

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 20 November 2012 at 10.00 am.

### **PRESENT**

Councillors Hugh Evans, Leader and Lead Member for Economic Development; Julian Thompson-Hill, Lead Member for Finance and Assets; Eryl Williams, Deputy Leader and Lead Member for Education; Bobby Feeley, Lead Member for Social Care and Children's Services; Huw Jones, Lead Member for Tourism, Leisure and Youth; Barbara Smith, Lead Member for Modernising and Performance, and David Smith, Lead Member for Public Realm

**Observers:** Councillors Ray Bartley, Joan Butterfield, Richard Davies, Alice Jones, Pat Jones, Gwyneth Kensler, Margaret McCarroll, Dewi Owens, Arwel Roberts, David Simmons, Cefyn Williams and Huw Williams

### **ALSO PRESENT**

Chief Executive (MM); Corporate Directors: Economic and Community Ambition (RM), Customers (HW), Modernising and Wellbeing (SE); Head of Legal and Democratic Services (RGW); Head of Finance and Assets (PM); Head of Customers and Education Support (JW); Head of Education (KE); Head of Planning and Public Protection (GB); Planning Policy Manager (AL); Senior Procurement Officer (SA); Section Manager: Street Lighting (AC) and Committee Administrator (KEJ).

#### **1 APOLOGIES**

Councillor Hugh Irving.

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

No declaration of personal or prejudicial interest had been raised.

#### **3 URGENT MATTERS**

No urgent matters had been raised.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 23 October 2012 were submitted.

**RESOLVED** that the minutes of the meeting held on 23 October 2012 be approved as a correct record and signed by the Leader.

#### **5 FAITH BASED SECONDARY PROVISION**

Councillor Eryl Williams presented the report seeking Cabinet's approval to commence informal consultation on the case for change for faith based secondary education provision in the county.

Councillor Williams provided some background to the situation referring to Denbighshire's commitment to delivering significant improvements to schools and school facilities in order to support education. He referred to a systematic approach to educational reviews within the county highlighting those already undertaken as part of that process. In terms of the development of faith based provision, members were advised that the Catholic and Church in Wales Diocesan Authorities, together with the respective Bishops and the Trustees of St. Brigid's had worked with the Council to consider the long term vision for faith-based education and the potential to move towards a single school which could provide joint Catholic and Anglican provision. The next stage involved consultation to gain the views of parents and stakeholders on future provision and to ascertain whether they shared the opinion that a joint provision would strengthen education.

Councillor Hugh Evans reiterated the importance of providing the best education provision and facilities possible and hoped that the consultation findings would ensure that outcome. He noted the view that joint working would lead to clear education benefits for pupils and sought confirmation that all parties were in agreement. The Head of Education advised that discussions had been ongoing with the dioceses and schools and all partners were committed to delivering the best education going forward and accepted the need for review. Councillor Barbara Smith queried the effectiveness of the consultation during the Christmas period and the Head of Customers and Education Support advised that the consultation period had been extended as a consequence but could be extended further if necessary.

Councillor Williams moved the recommendation detailed within the report and it was –

***RESOLVED*** that the commencement of informal consultation in December 2012 on the case for change for Faith Based Secondary Education be approved.

## **6 REVIEW OF PRIMARY SCHOOL PROVISION IN THE RUTHIN AREA**

Councillor Eryl Williams presented the report seeking Cabinet's approval of the review of primary school provision in the Ruthin area and the commencement of information consultation.

Councillor Williams reiterated his previous comments regarding the systematic review of educational provision within the county and the need provide the best education provision possible going forward. He elaborated upon some of the previous reviews already undertaken and difficult decisions which had been made to ensure quality education provision. The context of reviewing schools and education provision was also explained and it was highlighted that some funding elements were dependent on councils managing the process effectively and tackling issues such as surplus places. The main issues facing primary schools in the Ruthin area had been detailed within the report and it was proposed that the review would initially look in detail at eleven primary schools (listed within the

report) and consider all options for future provision. Councillor Williams was keen to stress that no decisions or recommendations had been made at this stage except to approve the commencement of a review and consultation process.

