CABINET

Minutes of the meeting of the Cabinet held in the Town Hall, Denbigh on Tuesday 31st July 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 M.A. German, N.J. Hughes, M.M. Jones and R.E. Jones.

ALSO PRESENT

Acting Chief Executive, County Clerk, Financial Controller and Administration Services Manager.

422. 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) W.L.G.A. Annual Conference 6/7 September 2001;
- (ii) Standards Committee;
- (iii) Maes y Droell Quarry Legal Advice, and
- (iv) External Advertisement for Education Social Worker. The County Clerk reported that items 3(ii) (iv) (vii) and (viii) had been withdrawn from the Agenda.

423. ANNOUNCEMENT

The Leader expressed his appreciation for the excellent work recently undertaken by the Lifelong Learning Directorate in hosting an Assembly Cultural Committee at Llangollen and a seminar on the arts in North Wales held at Bodelwyddan Castle.

The Lead Cabinet Member for Culture and Leisure referred to the above seminar involving the six local authorities in North Wales and indicated that a paper would be presented to Cabinet at the appropriate time. Councillor W.R. Webb reported that it was an excellent seminar and congratulated the Officers thereon.

424. MINUTES OF THE CABINET

The Minutes of the Cabinet held on 10th July 2001 (previously circulated) were submitted.

Matters arising:-

Item 2 (Minutes - Llangollen Boundary Review) - the Assistant Chief Executive: Strategy referred to the meeting held with Chris Ruane M.P. Gareth Thomas M.P. and Ann Jones A.M. The meeting had been very constructive and both MP's and the A.M. supported Denbighshire's case. A meeting would take place during Eisteddfod week with Professor Eric Sunderland of the Boundary Commission and both MP's would be attending that meeting. It was anticipated that the draft recommendations from the Boundary Commission would be published by mid-September and an extension of time would probably be given for the receipt of representations.

RESOLVED that the Minutes of the Cabinet Meeting held on 10th July 2001 be approved as a correct record.

425. MINUTES OF THE SPECIAL CABINET

RESOLVED that the Minutes of the Special Cabinet Meeting held on 17th July 2001 (previously circulated) be approved.

426. RECRUITMENT

The Leader submitted the following applications for approval:-

- (i) SW1 3 x 2 Social Workers Personal Services Posts approved.
- (ii) SW1 3 Social Worker EMI Personal Services Post approved.
- (iii) PO1 Contract Manager Personal Services Post approved.
- (iv) Scale 2 Resident Housing Warden Personal Services Post approved.
- (v) Scale 6 SO2 Welfare Rights Officer Personal Services Post approved.
- (vi) Scale 1 3 Trainee Payroll Officer Resources Post approved.
- (vii) SO2 Services Planning Officer (Development Plan and Policy) Environment Post approved.
- (viii) Scale 4/SO1 Planning Officer (Development Control) Environment Post approved.
- (ix) PO3 County Health & Safety Adviser Resources Post approved. The Lead Cabinet Member for Human Resources reported that the post had been re-evaluated to PO3 following an unsuccessful internal and external recruitment drive to appoint at PO2. Councillor E.W. Williams felt that the post should be advertised internally. The Acting Chief Executive suggested that the post should be advertised both internally and externally with prior consideration given to internal candidates.
- (x) Trainee Rate or PO1 fully qualified Trainee Health & Safety Officer or qualified Health & Safety Officer Resources. The Leader proposed and it was agreed that the post be advertised as a Trainee Health & Safety Officer.
- (xi) Scale 5 SO2 Education Social Worker Lifelong Learning (this item was considered as a matter of urgency notice having given by the Leader at the commencement of the meeting).

RESOLVED that:-

- (a) the external advertisement of posts (i viii) and (x xi) above be approved, and
- (b) the post of County Health & Safety Adviser (ix above) be advertised internally and externally at the same time with prior consideration given to any internal candidates.

