

CABINET

Minutes of the meeting of the Cabinet held in the Assembly Rooms, Town Hall, Ruthin on Thursday 21 December 2000 at 10.00 a.m.

PRESENT

Councillors E.C. Edwards (Leader), I.M. German, D.M. Holder, R.W. Hughes, G.M. Kensler, D.M. Morris, E.A. Owens, A.E. Roberts, W.R. Webb, K.E. Wells and E.W. Williams.

Observers - Councillors M.LI. Davies, R.J.R. Jones, M.M. Jones, K.N. Hawkins, G. Thomas.

ALSO PRESENT

Chief Executive, County Clerk, Financial Controller.

1. URGENT MATTERS

The Leader gave notice of the following items which in his opinion should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972:-

- (i) Diary - Special Cabinet meeting to be held on Tuesday 9 January 2001 at 10.00 a.m. at the Assembly Rooms, Ruthin.
- (ii) Scala Cinema Closure Report.
- (iii) Housing Benefits Progress Report - the report is both Part I and Part II.
- (iv) Appointment of County Safety Officer.
- (v) LEA Governor Vacancies - Llantysilio School to be added to the list.
- (vi) Confidential paper from ECTARC for information.
- (vii) Council Depot at Kinmel Park, Bodelwyddan Report.

2. MINUTES OF THE CABINET

The Minutes of the Cabinet held on 5 December 2000 (previously circulated) were submitted.

Matters Arising:-

- (i) Item 7 (Best Value) - Councillor E W Williams expressed his concern about reports being tabled without prior approval by the relevant Cabinet Member. He suggested a convention whereby in the absence of the Lead Cabinet Member papers for Cabinet would be approved by the Leader and submitted in the Leader's name.
- (ii) Item 13 (Mountfields, Denbigh) - Omission of Councillor G M Kensler's vote against the proposal noted.

RESOLVED that the Minutes of the Cabinet meeting held on 5 December 2000 be approved as a correct record and signed by the Leader.

3. SCALA CINEMA CLOSURE

Councillor R W Hughes, Lead Cabinet Member for Culture, Leisure and Tourism tabled the report informing Cabinet Members of the closure of the Scala Cinema and Arts Centre in Prestatyn and

seeking approval to reallocate funds to commission a feasibility study to start the process of redevelopment and renovation of the facility.

Councillor R W Hughes explained that in view of the problems encountered there was a need for approval for virement of £10k for interim structural measures to fund the feasibility study.

RESOLVED that Members approve the reallocation of £10,000 capital funds to carry out a feasibility study to examine options for improvement and development of the Scala as a local arts facility.

4. REVENUE BUDGET 2000-2001

Councillor E A Owens, Lead Cabinet Member for Finance, submitted a report (previously circulated) informing Cabinet of the current budget position, namely an overspend of £2.057m against a maximum of £2m allowed for within the Recovery Plan.

Councillor E W Williams asked whether the cost of restructuring the senior management team was available. Councillor E A Owens said figures would be provided when the restructuring process has been completed.

Councillor G M Kensler drew attention on the need of Council to be vigilant as a result of the cutbacks, particularly with regard to coastal protection and highway maintenance.

Councillor E A Owens informed Members of the provisional settlement for 2001-2002 of a 5.7% increase from the Assembly to give a budget of nearly £110m, on which the first call will be the £2m overspend. Some commitment on the expenditure on floods over and above the Bellwin figures will be made.

The Chief Executive said the WLGA and National Assembly for Wales have agreed a settlement for Wales as a whole of 5.7% and 1% of that is for the increase in responsibilities to Local Authorities. No part of the settlement has been earmarked for any particular activity.

Councillor W R Webb reminded Members that strong representations are required on flooding matters.

RESOLVED that Members approve the report.

5. NATIONAL ASSEMBLY FOR WALES CABINET CONSULTATION PAPER - SIMPLIFYING THE SYSTEM: LOCAL GOVERNMENT FINANCE IN WALES

Councillor E A Owens, Lead Cabinet Member for Finance submitted a report and appendix (previously circulated) seeking Members' support of the draft WLGA response to the National Assembly for Wales Cabinet Consultation Paper - Simplifying the System: Local Government Finance in Wales. The deadline for responses to the paper was 31 December 2000. Councillor Owens explained the Assembly Cabinet proposals covered Revenues, Capital Finance and Taxes, fees and charges.

RESOLVED that Members support the draft WLGA response particularly with regard to the following:-

- (a) the new system of capital controls should be as simple as possible;
- (b) there is no case for legislative control over capital receipts within the HRA;
- (c) the Assembly should hold a revaluation for council tax using its existing powers;
- (ch) the Association welcomes the proposal to reduce the bills of small businesses, and
- (d) Local Government should have greater ability to raise resources locally.

6. HOUSING BENEFITS - PROGRESS AND ACTION REPORT

Councillor E A Owens, Lead Cabinet Member for Finance submitted a report (previously circulated) on the Housing Benefits Progress and Action, seeking Members' approval for additional monies (details provided by the Director of Resources following exclusion of press and public) and a continuation of the current arrangement whereby Russell House (Revenues Office) is closed for a period of 3 days a week until the outstanding workload is completed, projected as being the 31 March 2001. Councillor Owens paid tribute to the Revenues staff who have made substantial inroads into the benefit arrears.

Councillor G M Kensler asked about the frequency of Revenues Liaison Forum meetings. The Head of Revenues said the Forum meet as necessary, usually every 4-6 weeks.

RESOLVED that Members approved:-

- (a) *the additional expenditure as outlined at the Cabinet meeting be approved for the procurement of additional consultancy days from Academy to remedy and clarify issues regarding the system and to retain four temporary staff for a period of 3 months ending March 2001;*
- (b) *that the closure arrangements of the Revenues Office at Russell House continue to be closed on Tuesday, Wednesday and Thursday until the end of March 2001;*
- (c) *the securing of additional processing capacity by appointing an agency to deal with approximately 3000 claims/documents, and*
- (ch) *the cost of decommissioning the old computer Bull DPS 7 by engaging Bull Information Systems Ltd.*

7. RECRUITMENT

The Leader submitted the following applications for approval:-

- (i) external advertisement for a Manual 3 Events Assistant Post at the Royal International Pavilion for the Countryside and Leisure Department;
- (ii) external advertisement for PO1 Environmental Health Officer (Health and Safety) post in the Environmental Health Health and Safety Enforcement Department, and
- (iii) PO1 County Safety Officer post in the Personnel Department (this item was considered as a matter of urgency, the Leader having given notice at the commencement of the meeting). The CEO asked for Members' approval for this recruitment plus a Safety Officer post for this Department, as there had been a last minute resignation resulting in two out of the three posts in the Unit becoming vacant.

RESOLVED that the external advertisement of the Manual 3 Events Assistant and PO1 Environmental Health Officer (Health and Safety), County Safety Officer and Safety Officer posts be approved.

8. LOCAL MEMBERS NOMINATIONS FOR LEA GOVERNOR VACANCIES

The Leader presented the report (previously circulated) for LEA Governor vacancies from the Local Member(s) for the area in which the school(s) are located.

The County Clerk said Councillor A J Tobin was the nomination of Bryn Collen CP School, Llangollen and not Councillor R J R Jones.

The County Clerk asked Members to consider the addition of Councillor R J R Jones as the nomination for Llantysilio School, Llangollen.

Councillor E W Williams drew Members' attention to a vacancy at Llanfair D C School and asked that a rerawl for nominations be carried out.

RESOLVED that the LEA Governor appointment(s) be approved as listed subject to the amendment and addition reported by the County Clerk and a rerawl be carried out for Llanfair D C School.

9. LEISURE TRUST FEASIBILITY STUDY

Councillor R W Hughes, Lead Cabinet Member for Culture, Leisure and Tourism submitted a report (previously circulated) regarding the Leisure Trust Feasibility Study which had been discussed at Scrutiny Committee. Councillor Hughes asked that Members consider deferring the report seeking the commissioning of a feasibility study to look at a further phase of externalisation via a Trust/Non-Profit Distributing Organisation as further details are required before the consultants commence work.

RESOLVED that Members defer the report.

10. THE ROYAL INTERNATIONAL PAVILION, LLANGOLLEN - FEASIBILITY STUDY: THE LONG TERM FUTURE

Councillor R W Hughes, Lead Cabinet Member for Culture, Leisure and Tourism submitted a report (previously circulated) seeking Members' approval to the endorsement of the recommendation of the Officer Working Group to the establishment of a Llangollen Strategy Group. The Officer Working Group had been established to consider the feasibility study which investigated the possible future development of the site to incorporate the requirements of Denbighshire County Council and the Llangollen International Music Eisteddfod.

Councillor W R Webb suggested the Royal International Pavilion should be considered as a separate issue and a further report should be submitted to Cabinet as soon as possible.

RESOLVED that Members approve the establishment of a Corporate 'Llangollen Strategy Group' consisting of appropriate Members and Officers to be led by one (or more) members of the Corporate Directors.

11. RHYL SPORT AND EDUCATION PARTNERSHIP

Councillor R W Hughes, Lead Cabinet Member for Culture, Leisure and Tourism submitted the report and Appendix (previously circulated) seeking Members' approval in principle to support the initiative and to approve proposals to take the project forward.

RESOLVED that Members approve in principle support to the Rhyl Sport and Education Partnership project and, subject to funding, agree to undertake further work to examine the feasibility of the project.

12. RATIONALISATION OF SCHOOL PLACES

Councillor K E Wells, Lead Cabinet Member for Education submitted a report (previously circulated) seeking Members' agreement to the establishment of a Member/Officer Task and Finish Group to agree and to establish criteria to be applied in consideration of matters relating to rationalisation of school places and capital expenditure on school buildings.

Councillor Wells explained the need to look at the future of education and the maintenance of school buildings in Denbighshire. The School Organisation Plan and the Draft Asset Management Plan for Schools documents would form part of the criteria to be adopted for future consideration.

RESOLVED that Members approve the establishment of a Member/Officer Task and Finish Group comprising the Chair of Lifelong Learning Scrutiny Committee, 1 Member of each political group, the Lead Member for Education and the Director of Lifelong Learning, to draw up criteria for determining the rationalisation of school places, and the allocation of capital expenditure on school buildings.

13. RUTHIN PARK ROAD DEVELOPMENT

Councillor D M Morris, Lead Cabinet Member for the Environment presented a report (previously circulated) on the Ruthin Park Road development seeking Members' approval to determine a strategy for developing land adjacent to Park Road, Ruthin. Councillor Morris explained the need for outline planning consent for the development of the Park Road depot site.

The Chief Executive suggested three parts to the Park Road development, namely the depot to be demolished, agreement in principle to bring forward outline planning, and for Cabinet to approve the planning application before it is submitted.

