

**AGENDA ITEM NO. 2(a)**  
**[CABINET 2003 - 79]**

**CABINET**

Minutes of the Cabinet meeting held in the Town Hall, Ruthin on Tuesday 24 June 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, and W R Webb, Lead Member for Property and Asset Management.

Observers: Councillors M LI Davies, S Drew, D M Holder, M M Jones, R J R Jones, K N Hawkins and K E Wells.

**ALSO PRESENT**

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

**APOLOGIES**

Councillors, J A Smith, Lead Member for Social Inclusion and E W Williams, Lead Member for Economic Wellbeing.

**1 URGENT MATTERS**

- (i) Part II - to receive a statement from the Corporate Director: Environment on the restructuring of the Environment Directorate.

**2 MINUTES OF THE CABINET [CABINET 2003 - 79]**

The Minutes of the Cabinet meeting held on 20 May 2003 were submitted.

Minutes - Item 5 Refurbishment of Rhyl West Promenade -  
Councillor G M Kensler indicated that the costings that she had requested to be identified before implementation of any work were for revenue costs.

Item 8 Projected Revenue Position 2002/03 and 2003/04  
Resolution (ch) - In response to a query raised by Councillor R W Hughes regarding the School and College Transport and Special Educational Needs items, the Corporate Director: Lifelong Learning indicated that there was no clear decision recorded in the Minutes with regard to the Special Educational Needs. It was understood that Councillor P A Dobb queried School and College Transport only.

The Chief Executive referred Members to the minutes of the last meeting in which it was agreed that any decision with regard to School and College Transport be deferred. The Chief Executive pointed out that it was not possible to record something in the Minutes which had not been agreed by Cabinet.

**RESOLVED** that subject to the above, the Minutes of the Cabinet meeting held on 20 May 2003 be approved as a correct record and signed by the Deputy Leader .

### **3 IMPROVING THE COUNCIL HOUSING STOCK**

Councillor E A Owens presented the report to update Cabinet on progress and next steps in securing investment to improve the Council housing stock.

**RESOLVED** that:-

- (a) following the receipt of the final report from Deloitte & Touche, a report be brought to Cabinet detailing the options available to the Council to improve its housing stock, to include a recommendation as to which option should be adopted;
- (b) an interim Housing Stock Business Plan be submitted to the Assembly based on the Deloitte & Touche draft report, noting that further information is still required on the option of stock retention

*and funding of improvements to quality standards via Prudential Borrowing, and the alternative of Stock Transfer to Dyffryn Community Housing, and*

*(c) continue to lobby the Assembly to enable use of the Major Repairs Allowance (MRA) to support borrowing.*

#### **4 BEST VALUE REVIEW OF RESIDENTIAL HOMES**

The Corporate Director of Personal Services presented the report seeking Cabinet to reaffirm its decision taken on 25 March 2003 (Cabinet 2003-31) following the resolution of Council on the 3rd June, 2003.

In presenting the report the Corporate Director: Personal Services laid particular stress on the need for the Authority to secure management to the homes, the changing expectations and demands for improved service and the absence of Council funding to enable these demands to be met. She also indicated that the NHS were unlikely to be able to fund the capital requirements and that therefore it was necessary to have as wide a choice as possible in determining a partner. The Council had to comply with best value legislation.

Councillor W R Webb paid tribute to the Corporate Director: Personal Services in preparing a report which asked the Cabinet to disregard the resolution of the Council on 3rd June. He also felt that there was no new information contained in the report and that it was time for the Cabinet to accept the resolution made by Council and resolve the matter urgently. He moved accordingly and was seconded by Councillor G M Kensler to accept the decision by Council as in 2.1.2 of the report.

Both Councillors G M Kensler and R W Hughes reiterated Councillor W R Webb's comments and felt that, although Cabinet was the executive decision body of the Council, it would be arrogant of Cabinet to ignore the views of Council made at the 3rd June meeting.

Councillor P A Dobb acknowledged the views raised but highlighted that the Authority needed to look at the growth in the population of the elderly over the next 15 years and the services expected by those people over the next 15 years.

Councillor P A Dobb drew Members' attention to the Welsh Assembly Government Housing research summary and to the section on the over 65 population. She pointed out that the Authority had to plan for the future by incorporating what is important for our public. There was a need to look at this issue in more depth before a decision was made.

Councillor E C Edwards expressed his disappointment that the homes were referred to as museum pieces in 2.2.1 of the report.

The Deputy Chief Executive/Corporate Director of Resources pointed out to Members that if all options were not allowed to be considered, there was a great risk that the Authority would be breaching Best Value Legislation. He indicated that the County Clerk and he would have to consider issuing a report under their statutory powers if the Cabinet decided to follow the Council's resolution.

The County Clerk indicated that to take out potential classes of partners from the recommendation would be to pre-empt the decision as to their viability as partners. There was not presently enough evidence to delete a potential partner.

Councillor W R Webb expressed concern at the comments made by the Deputy Chief Executive/Corporate Director of Resources and asked him why he had not attended any of the Residential Homes meetings over the last 3 years to raise the issue.

The Chief Executive explained that the Deputy Chief Executive/Corporate Director of Resources and the County Clerk were carrying out the duties of their role and protecting the interests of the Council by making Members aware of the situation. Neither had indicated that they would definitely use their statutory powers and prepare a special report. If a special report were to be prepared, then this would be to a special meeting of Cabinet. The meeting would be held within 21 days of the issue of the report, and this might happen only if Cabinet decided to change its previous decision and support the Council recommendation.

Councillor G M Kensler said that what was important for the residents of Denbighshire was good quality of care received from the Council's staff even if the buildings were not ideal, and that her previous experiences with Housing Associations had been very negative.

The Chief Executive disagreed and stated that the entire package was important, the quality of care and accommodation, and that it is about how we secure quality provision for the future.

Councillor P A Dobb suggested that by deferring the decision this would allow the Council to look at partnership arrangements that had been entered elsewhere before making a decision.

Councillor R W Hughes said that Members were not here as individuals, but to represent thousands of people within Denbighshire. Members needed to listen to the views of the people and to do the best for the people of Denbighshire.

Councillor E A Owens expressed her concern that, at this stage, as comments had been received by the Deputy Chief Executive/Corporate Director Resources and County Clerk on the process, it may be worthwhile to defer the decision for a limited period to ascertain that the Cabinet would not be in breach of any provisions and to ensure that its decision-making process was correct.

Councillor P A Dobb seconded by Councillor M A German proposed that Cabinet defer the decision on this matter pending consideration of partnership arrangements entered into by other Authorities. Upon being put to the vote this proposition was lost.

The proposal by Councillor W R Webb was then put to the vote and it was

**RESOLVED** that:-

- (a) *the Council should further investigate securing the level of investment to safeguard the future of the homes (Option 2), and*
- (b) *in the event of the level of investment not being secured the Council seeks partnership arrangements with the NHS (Option 5) (excluding Public Sector Housing).*

Councillor E A Owens expressed her personal disappointment, given that two Cabinet Members were not present at the meeting, that Members could not have deferred the decision.

## 5 ACCOUNTABILITY ARRANGEMENTS FOR REPRESENTATIVES ON THE LOCAL HEALTH BOARD AND THE HEALTH, SOCIAL CARE AND WELLBEING STRATEGIC PARTNERSHIP BOARD

The Corporate Director of Personal Services presented the report seeking a decision by Cabinet on how the Member/Officer representatives of both the Local Health Board and the Health, Social Care and Wellbeing Strategic Partnership Board should, in future, exercise their accountability to the County Council.

The Assembly will issue accountability arrangements for local authority representatives. The report dealt with the potential for officer/member representatives to experience conflict between their corporate responsibility to the two Boards and to Denbighshire County Council. The report recommended how the situation should be handled and provided an accountability framework for representatives on both Boards.

The Corporate Director also highlighted the need to review delegations to Members/Officers to ensure that those serving on partnership bodies were appropriately equipped to commit the Council within clear limits.

As a Member of the Local Health Board and the Health, Social Care and Wellbeing Strategic Partnership Board, Councillor P A Dobb welcomed the report which will now enable her to report back to Cabinet.

Councillor E A Owens commended the report and the suggested framework which was useful to apply to other Boards/Partnerships on which the Council is represented.

### **RESOLVED** that:-

- (a) *Cabinet adopts the proposals contained in 2.9.1 to 2.9.7 of the report to provide the accountability framework for local authority representatives on the Local Health Board and the Health, Social Care and Wellbeing Partnership Board;*
- (b) *Cabinet considers how this framework may be developed to apply to other Boards/Partnerships on which the Council is represented, and*

(c) *delegations to individual Members and officers to be reviewed to enable them to enter into appropriate commitments on behalf of the Council.*

## **6 IMPROVING SERVICE TO CUSTOMERS**

Councillor D M Morris presented the report. He explained that the Council had decided that it was a priority to improve Customer Contact and that there were 3 options, but that it had not been possible to fund this priority as part of the budget for 2003/04.

Councillor G M Kensler referred to improving the Council's customer complaints system and asked as to whether a group had been established to look at this further, and as to whether a report would be presented to Cabinet.

Councillor R W Hughes said that she would like a more detailed paper looking at the broader issues of the interaction between libraries, one stop shops and other services and the impact of these services on the Head of Service post.

In response to the comments made by Councillors G M Kensler and R W Hughes, Councillor D M Morris explained that further information would be provided to the July Cabinet on how we are moving forward in terms of complaints and that information in relation to the impact of the Head of Service post would also be available.

Councillor G M Kensler referred to the Head of Service post and to the importance of this person looking at the type of complaints service provided by other Directorates.

The Chief Executive reported that additional work was required on the detail and as to where the Head of Service post would be best placed.

Councillor E A Owens said that on the basis of the discussion a further report was required to provide more detail on the issues raised by Members.

**RESOLVED** that Cabinet:-

- (a) *confirm commitment to the Council priority to improve customer care;*
- (b) *agree that a central Contact Centre, supported by a series of One Stop-Shops is the preferred method of achieving this, and*
- (c) *receive a further detailed report at the July Cabinet looking at the issues surrounding the Head of Service post and the progress in developing a complaints system.*

**7 REVENUE BUDGET 2003/04**

Councillor E A Owens presented the report seeking Cabinet agreement that, with the exception of School and College transport and Special Educational Needs, all pressures identified in the current financial year as detailed in the appendices should be absorbed by adjusting spending priorities within service base budgets.

Councillor E A Owens explained that the report recorded spend in April and May 2003. Reference was made to a new way of reporting pressures that she will be asking Directors/Heads of Service to undertake. Directors and Heads of Service will be asked to continue to report pressures and remedial action, taken and proposed, to absorb additional costs within Service Budget. Details of both pressures and savings will be indicated in the notes section of the report.

Councillor E A Owens referred to the appendix and indicated that within the Lifelong Learning budget the breakdown of £388k was based around Special Educational Needs and School Transport.

The Corporate Director of Lifelong Learning appreciated the support of Councillors E A Owens and R W Hughes in scrutinising the two areas in question. Reports were being prepared for the July Cabinet on School and College Transport and Special Educational Needs.



**RESOLVED** that Members note the figures in the appendices and agree that:-

- (a) separate reports are brought to the July Cabinet meeting to detail the latest projected costs for delivering the current Council policy on School and College Transport and Special Educational Needs. The reports to include a review of the policies involved.
- (b) action is to be taken to contain the remainder of the pressures detailed in this report within the service budgets concerned.

## **8 MINOR DISPOSALS - DELEGATION**

Councillor W R Webb presented the report seeking agreement from Cabinet to grant the Chief Executive delegated powers to sell land/property at an open market value of less than £10,000 although he expressed concern that the Asset Management Committee resolved that the delegation should be subject to any objections by local members. The Chief Executive pointed out that this was contained in the recommendation in paragraph 8.1 of the report.

**RESOLVED** that Cabinet approves the granting of delegated powers to the Chief Executive to dispose of land/property, at a market value of less than £10,000. Any terms would be agreed in consultation with the County Clerk. This delegation does not include disposals to which the Local member(s) have objections.

## **9 PUBLIC WORKS LOAN BOARD - RESCHEDULING OF LOANS**

Councillor E A Owens presented the report asking Cabinet to note and endorse the action taken in line with the Council's Treasury Management Strategy for 2003/04 which states that all rescheduling of loans will be reported to Cabinet on a timely basis.

Councillor E A Owens hoped that in future that reports on Rescheduling of loans would become a Delegated function.

**RESOLVED** that Cabinet note and endorse the content of the report.

## **10 URGENT ITEMS**

No 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 12 of Part 1 of Schedule 12A of the Local Government Act 1972.

## **PART II**

### **11 YSGOL TIR MORFA DEVELOPMENT**

Councillor R W Hughes presented the report seeking Cabinet to approve the new site for the school, and agreeing to the proposal in Appendix 2 as the most appropriate solution, within the financial constraints.

Councillor R W Hughes reported that a Task and Finish Group had been established to look at a number of proposals and that they were in favour of the existing site. Councillor Hughes advised Members that there was a very tight timescale, and therefore, it was important to progress Phase 1 of the project so that the pupils could be relocated.

Councillor E A Owens advised Members that Design Services cannot charge fees on contingency, and therefore, £5k needed to be removed from the costings. She also referred Members to 5.4 of the report and explained that the Authority is recommending Phase 2 of the Tir Morfa scheme as a candidate for funding through the prudential borrowing arrangements due to be introduced.

Members thanked all Officers involved in the Task and Finish Group for all their effort and good work.

Councillor R W Hughes referred to an email she had received highlighting various issues which might require Cabinet approval.

At this juncture it was agreed to adjourn the meeting for 5 minutes to enable Officers to have sight of the email concerned.

The Chief Executive referred to the points raised in the email and advised Members that details of the decision taken to allocate the whole receipt from the Rhuddlan site was included on Page 4 of the minutes of the last meeting.

Councillor R W Hughes advised Members that the Task and Finish Group had been enormously helpful and that they would continue to monitor progress on the development.

Councillor P A Dobb asked if money had been set aside for furnishings as part of the building project.

In response to Cllr P A Dobb's query, Councillor R W Hughes indicated that the estimates and expenditure were included in Appendix 2 of the report.

***RESOLVED*** that Cabinet agreed:-

- (a) that the existing Ysgol Tir Morfa site in Rhyl is the preferred site for the new school;*
- (b) the proposal in appendix 2 is the most appropriate solution, within the financial constraints, as the first stage of the redevelopment of the school allowing pupils to be relocated from the Rhuddlan site to Rhyl, and*
- (c) that officers are instructed to submit any necessary planning applications, publish statutory notices and take any other actions that are needed to implement these decisions.*

## 12 MWROG STREET FLOOD ALLEVIATION SCHEME - COST ESCALATION

Councillor M A German presented the report seeking Cabinet approval to recommend to Council the allocation from general capital funding of additional financial provision to ensure delivery of the Mwrog Street Flood Alleviation Scheme.

Councillor M A German explained that, during the period since the grant application was submitted to the Assembly, there had been a considerable number of developments, in both the construction contract and negotiations with landowners, which had made it clear that the overall scheme cost would be considerably increased from the cost originally envisaged and for which grant approval had been given by the Assembly.

Councillor E C Edwards was pleased to see the work being carried out but was disappointed at the escalating costs of the scheme.

Members felt that some of the escalating costs could be passed on to other bodies that were responsible for them.

The Chief Executive responded to Councillor E C Edwards' comments and suggested that an addition is made to the recommendation that, before the Welsh Assembly Government is approached, the Council seeks to pass on some of the costs to the bodies responsible. All options need to be explored with the bodies responsible before the Welsh Assembly Government is approached.

**RESOLVED** that Cabinet:-

- (a) *recommend to Council the allocation from general capital funding, of additional financial provision of up to £600k to ensure delivery of the Mwrog Street Flood Alleviation Scheme;*
- (b) *before approaching the Welsh Assembly Government, where possible and where the increases have been caused by others, those responsible are approached for a contribution towards the costs, and*

- (c) *support the applications to the Welsh Assembly Government, as provided for in the grant support procedures, in respect of 85% grant contribution towards the additional scheme costs identified in the report.*

### **13 COMPULSORY PURCHASE ORDER**

Councillor M A German, the Chief Executive and the County Clerk declared an interest in this item and left the room during discussion and voting thereon.

The Deputy Chief Executive/Corporate Director: Resources presented the report in which he sought Cabinet approval to uphold its original decision to exercise its compulsory purchase powers in respect of land to the rear of the High Street, Prestatyn.

The Deputy Chief Executive/Corporate Director: Resources advised Members that the report was very complex and that there were many factors that needed to be taken into account. Cabinet had previously agreed to authorise the County Clerk to make the appropriate Compulsory Purchase Order under Section 226(1)(a) of the Town and Country Planning Act 1990.

Councillor D M Morris conveyed his views in favour of Option 1 and the importance that a decision was reached today. He also expressed his concerns that some Companies would need to be relocated if Members opted for Option 2.

The Senior Solicitor reported to Members that the Authority had sought Counsel's opinion on the balance of the options in the report. Counsel had advised caution if Members opted for Option 2 as there was a strong risk of Judicial Review. It was suggested that the suggested form of indemnity agreement be amended to take account of this possibility so that the Council does not make the Compulsory Purchase Order until the time period for judicial review has passed.

Councillor R W Hughes expressed her concerns over the High Street in Prestatyn and how businesses were closing. Cllr. Hughes expressed her views in favour of Option 2 and highlighted the importance that a decision

was made today as prospects for the town were uncertain, and the whole situation was very unfair on the residents of Prestatyn.

The Deputy Leader sought views from Local Members who were present at the meeting.

Councillor S Drew felt equally as strongly as Councillor R W Hughes that a decision had to be made, but preferred to understand both Tesco and Somerfield's plans before a decision was taken by Cabinet.

Councillor K E Wells reiterated the comments made by Councillor R W Hughes and expressed his views in favour of Option 2 and highlighted the importance of moving this forward so that a decision was reached today.

The Assistant Chief Executive (Strategy) informed Members that he had made contact with all Prestatyn Members to seek their views on the report.

He indicated that the comments he had received had been on the contents of the report and were prior to Counsel advice being available.

A copy of a letter received from Councillor N Hugh-Jones was circulated to Members. Councillor N Hugh-Jones expressed his views in respect of the two options and strongly urged that Members choose Option 1. He asked that a thorough consultation be carried out with the residents of Prestatyn in order to allow them to express their views.

The Assistant Chief Executive (Strategy) also referred to a letter which had been received from Councillor G A Clague. In his letter, Councillor Clague indicated that he was not in favour of the recommendation to Cabinet to support Option 2, and felt that it was appropriate to delay the decision for six months rather than run the risk of entering a complex legal process.

Councillor P A Dobb agreed that it was important that legal advice is followed, but felt there was also a need to look at the situation in economic terms. Councillor Dobb favoured Option 2 and referred to another town which had benefited positively from such a retail development.

Councillor W R Webb indicated that the site in Prestatyn was a prime location, and that a decision needed to be made today, as the site could be redeveloped for something else.

Councillor E A Owens expressed concern about the possibility of the need for a Section 151 Officer's report. She suggested that Option 2 be amended to ensure that suitable provision is made within the indemnity agreement to defer the making of the Order to avoid the risk of any judicial review.

Councillor G M Kensler favoured Option 1 and indicated that it was important that a decision was reached as soon as possible.

Following a lengthy debate, the two options were put to the vote.

Option 1 (deferring for 6 months) - Upon being put to the vote this Option was lost.

Option 2 was put to the vote, and it was

***RESOLVED*** that subject to suitable provision being made within the indemnity agreement to cover the risk of any judicial review:-

- 1 *The County Clerk be authorised to make and submit to the National Assembly for Wales, a compulsory purchase order made pursuant to Section 226(1)(a) and 226(3)(a) of the Town and Country Planning Act 1990; and the Acquisition of Land Act 1981 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 entitled The Denbighshire County Council (High Street) Prestatyn Compulsory Purchase Order 2003 for the purpose of acquiring the land which is shown on the map(s) attached hereto, or lesser areas of land should this in his opinion be appropriate to do so, the said being land within its area which is suitable for and required in order to secure the carrying out of development, redevelopment of improvement and executing works or facilitating the development of land and acquiring new rights within the Town of Prestatyn and that the Common Seal be affixed to such order and its accompanying map(s)*
- 2 *The County Clerk be authorised to advertise the making of the order referred to in recommendation 8.2 above and take all relevant action thereon to promote the confirmation of the order.*

- 3 *The County Clerk be authorised to finalise and publish the draft Statement of Reasons.*
- 4 *As soon as the orders have been confirmed by the National Assembly for Wales and become operative, the County Clerk be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965, and where necessary, to serve Notices of Entry under Section 11 of the same Act in respect of the land included in the order, or, at his discretion, to execute general vesting declaration(s) and to subsequently transfer the land which is the subject of the said general vesting declaration(s) (or any part of it) to the Tesco*
- 5 *The Head of Consultancy Services and/or the County Landlord be authorised to:*
  - (i) *negotiate with interested parties with a view to agreeing terms for the purchase by agreement or payment of compensation of any of the interests or rights over land included in the orders referred to in recommendation 8.2 above and, where appropriate, to agree terms for relocation.*
  - (ii) *where necessary, authorisation be given to appoint external consultants to advise on and approve appropriate terms for compensation and/or relocation.*
- 6 *The County Clerk be authorised to complete terms for relocation, acquisition of such property interests and rights and their subsequent transfer (referred to in recommendation 8.6 above) to Tesco in accordance with terms to be agreed.*
- 7 *If the question of compensation be referred to the Lands Tribunal, the County Clerk be authorised to take all necessary steps in relation thereto including advising on the appropriate uses and compensation payable and issuing the appropriate certificates.*
- 8 *The County Clerk shall only exercise his authority to make the compulsory purchase orders referred to in recommendation 8.2 above on the strict understanding that efforts will continue to be*



*made by Tesco to seek to acquire all land and interests included within the orders by way of private treaty.*

- 9 *The Head of Highways and Transportation be authorised to make and promote any necessary traffic regulation orders and to take all necessary action to secure the implementation of such orders.*
  
- 10 *The Head of Planning Services and the Head of Consultancy Services in consultation with the County Clerk be authorised to prepare and submit such evidence as is necessary to any Inquiry which is convened to consider objections to either the compulsory purchase order and/or any necessary traffic regulation orders, including enlisting the assistance of outside consultants and external lawyers and Counsel to assist in the preparation and presentation of evidence to the Inquiry.*
  
- 11 *The County Clerk be authorised to affix the Common Seal to a form of indemnity agreement with Tesco whereby it agrees to endeavour to acquire the land which is to be the subject of the compulsory purchase order by private treaty and, in any event, to bear the compensation and acquisition costs together associated expenses of the acquisition of such land and the costs and expenses associated with the Compulsory Purchase Order.*

Councillors G M Kensler and D M Morris requested that it be recorded that they voted in favour of Option 1 and against Option 2.

#### **14 STREET LIGHTING WORKS SERVICE - PROCUREMENT**

Councillor M A German presented the report seeking Cabinet's approval to extend the current service delivery contract for street lighting works services (maintenance and minor works) upon expiry of the existing contract on 30th June, 2003, for a further period of up to 9 months, i.e. to 31st March, 2004, whilst a new service contract was put in place.

Councillor D M Morris supported bringing the work in house.

Councillor G M Kensler asked Officers to comment on a letter to all Cabinet Members from Councillor Andrew Thomas, Chair of the

Environment Scrutiny in which he refers to a previous decision of the Environment Scrutiny Committee to agree to support the proposal that, upon expiry of the existing contractual arrangements on the 30th June, 2003, street lighting maintenance be procured via in-house arrangement with the Contract Services Department, utilising the skilled workforce currently employed on the contract.

The Chief Executive advised Members that there was a risk of the Authority being in breach of the requirements of Best Value Legislation if Cabinet agreed the report which had been previously agreed by the Environment Scrutiny.

Councillor P A Dobb as champion for older people indicated that every day we put ourselves at risk with delays in rectifying lighting faults, and therefore, the longer we prolong things the greater the risk.

**RESOLVED** that:-

8.1 *Members approve a 9 month (maximum) extension of the existing street lighting maintenance contract (Option S1). In the event of failure by the current service provider during this period, service continuity should be ensured through a temporary in-house arrangement (Option S2), and*

8.2 *Members approve the long term provision of street lighting and allied traffic sign maintenance by means of a competitively procured procedure (Option L1), consistent with the requirements of Best Value.*

## **15 SPORT AND RECREATION BEST VALUE REVIEW: SINGLE TENDER ACTION**

Councillor G M Kensler presented the report asking Members to endorse a single tender action made under the Financial Standing Orders in respect of the appointment of consultants.