427. <u>DEVELOPING THE VISION</u>

The Leader reported upon the need to develop a vision for Denbighshire following on from the recent Phoenix consultary report and the away-day held for Directors/Heads of Service at Henllan. He referred to the document "Serving the People" which was now five years old and the developments that had taken place since the production of that document. The Cabinet system had been introduced, new Corporate Directors had been appointed, a new community planning framework was to be introduced and the Corporate Directors were now tackling major strategy issues.

The Leader indicated that the major issues arising from the away-day would form part of the new vision for Denbighshire and emphasised the need to prioritise and improve service provision. The Best Value review on Corporate Governance would be a challenge and the Authority needed to have a community focus particularly involving the young people of Denbighshire.

In conclusion the Leader felt that Denbighshire should be a vibrant Authority with a viable future for young people living in communities and which would be committed to openness and fairness to its workforce. Members would need to re-address the Cabinet Action Plan and retain their focus on the

Recovery Plan. The Leader indicated that the Cabinet and County Council would need to develop the vision and he was making a contribution to this process by his statement today.

Councillor E.W. Williams felt that such a vision should be driven by the County Council not just Leader/Cabinet. Councillor W.R. Webb indicated that the Leader had to set out his views on the vision and the County Council would be called upon to endorse the final vision.

428. NORTH WESTERN AND NORTH WALES SEA FISHERIES COMMITTEE

The Leader submitted a report (previously circulated) seeking a nomination to represent Denbighshire on the North Western and North Wales Sea Fisheries Committee for the quadrennial period 1st July 2001- 30 June, 2005.

RESOLVED that Councillor P. Douglas be nominated as this Council's representative to serve on the above Committee.

429. LLANDDULAS QUARRY AND LANDFILL SITE JOINT LIAISON COMMITTEE

The Leader submitted a report (previously circulated) seeking a nomination to replace the former Councillor A.E.W. Jones on the above-mentioned Committee.

RESOLVED that the Lead Cabinet Member for the Environment be nominated as this Council's replacement on the Llanddulas Quarry and Landfill Site Joint Liaison Committee.

430. PREPARATION FOR THE BUDGET FOR 2002/2003

The Lead Cabinet Member for Finance submitted a report (previously circulated) seeking agreement on the basic broad guidelines for preparing revenue and capital budget proposals for 2002/2003.

In taking Members through the report Councillor Owens referred to the informal meeting held with Scrutiny Members on budget strategy on 17th July 2001 and the issues arising therefrom. She referred to the timetable agreed by Members (Appendix 1) which would enable the budget to be progressed in line with the Assembly's aim of finalising the settlement earlier as well as giving time for consultation with Scrutiny Committees and partners on the draft proposals.

Councillor Owens highlighted the need to consider future budget pressures and the need for Members to become involved in prioritising those pressures particularly through the Scrutiny Committees.

The Financial Controller referred to the draft budget for 2002/2003 (Appendix 2) and the need to give a steer to the County Council that afternoon on the funding of the P.F.I. scheme. It was agreed that such a debate should take place with the exclusion of press and public later in the meeting.

Members took the opportunity to raise questions with Councillor Owens regarding the budget strategy particularly referring to budget pressures for 2002/2003, maintenance programmes for Council buildings and the possibility of increasing service provision following previous cuts in service.

RESOLVED that the report be approved as the basis for the preparation for the budget for 2001/2003.

431. REVENUE BUDGET 2001/2002

The Lead Cabinet Member for Finance submitted a report (previously circulated) seeking Members guidance as to what remedial actions should be taken to ensure the current budget for the current financial year was not overspent. Councillor Owens referred to the appendix attached to the report which identified each Directorate's budget pressures for the current year. Meetings had been held with the Lead Cabinet Member, Financial Controller, Directors and Heads of Service which had reviewed the current budget position and the emerging pressures.

Councillor Owens took Members through each Directorate's budget pressures and referred to some of the remedial actions to be taken to ease those pressures. Particular reference was made to the budget pressures in the Lifelong Learning and Personal Services Directorates.

Councillor Owens reported that the total projected overspend was £690,000 which was a very serious situation. However a saving on the provisional out turn for 2000/2001 could be set aside against the current projected overspend. She felt that the budget pressures could be managed but Members would need to consider serious options for service delivery in the future.

