

CABINET

Minutes of the Cabinet meeting held in the Town Hall, Rhyl on Wednesday, 5th June, 2002 at 10.00 a.m.

PRESENT

Councillors P.A. Dobb, E.C. Edwards, M.A. German, G.M. Kensler, D.M. Morris, E.A. Owens, J.A. Smith and E.W. Williams (Leader).

Observers: Councillors M.L.I. Davies, S. Drew, I.M. German, D. Jones, E.R. Jones, F.D. Jones, R.J.R. Jones, W.G. Thomas, A.J. Tobin and P.O. Williams.

ALSO PRESENT

Chief Executive, Deputy Chief Executive / Corporate Director of Resources and the County Clerk.

APOLOGIES

Councillors R.W. Hughes and W.R. Webb.

ANNOUNCEMENT

The Leader informed Members of death of Mrs Thelma Gwilliam, a leading member of Rhyl Residents' Association and STARS. Members were asked to stand in silent tribute.

The Leader welcomed Members and the press to the Cabinet meeting.

64. URGENT MATTERS

The Leader of the Council 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:-

- (i) Part II Item 16A Capital Programme Group Supplementary Report

65. MINUTES OF THE CABINET (CABINET 2002 - 89)

The Minutes of the Cabinet meeting held on 7th May, 2002 (previously circulated) were submitted.

Item 14 Inspection of the Authority's Child Protection Services by the Social Services Inspectorate for Wales: Councillor E.C. Edwards, Lead Member for Safeguarding our Communities asked whether the Chief Executive had pursued the enquiry into the press leak regarding the Part II report and asked for the findings report to be made available to Groups as soon as possible. The Chief Executive said he was pursuing the matter and agreed to circulate a report as soon as possible.

***RESOLVED** that subject to the above, the Minutes of the Cabinet meeting held on 7th May, 2002 be approved as a correct record and signed by the Leader.*

66. HOUSING STOCK TRANSFER (CABINET 2002 - 90)

Item withdrawn. The Chief Executive informed Members that the item would be discussed at the Cabinet meeting to be held on 18 June 2002 and then at County Council on 25 June 2002.

67. DOMICILIARY CARE CABINET 2002 - 91)

Councillor P.A. Dobb, Lead Member for Health and Wellbeing presented the report and Appendix (previously circulated) seeking Cabinet approval of the Contract for Domiciliary Care Services so as to enable independent sector Domiciliary Care Providers to offer greater stability of employment to its workforce.

RESOLVED that Cabinet approve the changes set out in Appendix 1 to the report, effective immediately.

68. JOINT ARRANGEMENTS (CABINET 2002 - 92)

The Chief Executive presented the report (previously circulated) seeking approval of a Resolution to recreate the joint arrangements which, by action of legislation, ceased to exist when the Council adopted executive arrangements on 14 May 2002. Members were asked to approve the revised constitution (attached at Appendix 1) of the North Wales and Wirral Purchasing Consortium, whereby the Denbighshire membership would be two. Members were also asked to appoint Cabinet Members to the joint committees concerned. The Modernising Panel had recommended that the Clwydian Range AONB should be an area committee and as such the Assembly could appoint Members from the area of the AONB onto that Committee.

Councillor G.M. Kensler, Lead Member for Promoting Denbighshire suggested to Members that as the Portfolio holder covering the Clwydian Range AONB, she should be a Member of that Committee.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities said the Committees should be politically balanced, with a balance north and south whenever practicable. Councillor Edwards suggested further enquiries should be made into the legislation regarding membership of the Committees.

