

## **CABINET**

Minutes of a meeting of the Cabinet held in Conference Room 1a, County Hall, Ruthin on Tuesday, 26 November 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 Leisure, Youth, Tourism and Rural Development; 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

**Observers:** Councillors Joan Butterfield, Bill Cowie, Meirick Lloyd Davies, Huw Hilditch-Roberts, Jason McLellan and David Simmons

### **ALSO PRESENT**

Chief Executive (MM), Corporate Directors: Economic and Community Ambition (RM) and Modernisation and Wellbeing (SE), Head of Legal and Democratic Services (GW), Head of Finance and Assets (PMc), Principal Countryside Officer (HS), Head of Housing and Community Development (PM), Economic and Business Development Manager (TB), HR Services Manager (CR), and Committee Administrator (KEJ)

#### **1 APOLOGIES**

Apologies had been received from the Corporate Director: Customers.

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

No declaration of personal or prejudicial interest had been raised.

#### **3 URGENT MATTERS**

In accordance with the requirements of Section 100B(4) of the Local Government Act 1972, the Leader declared that he intended to include for discussion the following confidential matter requiring urgent attention – UPDATE ON EQUAL PAY COMPENSATION. It was agreed to consider the matter later in the meeting under Part II of the agenda.

#### **4 MINUTES**

The minutes of the Cabinet meeting held on 29 October 2013 were submitted.

**RESOLVED** that the minutes of the meeting held on 29 October 2013 be approved as a correct record and signed by the Leader.

## **5 PROPOSED JOINT COMMITTEE FOR THE CLWYDIAN RANGE AND DEE VALLEY AREA OF OUTSTANDING NATURAL BEAUTY (AONB)**

Councillor Huw Jones presented the report seeking Cabinet's support for the formation of a Joint Committee (JC) for the Clwydian Range and Dee Valley AONB which now stretched across Wrexham, Flintshire and Denbighshire. The existing AONB Committee had recommended a JC to strengthen relations with local authorities and ensure good governance. Leaders, Chief Executives and Lead Officers from the three local authorities had been supportive of the approach.

The Principal Countryside Officer (PCO) responded to members' questions, elaborating upon the requirements for creating a JC together with the proposals in terms of membership, powers and roles, operational support and the benefits to be derived from such an approach. Cabinet was supportive of a partnership approach but sought assurances regarding the involvement of local members within the process together with local accountability. The PCO clarified that membership of the JC would be determined by each individual authority and would be supported by an AONB Partnership and Annual Forum involving local members. The JC would also report back to the local authorities' executives/committees. In response to a question from the Leader the PCO highlighted the potential economic impact and value to the area as a consequence of the expanded AONB range, specifically in terms of tourism and grant funding leading to the development of various projects.

**RESOLVED** that Cabinet –

- (a) *supports the formation of a Joint Committee for the Clwydian Range and Dee Valley AONB;*
- (b) *agrees the Authority signs with Wrexham and Flintshire the Legal Agreement prepared by legal, financial and the AONB Officer as set out in the appendix to the report, and*
- (c) *the Joint Committee and AONB Partnership ensure that local members whose wards are wholly or partially within the area of the AONB are regularly updated and informed of the business to be considered by both the Joint Committee and AONB Partnership.*

## **6 DENBIGHSHIRE SUPPORTING PEOPLE LOCAL COMMISSIONING PLAN 2014 - 15 & 2015 - 16**

Councillor Bobby Feeley presented the report seeking Cabinet's approval of the Supporting People Local Commissioning Plan (LCP) 2014/15 & 2015/16 prior to submission to the North Wales Regional Collaborative Committee and the Welsh Government. She confirmed Communities Scrutiny Committee had considered and supported the LCP.

Supporting People (SP) was a policy framework and funding stream providing housing related support to vulnerable people. The Corporate Director: Modernising and Wellbeing drew members' attention to the main strategic priorities and proposed actions detailed within the report together with funding implications arising

from the new funding formula and general funding cuts. The proposals for cuts had been delivered in a strategic way and there was also investment in Denbigh Youth Project which had been identified as an area of significant need.

**RESOLVED** that Cabinet approves the Supporting People Local Commissioning Plan for 2014/15 & 2015/16 and its submission to the North Wales Regional Collaborative Committee and the Welsh Government.