**RESOLVED** that Cabinet endorse the single tender action made under Regulation 9.1(c) of the financial Standing Orders in respect of the

*appointment of APSE Consultants to assist with the Best Value Review of Sport and Recreation Services.*

## **16 DEVELOPMENT OF A MUNICIPAL WASTE MANAGEMENT STRATEGY FOR DENBIGHSHIRE**

Councillor M A German presented the report seeking Cabinet approval to grant an exemption from Contract Standing Order 5 to allow the appointment of SLR Consulting as the consultants to develop a Municipal Waste Management Strategy for Denbighshire for consideration by the Council.

***RESOLVED*** that Cabinet grants an exemption from Contract Standing Order 5 to allow the appointment of SLR Consulting as the consultants to develop a Municipal Waste Management Strategy for Denbighshire for consideration by the Council.

## **17 URGENT ITEM**

### **RESTRUCTURING OF THE ENVIRONMENT DIRECTORATE**

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

Councillor W R Webb referred to the current restructuring of the Environment Directorate and to the fact that no report detailing costings had been presented to Cabinet prior to the process moving forward.

The Corporate Director: Environment in response to the comments made by Councillor W R Webb apologised to any Members who felt that they had not been kept fully informed of the process.

The Director advised Members that the process was clearly identified in the Constitution and based upon feedback received following the restructuring of the Personal Services Directorate. Discussions had been held with the Chief Executive and Central Personnel, and as stated in the Constitution, the approval of any structure within the Council falls to the Chief Executive as Head of Paid Service.

The Director said that it was his intention to ensure that information was brought back to Cabinet in July detailing the costings.

Councillor M A German advised Members that he had been fully informed of the process and briefed by the Corporate Director: Environment.

Councillor E A Owens also indicated that she had received the financial structure information from the Corporate Director.

The Chief Executive apologised to any Member who felt that they had been excluded from the process, but explained that the matter had been discussed at the April Cabinet and May Informal Cabinet meetings. He went on to explain that the final report was not dramatically different to the first draft and that a report on costings would be submitted to Cabinet in July.

Following a discussion, it was

***RESOLVED*** that a report detailing costings of the Environment Restructuring is brought to Cabinet in July.

The meeting concluded at 12.35 p.m.

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**AGENDA ITEM NO. 2(b)**  
**[CABINET 2003 - 79]**

**CABINET**

Minutes of the Cabinet meeting held in the Independent Room, Council Offices, Ruthin on Friday 11 July 2003 at 8.45 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, W R Webb, Lead Member for Property and Asset Management and E W Williams, Leader.

Observers: Councillors D A J Thomas and D A Thomas.

**ALSO PRESENT**

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

**1 URGENT MATTERS**

There were no urgent matters.

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

## **PART II**

### **2 MANAGEMENT OF CIVIC AMENITY SITES CONTRACT AND THE KERBSIDE COLLECTION OF HOUSEHOLD AND COMMERCIAL RECYCLABLE MATERIALS**

The Corporate Director: Environment presented the report seeking Cabinet agreement to the appointment of the company named in the report to carry out the Management of the Civic Amenity Sites and the Kerbside Collection of Recyclable Materials work. The contract(s) would commence on 06.08.2003 and run until 31.03.2009.

The Corporate Director: Environment informed Members that there was no guarantee that the Welsh Assembly Government [WAG] would continue with specific grant funding towards waste management after 2005. However the expectation by Authorities was that funding would continue. He then outlined to Members the penalties which would be incurred by the proposed contractor should the WAG targets not be met, as WAG would also be fined by Europe for not meeting targets. The targets were set out in EU legislation and therefore potentially directly enforceable against the Council although the WAG should accept our efforts to increase recycled materials.

In answer to a query from Councillor J A Smith regarding a possible shortfall as detailed in paragraph 4.1 of the report, the Corporate Director: Resources said the Authority was making a potential commitment of £0.5m for four years.

Councillor D A Thomas, Chair of Environment Scrutiny said he supported the use of performance contracts and that Denbighshire should be fully committed to waste recycling. Councillor Thomas asked whether Cabinet should be making the decision as this involved a large financial contract or whether Full Council should make the decision. If this was a Cabinet decision, he asked that the decision be endorsed by Full Council on 29.07.2003. Councillor Thomas asked that since the last report in March 2003, a further progress paper be provided for the Working Group on Waste.

Members discussed the expiration of the contract for civic amenity sites on 03.06.2003 although no civic amenity sites had been closed.

The Chief Executive confirmed that Cabinet were able to make the decision on the appointment of contractors to manage the civic amenities and recycling of waste as long as Cabinet could absorb any cost within the level of overall budget that had been set by the Council. Whilst it might be painful, a potential cost implication of £0.5m a year could be absorbed within an overall revenue budget approaching £200m.

The County Clerk said the subsequent years, after the first three, could prove to be difficult because of the funding element. However, he confirmed that Cabinet was empowered to make the decision as any cost could be absorbed within the overall budget although, obviously, the Cabinet could not reasonably take decisions such as this one every day.

The Corporate Director: Resources said his main concern was the potential £2m commitment and that it was unclear in the Constitution whether such a commitment was within the Policy and Budget Framework.

Councillor R W Hughes emphasised the need to include all Denbighshire Members in decision-making wherever possible and that it was more important for Cabinet and Scrutiny to work together regardless of who was the decision maker under the Constitution.

In response to Councillor E W Williams' query, the Corporate Director: Resources said balances were used to deal with unforeseen/unanticipated circumstances when necessary. However, the Authority had a responsibility to balance budgets every year. Councillor E A Owens said the Authority's recovery programme had been a process of consensus and the concept should be maintained.

Councillor G M Kensler suggested the original contract for civic amenity sites be extended to 05.08.2003. The Chief Executive confirmed that, regardless of what decision was reached on the new contract, it was appropriate for Cabinet to resolve to extend the original contract to 05.08.2003 at the meeting.

The County Clerk confirmed that letting of contracts was an Executive function and the contract concerned was within the budget framework for the first few years of the contract. The only area of uncertainty was the later years of funding commitment in the contract. However, Cabinet should make a reasonable decision on letting the contract on the facts available.

The Head of Public Protection and Regulatory Services and the Community Services Manager responded to numerous queries from Members.

Councillor D A Thomas asked was there any doubt about the decision being a Cabinet decision and if so, was Cabinet prepared to make such a decision. The County Clerk confirmed under the Constitution it was a Cabinet Decision.

Councillor E A Owens said Councillor D A J Thomas had submitted the 7 questions below for consideration by Cabinet:

- 1 What scope will there be for local community groups to participate in the Contract?

*Contractors would be willing to work with community groups to help meet community targets. This was built into the tender process and the Authority would wish the appointed contractor to work with the community. There would be ample scope for existing initiatives to be supported and further developed.*

- 2 What involvement will the Contract Services have in any part of this contract? 7.3 refers to a “hope” that a closer working relationship can be developed; how will this be brought about?

*A close working relationship would be essential to achieve targets and economies of scale. At Councillor E C Edwards' suggestion, it was agreed "hopefully" should be removed from paragraph 7.3 of the report and the paragraph strengthened.*

- 3 Do we have any undertaking of local involvement, in particular any commitment to employ people who are currently unemployed?



*Most of the Authority's employees were "local" but it would not be possible to ensure only the unemployed were employed on the contract. However, it was unlikely that any contractor would "bus people in" from far away. The appointed contractor would be encouraged to employ local labour. European regulations would not allow the Council to stipulate employment only of local labour.*

- 4 Will local Environment Groups be involved in the decisions, processes or advertising of these schemes?

*Local environment groups would be involved in the processes and it was important that community schemes were extended and that work within the community was strengthened.*

- 5 What role is envisaged for the Rethink North Wales Waste Project and how can we incorporate their plan into this Contract?

*The Project would be valuable in helping to achieve the targets set. Alternative uses for recycling were needed and could ultimately lead to local business growth.*

- 6 The Environment Scrutiny considered the basis of this tender on 19th March. The minutes do not reflect local or community involvement in this project or any reference to the Intermediate Labour Market. Have these aspects been considered?

*A new Intermediate Labour Market strategy for Rhyl would be created over the next 3 years.*

- 7 Are there any plans to extend the segregation of items at the Civic Amenity Sites thus facilitating more recycling? How will Green Waste Diversion operate in future?

*The large object movement scheme would continue. It was also agreed that the monitoring report be provided 3 months after the commencement of the contract.*

Members agreed that education and further development in the community was required.

After further discussion, Members agreed that Full Council should be given the opportunity to discuss the report and its implications before the Cabinet took a final decision.

**RESOLVED** that:-

- (a) *Cabinet defer the decision on the contract for civic amenity sites and kerbside collection on recyclables;*
- (b) *the matter report be considered at Full Council on 29.07.2003 with a decision on the appointment being taken at a specially convened Cabinet to follow Council on 29.07.2003*
- (c) *a progress report be provided within 3 months in the event of the contract being entered into, and*
- (ch) *the original civic amenity sites contract be extended as an interim measure to 05.08.2003.*

The meeting concluded at 10.15 a.m.

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**AGENDA ITEM NO: 3 [CABINET 2003 - 97]**

**REPORT TO CABINET**

**CABINET MEMBER: Cllr R W Hughes Lead Member Lifelong Learning  
Cllr M A German Lead Member for Sustainable  
Development and Environment**

**DATE: 22 July 2003**

**SUBJECT: School and College Transport**

**1 DECISION SOUGHT**

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

**2 REASON FOR SEEKING DECISION**

- 2.1 In accordance with Appendix 4 of the Lead Member for Finance's report to Cabinet dated 28th January 2003 and ratified by full Council on 11th February 2003 entitled Revenue Budget 2003/04 it was agreed that School and College Transport would be reviewed with the aim of implementing changes to address the current mismatch of expenditure and funding from September 2003. Subsequently the legal department has advised that the earliest changes could be implemented to the policy is September 2004 dependent upon full Consultation. The Cabinet therefore has little choice but to fund the existing policy in full for 2003-04.

- 2.2 Appendix C shows the current Home to School Transport policy identifying the minimum statutory provision and extensions beyond the minimum. It also gives information on alternative transport procurement methods already in operation.
- 2.3 The extensions beyond the Minimum Statutory provision have been reviewed with details provided in Appendix A.
- 2.4 A recent internal report on public and school transport noted that 'at all times, the most effective mode and economic and efficient routes are considered for those pupils eligible for free transport'.
- 2.5 SEN transport contracts are due to be retendered from September 2003 but in view of the first phase of the Tir Morfa development not being ready until April 2004 and similar site issues regarding out of County SEN schools in Conwy, it is proposed that these are renewed from April 2004. In respect of this there may be merit in likewise extending other mainstream contracts due to expire at either Christmas 2003 or February 2004 to that date also. It is recommended that Cabinet agrees to extend transport contracts to April 2004, so that they may take account of any agreed changes in policy and opportunities for efficiency savings in the tendering process.

### **3 POWER TO MAKE THE DECISION**

Sections 509 to 509 AC of the Education Act 1996  
The Transport Act 1985 Part V and the Transport Act 2000

### **4 COST IMPLICATIONS**

- 4.1 See Appendix B. The funding will be required regardless of whether any changes are agreed to the existing transport policy due to the time needed for the introduction of any change.
- 4.2 It needs to be noted that the financial projections given are based upon information available up to the time of preparing this report, noting that the figures are continually subject to change.
- 4.3 Any potential cost reductions associated with curtailing non statutory elements of the policy are contained within Appendix A. However,

these figures represent the projected saving upon full implementation, which can be achieved from September 2004 at the earliest.

## **5 FINANCIAL CONTROLLER STATEMENT**

At budget setting time a bid of £250k was made for additional resources to cover the anticipated pressure on this budget in 2003/4. £50k was agreed as additional funding with a further £101k being vired to this budget in 2003/04 and included in the base for future years. The balance of the bid, £99k, was due to be reviewed as part of this report. The department have revised the bid in the light of the latest data available and in anticipation of further upward pressures to £280k as detailed in Appendix B.

Following a meeting of Lead Members and officers recently, it is felt that an in-depth review of procedures, software requirements and contract terms would be useful to ensure best practice and value for money. Findings from this review would be included in a future report to Members.

## **6 CONSULTATION CARRIED OUT**

- 6.1 Joint Scrutiny (Lifelong Learning and Environment) Member / Officer Task Group - supportive of fully funding the existing policy
- 6.2 Lifelong Learning Scrutiny Committee - in agreement with fully funding the existing policy.
- 6.3 Internal Legal Services - advice given.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

Education Service Plan  
School Organisation Plan  
Children in Care  
Welsh Language Policy for Schools  
Local Transport Plan

## 8 RECOMMENDATION

8.1 That Members allocate sufficient resources to fund fully the existing School and College transport policy for 2003/04 at a current projected additional cost of £280K (Appendix B.3 allowing for a 5% increase in contract prices from September 2003 and total projected variations based on 2002/03 September to March.

8.2 That Members approve extension of transport contracts as described in paragraph 2.5.

8.3 That Members revise the existing policy with effect from September 2004 to cease the following Non Statutory elements of the existing policy (see Appendix A):

A.1

A.5

8.4 That Members maintain the following Non Statutory elements of the existing policy (see Appendix A):

A.2

A.3

A.4

A.6

A.8

A.9

8.5 That Members consider and agree one of the following options in respect of Post 16 Transport:

a) continued provision in line with the existing policy accompanied by a review of the core college network

b) withdrawal of funding and provision

c) introduction of charging

8.6 That Members agree that the wording of the Policy in terms of the definition of "appropriate school" be amended so that:

8.6.1 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

8.6.2 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.

**REVIEW OF EXTENSIONS BEYOND THE STATUTORY MINIMUM PROVISION**

- A.1 *'where a child, over 8 years of age, whose parents are in receipt of Income Support, Working Families Tax Credit or Rent Rebate and resides more than 2.5 miles from the nearest appropriate school'.*

This provision applies to 6 children from Rhewl who attend Ysgol Brynhyfryd and travel on the local bus service at a total cost of £ 1,400 per annum (£1.20 per child, per day).

Noting the minimal overall take up of this discretionary provision, there is scope for making no further awards under these criteria from September 2004.

- A.2 *'to the nearest Welsh Medium (whether designated, natural or bilingual) or Voluntary Aided Denominational school under the criteria in 2.1.*

The estimated current cost per annum of this provision is approximately £270K and benefits approximately 700 children in Welsh medium schools and 100 children in denominational schools.

Under Section 509 (4) The Education Act 1996 the Authority must have regard to parental wishes with regard to denominational religious education in considering whether it is necessary for free school transport to be provided. There is no specific Statutory requirement to take account of parental preference for Welsh medium schools although Denbighshire County Council's policy allows for the provision of transport to the nearest Welsh medium school outside the minimum distance criteria, noting the Authority's duty to provide education at a school 'suitable' to the child's needs. Removing this provision from the policy would be contrary to the Council's policies on promoting and fostering Welsh language and culture. Additionally there could be significant accommodation and staffing issues to be addressed if this entitlement was withdrawn because fewer parents might choose to send their children to denominational or Welsh Medium schools.



The wording of the policy should be tightened, however to make clear that free transport will be provided only where the parent adheres to the religion of the denominational school, in line with the wording of the 1996 Act, or where in schools which have Welsh and English medium streams [e.g. Brynhyfryd, Dinas Brân] free transport under this limb of the policy is available for pupils attending the Welsh medium stream.

### A.3 *'where the County considers the route to be hazardous'*.

The provision is currently estimated to cost £230K per annum and remains relatively stable from year to year subject to inflation.

Section 509 The Education Act 1996 states that in considering whether or not the authority is required to make arrangements for transport, it "shall have regard to the age of the person and the nature of the route, or alternative routes which he could reasonably be expected to take". The route must be one along which a child can walk with reasonable safety to school alone or, if reasonably practicable, accompanied. (**Rogers v Essex CC (1987)**) This clearly implies a route is capable of being used. In addition the case of **R v Hereford - Worcester County Council (1992)** provided that the LEA is under a duty to make arrangements as it considers necessary for a child to reach school without undue stress, strain or difficulty as would prevent him or her from benefiting from the education the school has to offer.

Appendix D details the guidelines of the County Surveyor's Society for the Assessment of Walking Routes to School which the Authority uses to assess all such routes/ applications.

The availability of a route can not be determined solely by a map. In the event that the Local Authority assessed and substantiated a submission that a route was within the hazardous criteria and did not provide transport or subsequently withdrew transport provision and a child was to be injured on that route, then in Legal's view the Authority would have failed in their duty and would be liable to be pursued by the parent for a claim of personal injury for that child.

It is proposed that the decision making procedure in Appendix D should be revised as follows to reflect modernisation and the Constitution:

[a] all decisions to be taken by officers

[b] appeals to be heard by the Appeals and Complaints Committee

A.4 *'Where a child requires transport on medical grounds and no suitable public transport exists.'*

This provision applies to 15 Children who are predominantly absorbed within existing contracts for other pupils. It covers children with medical conditions or disabilities and supporting medical evidence is required in each case.

A.5 *'Where the closure of a School results in a pupil being transferred to another school. Children on the register of the closed School will be entitled to free transport to the agreed receiving school, if the distance criteria apply, for a period of up to five years from the date closing.'*

This provision is unnecessary as the distance criteria are still applied. It is therefore proposed to delete this section from the policy from September 2004. There are no children being currently carried under this policy.

A.6 *'Where transport to an identified school is essential in a pupil's statement of Special Education Needs. This would normally be on medical or educational grounds, and would be deemed essential in the context of other criteria identified in this policy.'*

The projected cost of SEN transport for 2003/04 including a 5% increase from September 2003, and forecast contract variations is £768K, plus £209K for escort provision (Appendix B.1). It should be noted that, where practical opportunities to combine transport arrangements for SEN pupils with those from mainstream schools they will be adopted.

In most cases children required to attend identified schools in respect of Special Education Needs qualify for free transport on the distance criteria.

Eligibility in respect of other needs such as specific severe or physical disabilities are considered by the SEN moderation Panel.

Development of more robust eligibility criteria is being progressed with the Moderation Panel through the Senior Education Officer (Inclusive Learning).

If the statement makes provision for transport this must be provided. If the statement names a mainstream school, and that school is not the nearest school, then free transport must be provided subject to the 2 and 3 mile radius rules.

However, if a school is named in a statement of SEN and the child is unable to attend that school without the assistance of the Authority, the Authority will, on examining all the facts of the individual case, have a discretion to provide the transport, notwithstanding that there is no absolute duty upon it to do so: otherwise there would no point in having the statement.

#### A.7 16+ Transport

The total projected net cost of provision in Denbighshire for 2003/04 is £233K including a 5% allowance for inflation for college transport plus the cost for VI<sup>th</sup> forms. This figure includes rechargeable transport requested by colleges at a cost of £195K. Each school's VI<sup>th</sup> form provision has been examined and no discernible savings can be guaranteed as the Post 16 pupils share transport provided for younger pupils.

The Authority is required to treat colleges and schools equally in its transport policy.

The Local Authority currently funds a core network of routes to the following colleges - Llandrillo, Llysfasi, Yale, Deeside, NEWI, Celyn all of which except Llysfasi are outside Denbighshire. This network is enhanced by additional services funded directly by colleges but administered on a recharge basis by Denbighshire. It is proposed that a review of the core network should be undertaken by the established Member/Officer working group, to ensure compliance with the requirement for equal treatment [there may be some full time students at the Rhyl and Denbigh sites of Llandrillo College for example].

Although Denbighshire County Council is no longer responsible for funding Post 16 education the funding for Post 16 transport has remained with Local Authorities via revenue support grant.

Policy changes could be introduced for students starting from September 2004 at the earliest, and possibly on a phased basis. In considering future provision it is important therefore to understand the associated implications:-

a) Continued provision

Additional funding of £24K (Appendix B.2)

#### b) Withdrawal of funding and provision

- It is understood that Denbighshire would be the first Local Authority in Wales to withdraw this facility
- There will be implications for Post 16 students who are otherwise unable to access education without transport provision
- Generation of additional peak time car journeys conflicting with local and national objectives of reducing car dependency and congestion
- Inconsistency of complete withdrawal of services to colleges whilst paid for places on services schools with a sixth form could be maintained, thus creating differing ease of access to sixth forms in schools as opposed to colleges.

If Members require this option to be progressed additional resources may need to be made available to ensure that a comprehensive consultation and costed exercise is undertaken

#### c) Introduction of charging

- Need to set up a system for issuing passes [similar to those used for free bus travel for the over 60s] and collecting money from students/parents for them
- Would also need to have system for reimbursement where students wish to surrender their passes early
- On certain routes some vehicles are funded by DCC and others by the college. If DCC introduced a charging policy but the college maintained travel at no cost, there would need to be mechanisms for the college to decide which students should have free travel.

If Members require this option to be progressed additional resources may need to be made available to ensure that a comprehensive consultation and costed exercise is undertaken.

A.8 *'The Authority may provide concessionary transport, at a cost, where a pupil does not qualify on the above criteria but can be placed on an existing contract transport route which has empty seats. In these circumstances: -*

- 1) *a charge will apply; this charge is currently £37.50 per term or £107.50 for the full academic year and will be subject to an annual review.*
- 2) *concessions may be withdrawn at a short notice, with pro-rata rebate, when seats become unavailable.*

Concessionary fares are offered on the basis that the County Council incurs no additional operational costs by providing the concession (i.e. Route deviation or provision of additional seating capacity). The fee charged covers the cost of administration of such applications, including provision of a travel pass. The Transport Act 1985 Section 57 (9A) refers to the requirement for a passenger transport authority to only provide a service where such provision would not otherwise be made. In respect of this, concessionary travel is not provided where a suitable local bus service exists. Section 92 of the same act also requires Authorities not to inhibit competition in respect of Public Passenger Transport Services in their area.

A.9 *'Where pupils are placed in boarding schools more than 100 miles from home, Denbighshire County Council will assist with travelling expenses for parents to attend the statutory Annual Review meeting, by the most cost effective of :-*

*Arranging transport or*

*Making a cash payment (currently 13p per mile) or*

*Providing a ticket (or its cash equivalent) for one or both parents on public transport.*

*Such instances will also be given when a pupil who normally travels in a vehicle provided for a group, is unable to travel at the same time as the group because of his/her ill health. Medical certification will be required.*

*The Authority will not normally assist with travelling expenses for other functions or meetings.'*

The current and projected financial impact of this provision is approximately £3K per annum. It should be noted that this provision relates to pupils with a statement of SEN who can only be educated in an Out of County residential placement.

## PROJECTION OF COSTS 2003/04 (INCLUDES 5% INCREASE PLUS PROJECTION OF CONTRACT VARIATIONS\*)

AS PER JUNE03

| CODE | DETAILS                           | PROJECTED<br>TOTAL   | CASH<br>LIMITED<br>BUDGET | VARIANCE           |             |
|------|-----------------------------------|----------------------|---------------------------|--------------------|-------------|
| 0190 | ADMINISTRATION                    | £29,131.00           |                           |                    |             |
|      |                                   | £29,131.00           | £29,142.00                | £11.00             |             |
| 0070 | TRAINING ESCORTS                  | £3,895.00            | £3,895.00                 | £0.00              |             |
| 0710 | ESCORTS                           | £209,304.97          | £199,516.00               | £9,788.97          |             |
|      | <b>TOTAL EMPLOYEES</b>            | <b>£242,330.97</b>   | <b>£232,553.00</b>        | <b>£9,777.97</b>   |             |
| 2612 | PRIMARY                           | £425,658.60          | £428,379.00               | £2,720.40 (A)      |             |
| 2613 | SECONDARY                         | £707,070.61          | £675,590.00               | £31,480.61 (B)     |             |
| 2614 | SPECIAL                           | £768,327.29          | £566,199.00               | £202,128.29 (C)    |             |
|      |                                   |                      |                           |                    | £230,888.50 |
| 2616 | LINK COURSES                      | £4,590.00            | £4,590.00                 | £0.00              |             |
| 2617 | RECHARGES                         | £184,864.57          | £143,994.00               | £40,870.57         |             |
| 2618 | SCHOLARS TICKETS                  | £1,148.00            | £1,148.00                 | £0.00              |             |
| 2310 | RUNNING EXPENSES - DIESEL         | £1,300.00            | £0.00                     | £1,300.00          |             |
| 2630 | DIAL A RIDE                       | £7,889.00            | £0.00                     | £7,889.00          |             |
| 2630 | HIRE - DSO WITH DRIVER            | £4,525.00            | £0.00                     | £4,525.00          |             |
|      | <b>TOTAL TRANSPORT</b>            | <b>£2,105,373.07</b> | <b>£1,819,900.00</b>      | <b>£285,473.07</b> |             |
| 3071 | GEN. EQUIP. PURCHASE              | £300.00              | £0.00                     | £300.00            |             |
| 3921 | PRINTING                          | £500.00              | £0.00                     | £500.00            |             |
| 4031 | TELEPHONES RENTAL                 | £300.00              | £0.00                     | £300.00            |             |
| 4032 | TELEPHONES CALLS                  | £74.20               | £0.00                     | £74.20             |             |
| 4622 | MISCELLANEOUS COSTS               | £0.00                | £0.00                     | £0.00              |             |
| 4725 | CRB POLICE CHECK                  | £3,000.00            | £3,000.00                 | £0.00              |             |
|      | <b>TOTAL SUPPLIES</b>             | <b>£4,174.20</b>     | <b>£3,000.00</b>          | <b>£1,174.20</b>   |             |
| 5512 | RECHARGE SCHOOL TRANSPORT         | £76,791.00           |                           |                    |             |
|      | <b>TOTAL THIRD PARTY PAYMENTS</b> | <b>£76,791.00</b>    | <b>£76,791.00</b>         | <b>£0.00</b>       |             |
| 9223 | OTHER CONTRIBUTIONS               | £0.00                | £0.00                     | £0.00              |             |
| 9731 | INCOME                            | £40,000.00           | £0.00                     | £40,000.00         |             |
|      | <b>TOTAL INCOME</b>               | <b>£40,000.00</b>    | <b>£0.00</b>              | <b>£40,000.00</b>  |             |
|      | <b>TOTAL</b>                      | <b>£2,388,669.24</b> | <b>£2,132,244.00</b>      | <b>£256,425.24</b> |             |

NOTES

(A) = INCLUDES -3% DECREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

(B) = INCLUDES 2% INCREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

(C) = INCLUDES 4% INCREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

\* CONTRACT VARIATIONS : REFERS TO MODIFICATION OR INTRODUCTION OF CONTRACTS IN RESPECT OF CHANGING PUPILS TRANSPORT REQUIREMENTS.



