

## **CABINET**

Minutes of a meeting of the Cabinet held in Council Chamber, County Hall, Ruthin on Tuesday, 25 September 2018 at 10.00 am.

### **PRESENT**

Councillors Hugh Evans, Leader and Lead Member for the Economy and Corporate Governance; Bobby Feeley, Lead Member for Well-being and Independence; Huw Hilditch-Roberts, Lead Member for Education, Children and Young People; Brian Jones, Lead Member for Highways, Planning and Sustainable Travel; Richard Mainon, Lead Member for Developing Community Infrastructure; Tony Thomas, Lead Member for Housing, Regulation and the Environment; Julian Thompson-Hill, Lead Member for Finance, Performance and Strategic Assets, and Mark Young, Lead Member for Corporate Standards

**Observers:** Councillors Mabon Ap Gwynfor, Brian Blakeley, Jeanette Chamberlain-Jones, Ann Davies, Hugh Irving, Alan James, Huw Jones, Gwyneth Kensler, Paul Penlington, Arwel Roberts, Peter Scott, Glenn Swingler, Graham Timms, Huw Williams and Emrys Wynne

### **ALSO PRESENT**

Chief Executive (JG); Corporate Directors: Economy and Public Realm (GB) and Communities (NS); Heads of Service: Legal, HR and Democratic Services (GW), Planning and Public Protection (EJ), Highways and Environmental Services (TW) and Finance/S.151 Officer (RW); Economic & Business Development Team & Programme Manager (MH); Lead Business Partner – Organisational Development (AM); Public Protection Officer Community Safety (TWE); Lead Officer Corporate Property and Housing Stock (DL); Valuation and Estates Team Manager (GT); Commercial Development Manager (DM) and Committee Administrator (KEJ)

#### **1 APOLOGIES**

There were no apologies.

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

Councillor Brian Jones – Agenda Item 5 – Member of Rhyl Business Group  
Councillor Tony Thomas – Agenda Item 5 – BID Group Member/Business Owner  
Councillor Emrys Wynne – Agenda Item 7 – Family member employed by Council  
Councillor Richard Mainon – Agenda Item 13 – Daughter formerly employed by Bodelwyddan Castle Trust

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### 4 MINUTES

The minutes of the Cabinet meeting held on 26 June 2018 were submitted.

**RESOLVED** that the minutes of the meeting held on 26 June 2018 be approved as a correct record and signed by the Leader.

#### 5 RHYL BUSINESS IMPROVEMENT DISTRICT

Councillor Hugh Evans presented the report updating Cabinet on the development of Rhyl Business Improvement District (BID) and seeking support for its establishment.

Some background was provided detailing work with the local business community in determining the feasibility of a Rhyl BID together with the bid development process and legalities in that regard. The next stage involved a postal ballot for eligible businesses to vote 'for' or 'against' the BID proposal which set out how the BID would function (proposed income, expenditure, BID area and performance measures) and how the BID levy would be spent. It was recommended that Cabinet support the establishment of the BID by voting 'Yes' in the BID ballot in respect of each of the Council's eligible rateable properties in the BID area.

The Leader advocated the establishment of a BID as an excellent opportunity for Rhyl which could generate a revenue stream of up to £250k p.a. over an initial five year period for specific projects/services prioritised and managed by the business community to add value and improve trading conditions and would also complement the Rhyl Masterplan work.

In response to questions the Leader and officers –

- confirmed Civica would undertake collection of the levy on behalf of the BID company and discussions were ongoing in that regard – the costs for collection had not yet been confirmed but would be provided for by the BID company
- clarified that activities prioritised by the business community would not replace existing council services but would add value to those services
- provided an update on progress in developing the Prestatyn BID.

