

CABINET

Minutes of the Cabinet meeting held in the Assembly Rooms, Town Hall, Ruthin on Tuesday 1 October 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 M L J Davies, S Drew, D Jones and R E Jones.

ALSO PRESENT

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

APOLOGIES

Chief Executive

523. URGENT MATTERS

Councillor G M Kensler, Deputy Leader of the Council gave notice of the following items which in her opinion should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act 1972:-

- [i] Verbal Report: Authorisation of Extension for Staff to attend Court Hearings - Item 13A
- [ii] Part II Verbal Report: Special Governor Advisory Panel - Item 17
- [iii] Item 10 - Additional Information Sheet

Councillor E A Owens again commented on the fact that the chairs and tables in the Assembly Rooms, Ruthin had not been replaced. Members also commented on the poor acoustics of the room.

524. MINUTES OF THE CABINET [CABINET 2002 - 153]

The Minutes of the Cabinet meeting held on 10 September 2002 were submitted.

Item 2 - Minutes Capital Plan 2002/03 - Councillor P A Dobb informed Members that the information on breakdown of figures by area had been despatched.

Item 3 Children's Services Strategic Plan 2002-2007 and Children First Review and Plan 2002-2003: Councillor G M Kensler informed Members that she had spoken with the Police who reported that co-operation had improved.

RESOLVED that subject to the above the Minutes of the Cabinet meeting held on 10 September 2002 be approved as a correct record and signed by the Leader.

The Minutes of the Special Cabinet meeting held on 24 September 2002 were submitted.

The County Clerk requested that 2 minor amendments be made to the minutes:

Item 2 PFI Scheme - Ruthin -

(ch)(vi) add "including the certificates referred to in minute (dd) below" at the end of the sentence.

(dd) add "substantially" after 1997 on the third line.

RESOLVED that subject to the above the Minutes of the Cabinet meeting held on 24 September 2002 be approved as a correct record and signed by the Leader.

525. DELEGATIONS TO CABINET MEMBERS [CABINET 2002 - 154]

The Deputy Chief Executive presented the report seeking Members' approval to the delegation of a range of functions to individual Cabinet Members, as set out in appendix 1 to the report.

Councillor P A Dobb said she was pleased to see the report and asked for clarification on "inspection" in paragraph 1.1 of Appendix 1. The Assistant Chief Executive: Strategy said the inspection could refer to a Social Services or Best Value inspection. Councillor Dobb said she did not think this should be a delegated item. Councillor R W Hughes reminded Members that such information could be shared at any time. The Deputy Chief Executive indicated that decisions could be referred to Cabinet if the Lead Member had concerns, although this was a measure that should not be extensively used.

Councillor E A Owens said most reports had financial implications and as the Lead Member for Finance she said that written consultation would be required. Councillor Owens indicated that, where her approval was required, it would be provided in writing and would not be valid unless in writing. She advised that other Members should develop similar protocols. The Deputy Chief Executive said the delegation process related to the Authority's Standing Orders and Financial Regulations and agreed with Councillor Hughes that documents could be shared.

The Assistant Chief Executive: Strategy reminded Members that consultation with relevant Members and officers had to be part of the delegated decisions process and that any delegated decision could be challenged by Scrutiny Committees.

Councillor P A Dobb regretted that the Chief Executive had not been available to present his important paper and said his input would have been valuable.

Councillor E C Edwards said Members would receive appropriate advice from the Corporate Directors and said the financial aspect would be clearer when included in the area partnerships.

RESOLVED that Cabinet:-

- (a) *approve the delegation of functions to individual Cabinet Members as set out in Appendix 1 to the report with effect from 1 October 2002, and*
- (b) *agree the possible delegations identified in Appendix 3 to the report to assist with the preparation of a future report.*

526. DENBIGHSHIRE COUNTY COUNCIL'S CONTAMINATED LAND STRATEGY [CABINET 2002 - 155]

Councillor M A German presented the report seeking Cabinet adoption of the contaminated land strategy in accordance with the requirements of Part IIA of the Environmental Protection Act 1990. In reply to a query on cost implications from Councillor P A Dobb, Councillor German said some sites are owned by Denbighshire County Council, some are privately owned and some are 'orphan' sites.

