

CABINET

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 30 July 2013 at 10.00 am.

PRESENT

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

ALSO PRESENT

Chief Executive (MM); Corporate Directors: Economic & Community Ambition (RM), Customers (HW); Deputy Monitoring Officer/Solicitor (LJ); Head of Finance and Assets (PM); Housing Area Renewal/Building Control Manager (GR); Head of Children and Family Services (LR); Head of Adult and Business Services (PG); Property Manager (DL); Senior Engineer Flood Risk Management (WH), and Committee Administrator (KJ).

TRIBUTE - JANE KENNEDY

The Leader referred to the sad news that Jane Kennedy, former Head of Legal Services and Acting Head of Corporate Governance had recently passed away after a short illness. He paid tribute to Jane's years of service to local government and conveyed the Council's condolences to her family. Members and officers stood in silent tribute.

AGENDA ORDER

The Leader advised of his intention to vary the order of business and move agenda item 6 North Wales Hospital, Denbigh to the end of the Part 1 items for consideration.

1 APOLOGIES

There were no apologies.

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 25 June 2013 were submitted.

RESOLVED that the minutes of the meeting held on 25 June 2013 be approved as a correct record and signed by the Leader.

5 FOOD REVIEW TASK AND FINISH GROUP

Councillor David Smith, Lead Member for Public Realm presented the report detailing the findings of the Task and Finish Group established to review the Council's policies and procedures with respect to food procurement, regulation and contract management following the horsemeat scandal. Communities Scrutiny Committee had welcomed the Group's findings and recommended that all 13 recommendations arising from the review be submitted to Cabinet for approval.

Councillor Smith drew members' attention to recommendation 3.2 advising that the Food Standards Agency had carried out an audit within Denbighshire during the last few weeks which suggested that the number of staff available to carry out regulatory functions did not appear adequate. The final audit report was not yet available. In response to questions members were advised that –

- officers were responsible for implementing the recommendations and the Food Review Group would look to ensure that adequate procedures were in place
- work had been carried out with Social Services to establish a more robust procurement operation with greater protection under contractual arrangements
- a proactive approach was being taken to trace food back to source.

The Leader commended the Council's response to the horsemeat scandal and safeguarding public interest. After considering the recommendations it was –

RESOLVED that the recommendations of the Food Review Task and Finish Group as detailed in paragraphs 3.1 – 3.13 of the report be approved.

6 DEVELOPING 'AN EXCELLENT COUNCIL CLOSE TO THE COMMUNITY'

Councillor Hugh Irving, Lead Member for Customers and Communities presented the report seeking Cabinet's approval of the Council's approach to progressing the ambition of 'Bringing the Council Closer to the Community'. An overview of the how the Council engaged with communities and its revised approach had been detailed in appendices to the report.

The Corporate Director: Customers (CDC) elaborated upon the identified priorities for the Council in order to bring the Council closer to the community with four new themes and associated actions. He highlighted the involvement of all services in supporting the corporate approach which would be continually monitored through the Action Plan, the Corporate Plan and via the Service Challenge Process.

Cabinet acknowledged the achievements designed to bring the council closer to the community and provided some positive examples of successful engagement with the public. The importance of engagement and interaction with communities was highlighted but it was also recognised that public perception was less positive when consultation focused on particular issues where difficult and unpopular decisions had to be made. Councillor Eryl Williams highlighted the negativity surrounding

school reviews in particular and felt there would be some merit in removing the reference to 'close to the community' in the mission statement and to concentrate on the more positive aspect of being 'An Excellent Council'. In view of the worsening financial climate more difficult and unpopular decisions would need to be made which would also impact negatively on public perception. During the ensuing debate it was generally accepted that there would be negative public perception arising from specific issues but there was a need for the Council to show their commitment to become close to the community. The importance of the Council being open and transparent in its dealings and in the way consultations were carried out was highlighted and to listen and engage with the community. It was accepted that the council could be close to the community but still unpopular because their decisions would not gain everyone's support. Councillor Bobby Feeley felt it was important to ensure that the public understood that difficult decisions had to be made.

