Submitted to date</b>	<b>£4,014,226</b>	<b>(£36,963)</b>	<b>(£425,358)</b>	<b>(£14,640)</b>	<b>£3,537,265</b>
September 2020	tbc				
<b>Grand Total</b>	<b>£4,014,226</b>	<b>(£36,963)</b>	<b>(£425,358)</b>	<b>(£14,640)</b>	<b>£3,537,265</b>

- Up to £78m announced in Supplementary Budget for losses of income in Quarter 1. An initial payment of £2.6m has been received to cover losses of income relating to Leisure, Car Parking, Waste and School Meals. As reported last month this left a further claim for the remaining items for Q1 amounting to £1.4m. Of this outstanding amount £435k has been paid, £688k has been put on hold while further information is sought (mainly inter-authority recoupment), £86k has been deferred until later in the year (eg Planning Fees – which may improve) and £207k which is mostly HRA losses which have deemed ineligible due to the need to treat HRA's and RSL's the same. Finance are currently collating the claim for Quarter 2 which is based on revised guidance received from WG which reflects their emphasis on the need for consistency across councils and the need to avoid subsidising local choice
- Following submission of estimates of pressures going forward WG have announced a further £264m “for local authorities to support them with the additional costs and loss of income suffered as a result of the COVID-19 pandemic for the rest of the financial year”. The table below summaries how this amount is currently allocated. Further guidance has been received as indicated above and we continue to prepare monthly and quarterly claims, taking account of the change in guidance.

<b>COVID19 LA Emergency Hardship Fund</b>			
<b>ADDITIONAL COSTS</b>	<b>Period covered</b>	<b>Budget Range</b>	
		<b>Covered</b>	<b>Up to</b>
General & Additional Covid pressures	July-September	£34,200,000	£34,200,000
General & Additional Covid pressures	October - March	£48,100,000	£84,200,000
School Cleaning	August - March	£24,900,000	£24,900,000
Protect of TTP	August - March	£1,000,000	£1,000,000
LOST INCOME	July - March	£89,000,000	£119,900,000
<b>Announced 17/08/20</b>		<b>£197,200,000</b>	<b>£264,200,000</b>

**Leisure ADM** – This budget line holds the residual budgets associated with Leisure including the management fee that pays for the services that would be provided in a normal year. Denbighshire Leisure Limited (DLL) is reporting monthly to the Contract Management Board on the rapidly changing financial position in this area. The Council has approved arrangements to help with Cash Flow for the company pending WG announcements.

**Corporate Budgets** –Although currently showing a nil variance it is likely that all discretionary spend and contingencies will be released in order to help fund the position. Since last month the detailed costings on the impact of the pay settlement has been calculated and £410k of contingency budget has been allocated to services. However risks remain around the Council Tax Yield and the Council Tax Reduction Scheme which is likely to wipe out the remaining contingency. Un-earmarked General Balances of £7.135m were carried forward into 2020/21, with prudent minimum level of £5m or 2% of Net Revenue Budget (£4.2m) whichever is the highest. This may need to be reviewed as the impact of the pandemic continues to be felt.

**Schools** - The budget agreed by Council for 2020/21 included a total net additional investment (excluding increases in Welsh Government grants) in schools delegated budgets of just over £2.9m. The latest projection for school balances to be carried forward into 2021/22 is a net deficit balance of £1.870m, which represents an increase of £0.482m on the deficit balances brought forward into 2020/21 of £1.388m. There is a small underspend in non-delegated budget of £50k.

**The Housing Revenue Account (HRA).** The latest revenue position assumes a decrease in balances at year end of £1,080k which is £867k more than the budgeted decrease of £213k due to the revised plan to increase the revenue contribution to capital. HRA balances are therefore forecast to be £1.587m at the end of the year. The Capital

budget of £19.2m is largely allocated between planned improvements to existing housings stock (£5.3m) and new build developments and acquisitions (£13.8m).

**Treasury Management** – At the end of September, the council's borrowing totalled £243.5m at an average rate of 3.91%. Investment balances were £25.4m at an average rate of 0.01%.

A summary of the council's **Capital Plan** is enclosed as Appendix 3. The approved capital plan is £49.38m with expenditure to date of £13.78m. Appendix 4 provides an update on the major projects included in the overall Capital Plan.