RESOLVED that Members:-

- (a) agree to the Ruthin Park Road depot being demolished;
- (b) agree in principle to bring forward an outline planning application, and
- (c) receive a further report to Cabinet prior to approval of submission of a planning application and authorisation for officers to submit any supporting applications

14. CLOSING ORDER - YR HEN YSGOL (THE OLD SCHOOL), OCHR Y BRYN, HENLLAN

Councillor D M Morris, Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking Cabinet approval to revoke a Closing Order on the above property. The old village school, later used as a dwelling house had been declared unfit and unsuitable for habitation but had since been renovated and since inspection had been found to be fit for human habitation.

RESOLVED that Members approve the closing order in respect of Yr Hen Ysgol, Henllan be revoked.

15. NORTH WALES GLIDING CLUB PUBLIC ENQUIRY

Councillor D M Holder, Lead Cabinet Member for Training gave a verbal report on the North Wales Gliding Club Public Enquiry held over two days this week at Llangollen. Councillor Holder wished to pay tribute to the staff of the County Clerks and Planning Departments for all their work.

At this juncture (11.10 a.m) the meeting adjourned for 15 minutes to allow Members to participate in refreshments.

16. EXCLUSION OF PRESS AND PUBLIC

RESOLVED under Section 100A(4) 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 they involve the likely disclosure of exempt information as defined in paragraphs 8, 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

17. PURCHASING ORGANISATION

The Leader submitted a report and Appendices (previously circulated) on the latest position regarding the Council's amended notice to quit the Wirral and North Wales Purchasing Consortium with effect from 31 March 2002 and to consider the information contained in the appendices regarding the organisation's activities.

RESOLVED that Members:-

- (a) note the consultant's progress report and note the figures included in the general manager's report, and

- (b) *receive from the Financial Controller a further report to Cabinet of the Consortium's actual performance.*

18. LOCAL AUTHORITY HOME CARE

Councillor A E Roberts, Cabinet Lead Member for Personal Services submitted a report (previously circulated) seeking Members' agreement to a limited reduction in the level of in-house provision with a corresponding increase in external provision, to be achieved through early retirement / voluntary redundancy.

Councillor Roberts said that consultations had been carried out with staff and the Trade Unions and that limited externalisation is the only viable way forward.

RESOLVED that Members:-

- (a) *agree a programme of limited externalisation to be achieved through voluntary redundancy, and*
(b) *consider further capitalising the costs of the programme*

19. BUSINESS DEVELOPMENT GRANT APPLICATION

The Leader presented a report and Appendix (previously circulated) seeking Members' approval for consideration of a Business Development Grant application as detailed within the Appendix. The Leader also requested Members to approve the power of delegation to the County Economic Development Officer for the award of business development grants up to £5k in consultation with the Leader.

The Leader explained that delegated approval exists for other grants offered by the County Council but no such scheme has been approved for the Business Development Grant.

RESOLVED that Members:-

- (a) *approved the Business Development Grant as detailed in Appendix 1 of the report, and*
(b) *approved the request for delegated authority to the County's Economic Development Officer for the award of business development grant up to £5k in consultation with the Leader.*

20. LAND ADJOINING NEWCROFT JOINERY, CORWEN

The Leader submitted a report (previously circulated) seeking Members' approval to a refusal to dispose of the land adjoining Newcroft Joinery, Corwen.

The land is located within the development boundary and could affect the Council land located adjacent to the site. Consultations had been carried out and the Local Member had made an objection owing to the close proximity of the County Council's car park.

RESOLVED that Members reject the sale of the land.

21. REQUIREMENT TO REPAY GRANT ARISING FROM BREACH OF RENOVATION GRANT CONDITIONS - 31 WATER STREET, DENBIGH

Councillor D M Morris, Lead Cabinet Member for the Environment, submitted a report and plan (previously circulated) seeking Members' consideration of a request to waive the Council's right to reclaim the grant aid paid to the previous owner in respect of works carried out at 31 Water Street, Denbigh.

The previous owner of the property had been given a grant in 1997 and had signed a legally binding certificate that in the event of the property being sold within 5 years of the date of the grant, the grant would be repayable either in whole or part. The conditions attached to grant aid approvals are registered

as a land charge against the property for the life of the condition and on receipt of an official search the condition is disclosed to prospective purchases by the Council. The new owners were made aware of the condition. The grant aid is repayable and the condition was transferred to the new owner.

RESOLVED that Members agreed to refuse to waive the Council's right to reclaim the grant aid paid.

(Councillor G M Kensler requested that her abstention be recorded).

22. RENOVATION GRANT AID - FLATS AT 45-48 EAST PARADE, RHYL

Councillor D M Morris, Lead Cabinet Member for the Environment presented the report and plan (previously circulated) seeking Members' approval for a grant for the improvement and conversion of the property formerly known as the Plas Tirion Hotel, 45-48 East Parade, Rhyl into 22 self contained flats. Agreement has been given in principle by the WDA to grant aid the cost of the external works. The renovation grant sought equates to approximately 30% of the total cost of the project.

RESOLVED that Members agreed that the Head of Public Protection and Regulatory Services be given the authority to approve a grant of 30% of the eligible cost up to the maximum detailed in the report subject to the application being validated and all conditions being met.

23. ECTARC

Councillor R W Hughes, Lead Cabinet Member for Culture, Leisure and Tourism submitted a report and appendices (previously circulated) and an ECTARC document for information at the meeting. Councillor Hughes asked for Members' approval to authorise officers to negotiate new leasing agreements with ECTARC and to agree a reduced level of County Council annual grant to ECTARC on the basis of the letter from the Director of ECTARC attached as Appendix 1 to the report.

RESOLVED that Members agreed to authorise officers to renegotiate the County Council agreement and leases with ECTARC in accordance with the provisional agreement as noted in the letter from the Director of ECTARC attached as Appendix 1 to the report.

24. MOVE OF EDUCATION STAFF FROM COUNTY HALL, MOLD TO OFFICES WITHIN DENBIGH AND SOCIAL SERVICES FROM MORFA HALL TO RUSSELL HOUSE

Councillor W R Webb, Lead Cabinet Member for Property submitted the report (previously circulated) seeking Members' approval to the principles of Flintshire County Council being served notice that Denbighshire County Council Education staff no longer require offices at County Hall, Mold as from 31 March 2001. Councillor Webb requested Members' approval to use the proceeds from the sale of land adjacent to Fron Fraith for residential development to finance the relocation of staff from Morfa Hall to Russell House.

The Chief Executive said any surplus monies from the sale of the Fron Fraith land would be used to house the extra staff at Russell House and form a better registry as the project was integrally linked and any surplus would be passed to central funds.

RESOLVED that Members:-

- (a) approved the termination of the office lease at County Hall, and
- (b) approved the proceeds from the Fron Fraith residential development be used to finance the proposed move from Morfa Hall to Russell House.

25. RHYL LIFEBOAT STATION

(Councillor R W Hughes declared an interest and left the Chamber during consideration of the item).

Councillor W R Webb, Lead Cabinet Member for Property submitted a report and plan (previously circulated) seeking Members' approval to grant a lease of land for the erection of a new lifeboat station.

The RNIB requested the 50 year lease of land adjoining the existing lifeboat station, to construct a new lifeboat station with access ramp and slipway and would incorporate a souvenir shop for fundraising purposes.

RESOLVED that Members approved the granting of a 50 year lease to the Royal National Lifeboat Institution and granted a 100% discount of the market rent, which would apply to subsequent rent reviews and otherwise on terms to be agreed by the Head of Public Protection and Regulatory Services in consultation with the County Clerk.

26. DEE VILLA, MILL STREET, LLANGOLLEN

Councillor W R Webb, Lead Cabinet Member for Property submitted the report and plan (previously circulated) seeking Members' agreement to refuse to grant a right of way across Mill Street Car Park, Llangollen. The owners of Dee Villa have requested a vehicular and pedestrian right of way across the Council car park on Mill Street which would result in the loss of car parking spaces.

RESOLVED that Members refuse the request to grant a right of way across Mill Street Car Park in favour of the owners of Dee Villa.

27. PROPERTY / LAND DISPOSALS

Councillor W.R. Webb, Lead Cabinet Member for Property submitted the report (previously circulated) updating Members on the progress made on capital receipts gained arising from the sale or potential sale of Council owned property and land as listed in the report.

RESOLVED that Members note the information contained in the report.

28. POST 16 EDUCATION

(The Chief Executive declared a private/personal interest in the following item which was not clear and substantial).

Councillor K E Wells, Lead Cabinet Member for Education gave a verbal report on Post 16 Education. Councillor Wells drew Members' attention to fundamental changes in Post 16 Education from 1 April 2001, the changes made are to the 1996 Education Act. Important implications are that all Post 16 Education will in future be funded by the CETW and administered by the local CCETs. Councillor Wells indicated his profound disquiet that a matter of such momentous importance had not been reported to Members previously.

Councillor Wells outlined the options available - the Council could go with a changed CCET or could create a Denbighshire CCET with partners of a mixture of both. The options would be put forward to Council with the Lead Member for Education preparing a paper on the options for Members' urgent consideration.

Members were concerned that issues raised by the Lead Member were of profound significance and had received publicity in other fora and agreed therefore the need for an options paper at the earliest possible moment.

RESOLVED that Members note the report.

29. COUNCIL DEPOT AT KINMEL PARK INDUSTRIAL ESTATE, BODELWYDDAN

The Head of Public Protection and Regulatory Services reported verbally to Members that the WDA had offered for sale the freehold reversionary interest of sites leased at Kinmel Park and it could be to the Council's advantage to purchase and accordingly delegated power was sought by the officers.

***RESOLVED** that Members approve the purchase of the freehold reversionary interest of sites leased at Kinmel Park and authorised delegated powers to the officers.*

30. HOUSING BENEFITS - PROGRESS AND ACTION REPORT

The Director of Resources provided details of the additional expenditure required.

The meeting concluded at 12.20 p.m.

CABINET

Minutes of the meeting of the Cabinet held in the Town Hall, Ruthin on Tuesday, 9th January 2001 at 10.00 a.m.

PRESENT

Councillors E.C. Edwards (Leader), I.M. German, D.M. Holder, R.W. Hughes, G.M. Kensler, D.M. Morris, E.A. Owens, A.E. Roberts, W.R. Webb, K.E. Wells and E.W. Williams.

Observers - Councillors P. Douglas, S. Drew, N.H. Jones, R.J.R. Jones, W.G. Thomas and C.H. Williams.

ALSO PRESENT

Chief Executive, County Clerk, Financial Controller.

1. URGENT MATTERS

The Leader gave notice of the following item which in his opinion should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972:-

Boundary Commission

2. BOUNDARY COMMISSION

The Chief Executive informed Members that he and officers had met with the Boundary Commission officers. As a result it has been suggested a joint meeting be held with Denbighshire County Council Members and officers and the Commission. The meeting has been arranged for 2 February 2001 to be held at the Royal International Pavilion, Llangollen.

