

## **CABINET**

Minutes of a meeting of the Cabinet held by video conference on Tuesday, 14 December 2021 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; Tony Thomas, Lead Member for Housing and Communities; Julian Thompson-Hill, Deputy Leader and Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Planning, Public Protection and Safer Communities

**Observers:** Councillors Ellie Chard, Meirick Davies, Gwyneth Ellis, Alan James, Barry Mellor, Arwel Roberts, Peter Scott, Rhys Thomas, Graham Timms and Emrys Wynne

### **ALSO PRESENT**

Chief Executive (GB); Corporate Director: Communities (NS); Head of Service: Legal, HR and Democratic Services (GW), Finance and Property (SG), Planning, Public Protection and Countryside Services (EJ), Education Services (GD), Business Improvement and Modernisation (AS), Communications and Customers (LG); Public Protection, Regeneration & Economic Development Manager (GR); Strategic Planning and Housing Manager (AL); Lead Project Manager (KW); Modernising Education Officer (CE); Lead Officer Corporate Property and Housing Stock (DL); Housing Development Manager (MD) and Committee Administrators (KEJ & SJ [Webcaster])

#### **1 APOLOGIES**

Councillor Brian Jones had been unable to fully participate in the meeting due to connectivity issues.

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

Councillor Emrys Wynne declared a personal interest in agenda item 7 because he was a School Governor for Ysgol Brynhyfryd and Ysgol Borthyn.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 23 November 2021 were submitted.

***RESOLVED*** that the minutes of the meeting held on 23 November 2021 be received and confirmed as a correct record.

## 5 UK GOVERNMENT LEVELLING UP FUND BID APPROVAL - VALE OF CLWYD CONSTITUENCY

The Leader presented the report seeking Cabinet approval to delegate authority for the purposes of agreeing a bid for Levelling Up funding to be submitted to the UK Government from Denbighshire County Council for the Vale of Clwyd constituency. The report detailed the theme of the bid together with the proposed projects to be included and the broad indicative value of each project.

The UK Government Levelling Up Fund (LUF) was intended to support investment in places where it could make the biggest difference to everyday life and would be delivered through local authorities and based on MP constituency areas. Denbighshire had three constituency areas and the report represented the third submission brought before Cabinet for consideration following approvals for Clwyd South (submitted in round 1 and successful) and Clwyd West (approved at the last meeting for submission in round 2). If supported the total bid submission would amount to some £35m investment in Denbighshire and tribute was paid to all those involved in the process to bring the necessary projects forward in tight deadlines. Assurances were provided that further work would be carried out on those projects not taken forward as part of the bid with a view to seeking alternative funding streams in order to progress them as appropriate and the Council would continue to work with both Welsh and UK Governments in order to best deliver for the county.

The Vale of Clwyd bid formed two cohesive projects targeting Town Centre Regeneration and Environmental Regeneration and if successful would bring significant benefits and impact positively on the area. There had been close working with James Davies MP who had confirmed his full support for the bid. Accordingly, Cabinet was asked to support the bid submission to UK Government.

Cabinet supported the report recommendations and potential investment in the area. Given the tight timescales for delivering the projects members highlighted the need for both a quick decision and speedy release of the funding if successful to progress projects by March 2024. The deadline for bid submissions was expected to be early spring and officers gave assurances that dialogue was ongoing with UK Government officials in that regard and to expedite the process to ensure delivery of the projects within timescales. Cabinet also noted that 10% (around £2m) match funding was required for the Vale of Clwyd bid and there was potential to utilise that match funding in the interim pending receipt of the LU funding in the event of a successful bid and funding confirmation by the UK Government. In response to questions from non-Cabinet members it was confirmed that projects had been put forward for rural areas as part of the process but had not been successful due to not meeting the criteria or timescales required for the LUF. In terms of the project relating to Denbigh Hospital clarification was provided on the differences between the LUF funding sought which focused on linking the site closer to the town and potentially bringing forward the enabling development whereas Growth Deal funding would focus on investment in the site to facilitate the housing development.

**RESOLVED** that Cabinet –

- (a) *supports the theme of the bid, the proposed projects to be included in the bid and the broad indicative value of each project, and*
- (b) *delegates authority to the Chief Executive Officer and Head of Planning, Public Protection and Countryside Services in consultation with the Section 151 Officer, Head of Legal, HR and Democratic Services and the Leader, to refine the projects and project costs as required and to agree for a bid to be submitted to UK Government from Denbighshire County Council for the Vale of Clwyd constituency.*

## **6 DENBIGHSHIRE GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT 2021**

Councillor Mark Young presented the report outlining the approach taken to, and findings and recommendations of, Denbighshire's draft Gypsy and Traveller Accommodation Assessment 2021 (GTAA) and sought Cabinet approval to submit the draft GTAA to Welsh Government.