## **7. What are the main conclusions of the Well-being Impact Assessment?**

A Well-being Impact Assessments for the Council Tax rise was presented to Council on 21 January.

## **8. What consultations have been carried out with Scrutiny and others?**

In addition to regular reports to the Corporate Governance Committee, the budget process has been considered by CET, SLT, Cabinet Briefing and Council Briefing meetings. The School Budget Forum have been included in the proposals through-out the year. Trade Unions have been consulted through Local Joint Consultative Committee. This year also saw an engagement exercise with the public using social media, the experience of which will be built on in future years.

## **9. Chief Finance Officer Statement**

Obviously the core focus at the moment is the financial response and recovery in recovery in relation to the Covid 19 pandemic. Although the pressures are very large the Council enters this period with the following advantages:

- A strong track record of financial management in response to over 10 years of real terms budget reductions. The systems and processes in place should help DCC in its response.

- The Council has relatively healthy financial reserves and balances of the Council.
- The Settlement and Budget set for 2020/21 allowed the Council to address a number of pressures in Social Care, Waste services, School Transport, Education and Schools. This does not mean that there are no ongoing business as usual pressures, however it does mean that we are in a better position than previous years.

The regular Finance Cabinet Report will keep members up to date and regular updates will continue to be provided to informal Cabinet.

Risk areas remain evident in social care budgets (both Adults' and Children's), School Transport and Waste services despite the investment included in the 2020/21 budget (totalling £6.1m). These areas will continue to be monitored closely throughout the year.

## **10. What risks are there and is there anything we can do to reduce them?**

This is obviously the most challenging financial period DCC has faced. The Financial Strategy agreed by Cabinet in May aims to mitigate the following key risks:

- Failure to have a robust funding strategy could impact on the financial stability and sustainability of the Council.
- Impact on ability for the Council to deliver core services.
- Impact on capacity of the Council to achieve its priorities.

## **11. Power to make the decision**

Local authorities are required under Section 151 of the Local Government Act 1972 to make arrangements for the proper administration of their financial affairs.

## Appendix 1

## DENBIGHSHIRE COUNTY COUNCIL REVENUE BUDGET 2020/21

Sep-20	Net Budget	Budget 2020/21			Projected Outturn							Variance
	2019/20	Expenditure	Income	Net	Expenditure	Income	Net	Expenditure	Income	Net	Net	Previous Report
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	%	£'000
Communities and Customers	3,339	4,454	-1,109	3,345	4,684	-1,339	3,345	230	-230	0	0.00%	0
Education and Children's Service	16,027	31,083	-13,964	17,119	21,963	-4,302	17,661	-9,120	9,662	542	3.17%	366
Business Improvement and Modernisation	4,501	5,420	-1,112	4,308	5,622	-1,365	4,257	202	-253	-51	-1.18%	-40
Legal, HR and Democratic Services	2,597	3,845	-1,461	2,384	3,672	-1,336	2,336	-173	125	-48	-2.01%	-20
Finance and Property	4,836	9,049	-4,385	4,664	8,756	-4,092	4,664	-293	293	0	0.00%	209
Highways, Facilities and Environmental Services	15,768	31,516	-14,426	17,090	32,151	-13,455	18,696	635	971	1,606	9.40%	1,602
Planning and Public Protection	9,246	16,898	-7,115	9,783	16,377	-6,529	9,848	-521	586	65	0.66%	27
Community Support Services	35,775	55,753	-17,634	38,119	52,778	-13,863	38,915	-2,975	3,771	796	2.09%	880
Leisure - ADM	2,109	3,271	0	3,271	5,468	0	5,468	2,197	0	2,197	67.17%	2,197
<b>Total Services</b>	<b>94,198</b>	<b>161,289</b>	<b>-61,206</b>	<b>100,083</b>	<b>151,471</b>	<b>-46,281</b>	<b>105,190</b>	<b>-9,818</b>	<b>14,925</b>	<b>5,107</b>	<b>5.10%</b>	<b>5,221</b>
Corporate	16,888	45,541	-29,281	16,260	45,541	-29,281	16,260	0	0	0	0.00%	0
Precepts & Levies	4,806	4,899	0	4,899	4,899	0	4,899	0	0	0	0.00%	0
Capital Financing	13,652	13,724	0	13,724	13,724	0	13,724	0	0	0	0.00%	0
<b>Total Corporate</b>	<b>35,346</b>	<b>64,164</b>	<b>-29,281</b>	<b>34,883</b>	<b>64,164</b>	<b>-29,281</b>	<b>34,883</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00%</b>	<b>0</b>
<b>Council Services &amp; Corporate Budget</b>	<b>129,544</b>	<b>225,453</b>	<b>-90,487</b>	<b>134,966</b>	<b>215,635</b>	<b>-75,562</b>	<b>140,073</b>	<b>-9,818</b>	<b>14,925</b>	<b>5,107</b>	<b>3.78%</b>	<b>5,221</b>
Schools & Non-delegated School Budgets	68,994	82,546	-9,210	73,336	81,935	-8,167	73,768	-611	1,043	432	0.59%	434
<b>Total Council Budget</b>	<b>198,538</b>	<b>307,999</b>	<b>-99,697</b>	<b>208,302</b>	<b>297,570</b>	<b>-83,729</b>	<b>213,841</b>	<b>-10,429</b>	<b>15,968</b>	<b>5,539</b>	<b>2.66%</b>	<b>5,655</b>
Housing Revenue Account	157	16,833	-16,620	213	17,442	-16,362	1,080	609	258	867		865