Members also highlighted the difficulties in measuring the success of the new approach and sought more definite measureable outcomes. Whilst various monitoring strategies had been mentioned, including the action plan, feedback from various forums and complaints/compliments and surveys, it was acknowledged there was no definitive measure of success. As the issue involved culture change it was difficult to quantify but there was a commitment and expectation to succeed and strategies employed to deliver the ambition. Officers responded to further questions as follows –

- acknowledged the need for commitment from officers highlighting the involvement of services within the process
- elaborated upon the two way process of the City/Town/Community Council Charter and the continual monitoring of its effectiveness
- two town/community councils had failed to sign up to the Charter, one being Llandrillo who had not signed up because of their area's school review
- the checklist (Appendix 3 circulated at the meeting) would be used to monitor how services were responding to the needs of customers, and
- the new website would be launched publicly on 19 August and would be more interactive to enable the public to communicate easily with the Council.

Councillor Huw Hilditch-Roberts reported upon the mixed views of Communities Scrutiny Committee when considering the report and highlighted the need for an effective community engagement plan and a revamp of the Town/Community Council Charter to make it more appealing. He also highlighted the need to make greater use of technology to engage with communities, particularly young people. Councillor Colin Hughes felt that councillors had an obligation to engage with their communities and that aspect should feature more strongly in members training.

Members agreed it was important to maintain and fulfil the council's ambition of becoming closer to the community and it was –

RESOLVED that Cabinet –

- (a) *endorses the refreshed approach to the definition of being An Excellent Council Close to the Community as set out in Appendix 1 to the report;*

- (b) *requires all services to develop their own plans in order to respond positively to the four themes outlined in the overview plan set out in Appendix 1 to the report, and*
- (c) *endorses a review of Member Area Group (MAG) activity to ensure that there were opportunities to feedback and gauge the views of communities at a locality level.*

7 ADULT SAFEGUARDING

Councillor Bobby Feeley, Lead Member for Social Care and Children's Services presented the report detailing proposals for future Adult Safeguarding arrangements in line with the Social Services and Wellbeing (Wales) Bill. Cabinet's agreement was sought to change the current arrangements for adult safeguarding, in line with each partner across North Wales, to the preferred option of a Two-tiered North Wales Adult Safeguarding Board.

During consideration of the proposals Cabinet sought assurances regarding funding arrangements and management of identified weaknesses, particularly in terms of accountability. The Head of Adult and Business Services explained there was an expectation that regional collaboration funding would be forthcoming to progress the project. If the funding bid was unsuccessful the project would still proceed but it would take longer to implement the proposals. Assurances were provided that arrangements would be overseen by a Board of Social Services Directors together with representatives from Betsi Cadwaladr University Health Board and North Wales Police. Documentation would be prepared beforehand clearly setting out the responsibilities of both the regional and sub-regional boards.

RESOLVED *that the proposals to change the current arrangements for Adult Safeguarding, in line with each partner across North Wales, to the preferred option of a Two-tiered North Wales Adult Safeguarding Board be approved.*

8 ESTABLISHMENT OF AN INTEGRATED FAMILY SUPPORT TEAM

Councillor Bobby Feeley, Lead Member for Social Care and Children's Services presented the report seeking Cabinet's agreement to the establishment of an Integrated Family Support Team (IFST) within Denbighshire in line with statutory requirements.

The Head of Children and Family Services (HCFS) provided some background to the report and reasoning behind the requirement to establish an IFST. He reported on the work which had been undertaken in that regard and elaborated upon the proposals both within North Wales and for Denbighshire specifically which would likely become operational from 31 December 2013. Reference was also made to the benefits of that approach together with funding arrangements. In response to a question from Councillor David Smith, the HCFS confirmed that grant funding in 2013/14 would enable three more staff to be employed within the team. Welsh Government had given assurances that from 2014/15 onwards approximately

£136k would be added to the Revenue Support Grant for the IFST arrangements which would be used to fund those additional posts.

The Deputy Monitoring Officer/Solicitor asked for greater clarity within the recommendation detailed within the report. Consequently it was –

RESOLVED that Cabinet agree to the establishment of an Integrated Family Support Team within Denbighshire pursuant to its duties under Section 57 of the Children and Families Measure (Wales) 2010.

9 NORTH DENBIGHSHIRE OFFICE ACCOMMODATION REVIEW

Councillor Julian Thompson-Hill, Lead Member for Finance and Assets presented the report seeking Cabinet's approval of the office rationalisation proposals for North Denbighshire together with the formulation of long term development plans.

