

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 22 November 2022 at 10.00 am.

PRESENT

Councillors Jason McLellan, Leader and Lead Member for Economic Growth and Tackling Deprivation; Gill German, Deputy Leader and Lead Member for Education, Children and Families; Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets; Elen Heaton, Lead Member for Health and Social Care; Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities; Barry Mellor, Lead Member for the Environment and Transport; Win Mullen-James, Lead Member for Local Development and Planning, Rhys Thomas, Lead Member for Housing and Communities, and Emrys Wynne, Lead Member for Welsh Language, Culture and Heritage

Observers: Councillors Jeanette Chamberlain-Jones, Ellie Chard, Karen Edwards, Pauline Edwards, Justine Evans, Huw Hilditch-Roberts, Hugh Irving, Alan James, Gareth Sandilands, Peter Scott and Andrea Tomlin

ALSO PRESENT

Chief Executive (GB); Corporate Directors: Communities (NS); Governance and Business/Monitoring Officer (GW), and Environment and Economy (TW); Heads of Service: Finance and Property (SG); Communities and Customer Services (LG), Business Improvement and Modernisation (NK); Planning, Public Protection and Countryside Services (EJ), and Community Support Services (AL); Traffic, Parking and Road Safety Manager (MJ); Senior Planning Officer (LG); Lead Officer – Community Housing (GD); Strategic Planning and Performance Team Leader (IM); Risk and Asset Manager (TT); Service Manager – Business Support and Communities (NJ) and Committee Administrators (KEJ, NPH & SLW [Webcaster])

1 APOLOGIES

Councillor Emrys Wynne would be late arriving to the meeting.

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 18 October 2022 were submitted.

RESOLVED that the minutes of the meeting held on 18 October 2022 be received and confirmed as a correct record.

5 DRAFT SUSTAINABLE TRANSPORT PLAN

Councillor Barry Mellor presented the report seeking Cabinet's views on the Draft Sustainable Transport Plan ahead of the forthcoming public engagement exercise on the Plan in early 2023. The final version of the Plan would be presented to Cabinet for final approval in mid-2023.

Some background to the Plan was provided which had been developed by officers from different council services to reflect the cross-cutting nature of transport. Reference was made to the council's environmental aims and duties and the Plan included all transport related activities to encourage sustainable travel, both from the Climate and Ecological Change Programme and other projects/policies. To align with the Wales Transport Strategy, "Llywbr Newydd", the Plan had a 20-year vision and priorities for the next 5 years which would be succeeded by another set of priorities for the 5 years after that. It was emphasised that actions contained within the Plan were not necessarily new, with much work having been undertaken over a number of years. All those activities had been brought together in one accessible document for clarity and would also help to identify any potential gaps.

Cabinet welcomed the draft Plan and subsequent engagement exercise to provide an opportunity for stakeholders and the public to provide an input into the process. An email had been received from Councillor Jon Harland suggesting minor revisions to the Plan, including the scope to revisit 'Walking Buses' to also include 'Cycling Buses' to encourage more learners to walk and cycle to school, and to deliver safe routes to schools to facilitate active travel. Councillor Gill Greenland highlighted work currently ongoing with schools including cycle proficiency and links to traffic/parking and making schools safe places, and she would also be taking those issues up as the relevant lead member. The Traffic, Parking and Road Safety Manager confirmed the inclusion of cycling buses could be taken forward as part of the feasibility work and acknowledged the importance of safe routes to school to encourage greener travel. There was some debate on the merits of 'Walking Buses' and the importance of buy-in from parents and those facilitating the scheme for it to be successful. Councillor Julie Matthews highlighted issues raised by some residents with no off street parking space available for charging a vehicle and she was pleased to note reference in the Plan for developing that provision.

The Traffic, Parking and Road Safety Manager responded to further questions regarding the importance of the Plan for promoting economic growth and confirmed that the Confederation of British Industry and Federation of Small Businesses would be included in the stakeholder engagement on the Plan. With regard to Welsh Government's proposals for a 20mph speed limit, the aims included road safety and encouragement of sustainable travel choices. A report on the 20mph speed limit would be considered by Communities Scrutiny Committee on 8 December 2022.

The Leader reiterated that the Plan was currently in draft and encouraged full participation in the engagement process ahead of a final Plan for approval mid-2023. He was pleased to note Councillor Harland's points would be taken forward.

