

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 24 October 2023 at 10.00 am.

PRESENT

Councillors Jason McLellan, Leader and Lead Member for Economic Growth and Tackling Deprivation; Gill German, Deputy Leader and Lead Member for Education, Children and Families; Gwyneth Ellis, Lead Member for Finance, Performance and Strategic Assets; Elen Heaton, Lead Member for Health and Social Care; Julie Matthews, Lead Member for Corporate Strategy, Policy and Equalities; Barry Mellor, Lead Member for the Environment and Transport; Win Mullen-James, Lead Member for Local Development and Planning, Rhys Thomas, Lead Member for Housing and Communities, and Emrys Wynne, Lead Member for Welsh Language, Culture and Heritage

Observers: Councillors Karen Edwards, Bobby Feeley, Huw Hilditch-Roberts, Brian Jones, Merfyn Parry and Andrea Tomlin

ALSO PRESENT

Chief Executive (GB); Corporate Directors: Social Services and Education (NS), Governance and Business/Monitoring Officer (GW), and Environment and Economy TW; Heads of Service: Finance and Audit (SG) and Housing and Communities (LG); Joint Archive Service Manager (CB); Project Manager (SLP); Lead Officer – Corporate Property and Housing Stock (DL); Works Unit and Streetscene Manager (AC); Business Coordinator – Leader’s Office, and Committee Administrators (KEJ & SJ [Webcaster])

BEREAVEMENT

The Leader reflected on the passing of Councillor Peter Prendergast, whom he had worked closely with as Chairman, and who would be greatly missed.

1 APOLOGIES

There were no apologies.

2 DECLARATION OF INTERESTS

Councillor Jason McLellan declared a personal and prejudicial interest in agenda item 5 – Storage Solution for our Archive Collections, because a close personal associate of his worked on the project in Flintshire County Council.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 19 September 2023 were submitted.

Matters Arising – Item 5 Rhyl Business Improvement District (BID) Re-ballot – Councillor Barry Mellor asked whether the Leader could confirm that Rhyl Town Council had written to him expressing their concerns regarding factually incorrect comments expressed by Councillors Justine Evans and Brian Jones at the last Cabinet meeting relating to the Town Council's involvement with the Rhyl BID and whether any further action would be taken by the County Council in that regard.

The Leader confirmed he had received a letter from the Rhyl Town Clerk which had been shared with the Monitoring Officer given its contents. The Monitoring Officer confirmed receipt of a letter from Rhyl Town Council expressing concerns regarding some factual inaccuracies about the Town Council's involvement in the Rhyl BID and asserting the Town Council had representation from Rhyl BID at all appropriate times, and also expressed concern about an allegation made regarding the Town Council. The Monitoring Officer had spoken to the Town Clerk confirming that if there was a complaint about the Town Council it was not a matter for the County Council to investigate but if anyone had concerns regarding the Town Council, they should write to the Town Council so that they could deal with the matter. If the Town Council had any concern about the conduct of any individual member, they could take that matter up through the appropriate process if they so wished.

Councillor Brian Jones queried the position regarding the webcast of that meeting which had been removed from the Council's website. The Monitoring Officer advised of the requirement to broadcast the meeting but there was no requirement to retain the webcast on the website and he explained the circumstances in which a webcast could be removed, including concerns regarding personal information. A copy of the webcast had been retained and in the event of a freedom of information request, consideration would be given as to whether any exemptions applied to any of the information contained in the webcast. Councillor Jones indicated he may communicate further with the Chief Executive on the issue.

RESOLVED that the minutes of the meeting held on 19 September 2023 be received and confirmed as a correct record.

5 STORAGE SOLUTION FOR OUR ARCHIVE COLLECTIONS

Having declared a personal and prejudicial interest in this matter, the Leader Councillor Jason McLellan left the meeting for the duration of the item and the Deputy Leader Councillor Gill German took the Chair.

Councillor Emrys Wynne presented the report seeking Cabinet's support for the preferred option for the future storage of the Council's archive collections.

The Council had a statutory duty to collect, preserve and make accessible documents of historical importance. A joint archive service with Flintshire County Council (FCC) had previously been established and, given both Councils faced similar issues with buildings that were no longer fit for purpose for storing archive

material, there was a desire to find a joint solution. The problems associated with the archive storage at Ruthin Gaol were highlighted and the need for a sustainable solution going forward. The report set out the various options available and their viability. All options came with significant costs and potential risks but as the current arrangements were unsustainable and could not fulfil the Council's statutory duties there was not a "do nothing" option. Therefore, a case was made for the preferred option for a new joint archive building in Mold (subject to National Lottery Heritage Funding) and proposals for Ruthin Gaol to enhance the visitor offer.

Councillor Wynne advised that the previous Cabinet had approved a similar proposal in November 2020, but the funding bid had been unsuccessful. The Head of Housing and Communities advised Denbighshire's financial contribution would be just over £2m and would provide a resource costing £12m in total, provide more resilience for service delivery and better contribute towards the Council's corporate priorities; prudential borrowing for the project would not be required until 2026/27.