The Chief Executive said the legislation was quite clear. Only Cabinet can create Joint Committees, and only Cabinet Members may become members of such Committees unless Cabinet decided to create area-based joint committees such as the Clwydian Range AONB Advisory Committee. However, the Chief Executive agreed to relook at the legislation regarding membership and report back. Turning to Councillor G.M. Kensler's query, the Chief Executive informed Members that the Cabinet had 2 options for the AONB: either it could set up a joint committee in which case the membership would have to come from Cabinet or it could adopt an area committee model in which case the committee's membership would be from the relevant wards. Cabinet Members could be included if their wards were in the AONB area, as was the case here. In answer to a query by Councillor G M Kensler, the Chief Executive said the National Assembly legislation governed the appointments. Councillor G M Kensler asked the Chief Executive whether Cabinet have to accept a Modernising Panel recommendation. The Chief Executive confirmed that Cabinet did not have to accept Modernising Panel's recommendations unless they had been incorporated into the Constitution. Members agreed to seek the observations of Groups before making the final appointment of Members of the Clwydian Range AONB.

The Leader proposed Councillor W.R. Webb, Lead Member for Property and Asset Management and Councillor E.A. Owens, Lead Member for Finance for membership of the Wirral and North Wales Purchasing Organisation, seconded by Councillor E.C. Edwards, Lead Member for Safeguarding our Communities. Members agreed.

In the light of the earlier query from Councillor E.C. Edwards, Lead Member for Safeguarding our Communities, the Leader proposed interim membership of the Joint Agricultural Board, namely:

Councillor W.R. Webb, Lead Member for Property and Asset Management
Councillor E.A. Owens, Lead Member for Finance
Councillor M.A. German, Lead Member for Sustainable Development and Environment
Councillor G.M. Kensler, Lead Member for Promoting Denbighshire

Members agreed the above Membership, pending confirmation from the Chief Executive.

The Leader also proposed Councillor M.A. German, Lead Member for Sustainable Development and Environment and Councillor D.M. Morris, Lead Member for Communications for membership of NEWTRA. Members agreed.

Councillor G.M. Kensler, Lead Member for Promoting Denbighshire asked whether the neighbouring Authorities had been consulted. The Chief Executive confirmed that the neighbouring Authorities wished to carry on with the Joint Arrangements.

RESOLVED that Cabinet:-

- (a) Resolves under Section 101(5) of the Local Government Act 1972 and the Local Authorities (Executive Arrangements) (Discharge of Function) (Wales) Regulations 2002 to enter the joint arrangements listed in paragraph 2.1 of the report. Subject to (b), (c) and (ch) below the joint arrangements shall be on the same terms as existed prior to 14 May 2002, including in particular the functions conferred on the joint committees. This resolution shall have effect notwithstanding the adoption of executive arrangements by another Council on or after 5 June 2002;
- (b) approves the revised constitution for the North Wales and Wirral Purchasing Consortium in Appendix 1 to the report;
- (c) Appoints Members to the joint committees follows:-
- Joint Agricultural Board - Councillor W.R. Webb
Councillor E.A. Owens
Councillor M.A. German
Councillor G.M. Kensler
- Subject to confirmation of no change in legislation.
- WNWPO - Councillor E.A. Owens and Councillor W.R. Webb
- NEWTRA - Councillor M.A. German and Councillor D.M. Morris
- (ch) further consideration to be given to membership of the Clwydian Range AONB following the submission of observations by Groups on the list of potential members set out in paragraph 2.4 of the report.

69. DECriminalISATION OF PARKING (CABINET 2002 - 93)

Councillor M.A. German, Lead Member for Sustainable Development and Environment presented the report (previously circulated) seeking Members' agreement to a strategy for the implementation of decriminalisation of on-street parking offences and to approve the commissioning of consultants to examine the financial and institutional implications of decriminalisation and outline a programme for its introduction.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities asked whether the North Wales Police had been consulted and why some neighbouring boroughs / counties had different systems in place e.g. in Llandudno. Councillor Edwards agreed to consult with the North Wales Police on the matter and asked that the matter be referred to a future Cabinet meeting. Councillor M.A. German, Lead Member for Sustainable Development said one warden was employed in Llandudno whilst another was employed on a peripatetic basis. The Head of Highways and Transportation informed Members that employment of parking wardens was on the decline in the neighbouring Authorities.