RESOLVED that Cabinet –

- (a) *notes the contents of the Draft Sustainable Transport Plan, included in Appendix A to the report;*
- (b) *notes that following the public engagement exercise, and any amendments that may result, the final version of the Sustainable Transport Plan would be presented to Cabinet for discussion and final approval in mid-2023, and*
- (c) *confirms that it has read, understood and taken account of the Well-being Impact Assessment (attached at Appendix B to the report) as part of its consideration.*

6 REVISED DELIVERY AGREEMENT FOR THE REPLACEMENT LOCAL DEVELOPMENT PLAN

Councillor Win Mullen-James presented the report seeking Cabinet's support for the revised Delivery Agreement for the replacement Local Development Plan (LDP) 2018 – 2033 to go to Council for approval and submission to Welsh Government.

The Delivery Agreement (DA) set out the timetable for progressing the LDP to adoption and outlined whom, how and when the Council would consult on the various stages. The current DA had been approved in May 2018. A revised DA was required due to delays in the timetable brought about by the Covid-19 pandemic; delays in the publication of the flood risk policy and guidance, and local elections. No further formal consultation stages could be delivered until the revised DA was approved. The Strategic Planning Group had considered the revised DA in October 2022 and recommended it be progressed to Cabinet and Council for approval.

Cabinet considered the report and, whilst accepting the delays to the previous timetable were due to reasons beyond the Council's control, was keen for the work to be progressed as soon as possible. Questions were raised regarding the approach taken and whether, given the circumstances, there was any scope to change the 2018 start date given the Plan would be adopted some years after that date, and whether the LDP could be an ongoing document reviewed periodically rather than having a set start and end date. The impact of the delay on elements of the current LDP which members wished to challenge was also a concern.

The Senior Planning Officer responded to questions and comments as follows –

- noted that other local authorities had also experienced delays due to similar issues, including the impact of the new phosphate targets on development, and there was confidence that the revised DA would progress the LDP to adoption
- the replacement LDP would cover the period 2018 – 2033 and whilst it was appreciated part of the Plan would be in the past, it was usual for LDPs given the cyclical process. Due to the delays the process would likely take two more years than originally planned
- the revised DA set out a tight and ambitious timetable but there was confidence that it could be met with a view to adopting the new LDP in 2025 with sufficient time left in the Plan for it to be implemented and achieve its aims and objectives.

The revised DA required Council approval before submission to the Welsh Government for their agreement

- if the Plan's start date was moved at this stage the whole process would need to be restarted (because the evidence base had been collated for 2018 – 2033) which would add additional years to the process of adopting a new Plan
- elaborated on the cyclical process of adopting the LDP, usually before the current Plan expired, starting the review a maximum of 4 years from adoption
- the current LDP would remain in force (pending adoption of a new LDP) which at present was just beyond its end date and there was confidence the current LDP was still relevant and fit for purpose when considering planning applications
- there were new policy areas to be included in the new LDP, such as climate change, and where there were changes to national policy (which were out of step with local policy) they would take precedence
- when considering planning applications there may be other relevant material considerations and it was right that members challenged elements within the LDP. Current sites remained in the LDP until the new Plan was adopted
- the current LDP and the Welsh Government's Future Wales National Development Plan remained the two documents for consideration when making decisions and recommendations
- the LDP process was regulated and the requirements set out in legislation – it was a requirement to state the period which the Plan covered
- the Gypsy and Traveller Accommodation Assessment had been approved by Council in December 2021 and submitted to Welsh Government (WG). Feedback was awaited from WG on that document which would form part of the new LDP.

RESOLVED that Cabinet –

- (a) confirms that it has read, understood and taken account of the Well-being Impact Assessment, as detailed in the supplement to the report, as part of its consideration, and*
- (b) recommends the revised Delivery Agreement (DA) to go forward to Council for approval and submission to Welsh Government.*

7 RENTING HOMES (WALES) ACT 2016 AND USE OF THE INTRODUCTORY TENANCY

Councillor Rhys Thomas presented the report seeking Cabinet approval to end the use of Introductory Tenancies for new council tenants and informing Cabinet of the new tenancy agreement for council tenants.

The Renting Homes (Wales) Act 2016, effective on 1 December 2022, would introduce a new tenancy law for all tenants in Wales. The new legislative framework provided an opportunity to review the Council's Introductory Tenancy policy which was considered "draconian" and at odds with the current modernised approach to managing and supporting new tenancies with a range of other solutions. The majority of councils and Registered Social Landlords were taking the same approach. The new law also meant replacement of the current Secure Tenancy by the new Secure Occupation Contract and work had been carried out to

ensure the correct conversion of the existing tenancy into the new contract. Details of the new tenancy agreement had been provided including reference to tenancy transfers, right of succession and a new Fitness for Human Habitation standard.