**DIRECTORATE OF LIFELONG LEARNING**

**APPENDIX B.2**

**PROJECTION OF COSTS 2003/04**

**AS PER JUNE03**

| <b>CODE</b> | <b>DETAILS</b>                    | <b>PROJECTED<br/>TOTAL</b> | <b>CASH<br/>LIMITED<br/>BUDGET</b> | <b>VARIANCE</b>     |
|-------------|-----------------------------------|----------------------------|------------------------------------|---------------------|
| 2615        | COLLEGE NETWORK                   | £179,452.04                | £143,684.00                        | £35,768.04          |
| 2617        | COLLEGE RECHARGES                 | £41,951.05                 | £60,900.00                         | -£18,948.95         |
| 2621        | COLLEGE REQUESTED                 | £195,479.83                | £0.00                              | £195,479.83         |
|             | <b>TOTAL TRANSPORT</b>            | <b>£416,882.92</b>         | <b>£204,584.00</b>                 | <b>£212,298.92</b>  |
| 5512        | RECHARGE SCHOOL TRANSPORT         | £4,841.00                  |                                    |                     |
|             | <b>TOTAL THIRD PARTY PAYMENTS</b> | <b>£4,841.00</b>           | <b>£4,841.00</b>                   | <b>£0.00</b>        |
| 9222        | OTHER LEAS                        | £0.00                      | £0.00                              | £0.00               |
| 9223        | OTHER CONTRIBUTIONS               | -£188,574.01               | £0.00                              | -£188,574.01        |
|             | <b>TOTAL INCOME</b>               | <b>-£188,574.01</b>        | <b>£0.00</b>                       | <b>-£188,574.01</b> |
|             | <b>TOTAL</b>                      | <b>£233,149.91</b>         | <b>£209,425.00</b>                 | <b>£23,724.91</b>   |

**NOTES**

(a) = INCLUDES £5614+ PAID IN 03/04 RELATING TO 02/03/ INCOME IN 02/03

(b) = INCLUDES £6900+ PAID IN 03/04 RELATING TO 02/03 INCOME IN 02/03.

(A)

APPENDIX B.3

**DIRECTORATE OF LIFELONG LEARNING**

**PROJECTION OF COSTS 2003/04 (INCLUDES 5 % INCREASES)**

| CODE | DETAILS             | PROJECTED<br>TOTAL          | CASH<br>LIMITED<br>BUDGET   | VARIANCE                  |
|------|---------------------|-----------------------------|-----------------------------|---------------------------|
| E09  | SCHOOL TRANSPORT    | £2,362,381.50               | £2,132,244.00               | £230,137.50               |
| E69  | COLLEGE TRANSPORT   | £233,149.91                 | £209,425.00                 | £23,724.91                |
|      | <b><u>TOTAL</u></b> | <b><u>£2,595,531.41</u></b> | <b><u>£2,341,669.00</u></b> | <b><u>£253,862.41</u></b> |

(B)

**DIRECTORATE OF LIFELONG LEARNING**

**PROJECTION OF COSTS 2003/04 (INCLUDES 5 % INCREASES PLUS VARIATION INCREASES )  
AS PER JUNE03**

| CODE | DETAILS             | PROJECTED<br>TOTAL          | CASH<br>LIMITED<br>BUDGET   | VARIANCE                  |
|------|---------------------|-----------------------------|-----------------------------|---------------------------|
| E09  | SCHOOL TRANSPORT    | £2,388,669.22               | £2,132,244.00               | £256,425.22               |
| E69  | COLLEGE TRANSPORT   | £233,149.91                 | £209,425.00                 | £23,724.91                |
|      | <b><u>TOTAL</u></b> | <b><u>£2,621,819.13</u></b> | <b><u>£2,341,669.00</u></b> | <b><u>£280,150.13</u></b> |

NB

NO VARIATIONS ON COLLEGE NETWORK CONTRACTS.

### CURRENT TRANSPORT POLICY

#### C. Transport Policy

The Authority is required to determine whether the provision of transport for pupils of statutory school age is necessary to facilitate the attendance at the designated school of the pupil concerned. If such transport is deemed necessary then the transport must be provided free of charge.

##### C.1. The Minimum ( Statutory ) Provision

The Authority provides free transport

- a) Where a child of under eight years of age resides over two miles from the nearest appropriate school.
- b) Where a child of statutory school age, over eight years of age, resides over three miles from the nearest appropriate school.

##### C.2 Extension Beyond the Minimum (Statutory) Provision

The Authority Provides free transport for pupils of statutory school age.

- 1) Where a child, over 8 years of age, whose parents are in receipt of income support, working families Tax credit or Rent Rebate and resides more than 2.5 miles from the nearest appropriate school.
- 2) To the nearest Welsh medium ( whether designated, natural or bilingual ) or Voluntary Aided Denominational school under the criteria in 2.1
- 3) Where the Country considers the route to school to be hazardous.
- 4) Where a child requires transport on medical grounds and no suitable public transport exists.
- 5) Where the closure of a School results in a pupil being transferred to another school. Children on the register of the closed School will be

entitled to free transport to the agreed receiving school, if the distance criteria apply, for a period of up to five years from the date closing.

- 6) Where transport to identified school is essential in a pupil's statement of special Education Needs. This would normally be on medical or educational grounds, and would be deemed essential in the context of other criteria identified in this policy.

The Authority has also provided free transport for pupils/Students who are above statutory school age provided criteria's are met (see 2.6 and 2.7)

### **C.3 Extensions beyond the Minimum (Statutory) Provision:**

#### **Concessionary Fares**

The Authority may provide concessionary transport, at a cost, where a pupil does not qualify on the above criteria but can be placed on an existing contract transport route which has empty seats. In these circumstances: -

- 1) a charge will apply; this charge is currently £37.50 per term or £107.50 for the full academic year and will be subject to an annual review.
- 2) concessions may be withdrawn at a short notice, with pro-rata rebate, when seats become unavailable. However, under the Transport Act 1985, concessionary fares cannot be made where public services transport run along a school route at convenient times for the start and finish of the school day.

### **C.4 Extensions beyond the Minimum (Statutory) Provision:**

#### **Travelling Expenses for Parents of Pupils placed by a Statement of SEN in Schools outside Denbighshire**

Where pupils are placed in boarding schools more than 100 miles from home, the Authority will assist with travelling expenses for parents to attend the statutory Annual Review meeting, by the most cost effective of:-

- Arranging transport or
- Making a cash payment (currently 13p per mile) or
- Providing a ticket (or its cash equivalent) for one or both parents on public transport.

Such instances will also be given when a pupil who normally travels in a vehicle provided for a group, is unable to travel at the same time as the group because of his/her ill health. Medical certification will be required.

The Authority will not normally assist with travelling expenses for other functions or meetings.

## **DEFINITION OF CRITERIA**

### **C.5 APPROPRIATE SCHOOL CRITERIA**

An appropriate school is deemed to be the nearest school which provides education for the relevant age and ability of a pupil, the nearest Welsh Medium school (whether natural or designated) or the nearest Voluntary Aided school. An appropriate school is deemed to be the nearest school which, in the judgement of the Authority, provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of an individual.

The Authority is not responsible for the cost of transport:

- 1) where parental preference results in a pupil being placed in a school or facility other than the nearest appropriate school.
- 2) to school maintained by other Authorities where admission to those schools is a result of parental preference; unless that school is the nearest school. The Authority will seek special arrangements with neighbouring Authorities for Denbighshire pupils whose nearest appropriate school is outside the County boundary.
- 3) of pupils who reside outside Denbighshire, but who receive their education in Denbighshire schools. It should be noted, however,

that the Authority has special arrangements with some neighbouring Authorities.

## **C.6 AGE CRITERIA**

The Authority has no legal responsibility to those not deemed entitled to free transport.

- A)** The Authority does not provide transport for pupils attending nursery school or nursery classes at the age of three. Transport is provided from the commencement of the school year in which the child attains the age of five.
- B)** The Authority does make provision for pupils above compulsory school age to be transported free of charge to the nearest appropriate school, on routes which are commissioned to provide transport under the criteria of 2.1 and 2.2.
- C)** The Authority does make provision for a network of transport routes to be established to colleges which offer a comprehensive range of educational courses.

## **C.7 COURSE CRITERIA**

The Authority will provide transport to the nearest educational establishment which, in the judgement of the Authority, provides a reasonable range of courses suitable to the abilities, aptitudes and requirements of an individual pupil. Transport would be available to the nearest institution offering 'A' level courses which matched core and foundation subjects in the National Curriculum including Music and Art. Transport will only be provided for an individual to an educational establishment which is not the nearest if, in the judgement of the Authority, there is a considerable variation between a pupil's requested course and the course on offer at the nearest institution.

## **FURTHER EXPLANATION**

### **C.8 MODE OF TRANSPORT**

In determining the mode of transport required, the following principles will apply:-

- 1) the need for specialist transport;
- 2) the Special Educational Needs of a pupil as defined in a pupil's statement.

In all cases the efficient use of resources will dictate the mode of transport (subject to the above conditions). Transport may be provided by means of school contract transport services or existing public transport services which, together with the type of transport (bus, minibus, train, taxi etc.) will be dictated by cost effectiveness. In some cases one contract bus may transport different pupils to more than one school site. In particular circumstances a cash payment (currently 10p per mile) may be available for transporting pupils who meet all the criteria, if deemed by the Authority to be more cost effective.

## **C.9 COLLECTION AND RETURN**

Transport will normally be to and from bus stops or pick-up points for groups of pupils. It will only be provided from door-to-door if exceptional circumstances prevail.

- 1) No pupil under eleven years of age will be expected to make his/her own way more than two miles to the nearest pick-up point.
- 2) No pupil over eleven years of age will be expected to make his/her own way more than three miles to the nearest pick-up point.
- 3) No pupil/student who is eligible to be transported on a contract route will be eligible for transport provision outside the normal daily timetable of that contract route.

## **C.10 CRITERIA FOR THE PROVISION OF ESCORTS**

An escort may be provided by the Authority for pupils with statements of Special Education Needs, who qualify for transport under the defined criteria. Provision of escorts will take place after consideration by

relevant officers of the individual needs of the pupils or group of pupils and the nature of the transport available.

## **C.11 BEHAVIOUR**

It is the Council's policy to withdraw the agreed travelling arrangements from pupils whose behaviour during the journey to or from school is not of an acceptable standard.

### **NOTES**

- 1)** The driver will be responsible for the supervision of children in his/her vehicle during the journey to and from school.
- 2)** The driver will, in accordance with the agreed procedure, report any incidents of misbehaviour to the Head who is empowered to deal with cases of bad behaviour on school transport and who may if necessary, recommend to the Authority that the transport facility provided be withdrawn.

## **C.12 SMOKING ON BUSES**

Smoking is not permitted on any vehicle contracted to the Council for the conveyance of school pupils to and from school. Drivers will report the names of any pupils breaking this rule to the Head of the school concerned who is empowered to deal with these matters and again, may if it is considered necessary, recommend to the Authority that the transport facility provided be withdrawn.

### **EXAMPLES OF ALTERNATIVE TRANSPORT PROCUREMENT METHODS**

Although the vast majority of Home to School Transport is currently provided by external contractors there are examples of innovative alternative methodologies having been implemented.

- a) Rhualt Pupil Referral Unit

Mini bus operated by the unit providing Home to School Transport. In addition to cost savings there are significant benefits to pupils throughout the school day.



b) Ysgol Plas Brondyffryn

One mini bus operated by the school on a similar basis to PRU. A second vehicle is operated by Dial-a-Ride (North Denbighshire Ltd)

c) Yellow Bus Pilot Initiative

Brand new full size high profile school bus operated by Denbighshire County Council serving Ysgol Brynhyfryd. The initial pilot initiative will be for the 2003/04 academic year.

There is known to be scope for extending provision of such innovative solutions but these will require significant input of additional staff time to evolve and implement.

## DIRECTORATE OF LIFELONG LEARNING

## PROJECTION OF COSTS 2003/04 (INCLUDES 5% INCREASE FROM SEPTEMBER)

| CODE | DETAILS                           | PROJECTED<br>TOTAL   | CASH<br>LIMITED<br>BUDGET | VARIANCE           |
|------|-----------------------------------|----------------------|---------------------------|--------------------|
| 0190 | ADMINISTRATION                    | £29,131.00           |                           |                    |
|      |                                   | £29,131.00           | £29,142.00                | -£11.00            |
| 0070 | TRAINING ESCORTS                  | £3,895.00            | £3,895.00                 | £0.00              |
| 0710 | ESCORTS                           | £209,304.97          | £199,516.00               | £9,788.97          |
|      | <b>TOTAL EMPLOYEES</b>            | <b>£242,330.97</b>   | <b>£232,553.00</b>        | <b>£9,777.97</b>   |
| 2612 | PRIMARY                           | £436,979.41          | £428,379.00               | £8,600.41          |
| 2613 | SECONDARY                         | £695,082.87          | £675,590.00               | £19,492.87         |
| 2614 | SPECIAL                           | £742,706.54          | £566,199.00               | £176,507.54        |
|      |                                   |                      |                           | £204,600.82        |
| 2616 | LINK COURSES                      | £4,590.00            | £4,590.00                 | £0.00              |
| 2617 | RECHARGES                         | £184,864.57          | £143,994.00               | £40,870.57         |
| 2618 | SCHOLARS TICKETS                  | £1,148.00            | £1,148.00                 | £0.00              |
| 2310 | RUNNING EXPENSES - DIESEL         | £1,300.00            | £0.00                     | £1,300.00          |
| 2632 | DIAL A RIDE                       | £7,889.00            | £0.00                     | £7,889.00          |
| 2632 | HIRE OF DSO WITH DRIVER           | £4,525.00            | £0.00                     | £4,525.00          |
|      | <b>TOTAL TRANSPORT</b>            | <b>£2,079,085.38</b> | <b>£1,819,900.00</b>      | <b>£259,185.38</b> |
| 3071 | GEN. EQUIP. PURCHASE              | £300.00              | £0.00                     | £300.00            |
| 3921 | PRINTING                          | £500.00              | £0.00                     | £500.00            |
| 4031 | TELEPHONES RENTAL                 | £300.00              | £0.00                     | £300.00            |
| 4032 | TELEPHONES CALLS                  | £74.20               | £0.00                     | £74.20             |
| 4622 | MISCELLANEOUS COSTS               | £0.00                | £0.00                     | £0.00              |
| 4725 | CRB POLICE CHECK                  | £3,000.00            | £3,000.00                 | £0.00              |
|      | <b>TOTAL SUPPLIES</b>             | <b>£4,174.20</b>     | <b>£3,000.00</b>          | <b>£1,174.20</b>   |
| 5512 | RECHARGE SCHOOL TRANSPORT         | £76,791.00           |                           |                    |
|      | <b>TOTAL THIRD PARTY PAYMENTS</b> | <b>£76,791.00</b>    | <b>£76,791.00</b>         | <b>£0.00</b>       |
| 9223 | OTHER CONTRIBUTIONS               | £0.00                | £0.00                     | £0.00              |
| 9731 | INCOME                            | -£40,000.00          | £0.00                     | -£40,000.00        |
|      | <b>TOTAL INCOME</b>               | <b>-£40,000.00</b>   | <b>£0.00</b>              | <b>-£40,000.00</b> |
|      | <b>TOTAL</b>                      | <b>£2,362,381.55</b> | <b>£2,132,244.00</b>      | <b>£230,137.55</b> |

**DIRECTORATE OF LIFELONG LEARNING****PROJECTION OF COSTS 2003/04 (INCLUDES 5% INCREASE PLUS PROJECTION OF CONTRACT VARIATIONS)**

| CODE | DETAILS                           | PROJECTED<br>TOTAL   | CASH<br>LIMITED<br>BUDGET | VARIANCE           |             |
|------|-----------------------------------|----------------------|---------------------------|--------------------|-------------|
| 0190 | ADMINISTRATION                    | £29,131.00           |                           |                    |             |
|      |                                   | £29,131.00           | £29,142.00                | -£11.00            |             |
| 0070 | TRAINING ESCORTS                  | £3,895.00            | £3,895.00                 | £0.00              |             |
| 0710 | ESCORTS                           | £209,304.97          | £199,516.00               | £9,788.97          |             |
|      | <b>TOTAL EMPLOYEES</b>            | <b>£242,330.97</b>   | <b>£232,553.00</b>        | <b>£9,777.97</b>   |             |
| 2612 | PRIMARY                           | £425,658.60          | £428,379.00               | -£2,720.40 (A)     |             |
| 2613 | SECONDARY                         | £707,070.61          | £675,590.00               | £31,480.61 (B)     |             |
| 2614 | SPECIAL                           | £768,327.29          | £566,199.00               | £202,128.29 (C)    |             |
|      |                                   |                      |                           |                    | £230,888.50 |
| 2616 | LINK COURSES                      | £4,590.00            | £4,590.00                 | £0.00              |             |
| 2617 | RECHARGES                         | £184,864.57          | £143,994.00               | £40,870.57         |             |
| 2618 | SCHOLARS TICKETS                  | £1,148.00            | £1,148.00                 | £0.00              |             |
| 2310 | RUNNING EXPENSES - DIESEL         | £1,300.00            | £0.00                     | £1,300.00          |             |
| 2630 | DIAL A RIDE                       | £7,889.00            | £0.00                     | £7,889.00          |             |
| 2630 | HIRE - DSO WITH DRIVER            | £4,525.00            | £0.00                     | £4,525.00          |             |
|      | <b>TOTAL TRANSPORT</b>            | <b>£2,105,373.07</b> | <b>£1,819,900.00</b>      | <b>£285,473.07</b> |             |
| 3071 | GEN. EQUIP. PURCHASE              | £300.00              | £0.00                     | £300.00            |             |
| 3921 | PRINTING                          | £500.00              | £0.00                     | £500.00            |             |
| 4031 | TELEPHONES RENTAL                 | £300.00              | £0.00                     | £300.00            |             |
| 4032 | TELEPHONES CALLS                  | £74.20               | £0.00                     | £74.20             |             |
| 4622 | MISCELLANOUS COSTS                | £0.00                | £0.00                     | £0.00              |             |
| 4725 | CRB POLICE CHECK                  | £3,000.00            | £3,000.00                 | £0.00              |             |
|      | <b>TOTAL SUPPLIES</b>             | <b>£4,174.20</b>     | <b>£3,000.00</b>          | <b>£1,174.20</b>   |             |
| 5512 | RECHARGE SCHOOL TRANSPORT         | £76,791.00           |                           |                    |             |
|      | <b>TOTAL THIRD PARTY PAYMENTS</b> | <b>£76,791.00</b>    | <b>£76,791.00</b>         | <b>£0.00</b>       |             |
| 9223 | OTHER CONTRIBUTIONS               | £0.00                | £0.00                     | £0.00              |             |
| 9731 | INCOME                            | -£40,000.00          | £0.00                     | -£40,000.00        |             |
|      | <b>TOTAL INCOME</b>               | <b>-£40,000.00</b>   | <b>£0.00</b>              | <b>-£40,000.00</b> |             |
|      | <b>TOTAL</b>                      | <b>£2,388,669.24</b> | <b>£2,132,244.00</b>      | <b>£256,425.24</b> |             |

**NOTES**

(A) = INCLUDES -3% DECREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

(B) = INCLUDES 2% INCREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

(C) = INCLUDES 4% INCREASE FOR VARIATIONS THROUGH PERIOD OF JUNE03-MARCH04

**PROJECTED COST FOR SCHOOL TRANSPORT BASED ON CURRENT AMOUNTS PER DAY PLUS 5% INCREASE FROM SEPTEMBER AND PROJECTED VARIATION INCREASE/DECREASE SEPT03-MAR04**

|              | PROJECTED<br>TOTAL<br>APR-AUG03<br><br>(A) | PROJECTED<br>TOTAL<br>SEPT-MAR04<br><br>(B) | PLUS 5%<br>INCREASE<br>SEPT-MAR04<br><br>(C) | PLUS PROJECTED<br>VARIATIONS BASED<br>FOR PERIOD<br>JUNE03-MAR04<br>(D) | PROJECTED<br>TOTAL<br><u>AS@ 26/6/03</u><br><br>(E=A+B+C+D) | BUDGET<br>PROVISION<br><u>AS@ 26/6/03</u><br><br>(F) |
|--------------|--|---|--|---|---|--|
| PRIMARY      | £134,409.30                                | £288,162.01                                 | £14,408.10                                   | -£11,320.81 *(i)  | £425,658.60   | £428,379.00  |
| SECONDARY    | £214,490.05                                | £457,707.45                                 | £22,885.37                                   | £11,987.74 *(ii)  | £707,070.61   | £675,590.00  |
| SPECIAL      | £229,257.24                                | £488,999.33                                 | £24,449.97                                   | £25,620.75 *(iii)   | £768,327.29   | £566,199.00  |
| <b>TOTAL</b> | <b>£578,156.59</b>                         | <b>£1,234,868.79</b>                        | <b>£61,743.44</b>                            | <b>£26,287.68</b>   | <b>£1,901,056.50</b>  |  |

**NOTE:**

- (i) INCLUDES -3% DECREASE FROM SEPTEMBER03 TO MARCH 04 FRO VARIATIONS BASED ON 02/03 FIGURES FOR THE SAME PERIOD  
(ii) INCLUDES 2% INCREASE FROM SEPTEMBER03 TO MARCH 04 FRO VARIATIONS BASED ON 02/03 FIGURES FOR THE SAME PERIOD  
(iii) INCLUDES 4% INCREASE FROM SEPTEMBER03 TO MARCH 04 FRO VARIATIONS BASED ON 02/03 FIGURES FOR THE SAME PERIOD

**PROJECTED  
VARIANCE****AS@ 26/6/03****(G=E-F)****-£2,720.40****£31,480.61****£202,128.29****£230,888.50**

**DIRECTORATE OF LIFELONG LEARNING****PROJECTION OF COSTS 2003/04**

| <b>CODE</b> | <b>DETAILS</b>                    | <b>PROJECTED<br/>TOTAL</b> | <b>CASH<br/>LIMITED<br/>BUDGET</b> | <b>VARIANCE</b>     |
|-------------|-----------------------------------|----------------------------|------------------------------------|---------------------|
| 2615        | COLLEGE NETWORK                   | £179,452.04                | £143,684.00                        | £35,768.04          |
| 2617        | COLLEGE RECHARGES                 | £41,951.05                 | £60,900.00                         | -£18,948.95         |
| 2621        | COLLEGE REQUESTED                 | £195,479.83                | £0.00                              | £195,479.83         |
|             | <b>TOTAL TRANSPORT</b>            | <b>£416,882.92</b>         | <b>£204,584.00</b>                 | <b>£212,298.92</b>  |
| 5512        | RECHARGE SCHOOL TRANSPORT         | £4,841.00                  |                                    |                     |
|             | <b>TOTAL THIRD PARTY PAYMENTS</b> | <b>£4,841.00</b>           | <b>£4,841.00</b>                   | <b>£0.00</b>        |
| 9222        | OTHER LEAS                        | £0.00                      | £0.00                              | £0.00               |
| 9223        | OTHER CONTRIBUTIONS               | -£188,574.01               | £0.00                              | -£188,574.01        |
|             | <b>TOTAL INCOME</b>               | <b>-£188,574.01</b>        | <b>£0.00</b>                       | <b>-£188,574.01</b> |
|             | <b>TOTAL</b>                      | <b>£233,149.91</b>         | <b>£209,425.00</b>                 | <b>£23,724.91</b>   |

**NOTES**

(a) = INCLUDES £5614+ PAID IN 03/04 RELATING TO 02/03/ INCOME IN 02/03

(b) = INCLUDES £6900+ PAID IN 03/04 RELATING TO 02/03 INCOME IN 02/03.

