CABINET

Minutes of the Cabinet meeting held in the Sculpture Gallery, Bodelwyddan Castle, Bodelwyddan on Tuesday 29 April 2003 at 10.00 a.m.

PRESENT

Councillors E C Edwards, Lead Member for Safeguarding our Communities; 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; M M Jones; R E Jones and N Hugh Jones.

ALSO PRESENT

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

APOLOGIES

Councillors P A Dobb, Lead Member for Health and Wellbeing and Councillor M A German, Lead Member for Sustainable Development and Environment.

ANNOUNCEMENT

The Deputy Leader welcomed to the meeting Andrea Garcia Balda, a Spanish student on the Leonardo da Vinci programme working in the Resources Directorate for two months.

1312. URGENT MATTERS

Item 9 Brondyffryn Trust, Denbigh - to be considered in Part II.

Item 15A Community Fund Capital Bid.

1313. MINUTES OF THE CABINET [CABINET 2003 - 46]

The Minutes of the Cabinet meeting held on 25 March 2003 were submitted.

Item 4 Best Value Review of Residential Homes: Councillor E A Owens asked that her concerns regarding releasing the requisite £1m be included as part of the penultimate paragraph. Councillor G M Kensler asked that the TUPE regulations being likely to change be added to her comments in the third paragraph.

Councillor EC Edwards asked that his abstention on the vote be formally recorded.

Item 5 Best Value Review of Green Spaces: Councillor G M Kensler asked that "Education Scrutiny" be replaced with "Environment Scrutiny" in the Resolution. Councillor Kensler informed Members that she had asked to be represented on any meetings to discuss the report.

Item 11 Urdd National Eisteddfod 2006: Councillor E C Edwards reminded Members that a breakdown of associated costs was awaited. The Chief Executive informed Members he had received a letter of thanks from the Urdd with regard to the financial and other support offered by Denbighshire to the Eisteddfod in 2006.

Item 16 Capital Project Bids: Councillor R W Hughes asked that her declaration of interest in the first item be recorded. Councillor E A Owens said all Members would be advised of the capital project bids by June 2003.

Members took the opportunity to discuss the Arial 14 font used on the Cabinet papers. The Chief Executive explained that at the AGM of the Denbighshire Access Group reference had been made to the print size of Council papers. Following a brief discussion, it was **RESOLVED** that a report regarding print size of Council papers be brought to Cabinet at a future date.

RESOLVED that subject to the above the Minutes of the Cabinet meeting held on 25 March 2003 be approved as a correct record and signed by the Deputy Leader.

1314. BODELWYDDAN CASTLE

[Councillor R W Hughes, Chair of Bodelwyddan Castle Trust declared an interest in the item.]

Dr K S Mason, Director of Bodelwyddan Castle Trust gave a presentation on "Bodelwyddan Castle Trust ~ A Business Development". Dr Mason outlined the history of the Trust and the lack of investment in the Castle since 1988, with the initial revenue budget of £304k now at £194k. He also explained the restrictions imposed by the lease on the Trust. He went on to outline funding received from the National Portrait Gallery and the Heritage Lottery Fund and the work done with the JAMES Partnership. £225k had been received from the Heritage Lottery Fund and £200k from the Department of Culture, Media and Sport to redevelop the first floors of the Castle as major and temporary galleries in North Wales. Visitor numbers had increased from 30826 in 1999 to 45408 in 2001. Continuous investment was required to improve the income potential and maintain the status of the Castle as a tourist and educational centre. The future projects for the Castle were to develop visitor facilities i.e. Cafe, toilets etc, and to realise the educational potential of the natural environment. The Trust hoped to secure additional partners to enhance the visitor experience.

Councillor E W Williams asked what level of funding the Trust hoped to receive from Denbighshire. Dr K S Mason said he hoped the level of funding from the Authority would remain at £194k. Other possible funding sources were Objective 1 and the Wales Tourist Board. The Heritage Lottery Fund would again be approached with a view to funding the development of an education facility on site.