Councillor G M Kensler said pressure should be brought on the National Assembly for Wales to ensure funding for Contaminated Land Strategies was made available as in England.

Councillor E A Owens said the Contaminated Land Strategy would have a large impact on the capital budget and structuring of the following year's budget would be very important. Councillor R W Hughes agreed the importance of structuring budgets and suggested the need to review budgets and not be bound by the pattern of spending in order to see if monies could be allocated differently.

Councillor W R Webb suggested that the WLGA would have made a bid for this for the whole of Wales and that at one time the Chief Executive chaired this committee. Councillor Webb said such applications for funding were successful to a degree.

Members agreed with Councillor E A Owens suggestion of an amendment to the recommendation to say the strategy would be adopted in line with allocated funding.

RESOLVED that Cabinet adopt the strategy in line with allocated funding as the Statutory Contaminated Land Strategy of Denbighshire County Council.

527. APPLICATION TO REGISTER LLANGOLLEN YOUTH CLUB PLAYING FIELD KNOWN AS "WILLOW HILL FIELD" AS A TOWN / VILLAGE GREEN [CABINET 2002 - 156]

Councillor E W Williams presented the report seeking Cabinet's adoption of the recommendation by the Inspector appointed by the County Council to reject the application detailed in the report.

Councillor G M Kensler referred to a typographical error in paragraph 3 of the English version of the report. The date should be October 2001.

Councillor E C Edwards referred to the Inspector's report and drew Members' attention to the tribute paid to Mrs Susan Cordiner, Senior Solicitor by the Inspector. He wished to add his own appreciation of the work efficiently undertaken.

RESOLVED that Cabinet authorise the County Clerk to reject the application for the reasons set out in the report by Mr V Chapman, Inspector dated 27 August 2002.

528. REVENUE BUDGET [CABINET 2002 - 157]

Councillor E A Owens presented the report advising Members of the current position in relation to the Revenue Budget and the approach taken to address the current potential overspends. The projected overspends by individual departments would need to be contained within base budgets. In particular, Lifelong Learning Directorate continued to show an overspend of £188k and it was essential that this was reduced in order for the Authority to achieve its overall financial strategy. In addition, charging policies in all services were to be reviewed to identify additional income that could be generated.

With regard to Education funding, Councillor R W Hughes reminded Members that SEN funding could not be accurately projected.

Councillor Owens discussed the Contract Services history of efficient financial performance and said it was essential to ensure that this continued when the Services merges with the Environment Directorate.

Councillor E W Williams suggested that all Members be given the opportunity to attend a course on budget understanding/training and asked that Councillor D M Morris explore the possibility. Councillor J A Smith agreed with the suggestion.

RESOLVED that Cabinet note the report and appendices and approve the proposals to address the current potential overspends to ensure that balances of £1.0m are achieved by the end of the current financial year.

529. HUMAN RESOURCES SYSTEM [CABINET 2002 - 158]

Councillor D M Morris presented the report seeking Cabinet support for the purchase of a modern Integrated Computerised Personnel System.

Councillor R W Hughes welcomed the employment of a Project Manager to oversee the implementation of the system.

RESOLVED that Cabinet endorse the Project Plan work detailed in the appendix to the report and that prioritisation be given to a Human Resources System in the coming budget round.

530. INTEGRATED MENTAL ILLNESS SERVICES FOR ADULTS [CABINET 2002 - 159]

Councillor P A Dobb presented the report seeking Cabinet agreement to the establishment of a Project Board to produce detailed proposals for the full integration of Mental Illness Services for Adults between the County Council and the Conwy and Denbighshire NHS Trust. Cabinet have earlier agreed the importance of developing strategic partnerships with the NHS.

In reply to a query from Councillor E A Owens regarding staff reaction to the partnerships, Councillor P A Dobb said staff were supportive.

Councillor R W Hughes congratulated the Directorate on the report.

RESOLVED that Cabinet agree the establishment of a Project Board to produce detailed proposals to integrate Mental Illness Services for Adults and require regular progress reports to the Personal Services Policy Review and Scrutiny Committee. Any final set of proposals to be placed before Cabinet for approval.