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## Appendix 2 - Service Variance Narrative

Service	Variance Last Month £000	Variance This Month £000	Change £000	Description
Communities and Customers	0	0	0	Income loss due to Closure received.
Education and Children's Service	366	542	176	This is despite new monies of £1.5M being allocated to Children's Services this financial year. The movement from last month largely relates to just two new residential placements offset by the receipt of some of the Tranch 2 Q1 Income grant for childcare. No costs have been included for any new placements commencing throughout the year. The budget will obviously be monitored carefully over the coming months.
Business Improvement and Modernisation	-40	-51	-11	Underspend due to a vacancy saving and one-off external income for a specific project. Some of this underspend will be placed in the new reserve set up to help fund future improvements to Ruthin Gaol.
Legal, HR and Democratic Services	-20	-48	-28	Underspends due to vacancy savings following delay due to Covid 19 - minor changes across a range of areas accounts for the movement from last month.
Finance and Property	209	0	-209	The overspend reported last month related to a shortfall in income due to the decision to forego rents for industrial units for April to July in response to the Covid pandemic alongside a reduction in income generally on the coastal portfolio. Most of this loss of income has now been approved and paid as part of Q1 Tranche 2. The remaining costs are offset by vacancy savings (Chief Accountant post) due to the lockdown and an overall cost reduction exercise.
Highways, Facilities and Environmental Services	1,602	1,606	4	£1.25m of the opverspend relates to the loss of income from schools meals - this projection assumes no income for term 3 and a reduced level for the beginning of term 1. £695k relates to the spend required on legacy tips - a lot of which was delayed from last year due to the lockdown restrictions at year end. A further £337k relates to Waste due to reduced income in quarter (green waste, trade waste etc). The projection now reflects the £496k income grant received for Q1.
Planning and Public Protection	27	65	38	The overspend in car parking and planning fees is offset by a reduction in costs relating to school transport (75% contract payments). The movement from last month largely relates to changes in expected recovery in parking and enforcement income and school transport costs relating to the Hubs. The service is also holding some vacancies which have further mitigated the losses.
Community Support Services	880	796	-84	The project is due to additional costs over and above the £2.6m estimated and included in the budget for 2020/21. The main areas of concern are homelessness and Communit Care packages. The projection assumes that the service will again receive the £800k Workforce & Sustainability Grant. No assumption has been made about grant funding for winter pressures which tend to be announced by WG in the autumn and during the winter itself.
Leisure - ADM	2,197	2,197	0	See body of report for details
Corporate & Miscellaneous	0	0	0	See body of report for details
Precepts & Levies	0	0	0	There are no risks in this area
Capital Financing	0	0	0	The position on capital financing is very much related to progress on capital projects and variances do not crystallise until later in the financial year.
<b>Council Services &amp; Corporate Budget</b>	<b>5,221</b>	<b>5,107</b>	<b>-114</b>	

