

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 27 June 2023 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 Michelle Blakeley-Walker, Ellie Chard, Karen Edwards, Pauline Edwards, Bobby Feeley, Hugh Irving, Alan James, Delyth Jones, Huw Hilditch-Roberts, Brian Jones, Terry Mendies, Gareth Sandilands, Peter Scott, Andrea Tomlin

ALSO PRESENT

Chief Executive (GB); Corporate Directors: Social Services and Education (NS), Governance and Business/Monitoring Officer (GW), and Environment and Economy (TW); Head of Finance and Audit (SG); Head of Adult and Social Care & Homelessness Service (AL); Interim Head of Service Corporate Support Service: Performance, Digital and Assets (NK); Head of Planning, Public Protection and Countryside Services (EJ); Welsh Language Officer (MCR); Project Manager: Corporate Programmes Office (RV); Planning and Performance Officer (EH); Service Manager: Business Support and Communities (NJ), and Committee Administrators (KEJ & NPH [Webcaster])

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillors Gill German and Rhys Thomas declared a personal interest in agenda item 6 because they were Directors of Denbighshire Leisure Limited.

Councillors Gill German and Rhyl Thomas declared a personal interest in agenda item 10 because they had an association with one of the potential suppliers.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 23 May 2023 were submitted.

Matters Arising –

Page 8 – Item 6: Phase 2 Works Contract New DCC Waste Transfer Station –

In response to a question from Councillor Hugh Irving, the Corporate Director: Environment and Economy advised that the Welsh Government would be providing additional grant funding of £890k to cover the identified pressure in its entirety.

Page 8 – Item 5: Outcome of Partnerships Scrutiny Committee’s Review of Cabinet’s Decision relating to Applications Shortlisted for Shared Prosperity Funding –

Following Cabinet’s resolution (b) to consider the mechanisms for implementing the Scrutiny Committee’s recommendations, Councillor Huw Hilditch-Roberts asked that it be recorded in the minutes that Cabinet had since set out in an email to all councillors how they would respond to each recommendation.

***RESOLVED** that the minutes of the meeting held on 23 May 2023 be received and confirmed as a correct record.*

5 THE COUNCIL ACTING AS THE LEAD BODY FOR THE RENEWAL OF THE REGIONAL NORTH WALES DOMICILIARY CARE AGREEMENT

Councillors Elen Heaton and Gill German presented a joint report seeking Cabinet approval for the Council to act as the Lead Body on behalf of the six local authority partners and the Health Board in North Wales on the Invitation to Tender (ITT) for the renewal of the Regional North Wales Domiciliary Care Agreement.

The Council previously led on the ITT exercise to establish the current regional agreement which was due to end on 31 March 2025. It was proposed to renew the agreement to enable partners to work with external providers to develop high quality domiciliary care and support services across the region and enable legislative requirements to be met. The scope of the ITT would include a broader range of domiciliary care services than currently covered as set out in the report.

Cabinet had been pleased to note the extra domiciliary care services provided and benefits of that approach together with the help to support small local businesses to become care providers. The main conclusions of the Wellbeing Impact Assessment were also highlighted with a positive impact on supporting recruitment and retention in the sector, career opportunities and working with employers and colleges to develop skills. In response to questions, the Head of Adult Social Care and Homelessness Service confirmed there would be no additional cost to the Council as a result of leading on the ITT and once the framework was in place each local authority would be responsible for managing their part of the framework, and where providers wished to work across the region the local authorities would work collaboratively in that regard. Cabinet also welcomed the promotion of the Welsh Language and requirement for providers to have policies in place to meet legislation/guidance. It was confirmed that work would be undertaken to try and align those policies with the Council’s own policies going forward.

***RESOLVED** that Cabinet –*

- (a) *approves Denbighshire County Council acting as the Lead Body / Lead Commissioner for the Invitation to Tender for the renewal of the Regional North Wales Domiciliary Care Agreement and approves the Council Procurement Department to lead on the Invitation to Tender exercise to ensure that due process is followed, and*
- (b) *confirms that it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 1 to the report) and the Commissioning Form (Appendix 2 to the report) as part of its consideration.*

6 WELSH LANGUAGE STRATEGY 2023 - 28

Councillor Emrys Wynne presented the report and new Welsh Language Strategy 2023 – 28 for Cabinet approval. [The current Strategy had been adopted in 2017 and the Council was required to revise its Strategy every five years.]

