

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 15 November 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; Hugh Irving, Lead Member for Customers and Libraries; Huw Jones, Lead Member for Community Development; Barbara Smith, Lead Member for Modernisation and Housing; David Smith, Lead Member for Public Realm; 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, Meirick Davies, Huw Hilditch-Roberts, Martyn Holland, Alice Jones, Arwel Roberts and Huw Williams

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 Education (KE); Principal Education Services Manager (GD); Programme Manager – Modernising Education (JC); Commissioning and Tendering Officer (LD); Chief Finance Officer (RW), and Committee Administrator (KEJ)

WELCOME

The Leader welcomed everyone to the meeting and extended a special welcome to Councillor Huw Jones on his return following illness.

1 APOLOGIES

There were no apologies

2 DECLARATION OF INTERESTS

Councillor Martyn Holland declared a personal interest in agenda item 5: Review of Ysgol Llanfair and Ysgol Pentrecelyn because he was a Governor at Ysgol Bro Famau.

3 URGENT MATTERS

No urgent matters had been raised

4 MINUTES

The minutes of the Cabinet meeting held on 25 October 2016 were submitted.

RESOLVED that the minutes of the meeting held on 25 October 2016 be approved as a correct record and signed by the Leader.

5 REVIEW OF YSGOL LLANFAIR AND YSGOL PENTRECELYN

Councillor Eryl Williams presented the report detailing the background to the review in respect of Ysgol Llanfair DC and Ysgol Pentrecelyn together with the rationale behind the recommended way forward.

Following completion of the school organisation process in October 2015 Cabinet approved a recommendation to close Ysgol Llanfair DC and Ysgol Pentrecelyn and open a new dual-stream Category 2 Church in Wales primary school. That decision was challenged via Judicial Review and quashed on procedural grounds. The Court had not criticised the merits of the proposal and it would be possible to make a similar decision following a further consultation exercise. However, there was a need to consider afresh any future proposal based on the wider impact and current circumstances with due regard to community cohesion and learners. After discussions with both school communities it was clear there was no appetite to revisit the same proposal and pursuing that option would risk further community divisions and legal challenges. It was also clear that the status quo for Ysgol Llanfair could not continue and there was a need for a sustainable Category 2 school in the area. In light of those considerations it was recommended not to consult on the original proposal. Instead Cabinet was asked to consider proposals to re-build Ysgol Llanfair on a new site and take no further action over the future of Ysgol Pentrecelyn which would remain a Category 1 school.

The Leader highlighted the Council's aim to invest in new schools and create buildings which were sustainable for the future and to put children central to the decision making process. Whilst all members had supported the Council's priority for the modernisation of schools, that process had led to some difficult decisions and it was acknowledged that the process in this case had proved extremely difficult for the communities involved. Although it would be possible to consult again on the original proposals, it was felt that the split in communities caused as a result of the process would impede any cooperation between the communities in the near future. Consequently as Local Member, the Leader supported the report recommendations which would allow Ysgol Pentrecelyn to continue as a Category 1 school and benefit from the same support as every other school in the county, and also provide a much needed new school for Ysgol Llanfair given the extremely poor facilities on site and road safety concerns.

Having considered the relevant factors and reasoning behind the proposals Cabinet supported the recommendations as the best way forward. It was accepted that it would not be beneficial to pursue the original proposal given recent events and the continued contentions over the proposed language categorisation which could not be resolved to the satisfaction of both school communities. With regard to Ysgol Llanfair there was a clear need to invest in building a new dual stream Category 2 school in the area and particular reference was made to the current cramped conditions and inadequate facilities which were not conducive to good learning and the Council's duty to provide the best facilities for pupils where possible.