The Chief Executive agreed that Bodelwyddan Castle was one of Denbighshire's jewels and reminded Members that later in the year Cabinet would be asked to consider the level of grant to be paid to the Trust to ensure the continuing development of the facilities at the Castle. He also said that the Authority would be prepared to consider the lease conditions with the Trust to see whether the conditions needed updating.

Councillor E C Edwards thanked Dr Mason for his informative presentation and took the opportunity to pay tribute to Councillor W R Webb as the Chair of the former Clwyd County Council Policy and Finance Committee which had had the foresight to purchase the Castle for the then Authority. He also referred to the late Councillor Dilwyn Lloyd Williams, the Chair of the Trust who had, with Dr Mason, been instrumental in starting to turn around the finances of the Trust.

Councillor R W Hughes, speaking as Chair of the Trust said a new phase was commencing today, with the new gallery spaces being very important to Wales as a whole. Councillor Hughes thanked Dr Mason for his hard work at the Castle and for making the Trust a success. Councillor G M Kensler echoed Councillor Hughes' sentiments.

The Deputy Leader thanked Dr Mason for his informative presentation and also for the venue for the Cabinet meeting, which would allow Members the opportunity to tour the new galleries.

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

1315 SCHOOL ORGANISATION PLAN [CABINET 2003 - 48]

Councillor R W Hughes presented the report seeking Cabinet approval for the School Organisation Plan and to recommend to Council that the plan be adopted.

Councillor E A Owens expressed her concerns regarding over-capacity, particularly in some schools in her Ward. This led to inequality. Schools also had to cope with building developments in Rhyl which stretched resources further and she said the Authority should support Lifelong Learning in whatever way possible.

Councillor G M Kensler asked that reference to the North Wales Hospital premises be removed from the report. The Chief Executive said some parts of the current report were historical and that the following year's report would include a timetable and schedule of work. He also said that the Review of the UDP should consider asking developers to pay towards school provision.

RESOLVED that Cabinet approve the School Organisation Plan and recommend to Council that it be adopted.

1316 REFURBISHMENT OF RHYL WEST PROMENADE [CABINET 2003 - 49]

The Corporate Director: Environment presented the report for Members' endorsement of the feasibility study attached to the report to enable officers to seek funding opportunities in order to implement the final scheme. The ideas which had emerged from the consultation process could lead to a highly ambitious project. From the outline concept a properly costed project was required and further more detailed consultation with local businesses would be carried out.

Councillor E A Owens said the support for the refurbishment project from the Rhyl community was almost unanimous and the community saw this as the way forward and expected the development to take place. She congratulated the Corporate Director: Environment and particularly the Design Services team on all their hard work on the project.

Councillor G M Kensler said she welcomed the report but referred to the Financial Controller Statement regarding the revenue implications. It was important that money was set aside for the upkeep of such developments. The Corporate Director: Environment said the development was at the concept stage only and upkeep / maintenance of the proposed development would be addressed in the design process.

RESOLVED that:-

- (a) Cabinet note the report and officers pursue funding for further detailed design work and implementation, and
- (b) consultations on the feasibility stage be concluded.

1317 REGIONAL SPORTS FACILITIES [CABINET 2003 - 50]

Councillor G M Kensler presented the report seeking Cabinet approval to submit an expression of interest for the bids to the Sports Council for Wales for:-

- (a) a water-based artificial turf hockey pitch at Denbigh
- b(i) a new 8 lane x 25m Competition Pool at Llangollen

or

b(ii) an extension of 2 lanes at Rhyl Swimming Pool to enable regional competitions.

Councillor W R Webb asked whether the provision of an 8 lane competition pool at Llangollen was realistic. The Assistant Director: Culture said it was very unlikely that Objective 1 would be able to provide the scale of funding required for such a project. Councillor E W Williams agreed and said that a smaller pool would be more suitable for Llangollen. Councillor R W Hughes agreed that such a facility was not the most appropriate for Llangollen. The Chief Executive agreed with Members' views that bid for a new competition pool for Llangollen should not be pursued.

RESOLVED that Cabinet agree to the submission of an expression of interest for a bid to the Sports Council for Wales for:-

- (a) a water-based artificial turf hockey pitch at Denbigh, and
- (b) an extension of 2 lanes at Rhyl Swimming Pool to enable regional competitions.

