

## **CABINET**

Minutes of the meeting of the Cabinet held in the Assembly Rooms, Town Hall, Ruthin on Thursday, 17th May, 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 and W.R. Webb.

Observers - Councillors M.LI. Davies, S. Drew, R.J.R. Jones and W.G. Thomas.

## **ALSO PRESENT**

Chief Executive, County Clerk, Director of Resources, Financial Controller.

## **APOLOGIES**

Apologies were received from Councillor K.E. Wells and E.W. Williams.

### **32. 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:-

Item 4iii Recruitment Of Graduate Trainee Sc 4-6 - Chief Executive's Department: Policy  
Item 17 Llangollen International Music Eisteddfod - A New Partnership to be moved to Part I  
Scala Cinema, Prestatyn: Councillor R W Hughes to provide a verbal update  
Item 16 Denbigh Multi-Storey Car Park: Outstanding Claim - Item Withdrawn

### **33. MINUTES OF THE CABINET**

The Minutes of the Cabinet held on 1 May 2001 (previously circulated) were submitted.

**RESOLVED** that the Minutes of the Cabinet meeting held on 1 May 2001 be approved as a correct record and signed by the Leader.

### **34. NORTH WALES FIRE AUTHORITY - MEMBERSHIP OF THE FIRE AUTHORITY AND OF THE EXECUTIVE PANEL**

The Leader presented the report (previously circulated) seeking approval to appoint four Members to serve on the North Wales Fire Authority and from amongst that membership to nominate two Members (instead of one as in previous years) to serve on the Executive Panel of the North Wales Fire Authority for the year 2001/2002. Members were also asked to appoint named substitutes for the above representatives. The appointments are made on an annual basis.

**RESOLVED** that Members agreed:-

- (a) that four County Council representatives, namely Councillors M.LI. Davies, N.H. Jones, D. Jones and D.M. Morris, be appointed to serve on the North Wales Fire Authority for the year 2001/2002;
- (b) that two County Council representatives from amongst the County's four representatives, namely Councillors D. Jones and D.M. Morris, be appointed to the Executive Panel of the North Wales Fire Authority for the year 2001/2002, and
- (c) that Groups be requested to appoint named substitutes for their respective representatives.

**35. RECRUITMENT**

The Leader of the Council submitted reports (previously circulated) seeking approval for external advertisements:-

SW1-3 Full Time Temporary Social Worker to 31.03.2004 at Cefndy Children's Resource Centre. Funding for the Full Time post after 2004 was queried by Members. The Director of Personal Services said that NAFW will not state at this time whether funding is available after 2004 but funding is rarely withdrawn.

SO1 - 1 Full Time and 1 Part Time 14 hours per week Community Development Officers at Rhyl Community Agency

***RESOLVED** that the external advertisements of the above posts be approved.*

Item 4iii to be discussed under Part II.

**36. LEADER PLUS**

The Leader presented the report (previously circulated) seeking Members' approval to the submission of an approximate total bid for 2001-2006 of £800,000 for LEADER Plus funding for a local action group serving rural areas of Denbighshire and Flintshire. The European Union's LEADER programme supports innovative approaches to rural development which does not qualify for financial assistance through mainstream funding. The National Assembly for Wales invited competitive bids from Local Action Groups for funding from the latest phase of the programme, LEADER Plus. A partnership between Denbighshire and Flintshire County Councils and the WDA have appointed consultants to determine the scope and nature of the application.

If successful, the County would be able to access 90% grant aid for rural development projects. Sources other than the County Council will be sought to fund the matching 10%.

***RESOLVED** that Members approved the submission of an approximate bid for 2001-2006 of £800,000 for LEADER Plus funding for a Local Action Group serving rural areas of Denbighshire and Flintshire.*

**37. LOCAL MEMBER 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.

Councillor R.W. Hughes said the nomination for Meliden CP School was withdrawn.

Members agreed that Councillors D.M. Morris and Mr. W.D. Weston be appointed as governors for Prestatyn High School.