(A)

**DIRECTORATE OF LIFELONG LEARNING****PROJECTION OF COSTS 2003/04 (INCLUDES 5 % INCREASES)**

| CODE | DETAILS             | PROJECTED<br>TOTAL          | CASH<br>LIMITED<br>BUDGET   | VARIANCE                  |
|------|---------------------|-----------------------------|-----------------------------|---------------------------|
| E09  | SCHOOL TRANSPORT    | £2,362,381.50               | £2,132,244.00               | £230,137.50               |
| E69  | COLLEGE TRANSPORT   | £233,149.91                 | £209,425.00                 | £23,724.91                |
|      | <b><u>TOTAL</u></b> | <b><u>£2,595,531.41</u></b> | <b><u>£2,341,669.00</u></b> | <b><u>£253,862.41</u></b> |

(B)

**DIRECTORATE OF LIFELONG LEARNING****PROJECTION OF COSTS 2003/04 (INCLUDES 5 % INCREASES PLUS VARIATION INCREASES )**

| CODE | DETAILS             | PROJECTED<br>TOTAL          | CASH<br>LIMITED<br>BUDGET   | VARIANCE                  |
|------|---------------------|-----------------------------|-----------------------------|---------------------------|
| E09  | SCHOOL TRANSPORT    | £2,388,669.22               | £2,132,244.00               | £256,425.22               |
| E69  | COLLEGE TRANSPORT   | £233,149.91                 | £209,425.00                 | £23,724.91                |
|      | <b><u>TOTAL</u></b> | <b><u>£2,621,819.13</u></b> | <b><u>£2,341,669.00</u></b> | <b><u>£280,150.13</u></b> |

NB

NO VARIATIONS ON COLLEGE NETWORK CONTRACTS.

### SCHOOL TRANSPORT HAZARDOUS ROUTES

The guidelines and assessment outlined in this report are based on national guidelines drawn up by the County Surveyors Society for assessing the safety of walking routes to school.

#### PRINCIPLES

1. Each case should be considered objectively on its merits.
2. Only highways or traffic-related dangers on the public highway will be considered. Routes on private roads, access drives etc. where access for vehicles is, by definition, restricted, will not be considered and the assessment of hazard will commence where this meets the public highway.
3. It will be assumed that a child or children will be accompanied, as necessary by a responsible adult. It follows that a safe route is one that an adult in the company of a child can negotiate in safety.
4. The presence or otherwise of street lighting is not a factor.

#### GUIDELINES

1. Where a footway, verge or roadside strip exists, which is of reasonable condition and width, or where there is a footpath or bridleway, this will normally be assumed to provide a safe route for that part of the journey.
2. Where on a lightly trafficked or narrow road, it is possible for the child and accompanying adult to step off on to a level verge when vehicles are passing, it will normally be assumed to provide a safe route for that part of the journey.
3. Where the road has neither a footway nor step offs, assessment will be based on the road width, traffic volume and composition, and visibility.



4. Consideration will be given to the accident record of the route having regard to pedestrian injury accidents.
5. Where road crossing are necessary, assessment will be based on traffic volume, visibility and the presence of pedestrian crossing facilities.

## **ASSESSMENT**

The route will be deemed safe for that part of the journey where Parts 1, 2, and 3 are satisfied.

### **Part 1 Walking Routes**

The route will be deemed safe for that part of the journey where any one of the following is satisfied.

- a) There is an adequate footway, verge or roadside strip - this should be at least one metre wide, and having a reasonably even and firm surface.
- b) There is a footpath or bridleway.
- c) Where the road has a width of 6.5 metres or more.
- d) Where the road is between 5.5 and 6.5 metres wide, has a two-way traffic flow of less than 240 vehicles per hour ("lightly trafficked") and the proportion of HGVs is no greater than 5% (subject to a minimum of 12 HGVs) of the total number of vehicles. Where there are step offs and adequate visibility these values can be exceeded.
- e) Where the road is less than 5.5 metres wide, has a two-way traffic flow of less than 240 vehicles per hour and the proportion of HGVs is not greater than 5% of the total number of vehicles (subject to a minimum of 12 HGVs) and there are step offs and adequate visibility.

Adequate visibility is taken as the distance of unobstructed vision, measured at 1.05 metres above the road surface, which is greater than

the appropriate shortest stopping distance, as listed in the Highway Code, given the known 85%ile of best estimate of the speed of traffic on the road.

A step off must have a reasonably even and firm surface, a minimum width of 1 metre and must be capable of being accessed quickly and easily by pedestrians who may be in charge of small children or pushchairs/pram, and must be available to pedestrians walking so as to face oncoming traffic.

## **Part 2 - Accident Records**

There have been no recorded injury accidents within the previous three years on any stretch of route where it is necessary to walk on the carriageway. Where there are recorded accidents a further analysis will be undertaken to determine whether this factor is pertinent.

## **Part 3 - Road crossings**

Where it is necessary to cross the road there must be adequate visibility and a sufficient number of gaps in the traffic flow. The gap must be sufficient to allow the road to be crossed, assuming a crossing time based on a walking speed of 0.9 metres per second. Any two-way traffic flow of less than 1.400 vehicles per hour, four gaps in a five minute period will be sufficient.

## **DECISION MAKING PROCEDURE**

1. The Transportation Panel will monitor and review this policy. in the light of "case-law"
2. The Transport Officer will normally deal with applications from parents, in liaison with the Senior Engineer (Traffic Safety).
3. In cases of dispute, the chair and vice chair of the Transportation Panel and a local Member, together with the Transport Officer and Senior Engineer (Traffic Safety), will adjudicate.
4. Appeals will be heard by the panel.

24<sup>th</sup> June, 1997

**AGENDA ITEM NO: 4 [CABINET 2003 - 98]**  
**REPORT TO CABINET**

**CABINET MEMBER:** Councillor D M Morris, Lead Member for  
Personnel and Communications

**DATE:** 22 July 2003

**SUBJECT:** Customer Service Strategy

**1 DECISION SOUGHT**

- 1.1 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.
- 1.2 To note the decision of the Head of Paid Service that the proposed head of customer service post should report directly to him.
- 1.3 To consider allocation of funding for the above.

**2 REASON FOR SEEKING DECISION**

At the June cabinet meeting, it was agreed that a further report would be brought forward providing guidance on how the project should be progressed. Two dimensions in particular have been highlighted as needing clarification.

**2.1 Procurement**

The original advice from NabarroNathanson was that the Council needed to do some considerable work before it was in a position to proceed to place an OJEC notice. Whilst it will be possible to draw up a notice which give some flexibility, the Council still needs to take some key decisions before an OJEC notice can be issued.

Items to be considered include:

1. A clear procurement strategy and timetable
2. Understanding the needs of the Council i.e. in terms of whether any partnership arrangements will extend beyond a contact centre and customer relationship management system
3. Understanding the risk transfer issues
4. A Pre-Qualification Questionnaire and Information memorandum
5. Evaluation criteria and contents of Invitation to tender Documentation
6. Consultation with key stakeholders
7. Staffing implications and involvement of Trade Unions
8. Establishing a partnership not an adversarial relationship

There are several different routes to achieving a partnership including Public Private Partnership Arrangements and Joint Venture Companies. At this stage all options need to be evaluated.

It is apparent that considerable procurement skills are needed to progress the matter correctly and it is therefore recommended that external advice is sought since the level of skills is not apparent in-house. It is suggested that this is achieved by seeking tenders from at least three organisations who can demonstrate experience in this field

## **2.2 Grade of Head of Customer Service**

There are two issues to consider: the level of job (whether it should be a director or head of service) and, in the case of a head of service post, its location.

The Head of Paid Service has considered, with the Corporate Executive Team, the nature of the role and what other tasks might reasonably be assigned to it. His conclusion, which is supported by the Corporate Directors, is that the post can be justified only at head of service level at the present time. The arguments for this conclusion are as follows:

1. The main focus of the job will be operational, in terms of running the procurement process, managing the

contract/partnership and the contact centre/one stop shops and related policy areas. While the post holder will need substantial skills in influencing and persuading other staff etc., and will be leading from day to day on delivery of a key corporate policy objective, these factors do not outweigh the primarily operational nature of the post. The post holder will be supporting the chief executive and directors in their corporate, strategic roles in respect of customer service and e-government.

2. None of the operations that would be transferred to report to the new post are managed by a head of service. It would be anomalous to have such staff managed directly by a director. (Although final decisions have not yet been taken, the main responsibilities being considered for transfer over time include the e-government team from Information and Communication Technology, libraries from Leisure and Culture because the one stop shops are based in them, the contact centre in Environment Directorate and reception/switchboard staff at Ruthin and perhaps other locations. Other functions that are being considered for transfer include the corporate complaints system and equalities issues, which may or may not involve transfer of staff. None of these transfers would involve redundancies.)

3. While it is not considered that there would be sufficient time for the post to manage a range of other services, it would be anomalous for a director level post not to have a strategic management role for a range of services. Whichever services were identified as appropriate for a director level post - and they could be drawn from any or all of the directorates - there would be a risk that the post holder would be diverted from the central focus of the job by unrelated service demands.

4. A fifth corporate director would not fit easily with the present structure in which each of the four directors has a corporate role with respect to one of the four area partnerships.

### **2.3 Location of Head of Customer Service**

In terms of location of the head of service post, there are 4 main possibilities namely:

Reporting directly to the Chief Executive  
Resources  
Lifelong Learning  
Environment

The relative advantages and disadvantages of each are as follows:

## **REPORTING DIRECTLY TO CHIEF EXECUTIVE**

### **Pro**

Supports role of Chief Executive in leading the senior management task force on e-Government (e-Gov)  
Demonstrates that e-Gov is not simply an ICT issue  
Would allow easier mutation into director level post in future (if that were ever judged to be necessary)

### **Con**

No substantial services to external customers currently report directly to Chief Executive

## **RESOURCES**

### **Pro**

Supports role of Director as e-Gov officer champion  
Synergy with ICT department

### **Con**

Continued perception that e-Gov, and new approach to Customer Service in particular, is an extension of ICT

## **LIFELONG LEARNING**

### **Pro**

Supports Director role as Customer Service champion  
One-stop shops are based in libraries  
Demonstrates that e-Gov is not simply an ICT issue

### **Con**

Risks misplaced conception that the new service will prioritise host directorate's demands

## **ENVIRONMENT**

### **Pro**

Already operate a small Contact centre  
Demonstrates that e-Gov is not simply an ICT issue

### **Con**

Already subject to a wide restructuring  
Risks misplaced conception that the new service will prioritise host directorate's demands

On balance it is felt that reporting directly to the Head of Paid Service is the best approach. This is the Head of Paid Service's preferred option, as well as that of the Corporate Executive Team. While it is not essential that an appointment is made immediately, it would be highly desirable to move in parallel with the preparation and issuing of the OJEC notice to progress the Customer Service project.

## **3 POWER TO MAKE THE DECISION**

Part I Local Government Act 1999 in relation to Best Value

Section 2, Local Government Act 2000 (well-being power)

## **4 COST IMPLICATIONS**

The costs associated with the appointment of an additional Head of Service will be approximately £33K for the remainder of this

year, which could be funded from the unallocated resources in 2003-04. The ongoing costs would be £65k a year and would need to form the basis of a budget bid for 2004-05.

Costs of seeking procurement advice will be identified during August and included as a bid to the Cabinet in September if they cannot be contained within the e-Gov Supplementary Credit Approval (approximately £35k of which is yet to be allocated in 2003-04).

## **5 FINANCIAL CONTROLLER STATEMENT**

The costs associated with the appointment of a Head of Service in 2003/04 will need to be submitted as a bid for funding from the additional revenue budget allocation made available for the current financial year. It should be noted that this provision is principally available for items of a one-off nature. In the event that the creation of this post is approved, costs will be ongoing into future financial years. These costs will need to be incorporated into the base budget for 2004/05 as an ongoing revenue commitment.

Estimates of the costs of seeking procurement advice have not been determined. This item is of a revenue nature and accordingly meets the criteria for being submitted as a bid from the additional revenue budget allocation made available for the 2003/04. The alternative source of funding via the use of the unallocated element of the 2003/04 e-Government Supplementary Credit Approval (SCA) is also subject to a bidding process but it should be noted that Ministerial consent is required before a revenue item such as this can be financed from the SCA.

## **6 CONSULTATION CARRIED OUT**

(In addition to consultation reported in Cabinet 2003-83.)

Corporate Executive Team - supports the proposals

Cabinet 24 June - supported the principle of the customer service strategy but asked for further information on the matters covered



in this report, including consideration of the possibility of a director level post.

Trade unions - informal consultation has been put in hand given the potential impact on moving staff to report to the proposed new post.

## **7 APPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

The proposals are consistent with the Council's e-Government strategy, "Delivering Quality Services".

## **8 RECOMMENDATION**

8.1 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.

8.2 To note the decision of the Head of Paid Service that the proposed head of customer service post should report directly to him.

8.3 To consider allocating £33k for the costs of the new post in this year and to include the ongoing costs in the budget proposals for 2004-05; and to note the potential need for additional funding for procurement advice.

## **AGENDA ITEM NO: 5 [CABINET 2003 - 99]**

### **REPORT TO CABINET**

**CABINET MEMBER:** Councillor E A Owens - Lead Cabinet Member for Finance.

**DATE:** 22 July 2003

**SUBJECT:** Revenue Budget 2003/04

#### **1 DECISION SOUGHT**

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 attached appendices) should be absorbed by services.

#### **2 REASON FOR SEEKING DECISION**

The need to deliver the Council's agreed budget strategies.

#### **3 POWER TO MAKE THE DECISION**

Local Authorities are required under section 151 of the Local Government Act (1972) to make arrangements for the proper administration of their financial affairs.

#### **4 COST IMPLICATIONS**

The projections undertaken based on budget monitoring at the end of June show current pressures on services at £569k (£388k at the end of May).

The pressures identified in respect of School & College Transport are the subject of a special report to the July Cabinet.

Discussions have taken place between the Cabinet Lead Members for Finance and Lifelong Learning and Head of Curricular Services as a starting point for the preparation of a special report to Cabinet in respect of the Special Education

budget pressures. The remaining pressures will need to be contained within existing budgets.

## **5 FINANCIAL CONTROLLER STATEMENT**

The Council's financial strategy for the year requires balances to be built up to £2.9m by the year end. Services have again identified pressures which (with the exception of School and College Transport and Special Education Needs) must be accommodated within existing budget provisions by adjusting spending priorities. Any adverse deviation from agreed budgets will endanger achievement of this objective.

## **6 CONSULTATION CARRIED OUT**

Lead Cabinet members are consulting on an ongoing basis with Heads of Service to agree necessary remedial action to prevent overspends in 2003/04.

Service Scrutiny Committees will review bids for funding for one off and spend to save proposals shortly.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

The level of funding available to services together with budgetary performance impacts upon all services of the Council.

## **8 RECOMMENDATION**

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

**MONTHLY BUDGET MONITORING REPORT - FINANCIAL YEAR 2003/04**  
**Summary of Pressures**  
**POSITION AS AT END JUNE 2003**

| Directorate                                     | - Year to Date - |                                       |                               |
|---|------------------|---------------------------------------|-------------------------------|
|   | Budget Profile   | Actual to End Jun 03 Plus Commitments | Variance (Increase/ - Saving) |
|   | £000s            | £000s                                 | £000s                         |
| Lifelong Learning (excluding schools delegated) | 4,017            | 3,720                                 | -297                          |
| Environment                                     | 3,806            | 3,381                                 | -425                          |
| Personal Services                               | 7,246            | 7,029                                 | -217                          |
| Chief Executive                                 | 573              | 473                                   | -100                          |
| Resources                                       | 1,474            | 1,640                                 | 166                           |
| Corporate, Miscellaneous & Benefits             | 2,967            | 3,075                                 | 108                           |
|   | <b>20,083</b>    | <b>19,318</b>                         | <b>-765</b>                   |

**Non - Service Items:**  
**Contingency**  
**Capital Financing Charges/Investment Income**  
**Precepts & Levies**  
**Contribution to Balances**

| - 2003/04 Totals -        |                         |                   |                               | Projected Variance (Previous Report)<br>£000s |
|---------------------------|-------------------------|-------------------|-------------------------------|---|
| Budget As per Budget Book | Budget As at End Jun 03 | Projected Outturn | Variance (Increase/ - Saving) |   |
| £000s                     | £000s                   | £000s             | £000s                         |   |
| 16,899                    | 17,293                  | 17,795            | 502                           | 388   |
| 18,613                    | 19,128                  | 19,128            | 0                             | 0   |
| 25,852                    | 26,648                  | 26,715            | 67                            | 0   |
| 2,243                     | 2,240                   | 2,240             | 0                             | 0   |
| 4,937                     | 5,007                   | 5,007             | 0                             | 0   |
| 3,870                     | 3,124                   | 3,124             | 0                             | 0   |
| <b>72,414</b>             | <b>73,440</b>           | <b>74,009</b>     | <b>569</b>                    | <b>388</b>                                    |
| 100                       | 929                     | 929               | 0                             | 0   |
| 11,283                    | 11,624                  | 11,624            | 0                             | 0   |
| 4,435                     | 4,435                   | 4,435             | 0                             | 0   |
| 1,000                     | 1,000                   | 1,000             | 0                             | 0   |
| <b>89,232</b>             | <b>91,428</b>           | <b>91,997</b>     |                               |   |
| <b>Total Variance</b>     |                         |                   | <b>569</b>                    | <b>388</b>                                    |

Note: The Management Accounting rules of the Council require debtor account entries to be reversed in respect of amounts outstanding for more 30 days after the due date. In the event that debts cannot be collected Services will be required to meet the cost of the debt write-off. This may impact on the actual outturn achieved by Services at the year end.

**MONTHLY BUDGET MONITORING REPORT - FINANCIAL YEAR 2003/04  
LIFELONG LEARNING  
POSITION AS AT END JUNE 2003**

|                                | - Year to Date - |                                       |                               |
|--------------------------------|------------------|---------------------------------------|-------------------------------|
|                                | Budget Profile   | Actual to End Jun 03 Plus Commitments | Variance (Increase/ - Saving) |
|                                | £000s            | £000s                                 | £000s                         |
| Individual Schools Budget      | 11,435           | 8,503                                 | -2,932                        |
| School Funds Held Centrally    | 2,277            | 2,196                                 | -81                           |
| Non school Funding             | 96               | 255                                   | 159                           |
| Leisure Services               | 765              | 554                                   | -211                          |
| Culture                        | 581              | 511                                   | -70                           |
| Countryside                    | 163              | 114                                   | -49                           |
| Youth                          | 135              | 90                                    | -45                           |
|                                | <b>4,017</b>     | <b>3,720</b>                          | <b>-297</b>                   |
| <b>Total Lifelong Learning</b> | <b>15,452</b>    | <b>12,223</b>                         | <b>-3,229</b>                 |

| - 2003/04 Totals -        |                         |                   |                               |
|---------------------------|-------------------------|-------------------|-------------------------------|
| Budget As per Budget Book | Budget As at End Jun 03 | Projected Outturn | Variance (Increase/ - Saving) |
| £000s                     | £000s                   | £000s             | £000s                         |
| 39,975                    | 39,975                  | 39,975            | 0                             |
| 10,004                    | 10,353                  | 10,809            | 456                           |
| 388                       | 388                     | 412               | 24                            |
| 3,086                     | 3,132                   | 3,140             | 8                             |
| 2,414                     | 2,427                   | 2,434             | 7                             |
| 434                       | 434                     | 441               | 7                             |
| 573                       | 559                     | 559               | 0                             |
| <b>16,899</b>             | <b>17,293</b>           | <b>17,795</b>     | <b>502</b>                    |
| <b>56,874</b>             | <b>57,268</b>           | <b>57,770</b>     | <b>502</b>                    |

| Projected Variance (Previous Report) |
|--------------------------------------|
| £000s                                |
| 0                                    |
| 359                                  |
| 0                                    |
| 15                                   |
| 7                                    |
| 7                                    |
| 0                                    |
| <b>388</b>                           |
| <b>388</b>                           |

**Notes:**

Actual expenditure to end May distorted by outstanding year end reserves for 2002/03

| <b>Comments</b>  | Current<br>Month<br>£ 000s | Previous<br>Month<br>£ 000s |
|--|----------------------------|-----------------------------|
| <b>Education Pressures</b>   |                            |                             |
| <b>School Funds Held Centrally</b>   |                            |                             |
| School Transport -   |                            |                             |
| Balance of bid for additional resources  | 100                        | 100                         |
| Impact of variations since budget setting  | 156                        | 59                          |
|  | <u>256</u>                 | <u>159</u>                  |
| SEN -  |                            |                             |
| Balance of bid for additional resources  | 200                        | 200                         |
|  | <u>456</u>                 | <u>359</u>                  |
| <b>Non School Funding</b>  |                            |                             |
| College Transport - per report to Cabinet  | 24                         | 0                           |
|  | <u>24</u>                  | <u>0</u>                    |
| <b>Culture and Leisure</b>   |                            |                             |
| <b>Leisure Services Pressures</b>  |                            |                             |
| Increase in Licencing Fees   | 8                          | 8                           |
| Leisure on-line booking system replacement hardware  | 0                          | 7                           |
|  | <u>8</u>                   | <u>15</u>                   |
| <b>Cultural Services Pressures</b>   |                            |                             |
| Increase in Licencing Fees   | 2                          | 2                           |
| Extension of the Peoples' Network Programme- reduced NOF funding   | 5                          | 5                           |
|  | <u>7</u>                   | <u>7</u>                    |
| <b>Countryside Services Pressures</b>  |                            |                             |
| Statutory Local Biodiversity Action Plan   | 7                          | 7                           |
|  | <u>7</u>                   | <u>7</u>                    |
| <b>Directorate Total</b>   | <u>502</u>                 | <u>388</u>                  |
| Note:  |                            |                             |
| The position on School Transport and SEN will be the subject of special reports to Cabinet in July   |                            |                             |
| The Leisure on-line booking system replacement hardware to be submitted to SMTF as a bid for Capital funding from the unallocated element of the e-Government SCA. |                            |                             |

**MONTHLY BUDGET MONITORING REPORT - FINANCIAL YEAR 2003/04**  
**ENVIRONMENT**  
**POSITION AS AT END JUNE 2003**

|   | - Year to Date - |                                       |                               |
|---|------------------|---------------------------------------|-------------------------------|
|   | Budget Profile   | Actual to End Jun 03 Plus Commitments | Variance (Increase/ - Saving) |
|   | £000s            | £000s                                 | £000s                         |
| Consultancy Services                    | 532              | 529                                   | -3                            |
| Economic Regeneration                   | 298              | 320                                   | 22                            |
| Highways and Transportation             | 966              | 862                                   | -104                          |
| Planning Services                       | 214              | 154                                   | -60                           |
| Public Protection & Regulatory Services | 1,526            | 1,287                                 | -239                          |
| Support Services                        | 184              | 155                                   | -29                           |
| Contract Services                       | 86               | 74                                    | -12                           |
| <b>Total Environment</b>                | <b>3,806</b>     | <b>3,381</b>                          | <b>-425</b>                   |

| - 2003/04 Totals -        |                         |                   |                               | Projected Variance (Previous Report) |
|---------------------------|-------------------------|-------------------|-------------------------------|--------------------------------------|
| Budget As per Budget Book | Budget As at End Jun 03 | Projected Outturn | Variance (Increase/ - Saving) |                                      |
| £000s                     | £000s                   | £000s             | £000s                         |                                      |
| 1,095                     | 1,225                   | 1,225             | 0                             | 0                                    |
| 914                       | 952                     | 952               | 0                             | 0                                    |
| 6,697                     | 6,734                   | 6,734             | 0                             | 0                                    |
| 935                       | 935                     | 935               | 0                             | 0                                    |
| 7,903                     | 8,193                   | 8,193             | 0                             | 0                                    |
| 797                       | 817                     | 817               | 0                             | 0                                    |
| 272                       | 272                     | 272               | 0                             | 0                                    |
| <b>18,613</b>             | <b>19,128</b>           | <b>19,128</b>     | <b>0</b>                      | <b>0</b>                             |

**MONTHLY BUDGET MONITORING REPORT - FINANCIAL YEAR 2003/04  
PERSONAL SERVICES  
POSITION AS AT END JUNE 2003**

|   | - Year to Date -  |  |                                     | - 2003/04 Totals -              |                               |                      |                                     | Projected<br>Variance<br>(Previous<br>Report) |
|---|-------------------|--|-------------------------------------|---------------------------------|-------------------------------|----------------------|-------------------------------------|---|
|   | Budget<br>Profile | Actual to<br>End Jun 03<br>Plus<br>Commitments | Variance<br>(Increase/<br>- Saving) | Budget<br>As per<br>Budget Book | Budget<br>As at<br>End Jun 03 | Projected<br>Outturn | Variance<br>(Increase/<br>- Saving) |   |
|   | £000s             | £000s  | £000s                               | £000s                           | £000s                         | £000s                | £000s                               |   |
| <b>Children Services:</b>                 |                   |  |                                     |                                 |                               |                      |                                     |   |
| Children and Families Services            | 1,321             | 1,246  | -75                                 | 4,094                           | 4,467                         | 4,573                | 106                                 | 170   |
| Community Development                     | 54                | 45   | -9                                  | 274                             | 261                           | 255                  | -6                                  | -7  |
| Performance Management & Support          | 126               | 98   | -28                                 | 381                             | 449                           | 449                  | 0                                   | -25   |
| <b>Adult Services:</b>                    |                   |  |                                     |                                 |                               |                      |                                     |   |
| Intake A & C M (North)                    | 1,397             | 1,803  | 406                                 | 5,333                           | 5,345                         | 5,995                | 650                                 | 89  |
| Preserved Rights/RCA                      | 764               | 637  | -127                                | 3,404                           | 3,404                         | 3,028                | -376                                | -461  |
| Intake A & C M (South)                    | 978               | 882  | -96                                 | 3,772                           | 3,797                         | 3,631                | -166                                | -211  |
| Adult Services (Provider)                 | 1,574             | 1,475  | -99                                 | 5,682                           | 5,677                         | 5,597                | -80                                 | 156   |
| Performance Management & Support          | 579               | 421  | -158                                | 1,515                           | 1,842                         | 1,842                | 0                                   | -11   |
| <b>Business Support &amp; Development</b> | 438               | 381  | -57                                 | 1,313                           | 1,333                         | 1,204                | -129                                | 260   |
| <b>Non HRA Housing</b>                    | 15                | 41   | 26                                  | 84                              | 73                            | 141                  | 68                                  | 40  |
| <b>Total Personal Services</b>            | <b>7,246</b>      | <b>7,029</b>                                   | <b>-217</b>                         | <b>25,852</b>                   | <b>26,648</b>                 | <b>26,715</b>        | <b>67</b>                           | <b>0</b>                                      |



**Children and Families**

As in 2002/03, Fostering will be the major drain on the 2003/04 budget.