Councillor G.M. Kensler, Lead Member for Promoting Denbighshire asked whether the strategy covered the whole of the County or only the coastal areas of Rhyl and Prestatyn; if the strategy covered the whole of the County consultation with the towns concerned would have to take place. The Corporate Director: Environment said the aim of the strategy was for streets and car parks to be treated on the same basis, with decriminalisation of parking being for the County as a whole once adequate levels of staffing were in place.

RESOLVED that Members approve:-

- (a) the strategy for the implementation of decriminalisation outlined in the report as examined in detail and recommended by the Environment Scrutiny Committee;

- (b) *the employment of specialist consultants to examine the financial and institutional implications of decriminalisation and to outline a programme for its introduction, and to report the findings to a future Cabinet meeting, and*
- (c) *the seeking of further observations from the North Wales Police via the Council's Police Authority Member, Councillor E.C. Edwards.*

70. DENBIGHSHIRE COMMUNITY STRATEGY (CABINET 2002 - 94)

Councillor E.W. Williams, Leader presented the report (previously circulated) seeking:-

- (i) Members' endorsement of the actions taken so far in developing a community strategy for Denbighshire;
- (ii) Members' approval of the draft timetable put forward by the shadow Denbighshire Community Strategy Development Group;
- (iii) Members' decision on who should be the Elected Member representative(s) to serve on the Community Strategy Development Group, and
- (iv) Members' agreement to commit resources in officer time, administrative support and facilities to support the Community Strategy process.

Councillor G.M. Kensler, Lead Member for Promoting Denbighshire suggested 4 Members were required, one from each of the agreed Area Partnership areas.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities suggested that area partnerships should be in place before the composition of the Group was decided.

The Assistant Chief Executive: Strategy explained to Members that the development group was a working group to carry out the preparatory work for the strategy and was therefore distinct from the strategic partnership which would be created as a result of its work. The group was intended to be fairly small to carry out this development work.

The Chief Executive suggested the Group comprise 3 or 4 Members, with some of the Members being Non-Executive Members. The Leader suggested 3 Members would be sufficient. Councillor E A Owens, Lead Member for Finance said there was no need for a Member from each area to sit on the group. Councillor E C Edwards, Lead Member for Safeguarding our Communities said the basis of the group was the community and it was important for Rhyl and Prestatyn, the Vale of Clwyd and the South to be represented on the group.

Councillor G M Kensler, Lead Member for Promoting Denbighshire proposed formally that the membership be one Member from each area. Members agreed.

RESOLVED that Cabinet:-

- (a) *endorse the actions taken so far in developing a community strategy for Denbighshire;*
- (b) *approve the draft timetable put forward by the shadow Denbighshire Community Strategy development group;*
- (c) *invite nominations of the Elected Member representatives to serve on the Community Strategy Development Group for further consideration by Cabinet;*
- (ch) *agree to commit resources in officer time, administrative support and facilities to support the Community Strategy process, and*

- (d) *agree to establish a reporting mechanism for progress by the Denbighshire Community Strategy Development Group.*

71. DRAFT BUS STRATEGY (CABINET 2002 - 95)

Councillor M.A. German, Lead Member for Sustainable Development and Environment presented the report (previously circulated) seeking Members' approval of the Draft Bus Strategy for submission to the National Assembly and for consultation.

Councillor P.A. Dobb, Lead Member for Health and Wellbeing whilst supporting the strategy hoped that provision of direct transport to Glan Clwyd Hospital from her ward would be available before 2005-2006.

Councillor M.A. German took the opportunity to inform Members of the successful issue of the concessionary fare scheme, with 95% of passes issued to date and asked the Head of Public Protection and Regulatory Services to pass on Cabinet's congratulations and thanks to the staff involved.

RESOLVED that Cabinet endorse the Draft Bus Strategy as appended to the report for submission to the National Assembly for Wales and for consultation.

