

CABINET

Minutes of the Cabinet meeting held in the Village Hall, Llandyrnog on Tuesday 22 July 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; G M Kensler, Lead Member for Promoting Denbighshire; R W Hughes, Lead Member for Lifelong Learning; D M Morris, Lead Member for Communications; E A Owens, Lead Member for Finance, J A Smith, Lead Member for Social Inclusion and E W Williams, Lead Member for Economic Wellbeing.

Observers: Councillors M LI Davies, S Drew, R E Jones and P O Williams.

ALSO PRESENT

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

APOLOGIES

Councillor W R Webb, Lead Member for Property and Asset Management.

287 URGENT MATTERS

- (i) Part I - Letter from the Section 151 and Monitoring Officers to consider Best Value Review - re Minute 4 of Cabinet 24.06.2003
- (ii) Part II - Correspondence from the CEO to Jane Davidson AM regarding Ysgol Plas Brondyffryn
- (iii) Part II - Ffrith - Health and Safety / Transfer to Corporate Landlord
- (iv) Part II - Disposal of Morfa Hall, Rhyl - Item withdrawn

288 MINUTES OF THE CABINET [CABINET 2003 - 96]

The Minutes of the Cabinet meeting held on 24 June 2003 were submitted.

Item 4 - Best Value Review of Residential Care Homes: The Corporate Director: Resources presented the letter sent by himself as the Section 151 Officer and the Monitoring Officer to Cabinet Members on 21.07.2003 seeking Members' further consideration before a final decision was made on the recommendation agreed by Council on 03.06.2003 and the decision subsequently taken by Cabinet on 24.06.2003. [He asked Members to ignore the DN note in the third paragraph on page 2 of the letter as this had been a Drafting Note which should have been omitted from the final version of the letter.] Members were informed that the decision of 24 June 2003 excluded certain options i.e. the option of partnerships with public sector housing associations and private sector companies. To eliminate options without adequate evidence could be contrary to best value legislation.

The County Clerk endorsed the Corporate Director's comments and said that any shortcomings in the process could put the Authority potentially in breach of legislation and allow the Authority to be challenged. The Authority had to ensure the way forward had been given due consideration and all options had been considered.

Councillor G M Kensler asked how many Cabinet Members were part of the Working Party and were notes of such meetings available to other Members. Councillor E A Owens said that both Councillor W R Webb and herself were part of the Working Party and the Corporate Director: Personal Services would make the notes available to Members on request. Councillor Kensler reminded Members that Councillor W R Webb

had previously stated that, having spent 2 years discussing the issue, he was certain that sufficient information was available to enable a decision to be made.

Councillor P A Dobb said she was pleased to see the letter and asked that Denbighshire Councillors not only visit residential homes in similar authorities but also take the opportunity to visit the homes in question to see what works were required. Councillor Dobb said she thought over £1m was required on the service.

Councillor E C Edwards said that whilst he welcomed the letter, the issue was sensitive and the implications obvious. However, investments should be prioritised. Councillor Edwards said Conwy County Borough Council had faced and resolved similar problems. Members needed to work with officers to resolve the problems.

Councillor E W Williams said cost assessments were required before decisions were taken, also best practice in similar authorities should be compared. The third option was the original Cabinet decision.

Councillor G M Kensler asked whether the revenue costs were higher because of the enhanced terms and conditions Denbighshire staff were entitled to in comparison to the private sector.

RESOLVED that Members:-

- (a) agree the decision taken on 24.06.2003 be reviewed and Cabinet establishes, within 6 months, following visits to other Authorities, whether or not the options ruled out on 24.06.2003 represent a workable, best value solution, and
- (b) agreed the letter from the Section 151 and Monitoring Officers be circulated to all Councillors as a matter arising from the Minutes of the last Council meeting.

Councillor R W Hughes requested that it be noted that she abstained from voting on the above matter.

Item 11 Ysgol Tir Morfa Development Update: Members were informed that the planning application should be submitted by September 2003 and that the current site would be available for use until July 2004.

Item 12 Mwrog Street Flood Alleviation Scheme - Cost Escalation: Councillor E C Edwards again asked that the Local Members be kept regularly informed of both progress and costings of the scheme. The Corporate Director: Environment confirmed that discussions with the Welsh Assembly Government were continuing at officer level and, if required, Ministerial assistance would be sought in due course.