Ruthin Councillors David Smith and Bobby Feeley welcomed the review to address the issues faced by Ruthin schools and ensure quality education and facilities for pupils. Cabinet discussed the complexities involved within the process and Councillor Williams provided examples of developments and initiatives in other schools highlighting the reliance on match funding to continue that work and pressure from the Welsh Government to tackle particular issues in order to access funding provision. Cabinet and lay members took the opportunity to raise questions and discuss a number of issues with Councillor Williams and the officers as follows –

- in response to a question from Councillor Huw Jones, the Head of Customers and Education Support (H:C&ES) reported upon lessons learned from previous reviews in terms of how the review was carried out; implemented, and the outcomes for pupils
- the H:C&EC confirmed that her team worked closely with officers working on the Local Development Plan in order to anticipate any growth in pupil numbers as a result of housing developments
- Councillor Cefyn Williams referred to the school closure following the Edeyrnion area review and sought assurances that this would be the last resort in future reviews, particularly given regard to impact on communities. Councillor Eryl Williams provided assurances that all options would be carefully considered and he elaborated upon the Edeyrnion review and difficult decision to close the school which had been made in the interests of providing the best education possible for pupils
- Councillor Alice Jones voiced her concerns about the detrimental impact school closures had on rural communities and she cautioned against centralising schools in Ruthin. Instead she suggested pupils from Ruthin could be transported to rural schools. She suggested that a plan was already in place involving school closures regardless of consultation. Both Councillors Hugh Evans and Eryl Williams provided assurances that no plan was in place and the consultation responses would inform future actions. Councillor Williams added that there would be transparency of process with every comment responded to and a balanced judgement made. The review was not about closing schools but ensuring the right number of schools, in the right place with sustainability for the future. It would not be appropriate to respond to the comment about transporting pupils because it might prejudice a potential recommendation.

Councillor Williams moved his recommendation as detailed within the report and it was –

***RESOLVED*** that the review of primary school provision in the Ruthin area and the commencement of informal public consultation in February 2013 be approved.

## **7 UPDATE ON DENBIGHSHIRE LOCAL DEVELOPMENT PLAN**

Councillor Eryl Williams presented the report which provided an update on the Local Development Plan (LDP) including responses to the public consultation on additional housing sites and draft phasing policy together with an outline of the next steps.

The report provided some background history leading up to the current situation including a summary of key stages since work began on the LDP in 2006. The main focus of the report was to feedback on the process and representations received in response to the consultation on proposed additional housing sites and the draft phasing policy which had been put forward in response to Planning Inspectors' findings regarding housing need and supply issued in June 2012. Cabinet's support was sought for the draft phasing policy together with their recommendation that the phasing policy and consultation responses be considered by full Council. Councillor Julian Thompson-Hill proposed that late representations also be considered in this case. The Head of Planning and Public Protection (H:P&PP) advised that the acceptance of late representations would need to be drawn to the Inspectors' attention and any late submissions would also need to be identified as such at full Council. Cabinet agreed that late submissions should be accepted in line with the agreed process for Planning Committee.

Councillor Eryl Williams elaborated upon progress with the LDP and advised that 21 potential additional housing sites had been identified for consideration by full Council. He highlighted the importance of ensuring relevant safeguards were in place to guarantee the phasing policy would not be considered unless the housing land supply fell below 5 years. He added that he felt aggrieved by the Inspectors request for further sites to be included within the plan and let down by Assembly Members whose support had been sought over housing provision.

Cabinet discussed the report and expressed disappointment regarding the need to find additional housing sites in light of the extensive process which had already taken place. Some members had concerns regarding individual sites proposed and the Leader advised that any site specific questions must be raised at full Council. It was confirmed that each of the 21 sites would be voted upon individually.