***RESOLVED** that the LEA Governor appointment(s) be approved as listed, subject to the above.*

**38. MOBILE CLASSROOMS: FUTURE REQUIREMENTS**

The Leader submitted the report (previously circulated) seeking Members' approval to a programme of additional mobiles to cater for increased school rolls and a phased replacement of existing stock. Council had approved a sum of £250k as part of the revenue settlements for Lifelong Learning for 2001-2002 to pursue a programme of phased replacement mobiles. Mobiles needed for increased numbers or curriculum reasons may also be provided and furnished from within this allocation.

Councillor E.A. Owens asked whether the plans for mobile classrooms were on target and whether planning permission would delay the process. The Head of Strategy and Resources: Lifelong Learning replied that a meeting with Planning Officers who had indicated that planning permission would not be required.

**RESOLVED** that Members agreed:-

- (a) the contract be let initially for the rental of 10 mobiles for September 2001 and for a further 5 replacement mobiles during the financial year;
- (b) an option to terminate be built into the contract should the need arise, and
- (c) an ongoing review of future replacement mobiles be undertaken in consultation with the Corporate Property Unit and Design Services having regard to the cost implications, condition surveys, Asset Management Plan developments and potential additional capital monies.

**39. PLAS BRONDYFFRYN SCHOOL, REDEVELOPMENT**

The Leader submitted the report (previously circulated) seeking Members' approval to submit Planning Applications in relation to the redevelopment of Plas Brondyffryn school. The National Assembly for Wales has agreed to funding of £2m towards the redevelopment of Plas Brondyffryn School and following the consultation period on the proposed redevelopment the Authority would need to apply for planning permission. Members were asked to note the report.

**RESOLVED** that Members noted the report and endorsed the officers' actions in seeking planning permission in relation to the redevelopment of Plas Brondyffryn School.

**40. CHILDREN FIRST SUMMARY ACTION PLAN**

Councillor A.E. Roberts, Lead Cabinet Member for Personal Services submitted the report (previously circulated) seeking Members' endorsement of the Children First Action Plan, as required by the National Assembly for Wales. Councillor Roberts outlined the key recommendations in respect of improving the health and educational outcomes of children looked after by the Local Authority. Denbighshire had been allocated £320,480 from the National Assembly for Wales for the Children's Services Grant for the Children First programme for 2001-2002 and subject to the Authority achieving designated objectives, the programme would continue to be funded until 2004.

Councillor E.A. Owens expressed concerns about Members' responsibility acting in loco parentis and the need for Members to be involved in the monitoring and decision making. The Director of Personal Services informed Members that the National Assembly for Wales set the timetable for the introduction of the Plan and that the plan would be unachievable if full Member involvement was required at this stage. However, Scrutiny Committee would be involved with the Plan and also links with other Directorates had been established.

Councillor G.M. Kensler asked whether the County Clerk's Department was involved with the Plan. The County Clerk replied that two members of the Legal Department were working closely with Personal Services.

Councillor G.M. Kensler asked how much involvement the Police had with Personal Services with regard to the Plan. The Director of Personal Services explained that the focus of the plan is on improving the health and educational outcomes of children and from that point of view Police involvement was not essential. However, management matters require Social Workers to work closely with the Police.

**RESOLVED** that Cabinet endorsed the Children First Summary Action Plan. A full Children First Plan setting out the Authority's proposals in respect of the 11 Children First Objectives to be presented to Cabinet and that National Assembly for Wales by 31.07.2001.

**41. LIQUOR LICENSING DEREGULATION - CONSULTATION ON LICENSING HOURS FOR NEW YEAR'S EVE 2001 AND DURING HER MAJESTY'S GOLDEN JUBILEE IN JUNE 2002**

Councillor D.M. Morris, Lead Cabinet Member for the Environment submitted the report (previously circulated) seeking Members' authorisation for the Head of Public Protection in consultation with the Environmental Services Director, Lead Member for the Environment and the Chair of the Licensing

Committee to forward observations on behalf of the Council to the Home Office in respect of the Consultation Document concerning the above.