Members took the opportunity to raise various questions with the Lead Cabinet Member regarding the report.

RESOLVED that the report be received and the action to be taken to address the budget overspends for 2001/2002 be noted.

432. CAPITAL PLAN 2001/2001

The Lead Cabinet Member for Finance submitted a report (previously circulated) updating Members on the progress of the capital Plan and seeking approval of a strategy for managing the plan for 2001/2002.

Councillor E.A. Owens referred to the generous capital grant allocation from the Assembly to assist the financing of the infrastructure reinstatement works arising from the flood damage in autumn 2000. It had now been possible to finance all the projected capital works for 2001/2002. Councillor Owens particularly referred to the block allocation of £280,000 for Community Projects and indicated that only three schemes had been submitted for consideration with no applications having been received for match funding.

The Financial Controller referred to the block allocation of £1 million over three years for highways and property and a review to be undertaken by the Asset Management Group on the state of the Council's buildings. He estimated that over £50 million would be required to be spent which would create added pressures in the future.

Councillor E.W. Williams felt that Members should receive regular reports on the spending of the block allocations given to highways and property. The Lead Cabinet Member for Finance agreed to provide quarterly reports.

RESOLVED that the proposals for the management of the capital plan in 2001/2002 and the nomination of the Corporate Directors to the Capital Programme Group be approved.

At this juncture 11:20am the meeting adjourned for 20 minutes to allow Members to participate in refreshments.

433. TEACHERS - PREMATURE RETIREMENT BENEFITS

The Lead Cabinet Member for Education submitted a report (previously circulated) seeking approval for the introduction of Premature Retirement benefits for Teachers who did not meet the requirements of the Voluntary Early Retirement Scheme for Teachers had been made redundant from the Authority or who had left the authority's pensionable employment on the grounds of organisational efficiency. Councillor Wells indicated that unlike the Pension Enhancement Scheme which covered the majority of other employees within the Authority, teachers who were made redundant did not qualify for any discretionary compensation. He felt that all employees should be treated equally and receive the same discretionary benefits.

The Acting Chief Executive indicated that both sets of employees had different National Schemes of Conditions of Service and raised his concerns whether the Council could implement such a scheme. The Head of Personnel reported that she had not had the opportunity to consider the matter in detail and the Monitoring Officer felt that the legal issues needed clarification.

In view of the uncertainty Councillor W.R. Webb proposed that the matter be deferred for further investigation and upon being put to the vote it was:-

RESOLVED ACCORDINGLY.

434. OFF STREET PARKING PLACES ORDER

The Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking agreement to the implementation of new Off Street Parking Places Orders and for the introduction of car parking charges at four designated car parks.

Councillor D.M. Morris outlined to Members the reasons for implementing the OPPOs to cover all the Council's free car parks as detailed in Appendix 1 to the report. He also gave details of the legal issues involving the four car parks where charges were to be introduced and the implementation of an OPPO at the Morrison's supermarket car park in Rhyl.

The Lead Cabinet Member for Finance congratulated Councillor Morris on the report and highlighted the need for Members to consider the introduction of car parking charges in other car parks in the County in order to generate income.

In response to a comment from Councillor E.W. Williams regarding the on street parking problem in urban areas Councillor D.M. Morris referred to the decriminalisation of on-street car parking in Rhyl which would set the standard for the rest of the County.

RESOLVED that:-

- (a) an off Street Parking Places Order incorporating all the Council's free public car parks as listed in Appendix A to the report be implemented;
- (b) car parking charges be introduced at the Crown Lane Car Park, Denbigh and, subject to resolving legal issues, at the Rhyl Station, Rhyl Gateway and Mill Street Llangollen Car Parks as outlined in the report;
- (c) an On Street Parking Places Order be implemented in respect of Crown Lane, Denbigh for the car parking bays marked on the highway;
- (ch) an Off Street Parking Places Order be implemented in respect of the Morrison's supermarket car park, Rhyl, subject to the Council providing enforcement services to impose a two hour stay restriction for the sum of £5,000 per annum and retention of revenue from Excess Charge notices issued, and to Morrison's paying the Council's legal costs and disbursements in making the Order, and
- (d) Officers to commence negotiations to transfer land at the Mill Street Car Park in Llangollen.