531. SOCIAL SERVICES WORKFORCE STRATEGY [CABINET 2002 - 160]

Councillor P A Dobb presented the report seeking Cabinet endorsement of the Social Services Workforce Strategy and to agree to the Workforce Strategy group carrying forward work on the action plan as outlined in the Appendices attached to the report. Councillor Dobb asked Members to delete paragraph 5.3.3 of the report which had been included in error. Councillor J A Smith thanked the Directorate for their work on the report.

In reply to queries from Members, the Corporate Director: Personal Services said full use of funding streams such as Objective 1 and ELWa would be made. Denbighshire provided quality training and also NVQ training. She stressed the need for collaboration and said this was a national view.

Councillor G M Kensler referred to the lack of Occupational Therapists over many years and asked whether the salary in the Health Service was the same as in Local Authorities. The Corporate Director: Personal Services said the Health Service paid Occupational Therapists a higher salary and if parity was achieved, it could become easier to recruit and retain staff and this had been included as part of the budget bid. The Lead Member for Communications and Head of Personnel continued on the Workforce Strategy group and a report back to Cabinet would be made in the next 12 months.

RESOLVED that Cabinet agree the Workforce Strategy as detailed in the report. A progress report be provided to Cabinet in 12 months time.

532. YSGOL TIR MORFA, RHYL [CABINET 2002 - 161]

Councillor R W Hughes presented the report advising Members of the current position in relation to Ysgol Tir Morfa, Rhyl as detailed in the report and seeking approval to replace the existing school in phases. Councillor Hughes explained that although the school had a marvelous reputation, the Rhuddlan site was overcrowded and the Rhyl site had building issues which needed to be addressed. It was suggested that Phase I and II be carried out simultaneously as a priority.

Councillor Hughes introduced Steve Murphy, Headteacher who had been seconded to Lifelong Learning. Mr Murphy outlined future plans for Denbighshire children currently attending schools in Colwyn Bay and Llandudno to be taught at Rhyl and for the Tir Morfa children to have strong links with mainstream schools.

Councillor W R Webb questioned the cost per child of attending the school. Mr Murphy informed Members that the cost per child of attending the school was £7k but there would be a saving of £3k in travel costs for out of County attendance at similar schools. Councillor Webb suggested that consideration should be given to a PFI scheme for the replacement school and said, if successful, there would be no need for the school to be built in phases. Councillor Webb also asked for costings for the different phases.

Councillor E A Owens said that such a large capital project would use a significant proportion of available capital funding. Councillor Owens said Cabinet would not be able to make a commitment of capital funding until full costings were available and other capital schemes evaluated. The Corporate Director: Resources agreed with Members that further information on costings was required. Councillor R W Hughes agreed financial information was required and suggested that as some costings had already been carried out a further report to Cabinet could be produced without too much delay.

Councillor E C Edwards suggested the formation of a small working group to consider the way forward. Members agreed with the formation of a working group and further agreed to defer the report until more detailed information was available.

RESOLVED that Cabinet defer the report to replace the existing school until more detailed financial information was available.

533. WASTE CONTRACTS AND THE REQUIREMENTS TO INCREASE RECYCLING / COMPOSTING OF MUNICIPAL WASTE TO COMPLY WITH THE ANTICIPATED WELSH ASSEMBLY DIRECTIVE ON MANAGING WASTE SUSTAINABLY [CABINET 2002 - 162]

Councillor M A German Williams presented the report seeking Cabinet's agreement to: -

- (i) the existing domestic waste collection contract with the Council's Contract Services being extended to 31st March 2005;
- (ii) implementing waste minimisation programmes in tandem with the extended contract to enable targets to be met;
- (iii) bringing into uniformity the method of distributing refuse sacks throughout the County by issuing one bag per week per household annually (52 bags bulk delivery);
- (iv) authorising officers to commence the procurement process for an holistic waste collection / waste minimisation contract which will be performance based, and
- (v) authorising the Lead Member for Sustainability and the Environment to consider a possible joint venture with Conwy CBC for handling the waste generated from the north of the County and Conwy.

