

CABINET

Minutes of a meeting of the Cabinet held in the Council Chamber, County Hall, Ruthin and by video conference on Tuesday, 27 May 2025 at 10.00 am.

PRESENT

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

Observers: Councillors Ann Davies, Karen Edwards, Pauline Edwards, Gwyneth Ellis, James Elson, Chris Evans, Justine Evans, Bobby Feeley, Martyn Hogg, Brian Jones, Merfyn Parry, Arwel Roberts, Andrea Tomlin, and David Williams

ALSO PRESENT

Chief Executive (GB); Corporate Director: Environment and Economy (TW); Heads of Service: Corporate Support Service People/Deputy Monitoring Officer (CR), Finance and Audit (LT), Highways and Environmental Services (PJ), and Education (GD); Senior Engineer – Bridges and Construction (JH); Principal Education Manager (JB); Scrutiny Coordinator (RE), and Committee Administrators (KEJ & RTJ [Webcaster])

1 APOLOGIES

Councillor Delyth Jones, Lead Member for Finance

2 DECLARATION OF INTERESTS

No declarations of interest had been raised.

3 URGENT MATTERS

No urgent matters had been raised.

4 MINUTES

The minutes of the Cabinet meeting held on 29 April 2025 were submitted.

Matters Arising – Item 5 Public Conveniences Savings Proposal – Local Needs Assessment and Draft Local Toilet Strategy –

- Councillor Julie Matthews sought an update on work carried out to secure replacement provision/and or retain existing provision of public conveniences

since the last meeting but as the matter was a substantive item next on the agenda, she would raise the issue at that time rather than under the minute item

- Councillor Arwel Roberts referred to an inaccurate media report after the last Cabinet meeting when “met with silence” had been quoted when referring to St. Asaph, Rhuddlan and Dyserth City/Town/Community Councils which was untrue with those councils having responded to the Council in this matter. He asked that an apology be sought on behalf of those councils from the reporter concerned. The Leader agreed to discuss the matter with the Deputy Monitoring Officer with a view to making representations to the reporter in that regard
- Councillor Brian Jones referred to the webcast of the last Cabinet meeting when officers had stated that community groups at Botanical Gardens did not wish to engage in discussions about retaining the toilets. He advised that he was aware of community groups who did wish to engage on the matter and therefore it was inaccurate for officers to state otherwise. The Leader suggested that Cabinet approve the minutes subject to an investigation into the point made.

RESOLVED that, subject to an investigation into the accuracy point raised by Councillor Brian Jones above, the minutes of the meeting held on 29 April 2025 be received and confirmed as a correct record.

5 OUTCOME OF PARTNERSHIPS SCRUTINY COMMITTEE'S REVIEW OF CABINET'S DECISION RELATING TO THE PUBLIC CONVENIENCES SAVINGS PROPOSAL - LOCAL NEEDS ASSESSMENT AND DRAFT LOCAL TOILET STRATEGY

Councillor Brian Jones, Vice Chair of Partnerships Scrutiny Committee presented the report detailing the findings and recommendation of the Scrutiny Committee held on 22 May 2025 following consideration of the call-in of the Cabinet decision taken on 29 April relating to the Public Conveniences Savings Proposal.

The report referenced the lengthy debate at the Scrutiny Committee meeting based on the grounds of the call-in. Following consideration of all the views raised and questions answered during the discussion the Committee was in agreement with all the points raised within the Notice of Call-in. In addition, members had concerns –

- on the impact the proposed closure of toilets in popular visitor destinations, such as Dyserth, Rhuddlan and St. Asaph would have on the lives and well-being of local residents and communities
- bearing in mind the conclusions of the Wellbeing Impact Assessment, the effect the decision to close the toilets would have on the Council's reputation amongst residents, businesses and other stakeholders
- on the impact the decision would have on staff working within the service and those staff who used the toilets when delivering vital services to residents
- the frequency of communication with elected members and other stakeholders in relation to proposed service delivery changes, and
- that silence on the consultation should not be taken as support of the proposals.

The Committee, in referring the decision back for review respectfully requested that Cabinet and officers made every effort to keep all communication channels open

with City/Town/Community Councils, and all other stakeholders to ensure dignified access to all to quality public conveniences across the county were maintained.