Councillor Wynne reported on the measures introduced over the previous five years to promote the Welsh Language and facilitate its use in the county together with the new Strategy and vision for the Welsh Language to further progress that work. The Strategy had been approved by the Welsh Language Steering Committee and adopted by Denbighshire's Welsh Language Partnership Forum. The Corporate Director: Governance and Business and the Welsh Language Officer also stressed the importance of the Strategy and highlighted the ambitions of the Council, advising of the need to work in partnership with other bodies to achieve the ambitions set. The Language and Planning Centre had produced an assurance report on the Strategy and their recommendations had been taken into account.

Cabinet welcomed the Strategy and measures to develop Denbighshire as a bilingual county, providing the opportunity for all to use and speak Welsh. Tribute was paid to the hard work of the Welsh Language Officer and others in that regard.

The following points were raised during the ensuing debate –

- Councillor Rhys Thomas highlighted the demand for bilingual swimming/fitness lessons in some of the Council's leisure centres and plans to provide lessons through the medium of Welsh and officers confirmed the Council worked closely with Denbighshire Leisure Limited (DLL) who were committed to the Welsh Language Strategy. Councillor Thomas invited further discussions on the issue at a meeting of the DLL Board and the Leader added that it would also be a useful topic for the Strategic Governance Board for DLL. Officers welcomed the opportunity for further discussion and engagement on the Strategy
- Councillor Huw Hilditch-Roberts reported on the success of the previous Strategy and need for an appropriate launch of the new Strategy to ensure it was widely promoted. Councillor Wynne agreed that communication was vitally important and confirmed discussions were ongoing in that regard. Promotional activities had also been included in the Strategy document
- support would be provided for both staff and members to develop their Welsh Language skills and Welsh Language courses were also available.

RESOLVED that Cabinet approve the new Welsh Language Strategy attached as Appendix 1 to the report.

7 COUNCIL PERFORMANCE SELF ASSESSMENT 2022 TO 2023

Councillor Gwyneth Ellis presented the report and the Council's Performance Self-Assessment for 2022 to 2023 for Cabinet's consideration ahead of its submission to Council for approval in July 2023.

The Performance Self-Assessment provided a year end analysis of progress and challenges against key performance objectives (i.e. Corporate Plan themes) and data against the new Corporate Plan's performance management framework.

The Interim Head of Service Corporate Support Service: Performance, Digital and Assets and Planning and Performance Officer guided members through the report which consisted of two appendices. It presented an Executive Summary (Appendix I) highlighting performance against objectives and the seven governance areas, and the regular quarterly Performance Update Report (Appendix II) covering January to March 2023 of the new Corporate Plan performance management framework. Those two documents, when combined with the three preceding update reports, made up the Self-Assessment for 2022 to 2023. Regular reporting was highlighted as an essential monitoring requirement of the performance management framework and the Local Government and Elections (Wales) act 2021. The report had been tabled at Performance Scrutiny Committee and Governance and Audit Committee and an overview of the issues raised at those meetings was also provided.

Cabinet acknowledged the comprehensive documents which aimed to provide a clear and transparent reflection of the Council's performance in key areas, and thanked officers for the hard work in that regard. During the ensuing debate Cabinet members took the opportunity to draw attention to particular performance measures and projects within their individual portfolio areas, to provide assurances and reasoning behind specific areas identified for improvement and future performance. The themes were cross cutting and complemented each other, and flexibility in the governance arrangements were highlighted with mechanisms to effectively monitor delivery against the Corporate Plan and identify corrective action at an early stage. A report on the governance arrangements and member input and scrutiny would be submitted to Council in July.