Cabinet carefully considered the report and options available together with the rationale behind the recommendations and preferred option going forward. Cabinet had discussed the issue on a number of occasions and challenged officers to fully explore all options, particularly given the significant costs associated with the project against a backdrop of unprecedented budget pressures facing the authority with difficult decisions needing to be made regarding reduced services and budget cuts in order to deliver a balanced budget. The point was also made that the dire financial situation facing local authorities had been due to direct decisions taken by the UK Government over a number of years. Cabinet accepted that archives was a statutory service and that a solution was required and given the work undertaken by officers and after careful consideration of the options put forward, agreed that the preferred option as set out was the right one in order to ensure a sustainable and resilient service in the future and enable the Council to meet its statutory duties in that regard. Other benefits were also noted as detailed within the Wellbeing Impact Assessment to expand the Ruthin Gaol site which would increase footfall and boost the local economy in Ruthin and the surrounding areas together with plans to widen and diversify the service audience benefitting local communities and education.

Main points of debate focused on the following –

- Councillor Gwyneth Ellis noted that FCC would own the new archive facility and queried why Denbighshire could not own 40% in line with their financial contribution. Officers advised that FCC owned the land on which the facility would be built and discussions to date had focused on FCC owning the asset and being responsible for its operation and maintenance with Denbighshire having access for a peppercorn rent for 25 years with the option to extend that period as part of a Heads of Terms agreement. However, in the event of a successful bid the potential for a shared asset could be discussed further
- plans to enhance the visitor offer in Ruthin Gaol were discussed and assurances given regarding the specific intentions going forward which would be developed as a separate project alongside the joint archive facility, including retaining an archive presence on site and expanding that provision; it was suggested the wording of recommendation 3.4 could be strengthened to clarify that element

- it was confirmed that FCC's Cabinet had agreed the proposal within their last administration and confirmed their commitment for their contribution in January
- elaborated on the difficulties if the bid was unsuccessful, including risks to the accreditation status and having to find alternative sites for archive storage which potentially could be outside of the area, and transport costs for both storage and retrieving archive material resulting in significant additional cost.

The Deputy Leader appreciated the hard work in developing the project and acknowledged the statutory responsibilities of the Council and the wider benefits of the project which together with Levelling Up funding would improve the economic future of Ruthin and the wider area. It was frustrating that the level of investment required came at a time of severe financial difficulties facing the authority.

The debate was opened up to non-Cabinet members. Councillors Bobby Feeley and Merfyn Parry spoke in support of the report recommendations which would secure the future of the archive service in the event of a successful bid and meet the Council's legal duty in that regard. Councillor Huw Hilditch-Roberts was also supportive of the investment in Ruthin but queried the principle and prioritisation of investment given the potential cuts to other services such as libraries.

The Lead Member and officers responded to questions as follows –

- early indications were good regarding the likely success of the bid and there had been an open and supportive dialogue in that regard
- in the event the bid was unsuccessful a further review of the options would need to be carried out and a report back to Cabinet for a decision on the way forward
- highlighted the findings of the options appraisal and significant costs associated with other options which would likely increase over time
- referred to assurances sought at the Cabinet meeting in November 2020 regarding plans for enhancing the heritage attraction of Ruthin Gaol, service provision for communities and the role of libraries and the offer for schools, all of which were part of the current proposal including retaining an archive presence on site to be further enhanced through outreach work within communities and schools to extend the service with wider community access.

Councillor Rhys Thomas reiterated that the Council had a statutory duty and no choice but to approve an archive storage solution at significant cost and therefore it could not be compared with potential service cuts in other areas.

Councillor Emrys Wynne proposed an amendment to report recommendation 3.4 in order to clarify the expected archive presence on site, seconded by Councillor Gwyneth Ellis. Upon being put to the vote it was subsequently –

RESOLVED that Cabinet –

- (a) *support Option 2 as the preferred option, i.e. (subject to a successful bid, see (b) below) to build a new joint archive facility on the Theatr Clwyd campus in Mold to relocate our archive collections from Ruthin Gaol and develop a community-based activity plan to reach all communities across*

Denbighshire. A detailed summary of the available options had been provided at Appendix A to the report;

- (b) authorise officers to submit a joint funding bid with Flintshire County Council (FCC) to the National Lottery Heritage Fund (NLHF) Wales, seeking a capital grant value of £7m to fund a new purpose-build net carbon zero building on the Theatr Clwyd campus;*
- (c) allocate £2,052,358 of Denbighshire County Council capital funding as our match towards the new joint archive facility, subject to the NLHF funding bid being successful;*
- (d) support the preparation of plans to enhance the visitor offer within Ruthin Gaol, including retaining an archive presence on site, and that the service will be open five days a week with digital service available throughout the whole time and an archivist service on at least one of those days, and*
- (e) confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix C to the report) as part of its consideration.*

At this point (11.10 am) the meeting adjourned for a refreshment break.