The Head of Communities and Customers Services stressed the importance of the new legislation and significant work carried out by the Community Housing Team. The Lead Officer – Community Housing outlined the key elements of the new legislation and administration of tenancies and gave assurances that tenants were not losing any of their security in law. It was recommended that Introductory Tenancies no longer be used given the change in culture and intensive support to new tenants. Reference was also made to the Fitness for Human Habitation standard given the tragic case of the death of a child in Rochdale after exposure to mould in his home and assurances provided as to the fitness of council homes.

Cabinet was supportive of the change of approach to new tenants and sought further information in that regard together with work to maintain homes in a good state of repair. Officers confirmed that most local authorities and Registered Social Landlords were of the same view with regard to introductory tenancies with a similar commitment not to evict households, particularly into homelessness, wherever possible. Work to support tenants through the first twelve months of their tenancy was based on a thorough needs assessment of the household, information sharing, regular visits by Housing Officers, and referrals as appropriate for those needing additional support. Cabinet was also advised on ongoing work to maintain quality standards in homes, including issues relating to condensation and mould, with staff briefings and information to tenants. Assurances were provided that, contrary to common practice in England to stop repair work once a disrepair claim was lodged, Denbighshire continued to work with tenants to carry out any outstanding repairs.

The Leader thanked officers for the reassurances provided and work undertaken to support tenants and help them make informed choices to best manage their homes.

RESOLVED that Cabinet –

- (a) *agree that Introductory Tenancies be no longer used for new tenants to the council, and*
- (b) *that the new Occupation Contract for all council tenants, and a summary of the main changes introduced by the new legislation be noted.*

8 LETTINGS POLICY FOR NEW HOMES AT LLWYN EIRIN, DENBIGH

Councillor Rhys Thomas presented the report seeking Cabinet approval for a Local Lettings Policy for allocating the 22 new homes at Llwyn Eirin, Denbigh.

The allocation of homes for social rent was dealt with through the Allocations Policy approved by Council in 2017 and ensured compliance with relevant legislation and guidance for administering a housing register and allocating homes. Due to the large number of new homes at Llwyn Eirin a new approach would be required to ensure the correct mix of households to form a resilient new community whilst meeting local need for housing. The Local Lettings Policy set out how existing

households in Denbigh would be targeted, within reasonable preference categories, to create a mix of Band 1 (Urgent Need) and Band 2 (Housing Need) Households and promote a sustainable community of households with connections to the area.

Cabinet highlighted housing as a key priority and welcomed the new development of council housing to address housing need which had been built to passivhaus standard. The need to create a sustainable community through the local lettings policy was accepted and Cabinet was pleased to note priority for the two Denbigh wards and that Denbigh residents in Band 1 would be homed. The approach would also create more movement in the whole housing market. It was confirmed that once all 22 homes had been let, future lets on an individual basis would be let in accordance with the main allocations policy. Officers confirmed the intention to consider the merits of a local lettings policy for future new build schemes of over 10 homes in order to create sustainable communities and Cabinet would also be involved as part of that process. In terms of support provision for the new development, Housing Officers would be working individually with tenants and the Community Resilience Team would be engaging with the new tenants to help build a sustainable community and ensure its success going forward. It was confirmed that the Housing Act 1996 allowed local authorities to create a local lettings policy.

RESOLVED that Cabinet approve the Local Lettings Policy for allocating homes at Llwyn Eirin, Denbigh (attached at Appendix 1 to the report).

At this point (11.25 am) the meeting adjourned for a refreshment break.

9 PERFORMANCE SELF-ASSESSMENT UPDATE, QUARTER 2, 2022 TO 2023

Councillor Gwyneth Ellis presented the report on the Council's performance against its functions as at the end of quarter 2, 2022 to 2023, including Corporate Plan and Strategic Equality objectives, and the seven key areas of governance.

The report was presented in two parts outlining progress against Performance Objectives and Governance Areas, and captured the evidence that formed part of the Self-Assessment of performance against functions as required under the Local Government and Elections (Wales) Act 2021. The report included a summary of data and project updates together with data tables outlining the current position in full. Recent council activities were also presented that demonstrated support for the Well-being of Future Generations Act, Equality Act, and Socio-Economic Duty.

The Interim Head of Business Improvement and Modernisation explained that the report was the last to be based on the outgoing Corporate Plan for 2017 to 2022, the new Corporate Plan having been approved in October 2022. The Strategic Planning and Performance Team Leader guided Cabinet through each of the five priority areas, highlighting key messages and performance measures in that regard. Attention was also drawn to the corporate health outcomes, in particular areas of concern relating to Finance; Staff Capacity within Internal Audit; Corporate Risk Register and Staff Recruitment/Retention. However, the report also demonstrated the remarkable productivity and progress being made in the council as a whole.

