

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 30 September 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, Richard Davies, Martyn Holland, Huw Hilditch-Roberts, Dewi Owens, Arwel Roberts, David Simmons and Joe Welch

### **ALSO PRESENT**

Chief Executive (MM); Director of Social Services (NS); Heads of Service: Legal, HR and Democratic Services (GW), Finance and Assets (PMc), Education (KE), Customers and Education Support (JW); Public Protection Manager (EJ); Manager – Corporate Programme Office (KA); Corporate Improvement Officer (NK), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

There were no apologies.

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

Councillors Richard Davies, Huw Hilditch-Roberts, Huw Jones, Martyn Holland, Dewi Owens, David Simmons, Julian Thompson-Hill and Joe Welch declared a personal interest in Agenda Item 5.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 29 July 2014 were submitted.

**RESOLVED** that the minutes of the meeting held on 29 July 2014 be approved as a correct record and signed by the Leader.

#### **5 HOME TO SCHOOL TRANSPORT ELIGIBILITY POLICY**

Councillor Eryl Williams presented the report seeking Cabinet approval to implement pick up points for secondary school pupils and clarify the existing policy.

Some background to the report was provided together with an explanation of the consultation process and timescales for implementation. Councillor Williams thanked respondents to the consultation for their input. All responses had been carefully considered and the main issues raised had been covered within the report.

Cabinet considered the implementation of central pick up points for secondary school pupils which would generate savings of around £272k and noted that feedback had been largely positive providing relevant risk assessment processes were in place. Cabinet also focused their attention on the outcome of enforcing the new policy to remove historic anomalies in the eligibility process together with the concerns raised as part of the consultation process, recognising it was an extremely complex issue. Consequently members asked questions and sought assurances regarding particular issues raised in order to satisfy themselves that the proposals contained within the report represented the best way forward.

Key areas of discussion focused on the following –

- it was acknowledged that any savings generated by implementing central pick up points would only address the existing overspend in the school transport budget and would not take effect until September 2015 – in light of the current financial situation other non statutory areas of the policy would likely be subject to review in future
- it was explained that anomalies had been created over a number of years due to the lack of clarity in the policy with officers having taken a pragmatic and reasonable approach to requests but the escalating costs and lack of clarity necessitated a review to address those issues – members acknowledged there was a need for a clear and concise policy to ensure a consistent approach across Denbighshire and parity for all pupils
- officers explained that eligibility for free school transport was calculated from home to school using classified roads – it was acknowledged that the most direct route may not be used to transport pupils depending upon the number and location of other pupils to be transported and taking into account the safest route, hence the anomaly whereby the pick up point for pupils may be closer to a different school than the one they were attending – there may be occasions when it was more cost effective for transport to be provided to an alternative school and the right to apply discretion in those particular circumstances had been included within the policy
- members noted the concerns of parents in the Saron area whose children would be particularly affected by strict enforcement of the policy and although the possibility of feeder schools was raised it was acknowledged that eligibility was calculated from home to school as opposed to school to school and it would not be lawful to make an exception to the policy for one particular school or area
- the list of pick up points within the draft policy were only indicative at this stage and would be subject to risk assessments undertaken in line with the Learner Travel (Wales) Measure – officers provided specific details of the risk assessment process and provided assurances that the road between Saron

and Cyffylliog (which had been subject of specific concern) would not be used by school buses and subject to a risk assessment for taxis

- there was support for the recommendation to continue to provide free transport for existing pupils affected to prevent disruption to their education whilst acknowledging that the transition period would last a number of years and result in disparity during that time, particularly for siblings
- concessionary transport would be permitted for one year for those pupils who chose not to attend their nearest suitable school subject to surplus places being available and a reasonable charge to cover administration costs
- a number of consultation responses related to Welsh Medium provision and the view that category 1 schools should be treated as the only Welsh medium option when assessing eligibility for transport – the current policy included category 1 and 2 schools and therefore such a change would have a significant impact on future roll numbers and transport costs. It was recommended that the language categorisation in all schools be reviewed and officers reported upon the categorisation process and delivery of the curriculum – Cabinet agreed that a timescale should be applied to this process
- the consultation process had been considered by scrutiny who found that although the consultation could have been more thorough it was unlikely that any new issues would have emerged – officers agreed to look into the omission of Gwynedd County Council from the list of stakeholders and rectify the matter
- officers acknowledged that parents should be made aware of free school transport eligibility at an early stage in order for them to make informed choices and advised that where alternative provision would prove more cost effective than stated in the policy each case would be considered on its own merits.