**Intake A & C M (North & South)**

North, South, Preserved Rights and RCA should be looked at as a whole as virements are required.  
No full decision has yet been made re the allocation of the DTOC money.  
Full year effect of RCA still unclear, spend shown is a conservative estimate.  
Also further legislative changes to RCA to take place in October.  
Learning Disabilities budget pressure circa £450k.

**Adult Services - Provider**

Elderly Residential Services continue to be a major pressure area circa £150k.  
Potential savings from Llys Marchan mortgage circa £80k.

**Business Support & Development.**

Pressure areas include IT and central telephone recharges due to budget shortfalls.

**MONTHLY BUDGET MONITORING REPORT - FINANCIAL YEAR 2003/04**  
**CHIEF EXECUTIVE, RESOURCES, CORPORATE & MISCELLANEOUS**  
**POSITION AS AT END JUNE 2003**

|   | - Year to Date -  |  |                                     | - 2003/04 Totals -              |                               |                      |                                     | Projected<br>Variance<br>(Previous<br>Report) |
|---|-------------------|--|-------------------------------------|---------------------------------|-------------------------------|----------------------|-------------------------------------|---|
|   | Budget<br>Profile | Actual to<br>End Jun 03<br>Plus<br>Commitments | Variance<br>(Increase/<br>- Saving) | Budget<br>As per<br>Budget Book | Budget<br>As at<br>End Jun 03 | Projected<br>Outturn | Variance<br>(Increase/<br>- Saving) |   |
|   | £000s             | £000s  | £000s                               | £000s                           | £000s                         | £000s                | £000s                               |   |
| <b>Chief Executive's Dept</b>   | 573               | 473  | -100                                | 2,243                           | 2,240                         | 2,240                | 0                                   | 0   |
| <b>Resources Directorate:</b>   |                   |  |                                     |                                 |                               |                      |                                     |   |
| Finance   | 805               | 1,041  | 236                                 | 2,115                           | 2,185                         | 2,185                | 0                                   | 0   |
| Audit   | 75                | 96   | 21                                  | 299                             | 299                           | 299                  | 0                                   | 0   |
| I.T   | 422               | 323  | -99                                 | 1,649                           | 1,649                         | 1,649                | 0                                   | 0   |
| Personnel   | 172               | 180  | 8                                   | 874                             | 874                           | 874                  | 0                                   | 0   |
| Total   | 1,474             | 1,640  | 166                                 | 4,937                           | 5,007                         | 5,007                | 0                                   | 0   |
| <b>Corporate &amp; Miscellaneous</b>  | 239               | 405  | 166                                 | 3,386                           | 2,340                         | 2,340                | 0                                   | 0   |
| <b>Benefits</b>   | 2,728             | 2,670  | -58                                 | 484                             | 784                           | 784                  | 0                                   | 0   |
| Total   | 2,967             | 3,075  | 108                                 | 3,870                           | 3,124                         | 3,124                | 0                                   | 0   |
| <b>Total Chief Executive's, Resources, Corporate &amp; Misc. and Benefits</b> | <b>5,014</b>      | <b>5,188</b>                                   | <b>174</b>                          | <b>11,050</b>                   | <b>10,371</b>                 | <b>10,371</b>        | <b>0</b>                            | <b>0</b>                                      |

**AGENDA ITEM NO: 6 [CABINET 2003 - 100]  
REPORT TO CABINET**

**CABINET MEMBER: COUNCILLOR E C EDWARDS, LEAD  
MEMBER FOR SAFEGUARDING OUR  
COMMUNITIES**

**DATE: 22 JULY 2003**

**SUBJECT: THE REGULATION OF INVESTIGATORY  
POWERS ACT 2000**

**1 DECISION SOUGHT**

To formally adopt a Corporate Policy and Procedures that has been produced for Denbighshire County Council officers in respect of the provisions of the Regulation of Investigatory Powers Act 2000 (attached).

**2 REASON FOR SEEKING DECISION**

The Regulation of Investigatory Powers Act became part of UK law on the 2nd October 2000 and regulates the use of covert surveillance techniques employed by various bodies (which includes Local Authorities). The Act was enacted in order to ensure that an individual's human rights are protected if they are the subject of covert surveillance.

Bodies carrying out covert surveillance operations must also have regard to any Codes of Practice issued by the Home Office. Two such Codes have been issued to date, and they provide "good practice" guidance upon undertaking covert surveillance.

The Office of the Surveillance Commissioner (OSC) is obliged to review and regulate the performance of organisations in respect of their covert surveillance activities and their compliance with the 2000 Act.

The OSC inspected Denbighshire County Council on the 28th May 2003. The Inspector spent one day at the Council Offices in

Rhyl, and interviewed a number of officers. One of the main recommendations made in the Inspector's Report was that the Authority should take immediate steps to formally adopt its draft Corporate Policy and Procedures on covert surveillance investigations.

To date, departments have employed their own procedures when undertaking covert surveillance, and whilst the procedures adopted by each department appear to be generally sound, good practice dictates that the Authority should produce a single corporate document for use by all officers. The Corporate Policy and Procedures produced gives guidance to officers on the procedures that they should adopt when conducting covert surveillance and ensures that the Authority undertakes such investigations in a lawful and consistent manner.

Legislation under the 2000 Act specifies persons who may act as Authorising Officers, who authorise particular surveillance investigations. It is vital that only persons who have an understanding and knowledge of the Act are appointed to act as Authorising Officers in this capacity. This is dealt with in paragraph 3.2 of the Policy. It lists officers who are permitted to act as authorising officers with a power for the Chief Executive to amend the list from time to time.

### **3 POWER TO MAKE THE DECISION**

Part II of The Regulation of Investigatory Powers Act 2000.

### **4 COST IMPLICATIONS**

None.

### **5 FINANCIAL CONTROLLER STATEMENT**

There are no obvious significant financial implications resulting from the content of this report.

## **6 CONSULTATION CARRIED OUT**

The Corporate Policy and Procedures has been examined by the OSC. The OSC has approved its contents subject to some minor amendments which have been incorporated into the final version.

The Corporate Policy and Procedures was circulated to officers who deal with covert surveillance matters for comment prior to the OSC's inspection.

Corporate Governance Committee considered the policy at its meeting on the 15th July 2003. Chairs of Scrutiny Committees have also been consulted. Any comments will be reported orally.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

None

## **8 RECOMMENDATION**

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



# **DENBIGHSHIRE COUNTY COUNCIL**

## **Corporate Policy & Procedures** **For Denbighshire County Council Employees on** **the Regulation of the Investigatory Powers Act 2000**

# **THE REGULATION OF INVESTIGATORY POWERS ACT 2000**

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### Acknowledgements:

The County Council is grateful to Mr Richard Allsopp, Inspector of the Office of Surveillance Commissioners, for :

- a) conducting an audit of the County Council's policy and procedures in May 2003; and
- b) his instructive and helpful contributions as regards the production and improvement of this Corporate Policy & Procedures

## **FOREWORD**

This Corporate Policy and Procedures has been produced for the use of Denbighshire County Council Employees. Its provisions must be followed, where they apply, by all Officers. In addition, all employees must use only the Authorising Forms annexed to this Policy for authorisation purposes.

A copy of this document will be readily available to all employees, and a copy may be found on the Denbighshire Information Centre. This Policy has been produced in English and Welsh, and any comments or observations on its contents may be made to the County Clerk/Monitoring Officer.

If you are unclear as regards any aspect of this document, you should contact the County Clerk.

This document has been considered and ratified by the Council's Corporate Governance Committee and Cabinet, and is operative from July 2003.



## **CHAPTER 1: INTRODUCTION**

**1.1** The Human Rights Act 1998 became part of UK law on the 2nd October 2000, making it unlawful for a "public authority" (which includes a Local Authority) to breach any Article of the European Convention on Human Rights. The Act also made provision for any person who has suffered as a result of a breach of the European Convention of Human Rights to seek redress within the UK domestic courts, without having to pursue a claim via the lengthy and costly process of the European Court of Human Rights in Strasbourg.

Article 8 of the Convention on Human Rights has a significant impact upon Local Authorities and the ways in which they operate. The Article states that:

*"everyone has the right to respect for his private and family life, his home and his correspondence"*

Essentially, the "public authority" must not in any way interfere with the exercise of this right except as in accordance with the law and is necessary in a democratic society in the interests of any of the following:-

- National Security
- Public Safety
- The Economic well-being of the Country
- The Prevention of Crime and Disorder
- The Protection of Health or Morals
- Protection of the Rights and Freedoms of Others

In addition, any interference with the Article 8 rights should be a proportionate interference in the circumstances.

**1.2** Whenever a person undertakes covert surveillance on behalf of a Local Authority, they are placing themselves at risk of breaching Article 8 of the European Convention of Human Rights, unless that surveillance can be justified on the basis that it is conducted in accordance with the law, is necessary for any of the purposes listed in bullet points above, and is a proportionate action to take.

**1.3** The Regulation of Investigatory Powers Act 2000 (RIPA) was passed by Parliament and came into force on the 25th September 2000. This Act regulates covert surveillance and investigations by a number of bodies - including Local Authorities. One of the main purposes of the Act is to ensure that the human rights of any person who is the subject of covert surveillance is protected. However the Act also ensures that law enforcement officers and agencies have the powers they need to do their job properly and to carry out surveillance effectively.

- 1.4** The purpose of this document is to explain the impact of RIPA upon Denbighshire County Council's procedures in respect of surveillance activity and to provide employees with an understanding of the circumstances where the Act's provisions might apply. This document provides officers with guidance in respect of the procedures that should be followed when covert surveillance is undertaken. This policy should be read in conjunction with the Codes of Practice that have been produced by the Home Office entitled "Covert Surveillance" and "Covert Human Intelligent Sources". Copies of these codes of practice can be obtained from the Home Office website - [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk).
- 1.5** It is important to note that if any covert surveillance work is conducted by the Council and it falls within the provisions of RIPA then the authorisation procedures described in Chapter 3 must be followed before the surveillance occurs. Obtaining proper authorisation for surveillance will assist in protecting the Council and its officers against complaints of interference with an individual's human rights, and will also protect the admissibility of any evidence gained from such surveillance in a Court of Law.

## **CHAPTER 2: DEFINITIONS OF THE MAIN SURVEILLANCE TECHNIQUES REGULATED BY RIPA**

### **2.1 Surveillance**

The Act defines "surveillance" as monitoring, observing or listening to persons, watching or following their movements, listening to their conversations or their other activities or communications. It can also encompass recording anything that is monitored, observed or listened to during the course of surveillance. Surveillance may, or may not, be conducted with the assistance of a device.

For example, the installation of CCTV cameras in order to generally observe activity in a particular area will not be "surveillance" unless the CCTV camera is being used to target a specific person, persons or operation. In cases of uncertainty, officers should seek advice from their department's Authorising Officers who will in turn consult with the County Clerk should they require further clarification or guidance.

### **2.2 Covert Surveillance**

Surveillance will be "covert" if it is carried out in a manner calculated to ensure that the person(s) subject to the surveillance are unaware that it is or may be taking place. If surveillance is open and not hidden for the subjects of the surveillance, the surveillance will not generally be covert. Please note that RIPA applies only to covert surveillance so it is vital to consider initially whether or not you are conducting covert surveillance.

### **2.3 Intrusive Surveillance**

This is a form of covert surveillance that is regulated by RIPA.

Intrusive surveillance is defined in the Act as covert surveillance (see 2.2 above) that is carried out in relation to anything taking place on any residential premises or in any private vehicle, and it involves the presence of an individual in the premises or in the vehicle or is carried out by means of a surveillance device in the premises or in the vehicle. Please note that surveillance will not be intrusive if any of the following scenarios apply:

- It is carried out by a vehicle tracking device
- The surveillance involves a consensual interception of mail or telecommunications for which there is no interception warrant
- The surveillance involves the use of a surveillance device observing residential premises or a private vehicle but it is not fitted in the premises or in the private vehicle and does not provide information of the same quality and detail that would be obtained if the device was actually present in the premises or the vehicle
- The surveillance involves commercial premises and vehicles

**It is imperative to note that Local Authorities are not empowered by RIPA to carry out intrusive surveillance.** If a Local Authority does carry out this type of surveillance, it will be acting beyond the scope of its powers. If you think that your proposed surveillance activity could fall within the definition of “intrusive surveillance” you must not proceed with the surveillance. If you need help in determining whether or not you could be conducting intrusive surveillance seek advice from the County Clerk.

## 2.4 Directed Surveillance

This is a crucial method of surveillance which affects Local Authorities. This is surveillance that is covert, but is not intrusive and is undertaken for the purposes of a specific investigation or operation. The surveillance is undertaken in such a manner that it is likely to result in obtaining “private information” about a person or persons. Directed surveillance involves the observation of a person or persons with the intention of gathering private information about them to produce a detailed picture of their life, activities and/or, associates. It will not include entry upon or interference with property, but may include the use of photographic and video equipment (including CCTV).

Before conducting directed surveillance, you need to consider the meaning of “private information”. Private information will include any information relating to a person’s private or family life, and is therefore a very wide definition.

Please note that directed surveillance would not cover an immediate response to events (eg: detecting something suspicious by chance and continuing to watch).

## 2.5 Covert Human Intelligence Sources

Covert Human Intelligent Sources (CHIS) is another crucial definition within RIPA which could affect a Local Authority’s activities. A person will be a CHIS if he or she establishes or maintains a personal or other relationship with a person for the covert purpose of:

- Obtaining information relating to another person or
- Accessing information about another person, or
- Disclosing information obtained by the use of or as a consequence of such a relationship.

A purpose will be “covert” in this respect if the relationship is conducted in such a manner so that one of the parties to the relationship is unaware of the purpose behind that relationship.

An example of this type of surveillance might occur where a professional obtains information about a person without that person understanding the real reason why that information is being collected and without knowing that a professional is seeking to obtain the information in question. This will encompass the use of professional witnesses to obtain information and evidence.

a) Test Purchases

These do not usually require the use of a CHIS because carrying out a test purchase will not usually require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information. Be aware however, that developing a relationship with a person in a shop to collect information about the seller's suppliers of an illegal product, would involve the use of CHIS.

b) Anti-Social behaviour activities

Persons who complain about anti-social behaviour and are asked to keep a diary will not normally be a CHIS because they aren't required to establish or maintain a relationship for a covert purpose.

## 2.6 Persons used as a CHIS

The Council can use a CHIS if RIPA authorisation procedures as detailed in Chapter 3 are followed. However, Officers should always consider whether or not the person to be employed as a CHIS is a suitable person, taking the following into account:-

a) Juvenile Sources

Special safeguards apply to the use of persons under 18 years of age. Only the Chief Executive or Corporate Director: Resources can authorise the use of a juvenile source. A child under 16 years of age must never be used to give information about his/her parent.

b) Vulnerable Individuals

These are persons who are or may be in need of community care because of age, illness or other disability. Use of such sources should be avoided and in any event, may only be authorised by the Chief Executive or Corporate Director: Resources.

## 2.7 What you need to do before you undertake any surveillance.....

Before any Council officer undertakes surveillance of any individual or individuals they must first assess whether the activity falls within RIPA.

The following questions may help you decide.....

(a) Is the surveillance "covert?"

If the investigation and activities are open and are not hidden from the subjects of the investigation then the surveillance will probably not be covert, and the RIPA provisions will not apply. You do not need to obtain authorisation as outlined in Chapter 3 of this Corporate Policy and Procedures if the proposed surveillance is not covert. (See section 2.2 to help you decide this).

- (b) Is the surveillance conducted for the purposes of a specific investigation or operation?

Consider CCTV cameras that are regularly visible to anybody walking around a Council office as an example. The cameras will be used to monitor what is generally happening in that Council office and will not be used for the purposes of a specific investigation or operation unless those cameras are used to target a known particular individual and are used to monitor his particular activities.

- (c) Will the surveillance reveal private information?

If the surveillance is likely to result in obtaining “private information” (see section 2.4), about a person, RIPA may apply and you will need formal authorisation to carry out that surveillance.

If you have answered “yes” to Questions (a) to (c), you will probably be carrying out RIPA regulated surveillance and should therefore seek authorisation as outlined in Chapter 3. If you are unsure as to whether their surveillance will be covert or covered by the Act, you must seek advice from the County Clerk before any surveillance is carried out. If in doubt, follow the authorisation procedure outlined in Chapter 3 of this Corporate Policy and Procedures.

## **CHAPTER 3: PROCEDURES FOR AUTHORISING COVERT SURVEILLANCE**

**3.1** If, having considered the matters outlined in Chapter 2, you decide that you will be conducting surveillance activities covered by RIPA, you must seek authorisation in accordance with the procedures outlined in this chapter. Deciding when authorisation is required involves making a judgement based upon the particular circumstances of each case. If you are in doubt, it is always safer to get authorisation. Alternatively, seek advice as soon as possible from the County Clerk.

**3.2** The following officers may act as authoring officers for the purposes of RIPA.

|                                     |   |                                     |
|-------------------------------------|---|-------------------------------------|
| <b>Benefits Department</b>          | 1 | Compliance Manager                  |
|                                     | 2 | Senior Compliance Officer           |
| <b>Housing Department</b>           | 1 | Principal Housing Officers          |
| <b>Chief Executive's Department</b> | 1 | Principal Policy Officer            |
| <b>Public Protection and</b>        | 1 | Public Protection Manager           |
| <b>Regulatory Services</b>          | 2 | Principal Public Protection Officer |

The list may be amended at any time by the Chief Executive.

**3.3.** Authorising Officers should not be responsible for authorising their own activities; however it is recognised that this may sometimes be unavoidable where it is necessary to act urgently. Such instances should however be kept to a minimum.

**3.4** Only the forms found at Appendix 2 can be used for authorisation under this policy. Authorising Officers may authorise covert surveillance only where it is considered necessary in accordance with one of the grounds set out in 3.5 below and where the extent and nature of the surveillance is proportionate to the aim sought. Authorising Officers will need to be satisfied that any intrusion into an individual's private life can be justified and that the intrusion is essential to the success of an investigation. If the investigation can be furthered without having to resort to covert surveillance techniques, then the use of RIPA should be avoided.

**3.5** Where surveillance is deemed to be necessary, it must be authorised in accordance with the provisions of this Chapter before it is carried out. Proper authorisation should render the Council in a stronger position if challenged on the grounds that it is breached human rights legislation.

### **3.6 Authorising Directed Surveillance**

An Authorising Officer will not grant authorisation to an officer to conduct directed surveillance unless he or she believes that the authorisation is necessary on one of the following grounds and also that the surveillance is proportionate to the aim sought.

The grounds referred to are:

- (a) In the interests of national security
- (b) The purpose of preventing or detecting crime or of preventing disorder.
- (c) In the interests of the economic well-being of the UK

- (d) In the interest of public safety
- (e) For the purpose of protecting public health
- (f) For the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department or
- (g) For any other purpose specified by the Secretary of State

In order to ensure that Authorising Officers have enough information to make sensible and informed decisions, officers applying for authorisation should submit a detailed application form to the Authorising Officer (see Appendix 2 for forms).

Authorisations should also be recorded in writing; however it is possible for oral authorisations to be granted in exceptional and urgent circumstances. Where oral authorisations are given, a written statement that the authorisation has been expressly given by an Authorising Officer should be completed as soon as possible. This statement should include all the information recorded when written authorisations are given and must include details as to why an authorisation is considered urgent.

The Authorising Officer should take into account the risk that the operation presents to collateral intrusion (intruding upon the privacy of persons who aren't the subject of the investigation). This could affect whether or not an operation is proportionate.

The Authorising Officer must set a review date for reconsidering the authorisation, ensure that all forms are completed satisfactorily and that the requirements in 3.9 are complied with.

Finally, the Authorising Officer must allocate a Unique Reference Number to the application as follows:-

Year/Department/Number of Application

### **3.7 Authorising Covert Human Intelligent Sources (CHIS)**

When an Authorising Officer is considering authorising the use of a CHIS, he or she must consider the grounds referred to in respect of directed surveillance (3.6 above) and also ensure that arrangements are in place to deal with the following matters:-

- That there is an employee of the Council with day to day responsibility for dealing with the source and for the source's security and welfare. There must also be a senior officer who has general oversight of the use made of the source.
- That there is an officer responsible for maintaining a record of the use made of the source
- Consider any adverse impact on Community confidence that may result from the use, conduct or information sought.
- That records disclosing the identity of the source will not be made available to others except strictly on a need to know basis .



Please note that oral authorisations may also be given in respect of a CHIS; however such authorisations must be recorded in the same manner as oral directed surveillance authorisations (see 3.6 above).

### **3.8 Making sure your authorisations are correct.....**

As good practice, you should always ensure that each separate authorisation complies with the following points:-

- (a) record all applications and approvals for authorisations in writing in the format of the forms in Appendix 2 of this policy.
- (b) approach each authorisation on an individual basis - apply your mind to the circumstances of the individual case.
- (c) complete one form for each type of authorisation. Distinguish clearly between directed surveillance and covert human intelligent sources and consider whether any collateral intrusion or interference with a privacy of persons other than the subject of a surveillance is likely to arise. You need to describe in the application forms how collateral intrusion is justified in each particular case.
- (d) include an assessment of the risk of any collateral intrusion or interference. The Authorising Officer must take this into account particularly when considering whether the surveillance is proportionate to the ends hoped for.
- (e) those carrying out surveillance must inform the Authorising Officer if the operation or investigation unexpectedly interferes with a privacy of other individuals who are not the original subjects of the investigation or are not covered by the authorisation. Consideration will then need to be given as to whether an additional retrospective authorisation is required to validate the original authorisation.
- (f) Review authorisations regularly, and diarise dates for expiry and renewals!!! (See chapter 4).