72. DIVERSION PUBLIC FOOTPATH NO. 15 IN THE COMMUNITY OF LLANFERRES (CABINET 2002 - 96)

Councillor M.A. German, Lead Member for Sustainable Development and Environment presented the report (previously circulated) seeking Members' authorisation for the County Clerk to proceed to make an Order under Section 257 of the Highways Act 1980 to divert part of Public Footpath No 15 in the community of Llanferres shown between points A and B on the plan attached to the report, to a different line shown marked between points B to D to C and A as shown on the plan.

The County Clerk informed Members that no objections had been received and that the utility companies (i.e. gas, water and electricity boards) and the Ramblers' Association had no objections. The County Clerk informed Members of a typographical error in the resolution - the Town and Country Planning Act 1990 be replaced with the Highways Act 1980.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities asked that a condition be attached to the resolution, that the footpath work was completed before commencement of any other work. Members agreed.

RESOLVED that Cabinet authorises the County Clerk to proceed to make the appropriate Order under Section 257 of the Highways Act 1980, with the works on the footpath to be completed before any mineral extraction works are commenced.

73. AREA PARTNERSHIP MANAGERS (CABINET 2002 - 97)

The Leader of the Council, Councillor E.W. Williams presented the report (previously circulated) seeking Members' agreement to the creation of 2 additional Area Partnership Managers for the Central Area and in the north either at Rhyl or Prestatyn and to agree the additional funding for these posts.

Councillor E.A. Owens, Lead Member for Finance queried the cost implications and asked why no provision had been made for equipment, travel, accommodation etc. The Assistant Chief Executive: Strategy said the costs did include on-costs for the posts and that he would expect to cover accommodation and travel costs from his departmental budget.

Councillor P.A. Dobb, Lead Member for Health and Wellbeing queried the need for four Area Partnership Managers and suggested the Community Councils in the south of the County did not require one manager. The Leader informed Members that many agencies are included in the partnerships and two managers would be insufficient to cover the 4 areas.

Councillor E.C. Edwards, Lead Member for Safeguarding our Communities said one manager was required for each area and in particular, it was important that rural areas received the same level of service as the urban areas. Councillor G.M. Kensler, Lead Member for Promoting Denbighshire agreed.

RESOLVED that appropriate budgetary provision be made from the contingency fund, to phase in the creation of two additional Area Partnership Manager posts as detailed in the report.

74. WELSH BOOKS COUNCIL (CABINET 2002 - 98)

The Leader of the Council, Councillor E.W. Williams presented the report (previously circulated) seeking Members' appointment of a Member to represent the County Council on the Welsh Books Council for the three year period 2002 - 2005. The current representative was Councillor M.LI. Davies.

The Chief Executive reported that the National Assembly for Wales now fund the Welsh Books Council direct.

RESOLVED that Cabinet appoint Councillor M.LI. Davies to represent the County Council on the Welsh Books Council for the three year period 2002 - 2005.

75. NORTH WALES FIRE AUTHORITY - MEMBERSHIP OF THE FIRE AUTHORITY AND OF ITS COMMITTEES (CABINET 2002 - 99)

The Leader of the Council, Councillor E.W. Williams presented the report (previously circulated) seeking annual appointment of four Members to serve on the North Wales Fire Authority and from amongst that membership to nominate two Members to serve on the Executive Panel and one Member to serve on the Best Value Committee of the North Wales Fire Authority for the year 2002-2003. The Leader proposed Councillor E.C. Edwards, Lead Member for Safeguarding our Communities be appointed to the Fire Authority.

RESOLVED that:-

- (a) subject to consideration by the Independent Group of the replacement of one of their two Members by Councillor E.C. Edwards, Lead Member for Safeguarding our Communities, the four County Council representatives to serve on the North Wales Fire Authority for the year 2002/2003 be as set out in paragraph 2.3 of the report;
- (b) that, subject to (a) above two Members be appointed to the Executive Panel, and one Member be appointed to the Best Value Committee of the North Wales Fire Authority for the year 2002/2003, as set out in paragraph 2.3 of the report, and
- (c) that named substitutes for the above representatives be appointed if desired.