## 7 TOWN AND AREA PLANS

Councillor Hugh Evans presented the report updating Cabinet on Town and Area Plans and seeking adoption of the Area Plans for Llangollen, Corwen and St. Asaph (attached to the report) and approval of funding for the priorities contained within those plans. The report also included a timetable for future plan approvals and the current financial position.

The new plans set out the current situation in the towns and associated areas, key challenges and opportunities together with a vision and actions to deliver that vision. Each of the three Area Plans had been approved by their respective Member Area Group. Councillor Huw Jones elaborated upon the process of linking the surrounding areas to towns in order to reflect the issues, actions and priorities within those communities. The Economic and Business Development Manager reported upon the latest position on spend highlighting funding commitments and match funding elements together with the forecast position to the year end.

As a point of notice Councillor Barbara Smith advised that the wards in her area had been attached to different Area Plans. It had since been agreed that Cwm would form part of the St. Asaph Area Plan together with Tremeirchion and Waen.

Cabinet discussed the process for funding allocations contained within the Area Plans which was predominately based on a bidding process for priorities as opposed to a set provision for each area. The need for greater clarity in terms of available funding when setting priorities was highlighted including match funding elements and external grant funding sources. Questions were also raised about the flexibility of the Area Plans in responding to changing priorities and in cases where priorities differed from County Council policy. Comments were made regarding the length of time taken to develop the Area Plans and the need to progress the priorities without undue delay. Officers responded to members' questions and comments as follows –

- elaborated upon work on going to ensure a fair distribution of funding across the county with further guidance for towns and communities being prepared on various funding sources available and how they could be accessed – a discussion in that regard would be had at the Economic Ambition Programme Board in December and a report with recommendations on distribution of funding would be provided to Cabinet for consideration
- confirmed that plans should be driven by Member Area Groups with clear priorities identified
- advised that Area Plans would be live documents to be amended as priorities changed and subject to regular review by Member Area Groups – officers had

committed to a review programme to develop that process and to help members identify sources of funding to support priorities

- explained the factors which had delayed development of the plans including the work involved in widening the initial plans, the consultation process and timetabling of meetings with town/community councils.

The Chief Executive added that a report would be commissioned to assess the impact of the priorities within towns and communities and establish what difference had been made as a result. The importance of links with the town/community councils was also highlighted and the need for a more coordinated approach. Cabinet endorsed the Area Plans as the way forward for delivering priorities within local communities.

**RESOLVED** that Cabinet –

- approve the adoption of Area Plans (incorporating the existing Town Plans) for Llangollen, Corwen and St. Asaph;*
- approve the funding for the priorities detailed in the above referred Area Plans;*
- note the timetable for future Town & Area Plans, and*
- note the position statement on the current financial position for Town & Area Plans.*

## **8 FINANCE REPORT**

Councillor Julian Thompson-Hill presented the report detailing the latest financial position and progress against the agreed budget strategy and sought Cabinet's agreement in principle to provide a short term loan to Llangollen Town Council. He provided a summary of the Council's financial position as follows –

- an under spend of £763k was forecast across service and corporate budgets
- 67% of agreed savings had been achieved to date (target £3.061m)
- highlighted key variances from budgets or savings targets relating to individual service areas
- a positive movement of £85k on school balances brought forward from 2012/13
- a general update on the Capital Plan and Housing Revenue Account.

Cabinet was also asked to approve a proposal to set aside £100k of the £152k refund on payments made under the Carbon Reduction Scheme to invest in new energy efficiency schemes.

Councillor Eryl Williams referred to the parking income levels being down on the previous year resulting in a pressure of £108k – the main areas affected being Rhyl and Prestatyn. He referred to the Ruthin Member Area Group funding allocation to subsidise car parking charges in the area and sought assurances that there would be parity between affected areas to ensure Ruthin did not lose out if pressures were offset from within the directorate. He also requested that a study be carried out into

the reduction in car parking charges in Ruthin to assess the impact. It was noted that some work had been carried out to assess the impact of the subsidy in Ruthin but it had been difficult to reach a definitive conclusion. Councillor David Smith highlighted the need for further investigation into the budget setting process if the Council was depending on car parking charges as an income. The Head of Housing and Community Development advised that Communities Scrutiny Committee had agreed that a review of the car parking policy be carried out and reported back to scrutiny in March 2014. He confirmed that issues raised by members would be incorporated within that review.