The report outlined the work undertaken in respect of the North Denbighshire Office Accommodation Review together with an outline of the strategic considerations and recommendations. Councillor Thompson-Hill elaborated upon the rationale behind the final proposals which involved the vacation of Prestatyn Ty Nant offices subject to alternative use being identified. Long term proposals included potential development for the Prestatyn site and a new office building in Rhyl. Reference was also made to the consultation exercise and concerns raised together with the responses thereto. Councillor Barbara Smith advised that the review was part of the modernisation strategy and highlighted the involvement of the Modernisation Board within the process and the importance of progressing with the proposals as soon as possible.

Cabinet was pleased that progress was being made in reviewing assets and addressing the issue of surplus buildings. Members questioned various aspects of the office accommodation review process and findings in order to satisfy themselves that the final proposals presented the best way forward. In commenting on the report members expressed specific concern regarding the poor condition and high costs associated with 6 – 8 Nant Hall Road. Councillor Julian Thompson-Hill and officers responded to members' questions and comments as follows –

- acknowledged concerns regarding the poor condition and high cost of 6 – 8 Nant Hall Road detailing the reasons why it had not been included within the initial phase but would be addressed as part of the longer term proposals
- under current practice relocation expenses would be paid to affected staff who would travel further to work as a result of the proposals
- agreed that uncertainties surrounding the proposals could be unsettling for staff and if Cabinet approved the recommendations they would be progressed as soon as possible with sensitivity to staff and minimum disruption
- elaborated upon the role of Property Services, HR and ICT within the process to ensure a smooth transition and facilitate alternative working practices
- provided assurances regarding the leasing arrangements for Brighton Road whose landlord wished to retain the Council as tenant

- provided some indicative savings arising from the proposals in terms of operating and leasing costs but more definite figures would be produced following the marketing exercise and formulation of the business case.

Councillor Hugh Irving considered Ty Nant an asset showing the Council's commitment and presence in the town and raised concerns regarding the economic impact of the proposals. He felt it did not make business sense to continue to lease 64 Brighton Road when the Council owned Ty Nant outright and suggested that Brighton Road could be partially vacated and relocated to Prestatyn to reduce rental costs. He also expressed doubts about finding a tenant for Ty Nant and sought assurances that, if the proposals were approved, Ty Nant would remain in commission until a tenant had been found. The following responses were provided:

- assurances were given that Ty Nant would remain in commission until the marketing exercise had been undertaken to determine interest and value
- it was anticipated that, providing the Council was flexible, a tenant could be found quickly – however, if a tenant could not be found the matter would be brought back to Cabinet for further consideration
- it was submitted that staff based in Ty Nant did not contribute significantly to the town's economy which would be mitigated in any event by securing a new tenant and potential significant investment from future development of the site
- the leasing of 64 Brighton Road represented good value for money.

During debate it was accepted that the Council had too much office space and needed to reduce it in line with service delivery needs and in order to make cost savings. In light of the findings of the accommodation review the consensus was that there was no business case to retain Ty Nant and Cabinet supported the recommendations as set out in the report as the best option for rationalisation of office accommodation in the North of the county.

RESOLVED that Cabinet –

- approves the vacation of the Prestatyn Ty Nant offices (subject to alternative use being identified and implemented) as the preferred option (option 3 as outlined in paragraphs 4.7 – 4.9 as set out in the report) for office rationalisation in the North of the County;*
- approves the undertaking of a marketing exercise for the Prestatyn Ty Nant building on a medium term leasehold basis to facilitate the vacation of the building by Denbighshire County Council staff, and*
- approves the formulation of a Planning Brief to facilitate a long term development plan for the Prestatyn site outlined in red in Appendix 1 to the report and the development of a design brief and feasibility study for the provision of a new office building in Rhyl.*

At this juncture 11.55 a.m. the meeting adjourned for a refreshment break.

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 underspend on the revenue budget of £45k was forecast for service and corporate budgets
- a forecast positive movement for schools of £352k with non-delegated school budgets forecasting an under spend of £150k
- £1.267m (41%) of agreed savings had been achieved to date
- highlighted key variances from budgets or savings targets relating to individual service areas, and
- a general update on the Capital Plan and Housing Revenue Account.

Members' attention was also drawn to the recommendation of the Strategic Investment Group (detailed in Appendix 5 to the report) with regard to the design works for Ysgol Glan Clwyd. The Head of Finance and Assets welcomed the proactive approach taken by the Council in terms of the 21st Century Schools Programme which was beginning to yield results. Welsh Government had recently made funding available to accelerate the proposal at Glan Clwyd.