RESOLVED that subject to the above, the Minutes of the Cabinet meeting held on 24 June 2003 be approved as a correct record and signed by the Deputy Leader .

The Minutes of the Cabinet meeting held on 11 July 2003 were submitted.

RESOLVED that the Minutes of the Cabinet meeting held on 11 July 2003 be approved as a correct record and signed by the Deputy Leader.

PRESENTATION: IMPLEMENTING ELECTRONIC GOVERNMENT ACHIEVEMENTS

Councillor D M Morris informed Members that Dylan Roberts, Head of ICT was attending his last Cabinet meeting before moving to his new post in Leeds. Councillor Morris thanked Dylan for his hard work and reliability and also for that of his Department. He wished him happiness and success in the future. Dylan thanked Members for all the opportunities he had been given to progress his career and for support of both Members and officers to himself and his team.

The IEG Project Manager presented an overview of Implementing Electronic Government Achievements. The presentation mentioned the quarterly updates on progress made to the Senior Management Task Force, chaired by the Chief Executive. The Project Manager discussed:

Implementing Electronic Government [IEG] Statement; Customer Service Strategy; Information Management Strategy; Town and Community Councils Online; New Information Systems, National Land and Property Gazetteer [NLPG]; e-Human Resources System; Business Process Analysis; website; One Stop Shops, Group 44 and Consultation.

Members took the opportunity to discuss various aspects of the information presented.

The Chief Executive congratulated the ICT Department on their achievements.

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

289 SCHOOL AND COLLEGE TRANSPORT [CABINET 2003 - 97]

Councillor R W Hughes presented the report for Members to:-

- 1.1 agree to fund fully the existing School and College Transport Policy for 2003/04 financial and academic year;
- 1.2 approve the extension of education transport contracts due to terminate in July 2003, December 2003 and February 2004 to April 2004;
- 1.3 determine the non-statutory elements of the existing policy to be considered for withdrawal from September 2004;
- 1.4 determine the non-statutory elements of the policy to be considered for retention, and
- 1.5 determine the Post 16 Transport policy to be applied from September 2004.

Councillor P A Dobb queried "mismatch" in paragraph 2.1 of the report. The Corporate Director: Lifelong Learning explained that the Authority's policy for the coming year had to be funded. She also emphasised the need to work closely with Environment Directorate colleagues to ensure the figures were fully transparent.

The Financial Controller, in response to a query from Councillor Dobb, explained that paragraph 1 of his statement detailed the history of the bid for additional funding for school and transport college. Of the original bid of £250k a balance of £99k had yet to be financed. The Directorate had reviewed this figure and revised it to £280k of additional funding required. The Financial Controller was unable to confirm the robustness of this figure because of concerns over the lack of suitable computer software to assist officers in controller costs, some of the procedures for committing expenditure and the nature of the contracts with bus operators. He suggested that an in depth review of software requirements, procedures and contracts was required.

Councillor E A Owens said an accountant was to be appointed before the current year end with responsibility for Lifelong Learning. Councillor Owens also said the additional costs of £280k could not be supported at this stage.

With regard to hazardous routes, A3 of Appendix A, the Transport Co-ordinating Manager said both Education and Highways officers decide on which routes are deemed to be hazardous but agreed that recording of the system was inadequate.

Members discussed the possible withdrawal of funding [b) on page 5] and it was noted that other Authorities have also considered this option. If implemented, this could have implications on Rhyl College for example if other Authorities continue to fund their students' transport to the College.

Introduction of charging [c] on page 5] was discussed and Members agreed that a comprehensive consultation and costing exercise would be required.

The Transport Co-ordinating Manager, in response to a query from Councillor G M Kensler, said the Code of Conduct [pages 11 and 12 Appendix C] regarding acceptable behaviour needed to be updated, as did Smoking on Buses which should now include reference to no alcohol, substances or drugs. However, pupils misbehaving contributed to extra costs to the Authority as some transport contractors do not wish to have to deal with behavioural problems from pupils. The Transport and Co-ordinating Manager explained that colleges pay for some transport for Denbighshire pupils. The Chief Executive suggested the implications of providing the transport funding direct to the colleges should be examined in detail.