Members discussed in detail the provision of providing a bulk or weekly delivery of bin bags and also discussed current provision across the County. Members also discussed the costings of the options within the report. Councillor E A Owens said the next stage was to commence the procurement process and reminded Members of the need to ensure that the process would need close monitoring to fit in with budgets. The DSO needed to be integrated into the procurement process and funding would need to be made available to cover this.

The Corporate Director: Environment said the Department was aiming to move away from traditional contracts and hoped to enter into joint ventures with neighbouring authorities.

In answer to Councillor Kensler's question regarding recycling, the Head of Public Protection and Regulatory Services said he hoped a Recycling Officer would be appointed in the near future and that if the report was accepted, further talks on recycling would take place with Conwy.

Councillor W R Webb proposed deleting paragraph 7.3 of the Recommendation, and Councillor E C Edwards seconded the amendment. Members agreed.

RESOLVED that Cabinet agree:-

- (a) to the existing domestic waste collection contract with the Council's Contract Services be extended to 31st March 2005;
- (b) to implement waste minimisation programmes in tandem with the extended contract to enable targets to be met;
- (c) to authorise officers to commence the procurement process for an holistic waste collection / waste minimisation contract which will be performance based, and
- (ch) to authorise the Lead Member for Sustainability and the Environment to consider a possible joint venture with Conwy CBC for handling the waste generated from the north of the County and Conwy

534. ATTENDANCE AT UK SOCIAL SERVICES CONFERENCE: 16-18 OCTOBER 2002 [CABINET 2002 163]

Councillor P A Dobb presented the report seeking Cabinet's agreement to representation by the lead Member for Health and Wellbeing and one officer at the UK Social Services Conference 'Success through Diversity' at Cardiff.

RESOLVED that Cabinet nominate the Lead Member for Health and Wellbeing and one officer to attend the UK Social Services Conference in Cardiff on 16-18 October 2002.

535. URGENT ITEMS [CABINET 2002 - 164]

13(a) Authorisation of Extension of Authority for Staff to attend Court Hearings

The County Clerk asked for Members' agreement to an extension to the authorisation given by Cabinet in January 2001 for Heidi Roberts and Nia Grisdale to represent the Council in the Magistrates Court up to and including 1 November 2002 on which date they would receive their Practising Certificates and be able to attend Court as of right as solicitors.

RESOLVED that Members agreed to an extension to the authorisation to represent Council in the Magistrates Court up to and including 1 November 2002 to Heidi Roberts and Nia Grisdale.

QUESTION AND ANSWER SESSION No questions had been received by the closing date.

536. 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 7 and 8 of Part 1 of Schedule 12A of the Local Government Act 1972.

537. COMPULSORY PURCHASE ORDER [CABINET 2002 - 165]

Councillor M A German and the County Clerk declared an interest in the item and left the Chamber.

The Senior Solicitor presented the report in the absence of the Lead Member, Councillor German, seeking approval for the Council to exercise its compulsory purchase powers pursuant to Section 226(1)(a) to acquire land at Prestatyn High Street to facilitate development by Tesco Stores Limited to implement Planning Permission Code No. 43/19997/0910/PO to build a foodstore and associated facilities. She

advised that on the advice of the Monitoring Officer, Counsel's Opinion has been sought on the principle of the Council using its powers in this way and Counsel's advice is that there is no legal impediment to 1) Tesco drafting the necessary documentation for Council approval and 2) Tesco funding the cost of the Compulsory Purchase Order.

Councillor E A Owens raised a concern as to whether it is permissible for the Council to use its compulsory powers in this way to essentially enable one retail developer to overcome an objection to the development by a business rival. Councillor R W Hughes also raised a question over whether the Council could be subject to judicial review if it proceeds to make the Compulsory Purchase Order required.

The Senior Solicitor advised that it is the land to be acquired rather than the owner of that land which is the issue under consideration in relation to the use of compulsory purchase powers. The Council does not have to be acquiring the land to develop the land itself but it does have show an element of public benefit from the use of its compulsory powers and this can be demonstrated here given that the compulsory acquisition of the land will facilitate that regeneration of Prestatyn and enable the implementation of a Unitary Development Plan proposal as the land is allocated for retail development. Councillor R W Hughes asked that it be recorded that in her view the fact that Tesco has not yet been able to implement the planning decision is holding up the regeneration of the High Street in Prestatyn.

