

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 26 April 2016 at 10.00 am.

### **PRESENT**

Councillors Hugh Evans, Leader and Lead Member for the Economy; Bobby Feeley, Lead Member for Social Care, Adult and Children's Services; Huw Jones, Lead Member for Community Development; Barbara Smith, Lead Member for Modernisation and Housing; Julian Thompson-Hill, Lead Member for Finance, Corporate Plan and Performance and Eryl Williams, Deputy Leader and Lead Member for Education

**Observers:** Councillors Ray Bartley, Huw Hilditch-Roberts and Martyn Holland

### **ALSO PRESENT**

Chief Executive (MM); Corporate Directors: Economy and Public Realm (RM) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW) and Head of Community Support Services (PG); Chief Finance Officer (RW); Legal Services Manager (LJ), and Committee Administrator (KEJ)

### **TRIBUTE - FORMER COUNCILLOR DAVE THOMAS**

The Leader paid tribute to former County Councillor and Cabinet Member Dave Thomas who passed away over the weekend. Mr. Thomas had represented Rhyl on the Council and had worked tirelessly in the community. The Leader conveyed Cabinet's condolences to his family and members and officers stood in silent tribute.

#### **1 APOLOGIES**

Councillor Hugh Irving – Lead Member for Customers and Libraries  
Councillor David Smith – Lead Member for Public Realm

#### **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 29 March 2016 were submitted.

***RESOLVED*** that the minutes of the meeting held on 29 March 2016 be approved as a correct record and signed by the Leader.

## 5 FINANCIAL ASSESSMENT AND CHARGING UNDER THE SOCIAL SERVICES AND WELL-BEING (WALES) ACT 2014

Councillor Bobby Feeley presented the report detailing the mandatory and discretionary changes regarding Financial Assessment and Charging as per the requirements of the Social Services and Well-being (Wales) Act 2014.

There was a need to change council policies and procedures in light of the new regulations and code of practice relating to financial assessment and charging. Work had been undertaken to identify areas for change and areas which would allow the council to apply additional charges to help alleviate budget pressures. The report concentrated on two areas of impact within the legislation as follows –

- (1) capping of fees for short term/respite care – mandatory changes regarding non-residential financial assessment and capped contribution of £60.00 per week which would result in a loss of income of £120k per annum, and
- (2) changes in the Disability Living Allowance (Care) and Attendance Allowance income disregard – potential income generation by introducing discretionary changes to the income disregard for non-residential financial assessments which could compensate for the loss of income from the changes to charging for short term/respite care.

Cabinet raised concerns regarding the budget pressures placed on local authorities arising from the mandatory changes to the financial assessment process following implementation of the Act. In terms of the proposed discretionary changes to compensate for the loss of income Cabinet sought assurances that undue financial pressure would not be placed on individuals as a result. Questions were also raised regarding practical implementation of the changes. Councillor Huw Jones highlighted the tight timescales involved to consult with those affected and Cabinet supported his request that the impact of any changes be subject to scrutiny.

Councillor Bobby Feeley and the Head of Community Support Services responded to the issues raised as follows –

- confirmed that the mandatory changes came into force as part of the new Act and were outside the Council's control
- provided assurances that the impact of discretionary charging on individuals would be kept to a minimum and advised of the comprehensive financial assessment process and safeguards to ensure individuals were left with sufficient income when determining the level of any charge
- advised that there was no information in the Code of Practice (Charging and Financial Assessment) document regarding the effect of the removal of the disregard on those in receipt of the Personal Independence Payment and agreed to look into the matter further
- explained that there should be no impact on the demand for short term/respite care as a result of the changes as potential service users were subject to an assessment process
- welcomed the proposal that the impact of the changes be subject to scrutiny.

