

## CABINET

Minutes of the Cabinet meeting held in the Assembly Rooms, Town Hall, Ruthin on Tuesday, 2nd July, 2002 at 10.00 a.m.

## PRESENT

Councillors P.A. Dobb, Lead Member for Health and Wellbeing; E.C. Edwards, Lead Member for Safeguarding our Communities; M.A. German, Lead Member for Sustainable Development and Environment; R.W. Hughes, Lead Member for Lifelong Learning; G.M. Kensler, Lead Member for Promoting Denbighshire, D.M. Morris, Lead Member for Communications; E.A. Owens, Lead Member for Finance; J.A. Smith, Lead Member for Social Inclusion; W.R. Webb, Lead Member for Property and Asset Management, and E.W. Williams, Leader and Member for Economic Wellbeing.

Observers: Councillors S. Drew, K. Hawkins, D.M. Holder, M.M. Jones and R.J.R. Jones.

## ALSO PRESENT

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

## ANNOUNCEMENT

The Leader informed Members the Corporate Director: Environment was unavailable to attend the meeting as he had commenced paternity leave, following the birth of his son. Cabinet wished to pass on their congratulations to the family.

The Leader had also passed on Cabinet's congratulations to Mrs. Marilyn Raine, Headteacher, Ysgol Dinas Bran, Llangollen on her success in the Teaching Awards 2002 - she gained the Leadership of Secondary School Award for the whole of Wales.

## **177** URGENT MATTERS

The Leader of the Council 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) Item 11 A Objective 1 Partnership
- (ii) Part II Item 11B Wirral and North Wales Purchasing Organisation

## **178** MINUTES OF THE CABINET [CABINET 2002 - 113]

The Minutes of the Cabinet meeting held on 18 June 2002 were submitted.

Cabinet Minutes 07.05.2002 - Item 14 Inspection of the Authority's Child Protection Services by the Social Services Inspectorate for Wales: The Chief Executive said that he would be writing to Councillor E.C. Edwards and other Group Leaders today regarding his findings into the leaked report.

Item 5 Joint Arrangements: With regard to membership of the AONB, the Chief Executive said only Councillor A.E. Roberts had been nominated and a further 5 places were available. Councillor R.W. Hughes said at the last County Council meeting it had been agreed that relevant Members could nominate themselves. Councillor G.M. Kensler said Flintshire County Council would be nominating Cabinet Members to the AONB. With regard to the membership requirements in respect of Joint Arrangements with other authorities for Executive Functions, the Chief Executive said the legislation on such arrangements had not yet been changed and the consultation process on possible changes had not yet started.

Item 9 Communities First: The Chief Executive said that Councillor P. Douglas was unable to serve as the representative on Communities First and Councillor G Williams, Leader of the Labour Group had nominated Councillor J. Butterfield as the representative.

**RESOLVED** that Members appoint Councillor J. Butterfield as the Local Member to sit on the Interim Steering Group.

**RESOLVED** that subject to the above, the Minutes of the Cabinet meeting held on 18 June 2002 be approved as a correct record and signed by the Leader.

**179 SPECIALIST EDUCATION SUPPORT SERVICE - BEST VALUE REVIEW [CABINET 2002 - 126]**

Councillor R.W. Hughes presented the report seeking Cabinet's approval of the Specialist Education Support Service [SESS] Best Value Review methodology and Action Plan for 2002-2005 for inspection in February 2003. Councillor Hughes said that SEN was the biggest management challenge for any Education Authority and detailed the five key objectives from the National Assembly for Wales guidance 'BEST for Special Education' as the framework for the Authority's provision. Budget allocation was discussed and the limited services provision. However, Denbighshire had fewer staff and less money spent on SEN than other Authorities but the services provided in many cases was better.

Councillor G.M. Kensler congratulated the Department on the Review document and reminded Members that the Directorate was understaffed and that the number of children with special needs requirements was increasing.

**RESOLVED** that Cabinet:-

- (a) note and approve the Specialist Education Support Service Review methodology and Action Plan to enable the service to be inspected, and
- (b) note the conclusion of the Best Value Review of SESS that, in the light of the statutory nature of the services and the value and importance users of the service attach to it, the service should remain in LA control but that there should be internal redefining of roles and urgent appointment of a lead officer for SEN, Access and inclusion.

**180 DENBIGHSHIRE MEDIATION [CABINET 2002 - 127]**

(Councillor E.A. Owens declared an interest in the item and took no part in the discussion or vote).

Councillor E.W. Williams presented the report seeking Cabinet approval of a rescue package, as detailed in paragraph 2.4 of the report, to enable Denbighshire Mediation to reformulate its financial basis.