435. FLOOD EMERGENCY WORKS - DESIGN AND SUPERVISION

The Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking approval:-

- in retrospect, to action taken by the Head of Highways in respect of the procurement of additional resources to enable the execution of a programme of works under the Bellwin emergency arrangements and successful completion of the bidding process for National Assembly Severe Weather Capital Grant funding, and
- to retain consultant's design and supervision staff, initially engaged for the post-flooding (Bellwin) emergency period, to enable the successful execution of the County Council's flood recovery programme.

Councillor W.R. Webb queried how many schemes had been left out of the flood recovery programme particularly referring to the temporary traffic lights at Pwllglas. Councillor Morris indicated that he would address the Member's concerns regarding the Pwllglas scheme.

RESOLVED that:-

- (a) retrospective approval be given to the actions taken by the Head of Highways and Transportation in respect of procuring additional resources to assist with the execution of emergency works following the Oct./Nov. 2000 flooding, and
- (b) the Head of Highways and Transportation be authorised to retain additional design and supervisory staff, as necessary, to enable the successful accomplishment of the Capital programme for flood recovery, subject to the overall cost, inclusive of in-house and specialist consultants' staff, being contained within the 12% allowance determined for these purposes.

436. PROPOSED RENEWAL AREAS: SOUTH WEST/EAST RHYL AND DENBIGH

The Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking approval for amendments to be made to the renewal areas boundaries following public consultation; to commence works in the current financial year to those properties detailed in the report; to appoint Consultants for the schemes on a phase by phase basis and to continue a sequential phasing of works over the next ten years.

Councillor G.M. Kensler requested the Officers to ascertain the ownership of the unkempt alleyways between Leicester Terrace and St. Hilary's Terrace in the Castle area of Denbigh. Councillor D.M. Morris agreed to pursue that issue.

RESOLVED that:-

- (a) The changes to the documents in respect of neighbourhood Renewal assessments for South West/East Rhyl and Denbigh as listed in the report be approved;
- (b) A programme of Group Repair works be commenced starting with the properties detailed in 2.2. of the report and continuing through to completion over a 10 year period from declaration and
- (c) consultants be appointed for each phase of Group Repair works in each area.

437. TRANSPORT BIDS 2002/2003

The Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking approval for Transport Grant Bids for 2002/2003. It was proposed to continue seeking funding for the River Clwyd Coastal area Package jointly with Conwy County Borough Council and to bid for the next phase of the Rhyl Safer Routes to Schools initiative.

Councillor E.A. Owens raised concern over the speed of traffic passing Trellewellyn School and suggested that the existing ramps should be improved to slow traffic down.

Councillor R.W. Hughes expressed concerns that local Members had not been consulted on the proposed bids. In response to a Member's question the Head of Highways and Transportation indicated that Safer Routes to other schools in the County could be accommodated through highway capital schemes.

RESOLVED that the Transport Grant submissions as outlined in the report for the river Clwyd Coastal area Package and Safer Routes to Schools initiatives in Rhyl be approved.

438. FOOD SAFETY TECHNICAL OFFICER

The Lead Cabinet Member for the Environment submitted a report (previously circulated) seeking an agreement for the appointment of a Food Safety Technical Officer to carry out inspections and investigations undertaken by the Public Protection Section and that further funding be allocated to the food sampling programme in order to ensure that the Authority achieved a sampling target of 2 samples per 1000 population.

Additional funding had been provided by the Assembly to local authorities for food law enforcement and the proposal was to appoint an additional officer to assist in the duties of inspection, sampling and investigation of Food Safety issues.

RESOLVED that

- (a) the appointment of a Food Safety Technical Officer be approved, and
- (b) further funding of £8000 be allocated to the food sampling programme to ensure that the Authority achieved a sampling target of 2 samples per 1000 population.