The Leader asked Members for approval for the following Members to attend the meeting:-

Leader;
Deputy Leader;
Group Leaders, and
Local Members - Councillors P. Tobin and R.J. R Jones.

Councillor I.M. German requested that if a Group Leader was not available, a substitute should attend and this was agreed.

RESOLVED that the following Members attend the meeting with the Boundary Commission on 2 February 2001:-

Leader;
Deputy Leader;
Group Leaders, and
Local Members - Councillors P. Tobin and R.J.R. Jones.

2. EXCLUSION OF PRESS AND PUBLIC

RESOLVED under Section 100A(4) 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 they involve the likely disclosure of exempt information as defined in paragraphs 8, 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

3. DRAFT BUDGET 2001-2002

Councillor E.A. Owens, Lead Cabinet Member for Finance submitted the report and appendices [previously circulated]. Councillor Owens apologised that the paper had not been available at an earlier

date but had wanted to appraise Members of the main framework for the financial settlement for 2001-2002 with sufficient detail to identify priorities and main structures. Members were asked to agree the budget strategy for 2001-2002 to be recommended to Council in the light of the progress to date and the provisional settlement from the Assembly.

Councillor Owens said extensive consultations had taken place with Service Scrutiny Committees, Lead Cabinet Members and Heads of Service. The figures took account of the Best Value Review and the County Council's priorities and Mission Statement.

Councillor Owens said a provisional settlement figure of 5.7% has been given by the National Assembly for Wales, which figure may vary by 0.1%. The final settlement figure would be available by the end of January 2001. New monies were incorporated in the 5.7%, amounting to 1% as shown in Appendix 3. This meant a 4.7% increase for Denbighshire. Appendix 3 showed details of the bids for increased funding and target reductions. The Flood Emergency would involve a considerable level of spending commitment over and above the costs to be recovered through the Bellwin formula.

The Capital account details were included in Appendix 4 and detailed priority areas for consideration.

The Lead Member for Finance pointed out a typographical error in the Conclusion to Appendix 1 - 'too soon' to be included on line 2, after the fourth word so that the sentence read "The uncertainty over special funding for the flooding reinstatement and flood defence works means that it is too soon to forecast the impact ..."

Councillor G.M. Kensler asked whether Denbighshire had to contribute to the Environment Agency. The Financial Controller said that the Environment Agency were responsible for the Dee and Clwyd Flood Defence Committee and levied a charge on Denbighshire and neighbouring authorities. They had wanted to increase the levy by 40% but after discussion this had been reduced to an increase of 13% this year to Denbighshire and the other Local Authorities.

On Appendix 2 the Financial Controller said that the success of the Recovery Plan had meant a reduction in top slicing for the contribution to balances for the coming year and approximately £1.5m would be going back into services. The third column of Appendix 2 showed provisional inflation figures at 3%. Pay awards for staff had been assumed at a level of 3%, with 3.5% pay award assumed for teachers. Insurances were due for re-negotiation. Other costs increases vary from 2% to 3%.

The Financial Controller said the guideline for expenditure in 2001-2002 was the current budget plus 5.7%, which would allow £4m for growth.

Councillor Owens said that the figures given had been calculated according to advice from the National Assembly, with no hypothecation permitted.

Councillor K.E. Wells said that the exception to this was the Leadership money for Lifelong Learning. Councillor Owens said that there were conditions attached to this block of new monies.

Turning to Personal Services, Councillor Owens referred to two new elements i.e. The Supporting People Initiative and the Ageing Carers. Cuts had been volunteered by the Directorate, most of which had been discussed and agreed in principle by the Scrutiny Committee.

The Financial Controller said that the wording of the Reduction Revise Eligibility criteria under Personal Services should read Transitional Housing Benefit. The Head of Strategic Planning for Personal Services explained that the bid for additional funds for Learning Difficulty - ageing carers was to provide respite care.

The Financial Controller said that the £1m allocated to the Supporting People Initiative would realise a provisional figure of £35k for Denbighshire.

Councillor E.W. Williams asked that a paper be prepared for Cabinet to include all the new monies available and the way the Directorates would include this in next year's budget which does not include

the monies to be spent on "old" items. Councillor Owens said the new monies had been included in the financial framework paper on the basis of advice from WLGA figures. She agreed to provide a paper showing where the new monies would be allocated once clarification had been received from the Assembly.

The Lead Cabinet Member for Finance referring to the Environment said that an Asset Management Plan would be required. Community Services would be reviewed by Scrutiny Committees and new monies would be available for Concessionary Fares, Public Protection Meat Inspections and the Countryside Act. The Financial Controller said that Members would be aware of the condition surveys carried out by Denbighshire on many of its buildings and this accounted for the increase in the property maintenance figures.

The Lead Cabinet Member for Finance, referring to Lifelong Learning, highlighted the Teachers' Pay Restructuring. Both the National Assembly for Wales and the WLGA had given assurances that the sum allocated only represented two thirds of the year and the restructuring would be monitored. If any monies remained unused, these would be retained by the Authority but any shortfall could be claimed back from the Assembly.

The Class Size Reduction Scheme included an additional £163k expenditure and the Youth Services Review would result in a re-designation of spend.

Councillor R.W. Hughes said the Corwen Leisure Centre would be transferred from DSO to Leisure Services, bringing it in line with other Leisure Centres.

The Financial Controller explained the allocation for replacement of mobile classroom rentals as it was more feasible to rent fully maintained and fully serviced mobiles on an annual basis rather than purchase new mobile classrooms. The Acting Director of Education, Culture and Information explained that money may become available from the National Assembly for Wales which had allocated £80m for school building programmes specifically aimed at reducing the number of mobile classrooms in schools.

The Lead Cabinet Member for Finance referred to the Resources section, explained that the Accountancy function would be strengthened to meet with District Audit requirements and that a paper would be available on this before the end of March to reflect the amount of cross-cutting work between Directorates and the general strengthening of the Department. Councillor Owens informed Members that reduced income would be received from the Weekly Benefit Scheme. She reminded Members that ICT had been incorporated within the Resources Directorate from the 1 January 2001.

The Lead Cabinet Member for Finance, referring to the Chief Executive and Corporate section explained that some of the initiatives would produce revenue in years to come. In addition, she highlighted the joint Denbighshire-Conwy Youth Offending Team which now had a separate budget line so that the exact costs could be identified in discussions with the Home Office.

At 11.30 a.m the meeting adjourned for 15 minutes.

The Lead Cabinet Member for Finance submitted Appendix 4 which showed the Capital Resources 2001-2002 and Potential Allocation. The Flood Emergency figures were shown as estimates but the flood damage reinstatement and flood prevention schemes would not necessarily be carried out before any other capital programmes. The deadline for submission of the Bellwin figures was end of March 2001 and it was likely that the £9m figure would rise as more information was gained as water levels fell. The National Assembly for Wales had asked for revised figures by 16 January 2001. Two items were not included i.e. [a] replanting in and around Ty Nant, Prestatyn, and [b] the Asset Register. The £2m identified for Property and Highways Capital Works was to make a start on the backlog identified in the Council's Condition Surveys.

Councillor E.W. Williams asked what the general capital figure had been for the previous year and whether the flood damage figure included all roads affected in the County. He also asked whether there was any money available under the Objective 1 scheme.

The Financial Controller said there would be an increase of 3% for capital funding from current year and as Denbighshire had no repayment to make in relation to the inherited debt, this would allow a capital programme. The National Assembly for Wales paid for repairs to Trunk roads whilst the County Council paid for the County roads. Councillor A E Owens agreed that a statement would be issued to the media regarding the repayment of the debt which would include information on a capital programme once details were available.

One or two flood defence schemes would possibly be eligible, for example Glasdir, Ruthin and an area in Denbigh and officers were exploring the possibility of funding from Objective 1.

Councillor G.M. Kensler asked about the Police Precept figure. Councillor E.A. Owens said that specific grants would enable the Police to increase their budgets by 5% but it was not envisaged that the Denbighshire figure would be increased by more than 3%.

RESOLVED that Members agreed the budget strategy 2001-2002 as outlined in the appendices to the report and the provisional settlement from the Assembly be recommended to Council.

Councillor W.R. Webb proposed a vote of thanks for the Lead Cabinet Member for Finance and the Financial Controller and his staff for all their work on the Council's budgets. Councillor D.M. Morris seconded the proposal.

The Leader, on behalf of the Cabinet, also thanked Councillor Owens and the Financial Controller.

PERSONAL

The Leader said Mr. W. Gwyn Williams, the Acting Director of Education, Culture and Information was retiring at the end of January 2001 and was attending his last Cabinet meeting. He paid tribute to Mr Williams' work as Head of Cultural Services and latterly as the Acting Director. The Acting Director of Education, Culture and Information responded and thanked Members and staff for their support over the years. He said that he had particularly enjoyed working for Denbighshire and wished the Authority well for the future.

The meeting concluded at 12.20 p.m.



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

To all consultees – Local Government
Act 2000

Parc Cathays / Cathays Park
Caerdydd / Cardiff
CF10 3NQ

Eich cyf / Your ref
Ein cyf / Our ref

Dyddiad / Date 10th January 2001

Dear Colleague

Consultative Conference – The Local Government Act 2000 in Wales

I am writing to give you early notice of this conference, to be held in **Cardiff**, on the **28th February 2001**. The event is being organised, together with the Welsh Local Government Association, Syniad and District Audit, at the end of the consultation process over the various pieces of guidance and subordinate legislation which the Assembly will be introducing later this year.

The conference will give you the opportunity to hear the main issues of concern which have arisen during the consultation and to input your own views as part of the consultative exercise. The delegates will be addressed by Edwina Hart AM, Assembly Minister for Finance, Local Government and the Communities and a number of others including Sir Harry Jones of the WLGA.

Full details of this important gathering will be sent to you shortly.

Frank Cuthbert

Head of Local Government Modernisation Branch 2



BUDDSODDWR MEWN POBL
INVESTOR IN PEOPLE

Ffon / Tel: 029 2082
GTN:
Ffacs / Fax: 029 2082
Minicom: 029 2082
E-bost / E-mail: Frank.Cuthbert@Wales.GSI.G

EXTERNAL VACANCIES
RECRUITMENT APPROVAL JUSTIFICATION

Department: SOCIAL SERVICES DIRECTORATE

Post PERSONAL ASSISTANT TO 2 HEADS OF SERVICE

Salary Grade SCALE 4

Justification for External Advertisement/Recruitment

POST HAS BEEN ADVERTISED INTERNALLY ON
TWO OCCASSIONS - NO SUITABLE APPLICANTS.
POST HAS REMAINED VACANT SINCE JAN, 2000
PENDING THE OUTCOME OF ~~THE~~ CORPORATE RESTRUCTURE.