Councillor Jones thanked Councillor Meryn Parry for his recommendation and acknowledgement of the cost implications in retaining toilets and meeting future needs and it was accepted that the figures may need to be revised in light of the budget process. Consequently, Cabinet was asked to reconsider its decision to close existing Denbighshire County Council operated public conveniences, and instead retained these services by funding the required cost figure from a dedicated 0.27% increase in the Council Tax base for 2026/27. This represented an average cost of no more than £4.38 per year per Band D household, which Partnerships Scrutiny Committee believed was a fair and proportionate investment in protecting health, dignity and accessibility for all residents and visitors across the county.

The Leader thanked Councillor Jones for reporting on the scrutiny debate and recommendation and thanked the Scrutiny Committee for their work. The Leader asked Cabinet to focus debate on the Scrutiny Committee's recommendation.

Main points of discussion focused on the following –

- Councillor Julie Matthews referred to the minutes of the last meeting on this item, which linked in with section 4.8 of the report, when Cabinet had stressed the need to work to secure replacement provision/and or retain existing provision where possible through collaboration, recognising public conveniences remained an essential provision, and requested firmer proposals as to how provision would be protected, and she sought assurances as to how that work was progressing. Officers advised there had been engagement with relevant City/Town/Community Councils including a joint discussion with St. Asaph, Dyserth and Rhuddlan with a view to finding a solution to keep toilets open in those areas which was ongoing. However, discussions had been hampered by the call-in as officers awaited clarity on the Council's position before re-engaging and continuing those discussions. The Leader highlighted the vital importance of those discussions and negotiations and urged officers to proceed with those discussions without delay. Cabinet also requested that all members be kept abreast of those discussions and negotiations
- the Head of Finance and Audit provided some financial context highlighting the £11m budget gap forecast for 2026/27 based on a working assumption of Council Tax at 9% and cautioned against a piece meal approach on a service by service basis when setting the budget which should be considered as a whole taking into account the wider budget impacts with much work to be carried out in that regard prior to setting the budget in February 2026. The report to Cabinet in April 2025 highlighted that further work was required to assess the budgetary implications of the investment proposed in the 11 facilities which was as yet unknown. Therefore, it was too early in the budget setting process to quote average impacts on Council Tax of any decisions at this stage in the year. The Leader accepted that it was too early in the budget process for a definitive decision to be made on the potential use of Council Tax to fund the service but felt a commitment could be given that it was an option for consideration as part of the overall process and within the gift of the Council. It was confirmed that

budget workshops would be scheduled for members as part of the budget setting process going forward as in previous years

- Councillor Emrys Wynne highlighted the short timescale between the Scrutiny Committee and Cabinet meetings and felt it may be too early for a decision to be made suggesting the matter be paused pending further discussion and investigation into the implications of the scrutiny recommendation. Councillor Rhys Thomas agreed some time needed to be taken for Cabinet to fully consider the implications. The Leader responded that if the collaborative discussions proved fruitful there would be no need to raise Council Tax to fund the service and there was a need to continue with those negotiations. Councillor Barry Mellor agreed that those communication channels needed to be kept open highlighting the significant financial challenges facing the authority.

At this point the Leader opened up the debate to non-Cabinet members.

Councillor Merfyn Parry was pleased that dialogue with City/Town/Community councils would continue and elaborated on the reasoning behind the Scrutiny Committee's recommendation that the decision be reversed with a credible alternative to fund the service if no other option was available.

Councillor Martyn Hogg highlighted his concerns on the disproportionate effect on rural communities if responsibility was passed onto City/Town/Community Councils with a resultant increase in their precept and he felt the implications had not been properly reflected in the Wellbeing Impact Assessment. The Leader responded that a Council Tax increase would share the burden across the county, but it was important to discuss the options with local councils and it would be a matter for them to consider in terms of precepts. Toilets in Dyserth, Rhuddlan and St. Asaph had been included in the lottery funding application to upgrade facilities in the event they remained open which would need to be included as part of those negotiations.