RESOLVED that –

- (a) the latest financial position and progress against the agreed budget strategy be noted, and*
- (b) the recommendation of the Strategic Investment Group as detailed in Appendix 5 with regard to design works for Ysgol Glan Clwyd be approved.*

11 CABINET FORWARD WORK PROGRAMME

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration. Councillor Eryl Williams highlighted the possibility that the report on Faith Based Education Provision may be delayed from September to October in light of the wealth of consultation responses received. The Head of Finance and Assets also asked that a report on Treasury Management be added to Cabinet's work programme for September.

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

12 THE FORMER NORTH WALES HOSPITAL, DENBIGH

Councillor David Smith, Lead Member for Public Realm presented the report updating members on progress with the former North Wales Hospital project and seeking Cabinet's support to serve a Compulsory Purchase Order (CPO) for the site and make an offer to purchase it.

The report included some background information leading up to the current situation and outlined the general risks associated with the CPO process. Given the complexities of the site it was recommended that if Council was successful with

the CPO or the offer to purchase the site was accepted, that further Cabinet authorisation be sought prior to formally taking ownership of the site.

The Leader highlighted media references to the location of the new prison in North Wales. He clarified that both this site and St. Asaph Green Gate site were unsuitable due to the size and planning constraints.

Members raised questions regarding the financial implications and future intentions for the building and were provided with the following responses –

- the project would result in no cost to the local authority or council tax payer
- the outcome of the three remaining planning appeals was awaited before steps were taken to try and recover payment in relation to the two invalid appeals
- an independent valuation of the site would be carried out in order to ascertain the value of compensation payable
- the service of the CPO would be a decision for the Planning Committee and would likely take approximately fifteen months to complete
- future intentions for the site would need to be considered in closed session but any project would seek to benefit Denbigh town and the county as a whole.

Confidential appendices relating to the CPO had accompanied the report and in order to discuss that matter and future intentions for the site it was – **RESOLVED** *that the Press and Public be excluded from the meeting on the grounds that exempt information would likely be disclosed as defined in Paragraph 14 of Schedule 12A of the Local Government Act 1972.*

Cabinet discussed issues surrounding the CPO including associated risks, financial considerations and future plans. Members were keen to safeguard the building and ensure that the site was developed to benefit the area. Whilst recognising the need for confidentiality members were also keen for the matter to be dealt with as openly as possible without prejudicing the Council's position. At the end of the discussion the meeting resumed in open session.

RESOLVED *that Cabinet –*

- supports the service of a Compulsory Purchase Order for the site and recommend that Planning Committee so authorise;*
- supports Officers to make an offer to purchase the site based on the response from the Independent Valuer and other material factors, and*
- that prior to formally purchasing the site be it via Compulsory Purchase Order or via negotiations a further Cabinet authorisation be sought.*

13 THE REDEVELOPMENT OF 21 - 24 WEST PARADE, RHYL

Councillor Julian Thompson-Hill, Lead Member for Finance and Assets presented the confidential report seeking Cabinet's approval of final agreed terms with the Development Partner to develop properties on West Parade, Rhyl. Details of the

Agreement outlining the proposals for developing the properties had been provided together with financial terms and associated risks.

Councillor Eryl Williams asked that the boarding to secure the site be used as a promotional tool to create a picturesque image of the development.

The Leader took the opportunity to congratulate the Head of Finance and Assets on his vision which had led to the successful redevelopment of the area.

RESOLVED that Cabinet approve the confirmation of agreed terms with the 'Development Partner' Chesham Estates to develop the property 21 – 24 West Parade (formally known as the Honey Club), Rhyl and additional properties comprising, the garage to the rear of 27 – 28 West Parade (DCC owned) and 25 – 26 West Parade (subject to a Compulsory Purchase Order). Plan attached at Appendix B to the report showing area hatched red.

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.

14 CORWEN FLOOD RISK MANAGEMENT SCHEME - AWARD OF CONTRACT

Councillor David Smith, Lead Member for Public Realm presented the confidential report seeking Cabinet's approval to award a contract for the Corwen Flood Risk Management Scheme. Background information on the risk management scheme and the tendering process had been included within the report.

Councillor Huw Jones took the opportunity to thank the Senior Engineer – Flood Risk Management for the work he had undertaken in relation to the scheme which had also been appreciated by Corwen residents. Councillor Jones hoped that the scheme would be completed as soon as possible.

RESOLVED that Cabinet approves the award of a contact to the named contractor as detailed in paragraph 3 of the report.

The meeting concluded at 1.05 p.m.