

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 18 February 2025 at 10.00 am.

PRESENT

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

Observers: Councillors Joan Butterfield, Ann Davies, James Elson, Bobby Feeley, Hugh Irving, Huw Hilditch-Roberts, Delyth Jones, Will Price, and Andrea Tomlin

ALSO PRESENT

Chief Executive (GB); Corporate Directors: Governance and Business/Monitoring Officer (GW), Social Services and Education (NS), and Environment and Economy (TW); Heads of Service: Finance and Audit (LT), Planning, Public Protection and Countryside Services (EJ), and Corporate Support Service: Performance, Digital and Assets (HVE); Lead Officer – Countryside and Heritage (HR); Statutory and Corporate Complaints Officer (KR); Collaborative Procurement and Framework Manager (KB); Strategic Planning and Performance Officer (HB-P); Regional Business Manager – Workforce and Commissioning (LH), and Committee Administrators (KEJ & NPH [Webcaster])

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 21 January 2025 were submitted.

RESOLVED that the minutes of the meeting held on 21 January 2025 be received and confirmed as a correct record.

5 DENBIGHSHIRE COUNTY COUNCIL INTERIM STATEMENT ON THE PROPOSED NATIONAL PARK FOR NORTH EAST WALES

Councillor Alan James presented the report seeking Cabinet approval of the Council's draft interim statement in response to the current consultation on the National Park Proposal as requested by Natural Resources Wales (NRW).

The Head of Planning, Public Protection and Countryside Services and the Countryside and Heritage Services Manager also attended for this item.

The draft interim statement had been based on various consultations carried out and represented a 'best guess' gauge of the feeling the authority had for the proposal given the information currently available. In brief, the Council considered that an interim position on the proposal was not possible at this time with more clarity and assurance on key areas and further information required to make an informed decision. Significant concerns had been detailed relating to the following areas –

- cost/timing of this work in the context of budgetary pressures faced by councils
- future resources and funding if designation took place
- impact on Planning and other local authority services
- additional assessments
- community cohesion
- removal of Talacre/Gronant Dunes, Mynydd Mynllyllod and Upper Dee Valley.

Cabinet acknowledged the Council's engagement in the process set out by NRW from the outset and the amount of work undertaken in that regard. Cabinet supported the interim statement and considered the additional information required as outlined to be essential in order for the Council to fully evaluate both the benefits and risks of the proposal and reach a fully informed decision; further, it would be irresponsible of the Council to make a decision in the absence of clarity on the points raised. However, it was felt that the reference in the statement to the closure of libraries was misleading given that there had been no library closures, only a reduction in opening hours, and officers agreed to reword that sentence in the final interim statement for clarity. Cabinet agreed that the statement provided a true representation of the discussions and views expressed over the course of the engagement process and recognised the different views expressed as part of those consultations to date.

Cabinet took the opportunity to raise questions with the officers in terms of timescales and Councillor Emrys Wynne raised the importance of a detailed assessment of the impact on the Welsh language. Officers confirmed that NRW had commissioned a number of reports to address the issues raised by Denbighshire and other local authorities, including a specific impact assessment on the Welsh language, with much work being carried out over the next few months to meet the statutory consultation period timescales; NRW had confirmed they were on track in that regard. Further assurances were provided that officers would work with NRW to ensure a thorough assessment process was undertaken in terms of the Welsh language and input into other impact assessments relating to planning, economy, etc. At the close of the debate the Lead Member thanked all those involved for their contributions.

RESOLVED that Cabinet –

- (a) *agrees the interim statement as presented in Appendix 1 to the report, and*
- (b) *approves the interim statement as the authority's response to the current National Resources Wales consultation on the National Park proposal.*

6 PUBLIC SERVICES OMBUDSMAN FOR WALES ANNUAL LETTER 2023/24

Councillor Julie Matthews presented the report on the Public Services Ombudsman for Wales (PSOW) Annual Letter and sought Cabinet's agreement to report back to the PSOW on any considerations and proposed actions a result of the Annual Letter.

