

CABINET

Minutes of the Cabinet meeting held in the Monsanto Suite, Royal International Pavilion, Llangollen on Tuesday 17 December 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.I. Davies, S. Drew, M.M. Jones, N. Hugh Jones, R.J.R. Jones, A.J. Tobin and C.H. Williams.

ALSO PRESENT

Chief Executive; Deputy Chief Executive / Corporate Director: Resources; Financial Controller and the County Clerk.

ANNOUNCEMENT

Councillor R.W. Hughes, Deputy Leader of the Council announced that Carrog School had achieved IIP status and asked that Cabinet's congratulations be sent to the School. Councillor Hughes also wished Cabinet's congratulations to be sent to Sharon Davies, a teacher at Gellifor School on the award of PE Teacher of the Year.

840. URGENT MATTERS

There were no Urgent Matters.

841. MINUTES OF THE CABINET [CABINET 2002 - 194]

The Minutes of the Cabinet meeting held on 26 November 2002 were submitted.

Item 2 Minutes of the Cabinet - Resolution to read: "signed by the Deputy Leader".

Item 11 Managing School Places: Members to note that the consultation with schools would be held from January to June 2003 and that actions resulting therefrom would need to be implemented by December 2004.

Item 13 Ysgol Plas Brondyffryn ~ Update: The Corporate Director: Lifelong Learning informed Members that the NAFW had agreed to gift the Gwynfryn site, Denbigh, to the Brondyffryn Trust to form part of the North Wales facility as a centre of regional excellence for autistic children.

***RESOLVED** that subject to the above the Minutes of the Cabinet meeting held on 26 November 2002 be approved as a correct record and signed by the Deputy Leader.*

PRESENTATION ON THE WORK OF THE WDA: MR C FARROW, EXECUTIVE DIRECTOR NORTH WALES DIVISION, WDA

For information, the slides from the presentation are attached to the minutes .

842. BEST VALUE REVIEW OF PERSONNEL SERVICE [CABINET 2002 - 195]

Councillor D.M. Morris presented the report seeking Members' decision on a range of service delivery options for further investigation by the Service Review Team. The Authority's Best Value Review of

Personnel Services was underway with a staged review in January 2003 and inspection before April 2003.

Following a question from Councillor G.M. Kensler, Members discussed the 'Delegate Full Responsibility to Line Managers' option of Training and Development on page 7 of the Appendix. The Head of Personnel Services said line managers would continue to input into the staff Personal Development Review process and to this extent training would be for the Directorate to determine but there remained a need to secure training for the Authority as a whole. The Chief Executive concurred with the Head of Personnel's view and said it was important to have corporate training courses. Councillor E.A. Owens said there was a strong financial basis for not devolving all training to managers and that the Authority should move quickly to a corporate approach.

RESOLVED that Cabinet agree the proposed service delivery options identified in the table attached to the report as options to be researched further.

843. BEST VALUE REVIEW OF RESIDENTIAL HOMES [CABINET 2002 - 196]

Councillor P.A. Dobb presented the report seeking Members' agreement to remove one option for further consideration as a result of external advice and to agree the amended Table 2 [detailed in the report] i.e. Option 4 be pursued and Option 6 to be no longer pursued. Councillor Dobb said that at a meeting with Leonie Cohen, a residential homes consultant, the Authority had been informed that charitable trusts do not usually generate capital and do not always have a good track record of provision of care. Councillor Owens also said that Powys County Council are providing residential home care by BUPA.

Councillor E.C. Edwards welcomed the recommendations and said he firmly believed in options 2 and 5 in Table 2 of the report but cautioned careful consideration would be required with transfer of management of residential homes to other bodies.

Councillor W.R. Webb, whilst presently not in favour of transfer of management, agreed the matter be considered.

RESOLVED that Cabinet:-

- (a) agrees the options recommended for further consideration as set out in paragraph 5 of the report, noting that three options are now to be pursued and four are not, and
- (b) receive a further report in February 2003 which makes specific recommendation as to the preferred option.

844. POLICY AGREEMENT [CABINET 2002 - 197]

Councillor E.W. Williams presented the report for Members to note the current position with regard to Policy Agreement performance indicators against agreed targets in the Policy Agreement Performance Report as detailed in Appendix 1 and to ensure the necessary action would be taken to try to achieve the agreed Policy Agreement targets.