1318 DENBIGHTOWNSCAPE HERITAGE [CABINET 2003 - 51]

The Corporate Director: Environment presented the report seeking approval for the submission of an application to the Heritage Lottery Fund for a Phase 2 Townscape Heritage Initiative for Denbigh before the end of May 2003.

Councillor E A Owens said this would be looked upon favourably under the Capital Project Bids.

Councillor G M Kensler took the opportunity to thank Nathan Blanchard, Project Manager for his work on the Initiative.

RESOLVED that Cabinet authorise officers to submit a Phase 2 Townscape Heritage Initiative application to the Heritage Lottery Fund for Denbigh.

1319 YSGOL TIR MORFA DEVELOPMENT - LATEST SITUATION [CABINET 2003 - 52]

Councillor R W Hughes presented the report seeking Cabinet approval to relocate Ysgol Tir Morfa pupils presently based on the Rhuddlan site onto the Rhyl site by 1 September 2003.

Councillor W R Webb referred to the Task and Finish Group and said that after the initial meeting of the Group had taken place as far as he was aware, no further meetings had been convened. He said he was not in agreement with parts of the report and would not be able to support the recommendations. The Chief Executive said the Task and Finish Group had been established to consider the new building required. The Rhuddlan site was to be vacated in its entirety.

Members discussed in detail the various costs involved, including whether or not £45k for siting the mobiles was the correct figure and whether it had been included in the £100k for extending the car park facilities.

Councillor R W Hughes emhasised that Lifelong Learning had been unaware until March 2003 that the school could not be kept open.

After further discussion Members agreed another detailed report be provided. It was further agreed that the Lead Member for Finance be involved in discussions with regard to the financial implications.

RESOLVED that Members agree:-

- (a) the Rhuddlan site of Ysgol Tir Morfa is vacated by the end of the Summer Term 2003 to allow the developers full access to the building site and that the pupils be relocated to the Rhyl site to be operational by 1 September 2003;
- (b) that temporary accommodation, additional staff car parking, improved play area and traffic management system be provided on the Rhyl site to cater for the additional numbers, and

(c) the capital receipt from the sale of the Tir Morfa site is utilised to fund the capital element of the work with the Lead Member for Finance being involved in discussions with regard to resource implications, and retrospective Council approval be sought.

1320 WIRRAL AND NORTH WALES PURCHASING ORGANISATION [WNWPO] [CABINET 2003 - 54]

Councillor W R Webb presented the report for Cabinet to note and endorse unanimous decisions of the Governing Body of the Wirral and North Wales Purchasing Organisation (WNWPO) on 28.03.2003 consequent on notices of intention to withdraw submitted by Conwy County Borough Council, Denbighshire County Council and Wirral Metropolitan Borough Council. Councillor Webb emphasised the hard work taken by the senior officers of the Resources Directorate with regard to the WNWPO.

Councillor E A Owens stressed the need for Denbighshire staff to continue to trade with the WNWPO.

RESOLVED that Cabinet endorse the action taken by and the decisions of the Governing Body of the Wirral and North Wales Purchasing Organisation.

1321 RUTHIN OFFICE DEVELOPMENT [CABINET 2003 - 55]

Councillor W R Webb presented the report seeking Cabinet:-

- 1 confirmation of the recommendations for staff to be based in the new building;
- 2 agreement to delegate control of the £200k capital allocation regarding PFI to the Lead Member for Property and Asset Management, and
- 3 agreement to delegate responsibility for minor changes in revenue costs to the Lead Member for Property and Asset Management.

Councillor Webb pointed out that with 19 above capacity, there was little scope for growth in staff numbers. The Corporate Director: Resources agreed with Councillor Webb and said currently total staff numbers were increasing by approximately 100 per year.

Councillor E A Owens said she had discussed possible staff moves with some members of the County Clerk's Department and expressed their concerns regarding a possible move to Ruthin which would take them away from their customers in Rhyl and could lead to a possible fragmentation of the Legal Section. She suggested the part of the Department should be considered along with other Departments to stay in situ at the appropriate time. She also took the opportunity to congratulate the County Clerk and his Legal Section on achieving Lexcel Accreditation.