The Chair of Communities Scrutiny Committee, Councillor Huw Hilditch-Roberts provided an overview of the scrutiny debate of the issues and their findings which had been summarised in paragraph 8.2 of the report. He also highlighted the need to widen the scope of future reviews of school transport provision.

Councillor Joe Welch reported that his ward would be particularly affected by the strict application of the policy and highlighted his concerns in that regard. He opposed the hard line approach to implementing the policy and reported upon research he had undertaken into policies adopted by other Welsh local authorities. Consequently he asked that consideration be given to tailoring the policy to best meet the needs of individual communities in the county which he believed would still generate savings in the school transport budget.

Cabinet considered that although a particular approach may be beneficial to one locality it would not be the best approach for the county as a whole. However in light of the concerns raised it was agreed that an impact review of the policy be undertaken following its implementation.

**RESOLVED** that Cabinet –

- (a) *agrees to amend the existing policy to introduce central pick up points for all secondary school pupils;*

- (b) *notes the full policy in Appendix 1 to the report which in summary will provide free transport to the nearest suitable secondary school from a designated pick up point;*
- (c) *allows existing secondary school pupils to continue to access free transport for the remainder of their existing statutory school life from a central pick up point;*
- (d) *notes there is no change to transport for primary school pupils;*
- (e) *agrees that the recommendations above be implemented immediately in accordance with the Council's call in procedure rules contained in the constitution in light of the circumstances set out in paragraph 4.1 of the report;*
- (f) *requests that the Welsh in Education Strategic Group review the language categorisation of all schools during the autumn term and present a report to Scrutiny in early spring 2015, and*
- (g) *an assessment of the impact of the review of the policy be conducted and presented to Scrutiny at the end of the first year of implementation.*

## **6 FOOD HYGIENE RATING (WALES) ACT 2013 - DELEGATED AUTHORITY**

Councillor David Smith submitted the report recommending additional delegated powers for the Head of Planning and Public Protection under the Food Hygiene Rating (Wales) Act 2013.

The granting of delegated powers would enable enforcement of the legislation and allow those statutory duties under the Act to be discharged. It was confirmed that the Food Hygiene Rating System sticker should already be displayed at food business premises. The Leader paid tribute to the work of the Food Safety Team for both holding businesses to account and the support and advice they provided.

**RESOLVED** that –

- (a) *the powers under the Food Hygiene Rating (Wales) Act 2013 together with any regulations made thereunder and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry under such legislation be delegated to the Head of Planning and Public Protection, and*
- (b) *the Head of Planning and Public Protection also be given the authority to delegate these powers further to officers within the service with the relevant competencies, skills, qualification and authorisations.*

## **7 CONTROL OF HORSES (WALES) ACT 2014 - DELEGATED AUTHORITY**

Councillor David Smith submitted the report recommending adoption of new legislation in the form of the Control of Horses (Wales) Act 2014 and the delegation

of additional powers to the Head of Planning and Public Protection. He explained that the Act provided local authorities with additional powers to address the issues of fly-grazing and the abandonment of horses.

**RESOLVED** that –

- (a) *the Control of Horses (Wales) Act 2014 be adopted by this Authority;*
- (b) *the powers under the Control of Horses (Wales) Act 2014 be delegated to the Head of Planning and Public Protection, and*
- (b) *that delegated authority be automatically delegated to the Head of Planning and Public Protection in respect of any subsequent Regulations made under the Act.*

## **8 MOBILE HOMES (WALES) ACT 2013 - DELEGATED AUTHORITY**

Councillor David Smith submitted the report recommending adoption of new legislation in the form of the Mobile Homes (Wales) Act 2013 and the delegation of additional powers to the Head of Planning and Public Protection. He explained that the Act provided local authorities in Wales with powers to improve the regulation of the mobile homes industry so that conditions on mobile homes sites were improved and the rights of residents were better protected.

Councillor Hugh Irving reported upon problems experienced by mobile home residents in his ward and hoped that adoption of the new legislation would enable those issues to be addressed. The Public Protection Manager responded to questions and explained how the licensing process would be implemented and managed in order to ensure that standards were met.

**RESOLVED** that –

- (a) *the Mobile Homes (Wales) Act 2013 be adopted on behalf of the Council;*
- (b) *the powers under Mobile Homes (Wales) Act 2013 be delegated to the Head of Planning and Public Protection;*
- (c) *delegated authority be automatically delegated to the Head of Planning and Public Protection in respect of any subsequent Regulations made under the Act;*
- (d) *delegated authority to set fees and charges be provided to the Head of Planning and Public Protection, and*
- (e) *the Head of Planning and Public Protection be authorised to delegate the powers to other appropriately trained and competent Officers within the Council by providing them with relevant authorisations.*

At this juncture (11.30 a.m.) the meeting adjourned for a refreshment break.