**RESOLVED** that Cabinet –

- (a) confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix 1 to the report) as part of its consideration;
- (b) notes the contents of the BID Business Plan (Appendix 2 to the report) and the officer recommendation that there are no grounds on which to Veto under the BID Wales (2005) Legislation (Appendix 3 to the report) as it does not conflict with any existing local policy nor propose a disproportionate burden on particular businesses in the area;

- (c) *agrees to support the establishment of the BID by voting 'Yes' in the BID ballot in respect of each of the Council's eligible rateable properties in the BID area, and*
- (d) *agrees to delegate authority to the Corporate Director: Economy and Public Realm to cast the votes in respect of each of the Council's eligible rateable properties in the BID area.*

## **6 CONTRACT VARIATION FOR DCC HOUSEHOLD RECYCLING CENTRES**

Councillor Brian Jones presented the report regarding the future operating arrangements for the Council's three Household Recycling Centres (HRC) in Ruthin, Denbigh and Rhyl.

The current contract for receiving, keeping, treating and disposal of household waste taken to the HRCs was due to expire on 31 March 2019. It was recommended that the contract be extended for two years, and allow a contingency of a third year, to enable the Council to participate in an exercise with the WRAP Cymru Collaborative Change Programme and other North Wales Authorities to identify whether there were opportunities to realise savings from HRC operations across the region through joint procurement and/or rationalisation of services.

Cabinet discussed with officers the merits of the approach which would enable continuation of the current contract whilst discussions on the feasibility of regional collaboration were underway. Extending the contract would also allow for further discussion on the new waste model. The intention was to enter into a regional arrangement in the medium to long term provided it was financially beneficial. It was anticipated that the viability of a regional procurement would likely be known within the first twelve months and there would be provision in the contract to give six months' notice to terminate the contract and go out to tender. Councillor Huw Hilditch-Roberts proposed an amendment to the recommendation to include explicit reference to the six month break clause which was subsequently approved.

**RESOLVED** that Cabinet –

- (a) *agree to extend the existing contract by two years (to 31 March 2021) allowing a contingency of a third year (until 31 March 2022);*
- (b) *authorises the Head of Legal and Democratic Services to issue a Contract Variation letter to CAD Recycling to extend the existing contract by two years (to 31 March 2021) to include a six month break clause allowing a contingency of a third year (to 31 March 2022). This allows the flexibility to procure services at any time should the Collaboration Project conclude earlier than anticipated. It also provides enough time to mobilise a new arrangement, and*
- (c) *that the Head of Highways and Environmental Services reports on the progress and/or outcomes of the Collaborative Change Project to Scrutiny Committee no later than December 2019, along with recommendations as to the preferred option for future commissioning of HRC services.*

## 7 EMPLOYMENT POLICIES

Councillor Mark Young presented the report recommending adoption of six employment policies which had been developed/revised. The report included one new policy and highlighted proposed changes within existing policies and reasons therefore. Unions had been consulted and were in agreement.

The six policies referred to the following –

- (1) Time off Work Policy (amalgamated all policies which involved time off)
- (2) Parental Policy (amalgamated maternity, paternity, adoption, parental and shared parental leave policies)
- (3) Corporate Appeals Policy (revised policy)
- (4) LGPS Discretions and Banding Policy (revised policy)
- (5) Standby, On call, Sleep in Policy (revised)
- (6) Taking Personal Data off DCC Premises Policy (New)

The Lead Business Partner – Organisations provided a brief summary of each of the policies and officers responded to questions as follows –

- there were no significant changes to the policies and the consultation process with unions and members was explained. All consulted were in agreement
- members were no longer involved in the appeals process
- up to five days paid carers leave per annum could be paid under the current policy – however this policy was currently under review as part of the managing carers' needs policy which would include the element of paid leave, and
- clarified the position with regard to expectations that employees were on standby duties for call outs in particular departments.

**RESOLVED** that Cabinet –

- (a) *approves the employment policies as detailed within the report for adoption within the Council, and*
- (b) *confirms that it has read, understood and taken account of the Well-being Impact Assessments (appended to the report) as part of its consideration.*

## 8 ANNUAL TREASURY MANAGEMENT REPORT 2017/18

Councillor Julian Thompson-Hill presented the report updating members on the performance of the treasury management function and demonstrating compliance with treasury limits and Prudential Indicators during 2017/18.

In summarising the report Councillor Thompson-Hill highlighted the importance of treasury management and referred to the economic background and impact on treasury management activities. He highlighted the main points for members in terms of borrowing and investment activity and confirmed compliance with all prudential indicators set, guiding members through those indicators as detailed in Annex B confirming appropriate ratios of financing costs and borrowing levels well

within limits. Assurances were provided that in addition to internal officers, external consultants were utilised to ensure appropriate actions taken in the Council's best interests and regular updates were submitted to Corporate Governance Committee.