Members took the opportunity to ask questions and discuss a number of issues with the Lead Member and officers arising from the report who responded as follows –

- any additional housing sites agreed by full Council would be submitted to the Inspectors and hearing sessions would be held in January at which objectors would be given the opportunity to speak; objectors would be encouraged to elect a spokesperson but they did have the right to appear individually
- the Inspectors would issue a report following the close of the hearing sessions and their recommendations would be binding on the Council
- the Inspectors supported the new homes target of 7500 but did not believe enough land had been provided to deliver that amount before 2021. Accordingly the Inspectors asked that further sites equating to 1000 houses be included in the plan; the potential 21 sites would provide 980 houses
- reported upon a range of factors which had been taken into account to reach the housing need figure of 7500

- officers believed that an acceptance of the phasing policy would protect those sites because they could only be released for development in specific circumstances
- elaborated upon the extensive consultation process over the lifetime of the plan's development and more recently on the additional housing sites which had also been consulted upon in the earlier stages
- in considering affordable housing and projections for growth the census had shown population growth had not been as high as anticipated
- density on sites had been discussed with the Inspector together with the levels of affordable housing which could be achieved and there was a need to ensure the most appropriate development for each particular area.

Councillor Arwel Roberts commented on the legalities of expressing his personal opinion and the Head of Legal and Democratic Services explained that members could express their opinion but reminded members that comments should be measured and all relevant facts must be taken into account before making a decision. He added that he would be circulating an advice note to councillors before full Council on interests and declarations.

Councillor Alice Jones expressed her concerns regarding the LDP process including conclusions drawn from the study into housing occupancy and population growth and the affordable housing statement of common ground. She also questioned whether Cabinet members would be obliged to vote in favour of the proposals at full Council. The Leader stated that all councillors would vote as they saw fit which had always been the case. Officers responded to the concerns regarding the housing study advising that 3000 houses had been built in Denbighshire but the population had only increased by 600 leading to the conclusion that the majority of those houses had not been occupied by people moving into the county. The study showed that 87% of occupants had moved into the area from Wales with 67% having moved from elsewhere within Denbighshire. The statement of common ground was a public document which had been produced following the Inspector's request that the Council and representatives of house builders discuss the issues concerned.

Councillor Huw Williams welcomed additional housing in Llanbedr which would benefit the local businesses and school within the community.

Councillor Eryl Williams proposed the recommendations contained within the report and the amendment to accept and consider late representations and it was –

**RESOLVED** that Cabinet –

- confirms the need to have an up to date adopted Local Development Plan for Denbighshire;*
- supports the phasing policy attached at Appendix 1 to the report and the intention to apply it to any additional housing sites submitted by Council to the Planning Inspectors;*

- (c) *notes the report and the representations received in response to the Council's consultation on proposed additional housing sites and draft phasing policy and recommends that they be considered by full Council, and*
- (d) *agrees that any late representations received by 5.00 p.m. on Monday 3 December would be reported to full Council on 4 December 2012.*

## **8 ANTI-FOULING STRATEGY**

Councillor David Smith presented the report seeking Cabinet's approval of the Anti-Fouling Strategy and next steps as described in the Action Plan. The Anti-Fouling Strategy (Appendix 1) and Action Plan (Appendix 2) together with members' key questions (Appendix 3) arising from a recent seminar had been attached to the report.

Members were reminded that dog fouling was a key issue of concern for residents and the Strategy had been prepared in response to the problem. Councillor Smith elaborated upon the three main areas identified in the Strategy which had been assigned a specific Head of Service as follows –

- Communications and Marketing – Jamie Groves
- Collection Arrangements – Steve Parker
- Enforcement – Graham Boase

Each area had an action plan to ensure effective delivery within appropriate timeframes and the impact of the Strategy would be measured against indicators to evaluate effectiveness. Reference was also made to XFOR, the company contracted to carry out environmental enforcement, including dog fouling.

Councillor Bobby Feeley expressed concern that despite responsible disposal of dog mess residue was left behind and she asked whether consideration could be given to banning dogs from specific places such as playgrounds. Councillor David Smith responded that Dog Control Orders were being considered as a separate issue to the Strategy. Councillor Julian Thompson-Hill did not support the implementation of dog control areas because dog owners had a duty to exercise their dogs and could only do so safely in particular areas. During a brief debate the Head of Planning and Public Protection (H:P&P) advised of the legalities of Dog Control Orders and highlighted the need for a comprehensive review and consultation in order to determine appropriate control measures within the county.