Members were assured that Post 16 education pupils in care would be protected and still be eligible to free transport.

RESOLVED that:-

- (a) *Members allocate £99k of the funding shortfall to the School and College transport policy for 2003/04 and to introduce a new software system to assist officers manage the operation be funded from reserves;*
- (b) *Members approve the extension of transport contracts, including Tir Morfa School, from April 2004 to July 2004 to coincide with the end of the 2003/04 academic year;*
- (c) *Members revise the existing policy with effect from September 2004 to cease the following Non Statutory elements of the existing policy:-*

A.1, A.5

[ch] Members maintain the following Non Statutory elements of the existing policy:-

A.2, A.3 with review of hazardous routes to be carried out and recorded, A.4, A.6, A.8, A.9

- (d) *Members agree to defer the options in respect of Post 16 Transport, with a separate report being provided at a future date*
- (dd) *Members agree that the wording of the Policy in terms of the definition of "appropriate school" be amended so that:-*
 - 1 *in respect of denominational schools, free transport will be provided only where "the religious education provided is that of the religion or denomination to which [the pupil's] parent adheres", to reflect precisely the wording of section 509(4) of the 1996 Act, and*
 - 2 *in respect of Welsh medium education, free transport will be provided only if the pupil is being educated wholly or mainly through the medium of Welsh whether in a designated Welsh medium or natural Welsh medium school or in the Welsh medium stream of a primary or secondary school.*

At this juncture (11.40 a.m) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

290 CUSTOMER SERVICE STRATEGY [CABINET 2003 - 98]

Councillor D M Morris presented the report seeking Members' agreement to seek specialist procurement advice to guide the Authority through the process of developing a Customer Service Strategy in line with the approach agreed at Cabinet on 24 June 2003. Members were asked to note the decision of the Head of Paid Service that the proposed Head of Customer Service post report directly to the Head of Paid

Service. Members were asked to consider allocation of funding for the above. Councillor Morris reminded Members that the Strategy had been discussed in detail at the Informal Cabinet meeting held on 11.07.2003.

The Chief Executive said some of the relevant staff had been consulted regarding the Strategy. The Head of Customer Service post would have to have responsibility for the One Stop Shops which were located in the Libraries. He stressed that no decision had been taken about how best to achieve this: it would not necessarily mean transferring responsibility for the entire Library Service and, indeed, that was not his preferred option.

Councillor E W Williams said that the allocation of funding for the post would result in savings in future years. The post at Head of Service level was integral in maintaining seniority within the staffing structure and the Head of Customer Service would be expected to contribute to debates at senior officer level. Councillor Williams suggested deferring both the decision on the appointment of a Head of Customer Service until the consultations carried out could be reported in detail and location and funding of the post.

Councillor R W Hughes spoke in support of the Customer Service Strategy and said this was a great opportunity for the Authority to move forward. She stressed that One Stop Shops were only a small part of the work of the Library Service and if the One Stop Shops were to become part of another Directorate it would be a retrograde step for the Authority. If the Culture and Leisure Department were to be disaggregated Councillor Hughes said the discussions had to be held in the open.

Councillor E C Edwards supported that the Head of Customer Services, if appointed, should report to the Chief Executive but at the same time expressed his concern for the needs of the Library Service if the whole department was moved from Culture and Leisure. He suggested the appointment be deferred.

The Chief Executive assured Members and officers that there were no proposals to dismember the Culture and Leisure Department and that any such rumours should be quashed. However, the Chief Executive stressed the role was a senior level post to ensure service delivery.

RESOLVED that Members:-

- (a) *agree to seek specialist procurement advice to guide the Authority through the process of developing a Customer Service Strategy in line with the approach agreed at Cabinet on 24 June;*
- (b) *defer the decision on the appointment of Head of Customer Service post until the results of detailed staff and Member consultations were available to be reported to Cabinet in September 2003.*
- (c) *agree the Head of Customer Service role be quantified in more detail;*
- (ch) *agree a budget bid to be prepared for September 2003 for the appointment of a Head of Customer Service post, and*
- (d) *agree the need for additional funding for procurement advice.*

Councillor G M Kensler abstained from voting on the item.