Councillor E.A. Owens asked whether the figures for 2.2 and 2.14 were now available. The Performance Management Manager said updated figures were still unavailable and that figures for 2.14 would not be available until January 2003.

The National Assembly for Wales has been written to to ask if the baseline for the indicator at 3.13 could be recalculated as the figures have been superseded by subsequent changes in the method of calculation.

With regard to 5.1 'A Better Quality of Life', the Corporate Director: Environment reported that waste recycling figures had doubled since last year and tenders were expected for kerbside collection schemes.

The Chief Executive reminded Members of the importance of receiving as much of the grant as possible and that targets reached in certain areas would need to be maintained, whilst other targets would need recalculation and other targets needed improvement.

Councillor E.W. Williams stressed the need to say when targets were unachievable as this would be more beneficial to the Authority.

In answer to a query from Councillor G.M. Kensler, the Corporate Director: Environment briefly detailed the alternative ways of travelling to work. A recently carried out study would be used as a baseline for the future.

RESOLVED that Members note the current position with regard to Policy Agreement performance indicators against agreed targets in the Policy Agreement Performance Report and ensure the necessary action is being taken to try to achieve the agreed Policy Agreement targets.

845. DRAFT PUBLICATION SCHEME UNDER THE FREEDOM OF INFORMATION ACT 2000 [CABINET 2002 - 198]

Councillor D.M. Morris presented the report seeking Members' approval to submit the Draft Scheme under the Freedom of Information Act 2000 attached to the report to the Information Commissioner for approval.

RESOLVED that Cabinet formally approve the Scheme in principle, allowing OMB to consider and, if necessary, amend, with final approval being delegated to the Lead Member for Communications.

846. FURTHER DELEGATIONS TO THE CHIEF EXECUTIVE [CABINET 2002 - 199]

The Chief Executive presented the report seeking Members' approval to the delegation to himself to authorise staff to undertake various roles on behalf of the Council and to delegate various functions in emergency planning regulations.

RESOLVED that Cabinet:-

- (a) delegates to the Chief Executive authorisation of staff to undertake particular roles on behalf of the Council, where such authorisation is an executive function. The delegation shall include but not shall not be limited to the authorisations mentioned in paragraph 2.1 of the report, and
- (b) delegates to the Chief Executive the functions under the emergency planning regulations listed in paragraph 2.2 of the report.

847. COMMUNITY STRATEGY: DISTRICT AUDIT DIAGNOSTIC [CABINET 2002 - 200]

Councillor E.W. Williams presented the report seeking Cabinet endorsement of the District Audit Diagnostic attached to the report and the actions taken in developing the Denbighshire Community Strategy. Members were also asked to approve the Action Plan attached to the report.

Councillor G.M. Kensler asked for clarification regarding a copy letter sent to the Assistant Chief Executive: Strategy, with regard to the area boundaries. The Assistant Chief Executive: Strategy said he had responded to the Member's query and said that agreement had been reached in the last meeting of Denbighshire Association of Local Councils that the Authority consult with each Town and Community Council [T & CCs] and visit where appropriate to discuss the matter. Some T & CCs had already expressed their views.

In response to a query from Councillor E.C. Edwards, the Chief Executive said some adjustments to the mid and south partnership could be required but that when the consultation results had been received Full Council would decide on the final areas.

RESOLVED that Cabinet receive the District Audit Diagnostic and endorse the actions taken so far in developing the Denbighshire Community Strategy and also approve the Action Plan and officer responsibilities.

At this juncture [11.35 a.m.] the meeting adjourned for 15 minutes to allow Members to participate in refreshments.

848. REVENUE BUDGET 2002-2003 [CABINET 2002 - 201]

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, particularly with regard to the Lifelong Learning Directorate. The projected overspends by individual departments would need to be contained within base budgets.

Councillor Owens detailed the problems faced by the Lifelong Learning Directorate in particular and said while recognising that some pressures were demand led and consideration would need to be given to providing additional resources for these, other pressures would need to be contained within the overall Directorate budget. Councillor Owens again stressed the need for the Council to establish a reasonable level of Reserves and each Directorate must keep control of expenditure.