Signed: Meinon Hughes (Director)

Dated: 8/1/2000

Signed: J.F. Roberts (Chair of Service Committee)

Dated: 8/1/2000

To: Chief Executive

Approved Refused

Signed: [Signature] Dated: 8/1/2001

To: Executive Group Leaders

Approved Refused

Signed: _____ Dated: _____

Signed: _____ Dated: _____

Signed: _____ Dated: _____

Comments/Reasons:

VACANCY CONTROL
APPROVAL FOR THE FILLING OF VACANT POSTS BY EXTERNAL
ADVERTISEMENT

Directorate: PERSONAL SERVICES Section: HOUSING SERVICES

Post Title: CLERICAL ASSISTANT, RMYL Salary Grade: Sc1

JUSTIFICATION FOR EXTERNAL RECRUITMENT
(This part must be completed for all posts)

ADVERTISED INTERNALLY BUT NO SUITABLE APPLICATIONS
RECEIVED FOR SCALE 1 POST. NO SUITABLE REDEPLOYMENT.

Signed: Meirion Hughes (Corporate Director)

Dated: 10.01.01

Signed: A.R. Roberts (Chair of Service Committee)

Dated: 9.01.01

To: Cabinet

Signed: _____ (on behalf of the Cabinet) Date: _____

Approved Refused

Comments/Reasons

Please return this form to the Director of the Employing Directorate.

VACANCY CONTROL
APPROVAL FOR THE FILLING OF VACANT POSTS BY EXTERNAL
ADVERTISEMENT

Directorate: PERSONAL SERVICES Section: HOUSING SERVICES

Post Title: RESIDENT WARDEN, STASAPH Salary Grade: SC 2

JUSTIFICATION FOR EXTERNAL RECRUITMENT

(This part must be completed for all posts)

ADVERTISED INTERNALLY BUT NO APPLICATIONS
RECEIVED. ESSENTIAL TO FILL POST AS SOON
AS POSSIBLE.

Signed: Merion Hughes (Corporate Director) Dated: 10.01.01

Signed: A.P. Roberts (Chair of Service Committee) Dated: 9.01.01

To: Cabinet

Signed: _____ (on behalf of the Cabinet) Date: _____

Approved Refused



Comments/Reasons

Please return this form to the Director of the Employing Directorate.

VACANCY CONTROL
APPROVAL FOR THE FILLING OF VACANT POSTS BY EXTERNAL
ADVERTISEMENT

Directorate: PERSONAL SERVICES Section: HOUSING SERVICES

Post Title: CONTACT WARDENS x 4 Salary Grade: SC 2

JUSTIFICATION FOR EXTERNAL RECRUITMENT
(This part must be completed for all posts)

NEW POSTS ADVERTISED INTERNALLY BUT NO
APPLICATIONS RECEIVED (EXCEPT FROM WARDENS
SEEKING TO TRANSFER AREAS WHICH WILL LEAVE
SIMILAR VACANCIES).

Signed: Meirion Hughes (Corporate Director) Dated: 10.01.01

Signed: A.E. Roberts (Chair of Service Committee) Dated: 9.01.01

To: Cabinet

Signed: _____ (on behalf of the Cabinet) Date: _____

Approved Refused

Comments/Reasons

Please return this form to the Director of the Employing Directorate.

VACANCY CONTROL
APPROVAL FOR THE FILLING OF VACANT POSTS BY EXTERNAL
ADVERTISEMENT

Directorate: Revenues

Section: Sundry Debtors

Post Title: Sundry Debtor Assistant

Salary Grade: 3 Part Time

JUSTIFICATION FOR EXTERNAL RECRUITMENT
(This part must be completed for all posts)

- The post has been advertised internally and there was only one applicant who has since withdrawn her application
- There are currently no suitable redeployees who could be considered as candidates

Signed: [Signature] (Director)

Dated: 10/01/01

Signed: [Signature] (Chair of Service Committee)

Dated: 11/1/01

To: Chief Executive

Approved Refused

Signed: _____ Date: _____

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Comments/Reasons

To: Cabinet

Signed: _____ (on behalf of the Committee) Date: _____

Approved Refused

**VACANCY CONTROL
APPROVAL FOR THE FILLING OF VACANT POSTS BY EXTERNAL
ADVERTISEMENT**

Directorate: Social Services Section: Q/A

Post Title: Q/A Officer Salary Grade: PO1
Temporary post 11/10/2002

**JUSTIFICATION FOR EXTERNAL RECRUITMENT
(This part must be completed for all posts)**

this post has been advertised internally, only one person applied and does not meet criteria for post. The work of the department needs to be dealt with urgently as the post is empty and work has backlogged, and needs immediate attention.

Signed: Merian Hughes (Corporate Director)

Dated: 15/1/2001

Signed: A.R. Roberts (Chair of Service Committee)

Dated: 15/1/2001

To: Cabinet

Signed: _____ (on behalf of the Cabinet) Date: _____

Approved Refused



Comments/Reasons

Please return this form to the Director of the Employing Directorate.

DENBIGHSHIRE COUNTY COUNCIL

CABINET - 23rd January, 2001

LOCAL MEMBERS NOMINATIONS FOR LEA GOVERNOR VACANCIES

Report by the County Clerk

1. PURPOSE

- 1.1 To consider nominations received for LEA Governor vacancies from the Local Member(s) for the area in which the school(s) are located.

2. BACKGROUND

- 2.1 Prior to 1st April, 1996 the appointment of LEA Governors was administered by the previous Clwyd County Council as Local Education Authority.
- 2.2 Under the Education (School Government) Regulations 1989 this function now falls to Denbighshire County Council in respect of those Schools within County.

3. RECOMMENDATION

- 3.1 That the following nomination(s) for LEA Governor appointment(s) be approved, the names listed below being the names nominated by the Local Member(s) for the Schools.

MELIDEN C.P. (YSGOL MELYD)

Local Member: Councillor Ms R.W. Hughes

No. of LEA Governors: 3

No. of Vacancies: 1

Cllr Ms R.W. Hughes	30.3.02
Mr Rick Abbas, 42 Ffordd Tanrallt, Meliden	18.11.02
Mrs Belinda Ann Ward (Barrett), 83 Ffordd-Ty-Newydd, Meliden	Resigned

NOMINATION

Mrs L. Galley, 4 Lon Gwler, Rhuddlan, Rhyl.

PRESTATYN YSGOL BODNANT JUNIOR C.P.

Local Member: Councillor S. Drew - N. Hugh-Jones

No. of LEA Governors: 3

No. of Vacancies: 3

Mr Alan Roberts, 7 Brig-y-Don, Prestatyn	28.1.01
Mr John E. Williams, 99 Gronant Road, Prestatyn	28.1.01
Mr William Derrick Parry, 23 Tudor Avenue, Prestatyn	28.1.01

NOMINATION

Mr Alan Roberts, 7 Brig-y-Don, Prestatyn.
 Mr John E. Williams, 99 Gronant Road, Prestatyn.
 Mr William Derrick Parry, 23 Tudor Avenue, Prestatyn.

NEW TERMS OF OFFICE TO COMMENCE - 28.1.2001

ST. ASAPH JUNIOR C.P. (YSGOL ESGOB MORGAN)

Local Member: Councillor J.A. Smith

No. of LEA Governors: 3

No. of Vacancies: 1

Cllr J.A. Smith 21.9.03

Mrs Christine Litherland, Bryn Mawr, Cwm, Dyserth 23.5.04

Mrs Rosie Gilmartin, Ridgemere, Upper Denbigh Road, St Asaph 28.1.01

NOMINATION

Mrs Rosie Gilmartin, Ridgemere, Upper Denbigh Road, St Asaph.

NEW TERM OF OFFICE TO COMMENCE - 28.1.2001

TREFNANT (C)

Local Member: Councillor M.LI. Davies

No. of LEA Governors: 2

No. of Vacancies: 1

Cllr M.LI. Davies 31.8.04

Mr Arthur Ellis Williams, Bron Derw, 14 Ffordd Pen y Coed, Trefnant 9.2.01

NOMINATION

Mr Arthur Ellis Williams, Bron Derw, 14 Ffordd Pen y Coed, Trefnant.

NEW TERM OF OFFICE TO COMMENCE - 9.2.2001

County Clerk

REPORT TO CABINET

AGENDA ITEM NO. 6

CABINET MEMBER: Councillor Elwyn Edwards, Leader

DATE: 23 January 2001

SUBJECT: Authorisation for Trainee Solicitors to appear on behalf of Denbighshire County Council in the Magistrates Court

1. Decision Sought

1.1 To seek the Council's authorisation for Ms Nia Grisdale and Ms Heidi Roberts (Trainee Solicitors) to represent Denbighshire County Council in Magistrates Court proceedings, as and when required, for the period between 4/9/00 and 3/9/02.

2. Reason for Seeking Decision

2.1 Trainee Solicitors do not hold a practising certificate until qualification as solicitors. Consequently, they do not have the authority to prosecute, defend or appear on anyone's behalf in the Magistrates Court prior to attaining their practising certificate upon qualification as solicitors.

2.2 Section 223 of The Local Government Act (1972) however, does enable Local Authority Officers to prosecute, defend or appear on their authority's behalf in the Magistrates Court, despite their not holding a current practising certificate, if they are authorised to do so by a resolution of the Council.

3. Cost Implications

Use of Trainee staff contributes to Best Value use of resources.

4. Financial Controller Statement

Not applicable.

5. Consultations Carried Out

Not applicable.

6. Implications on Other Policy Areas Including Corporate

Contributes towards Best Value.

7. Recommendation

That Cabinet authorise Ms Nia Grisdale and Ms Heidi Roberts to represent Denbighshire County Council in Magistrates court proceedings, as and when required, for the period between 4/9/00 and 3/9/02.

REPORT TO CABINET

CABINET MEMBER: Leader

DATE: 23 January 2001

SUBJECT:- WELSH CENTRE FOR INTERNATIONAL AFFAIRS

1.0 Decision Sought

1.1 To discontinue contributions of the annual sum of £750 to the Welsh Centre for International Affairs.

2.0 Reason For Seeking Decision

2.1 The WCIA has written requesting regarding our subscription contribution for this year. The Council has been contributing to the Welsh Centre for International Affairs since it came into being in 1996.

2.2 The Welsh Centre for International Affairs work has an international focus furthering the aims of democracy and intergovernmental understanding. It currently organises voluntary work in Wales and overseas. It further supports international and local citizenship issues in schools and colleges.

2.3 The aims of the organisation are extremely worthy but it is timely to question whether individual local authority subscriptions are the most appropriate way for such activities to be funded given its essentially national orientation. I am also aware that authorities across Wales are reviewing their funding commitment to this body.

2.4 I would suggest, therefore, that in view of the needs of the Recovery Plan the Council discontinue its subscription to the WCIA but at the same time, as the aims of the WCIA are clearly laudable, to ask the WLGA and the Assembly through the auspices of the Partnership Council to determine how funding for the beneficial work of the WCIA might continue and on what basis.

