

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 18 February 2014 at 10.00 am.

### **PRESENT**

Councillors Hugh Evans, Leader and Lead Member for Economic Development; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Hugh Irving, Lead Member for Customers and Communities; Huw Jones, Lead Member for Leisure, Youth, Tourism and Rural Development; Barbara Smith, Lead Member for Modernising and Performance, David Smith, Lead Member for Public Realm, Julian Thompson-Hill, Lead Member for Finance and Assets and Eryl Williams, Deputy Leader and Lead Member for Education

**Observers:** Councillors Joan Butterfield, Meirick Davies, Richard Davies, Martyn Holland, Huw Hilditch-Roberts, Jason McLellan, Merfyn Parry, Arwel Roberts, Gareth Sandilands, David Simmons, Joe Welch and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM); Corporate Directors: Economic and Community Ambition (RM), Customers (HW) and Modernisation and Wellbeing (SE), Head of Legal and Democratic Services (GW); Heads of Service: Finance and Assets (PMc), Communication, Marketing and Leisure (JG), Adult and Business Services, Education (KE), Customers and Education Support (JW), Highways and Environmental Services (SP); Economic and Business Development Manager (TB), Programme Manager – Modernising Education (JC), Property Manager (DL), Project Manager NE Hub (JE), Community Housing Manager (SK) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

There were no apologies.

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

No declaration of personal or prejudicial interest had been raised.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 14 January 2014 were submitted.

***RESOLVED*** that the minutes of the meeting held on 14 January 2014 be approved as a correct record and signed by the Leader.

## **5 PROPOSAL TO CLOSE YSGOL CLOCAENOG AND YSGOL CYFFYLLIOG AND TO ESTABLISH A NEW AREA SCHOOL**

Councillor Eryl Williams presented the report detailing the objections received following publication of the Statutory Notice to close Ysgol Clocaenog and Ysgol Cyffylliog on 31 August 2014 and establish a new area school on the existing sites.

Cabinet considered the objections detailed within the report together with arguments for the proposal and factors detailed in the School Organisation Code. During that process members asked questions and sought assurances regarding a number of issues. Councillor Bobby Feeley acknowledged the complex nature of the Ruthin area review and expressed reservations that the proposal offered the right solution in this particular case, highlighting a number of areas of concern.

The following responses were provided to issues raised –

- an area school had been proposed in this case because the distance pupils had to travel to the nearest appropriate school was too far if both schools closed
- the benefits of a new school were highlighted including being able to deliver a changing curriculum within a reduced age range of pupils taught together
- a range of factors had been considered in determining proposals, not just the size of schools, with the overriding consideration to provide the right school, in the right location, delivering the right education
- concerns regarding suitability of the road network had been acknowledged but the road was used for public transport and efforts would be made to ensure roads were passable and a priority for gritting
- the categorisation process for the amount of Welsh medium education delivered within schools was explained and neither school would be disadvantaged as a result of the proposals.

In view of the size of the Ruthin area review it had been necessary to carry out the process in stages and this proposal had been submitted at an earlier stage because of the requirement for a statutory notice. Assurances were provided that no one proposal had been prioritised over another and that a consistent approach had been applied across all schools with outcomes differing depending upon the different circumstances of each school. Funding requirements for all schools arising from the review would be considered at the same time by Cabinet during the summer and a clearer picture would then emerge in terms of timescales.

Councillor Joe Welch compared parts of the review with that of Ysgol Llanbedr. He questioned the inclusion of projected pupil numbers and sought clarification over the savings to be made, effect on the community, and queried the location of the school in light of the road concerns. The following responses were provided –

- projected pupil numbers had been taken into account as part of the Ysgol Llanbedr review but the school had still not been considered sustainable
- transport costs would have been incurred in any event because more admission applications had been received for Ysgol Clocaenog than places available
- calculations used in determining savings were explained and it was confirmed that short term costs would be incurred whilst the schools remained on two sites

- the majority of pupils affected by the review lived in Clocaenog and further work on the location of a new school would progress if the proposal was approved.