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**Denbighshire County Council - Capital Plan 2020/21 - 2023/24**  
**Position to end September 2020**

**APPENDIX 3**

	2020/21 ORIGINAL ESTIMATE £000s	2020/21 LATEST ESTIMATE £000s	2021/22 LATEST ESTIMATE £000s	2022/23 LATEST ESTIMATE £000s	2023/24 LATEST ESTIMATE £000s
<b>Capital Expenditure</b>					
Total Estimated Payments - Other	13,293	27,304	1,053	350	350
Total Estimated Payments - Major Projects:					
Housing Improvement Grants	1,200	1,200			
Rhyl, New 3-16 Catholic School	1,010	939	366		
Ysgol Llanfair, New School	399	148			
Ysgol Carreg Emlyn, New School	822	119	750		
Highways Maintenance	3,253	5,294			
East Rhyl Coastal Defence Scheme	11,660	12,803	9,150	5,575	
Rhyl Waterfront and Waterpark	36	73			
Waste Service Remodelling	9,475	1,000	13,172		
Contingency	500	500	500	500	500
<b>Total</b>	<b>41,648</b>	<b>49,380</b>	<b>24,991</b>	<b>6,425</b>	<b>850</b>
<b>Capital Financing</b>					
External Funding	18,163	23,608	11,009	4,809	4,809
Receipts and Reserves	3,874	9,257	1,363		
Prudential Borrowing	19,611	16,515	16,928	5,925	350
Unallocated Funding	0	0	(4,309)	(4,309)	(4,309)
<b>Total Capital Financing</b>	<b>41,648</b>	<b>49,380</b>	<b>24,991</b>	<b>6,425</b>	<b>850</b>

Note: 2020-21 Original Estimate is the position as approved by Council on 25th February 2020

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## Appendix 4 - Major Capital Projects Update – September 2020

<b>21<sup>st</sup> Century Schools Programme – Ysgol Llanfair</b>	
Total Budget	£4.964m
Expenditure to date	£4.872m
Estimated remaining spend in 20/21	£0.092m
Future Years estimated spend	£0.000m
Funding	WG £0.180m; DCC £4.784m
<b>Narrative:</b>	
<p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project has provided a new school building on a new site in Llanfair DC.</p> <p>The school moved in to the new site in February this year. Due to the Coronavirus pandemic the settling in period for the school has been disrupted, however the school have settled in to the new site and are reaping the benefits of the new environment. The contractor has been very responsive where possible to any teething issues supporting the school to run with no disruptions to the operation of the school.</p> <p>The decommission process has now been completed at the former site. The swap in land whereby the Church in Wales St. Asaph Diocese will receive the footprint of the land at the new school site and the Council will receive ownership of the land in Diocese ownership at the former school site is currently progressing. Negotiations are ongoing between both parties and it is hoped that a completion can be reached shortly. Once the former site is in the Council's possession, it will be declared surplus by Education and discussions on the future use for the former school site will commence.</p>	
Forecast In Year Expenditure 20/21	£0.148m

<b>21<sup>st</sup> Century Schools Programme – Glasdir</b>	
Total Budget	£11.714m
Expenditure to date	£11.536m
Estimated remaining spend in 20/21	£0.178m
Future Years estimated spend	£0.000m
Funding	DCC £3.066m; WG £8.648m
<b>Narrative:</b>	
<p>This project has delivered a new shared school building site for Rhos Street School and Ysgol Penbarras at Glasdir, Ruthin which has been used by the schools since April 2018.</p> <p>The final account has now been settled.</p> <p>The design work for the additional hard standing has been completed and the tender is awaiting publication. The costs of the works, approximately £200k, will be absorbed from the overall allocation to the Ruthin projects in 2016 as part of Denbighshire's contribution to the 21st Century Schools Programme.</p>	
Forecast In Year Expenditure 20/21	£0.200m