Councillor Morris outlined the proposals. For New Year's Eve 2001 the proposal was that premises remain open for 12 hours after the end of normal permitted hours on 31.12.2001, so to remain open until 11.00 a.m. On 01.01.2002, with a review being undertaken following New Year's Day 2002 to include consultation with all relevant parties. For Her Majesty's Golden Jubilee celebrations on 3 and 4 June 2002 the Government proposed that on the 3 June 2002 permitted hours be extended in England and Wales from the normal end at 11.00 p.m. until 1.00 a.m. on the morning of 4 June 2002.

**RESOLVED** that Members authorise the Head of Public Protection in consultation with the Environmental Services Director, Lead Member for the Environment and the Chair of Licensing Committee to reply on behalf of the Council to the Liquor Licensing Deregulation Consultation Paper.

#### **42. CRIMINAL LAW ACT 1977**

Councillor D.M. Morris, Lead Cabinet Member for the Environment submitted the report (previously circulated) seeking Members endorsement that officers from the Public Protection Department in consultation with the County Clerk are authorised to investigate infringements of the Statute and when necessary the Head of Public Protection and Regulatory Services to institute proceedings on behalf of the Authority.

In 1996 Members agreed to authorise the Director of Housing and Environmental Services when necessary to institute proceedings or take other appropriate enforcement action under various Trading Standards and Environmental Health legislation. As well as this legislation Members authorised the officers to investigate and when necessary institute proceedings for offences under other criminal legislation. One such statute was the Criminal Law Act 1977 which dealt with conspiracy to commit a crime. The Authority had received advice from Counsel that a general reference to this Act was insufficient to allow proceedings to be instituted on behalf of the Authority and that a Council resolution would be required to authorise the Head of Public Protection and Regulatory Service and in his absence the Public Protection Manager to be able to institute proceedings for both common law and statutory conspiracy.

**RESOLVED** that Members agreed that the Head of Public Protection and Regulatory Services (and in his absence the Public Protection Manager) in consultation with the County Clerk be authorised to institute proceedings for offences of conspiracy both under common law and also for statutory conspiracy under Section 1 of the Criminal Law Act 1977 or any subsequent amending legislation.

#### **43. FOOT AND MOUTH DISEASE - ACCESS TO THE COUNTRYSIDE**

The Leader said he has spoken with Sue Essex AM regarding access to the countryside earlier in the day. Additional Guidance on Access to the Countryside had been distributed to Members. Letters had been received from Ramblers Associations in support of derestriction.

Councillor D.M. Morris, the Lead Cabinet Member for the Environment submitted the report (previously circulated) seeking Members' approval to adopt a risk assessment process for the consideration of areas of land and/or footpaths/tracks prior to consideration being given to reopening to public and for authorisation to open identified areas where they met the criteria laid down in the risk assessment, indicating minimal or no risk should they be opened. Councillor Morris assured Members that appropriate signage would be used throughout the Authority.

The CEO asked Members to consider the situation carefully and suggested that "on request which are identified" be deleted from the recommendation at 7.1.2.

Members spoke in support of the proposal.

**RESOLVED** that Members:-

(a) approved the opening up of the areas referred to in Appendix 2 to the report, and

- (b) *approved a detailed risk assessment to be carried out on areas / footpaths etc within the County using criteria as recommended by NAFW / MAFF. If found to be suitable for opening up, against the criteria, the Crisis Manager in consultation with the Cabinet Member for the Environment and the Corporate Director for the Environment be authorised to open up such areas following a consultation process, taking into account the material comments of those consulted.*

**44. FOOT AND MOUTH DISEASE - SPECIAL NAFW SUPPORT**

The Leader commended the Director of Resources and his staff for all their work with the hardship assistance for businesses in Denbighshire.

**45. LLANGOLLEN INTERNATIONAL MUSIC EISTEDDFOD - A NEW PARTNERSHIP**

Councillor R.W. Hughes, Lead Cabinet Member for Culture, Leisure and Tourism submitted the report (previously circulated) seeking Members' approval to the development of a new partnership between the County Council and Llangollen International Music Eisteddfod (LIME) through the creation of a new joint post to act as a Chief Executive taking responsibility for the development of the Eisteddfod and management of the Royal International Pavilion.