There was a statutory requirement to undertake and submit an assessment of accommodation needs of Gypsies and Travellers to Welsh Government every five years and to subsequently meet those needs. The GTAA was also a requirement for the replacement Local Development Plan. Details of the assessment process and its management had been provided which involved the establishment of a Project Board together with a Scrutiny Task and Finish Group to support that work. The assessment had been completed and the process reviewed by the Scrutiny Task and Finish Group and Communities Scrutiny Committee. Councillors Barry Mellor and Graham Timms had been invited to report on the work of the Scrutiny Task and Finish Group and Communities Scrutiny Committee respectively.

Councillor Barry Mellor, Chair of the Task and Finish Group detailed the Group's involvement at various stages in the assessment process and reports back to the Scrutiny Committee on their findings. The Group had been satisfied that the assessment had been carried out in line with Welsh Government methodology and followed the agreed Work Brief and Stakeholder Communication and Engagement Plan, and recommended that the draft GTAA be approved for submission to Welsh Government. Councillor Graham Timms, Vice-Chair of Communities Scrutiny Committee thanked the Task and Finish Group for their diligent work and agreed that the arrangements and process adopted for delivering the assessment had worked well and should be considered for use in future when selecting potential sites for pitches. He reported upon the Committee's discussions and endorsement of the assessment process and recommendation that Cabinet approve the draft GTAA for submission to Welsh Government.

Councillor Mark Young reported upon the conclusions of the draft GTAA that –

- there was a need for 8 residential pitches to meet the identified needs of 3 households/extended family groups in the county, and
- there was no evidence of need for a permanent transit site due to the low numbers of unauthorised encampments, short term nature of encampments and lack of demand for such facilities locally. It was recommended that a

management based approach be applied to unauthorised encampments based on best practice from across the UK, balancing the needs of both travelling communities and local communities. Elected members and the travelling community could be engaged in developing that approach in Denbighshire to reflect local requirements.

The Leader thanked Councillors Mark Young, Barry Mellor and Graham Timms for the comprehensive update and acknowledged the hard work of all those involved. He commended the approach taken which enabled early engagement with members in the process and delivery of the assessment. The work of the Task and Finish Group and Communities Scrutiny Committee had been clearly set out and the recommendations of the Scrutiny Committee had been reflected in the report. It was hoped the work of the Task and Finish Group could continue in the next stage of the process when selecting potential sites for pitches. In response to a question from Councillor Huw Hilditch-Roberts regarding the different outcome of the latest assessment with no identified need for a permanent transit site, it was confirmed that the conclusion reached by the Independent Consultants, having conducted the assessment in accordance with Welsh Government methodology, was that a permanent site was not required. An assessment was required to be undertaken every five years and circumstances would likely change during that time.

**RESOLVED** that Cabinet –

- (a) *confirms support for the approach adopted for the delivery of Denbighshire's Gypsy and Traveller Accommodation Assessment as being robust and in line with Welsh Government guidance;*
- (b) *approves the draft Gypsy and Traveller Accommodation Assessment 2021 for submission to Welsh Government;*
- (c) *delegates authority for the Lead Member for Planning, Public Protection, Safer Communities and Domestic Abuse to agree any minor editorial changes required to the draft Gypsy and Traveller Accommodation Assessment, prior to submission to Welsh Government, and*
- (d) *confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 3 to the report) as part of its consideration.*

## **7 WELSH IN EDUCATION STRATEGIC PLAN 2022 - 2032**

Councillor Huw Hilditch-Roberts presented the report seeking Cabinet approval of the new Welsh in Education Strategic Plan for submission to Welsh Government.

There was a statutory requirement to have a Welsh in Education Strategic Plan setting out how Welsh would be developed in schools over the next ten years. The Plan was arranged around seven outcomes reflecting a learner's education journey and was consistent with policy areas Cymraeg 2050 and Education in Wales: Our National mission. Welsh Government (WG) had set a target range of 37% – 41% for Denbighshire to increase the number of year 1 pupils receiving Welsh medium education (27% of year 1 pupils in Denbighshire as of 2021). The new Plan set out

how Denbighshire would meet the target through increasing the capacity in Welsh medium schools and changing the language designation of some English medium schools. Details of the consultation process had also been provided.