76. A CONSERVATION AREA ARTICLE 4(2) DIRECTION FOR DENBIGH (CABINET 2002 - 100)

(Councillor G.M. Kensler, Lead Member for Promoting Denbighshire declared an interest in the item) .

Councillor M.A. German, Lead Member for Sustainable Development and Environment presented the report (previously circulated) seeking Members' confirmation of the Article 4(2) Direction for the Denbigh Conservation Area.

RESOLVED that Cabinet confirms the Article 4(2) Notice for the Denbigh Conservation Area without modification.

77. DATE AND VENUE OF FUTURE MEETINGS (CABINET 2002 - 101)

The Chief Executive informed Members that the next two Cabinet meetings would be held on 18 June 2002 and 2 July 2002 and that until the delegation system was in place, Cabinet would continue to meet on a two-week cycle.

RESOLVED that Members note the verbal report.

78. URGENT ITEMS (CABINET 2002 - 102A)

There were no Part I Urgent Items.

79.. 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 5 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

80. CAPITAL PROGRAMME GROUP REPORT (CABINET 2002 - 103)

The Deputy Chief Executive / Corporate Director: Resources presented the report and appendices (previously circulated) advising Members of applications received for new capital schemes which had been considered by the Capital Programme Group (CPG) and which had been approved by the Leader in the absence of Cabinet meetings being held. Without approval by the Leader, the items within Appendices 1a and 1b would have led to loss of funding. The Group's recommendation for Appendix 1c was for funding to be made available from the Lifelong Learning Directorate's revenue budget.

The Head of Economic Regeneration gave background information on the supplementary report (Appendix 1d) (circulated at the meeting), which led to a detailed discussion by Members.

1a ClwbRyghi Dinbych - Additional Changing Rooms
CPG Recommendation: Approval of application.

1b Community Enterprise Employment Project - Foyer
CPG Recommendation: Approval of application.

1c Ysgol Glan Clwyd Arts Centre
CPG Recommendation: Funding to be made available from the Lifelong Learning Directorate revenue budget.

1d Rhyl Young People's Centre
CPG Recommendation: Approved subject to County Council having a charge over the property restricting its use in accordance with the purposes for which the grant has been awarded.

RESOLVED that Members endorsed the recommendations of the Capital Programme Group and the action taken by the Leader in the absence of Cabinet for items in Appendices 1a, 1b and 1c, and approved the recommendation of the Capital Programme Group in regard to Appendix 1d.

81. RHYL AND PRESTATYN FORESHORE REGULATING LEASE (CABINET 2002 - 104)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to enter into a new lease of the Rhyl and Prestatyn Foreshore.

RESOLVED that Members approve the Council surrendering the existing foreshore leases and entering into a new 50 year lease of Rhyl and Prestatyn foreshore, on terms agreed by the Head of Consultancy Services in consultation with the County Clerk.

82. PRESTATYN GOLF COURSE (CABINET 2002 - 105)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to dispose of the Council's freehold interest in Prestatyn Golf Course.

Members were asked to note the typographical error in paragraph 2.1 - the date should read 22.11.2001 and not 22.11.2002.

RESOLVED that Cabinet approve the sale of the freehold interest of Prestatyn Golf course at open market value, subject to the establishment of the National Cycleway and covenant restricting the use of the land to a golf course and ancillary uses, on terms to be agreed by the Head of Consultancy Services in consultation with the County Clerk.

83. SPLASHPOINT, RHYL (CABINET 2002 - 106)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to acquire the splashpoint car park to enhance the attractiveness of the site for sale.

RESOLVED that Members approve the purchase of Splashpoint car park to enable the sale of Splashpoint to be completed, on terms to be agreed by the Head of Consultancy Services in consultation with the County Clerk.

84. 21 YEAR LEASE, MANWEB SUB STATION - WESTBOURNE BUSINESS CENTRE, RHYL (CABINET 2002 - 107)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to the granting of a 21 year lease to MANWEB in respect of land at Westbourne Business Centre, Rhyl (as hatched black on the plan attached to the report) at a market premium.