### **3.9 Confidential Information**

Particular care should be taken when any act of surveillance is likely to result in obtaining confidential information. RIPA does not provide for any special protection for confidential material but such information will cover matters subject to legal professional privilege, confidential personal information or confidential journalistic information. Confidential personal information is information that is held in confidence relating to the physical, mental or spiritual counselling concerning an individual (whether living or dead) who can be identified from it.

Please bear in mind that such information is particularly sensitive and that it will be subject to additional safeguards.

Any application for authorisation likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken when the target of the investigation is likely to be involved in handling confidential information. Such applications should only be considered in very exceptional and compelling circumstances with full consideration given to the proportionality issues that it raises. Officers should always seek advice from the County Clerk in these instances.

Please note that it is only the Chief Executive (or in his absence, the Corporate Director: Resources) who is able to act as an Authorising Officer where an operation is likely to result in obtaining confidential information.

### **3.10 Central Register**

The Authority is required by law to retain a central register holding specific information about all authorisations of directed surveillance and covert human intelligent sources. This central record will be held and regularly reviewed by the Monitoring Officer. Appendix 1 lists what information is required to be held centrally in respect of each authorisation. This information must be forwarded by the Authorising Officer to the Monitoring Officer as soon as practicable following the grant, review or cancellation of all authorisation. Do not send a copy of the completed forms to the Monitoring Officer - it is sufficient only provide the information listed at Appendix 1.

Authorising Officers are responsible for ensuring that any documents sent to the Monitoring Officer are secure and marked "Private & Confidential".

## **CHAPTER 4: DURATION, REVIEW AND CANCELLATION OF AUTHORISATIONS**

- 4.1** Authorising directed surveillance or the use of a CHIS is not a decision that should be taken lightly - it is after all, surveillance that interferes with people's privacy. On that basis, a regular review of authorisations must be carried out in order to assess the need for such surveillance to continue. The results of reviews should be kept and recorded safely.
- 4.2** Please note that there are time limits upon the length of any authorisations granted under RIPA. The length of authorisation will depend on the type of surveillance activity involved:
- (a) Directed Surveillance - 3 months from the date the authorisation was given, or the date of the latest renewal. Urgent oral authorisations last initially for 72 hours.
- (b) CHIS - 12 months from the date the authorisation was given, or the date of the renewal. Urgent oral authorisations last initially for 72 hours.
- 4.3** All authorisations must be cancelled either when they are no longer necessary or proportionate (see sample cancellation forms at Appendix 2) or when the authorisation expires. An Authorising Officer can grant a new authorisation or renew an existing authorisation in the same terms at any time before the original authorisation ceases to have effect. Once an authorisation has expired however, you must complete a fresh application for consideration by the Authorising Officer.
- 4.4** Urgent authorisations should be avoided where possible, although they may be granted where the time that would elapse before a written authorisation is granted would be likely to endanger life or jeopardise the investigation or operation for which the authorisation was given. An authorisation will not be urgent where the need for authorisation has been neglected. Any oral urgent authorisations must be subsequently recorded in writing using the standard forms (see Appendix 2).

## **CHAPTER 5: SCRUTINY**

**5.1** The Office of the Surveillance Commissioner (OSC) has a duty to review the exercise and performance of Council departments in respect of their activities under RIPA. The OSC will regularly inspect the Council in order to ensure that it is complying with statutory functions and duties. This will include scrutiny of authorisations of directed surveillance and CHIS.

**5.2** An Investigatory Powers Tribunal has been established in order to consider complaints made under the 2000 Act. The Tribunal is empowered to order bodies who breach the provisions relating to covert surveillance to pay compensation. Claims must be brought within one year of the alleged breach, although there are provisions which enable the tribunal to extend that period. A person may also complain to the Investigatory Powers Tribunal whose address is:-

Investigatory Powers Tribunal,  
PO Box 33220,  
London  
SW1H 9ZQ.

**5.3** Any person who reasonably believes they have been adversely affected by any surveillance activity carried out by on behalf of the Council may either complain to the Monitoring Officer of the Council who will then investigate the complaint, or make a complaint of maladministration to the Ombudsman.

**5.4** Clearly, any form of sanctions exercised against the Council, could result in damaging the County Council's reputation and generate adverse media publicity. This is quite apart from any financial implications that could arise. On that basis, it is imperative that all Officers are familiar with the possible (and quite serious) implications that could arise if the guidance offered by this Policy isn't adhered to.

**INFORMATION TO BE CENTRALLY HELD**

1. Directed Surveillance

- the type of authorisation;
- the date the authorisation was given;
- name and rank/grade of the Authorising Officer;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- whether the urgency provisions were used, and if so why;
- if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the Authorising Officer;
- whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice, and
- the date the authorisation was cancelled.

2. Covert Human Intelligence Sources

- copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- reason why the person renewing the authorisation considered it necessary to do so;
- any authorisation granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- any risk assessment made as regards the source;
- circumstances in which tasks were given to the source;
- value of the source to the investigating authority;
- record of the results of any reviews of authorisations;
- reasons, if any, for not renewing an authorisation;
- reasons for cancelling an authorisation, and
- date and time when any instruction was given by the Authorising Officer to cease using a source.

NB: These records should preserve the confidentiality of the source and information given by the source.

**SAMPLE FORMS**

1. Application for Authorisation to Carry Out Directed Surveillance.
2. Review of a Directed Surveillance Authorisation.
3. Cancellation of a Directed Surveillance Authorisation.
4. Application for Renewal of a Directed Surveillance Authorisation.
5. Application for Authorisation of the Use or Conduct of a CHIS.
6. Review of a CHIS Authorisation.
7. Application for renewal of a CHIS Authorisation.
8. Cancellation of Authorisations for the Use or Conduct of a CHIS.

[Omitted from the report to Cabinet to save paper.]

## **AGENDA ITEM NO: 7 [CABINET 2003 - 107]**

### **REPORT TO CABINET**

**CABINET MEMBER** Councillor M German, Lead Member for Sustainable Development and Environment

**DATE** 22 July 2003

**SUBJECT** Location of New Vehicle Maintenance Workshops

#### **1. DECISION SOUGHT**

**1.1** Members are invited to agree 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.

#### **2. REASON FOR SEEKING DECISION**

**2.1** In February 2002, Cabinet Members considered the implications of the results from the Fleet Transport Best Value Review process. There was a firm recommendation that the County's vehicle maintenance facilities to be consolidated on a single site. The report suggested that Denbigh, as the geographical centre of the County, would be a suitable location for the depot, but concluded that no suitable sites were available. Since then, and in parallel with the development of proposals for the new depot, an extensive search has taken place to try and identify suitable sites, concentrating on Denbigh and Kinmel Park, Bodelwyddan.

**2.2** Appendix A to this report is an evaluation criteria of all of the sites considered, which confirms that the most viable location, is to locate the depot at Kinmel Park, Bodelwyddan.

**2.3** Members will also be aware that there are proposals to redevelop the existing vehicle maintenance workshop sites at Ruthin, following the construction of the proposed Glasdir relief road. The Prestatyn vehicle maintenance workshops are currently located in a building owned by Somerfield Plc, by way of a two year lease, which expires in August 2004. Negotiations with Somerfield over a possible

extension of this lease are progressing, however, the Company have indicated that they are only willing to see an extension of the lease, with a rolling three month break clause period. This sets an effective date when the new workshops will be required, of August 2004.

### **3. POWER TO MAKE THE DECISION**

- 3.1** The decision over the location of the new depot is a matter for the Cabinet under executive powers. The costs will need to be provided for within the Authority's Capital Plan.

### **4. COST IMPLICATIONS**

- 4.1** The scheme at this stage is at outline only, and the costs will vary depending on the final location chosen. At this stage, therefore, the costs are indicative estimates only, but further design work cannot be carried out until a final location has been accepted.
- 4.2** Based on a total required area for the new building of 1400 sq. metres, at an estimated price of £700 per sq. metre, the total cost for the building is likely to be in the order of £980,000, excluding any required external works. To this needs to be added preliminaries at 12.5% and professional fees at 12%.
- 4.3** The total likely outturn cost, therefore, will be in the order of £1.3million. This excludes any allowances for land acquisition.

### **5. FINANCIAL CONTROLLER STATEMENT**

- 5.1** There is no specific provision with the current Capital Programme for costs in connection with this scheme. Costs will need to be contained within the level of capital receipt generated from the sale of land at the existing Ruthin Depot, although the new facilities will need to be in place prior to the disposal of the existing site.
- 5.2** An initial analysis of the Capital Programme for 2004/05 indicates that this project can be included but will use all available capital funding [assuming the current blocks are retained].



## **6. CONSULTATION CARRIED OUT**

**6.1** A meeting with all local Members in Denbigh has been carried out, to discuss the evaluation of the various sites put forward. A verbal report on this meeting will be available at the Cabinet meeting.

**6.2** The following Estate Agents in Denbigh were contacted, but none were able to suggest suitable sites or properties other than those identified in the report:

- Jones Peckover
- Dodds Property World
- Beresford Adams Countryside
- Clough and Co

**6.3** In putting together the list of sites considered for evaluation purposes, the following Departments were contacted in order to see whether suitable property was available:

- Contract Services
- Corporate Property Unit
- Economic Regeneration
- Evaluation and Estates
- Planning
- Conservation
- Highways and Transportation

## **7. IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

**7.1** The provision of an effective vehicle maintenance service is relevant to all services where transportation, using the Authority's own vehicles, is undertaken. The ethos of the Best Value Review was to provide a cost effective maintenance provision, thus leading to a lower cost base within the Authority.

## **8. RECOMMENDATION**

- 8.1** It is recommended that Cabinet note the detailed evaluation process on a range of sites that is included at Appendix A of the report, and agree that the new vehicle maintenance depot should be constructed at Kinmel Park, Bodelwyddan.
  
- 8.2** Cabinet Members are also invited to note the likely cost implications of the new workshop, and that a further report will be provided when detailed costs are known.

## Appendix A

### EVALUATION OF POSSIBLE LOCATIONS FOR NEW VEHICLE MAINTENANCE WORKSHOPS

Only locations in the Denbigh and Bodelwyddan areas have been considered for the new vehicle maintenance workshops, as these are the closest to the centre of the County, for the purposes of the fleet currently being maintained.

Generally, only sites allocated within use class B2 in the UDP were available for consideration, with the optimum size of the site being in the order of some 2,000 sq. m. The size and shape of the site is critical, as the vehicles that are to be maintained require extensive circulation areas outside the confines of the buildings that would be created. A further factor to be considered is that the nature and quality of the development is reasonably low, with some concerns being expressed over the neighbourliness of such a development, particularly bearing in mind the need for the new vehicle maintenance workshops to be operated on a multi-shift bases.

Via an extensive process of consulting with various partners within the Authority, the following sites were identified as possibilities.

- Site A** Highways Depot, Barkers Well Lane, Denbigh
- Site B** Site 1 Colomendy Industrial Estate, Denbigh
- Site C** Site 2 Colomendy Industrial Estate, Denbigh
- Site D** Site 3 Colomendy Industrial Estate, Denbigh
- Site E** Allotments, Lon Llewelyn, Denbigh – see Appendix B drawing no 3
- Site F** Vacant land, Lon Llewelyn, Denbigh - see Appendix B drawing no 4
- Site G** Crossville Depot, Lenten Pool, Denbigh – see Appendix B drawing No 5
- Site H** Former North Wales Hospital, Denbigh
- Site I** Colomendy Industrial Estate Expansion, Denbigh
- Site J** Kwiksave, Old Station Yard, Denbigh
- Site K** Land at rear of New Police Station, Ffordd y Graig, Denbigh
- Site L** Denbigh Rugby Club, Ffordd y Graig, Denbigh
- Site M** Denbigh Quarry, Ffordd y Graig, Denbigh
- Site N** Kimmel Park Depot area 1 Bodelwyddan
- Site O** Kimmel Park Depot area 2 Bodelwyddan

Appendix A

| Site | Land in Council Ownership | Site of sufficient size | Use consistent with UDP / Inside Development Boundary | Adverse Community / Neighbourhood Impact | Other Issues   |
|------|---------------------------|-------------------------|---|--|--|
| A    | ✓                         | ✗                       | ✓   | ✓  | <b>Highways Depot, Barkers Well Lane, Denbigh</b><br>This site is within a designated Conservation Area, and located adjacent to Eirianfa. The site is too small for the current proposals   |
| B    | ✓                         | ✗                       | ✓   | ✗  | <b>Site 1 Colomendy Industrial Estate</b><br>The site is too small to provide an ideal solution for the vehicle workshops. The location of the workshops on the site by virtue of the operations and appearance, could undermine the current attempts being made to upgrade Colomendy. The site is currently under offer or subject to an Objective One bid.   |
| C    | ✓                         | ✗                       | ✓   | ✗  | <b>Site 2 Colomendy Industrial Estate</b><br>See comments above  |
| D    | ✓                         | ✗                       | ✓   | ✗  | <b>Site 3 Colomendy Industrial Estate</b><br>See comments above  |
| E    | ✓                         | ✓                       | ✗   | ✓  | <b>Allotments, Lôn Llewelyn, Denbigh</b><br>The site is close to the Castle and it is considered that the proposed development would have a detrimental effect on its setting. Access off Lôn Llewelyn would be costly and take up much of the site. Change of use on this site would require a Parliamentary Act, and in Planning terms the site is not considered suitable.  |
| F    | ✓                         | ✓                       | ✗   | ✓  | <b>Vacant Land, Lôn Llewelyn, Denbigh</b><br>This is a difficult site, due to the nature of the site and its location outside the development boundary. Timescales associated with planning constraints on this site, render it inadequate.  |
| G    | ✗                         | ✗                       | ✗   | ✓  | <b>Crosville Depot, Lenten Pool, Denbigh</b><br>There is considerable private sector interest in this site, and it is hoped that a redevelopment proposal here could retain significant employment in Denbigh which otherwise might go elsewhere. In view of the proximity to residential properties, the working hours proposed at the new depot would cause neighbourly problems.  |
| H    | ✗                         | ✓                       | ✗   | ✓  | <b>Former North Wales Hospital</b><br>The proposals being put forward by the new owner of the site have yet to be fully developed, although a mixture of offices and residential is currently suggested. Vehicle maintenance workshops would not seem to fit within this category. In the absence of a detailed master plan for the development of the site, planning consent for the use could be difficult. A new access road to service the depot in isolation of any other aspect of the work would be expensive, and add to the timescale considerably. |
| I    | ✗                         | ✓                       | ✓   | ✗  | <b>Colomendy Industrial Estate Expansion, Denbigh</b><br>The land is allocated in the UDP for an expansion of Colomendy. Servicing costs are prohibitive for this development alone. Time constraints also render this site unacceptable.  |
| J    | ✗                         | ✓                       | ✗   | ✓  | <b>Kwiksave, Old Station Yard, Denbigh</b><br>The land here is in diverse ownership, and is the subject of current discussions with the owners. It is likely that aspirations for a higher value use exist on the site, and until these have been explored, it is unlikely that the site will be available.  |
| K    | ✗                         | ✓                       | ✗   | ✗  | <b>Land at Rear of New Police Station, Ffordd y Graig, Denbigh</b><br>The land has been allocated for recreational use and its development would require a departure from the UDP. For this reason, time constraints render this site inadequate.  |

## Appendix A

| Site | Land in Council Ownership | Site of sufficient size | Use consistent with UDP / Inside Development Boundary | Adverse Community / Neighbourhood Impact | Other Issues   |
|------|---------------------------|-------------------------|---|--|--|
| L    | x                         | ✓                       | ✓   | x  | <b>Denbigh Rugby Club</b><br>The site is not considered to be available for acquisition, and the Rugby Club have recently received a Sportslot grant to expand.  |
| M    | x                         | ✓                       | x   | ✓  | <b>Denbigh Quarry, Ffordd y Graig, Denbigh</b><br>The site is currently an operational quarry, and whilst surplus land may exist, it is considered that by virtue of the ownership issues, timescales and costs, that this site is not viable  |
| N    | x                         | ✓                       | ✓   | x  | <b>Kinmel Park Depot Area 1, Bodelwyddan</b><br>The site is currently let by way of a 99 year lease to DCC. The garages are not currently used to their full potential, however the location in the centre of the site provides for easy access, in particular that the vehicles can be driven in and out of both sides of the building. Its prominent location near a main entrance to Kinmel Park Depot means that the site could be developed into a commercial enterprise, through some partnership arrangement with a private sector operator. The location is shown in Appendix B, |
| O    | x                         | x                       | ✓   | x  | <b>Kinmel Park Depot Area 2, Bodelwyddan</b><br>This is an alternative location within the Kinmel Park Depot, however, it involves the excavation of considerable amount of spoil to level the ground to make it suitable for the building. The option is viable, however, it is located at the rear of the site, and this could make vehicle movements difficult, and opportunities to work in partnership with the private sector could be reduced   |

On the basis of the detailed evaluation carried out above, it is **RECOMMENDED** that the favoured site for the location of the new depot is Site N, being Option 1 located within the Kinmel Park Depot at Bodelwyddan.

## Appendix B

### Drawings

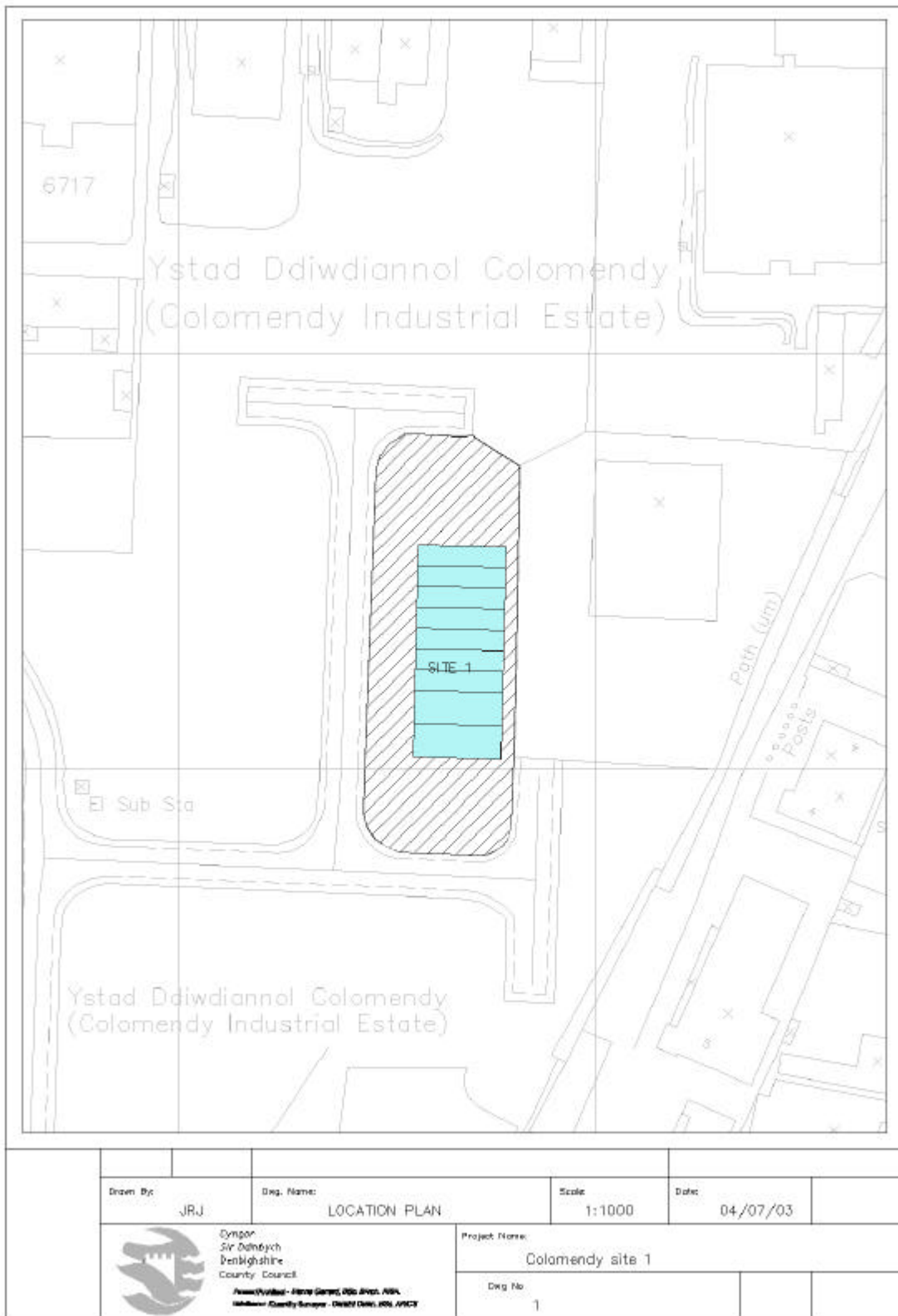
|              |                              |
|--------------|------------------------------|
| Drawing No 1 | Colomendy Site 1             |
| Drawing No 2 | Colomendy Site 2 and 3       |
| Drawing No 3 | Allotments Lon Llewelyn      |
| Drawing No 4 | Vacant Land Off Lon Llewelyn |
| Drawing No 5 | Crosville Depot              |
| Drawing No 6 | Bodelwyddan Vehicle Workshop |