439. CARERS AND DISABLED CHILDREN ACT 2000 AND CARERS SPECIAL GRANT 2001/2002

The Lead Cabinet Member for Personal Services submitted a report (previously circulated) seeking approval of the Social Services Department's plan to implement the Carers and Disabled Children Act 2000 and in particular interim Eligibility Criteria for Carers Service and to support the Carers' Special Grant Plan for Denbighshire 2001 - 2002. Councillor A.E. Roberts took Members through the report and particularly referred to the interim guidance on Eligibility Criteria for Carers Services (Appendix 1) and the Carers Special Grant Plan for 2001/2002 (Appendix 2).

RESOLVED that:-

- (a) the Social Services Department's plan to implement the Carers & Disabled Children Act 2000, and in particular interim Eligibility Criteria for Carers Services be approved, and
- (b) the Carers' Special Grant Plan for Denbighshire 2001 2002, to be submitted to the National Assembly for approval be supported.

440. HOUSING OPTIONS WORKING PARTY

The Lead Cabinet Member for Personal Services submitted a report (previously circulated) seeking to establish a process to give guidance on the Council's position on valuation issues, capital receipts and management costs and to confirm continuing funding for the investigation of Housing Options. Councillor A.E. Roberts took Members through the report particularly referring to the work of the Housing Options Working Party; the publication of newsletters to all tenants in early July; a report to be submitted to Cabinet/Council on the outcome of the informal consultation to decide whether to proceed to ballot; the valuation of the housing stock for transfer and the funding for the process of considering housing options.

Councillor E.W. Williams felt that the Financial Controller Statement inferred an argument for the case for stock transfer. In response to a question from Councillor D.M. Holder the Lead Cabinet Member for Finance indicated that housing stock transfer would have an impact on the DSO but there were options available should the transfer take place.

In response to a question from Councillor W.R. Webb the Head of Housing Services indicated that the option to consider existing Housing Associations had been considered but the Working Party had made the decision to form a new Housing Association. Councillor E.W. Williams felt that the housing problems had been exacerbated by Central Government in not allowing local authorities to invest in new Council houses. The Head of Housing Services indicated that representations had been made to Central Government via the National Assembly Local Government Housing Group to allow local authorities the scope for such investment but the response had been negative.

RESOLVED that:-

- (a) further reports be presented with the support of the Corporate Director of Resources to establish the Council's position on Valuation, Capital Receipts, Rents and Service Delivery issues consequent on any transfer of the Council's Housing Stock, and
- (b) funding for the investigation of Housing Options for Consultants and temporary staff be continued within the limits set in the Housing Capital budget.

441. SOCIAL SERVICES BUSINESS PLAN/SOCIAL CARE PLAN 2001 - 2004

The Lead Cabinet Member for Personal Services submitted a report (previously circulated) requesting Members to approve the Social Care Plan/Business Plan 2001 - 2004. The plan was a key document setting out the strategic direction for the Social Services Department and was an important element of the Department's preparation for the Joint Review in 2002. Councillor A.E. Roberts indicated that a user friendly summary of the Plan had been published for members of the public.

The Acting Chief Executive referred to the critical implications within the Plan and the need to develop a corporate vision for Social Services. That message had been made quite clear at a recent Syniad event on Leadership in Social Services, by Sue Mead, a member of the Joint Review Team in Wales.

The Acting Chief Executive also referred to the most recent Joint Review undertaken in Merthyr Tydfil where the Inspectors commented that there was no clear political steer from the Council on Social Services as the Authority had been more concerned with corporate restructuring. He feared that Denbighshire might be liable to such criticism if it failed to grasp the need to develop a corporate vision on the delivery of services for Social Services, and suggested that the Cabinet might wish to set up a Sub-Group of Cabinet Members to look at the delivery of Social Services.

RESOLVED that the Social Services Business Plan/Social Care Plan 2001 - 2004 be approved.

442. W.L.G.A. ANNUAL CONFERENCE 2001

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

The Leader sought nominations to attend the above Conference to be held at Brangwyn Hall, Swansea on 6/7 September, 2001.