Cabinet welcomed the Strategy as a means of addressing the problem of dog fouling within the county and applauded the initiative. The Leader hoped for more specific detail within that document and felt another members' seminar might prove useful. Councillor Joan Butterfield highlighted particular problem areas at Brickfield Pond and Marine Lake and sought assurances that XFOR would not only be concentrating only on easy targets but on difficult problem areas. The H:P&PP reported upon the work of XFOR in tackling the issue of dog fouling confirming they had been instructed to be visible in all communities and not just to target easy areas. Councillor Arwel Roberts stressed the need to enforce the Dog Control Order in Rhuddlan Playing Fields which was being violated. In terms of

communication, Councillor Roberts highlighted the need for accurate translations and appropriate contact with Town and Community Councils.

Councillor David Smith asked that members let him know of any particular problem areas which needed targeting. He moved the recommendations contained within the report and proposed an amendment that a study also be conducted into Dog Control Orders.

**RESOLVED** that Cabinet –

- (a) *approve the Anti-Fouling Strategy and agree the next steps as described in the Action Plan (attached as Appendix 1 and 2 to the report respectively), and*
- (b) *requests officers to conduct a study into the suitability and effectiveness of Dog Control Orders.*

## **9 FINANCE REPORT 2012/13**

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy. He provided a brief summary of the Council's financial position as follows –

- an under spend of £210k was forecast across service and corporate budgets with the forecast for schools being a positive movement on balances of £169k
- £2.423m (70%) of agreed savings had been achieved with £995k (29%) being progressed and £25k (1%), relating to printer rationalisation, being deferred to next year
- highlighted key variances from budgets or savings targets and details of individual service budgets
- a general update on the Capital Plan and Housing Revenue Account.

Councillor Thompson-Hill clarified a number of issues arising from the report in response to members' questions. Councillor Hugh Evans stated that although the savings of individual services had been detailed it would be useful for future reports to denote the percentage of service savings in order to provide a clearer picture of services saving allocations. Councillor Thompson-Hill advised that the percentage of savings over the last three years for individual services could be provided but it was important to provide some context to those figures. Specific services targets had not been set to date and methodologies for future target setting were being considered. Councillor Bobby Feeley highlighted that Adult Services was statutory and required to respond to a number of future pressures with cost implications attached. The Chief Executive asked that further detail of the pressures in the Highways and Infrastructure budget be provided consistent with other service budgets.

**RESOLVED** that the latest financial position and progress against the agreed budget strategy be noted.

## **10 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration and it was –

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

## **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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

### **11 AWARD DECISION FOR ALL WALES AND AGMA FRAMEWORK AGREEMENT FOR THE PROVISION OF HIGHWAY LIGHTING MATERIALS**

Councillor David Smith presented the confidential report (previously circulated) seeking Cabinet's approval to use the recently developed All Wales and Association of Greater Manchester Authorities (AGMA) Framework Agreement for the Provision of Highway Lighting Materials.

Councillor Smith paid tribute to the hard work of Andy Clark, Section Manager: Street Lighting and Stuart Andrews, Senior Procurement Officer in developing the collaborative framework. He hoped that the model could be replicated elsewhere within the authority for other projects. Reference was also made to the achievements of the Street Lighting Team who had previously won the Performance Networks Best Performer category in the Association for Public Service Excellence award and had been short listed again for this year's award.

The officers provided further details of the procurement provision and the collaborative framework agreement and highlighted potential savings for the Council and other organisations as a result of the project. In response to questions the Section Manager: Street Lighting reported upon investment options to provide long term efficiencies and confirmed that wherever possible local businesses were used for smaller commodities. Members recognised the dedication of the officers and hard work involved in developing the framework agreement and thanked them for their efforts.

**RESOLVED** that Cabinet authorise the Street Lighting Manager to use the recently developed All Wales and AGMA Framework Agreement for the Provision of Highway Lighting Materials.

The meeting concluded at 12.45 p.m.