3.0 Cost Implication

3.1 Not applicable.

4.0 Financial Controller Statement

4.1 The proposal would make a small contribution to the Recovery Plan.

5.0 Consultation

5.1 The Acting Director of Education, Culture and Information agrees in principle with the report's recommendations.

6.0 Implications On Other Policy Areas Including Corporate

6.1 Not applicable.

7.0 Recommendation

7.1 That Members agree the activity as described in 2.4 and discontinue funding to the WCIA.

REPORT TO CABINET

AGENDA ITEM No. 8

CABINET MEMBER : Councillor David Morris

DATE : 23 January 2001

SUBJECT : **Customer Charter for Planning Services**

1. DECISION SOUGHT

1.1 Approve the Customer Charter (December 2000).

2. REASON FOR SEEKING DECISION

2.1 Charter Mark accreditation is one of the key objectives of the Planning Services Best Value Performance Plan (2000/2001) and emerging Business Plan (2001/2004). Charter Mark is a Government initiative. Some 1700 organisations in England and Wales have been awarded the Charter Mark. A Charter Mark service is a service with high quality customer services - where customers come first.

2.2 To be awarded the Charter Mark the Planning Service must have a Customer Charter. Cabinet approval will enable Planning Services to demonstrate its commitment to improving the service for the benefit of our customers.

2.3 We aim to make an application for Charter Mark in 2002.

3. COST IMPLICATIONS

3.1 The Customer Charter is achievable within existing resources.

4. FINANCIAL CONTROLLER STATEMENT

4.1 Not applicable. There are no financial implications at this stage.

5. CONSULTATIONS CARRIED OUT

5.1 The Charter has been prepared in consultation with staff.

5.2 The Environment Scrutiny Panel considered the Charter on the 13 December and, subject to amendments, approved the document for consideration by the Cabinet.

6. IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE

6.1 Consistent with Corporate objectives to secure continuous improvements in performance.

7. RECOMMENDATION

7.1 **That the Customer Charter (December 2000) be approved.**

7.2 **That minor changes thereafter be delegated to the Head of Planning Services in consultation with the Lead Member in the Cabinet.**



CUSTOMER CHARTER

DECEMBER 2000



THE PLANNING SERVICES CHARTER

This Charter sets out the minimum standards you can expect. It tells you how we deliver the service to the customer and where you can find out more about the service. It also tells you where to find us and what to do if you are not satisfied with the service you have received.

What do we do?

The Planning System is about regulating the development and use of land in the public interest. Further information on the Planning System can be found in **Appendix 1**.

Planning Services is responsible for the promotion and control of development and use of land, ensuring that buildings meet minimum standards, for health, safety, welfare and convenience of occupiers and users, the conservation and enhancement of our environment, and the preparation of the Unitary Development Plan setting out where development can or cannot take place.

We deal with:

- ✿ planning policies, supplementary planning guidance and design briefs
- ✿ Unitary Development Plan
- ✿ planning applications
- ✿ liaison with the quarry industry and monitoring of sites
- ✿ appeals
- ✿ enquiries about breach of control and enforcement
- ✿ building regulation applications
- ✿ dangerous structures
- ✿ demolition notices
- ✿ conservation areas and listed buildings
- ✿ grants for conservation and town schemes
- ✿ securing lottery and other grant aid for regeneration projects
- ✿ managing townscape heritage schemes
- ✿ protection of trees

Where can you find us?

The work of the Planning Service is split into a number of specialist sections and area teams. Further information on the different sections can be found in the published leaflets - **Appendix 2**.

You can visit us at:-

- ✿ Trem Clwyd, Canol y Dre, Ruthin; or at
- ✿ Nant Hall Road, Prestatyn.

The offices are open Monday to Thursday 08:45 - 17:00 and 08:45 - 16:30 on Fridays. There is also a One-Stop reception in Corwen and Llangollen. Ample parking spaces, including disabled parking, is available nearby.

Our fax number is Ruthin 01824 708039 and Prestatyn 01824 706533. Our Internet site is at **www.denbighshire.gov.uk** and our e-mail address is **dcc_planning@denbighshire.gov.uk**.

To find out more information about the service, or for any other advice or information, please ring Eleri Williams on 01824 708037. You could also write to us and you will be given the name and telephone number of the officer dealing with your query.

OUR COMMITMENTS TO YOU

- 1. All our customers will be treated equally and fairly without discrimination.**
- 2. Published information, produced by Planning Services, will be in Welsh and English.**
- 3. If you write to us in the Welsh Language we will respond in Welsh. Should you wish to speak to us in Welsh we will make a Welsh speaking member of staff available.**
- 4. Your telephone calls will be answered within 20 seconds, or 7 rings. The person handling the call will give a short greeting in Welsh and English and identify themselves. Whenever possible calls will be returned on the same working day, but in any case no later than the end of the next working day.**
- 5. When staff in the Ruthin office are unavailable the voice mail system will be operated.**
- 6. You will receive a reply to your letter or e-mail within 5 working days. If we can not respond fully within this period we will acknowledge your correspondence within 5 working days and reply in full within 15 working days. Methods of response may be by letter, e-mail, acknowledgement cards or verbally on the telephone.**
- 7. We will use our best endeavours to resolve your complaint.**
- 8. We will use all reasonable measures to meet the requirements of customers with special needs.**
- 9. All staff will be trained in customer care including disability awareness.**
- 10. We will regularly seek your views and respond to positive suggestions which would improve the service.**
- 11. We will publish an annual report giving an honest assessment of how we have performed against these standards and performance targets.**

INFORMATION AND ADVICE

- ⊗ We are able to offer professional advice on a range of issues. You are welcome to contact the relevant officers by telephone to establish the best way to proceed, including the possibility of an office or site meeting in certain circumstances
- ⊗ We encourage pre-application discussions and we offer guidance for applicants
- ⊗ We have adopted a Code of Practice for Councillors and Officers. This can be found in **Appendix 3**.
- ⊗ The following information is available for inspection at the planning enquiry desk (Ruthin and Prestatyn):
 - ☞ list of planning applications received (also available at one stop shops, libraries, Post Offices, and, on payment of a fee, to others)
 - ☞ copies of current planning applications (also available at main libraries and Community Councils)
 - ☞ copies of all planning decision notices (plans also available but 3 days notice required)
 - ☞ planning advice notes, supplementary planning guidance, development plans, Unitary Development Plan, maps, list of Listed Buildings, Conservation Areas, tree preservation orders
 - ☞ list of dates of Planning Committee meetings - **Appendix 4**
 - ☞ list of councillors who sit on the Planning Committee meetings - **Appendix 5**
 - ☞ list of charges for photocopying various documents and other information - **Appendix 6**
 - ☞ a notice which provides information on access to planning files and documents - **Appendix 7**
 - ☞ A leaflet on how we deal with planning applications - **Appendix 8**
 - ☞ a register of planning enforcement and related notices

 - ☞ Note - you should ask at the enquiry desks (Ruthin or Prestatyn) which of the above documents are free and which are for sale
- ⊗ We publish an annual performance plan and interim half yearly performance and workload report

IDENTIFICATION OF STAFF

- ⊗ All Council staff hold identity cards. The cards give the name and department of the cardholder and they include a photograph. If council staff are calling at your home or place of business or meeting you on site, you are entitled to see their identity card so that you can satisfy yourself that they represent the Council. If you receive a refusal to such a request, then do not admit that person and immediately telephone the Police.

CONSULTING THE PUBLIC

- ✿ The planning system exists to regulate and promote development in the public interest
- ✿ The Council is committed to consulting and involving the public on planning proposals
- ✿ We will listen to what the public have to say and in coming to decisions weigh this up with other planning considerations
- ✿ We cannot always make decisions in accordance with the public's wish. There may be other important or crucial considerations which require us to take a particular decision

DEVELOPMENT PLAN

1. Service Delivery

- ✿ The development plan team is responsible for preparing the Council's Unitary Development Plan, Supplementary Planning Guidance and site briefs which aim to protect and enhance the quality of life and improve economic and social opportunities
- ✿ The Unitary Development Plan is one of the Council's most important documents. The plan forms the basis for promoting and controlling development in the County
- ✿ The team is also responsible for carrying out surveys and investigating opportunities to promote economic development and the regeneration of our town centres
- ✿ Following adoption of the Unitary Development Plan the team will be responsible for ensuring that policies and proposals are implemented, for monitoring the effectiveness of the plan and for its review
- ✿ The team contributes to the preparation of Strategic Regional Planning Guidance for North Wales

2. Service Standards

- ✿ We will publicise and consult widely with the public and other organisations at all key stages in the process leading to the adoption of the Unitary Development Plan. We aim to exceed the minimum statutory requirements in terms of public consultation
- ✿ If you have made representations on the plan or guidance/site briefs we will keep you informed of progress and advise you of the outcome
- ✿ We will maintain a help desk (01824 708056) to answer any queries you may have regarding the plan or adoption process
- ✿ Your representations will be finally dealt with in open forum by the Planning Committee and then Full Council
- ✿ All background documents will be openly available and copies may be made available for a reasonable charge

3. Our Key Performance Targets

- ✿ We aim to adopt the Unitary Development Plan by December 2001
- ✿ We will complete a full review of the adopted plan by 2006
- ✿ We will prepare and keep up-to-date Supplementary Planning Guidance and Site Briefs

- ⊗ We will monitor the operation of our policies in order to ensure that they are effective. We will respond to new pressures, problems, opportunities, proposing new or revised planning policies/guidance to deal with them

CONSERVATION

1. Service Delivery

- ⊗ The Conservation team is responsible for providing advice on design to the Development Control team, advice on landscape impact of proposals, designating conservation areas, carrying out character appraisal of conservation areas and preparing management plans for their enhancement, and making Tree Preservation Orders to protect trees
- ⊗ The team is also responsible for managing the Council's Town Scheme, project managing the Welsh Development Agency Town Improvement Grant and managing the Denbigh Townscape Heritage Initiative
- ⊗ The Council has contracted out specialist Landscape Architect advice. A Service Level Agreement exists with Flintshire County Council. From time to time the Landscape Architect will provide specialist services for other departments
- ⊗ Carrying out a Buildings at Risk survey of listed buildings in the County and making Article 4 Directions where appropriate

2. Service Standards

- ⊗ We will notify residents, business and other occupiers of conservation area designation
- ⊗ We will consult on enhancement schemes
- ⊗ We will publish clear criteria for grant eligibility, the levels of grant available and the Council's priorities

3. Performance Targets

- ⊗ To ensure that the percentage of buildings at risk in the County are less than the Welsh national average
- ⊗ To prepare and maintain character appraisals of all of our conservation areas and implement management plans and projects for their enhancement, in particular our town centres
- ⊗ To provide expert advice to the Council on all proposals affecting Listed Buildings, Conservation Areas and other important buildings and spaces
- ⊗ To maintain and keep up-to-date and accessible a database and photographic record of all listed buildings and tree preservation orders

DEVELOPMENT CONTROL

1. Service Delivery

- ⊗ Development Control has two area teams and a list of officers is available together with their contact numbers - **Appendix 2**
- ⊗ The Development Control teams deal with planning applications, and a range of other types of applications, and appeals arising from decisions on them

- ⊗ The teams deal with land use planning related enquiries and give free advice on development proposals. Our practice is to try and improve proposals and officers will negotiate with applicants.
- ⊗ The teams will also seek to ensure that conditions are complied with and development is built according to the approved plans by monitoring sites in conjunction with enforcement and building control
- ⊗ Provide significant input into land charge searches for the Clerk to the Council

2. Service Standards

Consultation on applications

- ⊗ All planning applications will receive some form of publicity. The Council has a policy on notification and publicity, based on relevant government guidance - **Appendix 9**
- ⊗ A list of all applications received will be sent on a weekly basis to Councillors, Community Councils, main libraries and One Stop Shops.
- ⊗ Owners / Occupiers of properties adjoining the development sites may receive a letter informing that an application has been received, offering at least 21 days to comment. There may be notices displayed near the site. With major proposals we will publish a notice in the local press
- ⊗ In relation to major proposals the Council or the applicant may organise an exhibition at a local venue to display plans etc.
- ⊗ We are aware that many people, including the elderly and people with disabilities, have difficulty in visiting the Council Offices. In such circumstances we can arrange to lend you a copy of the plans or to visit you in your home
- ⊗ Our practice is to negotiate improvements to applications. We will normally reconult interested parties on amendments if we consider that they raise new issues which could lead to further comment, offering 14 days for comment.