Councillor D.M. Morris proposed, seconded by Councillor W.R. Webb, that the Leader be nominated to attend the Conference (the Council's W.L.G.A. appointees would be attending the Conference as members of the W.L.G.A.).

RESOLVED that the Leader be nominated to attend the W.L.G.A. Conference on 6/7 September, 2001.

443. STANDARDS COMMITTEE

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

The County Clerk reported that the Modernising Panel held on 30th July, 2001 had been informed that the previous procedure for advertising for prospective independent Standards Committee members had been out of step with the new Assembly Regulations. He requested authority to re-advertise in line with the current Regulations.

RESOLVED ACCORDINGLY.

444. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that 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 7, 9 and 12 of Part 1 of Schedule 12A of the Act.

445. LLYS MARCHAN

The Lead Cabinet Member for Personal Services submitted a confidential report (previously circulated) seeking agreement to enter into a partnership with the Conwy and Denbighshire N.H.S. Trust and Clwyd Alyn Housing Association, subject to the planning application being approved by the

Council and final financial and legal conditions being met. A previous report to Cabinet had set out the background to the potential partnership.

The Lead Member referred to the considerable consultation exercise that had been undertaken with the local community in Ruthin, residents and staff on securing the future of Llys Marchan.

The Acting Chief Executive thanked the three local Members for allaying the fears of residents regarding the proposal and also indicated that the Personal Services Scrutiny Committee had endorsed the proposals.

RESOLVED that the Council enters into a formal partnership arrangement with the Conwy and Denbighshire N.H.S. Trust and Clwyd Alyn Housing Association subject to:-

- planning approval by the Council;
- agreement of the Authority's Financial Controller on the final financial model, and
- legal contracts being drawn up to the satisfaction of the County Clerk.

446. WAIVER OF GRANT CONDITIONS - WEST RHYL GROUP REPAIR SCHEME, PHASE 8/1, 13 CRESCENT ROAD, RHYL

The Lead Cabinet Member for the Environment submitted a confidential report (previously circulated) requesting Members to consider a request from the owners of a property in the above scheme, to waive the Council's right to reclaim the grant aid paid to the owners in respect of works carried out. Councillor D.M. Morris gave details of the grant aid and representations made by the owners in support of their request to the Council. He also referred to the possible options available to the Council and his recommendation.

Councillor K.E. Wells expressed concerns at the principle of making grants to such properties where there was no likelihood of the repayment of a grant if the property was sold within the five year period.

RESOLVED that the owners request for the Council to waive its right to reclaim the grant aid paid in respect of the works carried out be granted in view of the owners medical condition and the discretion given to the Council under the Housing Grants Construction and Regeneration Act 1996.

447. MAES Y DROELL QUARRY - LEGAL ADVICE

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

The Lead Cabinet Member for the Environment submitted a confidential report (circulated at the meeting) seeking additional resources to be made available to obtain legal advice from Queen's Counsel. Councillor D.M. Morris outlined the history of the site and the need to seek advice from Queen's Counsel on all the contentious issues relating to the Quarry.

The Lead Cabinet Member for Finance felt that there should be sufficient tolerance within the existing budget to finance the advice.

The Head of Planning Services explained that normally the costs of legal advice would be met by Legal Services but there was no specific budget for this item.

Councillor E.W. Williams proposed that the additional resources required to obtain legal advice from Queen's Counsel be approved. Upon being put to the vote it was:-

RESOLVED ACCORDINGLY.

448. BUDGET PREPARATION - PFI FACILITIES AT RUTHIN

By reference to the previous budget report (see Minute no. 9 above), the Financial Controller referred to the extensive reports on the funding of the PFI project to be submitted to Special County Council

that afternoon. The District Auditor had raised concerns regarding the affordability of the scheme. The future strategy would be to top slice budgets each year as a contribution to balances and at the appropriate time elements of the balances would then fund the PFI project. The Financial Controller requested Cabinet to endorse that budget strategy.

Councillor E.W. Williams proposed that the budget strategy for funding the PFI project be approved. Upon being put to the vote it was:-

RESOLVED ACCORDINGLY.

The meeting concluded at 1.20 p.m.