6 SALT BARNNS (SOUTH) LON PARCWR AND CORWEN

Councillor Barry Mellor presented the report seeking Cabinet approval to progress the Salt Barnns (South) project to the tendering and procurement stage.

Proposals had been developed under two separate projects to facilitate the design and build of two purpose-built salt storage facilities, one for Lon Parcwr depot, Ruthin and one for Corwen depot as well as improving welfare facilities by replacing the temporary Portakabin style buildings at Corwen. The necessary approvals and funding had already been awarded for each individual project, but as the two projects had since been grouped together for tendering purposes as design and build projects, the total value of the contract value exceeded £2m and therefore Cabinet approval was required to progress the project to the procurement stage.

The Works Unit and Streetscene Manager provided an overview of the report and rationale behind the projects in order to address the current environmental issues relating to salt storage in the depots and much needed health and safety and staff welfare facility improvement. The benefits of combining the two individual salt barn projects into one project for tendering purposes was explained to ensure better value for money and a more cost-effective solution for the Council.

Officers responded to questions from Cabinet members as follows –

- confirmed that separate funding bids had been approved previously for the two projects, by the Strategic Investment Group and Cabinet, with funding already allocated for the projects from the Horizon Scanning Capital Priorities Fund
- explained that operations from the Corwen site had been suspended due to salt run off into the drainage system with additives being traced back to the Council

by Natural Resources Wales. Since then, all gritting procedures in the south of the county had been operated from Lon Parcwr which had resulted in increased travel and non-productive time also leading to increased carbon emissions

- advised that some potential pollution issues in terms of the River Dee had been raised by Natural Resources Wales with a number of tests carried out at the time containing traces of salt within some of those tests.

Cabinet noted that the funding had been previously approved and allocated for the projects without the need for additional borrowing or creating a budget pressure going forward. Cabinet supported the case made both in terms of the need for fit for purpose salt storage facilities ensuring compliance with environmental standards and effective service delivery together with suitable welfare facilities for staff.

RESOLVED that Cabinet –

- approves the tendering and procurement of the project in order to develop new buildings and facilitate the safe and correct storage of salt for the purpose of winter maintenance operations, which are servicing the south of the county along with accommodation and welfare and equipment storage improvements at the Corwen site, and*
- confirms that it has read, understood and taken account of the Well-being Impact Assessment (Appendix A to the report) as part of its consideration.*

7 FINANCE REPORT

Councillor Gwyneth Ellis presented the report detailing the latest financial position and progress against the agreed budget strategy. The report also highlighted the funding position with regard to Nant Clwyd Y Dre Lord's Garden Wall repairs scheme and sought approval for new salt storage facilities at Kinmel Park Depot.

A summary of the Council's financial position was provided as follows –

- the net revenue budget for 2023/24 was £250.793m (£233.696m in 2022/23)
- an overspend of £3.446m was forecast for service and corporate budgets
- highlighted current risks and assumptions relating to corporate budgets and individual service areas
- detailed savings and efficiencies and increases in fees and charges (£8.172m)
- provided a general update on the Housing Revenue Account, Treasury Management, Capital Plan and major projects.

The Head of Finance and Audit guided members through the detail of the report. The increase in the forecasted overspend on service and corporate budgets from £3.119m last month to £3.446m was highlighted mainly due to additional pressures in Social Care and Housing and Environmental budgets offset by savings in the Capital Financing budget. Whilst the budget mitigation reserve could be used to cover the overspend in the current year, it would reduce the resources available to meet unforeseen pressures in future years. In response to a question from Councillor Rhys Thomas regarding the decreased balance in the Housing Revenue Account, it was explained there was no minimum requirement to be held in reserve

but historically balances of £1m had been retained. The amount held in reserves was reviewed on a regular basis and as part of the Housing Stock Business Plan.

Cabinet's attention was drawn to the use of contingency funding to cover the projected overspend on the Nant Clwyd y Dre Lord's Garden Wall repairs scheme due to a number of elements including an archaeological watching brief extension as a result of significant Roman finds and health and safety requirements. Cabinet was also asked to approve new salt storage facilities at Kinmel Park Depot in Bodelwddan in order to ensure fit for purpose facilities and compliance with environmental standards in line with approvals under the previous report item.

The Leader advised that it was the Head of Finance and Audit's last meeting as S.151 Officer and thanked him for all his ongoing hard work. The budget position was the most pressing issue facing the authority with difficult decisions ahead and all were working hard to deliver a balanced budget for the next financial year.

RESOLVED that Cabinet –

- (a) note the budgets set for 2023/24 and progress against the agreed strategy;
- (b) approve the installation of new salt storage facilities at Kinmel Park Depot in Bodelwyddan, as detailed in Section 6.9 and Appendix 5 to the report, and
- (c) note the use of the capital programme contingency to fund the projected overspend on the Nant Clwyd y Dre Lord's Garden Wall repairs scheme, as detailed in Section 6.10 of the report.

8 CABINET FORWARD WORK PROGRAMME

The Cabinet forward work programme was presented for members' consideration.

RESOLVED that Cabinet's forward work programme be noted.

The meeting concluded at 11.45 am.