Councillor Meirick Davies raised questions over the pressure on School Transport and the need to review the discretionary transport element. Councillor Julian Thompson-Hill referred to previous debates regarding the issue and the Chief Executive added that there was a separate budget for discretionary transport which would form part of future budget discussions. It was also noted that the School Transport budget fluctuated depending on the number of school days during the year. In response to a question from Councillor Bill Cowie, Councillor David Smith advised that the service restructure for Highways and Environmental Services would hopefully be resolved by the end of March 2014.

**RESOLVED** that Cabinet –

- (a) *note the latest financial position and progress against the agreed budget strategy;*
- (b) *agree in principle the arrangement of a loan to Llangollen Town Council to assist with the cash flow supporting a capital investment and to delegate authority to the Head of Finance and Assets to progress the arrangement if and when required;*
- (c) *agree that £100k of the refund payment made under the Carbon Reduction Scheme be set aside for investment in new energy efficiency schemes, and*
- (d) *that a study be carried out into the impact of the reduction in car parking charges in Ruthin on the levels of car park usage and income earned from car parking in the town.*

## **9 CABINET FORWARD WORK PROGRAMME**

Councillor Hugh Evans presented the Cabinet Forward Work Programme for consideration. It was agreed to delete a duplicate entry in the work programme for January regarding the Procurement Business Case.

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

At this juncture (11.40 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 items of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 14 and 15 of Part 4 of Schedule 12A of the Local Government Act 1972*

## **10 URGENT MATTER - UPDATE ON EQUAL PAY COMPENSATION**

[This item was considered as a matter of urgency, notice having been given by the Leader at the commencement of the meeting.]

Councillor Barbara Smith presented a confidential report updating Cabinet on the Council's negotiations to settle its equal pay liabilities and seeking endorsement of the proposed settlement as detailed within the report. The Corporate Director: Economic and Community Ambition provided some background to the current proposals and responded to members' questions thereon.

***RESOLVED*** that Cabinet endorses settlement of the Council's current equal pay claims on the basis detailed within the report as agreed in principle with the Claimants' Solicitors.

## **11 BUSINESS RATES WRITE OFFS**

Councillor Julian Thompson-Hill introduced Mr. Rod Urquhart, newly appointed Head of Revenues and Benefits (HRB). He presented a confidential report seeking Cabinet's approval to write off the irrecoverable Business Rates for a number of companies where recovery action could not continue because they had either been wound up or dissolved. A detailed history relating to each company had been included within the report.

Cabinet discussed the circumstances relating to the companies concerned with the HRB and expressed concerns regarding practices used by particular companies to avoid paying creditors. The HRB elaborated upon the legalities and recovery action undertaken and highlighted recent changes to act earlier in the recovery process if necessary.

Councillor Meirick Davies referred to a recent Ombudsman's report regarding overpayment of business rates. The Head of Legal and Democratic Services advised that such matters were reported to the Corporate Governance Committee and he agreed to look into the specific case referred to by Councillor Davies.

***RESOLVED*** that Cabinet –

- (a) *approves to write off the irrecoverable Business Rates as detailed in Table 1 of the report, and*
- (b) *that Council writes to the Welsh Government to express its concerns in terms of practices adopted by particular companies to circumvent paying creditors and requests it looks into the legislative requirements to close those loopholes.*

## **12 SCALA CINEMA AND ARTS CENTRE - FINANCIAL UPDATE**

It was noted that Councillor Julian Thompson-Hill was a member of Prestatyn Town Council but there was no requirement for him to declare an interest in this item.

Councillor Julian Thompson-Hill presented the confidential report detailing the current financial position of the Scala Prestatyn Company Limited. Cabinet discussed the financial position with the Head of Finance and Assets and the Chief Executive who clarified particular issues in response to questions thereon. Whilst agreeing to delegate authority to the Head of Finance and Assets to take appropriate action members also asked that they be kept informed of any developments in relation to the matter.

***RESOLVED*** that *Cabinet delegates authority to the Head of Finance and Assets to monitor the financial situation, manage the payroll service to Scala Prestatyn Company Limited and to take any appropriate action.*

The meeting concluded at 1.00 p.m.