How to comment on applications

- ⊗ Comments may be made by anyone, regardless of whether they have been consulted or notified by the Council. We welcome comments, whether in support of an application or objection to it. The Council can only take account of "planning considerations" - **Appendix 10**
- ⊗ Comments must be made in writing. These will be taken into account, as long as they are received before the Council makes its decision. In the case of Committee decisions, representation must be made before the start of the meeting

How we make a decision

- ⊗ Up to 75% of all applications are decided by officers, in strict accord with a scheme of delegation, agreed with the Planning Committee. This allows the straight forward non controversial applications to be dealt with by officers allowing Councillors to concentrate on the major or more contentious decisions. For example, the Planning Committee will make decisions on applications where there has been a planning objection and where the recommendation is contrary to the objectors. A small number of applications are decided by the Full Council, for example application which are submitted by County Councillors or staff within Planning Services or their close relatives. The Scheme of Delegation explains this in more detail - **Appendix 11**

- ⊗ We are committed to preparing comprehensive Committee reports with clear recommendations. The reports will summarise the responses that we have received to consultations and publicity on applications
- ⊗ Councillors receive a weekly list of applications received and may request that an application be determined by the Planning Committee and not by officers
- ⊗ Planning Committee reports are published three working days before the meeting and can be read in the planning offices (Ruthin or Prestatyn), libraries and one stop shops. The Committee meetings are held in public. A list of Planning Committee dates can be found in **Appendix 4**. The Committee does not allow applicants or members of the public to address their meetings. There are 28 councillors who sit on the Planning Committee. Further information on these councillors can be found in **Appendix 5**

Letting you know the outcome

- ⊗ All comments, with a name and address, will be acknowledged. You will be given the name of the officer handling the application and his/her telephone number. It is not always possible to respond individually to comments but after the decision has been taken you will be informed of the Council's decision. The decision certificate, showing any conditions that may have been placed on a permission, or reasons for refusal, can be inspected at the planning offices or a copy can be made available on payment of a fee
- ⊗ Only the applicant can appeal against a decision to refuse planning permission or to grant subject to conditions. If an appeal is made and you submitted comments at application stage, then you will be notified of the appeal and you will then have the opportunity of making further representations to the Government Planning Inspectorate. There are three different procedures of dealing with appeals; written representation, informal hearing and public inquiry. Further information on the appeals procedure can be found in **Appendix 12**

Advice for applicants

- ⊗ We welcome and encourage discussions before you submit your application. Advance copy of your outline proposal and sketch plans would assist officers. Prior appointment should be made to ensure that we can allocate the most appropriate officer to handle your enquiry
- ⊗ The advice given will be objective and without prejudice to the formal consideration of an application by the Council. It may help if you discuss your proposal with your neighbours before making the application
- ⊗ We have produced a series of supplementary planning guidance and other documents to help applicants. You are advised to consult with these before arranging an appointment. A list of topic based supplementary planning guidance can be found in **Appendix 13**. Copies of these guidances are available at the planning offices (Ruthin or Prestatyn) on payment of a fee
- ⊗ We will advise you about the time scale for dealing with an application and the procedures to follow
- ⊗ Advice notes are available on how to make a planning application, as well as leaflets on the development control system - **Appendix 8** and **Appendix 2**
- ⊗ On large scale developments we will involve officers from other services in discussions as part of our Development Team Approach - **Appendix 14**

Your planning application

- ⊗ You can receive our planning application forms, together with accompanying notes and schedule of fees, from our planning offices (Ruthin or Prestatyn), from the one stop shops or from our web site. You will also be provided with a check list of information required, as part of your application.
- ⊗ All valid planning applications will normally be acknowledged within 5 working days. You will be given the name of the case officer and his/her telephone number whenever possible. Applicants or the agents will be advised by telephone and / or e-mail, followed by a short letter if their application is invalid, within the same period. If you or your agent do not provide the information necessary to validate an application, the submission will be returned and any fee refunded
- ⊗ We aim to deal with 70% of all planning applications, 90% of small domestic proposals, within 8 weeks of receipt. If we cannot deal with your application within 8 weeks we will contact you, give you reasons for the delay and seek to agree an extension of this period
- ⊗ If we need further information to deal with your application we will let you know within 28 working days of receipt of the application, or as soon as possible after receiving a consultation reply which requires a response. If you are not able to provide the additional information requested, the application will be determined on the basis of the details submitted
- ⊗ If you engage agents to process your application all correspondence will be directed to them, and it will be their responsibility to keep you informed of how the application is progressing
- ⊗ All planning application files are public documents and their contents may be inspected during normal working hours by any interested party. It is possible that a file may be taken out of the office by a Case Officer, therefore anyone seeking to view a file should telephone to confirm availability. A standard charge applies for viewing files - **Appendix 7**
- ⊗ We have adopted a consultation practice and procedure - **Appendix 9**
- ⊗ All applications will receive a visit to the site by the case officer
- ⊗ If the application is unacceptable but could be made acceptable by negotiation at reasonable expense to the Council, the case officer will let you know (or your agent). A date by which the additional information should be sent to the Council will be given. If, at the end of that period, we have not received the amendments and no extension of time period has been agreed, the Council may decide the proposal as originally submitted
- ⊗ The Council is committed to the development team approach to major development proposals. When dealing with major proposals the planning officer will arrange a meeting with other Council services important to achieving a successful development.
- ⊗ The case officer dealing with your application will, if requested, keep you (or your agent) informed of progress and the anticipated timescale within which it will be decided, including when it may be considered by the Planning Committee. The views of an officer are not binding on the Council
- ⊗ The Council has approved a Scheme of Delegation - **Appendix 11** - which sets out the type of decisions which must be made by elected members and those which can be made by officers without reference to the Planning Committee

- ✿ Before making a decision on your application the Planning Committee may decide to visit the application site. Guidelines for site inspection panels can be found in **Appendix 15**

Notification of the decision

- ✿ We will issue all decision notices (except those linked to legal agreements) within 2 working days of the decision
- ✿ The decision notice will give clear reasons for refusal or conditions on permissions, together with an explanation of your rights to appeal. It will also draw your attention to other consents that you may require from other Council Services or regulatory bodies as Notes to Applicants.
- ✿ Should you wish to discuss the decision and what further action you may need to take, including advice on alterations to the proposal which could result in approval, then you should contact the officer who dealt with the application
- ✿ The decision notice will include a form offering opportunities for comment on the service provided

Monitoring Development

- ✿ Once planning permission has been given the applicant may need to submit additional details, not agreed beforehand, before starting work. A decision on an approval of condition will be issued within 10 working days unless consultation, further information or revisions are required. In which case we will let you know within 15 working days of receipt of the application or as soon as possible after receiving a consultation reply which requires a response
- ✿ In cases where planning permission and building regulations applications are both required we will check the plans against each other on commencement and contact the applicant about any anomalies and conditions that require approval and agree a course of action
- ✿ Development must be carried out in accordance with the approved plans and drawings. It is important that the Council's requirements are met and the permission is correctly implemented. Sites will be monitored in conjunction with enforcement and building control
- ✿ Checks are undertaken on sensitive schemes under construction to ensure that conditions attached to the planning permission have been complied with
- ✿ It is the applicant's responsibility to let the Council know if amendments to the approved development are necessary. The consideration of any amendments is dealt with promptly on receipt of amended plans
- ✿ A Planning Application flow chart can be found in **Appendix 16**

3. Performance Targets

- ✿ Determine 70% of all applications within 8 weeks of receipt
- ✿ Determine 90% of all domestic applications within 8 weeks
- ✿ Successfully defend more than 66% of appeals
- ✿ Respond to 92% of requests for information on searches within 5 working days
- ✿ Evaluate the quality of 2% of decisions on planning applications

- ⊗ Minimise the amount of costs awarded against the Council at appeal
- ⊗ Achieve top quarter position in Wales in terms of Quality in Customer Service
- ⊗ Approve more than 86% of all applications

BUILDING CONTROL

1. Service Delivery

- ⊗ Building Control has two area teams and a list of officers is available together with their contact numbers - **Appendix 2**
- ⊗ The Building Control teams are responsible for dealing with Building Regulations applications and notices, for making dangerous structures and buildings safe, for naming and numbering new developments and for taking enforcement action where there has been a breach of the building regulations. Further information on naming and numbering new developments can be found in **Appendix 17**
- ⊗ They provide advice to other departments, e.g. public entertainment licensing applications
- ⊗ They also handle the processing of demolition notices, received under Section 80 of the Building Act.
- ⊗ A copy of the Building Regulations Policy for Building Control can be found in **Appendix 18**

2. Service Standards

- ⊗ Requests for advice on Building Control matters will be dealt with within 15 working days
- ⊗ We can offer advice on proposed technical changes to Building Control legislation
- ⊗ We will provide you with impartial advice and guidance on your project. We cannot act as your own private surveyor but we will offer informal comments on the proposed work. We have many years experience and a wealth of local knowledge, and we may be able to suggest more economical ways for you to achieve your objective. We are not able to provide pre-application advice on site, but we are happy to offer advice should you wish to visit our offices, or contact us by telephone or e-mail
- ⊗ All building regulation applications will be acknowledged with a fee receipt within 5 working days. Applicants will be advised if their application is invalid within the same period. If the application is still invalid after a further 10 working days it will be returned to the applicant
- ⊗ Applicants may agree to their Full Plans applications being processed within two months from validation. However, they will be advised within 5 weeks from validation as to whether any further information is required, for us to issue a decision notice
- ⊗ We regularly monitor our service to ensure a decision is made within the statutory time period
- ⊗ Inspections of work in progress will be done on the same day provided the request is received before 10.30 am on that day, otherwise they will be done on the following working day. We accept telephone requests for site inspections
- ⊗ We maintain clear and accurate records of works in progress

- ⊗ We will provide a Building Regulation Completion Certificate on the satisfactory conclusion of work, should one be requested
- ⊗ Dangerous buildings and structures will be inspected within 24 hours of being reported, whenever practically possible, and the necessary action taken to ensure public safety
- ⊗ Reports of unauthorised building work will be investigated as soon as possible, and we will respond to the complaint within 10 working days.