Councillor Arwel Roberts spoke in favour of the proposal highlighting the inadequacies of the schools' facilities and benefits of a new school for pupils. In moving the recommendation Councillor Eryl Williams highlighted his commitment to ensure the Ruthin area received high quality educational provision and facilities. He believed the proposal to be the best option for pupils in that area.

**RESOLVED** that, following consideration of the findings of the objections report, Cabinet approve implementation of the proposal to close Ysgol Clocaenog and Ysgol Cyffylliog on 31 August 2014 to enable a new area school to be opened on 1 September 2014 using the existing sites at Clocaenog and Cyffylliog.

Councillor Bobby Feeley abstained from voting on the above resolution.

## **6 APPROVAL OF BUSINESS CASE FOR RHYL NEW SCHOOL PROJECT**

Councillor Eryl Williams presented the report informing Cabinet of the current position regarding the Council's submission of the Final business Case for Rhyl New School to the Welsh Government. He highlighted the Council's commitment to investing in its schools and education and its success in progressing the 21st Century schools programme.

Cabinet welcomed the investment in Rhyl and in view of the ambitious project assurances were sought regarding funding availability and the Leader was keen to ensure local businesses would also benefit. The Head of Finance and Assets summarised the financial position confirming that the project was deliverable and had been included within the Council's financial management plans. Contracts would also include specific provision for local suppliers/investment.

**RESOLVED** that Cabinet recommend to Council the approval of the Business Case for Rhyl New School prior to determination by the Welsh Government.

## **7 NATIONAL MODEL FOR REGIONAL WORKING ON SCHOOL IMPROVEMENT**

Councillor Eryl Williams presented the report updating members on developments in relation to school improvement services and seeking Cabinet's approval of the proposed National Model for Regional Working on School Improvement and the development of a business plan. The aim of the Model was to bring consistency and stability to the local authority regional school improvement services.

Cabinet supported the Model in principle but sought assurances that Denbighshire's improvement in education standards would continue under the new Model and that Denbighshire would not be detrimentally affected. Questions were also raised regarding funding, resources and accountability issues. Councillor Williams and the officers responded as follows –

- statutory responsibility for education and school improvement had not been transferred and remained with local authorities

- the intention was to provide consistency of delivery across the consortia and the Model did not differ significantly from Denbighshire's own approach
- functions would only be transferred if they were more effectively managed regionally and would first be subject to a full business case review
- the importance of a quality assurance process to ensure no regression in standards was highlighted
- funding was proportionate and intervention would be targeted to greatest need
- any major change to the national model would need to go through the democratic process
- an evaluation of the Model's outcomes would be carried out when the first results were received.

The importance of the School Standards Monitoring Group was highlighted in order to challenge schools and identify strengths and weaknesses. Councillor Williams stressed the importance of member involvement within that process which would be further considered by the Chairs and Vice Chairs Group. He also cautioned against complacency and the need to strive for continual improvement in schools.

***RESOLVED*** that the National Model for Regional Working on School Improvement be adopted and that a business plan be developed with the intention that the additional services listed in the Model be incorporated into the GwE regional model, in phases, subject to a satisfactory business case for each and a supporting transition plan to ensure service continuity and performance.

## **8 RENEWAL OF COASTAL FACILITIES IN RHYL AND PRESTATYN**

Councillor Huw Jones presented the report detailing the progression of the Coastal Facilities projects to the next stage and setting out the recommended approach to secure the development of a new Aquatic Centre in Rhyl and redevelopment of the Nova in Prestatyn. The recommendations had been supported by the Coastal Facilities Project Board.

Councillor Jones elaborated upon the status of each recommendation and drew attention to the Rhyl Going Forward Programme Neighbourhood and Places Delivery Plan setting out the future plans for Rhyl. He noted members' concerns regarding the Daily Post's misleading article that the Pavilion Theatre was under threat and provided assurances and an explanation in that regard. The Leader added that the proposals provided a clear picture for the future and formed part of the overall plan for Rhyl. He stressed the need to be more strategic in terms of investment and would be looking to Welsh Government for a contribution towards funding.