**RESOLVED** that Cabinet –

- (a) *notes the mandatory changes in the Act of a non-residential financial assessment and capped contribution of £60.00 per week for persons receiving short term/respice care of less than 8 weeks;*
- (b) *approves the proposal to introduce the discretionary change to the Income Disregard for non-residential financial assessments in July 2016, after a period of pre-communication with current recipients, and*
- (c) *recommends that officers take a report to the appropriate scrutiny committee in September 2017 to review the impact of the measures set out in (a) and (b) above.*

## **6 MEMBERS INVOLVEMENT IN EMPLOYMENT APPEALS**

Councillor Barbara Smith presented the report seeking Cabinet approval to change the requirement for members to be involved in disciplinary and job evaluation appeals. It was recommended that those appeals be dealt with in line with other appeals which were heard by either Managers, Heads of Service or Directors as appropriate.

Councillor Smith detailed the reasoning behind the recommendation given the operational nature of the appeals process and compliance with ACAS code of practice. The Trade Unions had been consulted and agreed with the proposal. The issue had also been discussed at the Local Joint Consultative Committee and whilst the Trade Unions raised no objection some councillors expressed concern that the change would impact on the remit of their role. Whilst there was no intention to belittle members' contribution it was an operational process for officers to deal with.

Cabinet noted that the Trade Unions supported the recommendation which demonstrated their confidence within the process without member involvement. It was confirmed that Trade Unions had no objection following assurances that an appropriate person not connected with the case would hear the appeal as was the current practice with other employment appeals. Councillors Huw Hilditch-Roberts and Martyn Holland also supported the recommendations believing the appeals process was a management issue best dealt with by officers. Councillor Huw Jones highlighted the need to be mindful of the new Welsh Language standards when hearing appeals and assurances were given that hearings would be held through the medium of Welsh as appropriate. Consequently it was –

**RESOLVED** *that Cabinet agrees –*

- (a) *that there is no requirement for members to be involved in Disciplinary and Job Evaluation Appeals;*
- (b) *that Disciplinary Appeals will be heard by the next level of manager, another manager, appropriate Head of Service or Director. Where there is an appeal against dismissal then a two Head of Service/Director Panel would be convened, and*

(c) *that Job Evaluation Appeals will be chaired by a Head of Service with one management representative and one trade union representative.*

## **7 OFFICER SCHEME OF DELEGATION**

Councillor Barbara Smith presented the report seeking Cabinet approval of the Officer Scheme of Delegation in respect of any executive functions contained within it. (The scheme would also be included in a report on the new Constitution to full Council in July 2016 to approve the non-executive functions.)

The scheme had been updated to reflect changes in legislation, the senior management structure of the council and the subsequent transfer of responsibilities as a result. The first few sections set out general provisions and delegations applied to all senior officers followed by specific functions for respective officers. Councillor Smith also drew attention to the following additional provisions –

- even if the officer scheme did not expressly refer to a power, if that power was ‘necessary or incidental’ to their service then it would automatically be applied
- in making decisions officers must have regard to sustainability generally and the well-being of current and future generations
- express provision that officers would have regard to the Welsh Language and compliance with the Welsh Standards
- the Monitoring Officer may update the scheme to reflect amendments to legislation, with changes being reported to Cabinet or full Council.

The Leader believed the scheme helped to speed up the decision making process and provided a transparent mechanism involving members within that decision making as appropriate. It was noted that the scheme did not contain any new delegations but reflected changes in legislation and the recent restructure of senior officers. Cabinet was pleased to note the references to the Well-being of Future Generations Act and Welsh Language standards within the document.

Councillor Huw Hilditch-Roberts referred to the recent delegated decision by officers to increase car parking charges and he questioned the mechanism for consulting members and the call in provisions within that process. Officers highlighted the mechanisms in place for members to become involved in the decision making process and attention was drawn to Section 2 of the scheme setting out the presumption in favour of referring the matter to members where the decision was likely to have a significant impact on the council’s profile, was likely to attract unfavourable comment in the news media, or may have substantial financial implications. This process had been followed with members’ views having been sought prior to the determination of car parking charges. There was also a process to challenge delegated decisions and work was underway to introduce a similar process for officer delegated decisions in line with those made by Lead Members in order to alert members in advance of any major or controversial decisions taken. The ensuing debate focused on the recent process and outcomes in the determination of the level of car parking charges from both members’ and officers’ perspectives and whether particular areas could be strengthened. Members highlighted the timely notification of high profile decisions made by officers under delegated powers as an important consideration together with a clearer call in

process. It was also suggested that more could be done to involve members prior to publicising high profile/controversial information arising from those decisions.

