

CABINET

Minutes of the Cabinet meeting held in the Town Hall, Rhyl on Tuesday 28th January, 2003 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: Councillor M.L.I. Davies.

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 informed Members of the sudden death of Councillor W. Glynne Thomas, a member of DCC since the last election. He was the Labour Councillor for Rhyl South East. Councillor Thomas was Chairman of Resources Scrutiny, a member of the Modernising Panel and Secretary of the Labour Group and had also been a member of Rhyl Town Council since 1999 and was this year's Deputy Mayor.

Councillor Hughes also informed Members of the death of the mother of Bryn Jones, the County's translator and extended the Cabinet's sympathy to Bryn.

Members were asked to stand in silent tribute.

968. URGENT MATTERS

Part I Verbal report by the Corporate Director: Lifelong Learning on Funding Successes
Part II Verbal update on the Wirral and North Wales Purchasing Organisation.

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

The Minutes of the Cabinet meeting held on 17 December 2002 were submitted.

Item 13 Ruthin Flood Alleviation Scheme: Land Entry - Councillor E.W. Williams said a press release had been issued with work due to commence 24.02.2003.

***RESOLVED** that subject to the above the Minutes of the Cabinet meeting held on 17 December 2002 be approved as a correct record and signed by the Deputy Leader.*

970. TRANSPORT OPERATIONS [FLEET MANAGEMENT/MAINTENANCE] BEST VALUE REVIEW [CABINET 2003-02]

Councillor M.A. German presented the report seeking Members' authorisation to implement the recommendations contained within the Transport Operations [Fleet Management / Maintenance] Best Value Review.

Councillor G.M. Kensler, replying to Councillor German's statement that no site in Denbigh had been identified, expressed her sadness at the likelihood of not having a depot in Denbigh.

Councillor E.A. Owens emphasised that capital funding could be used for the project on the assumption that the project would be completed.

Councillor E.C. Edwards said he was pleased to see the inclusion of a satellite station in Ruthin and supported the decisions within the report.

All Members were supportive of the content of the Action Plan and Best Value report.

RESOLVED that Cabinet approve the implementation of the Transport Operations [Fleet Management /Maintenance] Best Value Review as part of the continued service improvement process of Denbighshire County Council.

971. REVENUE BUDGET 2002/03 [CABINET 2003 - 03]

Councillor E.A.Owens presented the report seeking Members' support for remedial action to be taken within the Lifelong Learning Directorate to remove the projected overspendings in the light of the latest budget performance figures. Councillor Owens emphasised that part of any underspend reported by Directorates would be transferred to their 2003/04 revenue budgets.

RESOLVED that Cabinet Members note the projected outturn position and its impact on the strategy to deliver balances of £1.0m by the end of 2002/03 and emphasise the requirement for the Lifelong Learning Directorate to take measures to contain expenditure during the remainder of the year.

972. HOUSING REVENUE ACCOUNTS: CAPITAL AND REVENUE BUDGETS 2002/03 AND 2003/04 [CABINET 2003 - 04]

Item withdrawn. The Chief Executive said the report would be presented at the next Cabinet to ensure implementation of any recommendations from April 2003.

973. INCREASED FEES FOR RESIDENTIAL NURSING HOMES AND DOMICILIARY CARE [CABINET 2003 - 05]

Councillor P.A. Dobb presented the report seeking Members' agreement to a 2% increase in fees paid under the Residential / Nursing Home Care Agreement and the Contract for Domiciliary Care Services as detailed in the appendices to the report.

Councillor G.M. Kensler referred to a press article regarding cross-boundary clients coming to Denbighshire for nursing home care. The Corporate Director: Personal Services said some Denbighshire homes could be affected but the problem was more prevalent in Wrexham and Flintshire.

Councillor E.A. Owens emphasised the risks of possible underfunding. The Corporate Director: Personal Services agreed there were underfunding risks and nursing home owners operated under certain assumptions i.e. staffing costs and return on capital. The Corporate Director said representations on the issues had been made to the NAFW.

RESOLVED that Cabinet approve:-

- (a) the increases in Appendix 2 to the report, and
- (b) a 2% increase in fees paid to providers of domiciliary care.

974. BUDGET 2003/04 [CABINET 2003 - 06]

Councillor E.A. Owens presented the report in the light of the final Revenue Support Grant Settlement details recently announced seeking Members' consideration of the revenue budget proposals for 2003/04 and asked Members to indicate the preferred level of Council Tax for recommendation to Council.

Councillor Owens reminded Members that deliverable services budgets had to be agreed before the start of the new financial year. She went on to detail the overall budget position in the appendices and also the latest position regarding bids from Directorates for additional funding for service improvements. Councillor Owens said some priorities e.g. the Denbigh One Stop Shop and ICT growth would not now be possible unless higher Council Tax increases were agreed.

The Financial Controller detailed the final settlement and the figures in Appendix 2. He then detailed the redistribution within Appendix 3.

Members queried various aspects of the budget, in particular funding of SEN, school meals, the Eisteddfod. Councillor Owens noted Members' concerns.