The Leader invited questions and comments from non-Cabinet members and the main points of debate focused on the following –

- whilst there was general support for the report recommendations assurances were sought in terms of safeguarding Ysgol Pentrecelyn for the future and the need for parity and fair play was also emphasised, particularly in terms of investment in the school. Councillor Eryl Williams advised that the status quo would be maintained for Ysgol Pentrecelyn who would continue to receive support from both the Council and GwE alongside all of the county's schools. In terms of investment the same approach would be taken as with the Llanferres/Llanarmon area with any future investment being considered as part of Band B funding proposals for 21st Century Schools. In leading the call for greater assurances, Councillor Huw Hilditch-Roberts sought more robust measures to safeguard Ysgol Pentrecelyn's long term future beyond the lifetime of the current Council. However it was noted that the newly elected Council following the May 2017 elections would be setting its own priorities and whilst it was hoped that they would continue and build on the work of the current administration, no guarantees could be made in that regard
- the main contention to the original proposal had been the language categorisation for the new area school and Councillor Huw Hilditch-Roberts asked for it to be recorded that there had been a willingness on behalf of Ysgol Pentrecelyn to work together with Ysgol Llanfair for a new Category 1 school. Councillor Eryl Williams was hopeful that the community divisions created by the process could be healed in time – the factions had been created over the two strong opposing views in terms of the language categorisation and the majority of support had been for a Category 2 school. The priority going forward was to provide better quality education in the future
- Councillors Alice Jones and Arwel Roberts had been opposed to the Cabinet's original decision not to designate the proposed new area school as Category 1 and expressed concern regarding the lengthy legal process which had ensued. Councillor Roberts also referred to the Performance Scrutiny Committee meeting on 11 June 2015 and was disappointed that the committee had resolved not to ask Cabinet to reconsider its decision, particularly given that the outcome would have been different if only elected members had been permitted to vote at that meeting. Officers confirmed that the committee's co-opted members had been legally entitled to vote on the matter
- with regard to the judicial review outcome Councillor Martyn Holland had previously sought assurances regarding the process and he hoped that lessons would be learned as a result. He had been pleased to note that Communities Scrutiny Committee would be reviewing that process at a future meeting. Officers felt it was important to note that the whole process had not been flawed and the judgement referred to a procedural aspect. Understanding that aspect in the context of the school organisation code would merit further discussion at scrutiny. Councillor Eryl Williams personally believed the Council had followed the correct process and that the Welsh Government guidelines were incorrect
- Councillor Huw Williams supported the report recommendations but voiced his concerns over the legal action arising from the original decision and subsequent cost to the authority. He referred to new rules to support Wales' rural schools recently announced by the Education Secretary and in light of that statement asked that the decision to close Ysgol Llanbedr be reconsidered. Officers provided clarity regarding the judicial review costs incurred by the authority and explained that, due to a court ruling, the Council had been liable for the vast

majority of the costs regardless of the outcome. With regard to Ysgol Llanbedr a decision was still awaited from the Education Secretary. The recent statement suggested that new rules would be brought forward in the future in respect of rural schools following a consultation exercise, consequently it would be difficult to respond at this stage in the process

- in response to a question regarding how surplus places would be addressed in the area, officers confirmed that pupil numbers and the size of the replacement school building for Ysgol Llanfair would be considered during development of the business case.

Councillor Bobby Feeley referred to the recommendations as a compromise solution and hoped the decision would help heal the rift between the communities. It had been hoped at the start of the review process that an agreement would be reached but unfortunately that had not been the case and the recommendations were now considered the best way forward for both schools.

Councillor Eryl Williams proposed the recommendations to ensure the best future for both schools, seconded by Councillor Hugh Evans. It was subsequently –

RESOLVED that Cabinet –

- (a) agrees for officers to develop the business case for a replacement building for Ysgol Llanfair DC, and
- (b) agrees to maintain the status quo with regards to Ysgol Pentrecelyn.

6 Y DYFODOL CONTRACT VARIATION (EXTENSION)

Councillor Bobby Feeley presented the report seeking Cabinet approval to extend the Y Dyfodol project contract with Clwyd Alyn Housing Association to 30 September 2018, and investigate further the option of developing a partnership agreement with Clwyd Alyn for delivery of the service after September 2018.

46% of the Supporting People (SP) funded young people provision in Denbighshire was delivered under the Y Dyfodol project which provided 33 units of supported housing. The current contract ended on 31 March 2017 and the proposed contract variation would extend the contract by a further 18 months resulting in a revised contract value of £2,627,698.10 (the annual cost had already been budgeted for in the SP Grant). Councillor Feeley elaborated upon the reasoning behind the contract extension in order to remodel Y Dyfodol in collaboration with key stakeholders as part of the development of a broader Young People's Pathway approach which had been identified as a priority for service development. A broad outline and timeline had been agreed and initial discussions had taken place with Clwyd Alyn to deliver the remodelled service. Given the level of spend implications as a result of the contract extension Cabinet approval was required.

