

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 29 July 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 Ray Bartley, Meirick Davies, Huw Hilditch-Roberts, Jason McLellan, Merfyn Parry and David Simmons

### **ALSO PRESENT**

Chief Executive (MM); Corporate Director Economic and Community Ambition (RM); Director of Social Services (NS); Heads of Service: Legal, HR and Democratic Services (GW), Education (KE), Customers and Education Support (JW); Programme Manager – Modernising Education (JC); Chief Accountant (RW); Senior Engineer, Flood Risk Management (WH); Design and Construction Team Manager (SE); West Rhyl Housing Improvement Project Manager (CE) 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 24 June 2014 were submitted.

**RESOLVED** that the minutes of the meeting held on 24 June 2014 be approved as a correct record and signed by the Leader.

#### **5 MODERNISING EDUCATION PROGRAMME**

[Councillor Huw Hilditch-Roberts declared a personal interest in this item.]

Councillor Eryl Williams presented the report providing an update on the Modernising Education Programme and seeking Cabinet approval for projects within the Programme.

The Council's success in progressing projects under the 21st Century Schools Programme was highlighted and members' attention was drawn to the current financial commitments and status of those projects. An overview of potential projects to be funded as part of the Corporate Plan had also been provided and approval sought for feasibility funding to develop the main options for capital investment arising from the Ruthin area review. Reference was also made to future area reviews in Denbigh, St. Asaph, Rhyl and Bodelwyddan and the proposal to change the designation of Ysgol Esgob Morgan to a Church in Wales school.

Cabinet discussed the ambitious programme for investment in schools in light of the significant budget cuts facing the authority and Councillor Eryl Williams urged Cabinet not to deviate from the planned approach to ensure quality provision in schools across Denbighshire. Councillor Julian Thompson-Hill elaborated upon the funding required and provisional allocations and was confident that the programme could be delivered. The projects had been subject to detailed analysis by the Strategic Investment Group and further assurance would be gained through the feasibility work. Councillor Hugh Evans agreed it was important to continue with the capital programme but to be aware of other dynamics which may affect the availability of Welsh Government funding such as the planned M4 relief road.

Cabinet carefully considered the proposals as part of the Ruthin area review including the merits of those proposals and potential outcomes for those involved. Despite previous concerns regarding the review Councillor Bobby Feeley was satisfied with assurances given by the Lead Member for Education and the Head of Customers and Education Support (HCES) that the new Ruthin school would go ahead. Main discussion points included –

- Ysgol Llanbedr – a decision by the Minister on the closure of the school was expected in September and Councillor Eryl Williams confirmed his commitment to progressing the remaining proposals for Ruthin
- Ysgol Rhewl – the HCES stressed that the future of Ysgol Rhewl would be subject to full consultation following the feasibility study of the Glasdir site. Councillor Merfyn Parry advised that staff and governors at Ysgol Rhewl were enthusiastic about being engaged within the review process and welcomed an input into future options. The timing of the report during school holidays was unfortunate and the HCES gave assurances that parents who contacted the Admissions Team would be provided with an explanation of the review situation
- Ruthin Town Schools & Glasdir Site – the anticipated timescales for the development of proposals was provided. If approved it was expected that the feasibility study on the potential location and number of schools would be completed in the autumn following which the impact on Ysgol Rhewl could be assessed. The next phase would involve consultation on the future of Ysgol Rhewl which would be carried out at the same time as work on the detailed design of the new town school.

Members noted areas of primary provision to be reviewed in the future and the issues to be addressed. Councillor Meirick Davies felt the proposal to change the designation of Ysgol Esgob Morgan was an issue for scrutiny. The HCES reported that the Modernising Education Programme had been through the scrutiny process and she was willing to bring reports on individual projects if requested. Councillor Davies also reported upon a meeting of the St. Asaph Business Forum at which the employability of Denbighshire's young people had been questioned. The Head of Education provided assurances regarding attainment levels for pupils in Denbighshire and advised that there was a national issue in terms of employability skills. She agreed to meet with Councillor Davies outside the meeting to discuss the issue further. Councillor Eryl Williams added that schools were required to follow the 14 – 19 learning pathways agenda as set by the Welsh Government.

Cabinet reaffirmed their commitment to the corporate priority of improving performance in education and the quality of school buildings across the county.