Councillor G.M. Kensler asked whether discussion should continue when a representative of the Mediation Service was present. The Leader said the meeting was open for any member of the public to attend but they would not be able to participate in the meeting. Councillor Kensler queried whether use of the Contingency Fund was the correct way forward for such services.

Councillor R.W. Hughes said funding for such services should not be an issue and that the services occasionally fail owing to the lack of funding.

Councillor W.R. Webb asked whether the Mediation Service had made any efforts to raise funding elsewhere. Councillor Kensler agreed and suggested the Service should ask for funding through the usual grant procedures, which would ensure the accounts were scrutinised and the funds wisely spent. Councillor Hughes, said if approved in this way, then theoretically other services could ask for funds in the same way. However, Members agreed that the service provided had been supportive to the Authority.

The Chief Executive said the Authority did use the Mediation Service and should therefore part fund the service. He suggested a compromise to the level of funding requested, and suggested £20,000 be grant

aided by Denbighshire which would allow the Mediation Service to carry on for a further 2 or 3 months, adopt a recovery plan for the coming year with a further report to Cabinet in September 2002.

Councillor D.M. Morris asked why funding for the service had not been included six months ago.

Councillor R.W. Hughes suggested that if funding of the service continued, a Service Level Agreement should be arranged between the Service and Denbighshire.

**RESOLVED** that Cabinet agree to a rescue package for Denbighshire Mediation of £20,000, subject to the provision of a Service Level Agreement and report back to Cabinet in September 2002.

**181 REVENUE BUDGET 2002-2003 [CABINET 2002 - 128]**

Councillor E.A. Owens presented the report seeking Members' consideration of any further actions required, as detailed in the appendices attached to the report, to reduce the balance of overspending on services. Councillor Owens said the Services would need to reprofile the budgets.

**RESOLVED** that Members receive the report and note the figures in the appendices regarding remedial action required to ensure that balances of £1.0m are achieved by the end of the current financial year.

**182 CONTINGENCY BUDGET 2002-2003 [CABINET 2002 - 129]**

Councillor E.A. Owens presented the report seeking Cabinet consideration to grant funding for the urgent pressures detailed in column 2 of the appendix attached to the report, from the Contingency Budget for 2002-2003 and that the relevant Scrutiny Committees consider the case for agreeing further bids for funding from the Contingency Budget as detailed in column 3 of the appendix. £720k support would be required for the Schools' Budget to provide for the underfunding by the Assembly of the Teachers' Threshold payments and the Head Teachers' Leadership Scheme, however the Assembly should refund the Authority with an element of this, likely to be at least £600k.

Councillor Owens also reminded Members of the District Auditor's requirements that the Authority had to remain solvent and maintain a legal budget at all times.

Budget decisions affecting the Joint Review Preparation, Insurances Renewal, Denbighshire Mediation and Community Development Team would be discussed as part of the relevant reports following.

Councillor W.R. Webb it was disappointing the threshold payments were not being met in full and suggested the Assembly be informed of the Authority's disappointment. The Corporate Director: Resources said the WLGA were writing to the Assembly on the matter.

Councillor G.M. Kensler asked whether the savings on the Mediation Service grant could be included in the Culture and Leisure budget. Councillor Kensler informed Members of the need to address the rates of pay for staff in the Pavilion Theatre.

Councillor E.A. Owens requested Corporate Directors give an indication of priorities and details of the corporate objectives affected by proposals, as a guide for Scrutiny Committees.

**RESOLVED** that Cabinet:-

- (a) agree the urgent pressures detailed in column 2 of the appendix attached to the report for immediate approval for funding from the Contingency Budget for 2002-2003, with the amendments to the Denbighshire Mediation Service funding as detailed in Minute 4, and
- (b) request Scrutiny Committees review the further bids for funding as detailed in column 3 of the appendix attached to the report, with a report back to Cabinet in September 2002.

**183**     **JOINT REVIEW PREPARATION [CABINET 2002 - 129]**

Councillor J.A. Smith and Councillor P.A. Dobb presented the report seeking Cabinet approval of the allocation of additional resources in 2002-2003 to respond to the Joint Review. Councillor Smith drew Members' attention to the reduced sum sought from the Contingency Fund with the balance to be reviewed by Scrutiny.