In response to questions Councillor Thompson-Hill confirmed that all borrowing was at a fixed rate for the duration of the loan period and further explained the authorised limit and operational boundary set for external debt. The Head of Finance/S.151 Officer explained the maturity structure of fixed rate borrowing to ensure a reasonable spread of debt maturity with a limit set as to how much debt matured in a set period.

**RESOLVED** that Cabinet –

- (a) *note the performance of the Council's Treasury Management function during 2017/18 and its compliance with the required Prudential Indicators as reported in the Annual Treasury Management Report 2017/18 (Appendix 1 to the report), and*
- (b) *confirms it has read, understood and taken account of the Wellbeing Impact Assessment (Appendix 2 to the report) as part of its consideration.*

## **9 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 –

- the net revenue budget for 2018/19 was £194.418m (£189.252m in 2017/18)
- an overspend of £0.811m was forecast for service and corporate budgets
- detailed agreed savings and efficiencies worth £4.6m including those which had already been achieved with the assumption that all service efficiencies/savings would be delivered – any exceptions would be reported to Cabinet if required
- highlighted current risks and variances relating to individual service areas, and
- provided 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 the writing off of an historic debt amounting to £26k relating to an over claimed grant and works to a property dating back to 2011.

The following matters were raised during debate –

- Glasdir Site – the cost of snagging works (as part of the original contract) was usually borne by the contractor and the majority of those works identified had been completed over the summer with some small works remaining and some extra issues requested – clarity had been provided on the issues which would need to be funded by the school. Plans to improve walking and cycling routes to the schools had been identified and would be financed by Welsh Government
- Out of County Placements – discussion focused on the ongoing pressures across the region and it was confirmed that Welsh Government had established a Group to further consider the issue. A report had been produced by ADSS

Cymru and WLGA which highlighted cost implications and the future sustainability of Children's Services, including placement costs. Members considered the challenges facing the authority in meeting the complex needs of individuals in line with its statutory duties and noted that some specific needs could only be met by very high cost specialist provision outside of the county. The authority was required to meet those costs and case numbers could not easily be predicted

- School Balances – the position had stabilised as predicted in the last financial year and the projection was for an increase in the deficit balance overall. The position was carefully monitored and officers worked with schools to ensure robust recovery plans were in place; the responsibilities of the Governing Bodies in schools financial management were also highlighted
- there had been a reduction in the Education Improvement Grant from the Welsh Government for which exit costs of £15k had been predicted – in cases where grant funding ceased the work subject of that grant funding also ceased but some consequential costs, such as redundancy, had to be met by the Council
- Highways – the impact of the reduction in the amount of work and reimbursement coming from the North and Mid Wales Trunk Road Agency was highlighted and Councillor Brian Jones advised that the amount would be adjusted accordingly
- Agreed Savings – in terms of the service efficiencies agreed for 2018/19 whilst some of those savings would have some potential level of impact on services it was considered they would not have a significant impact on service delivery – all savings green or yellow could be achieved without detriment to front line services – the Head of Finance agreed to check whether the deletion of a Service Manager Post (Ref CSS E001) had been included in the costs for restructuring the Provider Services Management Team (ref CSS E002).

**RESOLVED** that Cabinet –

- (a) note the budgets set for 2018/19 and progress against the agreed budget strategy, and
- (b) approve the writing off of an historic debt amounting to £26,481.43.

## 10 CABINET FORWARD WORK PROGRAMME

The Cabinet Forward Work Programme was presented for consideration and it was noted that the following items would be added to the work programme –

- Grant award for property acquisitions on West Parade and Sussex Street in Rhyl – October
- Homelessness Prevention/Supporting People Commissioning Plan – December

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

At this point (11.30 a.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 item of business on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 12, 14 and 14 of Part 4 of Schedule 12A of the Act.

### **11 OPTIONS FOR DELIVERING THE ENFORCEMENT OF ENVIRONMENTAL CRIME**

Councillor Tony Thomas presented the confidential report detailing options for delivering environmental enforcement in the county.