## 21<sup>st</sup> Century Schools Programme – Ysgol Carreg Emlyn

Total Budget	£4.397m
Expenditure to date	£3.548m
Estimated remaining spend in 20/21	£0.099
Future Years estimated spend	£0.750m
Funding	WG £0.221m; DCC £4.176m
<p><b>Narrative:</b></p> <p>This scheme is within the Band A proposals for 21st Century Schools Programme. The project has provided a new school building on a new site in Clocaenog to allow the two sites located in Cyffylliog and Clocaenog to be declared surplus.</p> <p>The school successfully moved into the new building and opened in June 2019. Following the school taking occupancy of the site, any defects and teething issues were logged via the defect recording process. The contractor has responded quickly to attempt to resolve any issues which has resulted in minimal disruption for the school. The Defect period has now finished and currently the contractor is completing any outstanding works. With the current restrictions in place with the Coronavirus pandemic, this has impacted on the completion of some aspects of this work, but DCC and the contractor are progressing the works where possible to ensure the safety of contractors, staff and pupils during the pandemic. It is expected that all outstanding defects will be completed by October half term.</p> <p>Work to decommission the old sites has now been completed. The sites have now been declared surplus from Education's Portfolio and handed over to the Corporate Asset Management team to consider potential future use of these sites in Clocaenog and Cyffylliog.</p>	
Forecast In Year Expenditure 20/21	£0.119m

<b>21<sup>st</sup> Century Schools Programme – Rhyl, Christ the Word School</b>	
Total Budget	£23.440m
Expenditure to date	£22.902m
Estimated remaining spend in 20/21	£ 0.172m
Future Years estimated spend	£ 0.366m
Funding	WG £5.541m; DCC £17.899m
<b>Narrative:</b>	
<p>This scheme is within the Band A proposals for 21st Century Schools Programme.</p> <p>Plans are in place for the contractors to complete further snagging in the October half term in regards to Phase 1. Snagging around the external areas – Phase 2 continues to be monitored. We continue to work with Corporate ICT in completing the ICT works at the school.</p> <p>The budget continues to be closely monitored as the project comes to an end. The project and Denbighshire County Council won a highly commended award in the Client of the Year category at the Constructing Excellence in Wales Awards last week; this award highlighted the excellent partnership working with Kier Construction throughout the project.</p>	
Forecast In Year Expenditure 20/21	£0.939m

<b>Rhyl Queens Market Redevelopment</b>	
Total Budget	£6.463m
Expenditure to date	£4.555m
Estimated remaining spend in 20/21	£1.545m
Future Years estimated spend	£0.363m
Funding	WG £2.811m (Additional £2.5m subject to formal confirmation). DCC Asbestos £0.252m. DCC £3.400m
<b>Narrative:</b>	
<p>All existing tenants from the Market Hall have now vacated either to alternative premises or ceased trading, and it is not accessible by the public. All buildings are now clear. Asbestos has been removed from the Savoy and Queen's Hotel, but a substantial amount of sprayed asbestos has been identified above the Arcade. This will be very time consuming and costly to remove and will be included in the demolition contract. The tender documents for the demolition contractor were issued this week (Oct 6<sup>th</sup>) and we are aiming to start demolition work on site before the turn of the year.</p> <p>There is currently a gap in the funding required with options being considered with various funders. Additional funds were secured form the Council at the September Cabinet meeting but further funds are still required.</p>	
Forecast In Year Expenditure 20/21	£2.572m

<b>Waste Service Remodelling</b>	
Total Budget	£16.430m
Expenditure to date	£2.510m
Estimated remaining spend in 20/21	£0.748m
Future Years estimated spend	£13.172m
Funding	WG £9.345m , DCC £7.085m
<b>Narrative:</b>	
<p>Work is ongoing in preparation for a change to the household waste collection model. The new service model will see a move to weekly collection of kerbside sorted recyclable material with a 4 weekly collection of residual/non-recyclable waste. Weekly food waste collection will continue as at present and additional services around collection of absorbent hygiene products (AHP), textiles, small electricals and batteries will also be available and will be introduced in the run up to or during the main roll out of the new kerbside sort service.</p> <p>A number of work streams are being taken forward to include:</p> <ul style="list-style-type: none"> <li>• Development of a new single central waste transfer station depot on land adjacent to the Colomendy Industrial Estate in Denbigh. Work is ongoing on detailed design with aim to issue a Tender for the initial Phase 1 / Enabling Works before the end of 2020 with a site start in spring 2021.</li> <li>• Specification of the new fleet required to support the new model is now completed following a number of trials/tests with the aim to undertake a procurement exercise for the new waste collection vehicles required early 2021 with delivery of the new fleet anticipated in the three months leading up to the planned new service roll out.</li> </ul> <p>An Options Appraisal exercise on the detail of the new recycling container design has commenced, the outcome of which will be taken forward for formal approval of a preferred option, followed by a subsequent tender and delivery schedule in time for roll out associated with proposed service change. A number of mobilisation and communication activities are ongoing to prepare for the service change and include developing the new collection routes; planning for any staffing changes/requirements and ongoing engagement and communication with stakeholders and residents.</p>	
Forecast In Year Expenditure 20/21	£1.000m