Councillor Hilditch-Roberts referred to the WG's target of a million Welsh speakers by 2050 and stressed that whilst the Plan referred to measures that could be taken in education over the next ten years, it focused on only one element of a wider community response in developing the Welsh Language, and the Council also had a corporate responsibility to develop Welsh throughout the county. He elaborated on the seven outcomes detailed in the Plan and how they would be achieved through working collaboratively with partners. The Head of Education added that the Strategic Plan would have an underlying operational plan with further detail as to how the Welsh language would be developed and outcomes achieved.

The Lead Member and Head of Education responded to questions confirming that the WG target for increasing the number of year 1 pupils receiving Welsh medium education was unlikely to change. The final Plan would be submitted to WG in January and future monitoring of its implementation would be carried out by the Welsh in Education Strategic Group. There was much support available for non-Welsh speaking parents which had further increased during the lockdown period and onset of online learning for pupils. However, it was accepted that more should be done to raise awareness of that issue and the amount of support available to parents and work was ongoing with the Communications Team in that regard.

The Leader invited further questions from non-Cabinet members and the Lead Member and officers responded to the points raised as follows –

- confirmed that English medium schools were still committed to developing the Cymraeg Campus scheme with schools having achieved the Bronze award and taking steps to achieve the Silver award and ultimately the Gold award
- reported upon discussions nationally regarding merging the Welsh in Education Strategic Group with the Council's Language Forum based on good practice with a view to enhancing and strengthening that work going forward
- reported on the modelling of the data figures and rationale behind the different targets for the percentage of 3-year olds and 5-year olds educated through the medium of Welsh given the varying provision and attendance in pre-school settings outside the control of the county compared to school age children
- explained the complexities involved for learners from the south of the county attending schools outside Denbighshire in terms of different admissions policies, school transport etc. but assurances were provided that it was an issue which would be considered further and discussed with schools and local members
- accepted the challenges of increasing the number of Welsh speaking teachers and reported upon the measures being undertaken to generate more staff able to teach through the medium of Welsh which included partnership work with universities and GwE, mapping of linguistic capacity to develop and up skill existing staff and steps to attract new Welsh medium staff to Denbighshire
- reiterated that the Plan provided a strategic overview and there would be a separate operational plan setting out the detail of how it would be delivered
- reported upon the success of the immersion programme at Ysgol Glan Clwyd and future plans for staff to visit other schools to deliver that provision; the need

to look at the viability of the immersion provision in the south of the county had also been acknowledged and included in the Plan

- there was some discussion on the Welsh Language continuum and sixth form provision and reference was made to the forthcoming statutory document on the new categorisation of schools following which there would need to be further discussion on the outcomes and any implications for school transport provision
- clarified the position of Athrawon Bro with schools preferring to receive funding directly to provide Welsh language support rather than using that service.

Cabinet was pleased to support the Plan and steps to develop the Welsh language in education. Given the questions and comments raised by members the Leader felt there would be merit in convening a Council Workshop to consider and discuss the Plan in more detail. The Lead Member confirmed that it would be timely to arrange a session for members once the operational plan had been developed in order to better explain how the outcomes would be delivered and would likely be in the new Council term. Cabinet also acknowledged that promoting and increasing the use of Welsh was a much wider issue and the Chief Executive highlighted that the Council had a role in leading and facilitating the promotion of the Welsh language and culture both as an organisation and in the wider community and confirmed his commitment to that work. Given the Council's ambitions in that regard the Lead Member asked that the Welsh language be made a corporate priority during the next Council term.

**RESOLVED** that Cabinet approve the submission of the plan to Welsh Government by 31 January 2022 ensuring compliance with the requirement to create a new 10 year Welsh in Education Strategic Plan.

At this point (11.40 am) the meeting adjourned for a short break.

## **8 PROPOSED MINIMUM STANDARD FOR DENBIGHSHIRE COUNTY COUNCIL (DCC) NON-DOMESTIC NEW BUILD AND MAJOR EXTENSION/REFURBISHMENT CONSTRUCTION PROJECTS WHICH INCLUDES TARGETS FOR IN USE AND EMBODIED CARBON**

Councillor Tony Thomas submitted the report (in the absence of Councillor Brian Jones due to connectivity issues) seeking Cabinet agreement to the adoption and implementation of a construction standard for non-domestic new build and major extension/refurbishment construction projects to meet in use and embodied carbon targets.