Councillor R.W. Hughes said she had earlier raised concerns regarding the SEN budgets and that the previous savings on SEN staffing would not be available the following year. Councillor Hughes also reminded Members that the Directorate had limited control over the school transport costs. Councillor Owens agreed the transient nature of the population also contributed to the high SEN expenditure.

The Chief Executive reminded Members that some of the education services were demand- led and expenditure was therefore not in the Authority's control. He suggested that further consideration be given to the provision of school transport.

Councillor Hughes said Denbighshire was again bottom of the league with regard to funding for primary schools and second to bottom of the league with secondary school funding. Councillor Webb suggested that extra funding should be built into the budget for the next financial year.

The Corporate Director: Lifelong Learning thanked the Lead Member and officers for their work with the Department and said various options would be considered, including the restructuring of budgets for April 2003. A report from the Directorate of Resources is awaited to inform the options analysis. She also said the Department actively looked for funding from outside the Authority, in particular to help with capital and revenue needs for post 16 education, libraries and youth provision.

Councillor M.L.I. Davies suggested that consideration be given to reviewing transport funding for post 16 students as this was not a statutory obligation. Whilst Councillor W.R. Webb expressed his concern regarding any possible cut in funding for school transport for post 16 students, Councillor E.A. Owens said all options would be considered.

RESOLVED that report is presented to the next Cabinet meeting to identify measures aimed at reducing the projected overspend within the Lifelong Learning Directorate to ensure that balances of £1.0m are achieved by the end of the current financial year.

849. REVENUE AND CAPITAL SETTLEMENTS [CABINET 2002 - 202]

Councillor E.A. Owens detailed the findings in the report of her recent meetings with service budget holders and thanked the Lead Members and officers for their contributions and constructive ideas, particularly in regard to flexibility, project management and grant applications. Flexibility would lead to better use of resources. The separate Directorates said project managers should be employed as there was concern regarding applying for available monies from outside sources. Councillor Owens suggested that one project management team should be employed for the whole Authority rather than a manager in each Directorate. She also stressed the complexity of grant applications and suggested funding officers should be centralised grant advice service which may need to be closely allied to the economic

regeneration service. The Corporate Director: Resources was asked to follow through the points raised in the paper.

Councillor E.C. Edwards asked whether any monies have been drawn on the Rural Recovery Plan. Councillor E.W. Williams said monies had been drawn on this via the STVEI.

Councillor E.W. Williams thanked both Councillor Owens and the officers for their work on the budgets.

Councillor E.A. Owens presented the report detailing the provisional Revenue and Capital Settlements for the 2003-2004 financial year, although details of specific grants were still unavailable, the 3.3% figure used being an estimate. The ongoing costs in connection with the PIG funds must be included as a pressure for next year's funding.

Members discussed the deprivation monies allocated and the formula used to calculate the grant. The Chief Executive confirmed that he would be contacting the NAFW regarding the formula and the grant. Councillor E.W. Williams said some Authorities at the recent WLGA Co-ordinating Committee had been surprised at Denbighshire's reaction to the deprivation funding. He agreed with the Chief Executive that the local Assembly Members be asked to highlight the perverse formula used to calculate the deprivation grant and the resulting low allocation for Denbighshire. The Chief Executive agreed to write to the Assembly Members before Christmas and copy the letter to Members.

The Financial Controller discussed the detail in the Appendices to the report and referred to the level of the settlement figure allocated by the NAFW. The Assembly budget for the following year i.e. 2004/5 shows a budget increase of only 2.2% and therefore this needs to be borne in mind when setting budget levels for the next financial year. Column 5 of Appendix 1 was the current budget situation and Column 6 showed the full year impact of the contingency allocation for 2003-04. New burdens, as set out in Column 7, were detailed.

The Financial Controller explained the 4.75% increase in employer's contributions for teachers' pensions and also the 1% increase in National Insurance payments. No allowance had been made for any increases in employer's pension contributions for other staff. Other Inflation had been assumed at 3% in Column 10. The Transfers Out for 2003-04 in Column 11 included £1m for the nursing care element of residential care costs together with the impact of new funding arrangements for benefits administration.

Appendix 2 demonstrated that Assembly funding had increased by 7% excluding PIGS money assumptions. £5m would be required for the inflationary impact on budgets with additional sums for new burdens, the teachers' pension contributions, borrowing costs, and funding transfers from other sources.