The role of the PSOW was explained and the Annual Letter related to complaints received about the council, members, and town councils and benchmarked Denbighshire's performance against all local authorities in Wales. The Annual Letter related to 2023/24, prior to the implementation of the new Waste and Recycling Service, and it was expected that the next Annual Letter would have a different outlook and perspective. During 2023/24 the Ombudsman made 6 recommendations to Denbighshire with a 67% compliance rate achieved and the reasoning why one recommendation had not been completed within the set timescale was explained. Reference was also made to the new statutory requirement for Cabinet to consider the Annual Letter and also the role of the Governance and Audit Committee and Scrutiny Committee in that regard with wider screening of the report by members.

Main points of discussion focused on the following –

- the importance of the report was highlighted in terms of lessons learned as part of the complaints process with a view to effecting improvements
- the list of Town/Community Council's in Appendix G to the Annual Letter was not a complete list and also included a Town Council from outside the county – it was agreed to provide feedback to the PSOW in that regard
- the Lead Member was comfortable with the report in terms of the number of complaints and their timely resolutions, also noting Denbighshire sat in the middle of other local authorities in Wales in terms of complaints made to the Ombudsman
- noted the Your Voice information (Appendix 2 to the report) provided a breakdown of complaints by service which would help to identify trends to address
- the Annual Letter included reference to complaint outcomes (Appendix C to the report) and the Statutory and Corporate Complaints Officer explained the difficulties in obtaining further details in those cases given the PSOW anonymised those complaints they did not investigate
- the Standards Committee also received regular reports from the PSOW.

The Leader was pleased to note that the report was thoroughly scrutinised via a number of the Council's democratic processes.

RESOLVED *that Cabinet –*

- (a) *considered the data in the letter, alongside the Council's data, to understand more about performance complaints, including any patterns or trends and the*

organisation's compliance with recommendations made by the Ombudsman, and

- (b) *agreed that any considerations and proposed actions as a result of the PSOW Annual Letter were reported back to the PSOW at the earliest opportunity.*

7 UPDATE OF CONTRACT PROCEDURES RULES

Councillor Julie Matthews presented the report detailing the changes to the Contract Procedure Rules to align with the Procurement Act 2023 (effective on 24 February 2025) to enable continuation of complaint procurement across the Council.

Cabinet was advised that it was a short term update as the Contract Procedure Rules would be further reviewed later in the year in readiness for the implementation of the Social Partnership and Public Procurement (Wales) Act, anticipated at the end of this year/early next year. The Collaborative Procurement and Framework Manager added that the more comprehensive rewriting of the Contract Procedure Rules would encompass the requirements of the new Act and more socially responsible procurement. The delay had been due to the requirement for the UK Government procurement legislation to be enacted prior to the Welsh Government legislation.

The Leader noted the legalities of the process and importance of the Council meeting its legal requirements. Cabinet noted the interim position ahead of the new Act coming into force and further report to Cabinet in that regard at the appropriate time.

RESOLVED that Cabinet acknowledge the changes to the Contract Procedure Rules to enable continuation of complaint procurement across the Council.

8 DENBIGHSHIRE COUNTY COUNCIL PANEL PERFORMANCE ASSESSMENT (PPA) - REPORT AND RESPONSE

Councillor Gwyneth Ellis presented the report seeking Cabinet's review and approval of the Council's statutory response to the Performance Panel Assessment (PPA) report and actions it intended to take, and recommendation of the same to Council.

It was now a statutory requirement for local authorities in Wales to undertake such an assessment every five years. The Welsh Local Government Association (WLGA) conducted the PPA in September 2024 – the first PPA in Wales. The report was positive overall and set out 9 recommendations for improvement and identified 8 areas of strength and innovation. Cabinet was asked to consider the PPA final report, response statements and action plan responding to recommendations together with further changes recommended by the Governance and Audit Committee.