Councillor Julian Thompson-Hill explained the proposal represented another means to help deliver the Council's aims of achieving its net carbon zero goal by 2030 following the Council's Climate Change and Ecological Emergency declaration. Whilst efforts had been made to reduce carbon emissions from existing non-domestic Council Buildings it was proposed to utilise the standard based on the UK Green Building Council's definition and best practice for future projects based on an incremental approach in a manner compatible with the Council's ecological goals. Reference was also made to the financial implications as a result of the change.

Cabinet discussed with officers the merits of introducing the new target together with the identified risks, in particular the financial implications which would need careful monitoring and staffing resources going forward with upskilling of internal staff and potential use of external consultants. Whilst the proposal would deliver savings in the long term with improved running/maintenance costs and reduce the environmental impact, it was recognised that there would be an increase in the upfront capital cost for projects with an anticipated 19% uplift. It was important to take advantage of any pilot funding available from Welsh Government and to ensure that when planning for future projects the full costs were accommodated. It was also noted that the Welsh Government was likely to look for similar standards for all their funded schemes in future. Despite the anticipated cost increases from introducing the new standard, Cabinet agreed that it was the right approach to take given the environmental impacts and members were pleased that the Council was at the forefront of those changes and taking a lead from the outset.

Officers responded to further questions and provided assurances regarding the commitment to procuring those materials and services locally where possible confirming that opportunities would be promoted locally and there was a need to consider the carbon cost in addition to monetary cost going forward. Members were pleased to hear there was much enthusiasm from the local construction industry regarding the green standard and highlighted the opportunities for them to adapt to the new requirements going forward. With regard to listed buildings, a pragmatic approach would be taken in the application of the new standard and whilst there may be some buildings where it would not be possible due to technical issues, that did not detract from the overall aim of the new standard.

**RESOLVED** that Cabinet –

- (a) *agree to the adoption and implementation of a DCC Construction Standard for non-domestic new build and major extension/refurbishment construction projects to meet in use and embodied carbon targets;*
- (b) *that the implementation of this standard must be done in a way that is compatible to the Council's Ecologically Positive by 2030 goal, and*
- (c) *Cabinet confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1 to the report) as part of its consideration.*

## **9 ESTABLISHMENT OF THE NORTH WALES CORPORATE JOINT COMMITTEE**

The Leader presented the report on the arrangements to be made for the establishment of the North Wales Corporate Joint Committee (CJC) and seeking Cabinet approval in principle for the transfer of functions of the North Wales Economic Ambition Board (EAB) to the CJC by way of a delegation agreement.

The Head of Legal, HR and Democratic Services provided some background to the creation of the CJC effective from 1 April 2021 together with the functions to be exercised from 30 June 2022 and requirement to set a budget for financial year 2022/23 by 31 January 2022. He provided a comprehensive overview of the

arrangements to ensure the CJC was properly established to exercise its functions by 30 June 2022 and referenced the standard report to be considered by each of the six North Wales principal councils during December. The CJC had the functions of preparing a Strategic Development Plan and a Regional Transport Plan along with a broad economic well-being power. Cabinet was advised of the rationale for the proposed transfer of the functions of the EAB to the CJC by means of a delegation agreement and the principles agreed by Chief Executives and Leaders as the basis upon which any transition should be implemented which would achieve a streamlined governance model, avoiding duplication. In principle agreement was sought from Cabinet which would be dependent upon Welsh Government developing an appropriate legislative framework to allow the delegation. Further reports on the establishment of the CJC would be brought to Cabinet in due course.

During consideration of the report Councillor Bobby Feeley questioned the bureaucracy involved and sought further clarify regarding the financial implications, including the costs involved for Denbighshire and across Wales. Councillor Mark Young also sought clarity of the impact on the Local Development Plan arising from the CJC's duty to prepare the Strategic Development Plan, highlighting the importance of retaining local decisions for local communities. In response to those issues and further questions from non-Cabinet members the Leader, Head of Legal, HR and Democratic Services and the Head of Finance and Property advised that –

- the CJC had been created with legal duties from June 2022 and the intention was to make its operation as simple and as least bureaucratic as possible which was one of the aims behind the in-principle decision sought
- the region had accepted a grant of £250k from the Welsh Government to assist in the establishment of the CJC to be used for the specialist advice and project management capacity required in that regard
- the CJC was required to determine its budget by 31 January for the following financial year and agree the contributions to be made by each local authority for the expenses of the CJC that were not otherwise met by other funding sources
- the work of the S.151 officers on the initial budget was underway and whilst the corporate/democratic element would largely be supported by existing key officers, work was ongoing to identify the financial requirements for delivering the planning and transport elements with a number of options for consideration; it was hoped Welsh Government would provide extra funding to deliver the new responsibilities and calls on Welsh Government would be made in that regard
- once the budget had been set for 2022/23 the financial impact on Denbighshire and across North Wales would be known and it was important to ensure Denbighshire gained value for money from its contribution
- the CJC had a duty to produce a Strategic Development Plan for the region which was a different layer plan and separate to the Local Development which each local authority was required to produce having regard to certain factors
- the CJC would have a legal duty with regards to the Welsh language and to agree a Welsh language scheme and meet Welsh language standards
- Welsh Governance guidance had been provided to develop scrutiny arrangements with further regulations currently out for consultation on options open to the CJC in that regard which included: creating scrutiny committees specifically within the CJC structure, creating a joint scrutiny committee for that specific purpose, or utilising existing scrutiny arrangements.