The Head of Finance and Audit responded to a question and advised it was not possible to provide a definitive answer on the savings to be made which was dependent on a number of different factors. The budget for public conveniences in 2024/25 was £272k when the decision was made by full Council to reduce it by £200k in order to set the budget for 2024/25. The budgetary considerations were set out in the report to Cabinet in April 2025 including the investment in 11 facilities and whilst a figure of £150k was quoted it was very much a work in progress. Consequently, the increase in Council Tax to fund the service was as yet unknown.

Having considered the report and recommendation from the Scrutiny Committee and the advice of the Head of Finance and Audit, the Leader proposed that Cabinet reaffirm its original decision but include additional commitments in relation to continuing discussions with the relevant City/Town/Community Councils and report back to Scrutiny and Cabinet on those discussions, and that the recommendation to increase Council Tax to fund public conveniences be considered as part of the annual budget setting process taking into account those ongoing discussions. The Leader believed the proposal provided assurances regarding proactive negotiations to keep toilets open and consideration of financial models to fund them. In response to a question from Councillor David Williams, and in order to provide

further assurance, the Leader agreed to add to the proposition a commitment that public conveniences would remain open until those matters were concluded.

Overall, Cabinet considered the proposition to be an acceptable compromise.

During further debate Councillor Gwyneth Ellis highlighted the need for true collaboration and she felt funding costs via increasing the precept of local councils would be a regressive step. The Leader felt it was important not to constrain those negotiations with local councils and it would be a matter for individual councils as to their precepts. He also acknowledged the Governance and Audit Committee's views in terms of considering Council Tax increases instead of cutting services. Councillor Rhys Thomas referred to the appointment of a liaison officer to work to facilitate collaborative working between the county council and local councils.

Councillor Andrea Tomlin advised that the Scrutiny Committee had asked Cabinet to change its original decision based on the points raised in the Notice of Call-in relating to the Cabinet resolutions. Consequently, she did not agree with the wording of the proposition to reconfirm the original decision and asked that it be recorded that Cabinet had changed its decision. The Leader replied that the scrutiny recommendation related to financing of the service and there had been much debate about funding and negotiations leading to his proposition. The Chief Executive added that the issue for Cabinet was not the reasons for the call-in but the scrutiny recommendation as a result of the call-in. The proposition reflected that Cabinet had listened and made mitigation in light of the scrutiny recommendation.

The Leader restated his proposition for clarity, seconded by Councillor Julie Matthews. Upon being put to the vote it was –

RESOLVED that, by majority vote, Cabinet, having considered and taken into account the recommendation of Partnerships Scrutiny Committee, agrees to add 3 further recommendations to its decision made on the 29th April 2025:

- (f) *that officers continue to have meaningful discussions with relevant City, Town and Community Councils and any other relevant third party on the options for keeping the public conveniences in question open and the outcomes of these discussions to be reported back to a future Scrutiny Committee and Cabinet meeting as soon as reasonably possible given the Council's budget setting process for 2026/27;*
- (g) *that the recommendation made by Partnerships Scrutiny Committee to fund the public conveniences via an increase in Council Tax forms part of the Council's annual budget setting process for 2026/27 and will take into account the outcome of the discussions referred to above, and*
- (h) *that the public conveniences in question will remain open until the discussions referred to in (f) and (g) above are concluded to the satisfaction of Cabinet.*

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

6 PONT LLANERCH

Councillor Barry Mellor presented the report regarding the project aiming to replace Pont Llanerch and risks associated with the construction of a bridge.

The Corporate Director: Environment and Economy, Head of Highways and Environmental Services and Senior Engineer – Bridges and Construction attended.

Cabinet was guided through the report which included the extensive work carried out and complexities of the project to replace Pont Llanerch following its collapse in 2021. The project had been split into three stages: Optioneering, Detailed Design and Construction. The detailed design stage had been a complicated and lengthy process and raised some significant challenges, the main challenge being the foundation required for a new bridge. Pont Llanerch was located above a freshwater aquifer within a layer of sandstone and Dwr Cymru/Welsh Water (DC/WW) had a freshwater extraction site next to the old bridge. The foundation work for a new bridge would require drilling into the sandstone layers which had the potential to compromise water quality and a risk of supply loss to 85,000 DC/WW customers, and introduce a public health risk with wide reaching consequences.