## 9 2013/14 ANNUAL PERFORMANCE REVIEW

Councillor Barbara Smith presented the draft Annual Performance Review 2013/14 to Cabinet for consideration prior to submission to Council for approval.

The Council was required to publish an Annual Report of its performance by 31 October each year. The Annual Performance Review provided a retrospective evaluation of the Council's progress during 2013/14 and whether arrangements had been made to secure continuous improvement. Overall it was a positive report and reassuring to note the improvements made in particular areas.

The following matters were discussed –

- there were issues with extracting data from the Customer Relationship Management System (CRM) and indicators had been revised as a result – much work was ongoing on order to modernise and improve the process and a business case made for a new CRM system
- it was recognised that red indicators were not necessarily cause for concern and had to be considered in context, examples provided included the timeliness of core group meetings following child protection conferences and the number of working days/shifts lost to sickness absence – it was agreed that this context be provided in the outcome summary in future reports
- officers reported upon the process for setting indicators and thresholds taking into account national data and levels available and priorities for the Council
- it was not clear from the document that the arrows denoted an improving/declining trend and members agreed that this explanation be provided in future reporting to avoid confusion
- in terms of outcome 7 – students achieve their potential, Councillor Eryl Williams reported upon this year's result which showed a slight improvement for Denbighshire. He reminded members that Denbighshire had started from a good base and a strategy was in place to challenge and improve results for future years.

Cabinet also considered how the significant budget cuts facing the authority would impact on future performance and whether indicators should be revised as a result. The Chief Executive advised of the need to take conscious decisions about which areas the Council would accept a dip in performance but counselled against revising indicators downwards, adding that the Council should strive to retain its position as the best in Wales. He reported upon work to align the budget process with the performance management process in order to track the impact of those decisions. Once completed this work would be presented to members.

Councillor Barbara Smith advised that the Quarter 2 Performance Report would be produced in November and submitted to Cabinet for consideration.

**RESOLVED** that the draft 2013/14 Annual Performance Review be submitted to County Council for approval.

## 10 ANNUAL TREASURY MANAGEMENT REPORT 2013/14

Councillor Julian Thompson-Hill presented the report updating Cabinet on the performance of the treasury management function and demonstrating compliance with treasury limits and Prudential Indicators during 2013/14.

In summarising the report Councillor Thompson-Hill explained that it was a historic document and he highlighted the main points for members in terms of borrowing and investment activity during 2013/14 and also elaborated upon a number of key prudential indicators. The Head of Finance and Assets (HFA) highlighted the uncertainty in the financial sector and referred to the strategies used to manage those risks and the need to look at alternative investments in the future. In response to a question regarding debt refinancing the HFA explained that, since the introduction of large penalties by the government, it was no longer a viable option.

**RESOLVED** that the Annual Treasury Management Report for 2013/14 be noted.

## 11 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 £114k was forecast for service and corporate budgets
- 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 Housing Revenue Account and Housing Capital Plan.

Cabinet was also asked to approve a Replacement Equipment Reserve for Leisure Services and the transfer of £30k to the Corner Service Reserve.

Councillor Hugh Irving highlighted that the reduction in parking income was predictable in view of the provision of free parking at Parc Prestatyn. He highlighted problems associated with irresponsible car parking which needed to be addressed. Councillor David Smith agreed there was room for improvement advising that traffic wardens would be deployed on irregular days with varying hours and he would keep the matter under close review. Councillor Eryl Williams felt a daily presence was required in towns and suggested a partnership approach with town councils to address the issue which would also provide an income. In terms of school balances Councillor Williams reminded members that the Council had no control over how that funding was spent. In response to a question from Councillor Bobby Feeley regarding the Intermediate Care Fund the Director of Social Services advised that confirmation was awaited on whether the grant would be extended.

**RESOLVED** that Cabinet –

- (a) note the budgets set for 2014/15 and progress against the agreed budget strategy;

- (b) *approve the creation of a Replacement Equipment Reserve for Leisure Services noting that allocations to the reserve would be subject to further Cabinet approval, and*
- (c) *approves the transfer of £30k to the Coroner Service Reserve which will help facilitate a budget reduction in future years.*

## **12 CABINET FORWARD WORK PROGRAMME**

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

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

The meeting concluded at 12.30 p.m.