3. Performance Targets

- ⊗ Achieve ISO 9002 accreditation for the service by December 2000 and maintain thereafter
- ⊗ Comply with the adopted "Performance Standards for Building Control" - **Appendix 19**
- ⊗ Recover 90% of the cost of delivering the building regulation charge earning service by March 2002 and maintain recovery rate thereafter
- ⊗ Provide a Development Team Approach to development proposals working jointly with Development Control and Enforcement teams. A leaflet on Development Team Approach can be seen in **Appendix 13**

ENFORCEMENT, MINERALS AND WASTE PLANNING

1. Service Delivery

- ⊗ The enforcement team is responsible for handling complaints concerning alleged breaches of planning control, monitoring development sites, carry out surveys and investigations into particular problem areas
- ⊗ The team also handles waste deposit applications, related planning applications and all associated appeals
- ⊗ The County is the Mineral Authority and the team is responsible for handling applications by the quarry industry, monitoring of quarries and supporting Quarry Liaison Committees.

2. Service Standards

- ⊗ We have signed up to the Enforcement Concordat - **Appendix 20**. The Concordat relates to all the areas where the Council has regulatory powers and commits the Council to pursue good enforcement practice and involves:
 - ☞ the publication of standards and annual performance against those standards
 - ☞ being open about how we enforce
 - ☞ being helpful and courteous and co-ordinating enforcement activity, where appropriate, with other enforcement services
 - ☞ publishing and operating an effective complaints procedure
 - ☞ ensuring that the cost of compliance is fair, working with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense where practicable
 - ☞ carrying out enforcement duties in a fair, equitable way, bearing in mind human rights
- ⊗ All enquiries from complainants alleging that development has taken place without planning permission, or that there has been a failure to comply with planning conditions, will be recorded

- ⊗ The identity of all complainants will be kept confidential
- ⊗ We will acknowledge receipt of enquiries within 5 working days
- ⊗ We will inform complainants within 15 working days of receipt of what action we intend to take
- ⊗ We will advise people who are allegedly in breach of planning control that we are carrying out an investigation and explain the procedures
- ⊗ We will ensure that our procedures and practices do not violate your rights under the Human Rights Act 1998
- ⊗ If we intend to take further action you will be advised of what this action is likely to be. If a decision by the Planning Committee is required you will be advised of when your case will be heard by the Planning Committee and a copy of the Planning Committee report will normally be made available as a public document
- ⊗ Reports to the Planning Committee will contain all relevant background information and material planning considerations. It will set out clearly the nature of the breach, response from any consultees, any negotiations undertaken, the steps required to be taken to remove the breach of control and the reasons for taking this action.
- ⊗ Enforcement notices served on contravenors will be clear and concise. They will clearly set out your statutory rights of appeal, if any exist under planning law
- ⊗ Complainants will be informed when the enforcement notices are served, action required and period for compliance
- ⊗ Complainants will be informed of any appeal that is lodged against an enforcement notice
- ⊗ An enforcement flow chart can be seen in **Appendix 21**

3. Performance Targets

- ⊗ To resolve 70% of all breaches of planning control within 12 weeks from receipt. Definition appears in our Performance Plan - **Appendix 22**
- ⊗ Information on the progress of all enforcement matters communicated to Members every quarter

SERVICE FOR PEOPLE WITH DISABILITIES

The Council aims to provide the same high level of service to people with disabilities as it does to other customers. Any reasonable requests for assistance are met.

The planning enquiry desks are on the ground floor of the planning offices in Prestatyn and Ruthin and is wheelchair accessible. Staff toilet facilities, including wheelchair accessible WCs, may be used, on request.

Off-street parking is available, adjacent to the Ruthin and Prestatyn Offices.

Planning Services will ensure that in future all its general information leaflets follow the Royal National Institute for the Blind's clear print guidelines. These leaflets can be supplied in alternative formats (e.g. large print, disc or Braille) on request.

Staff at the planning enquiry desk will, on request, retrieve, read or summarise information held at the enquiry desk (staff in libraries and neighbourhood offices will give similar assistance with planning information they hold).

The need for written submissions from customers may be waived if, due to disability, this would be an unreasonable requirement. Depending on circumstances, a spoken communication (for example, a telephone call to make a complaint), or presentation in an alternative format will be accepted.

Planning Services staff are able to respond to textphone users through BT's Typetalk service, or using e-mail. Given notice, a sign language interpreter can be arranged for consultation meetings with deaf customers.

If we are not providing the service you need, please let us know and it will help us to review how we operate.

What should you do if you are unhappy with the service?

If you are not satisfied with the way a decision was made or the way you have been treated by the Planning Service you can complain. The Council operates a complaints procedure- **Appendix 23**

The first step of this procedure is to try and resolve any difficulty informally with the manager responsible for the service. Most problems are usually settled at this level.

If an informal approach does not solve the matter please make a written complaint to the Head of Planning Services at Trem Clwyd, Canol y Dre, Ruthin LL15 1QA. Alternatively, you can contact the Complaints Officer for Planning Services on 01824 708037.

Your complaint will be investigated by a senior officer who has not been directly involved with the complaint. Your letter will be acknowledged within 5 working days and a written reply sent within 20 working days. If you are not satisfied with the response you get - or you have heard nothing, after 20 working days - please write to the Council's Complaints Officer at The Council Offices, Wynnstay Road, Ruthin (01824 706127).

The Council's Complaints Officer will carry out a fair and impartial review of your complaint on behalf of the Chief Executive.

Where the Council has been unable to resolve your complaint, you may refer to the Local Ombudsman (01656 661325)

APPENDICES

- ⇒ Appendix 1 The Planning System
- ⇒ Appendix 2 Leaflets on various sections in Planning Services
- ⇒ Appendix 3 Code of Best Practice for Councillors and Officers
- ⇒ Appendix 4 List of dates of Planning Committee meetings
- ⇒ Appendix 5 List of Councillors on Planning Committee
- ⇒ Appendix 6 Charging Scheme (copies, plans, etc.)
- ⇒ Appendix 7 Notice on access to planning files and documents
- ⇒ Appendix 8 Leaflet on how we deal with Planning Applications
- ⇒ Appendix 9 Publicity for Planning Applications
- ⇒ Appendix 10 Material Planning Considerations
- ⇒ Appendix 11 Delegation Scheme
- ⇒ Appendix 12 Appeal Procedures
- ⇒ Appendix 13 List of topic based Supplementary Planning Guidance
- ⇒ Appendix 14 A guide and protocol on Development Team Approach
- ⇒ Appendix 15 Guidelines for Site Inspection Panels
- ⇒ Appendix 16 Planning Application Flow Chart
- ⇒ Appendix 17 Street Naming and Numbering
- ⇒ Appendix 18 Building Regulations Policy
- ⇒ Appendix 19 Building Control Performance Standards
- ⇒ Appendix 20 Enforcement Concordat
- ⇒ Appendix 21 Enforcement Flow Chart
- ⇒ Appendix 22 Performance Plan
- ⇒ Appendix 23 Complaints Procedure

REPORT TO CABINET.

AGENDA ITEM NO: 9

CABINET MEMBER : Cllr Alby Roberts

DATE : 23rd January 2001

SUBJECT : National Assembly For Wales : Draft Protocol : Response to Serious Concern about Local Authority Social Services.

1. DECISION SOUGHT.

That Cabinet responds to the National Assembly broadly welcoming the Draft Protocol for intervention in the cases of serious concern, set out in appendix "A".

2. REASONS FOR SEEKING DECISION.

The National Assembly have circulated a Draft Protocol (Appendix "A") setting out how they propose to respond to serious concern about local authority social services. It is modelled on the protocol on intervention guidance to local authorities on Best Value. Local authorities are invited to respond by the end of January 2001.

Much of what the Assembly document proposes reflects current practice. It sets out an approach of working openly with local authorities, helping authorities to resolve problems where they occur. The Assembly can ultimately draw upon formal powers to direct or take direct action, but the document makes it clear that such actions should be seen as a last resort when all other forms of intervention, detailed within the document, have been explored.

Cabinet should be advised that the view of the Director of Personal Services is that such a protocol should be seen as part of a framework of support that exists between the Social Services Inspectorate within the National Assembly and local authority Social Services Departments, and as such should be welcomed.

3. COST IMPLICATIONS : Nil

4. FINANCIAL CONTROLLER'S STATEMENT :None

5. CONSULTATION CARRIED OUT :

The document is in Draft form and currently out to consultation with local authorities, WLGA, and the Association of Directors of Social Services in Wales (ADSS) and SOLACE.

6. IMPLICATIONS FOR OTHER POLICY AREAS, INCLUDING CORPORATE

N/A.

7. RECOMMENDATION :

That the National Assembly be advised of this Council's view that the development of such an Intervention Protocol is seen as helpful and constructive, and reflective of current practice.

NATIONAL ASSEMBLY FOR WALES

RESPONSE TO SERIOUS CONCERN ABOUT LOCAL AUTHORITY SOCIAL SERVICES

Preamble

This protocol describes how the Assembly will respond to serious concerns about local authority social services. It complements the protocol on intervention powers issued as an annex to the National Assembly for Wales Circular 14/2000 on the *Local Government Act 1999: Guidance to Local Authorities on Best Value*. It takes into account matters particular to social services and additional powers available to the Assembly under social services legislation.

This protocol is written in the spirit of the *Local Government Partnership Scheme* approved by the Assembly in July 2000 after full consultation with all parts of local government. It gives expression to the shared aim of the National Assembly for Wales and Welsh local government to raise standards in public service, to support and assist local authorities in improving services, to provide a clear framework for intervention by the National Assembly for Wales in cases of failure, and an orderly process for the resumption of service by local authorities following intervention.

The role of the Social Services Inspectorate for Wales (SSIW)

SSIW acts on behalf of the National Assembly for Wales, to inspect and monitor social services provided by local authorities and others and to develop good practice, and provides professional advice to the Assembly on social services matters. As such it will have a primary role in making judgements about service performance and in dealing with local authorities in respect of whom there are serious concerns. In doing so it will work closely with the relevant policy divisions of the Assembly, particularly those in the Social Policy Group and the Local Government Group. SSIW will also consult as appropriate with other inspectorates, district auditors and the Audit Commission.