The Leader explained the background to the regional approach taken to service delivery in order to retain the number of local authorities in Wales and there were both advantages and disadvantages to that approach. He emphasised the importance of ensuring the regional approach worked for Denbighshire's residents.

**RESOLVED** that Cabinet agrees in principle that the functions of the North Wales Economic Ambition Board be transferred by way of a delegation agreement to the North Wales Corporate Joint Committee on condition;

- (a) that the statutory framework that the Welsh Government are developing allows for the delegation of the relevant executive functions to a Corporate Joint Committee,
- (b) that the North Wales Corporate Joint Committee agrees to establishment of a Sub-Committee, with membership to be agreed with the Councils, to undertake the functions of the Economic Ambition Board.

*This transition is proposed in order to achieve a streamlined governance model, avoiding duplication. A further detailed report on the framework for implementation will be presented to a subsequent meeting of the Cabinet.*

## **10 REDEVELOPMENT OF THE FORMER PRESTATYN LIBRARY - CONTRACT AWARD**

Councillor Tony Thomas presented a joint report with Councillor Julian Thompson-Hill seeking Cabinet approval to award the contract for the redevelopment of the former Prestatyn library site to include the construction of 14 no. one bedroom accessible apartments for social rent with lift access and 2 no. ground floor commercial units together with improved access, parking and outdoor amenity space to be shared with residents of the existing Llys Bodnant flats.

Cabinet had approved the business case for site development in September 2021 and the report summarised the process taken during the procurement exercise which had resulted in five tender submissions. Following an evaluation exercise using a scoring methodology with a weighting of 70% for price and 30% for quality a preferred contractor had been selected and recommended to Cabinet. The total estimated cost submitted by the recommended tenderer was £3,454,773.11 which was within the budget for the project in the Housing Stock Business Plan.

**RESOLVED** that Cabinet –

- (a) approve the award of a contract to Wynne & Sons Limited Construction as per the Contract Award Recommendation Report (Appendix 1 to the report), and
- (b) confirms it has read, understood and taken account of the Well-being Impact Assessment (Appendix 2 to the report) as part of its consideration.

## **11 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 2021/22 was £216.818m (£208.302m in 2020/21)
- an overspend of £1.349m was forecast for service and corporate budgets
- detailed agreed savings and efficiencies worth £2.666m relating to fees and charges, operational efficiencies, changes in service provision and schools
- highlighted current risks and assumptions relating to individual service areas, corporate budgets and schools together with the impact of coronavirus and position on funding claims to the Welsh Government, and
- a general update on the Housing Revenue Account and Housing Capital Plan, Treasury Management and Capital Plan with an update on major projects.

Cabinet approval of the Council Tax Base for setting the 2022/23 budget was also sought as detailed in Appendix 5 to the report.

Councillor Thompson-Hill also advised that the variance in the service budgets primarily related to an increase of £182k in residential placement costs within the Education and Children's Service over which the Council had little control. With regard to major capital projects there would be a report back on the Rhyl Queen's Market Development in February to award phase 1 of the construction contract and work was currently being carried out to value engineer the costs as appropriate but it was likely that there would be a requirement for some additional funding to be allocated to the scheme. All other projects remained on target and within budget.

**RESOLVED** that Cabinet –

- (a) note the budgets set for 2021/22 and progress against the agreed budget strategy, and*
- (b) approve the Council Tax Base for setting the 2022/23 budget as detailed in Appendix 5 to the report.*

## **12 CABINET FORWARD WORK PROGRAMME**

The Cabinet forward work programme was presented for consideration.

Members noted an additional item 'Extension of Leisure Services Contract' for either January or February 2022.

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

The Leader thanked Cabinet members for their support during the year and all members for their contributions to debate. He wished everyone a Happy Christmas and best wishes for the New Year.

The meeting concluded at 1.05 hrs.