The Lead Member and Head of Corporate Support Service: Performance, Digital and Assets highlighted the thorough and comprehensive process undertaken by the Independent Panel, the wealth of evidence gathered, and the involvement of a wide range of stakeholders. Cabinet's attention was drawn to the key findings, overall conclusions, and their review of the statutory response statements, action plan, and 11 recommendations of the Governance and Audit Committee (proposed to accept 10 recommendation and partially accept 1 recommendation for the reasons set out

in the report). The final report would be submitted to full Council for approval following which the actions would be tracked on a quarterly basis and reported through the committee process. Tribute was paid to the tireless work of the Council's staff and the valuable work they carried out which had been reflected in the report. Appreciation was also shown for the work of all those involved in the PPA process with particular mention to the Strategic Planning and Performance Officer.

Cabinet welcomed the positive report and feedback received, which recognised the Council's strengths and effective processes in place when evaluating key areas of performance, particularly in the current context of high demand and financial pressures and provided recommendations for further improvement going forward. Cabinet members reflected on their own experiences of the assessment and areas of key findings which particularly resonated with them including the positive working relationships between officers and members; pride, commitment and dedication of staff, and positive relationships with partner organisations. The report reflected well on staff and members over a period of time and the feedback was welcomed with the lessons to be learned, and the actions would be progressed and embedded to secure further improvement and continue the Council's learning and improvement journey.

In addition to the above, main points of discussion focused on the following –

- Cabinet accepted the Governance and Audit Committee's recommendations as set out in the report and thanked them for their work in that regard
- Councillor Julie Matthews referred to recommendation 9 Equalities highlighting the work of the Strategic Equality and Diversity Group and action being taken
- noted the PPA allowed for an in-depth analysis which included lived experiences in addition to data analysis to provide a broader overview of performance
- advocated the use of continual performance assessments and monitoring to identify good practice and areas for improvement, and for continual learning
- explained the independence of the Panel in carrying out the assessment based on specific criteria and skills set with no ongoing relationship to the Council and included an independent chair, two senior peers from other Welsh local authorities and two peers from the wider public, private, and voluntary sector
- a range of partners had been engaged in the process including Destination Partnership; Ambition North Wales; Housing Associations and Public Service Board partners such as Natural Resources Wales and Health.

The Leader also highlighted reference in the report that the Council had been steered well through over a decade of austerity and he paid tribute to the leadership of his predecessor Councillor Hugh Evans and previous Cabinets during that time.

At this point the Leader opened up the debate to non-Cabinet members.

Councillor Bobby Feeley referred to her last two years as a councillor being the most difficult and anxious time and she believed the Council's reputation to be low and therefore found it difficult to digest such a positive report with little reference to any failings and the setting of an unbalanced budget the previous year. She also asked whether Denbighshire Leisure Limited had been engaged in the PPA process. The Lead Member was disappointed with the negative response to such a positive report which found the Council had been well-run over many years despite the challenges

faced and through difficult times, and the recent rollout of the waste service had also highlighted strengths in working together through adversity. It was also made clear that the Council had set a legal and balanced budget for the current financial year 2024/25 and it was untrue to say it was not balanced because there had been £3m savings unidentified. It was confirmed that DLL were part of the Destination Partnership and had been invited to attend that session to contribute. Cabinet members sympathised with the situation councillors faced during the rollout of the new waste service with lessons learned and much work carried out to address the problems which had been acknowledged in the report. However, the report had a much wider scope and reflected a successful Council, and the focus should be on progressing the recommendations for further improvement. It was also noted that the PPA was one element in a much wider performance management framework.

Councillor Huw Hilditch-Roberts congratulated the Leader and Chief Executive on the report. However, he asked that it be recorded in the minutes that he had been interviewed as part of the process as Leader of the Opposition and had been disappointed that there had been no reference to any of his comments in the report. The Head of Service agreed to report that back to the Panel. She explained the absence of comments in the final report could be due to the triangulation process used in the assessment which required the same reference from three sources.