The Pavilion and the LIME had in the past been managed separately, with LIME managed by volunteer committees and the Pavilion managed by Council staff with the post of Pavilion Manager still vacant. LIME have considered employing a Chief Executive but it was felt that with the start of a new partnership the role of Pavilion Manager and Chief Executive could be combined thereby greater co-operation, joint working and shared resource implications between Denbighshire County Council and LIME would follow.

The joint Chief Executive would be responsible to a joint Management Committee to include the Denbighshire County Council Lead Cabinet Member for Culture, Leisure and Tourism, the Lead Cabinet Member for Property, the Assistant Director of Culture and Leisure with three LIME committee members.

Councillor Hughes said that the Eisteddfod Committee had now agreed to have a joint post.

**RESOLVED** that Members approved the development of a new partnership between Denbighshire County Council and LIME through the creation of a new joint post to act as a Chief Executive taking responsibility for development of the LIME and management of the Royal International Pavilion.

**46. SCALA CINEMA, PRESTATYN**

Councillor R.W. Hughes, Lead Cabinet Member for Culture, Leisure and Tourism updated Members on the situation at the Scala Cinema. Both Denbighshire officers and the Consultants had reported to the Scala Advisory Group that it was now too dangerous for staff from the scaffolding company to go into parts of the building and that their recommendation was to demolish the auditorium whilst keeping the facade. The Scala Advisory Group had agreed with the recommendations.

Councillor I.M. German said she had attended the meeting of the Scala Advisory Group and she wished to congratulate Councillors R.W. Hughes, S. Drew and M.A. German and also Tony Hughes of Leisure Services for all their work at that meeting.

**RESOLVED** that Members note the report.

**47. WLGA: MONITORING COMMITTEES FOR THE RURAL DEVELOPMENT PLAN AND LEADER+ PROGRAMMES**

The Leader submitted the report (circulated at the meeting) seeking Member's nomination for 1 Member and one support officer to serve on the Monitoring Committees for the Rural Development Plan and Leader+ Programmes.

**RESOLVED** that Members nominated Councillor E.C. Edwards to serve on the Monitoring Committees for the Rural Development Plan and Leader+ Programmes.

**48. 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 1, 8, 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

**49. RECRUITMENT**

The Leader of the Council submitted the report (circulated at the meeting) seeking approval for external advertisement:-

Graduate Trainee Sc 4-6 - Chief Executive's Policy Department

The Chief Executive explained the current situation regarding internal applicants and the need to ensure that the vacancy (and any subsequent vacancy) be filled as soon as possible. Hence his recommendation that an external trawl be mounted and internal candidates considered alongside other applications received.

**RESOLVED** that the external advertisement of the above post be approved.

**50. RADIO MAST, RHYL**

Councillor W.R. Webb, Lead Cabinet Member for Property submitted the report (previously circulated) seeking a policy decision on the installation of radio masts on Council premises. A Communications Group had expressed an interest in locating a mast on Council owned property. However, there are increased concerns regarding perceived health risks particularly in urban areas and especially in the vicinity of schools. The Stewart Report, by an independent expert group on mobile phones recommend a precautionary approach to siting radio masts. The site under consideration was opposite the entrance to a school.

The Head of Planning had advised that a mast of 15m or above would require formal planning permission which would involve public consultation. Further information on the siting and style of the proposed mast would be required in order to gauge the acceptability of the mast along with full justification. Communications Groups would be encouraged to share free standing masts.

Councillor E.A. Owens said at least one Denbighshire school had a mast sited on school land and the funds received had been used to finance school activities.

**RESOLVED** that Members recommend to Council the imposing of a temporary ban on the installation of radio masts on Council premises (other than where there are existing installations) pending Government guidance.