## Appendix B

Drawing No 1

Colomendy Site 1

Appendix B

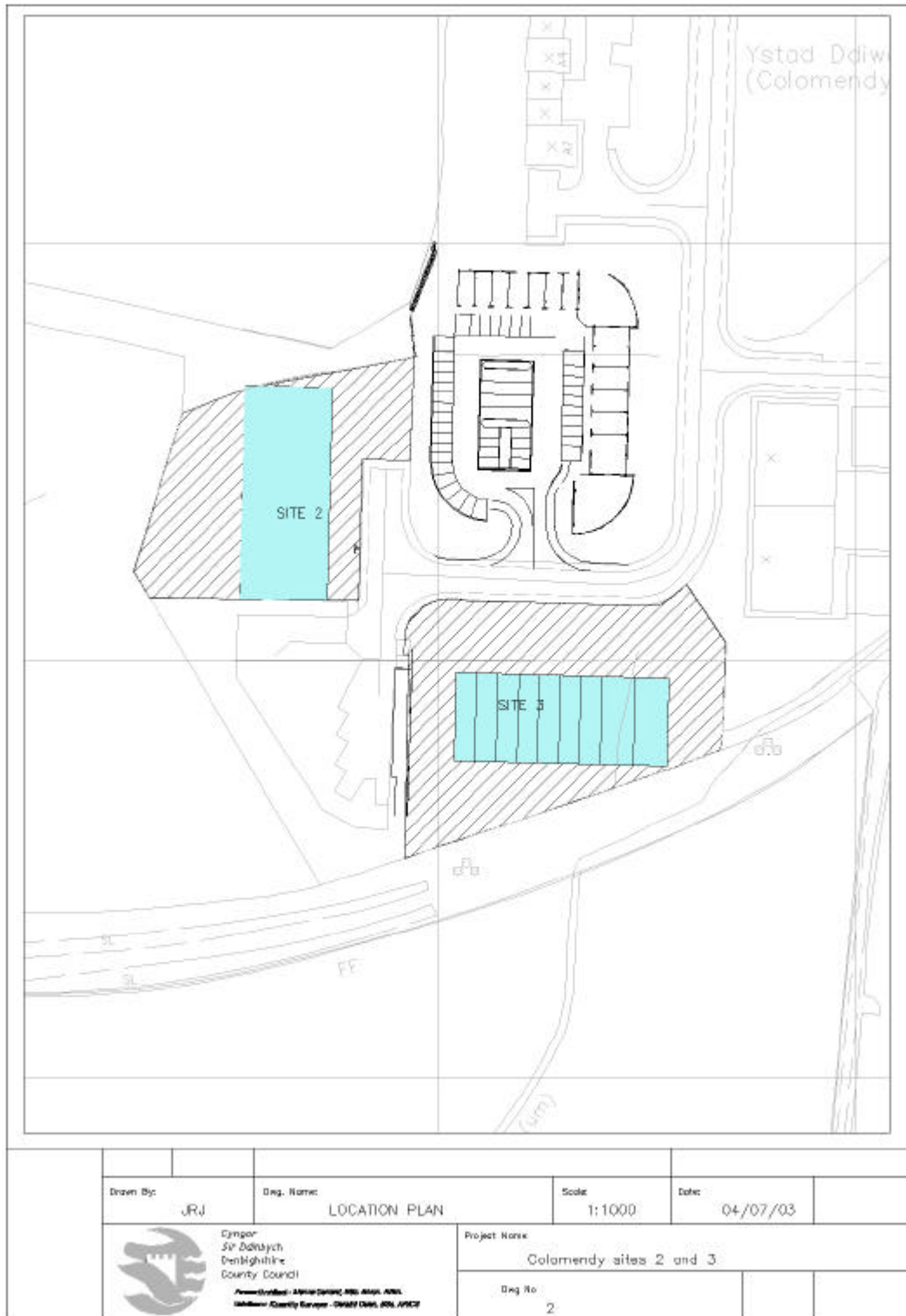


Drawing No 2

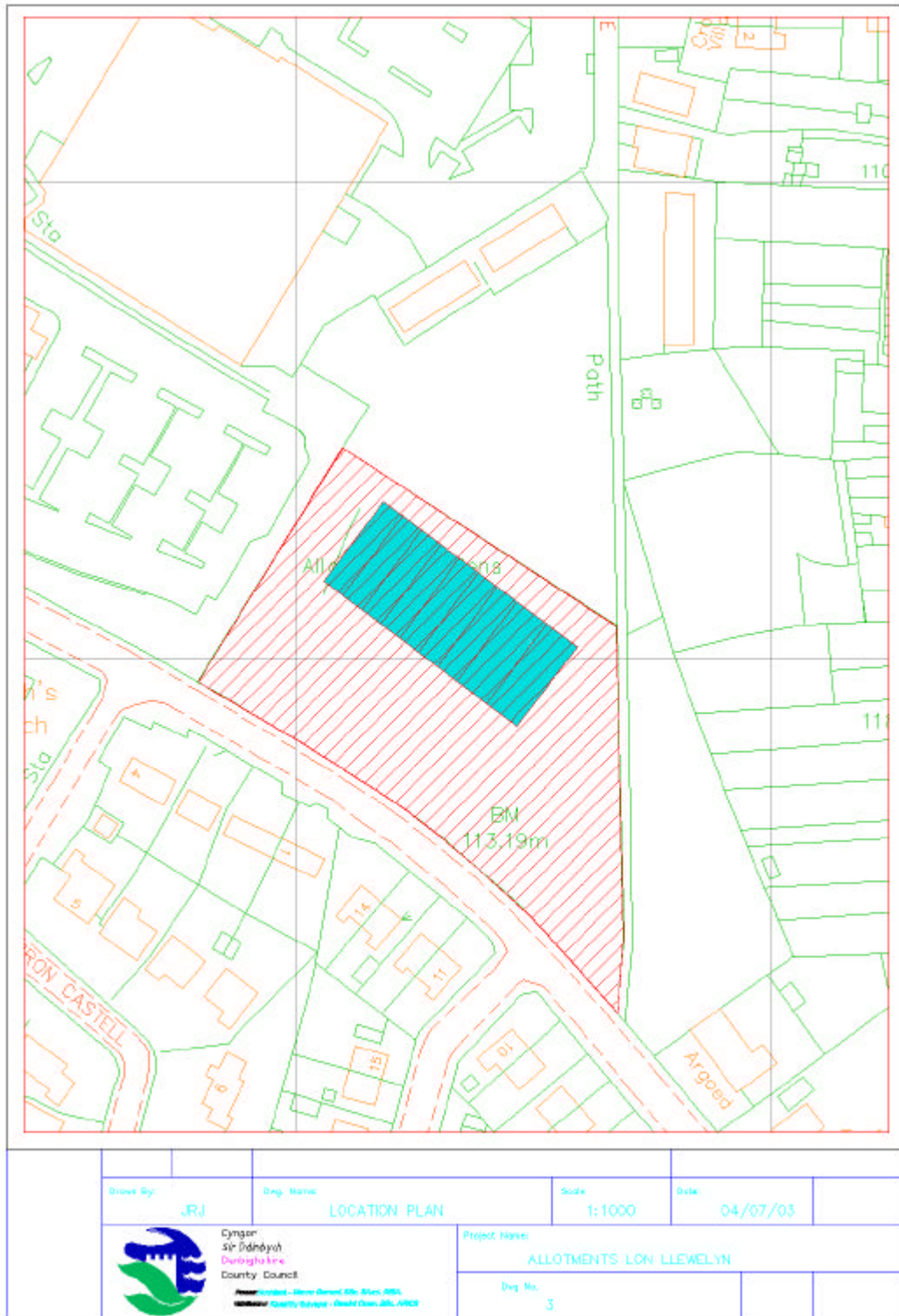
Colomendy Sites 2 & 3



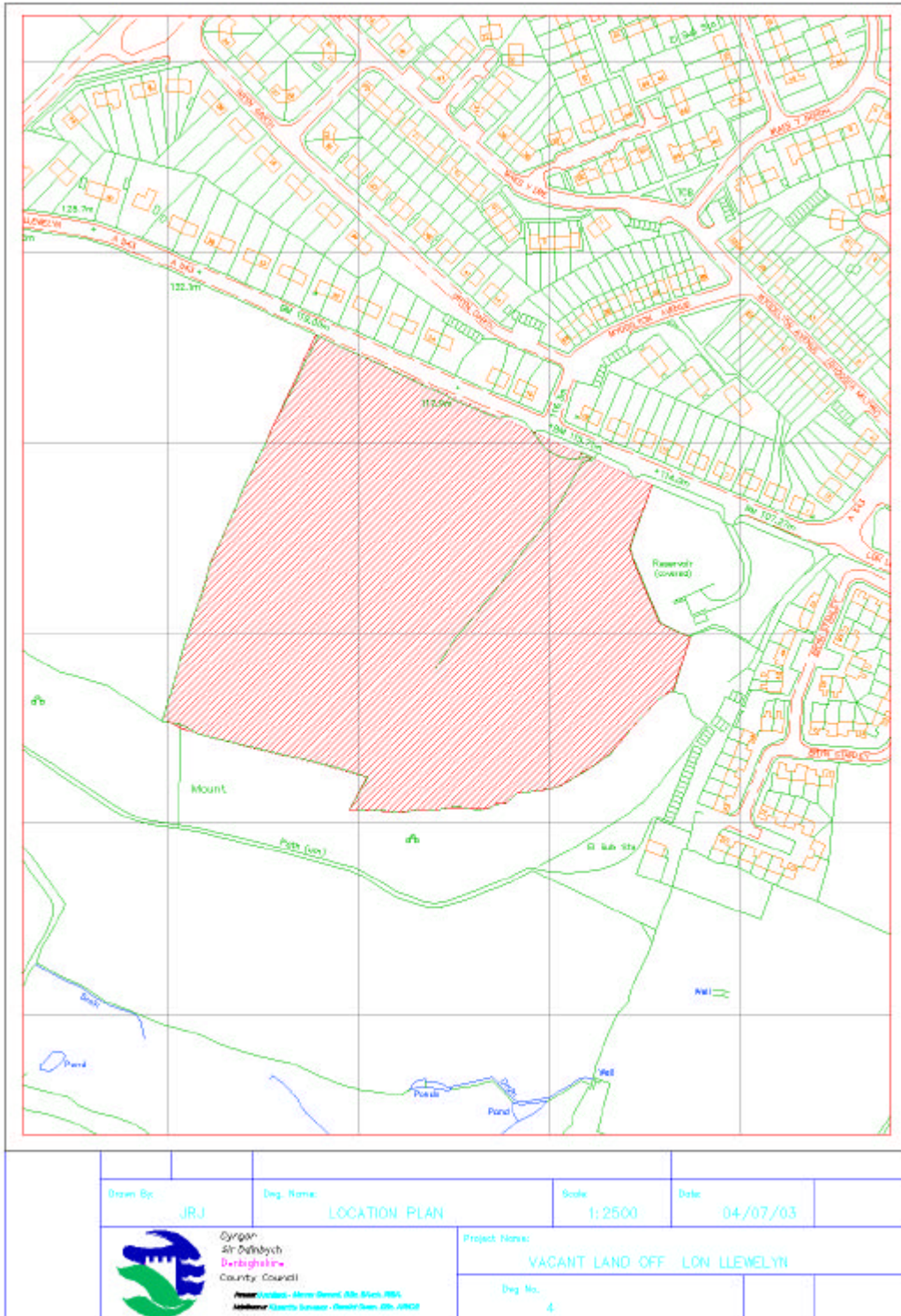
Appendix B



Appendix B

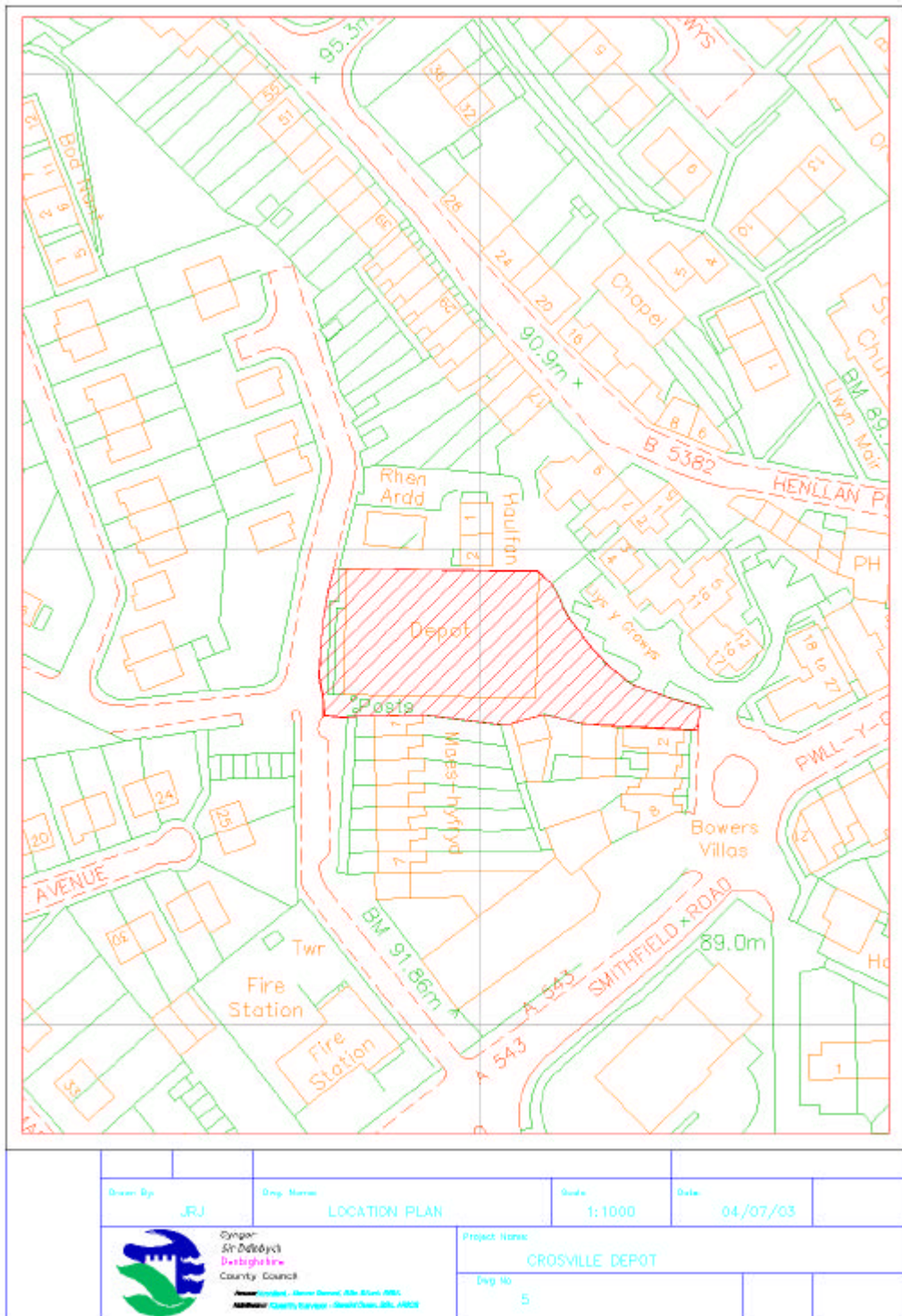


Appendix B





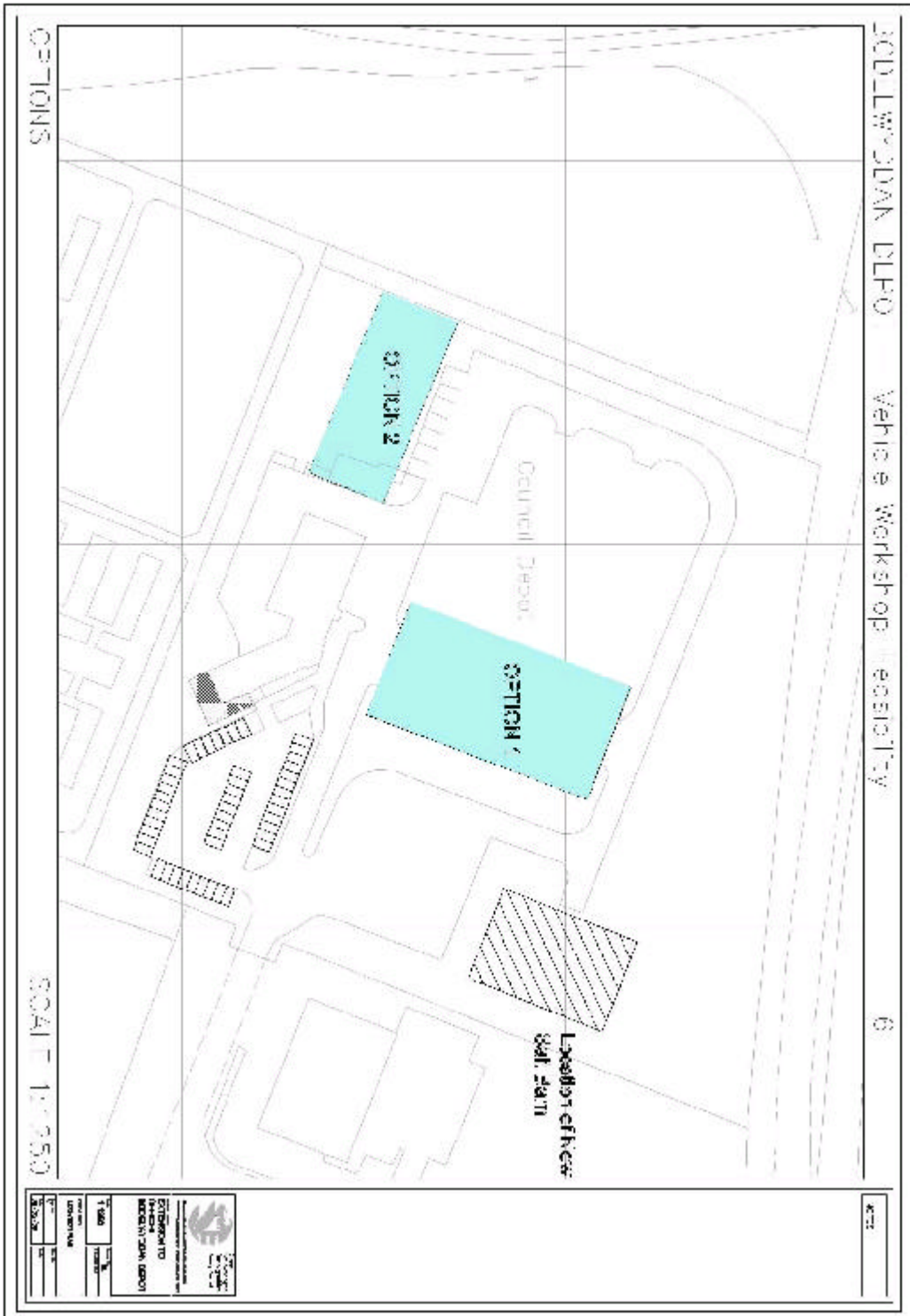
Appendix B



Drawing No 6

Bodelwyddan Vehicle Workshop

Appendix B



**AGENDA ITEM NO: 8 [CABINET 2003 - 108]**  
**REPORT TO: CABINET**  
**REPORT BY: LEADER**  
**DATE: 22 JULY 2003**  
**SUBJECT: AREA PARTNERSHIPS AND COMMUNITY STRATEGY**

**1. DECISION SOUGHT**

To receive and approve progress report on developing area partnerships and progressing the community strategy in Denbighshire.

**2. REASONS FOR SEEKING DECISION**

- 2.1** The County Council is complying with the provisions of the Local Government Act 2000 to produce a Community Strategy for Denbighshire, in leading in a process by working in partnership with our strategic partners in a county-wide initiative whilst also developing area partnerships.
- 2.2** Members have called for regular progress reports on both aspects of the community planning process in Denbighshire.

**AREA PARTNERSHIPS**

The full complement of Area Partnership Managers has been fully operational since January 2003 and Members are now in a position to assess progress. As a guide to progress, information on each area is classified according to a set of themes - Planning and Presentation, Partnership Arrangements, Supporting Frameworks Community Ownership and Engagement, Use of Resources, Use of Information, On-going Communications, Monitoring and Evaluation.

Although there is a general consistency of approach across the four areas, there are essential variations between areas. The

process is community led and priorities, structures and geographic and thematic issues are identified and addressed at local level and in turn inform community strategy process.

### **(i) Planning and Preparation**

Each Area Partnership Manager has agreed a workplan and timetable of action with their Corporate Director and Area Members' Group. Also a schedule of work for the Area Partnership Manager includes a quarterly report on progress and structures. A key factor in drawing up a community strategy for the areas and for the county as a whole will be an up to date community profile and accessing available community information. The Area Partnership Team is in discussion with the County Library Service, the County's Data Information Officer and ICT and will soon have accurate Census material to establish a community profile database for the county and by area.

### **(ii) Partnership Arrangements**

In each of the four areas, an established pattern of Members' Groups which meet on a six weekly cycle has been established. In each of the Members' Groups discussions have taken place on setting out an agreed workplan. Thematic partnership arrangements e.g. Crime and Disorder, Business action, Youth, Environment exist in the areas and where existing structures exist then they will be used and built upon as part of the Area Partnership strategy.

Visits have been made to town and community councils to brief them on area partnerships and the community strategy. Apart from Rhyl and Prestatyn Town Councils, eleven community councils have been visited so far in the Central Area and five in the South. Apart from strategic matters a number of service delivery issues have been raised. One of the performance indicators applied to Area Partnerships is the success or otherwise of being able to deal with service issues up to and including the point of delivery.

Area Partnership Steering Groups will be set up in the areas, following area conferences in the Summer and early Autumn,

depending on the area, to identify priority issues in each area and then appoint a group of individuals who can influence and deliver on those issues.

### **(iii) Supporting Frameworks**

A pattern has emerged whereby the Area Partnership Managers meet as a team with others within the County Council who can either work with them or support the development of their partnerships. The formation of internal supporting frameworks is an on-going process and increasingly the Area Partnership Managers are being consulted and utilised in discussions with partnership co-ordinators or those responsible for strategies on the best means of consultation at community level. The Area Partnership Managers and the co-ordinators for Health and Well-being and Children and Young People's Framework are currently working on ways and means of assessing needs to ascertain gaps or deficiencies in provision. The area partnerships and the county community strategy will focus on meeting the social economic and environmental well-being of the county's citizens. Through establishing joint partnership working with other practitioners in this way, the area partnership managers can assist in avoiding duplication thus maximising effort in the work of community development, regeneration and sustainable development.

The Area Partnerships, use external resources to support their work. In the South, partnership with the STVEI's in Ruthin and the Dee Valley are proving invaluable. Llangollen has seen the setting up of a local management committee to oversee future development of the Riverside Park and the Dee Valley has benefited from Area Partnership involvement in developing an Integrated Rural Transport Scheme. The Central Area has benefited from Area Partnership work in community engagement work in rural communities e.g. Nantglyn. Area partnership facilitation has initiated the Denbigh THI (Evan Pierce Memorial Gardens Project) the STVEI Denbigh Walls and Walks Project and the Gee Museum Society etc.



In Rhyl, Area Partnership has led to identifying funding/project opportunity for Crimebeat Clwyd which investigates potential projects across Denbighshire. Also in Rhyl, examples of fruitful work with external groups has taken place via - the PACT Group, Recycling Groups, the CCET , Health and Well-being and the Local Health Board, ELWa and its Community Learning initiatives and the WDA. In Prestatyn, Area Partnership involvement has led to the establishment of task and finish groups to co-ordinate service delivery e.g. Link Group (Town Centre Regeneration Study), Wales in Bloom Group to co-ordinate grounds maintenance etc. Working groups have been established via the Area Partnership to resolve individual issues e.g. Signage in and around Prestatyn and Meliden and the issue of the Meliden School Entrance bid.

#### **(iv) Community Ownership and Engagement**

Area Partnership Managers are key facilitators and promoters of community engagement and engagement. They are currently working with Denbighshire's ICT Department to promote their work and the development of the Community Strategy via the Council's website. Publicity material (Leaflets, flyers etc.) is being distributed to raise awareness and publicity is being gained via the Voluntary Sector Briefing and the BBC Community Studios. The Area Partnership Managers are facilitating consultation on the Council's Retail and Leisure study and Housing Strategy. Area Partnership Managers have arranged information gathering and community engagement events and by the Autumn each area will have an Area Plan.

#### **(v) Use of Resources**

The Area Partnerships have no revenue budget apart from the salaries of the area partnership managers. Recently, there has been a suggestion put forward that the partnerships themselves should each have a budget (say £50 - £100,000) to spend within the area and have power to prioritise on projects. If resources were to be made available, it would be appropriate to do so only when full partnerships involving community, business and voluntary groups are in operation. The Council's constitution does

not include area committees with executive powers. The community capital grants scheme is also available, together with other funding streams, and allocation will not be made in future without prior consultation with views particularly sought at area and community level.

#### **(vi) Use of Information**

The Area Partnership Managers regularly hold meetings with Town and Community Councils, Heads of Service within the Council, conduct stakeholder analyses and will be undertaking a review of census information to build a picture of the community in Denbighshire. Where gaps in service provision are apparent, the Area Partnership Managers gather the information and provide for service managers to assist forward planning. Potential gaps in consultation processes are identified and information is gathered about priorities in areas.

#### **(vii) Ongoing Communications**

Constant liaison and information gathering takes place between the Area Partnership Managers and Town and Community Councils existing for a and local networking groups. Information is exchanged with other community strategy practitioners in other authorities. Within Denbighshire County Council, the Area Partnership team have a dedicated section within the new Guide to Services and a full colour information leaflet is being published which will be available in libraries and all Council establishments. Area Partnership Managers are actively involved in the planning and creation of groups and not for profit organisations.

#### **(viii) Monitoring and Evaluation**

Local Performance Indicators have been agreed with the Business Management Unit and will be the subject of constant review. Quarterly reports are made to Cabinet on the Community Strategy and Area Partnerships, together with regular team meetings and meetings with management. The Quality of Life indicators have been used in community engagement events. These will be used in the Local Voices survey, as used in the

Local Government Data Pilot. A standard reporting framework has been put in place for the Area Partnership Managers which will form the basis of the quarterly Cabinet report. Also, the Area Partnerships will be the subject of scrutiny by the Resources Scrutiny Committee in September 2003.

### **(ix) Reporting Timetable**

A quarterly reporting timetable for the Area Partnership Managers has been agreed to coincide with the Council's Performance management timetable. This report represents a summary progress report for the first quarter to June 2003.

### **(x) Performance Indicators**

Local Performance Indicators have been agreed with the Business Management Unit and these are:

- a) that each area has an area community plan.
- b) that the population of the area partnership is involved in identifying priority issues and contributing to the development of the area plan.
- c) that the Area Partnership Managers involve themselves in the successful resolution of issues raised by the community to the point of service delivery.

## **THE COMMUNITY STRATEGY**

(a.) The Community Strategy Development Group representing all the Strategic partners involved in developing the community strategy continues to meet on a monthly basis. The group has recently agreed a budget and an action plan/timetable not only for the production for the community strategy document itself but a workplan of issues to be dealt with to May 2004. There are outstanding issues e.g. how to provide a support mechanism for the Community Strategy partnership when it is formally constituted in September 2003 and how to carry the work of the strategy forward beyond May 2004 and carry out effective monitoring.