291 REVENUE BUDGET [CABINET 2003 - 99]

Councillor E A Owens presented the report for Members to note that, with the exception of School and College transport and Special Education Needs, all pressures identified in the latest budget performance figures for the current financial year [as detailed in the appendices to the report] should be absorbed by Services.

The Financial Controller reminded members of the Council's revised financial strategy for the year which included the building up of general balances to £2.9m by year end. This would enable the top slicing of budgets to effectively cease from next year which was useful as the Assembly settlement for Council's for 2004/5 was likely to be very tight.

The report detailed projected overspends of £569k, of which £480k was on School & College Transport and Special Education which were the subject of separate reports. The balance of pressures, £89k, were occurring in the Culture & Leisure department and Personal Services Directorate. Officers are working to identify savings to accommodate these pressures. It was pointed out that while in the past Social Services department had an excellent record for absorbing pressures in year, the uncertainty over one area of significant special funding could make the position more difficult than usual for the directorate.

Members were also advised that the last report on the Capital Programme for the current year showed that pressure was building up there as well and that any overspend at year end would fall to be funded from revenue.

RESOLVED that Members note the figures in the appendices and consider the necessary remedial actions to ensure that balances of £2.9m are achieved by the end of the current financial year.

292 THE REGULATION OF INVESTIGATORY POWERS ACT 2000 [CABINET 2003 - 100]

Councillor E C Edwards presented the report seeking Members' adoption of the Corporate Policy and Procedures that had been produced for Denbighshire County Council officers in respect of the provisions of the Regulation of Investigatory Powers Act 2000 attached to the report.

RESOLVED that Cabinet formally adopt the Corporate Policy and Procedures on the Regulation of Investigatory Powers Act 2000 as the corporate guide for officers.

293 LOCATION OF NEW VEHICLE MAINTENANCE WORKSHOPS [CABINET 2003 - 107]

Councillor M A German presented the report seeking Cabinet agreement to the location of the proposed new vehicle maintenance workshops, to consider the latest information on costs for the workshop and note that the new depot will need to be available by August 2004.

Councillor E C Edwards said a sensible decision had been reached but that the costs of producing the information for the various reports to date on this subject should have been included within the Cost Implications in the report.

Councillor R E Jones was given the opportunity to ask questions of the Corporate Director: Environment and raised the following points: -

- ♦ the Local Members should have been consulted at an earlier stage of the process;
- ♦ the North Wales Hospital site should have been included as a possible location as there was no need for a new access road;
- ♦ the Colomendy Estate already had depots which did not have covered storage areas for large quantities of vehicles, therefore a new workshop would not detract from the area, and
- ♦ Resources Scrutiny Committee felt the consultation process was flawed and as Chair of the Committee, Councillor Jones had offered to take the Corporate Director: Environment to the various locations in Denbigh.

The Corporate Director: Environment said Local Members had been part of the consultative process and a meeting with Local Members had recently been held but unfortunately only one Member had been able to attend. The provision of a depot had now become a matter of urgency.

RESOLVED that Members note the detailed evaluation process on a range of sites at Appendix A to the report and agree that the new vehicle maintenance depot should be constructed at Kinmel Park, Bodelwyddan.

294 AREA PARTNERSHIPS AND COMMUNITY STRATEGY [CABINET 2003 - 108]

Councillor E W Williams presented the report seeking Members' approval on the progress on developing area partnerships and progressing the community strategy in Denbighshire.

Councillor R W Hughes informed Members that the Prestatyn Area Partnership Group had agreed unanimously the Scala being their priority. Councillor Hughes urged Members to allocate resources to the Groups. Members agreed a bid for resources be made in September 2003.

RESOLVED that Cabinet note and approves progress so far in the development of Area Partnerships and in the Denbighshire Community Strategy process and that a bid for resources be made in September 2003.

295 DRAFT AGREEMENT ON CONSULTATION WITH TOWN AND COMMUNITY COUNCILS [CABINET 2003 - 109]

Councillor E W Williams presented the report seeking Members' approval to the draft agreement for consultation and exchange of information between the County Council and Town and Community councils in Denbighshire.