The following issues were raised during the ensuing debate –

- members highlighted the vital function carried out by Internal Audit and discussed the number of vacancies in the Internal Audit Team and their ability to deliver the relevant assurances required. Officers advised that some external audit work would likely be commissioned to ensure the fundamentals of the audit plan were completed and a recruitment exercise was being undertaken to ensure sufficient capacity going forward. Assurances were provided that the issue would continue to be monitored through the quarterly performance reports. It was agreed that Cabinet and Cabinet Briefing be kept informed of progress
- the difficulties in staff recruitment and number of vacancies across the council was acknowledged with a difficult labour market, and the problem was not unique to Denbighshire. In response, the council was reviewing all aspects of its recruitment process to make it as easy as possible for people to engage and to ensure that the council was an attractive employer
- some of the measures in the Wales Index of Multiple Deprivation were published on an infrequent basis and therefore it was difficult to accurately assess the current position and future progress. That issue was being discussed nationally as to how more current data could be accessed to monitor the position. From recent work carried out as part of the Wellbeing Assessment, and pressures faced by communities such as Covid-19 and the cost of living crises, it was anticipated that there would be more pressures in terms of deprivation which was likely to have broadened. Given the theme of a fairer and more equal Denbighshire a framework was being developed to closely monitor deprivation in communities and performance in terms of income and employment, etc. The Leader highlighted the importance of relevant data to drive policy and identify need and referred to the work of Data Cymru which he would feedback
- the status of the percentage of superfast broadband coverage in Denbighshire had been highlighted as a priority for improvement and Councillor Emrys Wynne referred to the discontinuation of the project in Llanfwrog and impact on communities. It was accepted that connectivity was a complex issue, particularly in rural areas, and was largely outside the council's control. Steps to address the issue had been taken by the Economic Ambition Board (EAB) and the council had a Digital Officer who had been working directly with communities to participate in the community fibre broadband voucher scheme. Those challenges had also been raised in recent meetings with local Senedd Members who may be able to influence the process at a national level. The Leader also referred to the EAB's Digital Programme and work to improve connectivity.

RESOLVED that Cabinet notes the Council's performance against its functions as at the end of quarter 2 of 2022/23 and confirms the content of the draft report.

10 FINANCE REPORT

Councillor Gwyneth Ellis presented the report detailing the latest financial position and progress against the agreed budget strategy.

A summary of the Council's financial position was provided as follows –

- the net revenue budget for 2022/23 was £233.693m (£216.818m in 2021/22)

- an overspend of £5.535m was forecast for service and corporate budgets (£2.661m overspend last month) due to additional pressures in Social Care (Adults and Children), the Homelessness Service and School Transport
- highlighted current risks and assumptions relating to corporate budgets and individual service areas together with the impact of coronavirus and inflation
- detailed service savings and fees and charges increases (£0.754m); no savings having been requested from Community Support Services or Schools
- provided a general update on the Housing Revenue Account, Treasury Management, Capital Plan and major projects.

The Head of Finance and Property highlighted the significant increased overspend from the previous month. Whilst there were sufficient reserves to cover the level of overspend, if all available reserves were required to fund the in-year overspend, it would limit any help in the difficult budget process for 2023/34 and 2024/25. Services would be reviewing income and expenditure with a view to reducing the overspend. Other means of addressing the overspend included utilising the budget mitigation reserve and general reserves together with potential delays in recruitment where it was appropriate. The council's current policy was to maintain the level of reserves at £5m and therefore any reduction from £5m would require a change in policy. It was noted that the service variance columns in Appendix 2 had been placed in the wrong order but the figures and narrative were correct.

Councillor Gwyneth Ellis paid tribute to the hard work of the Head of Finance and Property and his team on both the current budget and overspends and in setting the budget for next year, particularly given the current level of uncertainties. The Leader echoed those sentiments and his appreciation of the hard work involved.

RESOLVED that Cabinet note the budgets set for 2022/23 and progress against the agreed budget strategy.

11 CABINET FORWARD WORK PROGRAMME

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

- Care Home Fees in Denbighshire financial year 2023/24 – December
- Denbighshire Learning Disability Supported Living Schemes – January
- Shared Prosperity Funding – January through to June

RESOLVED that Cabinet's forward work programme be noted.