**RESOLVED** that Cabinet:-

- (a)     *allocate £122k from the contingency funds to meet part of the additional costs of £142,031 in 2002-2003, the balance to be reviewed in accordance with Minute 6(b) above, and*
- (b)     *note the rollover costs for future financial years will be submitted as part of the budget preparation for 2003-2004.*

**184**     **TRANSITIONAL HOUSING BENEFIT AND SUPPORTING PEOPLE AND VARIATION OF COUNCIL TENANCY AGREEMENTS [CABINET 2002 - 131]**

Councillor J.A. Smith and Councillor P.A. Dobb presented the report seeking Cabinet approval of the variation of tenancy agreements for Council tenants who want to claim Transitional Housing Benefit as detailed in the Appendix to the report.

**RESOLVED** that Cabinet approve variations to Council tenancy agreements when required for Traditional Housing Benefit claims as detailed in the Appendix to the report.

**185**     **CABINET APPOINTMENTS [CABINET 2002 - 132]**

Councillor E.W. Williams presented the report seeking Members' agreement to the Cabinet appointments to various partnerships and bodies. Councillor Williams advised Members that the reference to Councillor R.W. Hughes in paragraph 2.1 of the report should have been to himself.

**RESOLVED** that Cabinet agreed Councillors R.W. Hughes and J.A. Smith represent the Authority on the Rural Group of the North Wales Economic Forum and the Childcare Partnership respectively.

**186**     **BARRIERS COMING DOWN - CONFERENCE [CABINET 2002 - 133]**

Councillor E.W. Williams presented the report seeking Cabinet approval for Council Members to attend the forthcoming conference 'Barriers Coming Down' at Conwy Business Centre on 12 July 2002.

**RESOLVED** that Members approve Councillors P.A. Dobb, D.M. Morris and J.A. Smith attend the 'Barriers Coming Down' conference on 12 July 2002.

At this juncture (11.05 a.m) the meeting adjourned for 15 minutes to allow Members to participate in refreshments.

**187**     **URGENT ITEM [CABINET 2002 - 134A]**

**OBJECTIVE ONE PARTNERSHIP [CABINET 2002 - 134A]**

The Chief Executive presented the report [circulated at the meeting] seeking Members' agreement to the recommendations on Denbighshire County Council's membership of the Executive Group and to appoint Members to serve on the Key Funds Approval Committee. The Chief Executive apologised for the lateness of the report but said the Objective One Partnership was due to meet on 11 July 2002. The Chief Executive's recommendation was for Denbighshire's representation to be reduced from 4 to 3, as the current membership was large and to allow for the perception of the membership to change.

Councillor W.R. Webb said he was disappointed with the Chief Executive's recommendations and saw no reason why Denbighshire should relinquish a seat to either the WDA or ELWa. He suggested the membership remain at 4, politically balanced with the Leader taking one of the seats. Councillor

E.C. Edwards agreed and said the committee was one of the most successful in Wales, there had been no concern regarding the number of the members previous to this report and he could see no reason why the numbers should change, but added the Leader should become part of the membership.

Councillor G.M. Kensler asked whether the membership had to be politically balanced. The Chief Executive confirmed that political balance did have to apply.

Councillor D.M. Morris said this had been a most successful group and the membership should remain at 4. Councillor R.W. Hughes agreed and said it was important to have continuity with such an important and complicated subject.

Councillor E.C. Edwards reminded Members that both the North and South of the County had received significant funding from Objective 1.

Councillor G.M. Kensler suggested the membership be reduced to 3 seats.

The amendment that the Council's representation on the Executive Group remains at 4 seats was put and was carried by a majority. The original proposal therefore fell.

**RESOLVED** that:-

- (a) *Members recommend to the public sector group of the Objective 1 Partnership Executive Group that Denbighshire County Council's representation should be 4 seats allocated on the basis of political balance, and that Councillors P. Douglas, E.C. Edwards, W.R. Webb and E.W. Williams be the nominees, and*
- (b) *Councillors P. Douglas and E.W. Williams be appointed to the Key Funds Approval Committee.*

**188. 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.

**189 COMMUNITY DEVELOPMENT - MANAGEMENT STRUCTURE AND FUNDING ISSUES [CABINET 2002 - 135]**

Councillor J.A. Smith presented the report seeking Members' support to the allocation of funding for the revised management structure for community development in Denbighshire, in the light of significant increased staffing arising from successful funding bids and to meet current funding shortfalls so as to consolidate existing community development resources and assure match funding.

Councillor E.A. Owens said she was pleased to see the Directorate assuming the responsibility for the tapering funding.

Councillor E.C. Edwards referred to paragraph 2.3 of the report, Councillor J.A. Smith's reference to the concern expressed by Edwina Hart AM, Minister for Finance, Local Government and Communities regarding the Communities First funding allocated the previous year and which had not yet been spent and took the opportunity to congratulate the Corporate Director: Personal Services on her report.