RESOLVED that Cabinet adopt the draft agreement as the model for consultation and sharing of information between the County Council and Town and Community Councils in Denbighshire.

296 COHESION [CABINET 2003 - 110]

Councillor E W Williams presented the report seeking Members' approval on the County Council's position on Cohesion.

RESOLVED that Cabinet agree the Council's position as stated in the report.

297 INTERNATIONAL LINKS [CABINET 2003 - 111]

Councillor E W Williams presented the report to ensure widespread dissemination of information about international visits so that portfolio Members can maximise benefits throughout the County.

Councillor R W Hughes said working with other countries was beneficial but there was a need to link in with all aspects of Council work.

The Head of Economic Regeneration said Torfaen Council were the leaders in Wales on this kind of work and they integrated such links into the Council's priorities. He also reported that contact had been made by an area of Poland which was interested in discussing matters with Denbighshire.

RESOLVED that Cabinet note the report and that in particular -

- (a) *The Council should continue to develop its membership of networks to attract Interreg funding, and*
- (b) *Relationships which produce beneficial results such as that with Alto Adige should continue to be encouraged to provide experience to Cabinet Members and staff to broaden the variety of project work being undertaken by the Council.*

298 ADOPTION OF CORPORATE ACCESS STRATEGY [CABINET 2003 - 112]

The Acting Head of Planning presented the report seeking Members' adoption of the Access Strategy.

Members expressed their concern that any new Authority buildings should meet the requirements of the Access Strategy as a matter of course.

RESOLVED that Cabinet approve the adoption of a Corporate Access Strategy.

299 DENBIGHSHIRE UNITARY DEVELOPMENT PLAN [UDP] [CABINET 2003 - 113]

Councillor M A German presented the report seeking Members' approval of:-

- (i) the accuracy , status and revision of the Welsh language version;
- (ii) Policy HSG 5- Groups of houses in the countryside – the Welsh Language version , and
- (iii) Consideration of planning applications.

Councillor E A Owens referred to an earlier Planning meeting decision and asked whether the applicant could have challenged the Authority on the decision taken, as part of the English and Welsh versions of the UDP were different. The Acting Head of Planning said that although the versions had contained printing or formatting errors, the lawful version was the formal Deposit version.

RESOLVED that:-

- (a) following proof reading an Addendum is printed, distributed and attached to the Welsh Language version of the adopted UDP and distributed to statutory and other relevant organisations and persons, and
- (b) planning applications be determined as set out using either [i] the current adopted English version or [ii] the current Welsh version with the attached Addendum-pending publication and distribution of the Addendum to the Welsh version. This includes proposals falling within the scope of UDP Police HSG 5.

Councillor E A Owens abstained from voting on the item.

300 PART I URGENT ITEMS

There were no Part I urgent items.

QUESTION AND ANSWER SESSION

No questions had been received.

EXCLUSION OF PRESS AND PUBLIC

RESOLVED under Section 100A(4) of the Local Government Act 1972 the Press and Public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 7, 8 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.

PART II

301 DISPOSAL OF MORFA HALL, RHYL [CABINET 2003 - 115]

Item withdrawn.

302 CORWEN TOWN FLOOD ALLEVIATION SCHEME - CONSULTANTS - SINGLE TENDER ACTION [CABINET 2003 - 116]

Councillor M A German presented the report seeking Cabinet endorsement of a single tender action taken in respect of procuring the services of a specialist consultant to carry out the full Project Appraisal for the proposed Corwen Town Flood Alleviation Scheme.

The Corporate Director: Environment apologised for the delay in presenting the report.

The Chief Executive agreed to circulate a reminder to all Heads of Service regarding the need to ensure all procurement services were carried out in accordance with Standing Orders.

RESOLVED that Cabinet agreed to endorse a single tender action taken in respect of procuring the services of a specialist consultant to carry out the full Project Appraisal for the proposed Corwen Town Flood Alleviation Scheme.

303 APPROVAL OF SINGLE TENDER ACTION UNDER CONTRACT STANDING ORDERS - PERSONAL SERVICES [CABINET 2003 - 117]

Councillor P A Dobb presented the report seeking Cabinet approval of a single tender action under section 6.1(d) of Contract Standing Orders.