Role of the WLGA, Syniad and IDeA in helping authorities at risk of failure

Where evidence and experience show that a local authority is at risk of failing in its duties in respect of social services, there are several ways of achieving improvements. Councillors, officers and contracted providers of services have the prime responsibility for delivering quality services and addressing shortcomings and failings. The WLGA and Syniad are committed to work with authorities to support improvement where problems exist, and the WLGA encourages its member authorities to give early warning of potential problems emerging from inspections, joint reviews, draft reports, complaints, internal reviews or other sources so that advice and support can be offered. The Improvement and Development Agency for local government (IDeA), which works closely with Syniad, offers specialist advice and support for local authority social services. Support may be offered by other

authorities through networks, or the authority may be helped to identify and procure other external advice and assistance.

Principles governing intervention by the National Assembly for Wales

The National Assembly for Wales will exercise statutory intervention powers only where there is clear evidence that an authority is failing either to discharge its functions adequately or failing to meet its statutory obligations.

The National Assembly for Wales will inform the authority of the reasons for intervention whenever it uses its statutory intervention powers.

The form and extent of the intervention will be commensurate with the type and seriousness of failure and the need for effective improvement.

Except in cases of serious failure or unless there is a need for urgent intervention, the authority will normally be given the opportunity to make the necessary improvements itself.

Local authorities will provide accurate and timely responses to requests for information, and co-operate with such action as the National Assembly for Wales may direct in accordance with its powers and this protocol.

In cases where a function is exercised by the National Assembly for Wales or a person acting on behalf of the National Assembly for Wales, both the National Assembly for Wales and its nominee will be subject to the statutory duties that the authority would normally be subject to in respect of that function.

* * * *

Concerns coming to the notice of SSIW

Concerns can come to the notice of SSIW through:

- inspections and joint reviews
- individual casework
- routine monitoring
- complaints from service users, staff, members of the public
- information from other agencies, AMs and other official figures.

Usual practice

Most concerns are resolved by SSIW in its routine contacts with local authorities through Directors of Social Services. Specific concerns are brought to the attention of the Director in writing, with the expectation that the matter will be investigated and resolved, with a report back to SSIW. Recommendations in inspection reports and

joint reviews should be dealt with through the authority's action plan, whose implementation will be monitored by SSIW.

Serious concern

Serious concern about an authority may include any of the following:

Practice:

- frequent or very serious failure to meet statutory requirements or failure to follow guidance without appropriate justification
- failure to protect vulnerable people from actual or potential harm
- significant unfairness in dealing with individuals entitled to service
- persistent under-performance on key indicators

Staffing and management:

- lack of suitable staff in key positions
- lack of effective guidance and quality control
- failure to respond to concerns raised by SSIW or similar bodies, or to take corrective action following justified complaints
- deliberate attempts by senior managers to mislead or misinform

Policy:

- unfair discrimination
- flagrant breach of guidance

External relations:

- breakdown in working relationships with key partners
- serious and persistent adverse publicity, likely to undermine public confidence in the service.

Serious concern may lead to intervention beyond normal practice.

Stages of intervention

The choice and order of these interventions may depend on the way in which serious concern comes to light and the response of the authority.

SSIW intervention:

Formal letter: SSIW will write to the authority (either direct to the Chief Executive or to the Director of Social Services with a copy to the Chief Executive) setting out the concern. This letter may be followed by a meeting. SSIW will attempt to agree actions to be taken by the authority to resolve the concerns.

Monitoring: SSIW will agree with the authority a series of reports or meetings or both to monitor progress in resolving the concerns.

Assistance: If the authority finds it difficult to resolve the concern, SSIW will discuss with authority what advice and assistance may be available, usually through the local government organisations.

Additional inspection: An inspection or inspection follow-up additional to the planned programme may be undertaken to check progress.

Political intervention:

The stage at which Assembly Ministers become involved may depend on the way in which serious concern comes to light. When serious concern comes to light in an inspection or joint review report, or if the authority's response to a formal letter from SSIW fails to deal adequately with serious concern, the Assembly Minister may request a meeting with the Leader of the Council. This meeting is likely:

- to make clear the Assembly's concern
- to seek the commitment of the Council to putting things right
- to seek agreed arrangements for a suitable action plan
- to set out how progress will be monitored
- to make clear that the Assembly Minister may consider further action if progress is not satisfactory.

Formal powers:

If the authority's response does not appear likely to resolve the serious concern in a reasonable time, the Assembly may use its formal powers to direct or take other action. These formal powers are seen as a last resort and will only be used if other interventions are unlikely to succeed. The Assembly will notify the local authority and the WLGA of its decision to use formal powers. Except for reasons of urgency (which would be explained in writing), the authority will be given the opportunity to make representations about the actions proposed.

Ending of intervention

In cases where a function is exercised by the National Assembly for Wales or a person acting on its behalf, the Assembly will aim to return that function to the local authority as soon as is practicable. In cases where the Assembly makes a direction with continuing force, the Assembly will aim to lift that direction as soon as is practicable. In either case the Assembly will write to the local authority and to the WLGA giving notification of the decision and reasons for it.

In cases of intervention under this protocol short of formal powers, SSIW will write to the authority when it is satisfied that there are no longer grounds for serious concern.

Media relations and exchange of information

Any announcements, publications or press releases issued in relation to any part of the procedures for intervention covered under this protocol will be subject to the

agreement set out in the *Local Government Partnership Scheme* (paragraph 6.17 *The Sharing of Public Announcements*). This provides that each party will convey announcements concerning the other to the other party no later than to the media.

ANNEX

Summary of formal powers available to the Assembly

Social services powers:

Guidance

Under s 7 of the Local Authority Social Services Act 1970, local authorities “shall act under the general guidance of” the National Assembly for Wales.

Directions

Under s 7A of the Local Authority Social Services Act 1970, every local authority “shall exercise their social services functions in accordance with such directions as may be given to them ...” by the National Assembly for Wales.

Default

Under s 7D of the Local Authority Social Services Act 1970, if the National Assembly for Wales “is satisfied that any local authority have failed, without reasonable excuse, to comply with any of their duties which are social services functions (other than a duty imposed by or under the Children Act 1989), [the Assembly] may make an order declaring that authority to be in default with respect to the duty in question.” Such an order “may contain ... directions for the purpose of ensuring that the duty is complied with ... “.

Under s 84 of the Children Act 1989, if the National Assembly for Wales “is satisfied that any local authority has failed, without reasonable excuse, to comply with any of the duties imposed on them by or under this Act, [the Assembly] may make an order declaring that authority to be in default with respect to that duty.” Such an order “shall give the [Assembly’s] reasons for making it” and “may contain ... directions for the purpose of ensuring that the duty is complied with”.

Local government (best value) powers:

Direction

Under s 15 of the Local Government Act 1999, if the National Assembly for Wales is satisfied that a best value authority is failing to comply with the best value Part of the Act, it may direct the authority

- to prepare or amend a performance plan
- to follow specified procedures in relation to a performance plan
- to carry out a review of its exercise of specified functions
- to take any action considered necessary or expedient to secure its compliance with the requirements.

Default

The Assembly may also direct

- that a specified function of the authority shall be exercised by the Assembly or its nominee, and
- that the authority shall comply with any instructions of the Assembly or its nominee in relation to the exercise of that function and shall provide assistance required for the purpose of exercising the function.

Except in urgent cases, these direction and default powers should be used only after giving the authority an opportunity to make representations.

REPORT TO CABINET

AGENDA ITEM NO: 10

CABINET MEMBER : Cllr. Alby Roberts

DATE : 23rd January 2001

SUBJECT : Services to Children with Disabilities :
Project Work Service - Proposals for a
partnership between Social Services / Education
and Barnardo's

1. Decision Sought

1.1 To seek approval for further work in preparation for a partnership between Social Services, Education and Barnardo's with regard to the Project Work Service that will permit much needed development of a service that is valued by both children and their parents.

2. Reason for Seeking Decision

- 2.1 The Social Services Directorate currently employ 25 Project Workers within the Children with Disabilities Team of Children's Services. There are approximately 250 children in Denbighshire who have a disability requiring multi agency planning and support. The role of the Project Workers is of vital importance in supporting children at home with their families and moderating the effects of their disabilities. (Details of the range of services provided and areas for development are attached in Appendix 1).
- 2.2 Over a period of several months, discussions have been held with Barnardo's regarding the future management, development and enhancement of the service. Those discussions have also benefited from the involvement of colleagues from the Education Service.
- 2.3 As a result of these discussions, it is now proposed that a new service for children with disabilities is established - managed by Barnardo's - which brings together the Project Work service, certain other elements of service currently provided by Education along with additional services to be provided by Barnardo's. For their part Barnardo's seek to invest a sum in excess of £100,000 in to the service locally that would permit the developments required to the service.
- 2.4 To permit the necessary detailed work to proceed, consideration will need to be given to the transfer of staff, currently within the Project Work Service, to Barnardo's under the provisions of TUPE, the identification of budgets that would transfer with them along with determining administrative and other considerations such as service level specifications and requirements that would be reflected in the contractual relationship between the relevant partners. All these considerations require expert input from a variety of sources within the Authority - Personnel and Legal etc;

3. Cost Implications

- 3.1 There are no direct cost implications at this stage other than for Officer time to work on the detail of the proposed partnership. There are however, obvious and considerable cost and service benefits to the Authority (Social Services and Education) arising from the significant investment available from Barnardo's.

4. Financial Controller Statement

- 4.1 The proposal represents an input of funding in to the service.

5. Consultation Carried Out

- 5.1 Informal "in principle" consultation has been undertaken with some parents and staff but a more formal process of consultation needs to be undertaken with appropriate bodies such as the Trade Union, parent representatives etc.

6. Implications On Other Policy Areas Including Corporate

- 6.1 This would be a exemplar of two services within the Authority collaborating with a voluntary organisation of national standing and repute with the outcome of a streamlined and effective service for vulnerable children and their families.

7. Recommendation

- 7.1. That Cabinet welcome the proposed partnership and approve Officers to undertake the further detailed work to breathe life in to the proposal.
- 7.2 That Cabinet approve the detailed work outlined in point 2.4 above.

APPENDIX 1

Children with Disabilities - Project Work Service

Details of Service

The Service provides the following range of services to children with disabilities and their families :

- help with day to day tasks in caring for a child at home
- befriending children and their parents and providing emotional support, including the development of user groups
- providing short breaks for both children and families
- involving children in stimulating learning activities within their own homes and communities

Additional services to be considered for development include areas such as :

- a “sitting” service to enable parents to have respite
- providing support to brothers and sisters of children
- promoting better access to services
- improving the co-ordination of services between various agencies
- develop befriending schemes and “Circle of Friends” through the deployment of sessional staff and volunteers
- improve access for children and young people to mainstream activities including education, leisure and recreation