Main points of debate focused on the following –

- both members and officers highlighted the importance of equality and diversity and ensuring a culture of treating people with dignity and respect in all aspects of the Council and its work, with individuals being encouraged to speak out, report concerns and whistleblowing so that action could be taken. For members there was a Code of Conduct and Ethical Framework with processes and procedures in place to ensure adequate training and support was provided to meet the relevant standards and there were also national and local processes to enact where standards had not been met. The role of the Strategic Equality and Diversity Group was also explained. Work had been planned to produce a councillor's guide for dealing with harassment, abuse and intimidation with a further update on progress expected in the next quarterly report. Officers also agreed to review the use of any subjective phrases in the document

- the methodology for benchmarking performance data was explained and it was noted that a higher number of red indicators was to be expected at this early stage with improvements demonstrated as progress was made over the lifetime of the Corporate Plan. The Red/Yellow/Amber/Green performance status provided a clear picture of performance and areas which required more focus. The measures reflected what was happening within communities and the projects were designed to have a positive impact on those measures. The Council had a good track record of managing projects and there were usually only a small number of 'at risk' projects of which officers were acutely aware and corrective action quickly taken
- in response to questions raised by Councillor Brian Jones regarding the status of Rhyl specific projects, including developing funding bids, public realm issues and connecting the High Street with the beach, the Corporate Director: Environment and Economy agreed to provide an update outside of the meeting to be shared with Rhyl Member Area Group. It was noted that many of those projects had been part of the unsuccessful bid for round 2 Levelling Up Funding (LUF 2). Assurances were provided that the Council remained committed to the projects which had been reviewed taking into account feedback received following LUF 2 in readiness for potential LUF 3 or alternative funding streams. The projects would need to be reviewed again once the detail for LUF 3 had been provided
- recruitment and retention was an issue which affected some services and job roles more than others and HR had been doing work with a view to making the digital application process easier for different job types; introducing career grades in hard to recruit to services and professional areas, and attending Job Fairs.

RESOLVED that Cabinet confirms the content of the Council's Performance Self-Assessment 2022 – 2023 for submission to Council in July 2023 for approval.

At this point (11.30 am) the meeting adjourned for a refreshment break.

8 FINANCE REPORT

Councillor Gwyneth Ellis presented the report detailing the latest financial position and progress against the agreed budget strategy. [The full Budget Summary Report for 2023/24 had been delayed and would be submitted to a future Cabinet meeting.]

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

- the net revenue budget for 2023/24 was £250.793m (£233.696m in 2022/23)
- an overspend of £3.348m was forecast for service and corporate budgets
- highlighted current risks and assumptions relating to corporate budgets and individual service areas
- detailed savings and efficiencies and increases in fees and charges (£8.182m)
- provided a general update on the Housing Revenue Account, Treasury Management, Capital Plan and major projects.

Cabinet was also asked to approve match-funding to support an Empty Homes Grant Scheme and note the use of the capital programme contingency to fund the projected overspend on the Botanical Gardens Depot (phase 1) capital scheme.

The Head of Finance and Audit guided members through the report, drawing attention to the significant overspend already forecast early in the financial year

which required careful monitoring and he reported on potential options to manage the overspend which were largely driven by demand-led services. The risks relating to pay settlements for 2023/24 and energy and other inflations pressures were also highlighted and Cabinet would be updated as the situation evolved.

Councillor Gill German (Lead Member for Education) and officers responded to questions/comments from Councillor Huw Hilditch-Roberts as follows –

- the Council had previously agreed the programme of Band B projects (Welsh Government's Sustainable Communities for Learning Programme) and an envelope of funding had been approved to manage that programme with projects brought forward as and when they were ready. An update was provided on the status of those projects with a view to progressing them as appropriate. The current economic climate and rising costs may pose a risk to future projects but the present position involved proceeding with the projects as planned. Any requests for additional funding outside of the funding envelope would need to be taken through the appropriate decision making channels
- elaborated on the reasoning behind the forecasted overspend, predominantly due to children and adult social care costs which were difficult to predict and a necessary expenditure, together with potential options to manage the overspend and close monitoring of the situation in order to contain those costs going forward. Coupled with other cost increases and inflationary pressures it was a difficult and challenging financial situation facing the Council with other local authorities in a similar position with increasing pressures on council budgets
- in response to the suggestion that the 1% efficiencies sought from schools be taken from a 3 year rolling average, Councillor German reported on the partnership approach with schools and ongoing dialogue to find the best way forward together in that regard.

RESOLVED that Cabinet –

- (a) *note the budgets set for 2023/24 and progress against the agreed strategy;*
- (b) *approve the plans to provide match-funding to support an Empty Homes Grant Scheme to bring empty property back into use, as detailed in Section 6.9 and Appendix 5 to the report, and*
- (c) *note the use of the capital programme contingency to fund the projected overspend on the Botanical Gardens Depot (phase 1) capital scheme, as detailed in Section 6.10 of the report.*

9 CABINET FORWARD WORK PROGRAMME

The Cabinet forward work programme was presented for consideration.