Cabinet agreed with the recommended progression of projects to the next stage reaffirming their commitment to the tourism and leisure offer. It was hoped the projects could be phased in such a manner to ensure no gap in provision but noted this could not be guaranteed. In response to questions assurances were provided that –

- flood prevention works would be considered as part of the design stage and coastal erosion had not been identified as an issue

- the desired location for the aquatic centre was near the sky tower but could change depending on the view of the preferred development partner
- the popularity of the skate park had been recognised and appropriate alternative sites would be considered during consultation with its users
- a condition survey of the Sun Centre, Nova and North Wales Bowls Centre was being carried out which would be followed by an options appraisal for members' consideration. [As the North Wales Bowls Centre was a community facility in good condition members were keen to for it to re-open as soon as possible.]

Councillor Joan Butterfield welcomed the development of facilities in Rhyl but highlighted a number of issues –

- the need for a master plan for Rhyl rather than different isolated projects
- no reference having been made to the Sun Centre and the importance of the Sun Centre opening next season
- concerns regarding the proposed location of the aquatic centre which would result in the loss of valuable car parking provision
- reservations regarding the sustainability of similar leisure offers in Rhyl and Prestatyn, and
- her view that the Rhyl and Prestatyn Champions should be members of the Coastal Facilities Project Board (CFPB).

The Leader was disappointed to note that despite extensive consultation issues were being raised at such a late stage. Councillor David Simmons advised the CFPB had supported the recommendations but felt that building an aquatic centre by itself was not appealing and needed to be considered in a wider context.

The Corporate Director Economic and Community Ambition confirmed Rhyl Going Forward as the master plan for Rhyl and elaborated upon the four work streams which had been developed to ensure its delivery including reference to the coastal facilities project. She provided assurance that the offers in Rhyl and Prestatyn were designed to be complementary and not competitive. Future options for the Sun Centre would be considered following completion of the condition survey and would be subject to a separate report. Cabinet agreed it was important to move forward with the proposals and it was –

**RESOLVED** that Cabinet agree the recommended approach –

- (a) *to adopt a 'preferred developer' approach to the delivery of improved tourism and leisure facilities in Rhyl, including a new Aquatic Centre and to invite expressions of interest from developers for consideration by the Council;*
- (b) *to include development opportunities in all Council facilities/land/assets along Rhyl Promenade (Marine Lake to Splash Point) within the invitation for expressions of interest;*
- (c) *in parallel, to use the Council's existing framework agreement with Alliance Leisure to produce a detailed business feasibility study and an appraisal of design and build options for the Nova;*

- (d) *to make a commitment in principle to ring-fence operational savings generated as a result of the re-development proposals to support potential capital contributions from the Council towards delivery of the 'whole project', and*
- (e) *to meet with Welsh Government to explore support for a 'special' partnership approach to the coastal regeneration.*

At this juncture (12.10 p.m.) the meeting adjourned for a refreshment break.

## **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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.*

### **9 APPROVAL OF PREFERRED BIDDER, AND THE SECOND INTER-AUTHORITY AGREEMENT - NORTH WALES RESIDUAL WASTE PROJECT (NWRWTP)**

[This item was brought forward on the agenda with the consent of the Leader]

Councillor David Smith presented the report detailing the progression of a formal partnership with four other North Wales Councils to jointly procure a 25 year contract for the provision of residual waste disposal facilities. Cabinet approval of the final preferred bidder and the second Inter Authority Agreement was sought.

The report detailed the preferred bidder selection process and outcome; the main features of the Inter Authority Agreement No. 2 covering the operation of the contract itself, and also sought approval of remaining procurement budget. During consideration of the documentation officers clarified issues in response to members' questions thereon, particularly regarding stages within the procurement process, recycling targets and community benefits. Cabinet was pleased to note the improved financial offer following the withdrawal of the second bidder and noted the current business case showed the proposed solution was cheaper than the cost of the current operations. Tribute was paid to the hard work of the officers involved within the process resulting in a cost effective, sustainable project. For clarity three additional recommendations were made relating to budgetary requirements.