Some background had been provided regarding the previous enforcement regime delivered by Kingdom Security Ltd and the collaborative approach in tackling environmental crime through education/public awareness and effective street cleaning resulting in a cleaner local environment. Following early termination of the contract by Kingdom Security Ltd an options appraisal for future provision had been undertaken as set out within the report. It was recommended to re-tender the contract for delivery of environmental crime enforcement whilst continuing to explore the option of a regional or sub-regional collaborative solution.

Cabinet considered the options appraisal and advantages and disadvantages of individual options. The need for a cost neutral solution and clarity on the specification for service delivery was emphasised together with the need for appropriate interim measures pending re-commencement of enforcement action. A preference was expressed for regional working but given the timescales involved it was considered appropriate to support the option to re-tender to ensure no undue delay in enforcement provision whilst the viability of a regional option was being explored. Given the importance of the specification for service delivery and to allow members input into that process, Cabinet supported a proposal by Councillor Richard Mainon for the draft specification be considered by Scrutiny Committee and it was also agreed that an update on progressing the opportunity for regional/sub regional collaboration be reported back to Scrutiny Committee in six months.

In opening debate to non-Cabinet members there were concerns expressed that re-tendering to a private company would give rise to the same issues experienced under the previous contract and it was considered that greater control over service delivery could be exercised with in-house provision. The possibility of amalgamating all on-street enforcement services, including parking enforcement was also raised. The Lead Member and Head of Planning and Public Protection reiterated the significant cost implications and recruitment difficulties with in-house provision. They explained there would be a revised specification on service requirements taking into account past experience and feedback in that regard and members would have further input into those terms through the scrutiny process. It was clarified that the purpose of the contract would be to tackle environmental issues as opposed to being a means of income generation. An amalgamation of enforcement services could be considered as part of the forthcoming restructure. There was also some support for regional collaboration, whether in-house or external provision, and members were advised of the latest position in that regard in

terms of interest and discussions with other North Wales authorities. There would be no public consultation on the options. Members also discussed the education and public awareness campaign and the possibility of re-introducing the triangular signage in dog fouling hotspots together with future opportunities to work with education services in schools. Officers agreed to consider those options and also to liaise with the Police regarding the potential for them to take enforcement action in the interim period.

**RESOLVED** that Cabinet –

- (a) *note the options for the delivery of the enforcement of environmental crime in the report and authorise officers to proceed with option 3 with colleagues in procurement to procure an external service provider;*
- (b) *agree that the Head of Planning and Public Protection agrees the content of the final specification for the service delivery of environmental enforcement following consideration of the draft specification by Scrutiny Committee, and*
- (c) *officers continue to investigate the opportunity for regional or sub-regional collaboration and report back to Scrutiny Committee on progress of that work in six months.*

## **12 GYPSY AND TRAVELLER SITE PROVISION**

Councillor Tony Thomas presented the confidential report regarding proposals for the location of residential and transit Gypsy and Traveller sites to meet statutory obligations together with associated planning, funding and communication matters.

Local authorities in Wales were required to undertake a Gypsy and Traveller Accommodation Assessment (GTAA) and make provision if a need was identified. The GTAA had identified the need for one permanent residential site and one transit site and the report outlined progress made in identifying potential sites, advised on discussions with Welsh Government regarding the potential for closely located residential and transit sites and detailed options to consider going forward. It was proposed to locate both sites at Green-gates Farm East near St. Asaph and to consult on that proposal and submit funding applications to Welsh Government to develop the proposed facilities subject to planning permission.

Cabinet acknowledged the statutory responsibilities in meeting the needs identified and recognised the comprehensive work carried out to date. Having considered the viability of the particular sites identified Cabinet supported the proposal for both sites to be located at Green-gates Farm East and recommended actions in order to meet the timescales in which to apply for grant funding from the Welsh Government. It was noted that some assurance in terms of securing future funding could be taken from the Minister's letter as detailed in appendix to the report. Officers responded to a number of issues raised by Councillor Peter Scott regarding the viability assessments of particular sites and why Green-gates Farm East was considered more suitable than the other sites. Councillor Scott also sought assurances that a thorough public consultation would be carried out and officers confirmed the statutory planning consultation process would apply.