RESOLVED that Cabinet endorse a single tender action taken in respect of procuring the services of a specialist consultant relating to commissioning housing, health and social care services for older people in Denbighshire.

304 YSGOL PLAS BRONDYFFRYN [CABINET 2003 - 118]

The Corporate Director: Environment left the meeting for the discussion of this item.

The Chief Executive circulated a letter sent to Jane Davidson AM, Minister for Education and Lifelong Learning detailing the development of a proposed partnership between the Authority and the Brondyffryn Trust at the meeting held on 20.07.2003 between the Trust, some Cabinet Members and officers. The Trust had confirmed that issues relating to the Gwynfryn site and the loan had been resolved. The Trust were looking to Denbighshire for financial support towards the running and capital costs of the development. The Minister was asked to confirm the offer of WAG funding to enable the Council to proceed further.

The Chief Executive asked for Members' agreement for the Lead Member for Lifelong Learning, Leader and Lead Member for Finance to have delegated authority to make funds available to the Trust between now and the Cabinet meeting on 9 September 2003. However, the Trust had been informed that the costs incurred to date and any funding committed would be analysed and a 3 year business plan produced before any further possible funding was made available to ensure the Trust's financial position was clear.

The Corporate Director: Resources stressed that whilst the Authority was working in partnership with the Trust, the Authority had to ensure the Trust was taking any decisions correctly.

Members expressed the need to ensure all details of the partnership were made available to the Cabinet. The Chief Executive confirmed that the Trust would be reporting back on their progress by the end of August 2003 and it was hoped the partnership agreement would be signed by the end of September 2003.

RESOLVED that Cabinet:-

- (a) *note the progress to date and endorse the work programme agreed on 21.07.2003;*
- (b) *agree to defer the payment of funding to the Trust pending confirmation of the funding being made available by the Welsh Assembly Government, and*
- (c) *authorise the Lead Member for Lifelong Learning, Leader and Lead Member for Finance in conjunction with relevant officers to make any financial decisions if required prior to the Cabinet meeting on 09.09.2003.*

305 FFRITH - HEALTH AND SAFETY / TRANSFER TO CORPORATE LANDLORD [CABINET 2003 - 120]

The Corporate Director: Resources presented the report seeking Members' endorsement of urgent action required to address a number of health and safety issues at the Ffrith Festival Gardens site and to identify appropriate funding and reappropriate the site.

Members discussed the various problems associated with the site and agreed the site be secured.

RESOLVED that Members agree:-

- (a) *the site be transferred from Culture and Leisure Services to the County Landlord's Portfolio;*
- (b) *the County Landlord be directed to submit a bid in respect of funding required to manage the premises, pending its potential disposal to ensure Health and Safety requirements are met, and*
- (c) *Culture and Leisure continue to manage the site on a daily basis.*

306 RESTRUCTURING OF THE ENVIRONMENT DIRECTORATE [CABINET 2003 - 119]

At this point, the Deputy Leader asked all officers of the Environment Directorate staff to leave the room during discussion of the item.

The Chief Executive presented the report to advise Members of the results of the formal consultation process after the issue of the Environment Directorate Restructuring report, and to consider the cost implications of the proposals as outlined on pages 3 and 4 of the report. He said that a number of staff had indicated their intentions.

The Corporate Director: Environment said the report was similar to the report provided in April 2003 and the quality of services provided would improve as a result of rationalisation. Extensive consultation had been carried out and there was now a need to minimise the timescale for processing the restructuring to ensure a minimal impact on services. He said a meeting with Unison had proved very productive.

In response to a query from Members, the Corporate Director: Environment said the report had not been to Resources Scrutiny Committee for consideration. However, the Environment Scrutiny Committee were supportive of the action but at the same time concerned for posts below Head of Service level. The Corporate Director: Environment confirmed that the restructuring process would be applied to the whole Directorate.

RESOLVED that Members endorse the final proposals contained in the report at Appendix 1 of the report, and approve additional funding to meet the additional year 1 costs of the proposals noting the savings that will accrue to the Council in future years.

The meeting concluded at 12.35 p.m.