**RESOLVED** that Cabinet –

- (a) *authorise the commencement of feasibility studies in respect of the projects set out in Appendix 2 to the report, the completion of which will be subject of future budget decisions;*
- (b) *note the authority will continue to maintain provision at Ysgol Borthyn;*
- (c) *note the requirement to consult on the future of Ysgol Rhewl following the feasibility study of the Glasdir site, and*
- (d) *approve proceeding to formal consultation for the proposed change to a school with religious designation for Ysgol Esgob Morgan by closing it as a community school and re-opening it as a Church in Wales Voluntary Controlled school as of the 1st September 2015.*

## **6 DENBIGHSHIRE'S LOCAL FLOOD RISK MANAGEMENT STRATEGY & FLOOD RISK MANAGEMENT UPDATE**

Councillor David Smith submitted the report presenting the Local Flood Risk Management Strategy for approval and providing an update on the November 2012 floods and December 2013 coastal flood event. The report also provided details of locations where schemes were required to reduce flood risk to an acceptable level.

Cabinet was advised of the requirement to produce the strategy document which detailed eight outcomes that would enable the Council to deliver the Welsh Government's objectives for managing flood risk. The document had been considered by Communities Scrutiny Committee with no major issues raised. Councillor Smith highlighted the different flooding areas the Council and its partners were responsible for and the funding implications for Denbighshire. He added that flood risk management was one of his priorities.

Initial discussion focused on the December 2013 floods and the commendable way in which the Council had responded both during and after the event. Having

spoken to those affected Councillor Bobby Feeley sought assurances that the Council was taking the necessary steps to prevent future flooding. Councillor David Simmons also sought action and highlighted residents' concerns, particularly in the Garford Road/Coast Road area, and the need for a robust process for alerting and protecting elderly and vulnerable residents. The Senior Engineer, Flood Risk Management (SE) reported upon initial works carried out in the area and confirmed a programme of work had been developed to further reduce risk. Potential for a coastal defence improvement scheme would likely be unaffordable by the Council on its own and would be reliant on significant grant funding from Welsh Government. He clarified that Welsh Water was responsible for sewer flooding and would soon be carrying out an investigation into a number of recent flooding incidents across the county following heavy rainfall. The importance of flood wardens was also highlighted and members were advised that Natural Resources Wales was tasked with assigning flood wardens in areas of risk in order to share local knowledge about those affected and their vulnerability. The Council's emergency response system had been honed in light of recent experiences and the Director of Social Services reported upon work she was undertaking to improve the resilience of arrangements in place for identifying vulnerable residents during an emergency response.

During consideration of the strategy the SE responded to questions regarding flood risk in particular areas and the methodology for undertaking preliminary assessments in accordance with nationally defined guidelines. Councillor Huw Jones was keen for Corwen to be reassessed in terms of flood risk following the recent flood alleviation works and agreed to speak with the SE about the issue outside of the meeting. In response to issues raised by Councillor Meirick Davies the SE confirmed reference to Cefn Meiriadog could be added to the areas affected by flood risk (page 8). Amendments as necessary to the Welsh translation could also be made. He also reported upon the responsibilities and legislation governing sewers and consideration of the Shoreline Management Plan in formulating the strategy.

Cabinet commended the strategy document and lessons learnt from earlier events but concerns were raised regarding the resources required to ensure the strategy was properly implemented and monitored at a time of significant budget cuts. It was felt that flood risk management should be given a higher priority with consideration given to its inclusion in the Corporate Plan. The Chief Executive reassured members the issue would be further debated in September at a freedom and flexibilities session on the Corporate Plan.

**RESOLVED** that Cabinet –

- (a) *approves the submission of the Local Flood Risk Management Strategy to the Welsh Government for Ministerial review, and*
- (b) *notes the additional information provided within the report.*

## **7 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 –

- a net overspend on the revenue budget of £235k was forecast for service and corporate budgets relating to school transport, car parking and coastal lettings
- savings of £7.1m were agreed as part of the budget and at this stage were assumed as achieved
- highlighted other key variances from budgets or savings targets relating to individual service areas, and
- a general update on the Corporate Plan; Housing Revenue Account; Treasury Management and the Capital Plan.

Councillor Huw Jones was keen to highlight the good work being carried out in leisure services with a significant increase in membership of leisure centres.