In bringing the debate to a close, the Leader reiterated the hard work and dedication of the Council's staff which had been reflected in the report, and stressed the importance learning lessons and progressing the recommendations.

RESOLVED that Cabinet –

- (a) *note and welcome the Panel Performance Assessment Report (Appendix 1 to the report);*
- (b) *reviewed and approves the statutory statements (Section 4.7 and 4.8 in the report) the Council was required to make in response to the Report and the action the Council intended to take, the 'Action Plan' (Appendix 2 to the report), and in doing so reviewed and approves the response to recommendations for change provided by the Governance and Audit Committee (Appendix 2 to the report), and*
- (c) *recommend approval of the Statements and Action Plan to Council on 20 February 2025.*

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

9 COUNCIL BUDGET 2025/26

Councillor Gwyneth Ellis presented the report setting out the impact of the Welsh Government's Provisional Funding Settlement for Local Government 2025/26 and proposals to set a balanced budget for 2025/26, including the level of Council Tax.

The financial challenges facing the council, along with all other local authorities, was reiterated and reference was made to the continual budget setting process.

Councillor Ellis thanked members and officers for their contributions to that process and was pleased to be in a position to present a balanced budget to Cabinet.

Councillor Ellis and the Head of Finance and Audit guided Cabinet through the report. The implications of the provisional settlement had been reported at the last meeting and reiterated in the context of the budget proposals for 2025/26. The increase in the settlement was above the planning assumption previously reported in the Medium Term Financial Plan and Strategy (MTFP/S). Although positive and welcomed it did not resolve the financial challenges in setting a balanced budget in 2025/26, which would still require a combination of savings and increases in Council Tax.

The budget proposals had been shown in the MTFP (Appendix 1 to the report) which also included the budget pressures (£23.854m) and savings proposals (£4.170m). A Council Tax rise of 5.29% plus an additional 0.71% for the increase in the levy to North Wales Fire and Rescue Authority equating to an overall uplift of 6.00% was proposed to generate £5.257m additional yield in 2025/26. The proposed use of earmarked reserves was also highlighted within the budget setting. The schools' position was set out with a total funding increase of 5.91% with no reductions to budgets. Reference was then made to financial projections and funding assumptions for future years which remained challenging. In closing, tribute was paid to the excellent work carried out to enable presentation of a balanced budget for approval.

The Leader thanked the Lead Member and Head of Finance and Audit for the comprehensive introduction to a complex report and also thanked members for their contributions to the budget setting process and officers for the hard work carried out. Cabinet echoed those sentiments and welcomed the better than anticipated settlement which meant less of a focus on service reduction as part of the savings proposals given the funding gap was not as severe as the planning assumptions.

Cabinet discussed further elements of the budget as follows –

- the challenges for schools were recognised and the schools' position was set out. Given schools made up the largest part of the total budget at 33% it was difficult to protect the schools budget in its entirety. It was proposed that schools would receive a total increase in funding of 5.91% in 2025/26 which included all inflationary increases (including pay and employers' national insurance). Schools had been asked to prepare for a reduction (after the inflationary increases) of between 3% and 5%. However, given the better than expected settlement the current proposal was not to include that reduction in the budget proposals
- the importance of the transformation agenda was further highlighted, and the increased settlement above planning assumptions would allow extra time to progress and focus on those transformational projects to ensure sustainability for future service delivery and funding had also been set aside for that purpose
- there was some discussion on the budget setting process and the way in which it had evolved over recent years, predominantly due to necessity given the financial position facing the authority, and the need to align service delivery with the cost of service delivery was highlighted; it was a process of continual improvement and continued to evolve. The importance of involving members in the process as much as possible and providing opportunities for feedback was highlighted; it was hoped feedback would increase in future as the process continued and evolved

- work was ongoing to further develop the communication plan and members were keen for greater engagement and interaction with both public and partners. Assurances were provided in that regard and future plans included information to be issued with council tax bills, information shared on the Council's website and through social media channels to communicate those messages.