**RESOLVED** that Cabinet:-

- (a) *allocate funding for the revised community development management structure in Denbighshire be supported as detailed in the report, and*
- (b) *support the allocation of funding to address funding shortfalls as detailed in the report subject to the exploration of alternative temporary funding sources.*

**190**     **CAPITAL PROGRAMME GROUP REPORT [CABINET 2002 - 136]**

The 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] as follows:-

*1a        Vehicles Emission Reduction*

*CPG Recommendation: Approval of Option 1 of the application.*

*1b        Denbighshire Countryside Grant Scheme*

*CPG Recommendation: Approval of application.*

*1c        Reconsolidation of Castell Dinas Bran, Llangollen*

*CPG Recommendation: Approval of application*

The Corporate Director: Resources discussed the new applications and progress on existing projects with Members. Applications for the Community Projects block allocation would be considered on their relative merits applying the prioritisation scoring methodology approved by Council on 15.05.2001.

The Leader reminded Members that more applications for capital funding for community projects were required and said that the Principal Management Accountant was always available to give guidance to Members.

In answer to a query from Councillor Kensler, the Lead Member for Finance confirmed that the application forms included provision for the costs of Design Services where appropriate. The Corporate Director: Resources indicated the need to ensure that the in-house Design Services team were fully utilised before external consultants were used.

**RESOLVED** that Members endorse the recommendations of the Capital Programme Group for items in Appendices 1a, 1b and 1c, and approve the recommendation of the Group in regard to the Community Projects block allocation.

**191**     **INSURANCE RENEWAL 2002-2003 [CABINET 2002 - 137]**

Councillor E.A. Owens presented the report seeking Cabinet approval to the renewal of insurance cover without resort to a retendering exercise, as detailed in the report. Members were also asked to note the need to consider the funding of the increased level of premium costs.

**RESOLVED** that:-

- (a)        *Cabinet approve the renewal of insurance cover with Zurich Municipal without resort to a retendering exercise for these services, and*
- (b)        *the report on the distribution of the Contingency Budget for 2002-2003 include an allocation to fund the additional costs of insurances.*

**192**     **PROPERTY ACQUISITION STRATEGY - WEST PARADE, RHYL [CABINET 2002- 138]**

Councillor M.A. German and Councillor W.R. Webb presented the report seeking Members' approval in principle to the acquisition by agreement or through compulsory purchase of selected properties situated on West Parade, Rhyl. Members agreed the importance of this strategy to bring about a positive programme of improvement for Denbighshire.

**RESOLVED** that Cabinet:-

- (a)        *Authorise Officers to investigate detailed proposals for the regeneration of West Parade, including a property acquisition strategy as set out in the report and the development of proposals for acquisition by CPO where necessary;*

- (b) *Authorise negotiations with the WDA to pursue a further Joint Venture agreement for property acquisition and redevelopment along West Parade, and*
- (c) *Authorise officers to undertake a detailed consultation process including Local Members, Rhyl Town Council and other partners in the Rhyl Going Forward process noting that a further report will be submitted in due course, including approval for allocation of finance/allocation of funding being included in the Cabinet budget proposals 2003/2004.*

**193 NORTH WALES WASTE PLAN [CABINET 2002 - 139]**

Councillor M.A. German presented the report to inform Members of a course of action taken under Standing Order 9.1(c), detailed in the report.

**RESOLVED** *that the decision by the Head of Planning Services to appoint SLR as consultants, dispensing with the need for three competitive bids, be noted.*

**194 WIRRAL AND NORTH WALES PURCHASING ORGANISATION [CABINET 2002 - 134A]**

Councillor E.A. Owens presented the report [circulated at the meeting] seeking the Authority's support for the continued operation of the Wirral & North Wales Purchasing Organisation (W&NWPO) in the short term, pending further investigation into its trading position and the production of proposals for alternative procurement arrangements that may be available. Councillor Owens detailed recent events to Members and emphasised the confidential nature of the information contained in this report. The next meeting of the Board would be attended by Councillor W.R. Webb, who had expressed his concerns on previous occasions regarding the way in which the Organisation operated. Members also expressed their concerns regarding the Organisation and it was agreed that the Leader write to the Leaders of the partner Authorities expressing those concerns in detail.

**RESOLVED** *that Denbighshire County Council supports continued operation of the trading activities of W&NWPO in the short term, but that options for procurement are considered with a view to establishing future arrangements which are financially viable and administratively cost effective. It was further resolved that the Leader write to the Leaders of the partner Authorities as discussed.*

The meeting concluded at 12.30 p.m.

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