Councillor Owens said a number of specific grants had still to be announced by the NAFW.

Members agreed that the Informal Cabinet meeting to discuss budgets had been helpful and the Deputy Leader thanked Members for the support given to the schools. Councillor E.W. Williams said once distributed, it was up to individual schools how the budget was spent. Councillor W.R. Webb agreed and said it was unfair for prudent schools to be penalised for those schools who may have spent unwisely. Councillor D.M Morris said he would welcome re-examination of the formula for setting school budgets.

With regard to Appendix 3, Councillor Owens said she had particular concerns regarding Personal Services and the DVSC grants.

In reply to a query, the Chief Executive confirmed that Cabinet were asked to agree the eight reviews and developments outlined in Appendix 4. He also agreed that a paper be produced on Ysgol Tir Morfa for the next Cabinet meeting. The Corporate Director: Lifelong Learning said no new information had been made available from ELWa on Post 16 education to date.

RESOLVED following consideration of the bids for additional funding for service improvements as detailed in Appendix 3 to the report, Members recommend the service budgets in Appendix 2 attached to the report and agree the consequential final level of Council Tax to Council.

At this juncture [11.15 a.m.] the meeting adjourned for 15 minutes to allow Members to participate in refreshments.

975. HIRAETHOG DEVELOPMENT PROJECT [CABINET 2003 - 07]

Councillor G.M. Kensler presented the report informing Cabinet of the partnership-driven rural regeneration project and to seek in principle support for the next phase of the project.

The Chief Executive outlined the capital funds in regard to the project and after discussion, Members agreed to amend the Resolution at 8.2.

RESOLVED that Cabinet:-

- (a) approve in principle the Environmental Strategy and Action Plan for the Hiraethog Area, and
- (b) support implementation of the strategy and action plan, subject to the necessary resources being made available from the Council's capital funds in respect of capital elements of the plan, with any revenue elements being met from existing budgets.

976. PROPOSAL FOR THE OPERATION OF A NORTH WALES ADOPTION CONSORTIUM [CABINET 2003 - 08]

Councillor J.A. Smith presented the report seeking Members' approval of the Memorandum of Agreement of the six Local Authorities across North Wales to operate as a formal Adoption Consortium as detailed in the Appendix to the report.

RESOLVED that the:-

- (a) Memorandum of agreement is approved by Denbighshire County Council;
- (b) following powers be delegated:-

- (i) *the Chief Executive be delegated the authority to nominate the holder of a named post to be a member of the managing body of the Consortium, as required by clause 3(c) of the agreement, and*
- (ii) *the Chief Executive be delegated the authority and responsibility for decision making in respect of the management and development of the Consortium, and further, the authority to delegate such powers to the Director of Personal Services and thereafter the post holder nominated in accordance with paragraph 7(b)(i) of this report.*

977. PROTOCOL FOR THE DISPOSAL OF ASSETS [CABINET 2003 - 09]

Councillor W.R. Webb presented the report seeking Members' agreement to the Protocol to be followed when disposing of Council assets, as detailed in the Appendix to the report.

The Deputy Chief Executive / Corporate Director: Resources outlined various queries raised by Councillor R.E. Jones, in particular the issue of Local Member consultation. It was agreed to include "An issue should be considered as possibly involving a Local Member if the matter relates specifically to a Local Member's ward or may have a material impact in the area of which the electoral division forms a part" after the first sentence in paragraph 12. Members also agreed to delete the third sentence of paragraph 12 "It is unlikely to be needed where disposal values fall below £100k".

It was noted that the figure at para 4a and 4b was agreed by Cabinet of 18.06.2002 as being £500k.

RESOLVED *that Cabinet agree the Protocol to be followed when disposing of Council assets as detailed in the Appendix to the report, as amended above.*

978. APPROVAL OF SUPPLEMENTARY PLANNING GUIDANCE [CABINET 2003 - 10]

The M.A. German presented the report seeking Members' approval of the Supplementary Planning Guidance Notes [SPGs] 4, 6, 11 and 25 attached to the report for use in development control.

Councillor E.C. Edwards reminded Members of the impact of opening hours of hot food takeaways on crime and disorder and asked the Planning Officers to bear in mind such matters when dealing with applications under SPG No. 11.

The Head of Planning Services confirmed that the SPGs affected only new applications.

RESOLVED *that Cabinet approve Supplementary Planning Notes 4, 6, 11 and 25 attached to the report and recommend them for adoption by the Council.*

979. ANIMAL LICENSING MOVEMENT REGULATIONS [CABINET 2003 - 11]

Councillor E.W. Williams explained that the report had been overtaken by events and that DEFRA had now implemented a '6 day rule' with regard to the movement of animals.

At Councillor E.C. Edwards' suggestion, it was agreed that Cabinet write to DEFRA.

RESOLVED *that Cabinet note the report and write to DEFRA.*

980. OMBUDSMEN'S SERVICES IN WALES [CABINET 2003 - 12]

Councillor E.W. Williams presented the report seeking agreement to a response to the Wales Office and Welsh Assembly Government Consultation paper 'Ombudsmen's Services in Wales: Time for Change?'.