**RESOLVED** that Cabinet –

- (a) *approve undertaking pre-planning consultation and subsequent full planning applications (taking into consideration the outcomes of the pre-planning exercise) for the residential and transit Gypsy and Traveller sites on the Green-gates Farm East site in the locations indicated in Appendix 1 to the report, and*
- (b) *approve the submission of funding bids to the Welsh Government in respect of proposals for residential and/or transit Gypsy Traveller sites subject to planning consent being granted in line with the programme outlined in paragraph 4.11 of the report.*

Councillor Richard Mainon voted against the above resolution.

### **13 BODELWYDDAN CASTLE, BODELWYDDAN**

Councillor Julian Thompson-Hill presented the confidential report seeking approval of the terms of sale of the freehold interest in the Bodelwyddan Castle Hotel and part of the estate whilst retaining other areas for public access.

Cabinet had authorised officers to pursue negotiations for the sale of Bodelwyddan Castle in July 2017 and the report set out a summary of the terms provisionally agreed with the purchaser. The report also set out proposals for part of the estate to be retained with a view to improving and developing public access to those areas and to retain land which was subject to an agricultural tenancy and the lodge. Details of the financial implications had been set out within the report and the Lead Member and Valuation and Estates Manager responded to questions regarding those financial considerations; the impact of the proposed terms of sale on all parties involved and likely outcomes, and the management of the retained areas by Countryside Services which would be subject to a business case to the Strategic Investment Group. Officers also agreed to check whether the proposals could result in a clawback of grant funding for the WW1 trenches.

**RESOLVED** that –

- (a) *the Council sell the freehold interest in the Bodelwyddan Castle Hotel on terms set out in Appendix 1 to the report;*
- (b) *the Council sell the freehold interest in the Bodelwyddan Castle Trust premises, (excluding land let on agricultural tenancy, the Lodge and land for public access) on terms as set out in Appendix 1 to the report;*
- (c) *the Council to retain the grass-crete carpark parkland, the play area and WW1 Trenches together with a 125 year lease of the woodland. These areas will be for public access and will be run by Countryside Services;*
- (d) *land currently subject to an agricultural tenancy to be retained as part of the Council's corporate agricultural land holding, and*

- (e) *the small lodge on the Eastern boundary of the estate to be retained by the Council pending a review of its use.*

#### **14 LAND AT TIRIONFA, MELIDEN ROAD, RHUDDLAN**

Councillor Julian Thompson-Hill presented the confidential report seeking approval to amend the terms of the previous Cabinet approval relating to the sale of the site.

The report detailed those amendments to the sale which did not fall within the previous Cabinet approval granted in January 2017 together with the reasoning behind those changes required in order to proceed with the sale. Questions were raised regarding the number of concessions given and assurances sought that the new terms represented the Council's best option for development. It was confirmed that the new terms had been a result of complex and protracted negotiations and considered to be the best option to maximise value and benefits for both. Officers also responded to questions from local members Councillors Ann Davies and Arwel Roberts regarding elements of the proposed development – some of which would need to be addressed during the planning application stage.

**RESOLVED** that Cabinet –

- (a) *amend the percentage share of the gross capital receipt received by the Council as set out in the report reflecting the green land being sold by our co-seller free of any restrictions from the Council;*
- (b) *to allow for the additional cost of providing the onsite affordable housing given the future uncertainty regarding social housing grant to assist in their delivery, a reduction in the Council's percentage share of the receipt subject to completing an overage agreement with the buyer in the disposal paperwork as set out in the report;*
- (c) *the offer received from the proposed buyer has been reduced by agreement reflecting the presence of abnormal development costs for highways access, storm water drainage, ground conditions and on site public open space, and*
- (d) *to note that, given the complexity of the transaction, multiple documentation is required and whilst ultimately the Council will release the covenant on the red land and the joint seller/ the buyer will enable the Council to enjoy a right of way over the joint seller's land, likely to be the red land but possibly the green these will be dealt with in separate documents and not in the Land Pooling Agreement.*

The meeting concluded at 1.30 p.m.