Councillor E W Williams suggested a report be produced for Cabinet which should include a breakdown of the County Clerk's Department of staff numbers, locations and work carried out which would enable Members to make an informed decision on possible staff moves.

RESOLVED that Cabinet:-

- (a) confirm the recommendations for staff to be based in the new building;
- (b) agree to delegate control of the £200k capital allocation regarding PFI to the Lead Member for Property and Asset Management, and
- (c) agree to delegate responsibility for minor changes in revenue costs to the Lead Member for Property and Asset Management.

1322 CLWYD LEISURE LIMITED: LEASES [CABINET 2003 - 56]

Councillor G M Kensler presented the report to reaffirm the Council's agreement to sign the leases for the transferal of the Sun Centre, Nova Centre, North Wales Bowls Centre and Sky Tower, as agreed by Council in March 2001. Councillor Kensler took the opportunity to condemn leaks to the media regarding issues concerning Clwyd Leisure and also thanked the Corporate Director: Resources and his officers for their work.

RESOLVED that Cabinet reaffirm the Council's agreement to sign the leases for the transferal of the Sun Centre, Nova Centre, North Wales Bowls Centre and Sky Tower, as agreed by Council in March 2001.

1323 DELEGATION OF AUTHORITY IN RELATION TO THE ADOPTION AND FOSTERING PANEL [CABINET 2003 - 57]

Councillor J A Smith presented the report seeking delegation of authority to identified officers in respect of:

- 1. Appointment of Chair and Members to the Adoption Panel
- 2. Making decisions for the Authority in respect of fostering matters
- 3. Making decisions for the Authority in respect of adoption matters

RESOLVED that:-

- (a) the power to appoint a Local Authority Member to the Adoption Panel under Regulation 5(2)(b) of the Adoption Agencies Regulations 1983 (as amended) be delegated to the Lead Member for Social Inclusion;
- (b) that the power to appoint the Chair and other members of the Adoption Panel with the exception of the Local Authority Member above be delegated to the Chief Executive, and
- (c) the power to make decisions upon the recommendations of Fostering and Adoption Panel be delegated to the Chief Executive.

1324 REVIEW OF DECISION BY CABINET - TRANSPORT [FLEET MANAGEMENT / MAINTENANCE] BEST VALUE REVIEW [CABINET 2003 - 58]

The Corporate Director: Environment presented the report to update Cabinet on progress with identifying a site for a new fleet maintenance workshop.

RESOLVED that Cabinet note the position and that a further report be provided when all options have been fully investigated.

1325 URGENT ITEMS [CABINET 2003 - 59]

1325A COMMUNITY FUND CAPITAL BID [CABINET 2003 - 59A]

[Councillor E W Williams declared an interest in the item.]

Councillor E A Owens presented the report seeking Cabinet approval to use £6000 from the Community Fund Capital Block Allocation to purchase approximately 2 acres of land at Ysgol Clocaenog, to secure the land currently used as a football pitch for the school and the community. Councillor Owens said although applications were usually taken in groups, the current application had to be considered by Cabinet owing to the sale of the land being held on 01.02.2003. The application would be considered retrospectively by both Scrutiny Committee and County Council.

RESOLVED that Cabinet approve the use of £6000 from the Community Fund Capital Block Allocation to purchase 2 acres of land at Ysgol Clocaenog, to secure the land currently used as a football pitch for the school and the community.

1325B. QUESTION AND ANSWER SESSION

No questions had been received.

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

1325C. EXCLUSION OF PRESS AND PUBLIC

RESOLVED under Section 100A(4) of the Local Government Act 1972 the Press and Public be excluded form 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, 7, 8, 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

PART II

1326 BRONDYFFRYN TRUST, DENBIGH [CABINET 2003 - 53]

[Councillor G M Kensler, as member of Brondyffryn Trust declared an interest in the item.]

The Chief Executive presented the report seeking Cabinet agreement:-

- (i) on whether the Council should act as the named guarantor of a loan to be made by a leading commercial bank to the Brondyffryn Trust for the building of a residential unit for children at the Gwynfryn site, Denbigh;
- (ii) on whether the Council should provide revenue support to the Trust for the period between 1 September 2003 and 31 March 2004, and
- (iii) that pursuant to Contract Standing Order 14.2 Cabinet authorise the County Clerk to engage external solicitors not being the lowest tenderer.