**RESOLVED** *that Cabinet –*

- (a) *approves the award of Preferred Bidder status to Wheelabrator Technologies Inc (WTI), on the basis that following a rigorous dialogue and negotiation with WTI, the Call for Final Tender (CFT) bid submitted by WTI represents value for money for the partnership; and that following detailed financial, legal and technical evaluation of WTI's CFT bid, the partnership is satisfied with the risk balance proposed with the contract 'Project Agreement';*

- (b) *grants authority to the North Wales Residual Waste Joint Committee to take all necessary steps to take the process forward with WTI from Preferred Bidder through to Financial Close, and award a contract;*
- (c) *commit to the Partnership and the Project by adopting, along with the other 4 councils, the principles in the 2<sup>nd</sup> Inter-Authority Agreement which reflect the key terms of the Project Agreement to be entered into by the Lead Council with the Preferred Bidder on Contract Award;*
- (d) *delegate authority to the Lead Chief Executive to finalise the 2<sup>nd</sup> Inter-Authority Agreement for signing by the constituent authorities, and to circulate the finalised agreement to the Monitoring Officers of all 5 Authorities take into account the views of all constituent Authorities and to refer back to the Joint Committee for approval any material departures from the agreed principles;*
- (e) *agree to sign the 2<sup>nd</sup> Inter Authority Agreement once it has been finalised in accordance with the above procedure;*
- (f) *approve the proposed 2013/14 revised budget it being £595,558 (as set out in Appendix 5 to the report);*
- (g) *approve expenditure in 2014/15 to take the procurement process to the final stage of Financial Close it being £321,066 (as set out in Appendix 5 to the report), and*
- (h) *for the Joint Committee members to approve the ongoing project budget requirements referred to in paragraph 3.5 of Appendix 5 to the report.*

## **OPEN SESSION**

Upon completion of the above business the meeting resumed in open session.

### **10 TOWN AND AREA PLANS**

Councillor Hugh Evans presented the report seeking adoption of the Town and Area Plans for Ruthin and Prestatyn and approval of funding for the priorities contained within those plans. The report also provided an update of spend to date against Town and Area Plans.

Councillor Evans reported upon poor attendance during the priority setting for the Ruthin Town & Area Plan which had led to some disagreement over those priorities. He acknowledged some frustration around the lack of clarity on funding availability generally and slow rate of spend and welcomed the Corporate Executive Team (CET) review to address those issues. Councillor Bobby Feeley had been unable to attend the priority setting for Ruthin and expressed concerns regarding the process including the absence of a structured approach for funding allocation and lack of consultation in the town/community. Councillor Julian Thompson-Hill supported the Prestatyn Town & Area Plan including the priority items for Meliden.

Councillor Huw Jones confirmed that the process could be complicated, particularly in the larger areas, and highlighted the important role of councillors in developing the plans. Members shared their own experiences of developing town and area plans in their particular areas and for setting their priorities and funding allocations. During discussion the need for a more structured and consistent approach across areas in developing plans was raised and in some areas the need for greater involvement with residents and communities. The importance of town and community councils was highlighted in both setting priorities and financially contributing to them. Members were also keen for greater accountability in terms of priority setting to ensure viable, value for money, worthwhile projects of benefit to residents. It was also cautioned that care should be taken that match funding was secured before starting projects and that any future maintenance costs also be considered as part of a coherent spending strategy. The Leader highlighted the need to link town/area plans into the economic strategy and felt that issues raised could be considered as part of the CET review.

Councillor Eryl Williams highlighted the importance of funding for progressing town and community projects and sought assurances that the budget would be maintained in future years. The Chief Executive gave assurances that the funding had not been earmarked for other purposes and the process was seen as a means of bringing the council closer to communities and empowering local councillors to rejuvenate local areas. The review would not delay any planned projects and would consider the impact of priorities within towns and communities and ensure accountability of decision making.

Cabinet considered the recommendations and for clarity an amendment to the wording was proposed.

**RESOLVED** that Cabinet –

- (a) *approve the adoption of Area Plans (incorporating the existing Town Plans) for Ruthin and Prestatyn, and*
- (b) *approve the funding for the priorities detailed in the tables set out in paragraphs 4.1 and 4.2 of the report.*

Councillor Bobby Feeley abstained from voting on the above resolution.