The Chief Executive outlined the role of the Police Complaints Authority in response to a query from Councillor G.M. Kensler.

RESOLVED *that Cabinet respond in the following terms:-*

- (a) *there should be a single ombudsman dealing with complaints about public services in Wales, covering the Assembly, its public bodies, NHS Wales and local authorities in Wales (including police and fire authorities) although the Police Complaints Authority should continue to investigate complaints about operational policing matters;*
- (b) *the title should be the Ombudsman for Wales/Ombudsman Cymru. There should be no provision in legislation requiring the appointment of deputies;*
- (c) *the Ombudsman should be appointed by Her Majesty the Queen, to underline his or her independence. This implies that the Secretary of State for Wales should advise Her Majesty on the appointment, but he should be under a statutory requirement to consult the Assembly and representatives of local government in Wales about the appointments. The term of office should be fixed at 5 years, with the possibility of re-appointment, and other terms and conditions should be set by the Secretary of State following consultation with the Assembly;*
- (ch) *the present arrangements for funding the Welsh Assembly Ombudsman and Health Service Commissioner for Wales should be applied to the Ombudsman for Wales. The arrangements for funding the local government ombudsman from revenue support grant should come to an end. We accept that this would require a once and forever transfer from RSG to funding for the ombudsman;*
- (d) *staff of the ombudsman should not be civil servants, to underline the independence of his/her office from the Assembly;*
- (dd) *the case for an advisory board is not proven and we doubt that the expense of establishing and maintaining it would be justified. In addition, it might seem to undermine the independence of the Ombudsman;*
- (e) *the Welsh Language Act 1993 should apply to the Ombudsman;*
- (f) *the Ombudsman should produce an annual report which would be laid before the Assembly. There is no reason to provide in statute for this to be considered collectively by local government, since the Welsh Local Government Association can scrutinise it if so desired, and*
- (ff) *the Ombudsman's Office should be located in North Wales or there should, at the very least, be a staffed sub-office in North Wales.*

981. INCREASING FLEXIBILITY WITHIN THE BUDGET [CABINET 2003 - 13]

The Chief Executive presented the report seeking Cabinet recommendation to Council the amendments to the Constitution that would promote greater flexibility in deployment of resources within the budget.

Members discussed the report in detail and agreed the matter be deferred to enable further discussion at an Informal Cabinet meeting.

RESOLVED *that the matter be deferred.*

982. CAPITAL PLAN 2003-04 [CABINET 2003 - 14]

Councillor E.A. Owens presented the report seeking Cabinet recommendation to Council the proposals outlined for the treatment of the General Funded element of the Capital Plan for 2003/04.

RESOLVED *that Cabinet recommends to Council the proposals for the development of the 2003/04 Capital Plan.*

983. COUNCIL TAX REVALUATION AND REBANDING 2005 [CABINET 2003 - 15]

Councillor E.A. Owens presented the report seeking Cabinet approval to the response to the consultation on Council Tax Revaluation and Rebanding 2005.

Members discussed the impacts of the revaluation and rebanding and the Chief Executive emphasised the resultant estimated fall in the Denbighshire tax base of 3.4%.

RESOLVED that Cabinet approve the response to the consultation on Council Tax Revaluation and Rebanding 2005 as detailed in the report and appendices.

984. URGENT ITEMS [CABINET 2002 - 16]

The Corporate Director: Lifelong Learning announced that Jane Hutt, Minister for Social Services and Jane Davidson, Minister for Education and Lifelong Learning, would be attending a meeting on 6 March 2003 regarding Ysgol Plas Brondyffryn's acquisition of Gwynfryn, Denbigh.

The Corporate Director also informed Members that the County had been awarded £1m for three years, to be match funded by Objective 1 for the improvement of secondary school learning sites. A further £800k has also been awarded to develop lifelong learning buildings.

QUESTION AND ANSWER SESSION

No questions had been received by the closing date.

985. 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.

986. URGENT ITEMS [CABINET 2002 - 16]

WIRRAL AND NORTH WALES PURCHASING ORGANISATION

Councillors W.R. Webb, E.W. Williams and E.A. Owens updated Members on the current situation, having attended the recent Board meeting.

RESOLVED that Members note the verbal report.

987. LEARNING DISABILITIES RESPITE CARE FOR NORTH DENBIGHSHIRE [CABINET 2003 - 17]

Councillor P.A. Dobb presented the report seeking Members' approval to allow an exception to the tendering procedure so as to enable the appointment of Highbury Care Services as provider of a new Learning Disabilities Respite Care Scheme.

RESOLVED that Cabinet approve an exception to the tendering procedure so as to enable the appointment of Highbury Care Services as provider of a new Learning Disabilities Respite Care Scheme from 1 February 2003.

988. THE CHAPEL, LLANGOLLEN [CABINET 2003 - 18]

Councillor G.M. Kensler presented the report seeking Cabinet's agreement to negotiate inflation price increases to a time expired tender previously obtained as the lowest tender by a competitive process.

RESOLVED that Cabinet approve the action set out in the report.

The meeting concluded at 12.45 p.m.