RESOLVED that Cabinet –

- (a) *supports the proposals outlined in the Medium Term Financial Plan (MTFP) 2025/26 – 2027/28 (Appendix 1 to the report), detailed in Section 4 of the report, in order to set the budget for 2025/26;*
- (b) *approves the average Council Tax rise of 5.29% for council services plus an additional 0.71% for the increase in the levy to the North Wales Fire and Rescue Authority; this equates to an overall uplift of 6.00% proposed (paragraph 4.5 of the report);*
- (c) *delegates authority to the Head of Finance and Audit, in consultation with the Lead Member for Finance, to adjust the use of cash reserves included in the budget proposals by up to £500k if there was movement between the draft and final settlement figures in order to allow the setting of Council Tax in a timely manner;*
- (d) *supports the strategy for use of reserves as set out in paragraph 4.6 of the report, and*
- (e) *confirms that it has read, understood and taken account of the Cumulative Well-being Impact Assessment as set out in Section 7 of the report.*

10 FINANCE REPORT

Councillor Gwyneth Ellis presented the monthly 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 2024/25 was £271.021m (£250.793m in 2023/24)
- an underspend of £4.559m was forecast for service and corporate budgets
- current risks and assumptions relating to corporate budgets and service areas
- savings and efficiencies for the 2024/25 budget (£10.384m) and progress in delivering savings approved with ongoing tracking/monitoring
- an update on Schools, Housing Revenue Account and Treasury Management.

The Head of Finance and Audit guided members through the detail of the report. There was a forecasted underspend on service and corporate budgets of £4.559m compared to an underspend of £3.924m last month. The movement of £635k related to release of funds from corporate contingencies and reduced pressures in Adult Social Care offset by increased pressures in Children's Services, Highways and Environmental Services and Property and Asset Services. The forecast balance on the Housing Revenue Account at the end of the year would fall from £1.2m to £840k

and the position on schools' balances was a forecast overall deficit of £2.1m compared to £2.5m last month. The savings tracker had been included in the report detailing an overview of progress.

Cabinet was also asked to approve the set-aside of £3.956m to earmarked reserves as detailed in the report which would bring the overall position down to an underspend of £600k with corporate savings offsetting the overall service overspends.

RESOLVED that Cabinet –

- (a) note the budgets set for 2024/25 and progress against the agreed strategy, and
- (b) approves the set-aside of £3.956m to earmarked reserves, as detailed in paragraph 4.4 of the report.

11 CABINET FORWARD WORK PROGRAMME

The Cabinet forward work programme was presented for consideration.

RESOLVED that Cabinet's forward work programme be noted.

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.

12 AWARD OF THE REGIONAL NORTH WALES DOMICILIARY CARE AGREEMENT

Councillor Elen Heaton presented the joint confidential report with Councillor Diane King seeking Cabinet approval to award the Regional North Wales Domiciliary Care Agreement as set out in the report following completion of an Open Invitation to Tender for the provision of Domiciliary Care to Adults and Children/Young People.

Cabinet had given its approval for the Council to act as the Lead Commissioner on behalf of the six local authority partners and the Health Board for the 'Regional North Wales Domiciliary Care Agreement Invitation to Tender' in June 2023. Details of the different Lots and tenders received for each Lot had been provided together with the evaluation of each tender submission and recommendation regarding contract award against each Lot for Cabinet to consider for approval.

Cabinet considered and discussed the report further with the Corporate Director: Social Services and Education and the Regional Business Manager. Officers further explained the evaluation process and reasoning behind the rejected tenders, confirmed around 20% of the 97 tenders recommended for approval related to new companies, and provided assurances with regard to Welsh provision and use of the More Than Words framework. The agreement brought together the different types of domiciliary care

into a single framework agreement providing the opportunity to work with a much broader range and develop a consistent approach across the region.

RESOLVED that Cabinet –

- (a) *approves the acceptance of the tenders submitted by 97 suppliers and the rejection of the tenders submitted by 3 suppliers for the reasons detailed within 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.*

The meeting concluded at 12.35 pm.