## **11 VACATION OF TY NANT, PRESTATYN**

Councillor Julian Thompson-Hill presented the report seeking Cabinet approval of the proposal to vacate Ty Nant Offices, Prestatyn with no alternative use identified.

The report outlined work undertaken in attempting to establish alternative uses for Ty Nant to no avail. There was no front facing service at the property following the relocation of the Cash Desk to Prestatyn Library and work was on-going to develop a relocation plan for remaining staff. Councillor Barbara Smith supported the recommendation and confirmed the work was part of the modernisation programme. Councillor Hugh Irving was disappointed an alternative use could not be found and felt it did not make business sense to vacate a freehold property and

continue to lease office space elsewhere. Councillor Julian Thompson-Hill explained that the proposal was financially sound and the cost of leasing 64 Brighton Road represented good value for money. Councillor Gareth Sandilands believed the vacation of Ty Nant would be detrimental to the town. In response to questions the Property Manager confirmed the building had been independently marketed and would be secured and regularly monitored once vacated.

**RESOLVED** that Cabinet support and approve the proposal to vacate the Ty Nant building and maintain it in a safe and secure state and to continue marketing the building for lease hold disposal, pending the development of a planning brief to facilitate the long term development plan for the Nant Hall Road site.

Councillor Hugh Irving abstained from voting on the above resolution.

## **12 HOUSING REVENUE ACCOUNT RENT SETTING, REVENUE BUDGETS AND CAPITAL BUDGETS 2014/15**

Councillor Hugh Irving presented the report seeking Cabinet approval for the proposed Rent and Service Charge increase and the Housing Revenue Account Capital and Revenue Budgets for 2014/15. He guided members through the budget figures and reasoning behind the proposed increases in rent and charges.

In view of the shortage of garages in Cynwyd, Councillor Huw Jones was keen to ensure that the planned review of council garages was undertaken. Officers responded to questions regarding the capital programme for stock investment and elaborated upon identified repairs, maintenance and improvement costs arising from the recent review of housing stock. The Council was on course to deliver the Welsh Housing Quality Standard which had concentrated heavily on internal elements. Following that achievement there would be targeted investment in external elements.

**RESOLVED** that –

- (a) *the Housing Revenue Account Budget for 2014/15 (Appendix 1 to the report) and the Housing Stock Business Plan (Appendix 2 to the report) be adopted;*
- (b) *rents for Council dwellings be increased in accordance with the Rent Setting Policy guidance from Welsh Government (average 4.59% per week) with effect from Monday 7 April 2014;*
- (c) *rents for Council garages be increased in line with Guideline Rents (average of 4.59% per week) and Heating Charges by 7.5% with effect from Monday 7 April 2014, and*
- (d) *the capital programme priorities for stock investment for the period 2014 – 2019 be approved (Appendix 3 to the report) and subject to a full tendering exercise.*

## **13 FINANCE REPORT**

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a summary of the Council's financial position as follows –

- an under spend of £991k was forecast across service and corporate budgets
- 89% of agreed savings had been achieved to date (target £3.061m)
- highlighted key variances from budgets or savings targets relating to individual service areas
- a positive movement of £261k on school balances brought forward from 2012/13
- a general update on the Capital Plan and Housing Revenue Account.

Cabinet was also asked to approve three transfers to reserves as detailed in section 6 of the report.

Councillor Eryl Williams stated that Rhyl High School had achieved improvements in educational standards without additional funding. Consequently he suggested some work be undertaken into schools funding to ascertain whether value for money was being delivered. The Head of Finance and Assets agreed to look into the matter further with the Head of Customers and Education Support.

**RESOLVED** that Cabinet –

- (a) *note the latest financial position and progress against the agreed budget strategy, and*
- (b) *approve the following transfer to reserves as detailed in Section 6 of the report:*
  - *£66k to a Planning reserve in respect of fees received in the current year*
  - *£134k to a Channel Shift Reserve (Customer & Education Support)*
  - *£121k to the Education Out of County Placement Reserve.*

## **14 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and members noted a number of amendments.

**RESOLVED** that Cabinet's Forward Work Programme be noted.

The meeting concluded at 2.10 p.m.