**51. REVENUES DIVISION - HOUSING RENTS**

Councillor E.A. Owens, Lead Cabinet Member for Finance and Councillor A.E. Roberts, Lead Cabinet Member for Personal Services submitted the report (previously circulated) advising Members of the current position of the Housing Rents section and to make recommendations regarding its restructure to enable the Authority to set in place a recovery plan to respond positively to the Best Value Inspectorate report. Members were also asked to approve the increased costs of running the service.

Councillor Owens said that whilst it was accepted that there were severe problems with Housing Rents, the Best Value Inspectorate's report had been factually inaccurate. To put Housing Rents on a firm footing it was proposed to employ more staff, to provide training for staff and for Housing Estates Services and Housing Rents to be both based on geographical areas.

The Director of Resources added that following discussions with the Head of Housing Services, financial reforecasts had been prepared which incorporated the increased costs and allowed for a higher bad debt provision.

Councillor G.M. Kensler asked whether the new staffing structure and increased expenditure would finally resolve the problems in the Housing Rents department. Councillor E.A. Owens said that no guarantees could be given.

Councillor W.R. Webb said the Inspectorate's report was unhelpful in that the Housing Rents had been a pilot scheme. The Chief Executive agreed with Councillor Webb and said that in the first year Denbighshire and other Authorities had wanted to learn from the process.

**RESOLVED** that Members noted the report, approved the staffing restructure of the Housing Rents section and approved the increased costs of running the service.

## **52. SENIOR MANAGEMENT RESTRUCTURE - REVIEW OF COSTS AND SAVINGS**

Councillor E.A. Owens, Lead Cabinet Member for Finance submitted the report (previously circulated) which detailed the costs / savings of the Directorate Restructure carried out the previous year. Councillor Owens said a target figure of £250k had been set with £198k savings achieved. For the current year a target of £220k savings had been set and the provisional figure saved would be £200k.

**RESOLVED** that Members note the report.

At this juncture (11.15 p.m) the meeting adjourned for 15 minutes to allow Members to participate in refreshments.

Cabinet reconvened with the Press and Public being readmitted under Part I of the Agenda.

## **53. PRESENTATION BY CHIEF EXECUTIVE, SPORTS COUNCIL FOR WALES**

The Leader welcomed Dr. Huw Jones, the Chief Executive and Jane Clough, Regional Manager of the Sports Council for Wales to the Cabinet meeting.

Dr. Jones based his presentation on "A Strategy for Sport in Wales: Young People First".

The Sports Council was involved in partnership working with Local Authorities and others and the 22 Welsh Local Authorities are involved in the Community Chest Scheme. Dr. Jones discussed the importance of Education / PE in keeping children healthy. However, figures show that sports is given insufficient importance under the National Curriculum and a reduction in time has been given to in-service training and to PE in schools.

Dr. Jones provided further information indicating that the number and variety of sports facilities across Wales had improved greatly since the early 1970s. Twice as many participate in sports than in the 1970s in consequence but the figures appear to have reached a plateau. Denbighshire was included in the Rural Wales figure and had amongst the highest participation figures in the Principality with a figure of 69%.

Dr. Jones mentioned the deprived areas of the country, in particular Rhyl West which has the highest social deprivation in all of Wales. The 'Sport for All' community development approach had been adopted by the Sports Council. The Sports Council gave funding and help and guidance to local projects.

Dragon Sport had been established with the aim of creating opportunities for all primary age children and the 22 Welsh Local Authorities had Dragon Sport officers in post. The officers would look to involve volunteers to help with recreational after-school activities.

£13m per annum was received from the Lottery by the Sports Council for Wales but the challenge was what remained to be done. Dr Jones quoted Marie Curie, "One never notices what has been done; one only seeks what remains to be done".

The Leader thanked Dr. Jones for his informative presentation.

Members then took the opportunity to ask questions.

Councillor R.W. Hughes, Lead Cabinet Member for Culture, Leisure and Tourism thanked the Chief Executive for his presentation. Councillor Hughes also expressed her gratitude for the way in which the Sports Council for Wales delivered their service and for their willingness to work in partnership with the Local Authority.

The meeting concluded at 12.30 p.m.

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