The position regarding specific grants remained unclear but additional resources had been identified as follows: Additional Revenue Funding for Schools grant was increased by 44% year on year and the Local Road grant was increased by 25%. Early Years, Cymorth, Children First and Waste Management would show increased levels of funding.

Councillor D.M. Morris, as one of the Members of the Fire Authority, said the provisional information from the Fire Service was an extra 7% on the contributions assuming a Fire Service 4% pay award. The Chief Executive said the figures on the current position could change.

Councillor W.R. Webb queried the zero figure for the Chief Executive's Department in Column 10. The Chief Executive said the 3% inflation allowance was too small to trigger a figure for Other Inflation. Councillor Webb referred to the £750k capital financing charges and said this was an increasing burden on the Authority.

Councillor R.W. Hughes said the figures did not show the amount of monies currently coming into the Authority from specific grants and suggested that these figures should be recorded. Councillor E.A. Owens agreed these figures would be provided in future. However, Councillor E.W. Williams suggested if these figures were published it could lead to a possible cut in the grants.

RESOLVED that Cabinet note the level of funding in the provisional settlement for 2003-2004 for both Revenue and Capital.

850. STRATEGIC PARTNERSHIPS [CABINET 2002 - 203]

The Chief Executive presented the report detailing the role that strategic partnerships, including public private partnerships, might have in tackling some of the major investment issues facing the Council, for example, new school buildings or a possible St Asaph bypass and asked Members to take up an offer from 4Ps [Public Private Partnerships Programme] to arrange a free seminar.

RESOLVED that Members, having discussed the role that strategic partnerships might have in tackling major investment issues facing the Council, agree to take part in a seminar run by the 4Ps which would concentrate on public private partnerships for schools.

851. URGENT ITEMS [CABINET 2002 - 204]

There were no urgent items.

QUESTION AND ANSWER SESSION

No questions had been received by the closing date.

852. 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 8 and 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

853. RUTHIN FLOOD ALLEVIATION SCHEME: LAND ENTRY [CABINET 2002 - 205]

Councillor M.A. German presented the report seeking Members' approval to the use by the Corporate Director: Environment of powers under the Land Drainage Act 1991, in order to gain entry to land in private ownership to construct the Ruthin Flood Alleviation Scheme, subject to associated risks being minimised.

The Corporate Director: Environment detailed the background to the scheme and said that a flood monitoring system was now in place, which had triggered three call-outs this year. He said the public consultation carried out in January/February 2002 had favoured the quickest route for the drainage of water. Lengthy negotiations had been carried out with 10 landowners [including Denbighshire County Council and the WDA] covering 14 different parcels of land. Some issues still needed to be resolved where land owners had raised their concerns.

It was hoped to have identified a contractor from the tendering process before Christmas and the construction work could commence mid January 2003. The Corporate Director detailed recent case law and said the Section 151 and Monitoring Officers had carried out a risk assessment.

In response to a query from Councillor E.A. Owens, the Corporate Director: Environment detailed the possible compensation element of the scheme.

Councillor D.M. Morris congratulated the officers on the detailed report and asked that the residents be kept informed of the various stages.

RESOLVED that Members:-

- (a) noting the pressing need to construct the proposed flood alleviation scheme for Ruthin as expeditiously as possible, approve the use by the Council of powers contained within Section 64 of the Land Drainage Act 1991, subject to the condition that the outstanding issues referred to at

2.3 of the report are satisfactorily resolved such that the risk to the County Council of legal challenge is minimised as far as possible, and

- (b) *authorise the Corporate Director: Environment and all officers of the Council designated to him for this purpose to act as authorised persons on behalf of the Council in relation to the Land Drainage Acts 1991-4 and in particular the power to enter land at all reasonable hours including for the purpose of survey.*

854. PRUDENTIAL BORROWING - HOUSING [CABINET 2002 - 206]

Councillor E.A. Owens presented the report seeking Cabinet's agreement to the appointment of a consultant which was not the lowest quotation.

RESOLVED that Cabinet confirms the appointment of Deloitte & Touche consultants in accordance with paragraph 14.2 of Contract Standing Orders and Financial Regulations.

The meeting concluded at 1.15 p.m.