The Chief Executive explained to Members that the proposed residential facility at the Gwynfryn site for the school had been gifted by the Welsh Assembly Government with various conditions attached. Members agreed his suggestion to write to the Welsh Assembly Government asking for their further consideration to gifting the site without conditions which would allow the bank to accept the site as security from the Trust. He emphasised the Authority's commitment to the project.

After discussion it was agreed that resources be made available to fund the legal work required. It was also agreed that once legal consultants had been appointed and further information had been made available, a meeting be held between all the Ysgol Brondyffryn Trustees, the Chief Executive, the Corporate Director: Resources, corporate Director: Lifelong Learning and other relevant senior staff from the Education Department to discuss the financial position.

It was also considered that additional representation by Denbighshire County Council Members on the Board may be beneficial.

RESOLVED that:-

(a) the Authority reaffirm their commitment to the development of Ysgol Plas Brondyffryn as a centre
of excellence for children and young people;

- (b) authorise the Chief Executive to write to the Welsh Assembly Government asking for removal of the conditions attached to their gift of the Gwynfryn site;
- (c) Cabinet agree the County Council should not act as guarantor of a loan from a commercial bank to the Brondyffryn Trust and agree not to provide revenue support to the Trust for the period between 1 September 2003 and 31 March 2004;
- (ch) the County Clerk be authorised to engage external solicitors pursuant to Contract Standing Order 14.2 not being the lowest tenderer, and
- (d) after the appointment of legal consultants, a meeting be held between all the Ysgol Brondyffryn Trustees, the Chief Executive, the Corporate Director: Resources and relevant senior staff from the Education Department.

1327 AUTHORISATION OF SINGLE TENDER ACTION [CABINET 2003 - 60]

Councillors J A Smith presented the report seeking Cabinet endorsement of the Corporate Director: Environment's decision to authorise a single tender procedure in relation to works at Unit 5, Rhyl Railway Station

RESOLVED that Cabinet endorse the decision by the Corporate Director: Environment to authorise, on 20.03.2003, the single tender procedure for undertaking works at Unit 5, Rhyl Railway Station within a restricted time limit.

1328 INCOME SHARE AGREEMENT: PULSE FITNESS PLC - RHYL LEISURE CENTRE [CABINET 2003 - 61]

Councillor G M Kensler presented the report seeking Cabinet approval to grant authority to the Head of Service to extend for 5 years the current income share agreement with Pulse Fitness PLC to secure a major refurbishment and upgrading of the Planet Pulse Fitness Centre at Rhyl Leisure Centre.

RESOLVED that Cabinet authorise the Head of Service to agree a 5 year extension of the current income share agreement with Pulse Fitness PLC to secure the refurbishment and upgrading of the facilities at Planet Pulse, Rhyl Leisure Centre.

1329 PURCHASE OF REFUSE VEHICLES [CABINET 2003 - 62]

The Corporate Director: Environment presented the report seeking Cabinet authorisation to purchase 3 new refuse vehicles [1 at 18 tonnes and 2 at 26 tonnes] for use within the County for the collection of waste and not to accept the lowest tender.

Councillor E A Owens emphasised that purchase arrangements were of a temporary arrangement and would be superseded by prudential borrowing.

RESOLVED that:-

- (a) the Capital plan be amended to take account of the vehicle purchases identified in the report;
- (b) authorisation be given to accept the quotations for the purchase of (i) 1 X 18 tonne Dennis/Dennis low entry refuse collection vehicle. (ii) 2 X 26 tonne Dennis/Dennis low entry refuse collection vehicles, noting that the quotations are not the lowest obtained but that the whole life cost of the vehicles represents the Best Value to the Authority, and
- (c) approval be given to negotiate further to see whether any extra discounts can be acquired on the tendered prices – as purchasing 3 vehicles.

1330 ECTARC SHORT TERM FINANCIAL SUPPORT [CABINET 2003 - 63]

[Councillor R W Hughes, Chair of ECTARC declared an interest in the item.]