The Commissioning and Tendering Officer responded to questions as follows –

- elaborated upon the intention of the remodelled service to reduce the number of supported accommodation units in favour of a higher staff ratio with one smaller shared higher intensity unit and other dispersed self-contained units
- explained the rationale that a move to improved interventions at an earlier stage in the new Pathway for young people presenting as homeless would result in a reduced need for support accommodation units
- advised that ‘floating support workers’ provided support for young people in their own accommodation as opposed to fixed support to a specific address.

RESOLVED that Cabinet –

- (a) *approve the extension of Clwyd Alyn’s Y Dyfodol contract to 30 September 2018, and*
- (b) *approve the proposal to investigate further the option of developing a partnership agreement with Clwyd Alyn for the delivery of the service after September 2018.*

7 FINANCE REPORT

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and service budgets for 2016/17. He provided a summary of the Council’s financial position as follows –

- a net underspend of £0.545m was forecast for service and corporate budgets
- 68% of savings had been achieved to date (target 5.2m) with a further 2% making good progress; 25% would be deferred and achieved in 2017/18 with only 5% of savings not being achieved within the timeframe
- highlighted current risks and assumptions relating to individual service areas
- a general update on the Housing Revenue Account, Housing Capital Plan and the Capital Plan (including the Corporate Plan element).

The following matters were raised during debate –

- reference was made to the financial implications arising from the collapse of GHA coaches and Councillor David Smith reported upon continued efforts to secure financial aid from the Welsh Government to help meet those costs – this matter was being vigorously pursued and Cabinet would be advised once a response had been received from the Minister for Economy and Infrastructure in that regard. The importance of providing local bus services, particularly in rural areas, was again highlighted and Councillor Smith clarified that any financial assistance from Welsh Government would be a one off payment in respect of the additional costs incurred by the Council in the restoration of local bus services following the collapse of GHA. With regard to ongoing provision of local bus services Lead Members from North Wales local authorities would be meeting later that week to discuss the issue. It was noted that the Council’s Rural Transport Forum had not met for some time and the Leader felt it would be pertinent to convene a meeting in order to gain a better understanding of local services in Denbighshire.

- some discussion focused on school balances and concerns were raised regarding the pressures on schools and the use of balances in order to continue good work which was not sustainable in the long term – reference was also made to the level of balances and Welsh Government guidelines in that regard. Councillor Eryl Williams commended the work of the Schools Budget Forum and reported upon the Task and Finish Group which had been set up to review the level of school balances and the way schools were funded.
- Councillor Bobby Feely referred to the development of the new shared school building at Glasdir for Rhos Street School and Ysgol Penbarras and sought assurances that the schools would open on time in September 2017. Councillor Eryl Williams advised that such building projects always entailed some delay of particular aspects and rescheduling of others. He reported upon robust measures in place to monitor progress via the project board and confirmed that all projects were risk assessed and any problems responded to appropriately. Whilst there was no undue concern that the timescale would not be met it was agreed that if the situation changed the Council should be upfront about any delay to the timescale and share that information at the earliest opportunity
- in response to questions Councillor Julian Thompson-Hill elaborated upon the 5% savings which would not be achieved within the timeframe which included two elements relating to the ‘channel shift – digital choice’ project and the reduced demand for legal/professional fees which had not materialised as expected. With regard to PFI savings of £1.4m would be realised and in year cash savings would be allocated when all the budget pressures were known; from 2017/18 that money had been allocated within the budget.

RESOLVED that Cabinet notes the budgets set for 2016/17 and progress against the agreed budget strategy.

8 CABINET FORWARD WORK PROGRAMME

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

- business case for a replacement building for Ysgol Llanfair – January (tbc)
- update on options appraisal for in-house care services – unlikely for December as the results of the Task and Finish Group would need to be presented to Performance Scrutiny Committee in the first instance
- specific names of individual Lead Cabinet Members to be removed from the forward work programme from May 2017 onwards (pending election outcome)

RESOLVED that Cabinet’s Forward Work Programme be noted.

The meeting concluded at 11.15 a.m.