<b>East Rhyl Coastal Defence Scheme</b>	
Total Budget	£27.528m
Expenditure to date	£6.149m
Estimated remaining spend in 20/21	£6.654m
Future Years estimated spend	£14.725m
Funding	WG £23.400m; DCC £4.128m
<b>Narrative:</b>	
<p>This planned coastal defence scheme at East Rhyl will provide an appropriate standard of flood protection for around 1650 properties.</p> <p>Work on site continues to progress well and is on time and within budget. Rock is being delivered to the site compound at Marine Drive and transported along the promenade to the beach at Splash Point. Work on building the 3 new beach accesses is going according to plan. A 'trial panel' of the rock revetment has been constructed and this demonstrates that the supplied rock and method of constructing the revetment will be successful. A further newsletter has been distributed to local residents explaining the need for continued tidal working involving some early starts and late finishes. Work will commence in the coming weeks on making improvements to the Rhyl Golf Course flood storage area to provide additional flood protection to East Rhyl residents.</p>	
Forecast In Year Expenditure 20/21	£12.803m

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## Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
<b>24 Nov</b>	1	Corporate Plan Quarter 2 Performance Report	To monitor the Council's progress in delivering the Corporate Plan 2017-22	Tbc	Councillor Julian Thompson-Hill / Iolo McGregor
	2	Denbighshire and Flintshire Joint Archive Project	To approve the proposals and deliver a new building and commit to allocate match funding for the project	Yes	Councillor Tony Thomas / Alan Smith / Helen Vaughan-Evans
	3	North Wales Economic Ambition Board Growth Deal: Governance Agreement for relevant partners	To seek agreement to recommend the Governance Agreement 2 to full Council	Tbc	Councillor Hugh Evans / Graham Boase
	4	Draft revised Housing & Homelessness Strategy	To seek Cabinet's support and recommendation that Council approve the document	Yes	Councillor Tony Thomas / Angela Loftus
	5	Llys Awelon Phase 2	To approve proposals to progress the scheme	Yes	Councillor Bobby Feeley / Phil Gilroy / Sharon Walley
	6	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Steve Gadd
	7	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

## Cabinet Forward Work Plan

Meeting	Item (description / title)		Purpose of report	Cabinet Decision required (yes/no)	Author – Lead member and contact officer
15 Dec	1	Contract Procedure Rules	To consider the reviewed contract procedures rules which will require adoption and form part of the council constitution	Tbc	Councillor Julian Thompson-Hill / Lisa Jones / Helen Makin
	2	Asbestos Removal Contract	To obtain permission to award the contract to the successful tenderer	Yes	Councillor Julian Thompson-Hill / Tom Booty / Sarah Wainwright
	3	Finance Report	To update Cabinet on the current financial position of the Council	Tbc	Councillor Julian Thompson-Hill / Steve Gadd
	4	Items from Scrutiny Committees	To consider any issues raised by Scrutiny for Cabinet's attention	Tbc	Scrutiny Coordinator

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### Note for officers – Cabinet Report Deadlines

Meeting	Deadline	Meeting	Deadline	Meeting	Deadline
October	<b>6 October</b>	November	<b>10 November</b>	December	<b>1 December</b>

Updated 07/10/2020 - KEJ

# Cabinet Forward Work Plan

Cabinet Forward Work Programme.doc

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