Members were also guided through a technical presentation illustrating further details of the project's optioneering and detailed design stages including reasoning behind the preferred option, foundations, ground investigations and outcome. Cabinet was assured that every possible engineering solution for building a new bridge had been considered with the Council exhausting the optioneering and designing the most viable option for replacing the bridge. However, it had not been possible to design a replacement bridge without creating an unknown level of risk to the water supply in the region with no known means of rectifying the problem. The matter had been discussed at Partnerships Scrutiny Committee in April 2025 and their conclusions and recommendations had been set out in the report for Cabinet to consider. Given the significant risks associated with construction of a replacement bridge it was recommended that Cabinet made a decision to stop the project.

Cabinet stated that all involved wanted Pont Llanerch to be rebuilt and that aim had been included as an ambition within the Corporate Plan with much work carried out in that regard with support from the Welsh Government and at significant cost. However, having exhausted all options to design a replacement bridge it was clear from the expert engineering and risk management advice given that it would not be possible to construct a bridge without the risk of compromising the water supply to 85,000 homes with no known means of rectifying the problem and no insurance against that liability. Main discussion points focused on the following –

- given the complexities and technicalities of the project it was felt there was some public misconception and a general lack of understanding of the situation
- a representative from DC/WW had been unable to attend the meeting to answer questions but a representative had attended the Partnerships Scrutiny Committee in April 2025 to help inform that debate and their stance remained the same in that proceeding with the project presented too high a risk to the water supply of homes and businesses across the majority of the north of Wales

- the aquifer was a porous rock with water contained within it and filtered in the rock itself and extracted; it was approximately 22km long, 5km wide and 100m deep hence it would not be possible to move the bridge some distance up or down stream because it would still be located over the aquifer
- the issue of a temporary bridge had been raised but it would still require the same foundations and so the risk remained, and it would not be feasible
- Welsh Government had been fully supportive of the project and had supported the Council to invest almost £1.5m to consider and design the most viable option and would likely have funded the rebuild costs of a replacement bridge
- there was reference in the Wellbeing Impact Assessment to improving alternative routes in the area and £900k had been secured from the Welsh Government's Resilient Roads Fund to upgrade the diversion route around the bridge so they were better suited to commuter traffic; if a decision was taken not to build the bridge secondary options would be explored with local communities to maximise possible local business/commercial opportunities
- as the Council was aware of the risk to the water supply it would not be insured against that risk if it was decided to build the bridge; it would not be possible to assess the level of impact beforehand and the resulting issues may not manifest during construction but years later and the Council would remain liable.

The Leader stated that the Council would be negligent if it was to proceed with the construction of the bridge given the risk to the water supply for which the Council would be held liable with no known means of rectifying the problem.

The Leader invited local members Councillors James Elson (Trefnant) and Chris Evans (Tremeirchion) to speak on the matter.

Councillor Elson stated that the options and design phases had resulted in a dream bridge, but the communities just needed a bridge, and the Council must deliver on that promise. He believed there had to be a practical solution to deliver a bridge within the existing constraints such as a single-track or temporary prefabricated bridge set on benches without affecting the aquifer and referred to a quote from a local construction company for that work. He also felt that officers had no appetite for building a replacement bridge and stressed the need to find a solution.

Councillor Evans echoed those comments and felt there had been little engagement from the Council which had been detrimental to the project. He felt the time taken and amount spent on the project to be a matter for the Governance and Audit Committee. Councillor Evans felt consideration should be given to a temporary bridge advising that a local building contractor had confirmed a bridge was possible. He highlighted the detrimental effect on residents, businesses and the local school and stressed the need for a crossing. Finally, he asked Cabinet to defer the decision pending a motion to full Council to review/consider other options.

The Leader referred to the evidence heard that any replacement bridge would come with a risk and he questioned the value for money of a temporary bridge. The Council and the Welsh Government had been determined to build a replacement bridge and had worked extremely hard towards that aim, but the risk presented was too great and the Council had a corporate responsibility and duty of care in that regard. It would not be appropriate for the Council to put itself in a position of

liability and risk contaminating the water supply to thousands of residents. The matter had been debated at length by Cabinet and Partnerships Scrutiny Committee and a number of public meetings had been attended by officers. Officers added that they had been criticised both for spending too much time and money to deliver the project and for not doing enough, emphasising that they had worked hard to deliver the project and had explored every option to deliver a bridge to the required safety standards in an area subjected to flooding. However, given the high risk to the water supply with no means of rectifying the problem the project had come to an end. Discussions around a temporary or other type of bridge would be a different project and required a separate discussion.