RESOLVED that Members approve the grant of a 21 year lease to MANWEB in respect of an area of land at Westbourne Business Centre, Rhyl for the location of a Sub Station, at a market premium, on terms and conditions to be agreed by the Head of Consultancy Services in consultation with the County Clerk.

85. LEASE - RNLI, LIFEBOAT STATION, RHYL (CABINET 2002 - 108)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to the inclusion of approximately 45 sqm of land in a 50 year lease granted to the RNLI by Cabinet on 21 December 2000.

RESOLVED that Members approve:-

- (a) the inclusion of approximately 45 sqm of land in the 50 year lease granted by Cabinet on the 21 December 2000;
- (b) the Open Market Rental shall be as recommended in the report, subject to review every 5 years, in line with the current lease;
- (c) a 100% grant towards the rent, shall be granted by the Life Long Learning Directorate for the first five years, the level of grant to be reviewed thereafter. This shall be a personal arrangement between the Council and the RNLI. The rental income shall be 'ring fenced' to fund the grant, and
- (ch) other terms to be agreed by the Head of Consultancy Services in consultation with the County Clerk.

86. LEASE - RHEWL PLAYING FIELD (CABINET 2002 - 109)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to the grant of a 25 year lease to Llanynys and District Sports Association (LDSA) in respect of Rhewl Playing Field, at a 90% (ninety percent) rental concession.

RESOLVED that Members approve:-

- (a) the grant of a 25 year lease to the Llanynys District Sporting Association;
- (b) the open market rental shall be as recommended in the report, subject to review every 5 years;
- (c) a 90% grant towards the rent, shall be granted by the Life long Learning Directorate for the first five years, the level of grant to be reviewed thereafter. This shall be a personal arrangement between the Council and LDSA. The rental income shall be 'ring fenced' to fund the grant, and
- (ch) other terms to be agreed by the Head of Consultancy Services in consultation with the County Clerk.

87. 25 YEAR LEASE - GWYDDELWERN COMMUNITY COUNCIL (CABINET 2002 - 110)

The Leader, Councillor E.W. Williams presented the report (previously circulated) seeking Members' approval to the grant of a 25 year full repairing lease to Gwyddelwern Community Council in respect of Gwyddelwern Play Area (as hatched on the plan attached to the report), at a discounted rental. The lease would be in the name of "Pwyllgor Cae Chwarae Gwyddelwern", to coincide with the name on the grant application.

RESOLVED that Members approve:-

- (a) the grant of a 25 year full repairing lease to Pwllgor Cae Chwarae Gwyddelwern (Community Council);
- (b) the open market rental shall be as recommended in the report, subject to reviews every 5 years;
- (c) a 90% grant towards the rental, shall be granted by the Environment Directorate for the first five years and the level of grant reviewed thereafter. This shall be a personal arrangement between the Council and Gwyddelwern Community Council. The rental income shall be 'ring fenced' to fund the grant, and
- (ch) other terms and conditions as requested by the Head of Consultancy Services in consultation with the County Clerk.

88. DISPOSAL - LAND AT PANTON HALL, DENBIGH (CABINET 2002 - 111)

The Leader, Councillor E.W. Williams withdrew the report owing to the correct Local Members not having been consulted. This was due to an error regarding the Wards. The Chief Executive undertook to remind staff to check carefully the details regarding the Wards when consulting Members .

89. PRESTATYN DEPOT (CABINET 2002 - 112)

Councillor M.A. German, Lead Member for Sustainable Development and Environment presented the report (previously circulated) seeking confirmation that Members were still in agreement to the relocation of Contract Services from Prestatyn Depot to the old 'Kwiksave' workshop facilities in the depot, in light of further additional costs which would be incurred.

RESOLVED that Members reconfirm approval to the relocation of the Contract Services Operation from Prestatyn Depot to the old 'Kwiksave' workshop nearby.

The meeting concluded at 11.30 a.m.