12 CENTRAL RHYL AND CENTRAL PRESTATYN COASTAL DEFENCE SCHEMES - FOLLOW UP PAPER

Councillor Barry Mellor presented the report updating members on the development of the two potential coastal defence schemes for Central Rhyl and Central Prestatyn and sought Cabinet approval to present the project to Council with a recommendation to fund the construction phase of both schemes.

Cabinet had considered a similar report at their last meeting and had supported proposals to progress the two schemes and for their submission to Council for a decision. The Corporate Director: Economy and Environment explained that when finalising the full business case, it was discovered that incorrect project costs for the Rhyl Central Coastal Defence Scheme had been included in the Cabinet report, with a figure of £58m used instead of £66m, and he apologised for the error. It was noted that Cabinet had not made a funding decision at their last meeting but it was appropriate that the correct financial position be reported back to Cabinet given the increased level of financial commitment as set out. Cabinet's attention was drawn to the fact that the two schemes were still worthy of council support in order to protect the towns of Rhyl and Prestatyn from flood risk. 85% of the total cost of the schemes would still be funded by the Welsh Government, and whilst work was ongoing to evaluate options for reducing the costs, the current assumption had been based on the maximum combined cost of both schemes of £92m.

Cabinet had considered the merits of both schemes at their last meeting and the importance of protecting the towns of Rhyl and Prestatyn from flood risk and subsequent devastation caused by flood events. It was noted that both schemes had been fully costed and the error related to an incorrect figure being included in the Cabinet report which had been identified during subsequent checks and balances. Having taken into account the update and corrected project cost for the Central Rhyl Coastal Defence Scheme, Cabinet remained of the view that both schemes were crucial to the security and sustainability of those towns for residents, businesses and tourism and that it was imperative that those towns be protected.

Councillor Gareth Sandilands was supportive of the projects but sought assurances regarding financial stability for the schemes going forward. The Lead Member and officers highlighted the success of the East Rhyl Coastal Defence Scheme which had been completed well within budget and ahead of schedule. A similar approach would be taken to the Central Rhyl and Prestatyn schemes with all aspects of costs being continually monitored by the contractors and the council. All risks had been costed and included in the budget but it was assumed that not all risks would come to fruition and inflationary costs had also been built into the budget which may not be required. Consequently, there was confidence in the budget provision for both schemes and assurance could be taken regarding their deliverability.

RESOLVED that Cabinet –

- (a) *confirms that it has considered the content of the Well-being Impact Assessments for each scheme (attached at Appendix 3a and 3b to the report);*
- (b) *supports the proposal to progress the Central Rhyl Coastal Defence scheme to the construction phase, using the grant aid funding model set out by the Welsh Government, and agrees to the proposal being presented to Council for a decision;*
- (c) *supports the proposal to progress the Central Prestatyn Coastal Defence scheme to the construction phase, using the grant aid funding model set out*

by the Welsh Government, and agrees to the proposal being presented to Council for a decision, and

- (d) *delegates authority to the Coastal Defence Project Board to deliver the schemes.*

EXCLUSION OF PRESS AND PUBLIC

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

13 TEMPORARY EMERGENCY ACCOMMODATION SUPPORT PROJECT (HOMELESSNESS PREVENTION)

Councillor Rhys Thomas presented a confidential report detailing the outcome of the tender exercise for a new Temporary Emergency Accommodation Support Project and sought Cabinet approval to award the contract to the recommended named service provider as detailed in the report.

Cabinet had previously approved commencement of the procurement as set out in the Commissioning Form in July 2022. The project objective had been to develop Denbighshire's temporary emergency accommodation offer to provide a better experience where people were supported to improve their wellbeing and build on their future. The project had been scheduled to start in January 2023 with a lead in period of 4 months and services commencing in April 2023 to coincide with the opening of Epworth Lodge in Rhyl. Details of the procurement exercise had been provided and recommended service provider who best met the project specification.

Councillor Thomas added that the project would provide comprehensive 24-hour support in addition to the existing support for those in temporary accommodation.

RESOLVED *that Cabinet –*

- (a) *acknowledge that a fair and robust tender exercise had been completed in accordance with the Denbighshire Contract Procedure Rules, and which had identified a clear 'winner', which had set out a programme which met the aims and aspirations of the project specification set out in the tender request;*
- (b) *agree to award the contract to the recommended named service provider as detailed in the report based on their tender proposals at the fee level proposed, as per the award report (attached at Appendix 4 to the report), and*
- (c) *confirms that it has read, understood and taken account of the Well-being Impact Assessment for the Housing Support Grant Delivery Plan 2022-25 (attached at Appendix 3 to the report) as part of its consideration.*

The meeting concluded at 12.40 pm.