The Leader thanked Councillors Elson and Evans for diligently representing their communities and shared their frustration that the project could not proceed.

In response to further questions from members officers advised that –

- the probability of the risk to the aquifer was difficult to ascertain but the consequences would be severe
- drilling would create a vibration which presented a risk of fissures appearing in the aquifer: irrespective of the type of bridge it would need the same foundations
- the design aimed to spread the load and weight of the bridge over a wider area
- any bridge in that location required the same level of foundations to maintain its safety, irrespective of whether it was temporary, a footbridge or cycle bridge
- the issue with the bridge was not the weight bearing down on it by vehicles etc., it was the water pressure coming from the side of the bridge that undermined the foundations which needed to be suitable to deal with that pressure of water and the undermining that took place
- explained the blending process used by DC/WW with two other water sources to supply 85,000 properties and the purity of the water from the Pont Llanerch site meant the water treatment was far lower than normal – if the water supply was affected it would take years to address and the Council would be liable.

Councillor Barry Mellor highlighted the experience and expertise of the company commissioned by the Council in this matter whose advice should be accepted.

RESOLVED that Cabinet –

- (a) *considered the report and detailed design stage report (attached at Appendix A to the report) and on the evidence of the risks presented, supported the conclusions of the Partnership Scrutiny Committee, and decided that the project aiming to replace Pont Llanerch be stopped, and*
- (b) *confirmed that it had read, understood and taken account of the Wellbeing Impact Assessment (Appendix B to the report).*

7 BUDGET AMENDMENT OF £500K

Councillor Diane King presented the report seeking Cabinet's support for the proposed spending of the additional £500k transferred to the Education Service to

develop learner wellbeing, attendance, behaviour, and support learners in poverty following the agreed budget amendment at Council on 20 February 2025.

Cabinet was advised there was no single solution to address the issues which were of both national and local concern and impacted greatly by the Covid pandemic. The funding would go towards supporting existing work and developing new work streams. There had been considerable discussion on how best to utilise the funding and the report included the professional views of officers and wider national evidence available on effective practice. The proposal aimed to address the needs of schools and more importantly the needs of young people to fulfil their potential.

The Head of Education detailed the engagement with professional officers and head teachers on how best to target the funding and considered both local and national views. He thanked Cabinet and full Council for the additional funding and continued focus in support of education. He guided Cabinet through the report detail and proposal for utilising the additional £500k allocated to the Education Service which included a cost breakdown of the six expenditure lines which covered modernising the data analysis system and recruitment of Family Link Workers, Family Engagement Officers, Behaviour Support Staff, Education Psychologist and Welfare Officer. A total of 9 officers would be recruited to build capacity and focus on methods that were known to work. Whilst £500k was exceptionally welcome it was important to note that it would not solve every issue in those four key areas.

In response to questions the Lead Member and officers –

- detailed consultation with professional officers, Head Teachers, Trade Unions, School Budget Forum and Corporate Executive Team as part of the process; Performance Scrutiny Committee had scrutinised and approved the proposals
- explained it was an area for which the Welsh Government had provided grant funding, but it had been difficult to recruit into those fixed term positions. As the £500k was a reoccurring amount in the budget the posts would be permanent which would be more appealing to potential applicants and aid recruitment
- measuring wellbeing posed a huge challenge and attending school was a huge part of that wellbeing with increased benefits in terms of learning, social issues and free school meals for younger children and the extra funding would help target those areas with 9 extra officers being recruitment in that regard.

The Leader thanked the Lead Member, Head of Education and his team for the hard work in ensuring that the extra funding was spent in order to get best value.

RESOLVED that Cabinet supported the proposed plan to develop learner wellbeing, attendance, behaviour, and support learners in poverty.

8 CABINET FORWARD WORK PROGRAMME

The Cabinet forward work programme was presented for consideration.

RESOLVED that Cabinet's forward work programme be noted.

The meeting concluded at 12.50 pm.