The Chief Executive was keen to ensure that members had confidence in the officer scheme of delegation and it was noted that the scheme would be included in a report to full Council in July which would provide an opportunity for all members to review it. It was also suggested that the scheme be circulated prior to full Council advising members of the mechanism should they wish to propose any amendments which involved referral to the Constitution Review Group in the first instance.

**RESOLVED** that Cabinet note the contents of the report and approve the Officer Scheme of Delegation (attached as an Appendix to the report) in respect of any executive functions that are contained within in.

## 8 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 under spend of £1.276m was forecast for service and corporate budgets
- 91% of agreed savings had been achieved to date (target £7.3m) and the majority of the remaining savings were projected to be achieved by 2016/17 at the latest
- highlighted key variances from budgets or savings targets relating to individual service areas, and
- a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

Cabinet was also asked to approve in principle the use of service underspends proposed by Heads of Service and to recommend the business cases relating to the Glasdir schools and Ysgol Carreg Emlyn schemes to full Council for approval.

The following matters were raised during debate –

- Councillor Huw Jones was pleased to note the recommendation to approve requests for carry forward of underspends in the Communication, Marketing and Leisure Service which would enable projects to be undertaken during the next financial year. Whilst commending the school improvement projects he took the opportunity to highlight the subsequent financial pressures on particular leisure centres through loss of income whilst those works were being carried out
- Councillor Eryl Williams was pleased to confirm that all projects arising from the 21st Century Schools Programme had been included in the report and were progressing well. He reported upon the hard work and preparation leading to the different projects, some of which would not be completed during the current council term, and Cabinet supported the proposal that councillors and officers involved in those schemes, and other significant capital projects, be invited to the opening ceremonies of those projects whether or not they returned following the elections in May 2017

- Councillor Bobby Feeley referred to future financial planning and pressures in the Adult and Social Care Services and Councillor Julian Thompson-Hill advised that projections were being incorporated into the Medium Term Financial Plan and would be subject to further discussion as part of the future budget process
- the Leader reported upon the rationale behind some of the underspends in the Economic and Business Development Service advising that progress was largely dependent on outside influences beyond the Council's control
- Councillor Julian Thompson-Hill confirmed that the additional amount the Council was required to pay to service its obligations in respect of the former Mutual Municipal Insurance Company was approximately £262k which would be funded from the Insurance Fund reserve
- in response to questions the Chief Finance Officer explained the restrictions on the application of Housing Revenue Account funding and how elements had been used to accommodate the movement of housing staff from Brighton Road, Rhyl to Caledfryn, Denbigh and allow more flexible working arrangements as part of the rationalisation of office accommodation project.

**RESOLVED** that Cabinet –

- notes the budgets set for 2015/16 and progress against the agreed budget strategy;*
- approve in principle the use of service underspends proposed by Heads of Service, subject to the Final Outturn position (summarised in Appendix 5 to the report);*
- approve the business cases relating to the 21st Century Schools for recommendation to Full Council as follows –*
  - *approval of the combined Outline and Full Business Case for the Glasdir Schools development, and*
  - *approval of the Business Justification Case for Ysgol Carreg Emlyn, and*
- that any existing councillors and officers who have been involved in the development of significant capital projects be invited to the opening ceremonies in respect of those projects whether or not those councillors have been returned following the elections in May 2017.*

## **9 CABINET FORWARD WORK PROGRAMME**

The Cabinet Forward Work Programme was presented for consideration and members noted the following –

- the former North Wales Hospital, Denbigh report was delayed and would be rescheduled once a clearer indication of timescales was known
- the Reactive Maintenance Contractor Framework had been rescheduled from May to June
- the Final Revenue Outturn report would be submitted to Cabinet in June.

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

The meeting concluded at 11.30 a.m.