Councillor G M Kensler presented the report seeking approval of credit facilities for ECTARC, initially until July 2003, with delegated authority for the Lead Member for Promoting Denbighshire and the Lead Member for Finance to extend the agreement in conjunction with the Corporate Director: Resources.

Councillor R W Hughes stressed the importance of ECTARC to the economy of Llangollen and surrounding area and asked that Cabinet received a presentation from ECTARC at a future date. The organisation had now refocused its work on lifelong learning. Both the Welsh Assembly Government and ELWa had been approached for funding.

Councillor E A Owens said she supported the short term credit facility but emphasised there would be no carry over of credit facilities to the next financial year.

RESOLVED that Cabinet:-

- (a) approve credit facilities for ECTARC until July 2003;
- (b) approve delegated authority to the Lead Member for Promoting Denbighshire and the Lead Member for Finance, in conjunction with the Corporate Director: Resources, to extend the facility if required for a period of up to a further 9 months but not into the next financial year, and
- (c) receive a presentation from the Chief Executive of ECTARC at a future date.

1331 FINANCIAL IMPLICATIONS ARISING FROM THE SALE OF MORFA HALL [CABINET 2002 - 64]

Councillor W R Webb presented the report seeking Members':-

approval of revenue funding of £200k per annum to cover the cost of the lease of office accommodation at Zurich Buildings, Prestatyn;

agreement to seek retrospective approval by Council of the reallocation of capital funding of £120k from the provision of office accommodation at Canol y Dre Ruthin to the Zurich Building, Prestatyn, and

approval of the necessary revenue funding to relocate staff from Morfa Hall, Russell House and possibly Caledfryn to Zurich Buildings, Prestatyn.

Councillor E A Owens reminded Members that the revenue savings from Morfa Hall would be available to offset additional costs.

RESOLVED that Cabinet:-

- approve revenue funding of £200k per annum to cover the cost of the lease of office accommodation at Zurich Buildings, Prestatyn;
- (b) request Council to approve retrospectively the reallocation of capital funding of £120k from the provision of office accommodation at Canol y Dre Ruthin to the Zurich Building, Prestatyn, and
- (c) approve the necessary revenue funding to relocate staff from Morfa Hall, Russell House and possibly Caledfryn to Zurich Buildings, Prestatyn

1332 RETAINER PAYMENTS TO COOKS IN CHARGE [CABINET 2003 - 65]

Councillor D M Morris presented the report seeking Cabinet approval either to support and fund the reinstatement of retainer payments to Cooks in Charge and make an appropriate recommendation to Council or resist pressures to reinstate retainer payments to Cooks in Charge. He also referred to the letter received by Members from Michael Booth, UNISON Regional Officer.

The Chief Executive reminded Members that changes to terms and conditions of employment fall to Full Council to decide.

The County Clerk said his department were in consultation with Counsel and would be in a position to report back to Cabinet on 20 May 2003.

RESOLVED that Cabinet:-

- (a) note the report, and
- (b) await a further report at the 20.05.2003 Cabinet meeting.

1333 PROPOSED RESTRUCTURING - ENVIRONMENT DIRECTORATE [CABINET 2003 - 66]

The Chief Executive presented the report advising Members that a draft report had been issued to Environment Directorate staff concerning the proposed restructuring of the Directorate with the separate services being reduced from 7 to 5.

The Corporate Director: Environment emphasised that the report was not the final report and that consultation was on-going. The report would be reviewed after completion of consultation process and all necessary protocols would be followed. He emphasised the need to clarify the cross-cutting nature of services to the public and said it was important that consideration was given to both performance and financial management. He said the new structure would allow best value requirements to be achieved.

The Corporate Director: Environment agreed to provide a broad outline/summary of comments made by staff regarding the report and the final report would include the changes made from the original report.

The Deputy Leader thanked the Corporate Director: Environment for his report but emphasised that it was still at draft stage.

RESOLVED that Members note the draft report on the restructuring of the Environment Directorate submitted to Directorate staff for preliminary consultation. Members also note a further report with detailed cost implications will be provided in due course.

The meeting concluded at 12.55 p.m.