In response to a question from Councillor Terry Mendies, the Head of Finance and Audit confirmed that the public consultation on the proposals for the Long Term Empty and Second Homes Premium had been carried out with a report on the way forward to be submitted to Cabinet in July and Council in September.

RESOLVED that Cabinet's forward work programme be noted.

10 QUEEN'S MARKET - PROCUREMENT OF AN OPERATOR

Councillor Jason McLellan presented the report seeking Cabinet approval to award a contract to the preferred supplier for operation of the Queen's Market based on the Project Board recommendations (as per the Contract Award Recommendation Report). Queen's Market was a key development and regeneration project for the Council. The report included two confidential appendices and Cabinet was asked to move into private session due to reasons of commercial sensitivity in the event they were minded to discuss the confidential elements of the documentation.

The Council was currently constructing Phase 1 of the Queen's Buildings site in Rhyl which was the new food/market hall and flexible events space. Details of the procurement process to appoint an operator to run and manage the Queen's Market once developed were provided. Following evaluation, a preferred supplier had been selected by the Project Board who had since satisfied all the Council's hardgate and due diligence checks. The Project Board recommended that the Council appoint the preferred supplier and work with them to deliver the final fit out of the Queen's Market and agree a strategy and timeline for opening to the public.

EXCLUSION OF PRESS AND PUBLIC

At this point members indicated they wished to discuss the confidential elements of the documentation attached to the report and it was subsequently –

RESOLVED that under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting for the following 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.

During a lengthy debate Cabinet considered the procurement approach taken to secure an operator for the Queen's Market on behalf of the Council together with the evaluation process and scoring mechanisms applied. The merits of the prospective suppliers and their businesses cases were discussed in detail and the score weighting against particular criteria and outcome of the evaluation process, also taking into account other local factors, was challenged. Members took the opportunity to express their individual views for or against the report recommendation and voiced their opinions on the prospective suppliers, their tender submissions, and the best way forward. Further clarity was sought on particular aspects of the procurement, and questions raised on various elements of the process, and details within the tender submissions and conclusions of the Evaluation Panel and Project Board, leading to the report recommendation on the preferred supplier. The Leader and officers responded to all the points raised.

Having carefully considered the report and all the information before it, and having taken into account the views expressed and response to questions, it was –

RESOLVED that Cabinet –

- (a) *approve the award of a Contract to the preferred supplier for the operation of the Queen's Market based on the Project Board recommendations and detail of the Contract Award Recommendation Report (Appendix 1 to the report), and*
- (b) *confirms that it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 2 to the report) as part of its consideration.*

[5 members voted in favour, 0 against, and 3 abstentions]

[Councillor Barry Mellor had to leave the meeting for a prior engagement before the end of debate and therefore was not present for the above vote]

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.

11 ADULLAM MULTI-DISCIPLINARY HOMELESSNESS PREVENTION PROJECT, THE WALLICH GIFT AND CLWYD ALYN NO SECOND NIGHT OUT (TY GOLAU) CONTRACT EXTENSIONS

Councillor Rhys Thomas presented the confidential report seeking Cabinet approval of contract extensions to the Adullam Multi-Disciplinary Homelessness Prevention Project and The Wallich GIFT project, and to extend the collaborative agreement in place for the No Second Night Out (Ty Golau) project.

The Service Manager: Business Support and Communities explained the reasoning behind the contract extensions to allow sufficient time for scoping of supported housing and floating support, to fully understand the scale and demand to ensure the projects aligned with the Council's transition to a rapid rehousing approach.

Cabinet considered the report and supported the recommendations to extend the contracts to enable the required work to be undertaken to better shape and deliver the contracts in the longer term and enable a more holistic approach.

RESOLVED that Cabinet –

- (a) *agree to the extension of the Adullam Multi-Disciplinary Homelessness Prevention Project and The Wallich GIFT contracts to 31 October 2024, and agree the extension of the collaborative agreement in place between Denbighshire County Council and Clwyd Alyn Housing Association by 3 years to 31 October 2026 for the No Second Night Out (Ty Golau) project, and*
- (b) *confirms that it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 1 to the report) as part of its consideration.*

The meeting concluded at 1.35 pm.