RESOLVED that Cabinet authorises the County Clerk to make the appropriate Compulsory Purchase Order under Section 226(1)(a) of the Town and Country Planning Act 1990

538. HOUSING RENTS - WRITE OFF SUBMISSION FOR IRRECOVERABLE DEBTS OF FORMER TENANTS OVER £1,000 [CABINET 2002 - 166]

Councillor P A Dobb presented the report seeking Members' approval to write-off former tenant arrears debts, as detailed in the Appendix to the report, that the Authority have been unable to collect. The Housing Rents Manager informed Members that the Department had this financial year actioned every debt up to the last 6 years and actively seek tenants who leave with unpaid debts. He explained the minimal use of debt collection agencies and said so far this year less than £1k had been spent collecting debts by this means.

RESOLVED that Members approved the write-off in the sum of £122,749.90 as detailed in the Appendix to the report.

539. UPDATE ON WIRRAL AND NORTH WALES PURCHASING ORGANISATION [WNWPO] [CABINET 2002 - 167]

Councillor E A Owens presented the report informing Members of the current position of the WNWPO and seeking delegation to Denbighshire County Council Members on the WNWPO Board of the authority to reaffirm, if necessary, the intention to withdraw from the Organisation at the end of the financial year.

Councillor Owens expressed concerns that the Purchasing Organisation was slow in addressing issues that had come to light from March 2002 and that in particular the necessary tightening of financial controls was not apparent. She also discussed the renewal of the lease for the organisation's premises which in her and Councillor Webb's opinion was imprudent. Councillor Webb's view had been registered with the WNWPO Board on previous occasions.

Councillor W R Webb reminded Members that a vote of no confidence had previously been taken and said Denbighshire County Council were paying Flintshire County Council for these services and they were responsible. Also, consideration should be given to the previous partner authorities being responsible for some of the debt.

In reply to a question from Councillor R W Hughes, the Corporate Director: Resources said our Board Members are not personally liable as they are not company directors. Councillor Owens indicated that it was likely that if Denbighshire County Council withdrew then Conwy County Borough Council would also withdraw, with inevitable consequences for the Purchasing Organisation as a whole.

RESOLVED that Members note the current financial position of the WNWPO and that delegated authority is given to Denbighshire County Council Members of the WNWPO Board to reaffirm if necessary the intention to withdraw from the Organisation at the end of the financial year.

540. SPECIAL GOVERNOR ADVISORY PANEL [CABINET 2002 - 173]

The County Clerk / Clerk to the Special Governor Advisory Panel presented a verbal report to inform Members of the Advisory Panel's Progress at the meeting held on 30 September 2002 and also gave a detailed factual account of the background to the situation. The National Assembly for Wales had criticised the Authority for lack of progress and had said that if Cabinet were unable to make a resolution on the matter, they would be minded to issue a directive.

The Panel had been unable to come to a conclusion at their meeting on 30 September 2002, and had written to the Leader to this effect. Therefore the Cabinet were asked to resolve the matter. The County Clerk considered there had been a failure to meet one of the Council's criteria for governors, namely to work as a team.

The Corporate Director: Resources agreed with the County Clerk and said it was essential that Cabinet take the decision to remove the two Local Authority Governors from the school's Governing Body.

Members discussed the issue and Councillor M A German said he supported removal of the two LA Governors. The County Clerk informed Members that a number of the Governor posts were due for renewal at this time.

Councillor E W Williams reminded Members that any Governor had a duty to voice their concerns to the LA regarding the way a school was run and he was supportive of this.

The Head of Curricular Services said any decision regarding Governors had to be taken for the benefit of the children. He explained the role of school governors working as a team and stressed the need for this to be resolved.

Councillor E W Williams wished his vote against the resolution be recorded.

RESOLVED that the two Local Authority appointed Governors be removed from office.

The meeting concluded at 12.50 p.m.