Councillor Barbara Smith raised questions regarding treasury management and rent forecasts. It was confirmed that marginal savings may be generated though a reduction in the council's borrowing rate and Councillor Hugh Irving provided assurances that every effort was made to re-allocate vacated council properties as soon as possible.

Councillor Hugh Evans referred to the major capital investment in the Rhyl Harbour Development and the possibility of developing business opportunities to generate more profitability from the investment. He also highlighted his frustration at the late opening of the café on-site and the Corporate Director Economic and Community Ambition agreed to look into the reasons for the delay.

**RESOLVED** that Cabinet note the budgets set for 2014/15 and progress against the agreed budget strategy.

## **8 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and reminded members that the Cabinet meeting scheduled for 2 September had been replaced with a Cabinet Briefing.

The Head of Customers and Education Support asked that an item on the School Transport Policy to be added to the work programme for 30 September. In order to avoid any undue delay Councillor Eryl Williams requested flexibility in terms of adding any additional items relating to the Modernising Education Programme which may come forward in November/December.

**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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of

## **9 RHYL NEW SCHOOL - CONTRACT AWARDS**

Councillor Eryl Williams presented the confidential report seeking Cabinet's approval to the award of contracts relating to the construction and subsequent completion of the Rhyl New School together with timescales for the project.

Officers advised that the Contractor, Willmott Dixon had submitted detailed proposals and the construction contract would not be awarded until those proposals had been scrutinised and confirmation of Welsh Government funding had been received. Assurances were also provided that community benefits had been included as part of the tender specification in order to benefit the local labour market and businesses.

**RESOLVED** that Cabinet approve the award of contracts related to the Rhyl New School to a maximum value as detailed within the report subject to the confirmation of funding from the Welsh Government in respect of their proportion of the funding for the project.

## **10 WEST RHYL COASTAL DEFENCE PHASE 3 - CONTRACT AWARD**

Councillor David Smith presented the confidential report regarding the appointment of a contractor for the construction works on the West Rhyl Coastal Defence Scheme (Phase 3).

Cabinet was provided with details of the flood protection options together with the estimated contract value and grant aid available. The outcome of the tendering process was provided and members were disappointed to note that tenders received far exceeded the estimated amount and therefore it was not possible to award the contract at this stage. Cabinet confirmed their commitment to the scheme and considered the options available to them when considering the way forward, bearing in mind the timescales involved and availability of grant funding. The Chief Executive asked for a detailed analysis of the reasons behind the cost increase in order to strengthen any case for additional financial support to cover the funding shortfall. Following a detailed debate it was –

**RESOLVED** that Cabinet authorises –

- (a) *the Head of Highways and Environmental Services to follow a contract negotiation process conducted pursuant to Contract Procedure Rule 24;*
- (b) *the Lead Member for Public Realm to lobby Welsh Government for additional financial support for the scheme to cover the shortfall in funding, and*
- (c) *the Lead Member for Public Realm, in consultation with the Section 151 Officer, to award the contract to the most economically advantageous tender subject to the receipt of written confirmation of sufficient additional funding from Welsh Government to meet the renegotiated cost of the scheme to the satisfaction of the Section 151 Officer.*

## 11 APPROVAL OF TENDER FOR WEST RHYL GREEN SPACE CONSTRUCTION

Councillor Hugh Evans presented the confidential report seeking Cabinet's approval to award a contract for the construction of the West Rhyl Green Space Development.

Cabinet was advised of the details of the contract together with grant funding available to deliver the project. Details of the tendering process had been provided and it was noted that tenders received had exceeded the original estimate but still within the budget funded entirely by Welsh Government. It was recommended that the contract be awarded subject to scrutiny of the specification in order to reduce the tender cost closer to the original estimate.

Members noted the revenue allocated to provide a maintenance service for five years following construction. It had been made clear that the Council would not be providing maintenance after the initial five year period and steps would be taken by the Project Board to ensure the area was properly maintained thereafter.

**RESOLVED** that Cabinet –

- (a) *authorises the Corporate Director: Economic and Community Ambition in consultation with the Lead Member for Economic Development to scrutinise the specification in order to reduce the tender cost, and*
- (b) *that subject to the Welsh Government confirming in writing that they will provide 100% of the contract price the Lead Member for Economic Development be authorised to award the contract to the most economically advantageous tender.*

The meeting concluded at 1.20 p.m.