(b.) Included in the detailed workplan is the distribution of a questionnaire to 8,000 households in Denbighshire which will be issued at the end of July 2003. The results of this questionnaire will be analysed and published in September 2003. This will be followed by a Visioning Day in October 2003 and this, together with the area plans, will inform the community strategy on those issues which the people of Denbighshire feel are important in shaping a vision for the County over the next 10 to 15 years.

(c.) It is anticipated that the effect of the community strategy will be to streamline and rationalise the number of strategies and plans that are in existence, avoid duplication and lead to the harmonisation of business planning and budgets of the major strategic partners. The County Council, at the last meeting of the Group, shared its policies and priorities statement with the strategic partners and in future years this will include specific reference to the community strategy and the way it will influence policy and service planning.

(d.) The Community Strategy Group at its last meeting held on 27 June 2003 made its first recommendation for funding under the New Opportunities Fund 'Transforming Your Space' programme. It is anticipated that this is the first of many examples where the Community Strategy partnership will be given a role in directing funding. For this purpose, it is important that the partnership be formally constituted and work on the constitution will be undertaken prior to the next ordinary meeting of the Group in September 2003. The group itself will be meeting for a half day seminar at the end of July 2003 to refocus and revitalise the community strategy process and an external facilitator will be invited to lead.

(e.) Denbighshire is still on course to have a draft community strategy by the end of November early December 2003, based on priorities identified in October 2003. This draft will then be the subject of consultation in January/February 2004. The Strategy itself will then be launched in May 2004.

### **3. POWER TO MAKE THE DECISION**

Section 4(1) Local Government Act 2000 states that “Every Local Authority must prepare a strategy (referred to in this section as a community strategy) for promoting or improving the economic, social and environmental well-being of their area and contributing to the achievement of sustainable development in the United Kingdom”

### **4. COST IMPLICATIONS**

**4.1** Current officer time, administrative support, meetings costs are currently absorbed within existing budgets. As the process develops, increased demands on resources will impact on costs.

**4.2** The current financial year is the first in which the Area Partnership Managers are fully operational and there will be a marked increase in activity in readiness for the production of Denbighshire’s Community Strategy.

### **5. FINANCIAL CONTROLLER STATEMENT**

The proposed bid for resources of £50-100k per partnership area would be a significant financial implication for the Council and will need to be considered as part of the budget setting exercise for 2004/5 due to begin shortly.

### **6. CONSULTATION**

**6.1** Area Member Groups, Corporate Executive Team (CET) and Denbighshire Community Strategy Development Group.

### **7. IMPLICATIONS FOR OTHER POLICY AREAS**

**7.1** All policy areas will be required to conform to the requirements identified within the Strategy.

## **8. RECOMMENDATION**

**8.1** To note and approve progress so far in the development of Area Partnerships and in the Denbighshire Community Strategy process.

**AGENDA ITEM NO: 9 [CABINET 2003 - 109]**

**REPORT TO: CABINET**

**REPORT BY: LEADER**

**DATE: 22 JULY 2003**

**SUBJECT: DRAFT AGREEMENT ON CONSULTATION  
WITH TOWN AND COMMUNITY COUNCILS**

**1. DECISION SOUGHT**

1.1 To approve the draft agreement for consultation and exchange of information between the County Council and town and community councils in Denbighshire.

**2. REASONS FOR SEEKING DECISION**

2.1 The County Council and the town and community councils in Denbighshire regularly engage in consultation and exchange of information.

2.2 In order to provide a framework of mutual understanding, a draft consultation agreement has been prepared. Initially this work was undertaken following discussions with Rhyl Town Council. It has been adapted so that it could apply to any town and community council which wanted to enter into partnership with Denbighshire County Council.

**3. POWER TO MAKE THE DECISION**

3.1 Section 2 of the Local Government Act 2000 - consultation, involvement and empowerment of the community in promoting the economic, social and environmental well-being of Denbighshire.

**4. COST IMPLICATIONS**

4.1 No additional costs have been identified as likely to result of adopting this agreement.

## **5. FINANCIAL CONTROLLER STATEMENT**

- 5.1** There are no obvious major financial implications resulting from the content of this report

## **6. CONSULTATION**

- 6.1** Rhyl Area Member Group, Rhyl Town Council, Corporate Executive Team (CET). CET's view was that the agreement, although originally drafted in consultation with Rhyl Town Council, should be adapted for use in conjunction with any Town and Community Council in Denbighshire.

The final draft is being considered by Rhyl Town Council at its meeting on 16 July and by Rhyl Area Members' Group on 17 July and comments in each case will be reported orally.

## **7. IMPLICATIONS FOR OTHER POLICY AREAS**

- 7.1** Community involvement and consultation.

## **8. RECOMMENDATION**

- 8.1** To adopt the draft agreement as the model for consultation and sharing of information between the County Council and Town and Community Councils in Denbighshire.



# CONSULTATION AGREEMENT

## 1. INTRODUCTION

1.0 Denbighshire County Council for its part and (xxx Town Council for its part agree to a mutual sharing of information and will mutually consult each other in accordance with the following guidelines.

1.1 Consultation with the Town Council by Denbighshire County Council will take place annually on the Council's Strategic framework, policies and priorities. This will take place between May and July each year.

1.2 Further the Town Council will be consulted on the draft service delivery plans of key departments. (these departments to be agreed with the Town Council and they may vary from year to year to enable the process to be manageable)

1.3 Other consultation will take place via the area partnerships.

1.4 Both councils will agree to timely responses to any consultation and both parties will communicate and explain the reasons for any decision not to comply with any suggestions made by the other party.

1.5 It is accepted that this partnership relationship between both Councils does not reduce or substitute consultation with other agencies and the community at large.

## 2. CONSULTATION MEETINGS

2.1 There will be effective liaison between the respective Councils. Apart from the annual meeting all other meetings will be arranged on an adhoc basis and with a specific agenda. These meetings may be initiated by either party.

2.2 The frequency of meetings will depend on the nature of the issues to be discussed. The annual meeting enables both councils to discuss matters of strategies and priorities. Other meetings may occur at a greater frequency ,for example, if joint

## CONSULTATION AGREEMENT

projects or working arrangements need to be discussed or where there are major issues in the community.

2.3 Both Councils will also seek wider consultation on issues with the area partnership.

### 3 Conclusion

3.1 Consultation between both Councils shall underpin all Council activities within (xxx). This shall be a two-way process, both on a formal and informal basis and will be meaningful and appropriate.

3.2 Both Councils shall adopt a culture of exchanging and sharing information whether it be in the public domain or on a privileged basis. Where information which is exchanged has a privileged status, this will be treated in confidence and will not be published without the express permission of the originator

3.3 Both Councils are fully committed to this agreement. However to ensure the principles of the agreement are adhered to and remain effective there shall be an annual joint review to evaluate the working relationship.

3.4 On an ongoing basis the Area Partnership Manager for the area will monitor the agreement and will seek to promote good relationships based on the agreement by both councils. Matters of concern may be raised by either party on the agreement at any time

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**Chairman**  
**Denbighshire County Council**  
**Council**

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**Mayor**

## **AGENDA ITEM: 10 [CABINET 2003 - 110]**

### **REPORT TO CABINET**

**REPORT BY: COUNCILLOR E W WILLIAMS, LEADER**

**DATE: 22 July 2003**

**SUBJECT: COHESION**

#### **1 DECISION SOUGHT**

To approve the County Council's position on Cohesion.

#### **2 REASON FOR SEEKING DECISION**

The European Union is reviewing its strategies for the Structural Funds post 2006, when the EU is expected to have expanded to 26 members. Both Cabinet and Scrutiny Committee have requested a report on the Cohesion debate. The attached document is the recommended position for the County Council.

#### **3 POWER TO MAKE THE DECISION**

Section 2 of the Local Government Act 2000.

#### **4 COST IMPLICATIONS**

Member and staff time in engaging in discussions - being absorbed within existing budgets. European Union Structural Funds provide significant resources for the regeneration of Denbighshire. Denbighshire has engaged in the Cohesion discussions to protect future regeneration policies post 2006.

#### **5 FINANCIAL CONTROLLER STATEMENT**

Once the outcome of the matters referred to in the report are clear, it will be necessary to report back on the implications for Denbighshire and the Council's future Capital Programme.

## **6 CONSULTATION CARRIED OUT**

The Leader has attended conferences and seminars with the WLGA and the Coalfield Communities Campaign and will be attending a Parliamentary lobby with other Local Authorities in Objective One areas in the United Kingdom. The Council's European Officer together with Councillor Elwyn Edwards, Chair of the Local Objective One Partnership have attended WLGA discussions and there have also been discussions at North West Wales Strategic level. The attached annex incorporates the views that have already been agreed by the WLGA.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

European Structural Funds have implications for many aspects of the Council's work.

## **8 RECOMMENDATION**

To agree the Council's position as stated.

## **COHESION**

### **Cohesion**

This is the term used by the European Union to describe the process of discussion and consultation which will eventually extend the EU from its current position of 15 member states to 26. It provides a strategy behind the distribution and thrust of Structural Funds post 2006. This debate is reaching a critical period as the Commission draft a further report on the subject. This next report will be the one which will shape the Commission's judgement on post 2006 matters.

Denbighshire had been briefed by Commission Officials that the Cohesion Programme would be brought to a conclusion during this calendar year. Currently, that will not happen and the date could even be prolonged beyond 2004 due to the need to select a new Commission and elect a new Parliament and deal with difficulties associated with enlargement and giving rights to accession states to take part in the Cohesion debate following enlargement.

### **Enlargement**

The European Union is growing from 15 to 26 member states and the first states will join during 2004. Denbighshire should support the process of enlargement. This is an essential development for the EU. It will serve to enhance the long term economic development and political stability of the accession countries. It will also provide markets to sustain additional economic activity for all. An EU of 26 member states will open markets for Welsh companies to exploit.

### **Enlargement and Objective One**

An EU of 26 member states, especially with many new poorer members, will have a much lower average GDP than the current EU. As Objective 1 funds are given to areas with less than 75% average EU GDP, it will make it more difficult for most current eligible regions to retain their Objective 1 Status. In the case of West Wales and the Valleys, it is forecast that post 2006, the area will be below 75% current EU average GDP but above the post enlargement EU 75% average GDP. There are therefore damaging implications for Wales and UK interests.

Denbighshire argues for the continued maintenance of EU Structural

Funds Policy beyond 2006. The eligibility criteria of 75% GDP per capita measured at agreed NUTS II levels should continue so long as the so-called statistical effect is neutralised. This would enable the retention of Objective 1 Status for West Wales and the Valleys.

In support of this view it is important to stress –

- precedents for a second allocation of Objective One resources
- West Wales and the Valleys should not be disadvantaged by statistical anomalies

In consideration of the post 2006 position it is important to go back to first principles – the *raison d'être* of Structural Funds is restructuring. Without substantial resources post 2006 the continuation of the economic restructuring process currently underway with EU Structural Funds assistance could well be threatened. Continued and sustainable economic regeneration of West Wales and the Valleys will require a second tranche of Objective 1 resources. For example the economic benefits of accessing EU Structural Funds were not fully realised in Merseyside and Eire until their second Objective 1 programmes were implemented.

Denbighshire should support the position emerging in EU circles whereby current Objective 1 areas should not be adversely affected by the “statistical effect”. This entails a significant lowering of GDP averages in an EU of 26 Member states. In the light of these developments a solution should be found within Structural Funds Policy post 2006 and the corresponding state aid regime.

A position is emerging which involves a split of Objective One effectively into two programmes: Objective 1A (for accession countries and current regions whose GDP will be below the 75% threshold post 2006. In the UK only Cornwall will be eligible) and Objective 1B (for statistically affected regions). Denbighshire should support this position and monitor developments closely.

Denbighshire should stress the need for a second tranche of Structural Fund resources and argue that cohesion policy should not be financed at the expense of those regions currently lagging behind in an EU of 15 member states.

## **Repatriation of Structural Funds**

The UK Government through the Department of Trade and Industry have tabled proposals for the repatriation or the re-nationalisation of EU Structural Funds. Denbighshire should acknowledge that the arguments have some merit. For example the notions of simplified access to economic regeneration resources and less bureaucracy are laudable. However there is a very strong counter argument that accessing further EU Structural Fund resources will facilitate a more precise focus on the planning and implementation of long term economic development strategies which will more effectively serve the needs of the deprived communities of West Wales and the Valleys. Repatriation would also give rise to the risk that the Assembly could provide funding for economic regeneration entirely through the WDA instead of inclusive and accountable local partnerships; or divert the funding to other programmes altogether.

Denbighshire needs to continue to monitor the situation closely and continue with its contacts with the Wales European Centre and Commission Officials regarding the process. It needs also to closely involve itself with Local Authorities and other partners in the West Wales and the Valleys area and with similar organisations in other Objective 1 areas similarly affected and help form a common front

**AGENDA ITEM NO: 11 [CABINET 2003 - 111]  
REPORT TO CABINET**

**CABINET MEMBER: Cllr. E Williams - Leader**

**DATE: 22 July 2003**

**SUBJECT: INTERNATIONAL LINKS**

**1 DECISION SOUGHT**

To ensure widespread dissemination of information about international visits so that portfolio members can maximise benefits throughout the County.

**2 REASON FOR SEEKING DECISION**

The Council has agreed to seek links with other European regions. The outcomes of visits are important to all portfolio holders who will need to ensure within their portfolios that maximum opportunities are derived from participation in the programme.

**3 POWER TO MAKE DECISION**

Section 2 of the Local Government Act 2000

**4 COST IMPLICATIONS**

The Council has provided a budget of £20k a year from 2002-03 for international links and the costs of recent visits are absorbed within this.

**5 FINANCIAL CONTROLLER STATEMENT**

Costs in connection with these visits will need to be contained within the specific funding available.



## **6 CONSULTATION CARRIED OUT**

In selecting delegation members, the Leader consults with appropriate portfolio holders, the Chief Executive and the Head of Economic Regeneration.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

The range of activities which can take place under the inter-regional funds of the European Union are wide and embrace the Lifelong Learning, Personal Services and Environment Directorates. When combined with the Structural Funds, the compliance rules require increasing involvement from the Resources Directorate. Mainstream corporate strategies will include regeneration, environmental sustainability, anti-poverty and social exclusion.

## **8 RECOMMENDATION**

That the report be noted and that in particular -

- A) The Council should continue to develop its membership of networks to attract Interreg funding
- 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.

## Economic Regeneration International Links

### GROUP VISIT

| DETAILS OF VISIT                               |   |
|--|---|
| Country and town (or area) visited             | Ireland<br>Kildare  |
| Name of organisation visited                   | Kildare County Council  |
| Dates of visit                                 | 25 - 26 April 2002  |
| Brief description of visit (one sentence only) | To investigate the possibilities of developing an Interreg application for Rhyl and Kildare   |
| DCC officers attending                         | Iwan Prys-Jones, Gareth Evans, Dyfan Sion   |
| Other attendees                                | Cllr Elwyn Edwards, Cllr Peter Douglas, Cllr Rhiannon Hughes - Denbighshire County Council; Cllr Phil Thomas, Cllr Dave Thomas Rhyl Town Council; Tim Manson, Rob McKay - Conwy County Borough Council<br>Cllr Eddie Woodward - Conwy<br>Derwena Watkin - Llandrillo College  |
| Results/outputs of visit                       | Strategic groups from both Kildare and Rhyl to be established to identify and evaluate areas of work.<br>Develop a joint project for submission to Interreg with a general regeneration remit targeting feasibility studies, locally based economic strategic action plans, support services for communities, support for community led ICT initiatives and support for initiatives that encourage women and disabled people to fully participate in decision making. |

NOTE: Interreg project successfully applied for. Member visits funded from Interreg will not be detailed separately in future.

## Economic Regeneration International Visits

### GROUP VISIT

| DETAILS OF VISIT                               |   |
|--|---|
| Country and town (or area) visited             | Ireland<br>Ennistymon, County Clare   |
| Name of organisation visited                   | Clare Tourism Conference  |
| Dates of visit                                 | 29 November - 1 December 2002   |
| Brief description of visit (one sentence only) | To attend the Clare Tourism Conference and to overview progress on the application being developed for submission to the European Interreg IIIb Fund  |
| DCC officers attending                         | Gareth Evans, Carolyn Brindle, Anne Gosse   |
| Other attendees                                | Denbighshire Cabinet Members: Cllr Gwyneth Kensler, Cllr Rhiannon Hughes  |
| Results/outputs of visit                       | Important networking opportunity. Allowed comparison of Irish and Welsh tourism work/difficulties. Allowed discussions with very successful tourism industry. Initial agreement of Interreg IIIb application. |

## Economic Regeneration International Visits

### GROUP VISIT

| DETAILS OF VISIT                               |  |
|--|--|
| Country and town (or area) visited             | Brussels   |
| Name of organisation visited                   | European Commission  |
| Dates of visit                                 | 10 - 12 December 2002  |
| Brief description of visit (one sentence only) | Visit to Commission facilitated by Wales European Centre, Brussels   |
| DCC officers attending                         | Chief Executive, Head of Economic Regeneration, Principal European Officer   |
| Other attendees                                | Cllr. John Smith, Cllr. Ann Owens, Cllr. Andrew Thomas, Cllr. Eryl Williams  |
| Results/outputs of visit                       | Discussions on Social Inclusion, Enlargement and Agricultural Policy changes. The delegation also sought a European Commission perspective on the Objective One Programme in Wales and met members of the European Parliament. |

## Economic Regeneration International Visits

### GROUP VISIT

| DETAILS OF VISIT                               |  |
|--|--|
| Country and town (or area) visited             | Alto Adige - Südtirol. NE Italy  |
| Name of organisation visited                   | Province of Bolzano  |
| Dates of visit                                 | 18th May - 23rd May 2003   |
| Brief description of visit (one sentence only) | To continue links with this region by taking officers to meet their counterparts to work up project potential.   |
| DCC officers attending                         | S.Haygarth, J.Adams, S.Brake, M.Dixon (left on 21st)   |
| Other attendees                                | S.Hobson, G.James, A.LI.Williams; Conwy CBC, Glyn Williams; Clwyd YFC, Derwena Watkin; Llandrillo, L.Jones; CADWYN (left on 21st)  |
| Results/outputs of visit                       | <p>Since the report to Cabinet on 29 October 2002, two delegations of officers have visited the region, a joint presence between Denbighshire County Council and Conwy County Borough Council.</p> <p>The continuance of the transnational co-operation has been across several disciplines to date involving officers from both Authorities within Lifelong Learning, Arts and Theatre, Museums, Tourism, and officers from the LEADER+ company; Cadwyn Clwyd and the Clwyd Young Farmers Association.</p> <p>The possible development of projects in the future is looking positive ,with proposals for:</p> |

1. An Action 2 project with Cadwyn Clwyd and the Italian LEADER+ area of Val Venosta - Winschgau
2. A co-operation between Royal International Pavilion and the New Theatre of Bolzano
3. A study programme for pupils from Alto Adige (17 yrs) within Denbighshire/Conwy highschoools and the possibilities of electronic correspondence between students from both regions (through medium of German)
4. Good basis for links between smaller museums of the Italian region and similar in NE Wales. Also the possibility of artist and exhibition exchanges
5. An interest in forming an exchange between the two Young Farmers Associations in the near future.

Whilst at this stage not wishing to undertake too many disparate projects simultaneously, at this stage it is still worthwhile investigating all sectors and then concentrate on those that have the most rationale, support and potential.

## Economic Regeneration International Visits

### GROUP VISIT

| DETAILS OF VISIT                               |  |
|--|--|
| Country and town (or area) visited             | Sweden<br>Vasternorrland   |
| Name of organisation visited                   | Vasternorrland County Council  |
| Dates of visit                                 | 13 June - 16 June 2003   |
| Brief description of visit (one sentence only) | To continue links with this region and further explore potential Interreg IIIc projects.   |
| DCC officers attending                         | Alan Evans; Corporate Director of Resources, Sioned Bowen; Corporate Director of Lifelong Learning and Gareth Evans; Head of Economic Regeneration   |
| Other attendees                                | Cllr Eryl Williams; Leader of Denbighshire County Council, Cllr Neville Hugh- Jones; Chair Lifelong Learning Scrutiny Committee  |
| Results/outputs of visit                       | <p>Relationships with Vasternorrland were very good. Communication with County Officials was easy. There was an obvious transparency in the requirements of both Councils.</p> <p>The introduction from Vasternorrland to Somogy County Council was appreciated. The invitation to form part of a partnership with them for future work should be accepted as this was in line with the County Council's wishes to develop connections with the accession countries.</p> <p>Forms of working with the structural funds which involved private equity should be encouraged especially in view of the limited match funding available within Denbighshire.</p> |



The models presented by Vasternorrland needed to be explored further to see if there were any parallels within Denbighshire.

The invitation to participate in an Interreg IIIc project proposed by Vasternorrland should be explored further. A Denbighshire Officer should attend the proposed conference and participation should be dependent on clear local benefits being derived for Denbighshire.

Denbighshire should encourage Somogy to attend the forthcoming tourism conference providing Hungarian translation as appropriate.

The involvement of the business community and young people in the Dragon Project was noted. Attempts to recreate it using local businesses, local youth groups and Menter laith should be explored

## **AGENDA ITEM NO: 12 [CABINET 2003 - 112]**

### **REPORT TO CABINET**

**CABINET MEMBER:** Councillor W R Webb, Lead Member for Property and Asset Management

**DATE:** 22 July 2003

**SUBJECT:** Adoption of Corporate Access Strategy

#### **1 DECISION SOUGHT**

Adoption of Access Strategy

#### **2 REASON FOR SEEKING DECISION**

Council has a statutory obligation as an employer, landlord and provider of facilities and services to comply with legislation under the Disability Discrimination Act 1995 (DDA).

- A Corporate Access Strategy would provide an over arching policy document to form a key element in:-
- Meeting the Council's obligations under the DDA.
- Meeting the Council's Mission Statement - Providing responsive service delivery, Improve service quality and enhance visitor profile to include disabled people.
- Council have a current duty to change its practices, policies and procedures, provide auxiliary aids and equipment or provide an alternative service to disabled people.
- Council is required to make adjustments to physical features of their premises to overcome physical barriers to access by October 2004.
- "Accessibility of buildings, information, facilities and services" are Performance Indicators by Best Value purposes.
- Supportive of Council Integrated Equalities Policy.

### **3 POWER TO MAKE THE DECISION**

Previous decisions -

1. Approval at OMB 19 December 2002 to prepare a Corporate Access Strategy
2. Approval by Lead Member, Councillor Rhys Webb to seek external consultation 25 February 2003
3. Approval by Resource Scrutiny Committee 4 June 2003 to seek adoption of Corporate Access Strategy
4. Disability Discrimination Act 1995  
Part III 1999 Reasonable adjustment in the way services have been provided  
Part III 2004 Reasonable adjustment in relation to the physical features of premises to overcome physical barriers to access

### **4 COST IMPLICATIONS**

1. Changes in policies, practices, procedures, auxiliary aids and equipment
2. Compliance with physical access issues
3. Changes to provision of information (alternative formats)

### **5 FINANCIAL CONTROLLER STATEMENT**

Provision has been made within the Capital Programme for the current financial year and 2004/5, for the estimated cost of works needed to ensure the Council's property complies with DDA requirements.

### **6 CONSULTATION CARRIED OUT**

External consultees from the voluntary, public and private sector, including Community and Town Councils.

## **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

Access Strategy and compliance with the DDA will have implications for all policy areas in all Directorates

## **8 RECOMMENDATION**

Approval for adoption of a Corporate Access Strategy.

# Denbighshire County Council

## Access Strategy

### 1. Introduction

An Access Strategy for Denbighshire County Council (the Council), will help to ensure that within time, no part of the Council's information, facilities and services create barriers to disabled people. By carrying out best practice, promoting Inclusive Design and implementing more than the statutory minimum standards, regulations and legislation, the Council will lead by example, in order to encourage others to follow suit.

The Strategy should provide a framework for the Council's programmes, policies, practices, and procedures and should be reflected in departmental action plans, having an impact on service delivery. The strategy will show service users its commitment to providing Access for All within the County.

The Disability Discrimination Act 1995 (DDA) introduces new laws aimed at ending the discrimination that many disabled people face. It affects most people, ie 1 in 4 people living in Wales have a disability. Service providers and employers have a duty to make reasonable adjustments under the DDA, ie to consider policies, practices and procedures, provide auxiliary aids and equipment. From 1 October 2004 these duties will be extended to include physical access of buildings.

Since October 1999, there has been a duty under Part III of the Disability Discrimination Act to make reasonable adjustment for disabled people in the way services are provided.

From 1 October 2004 there is a duty under Part III of the Disability Discrimination Act to ensure that services are reasonably accessible to disabled people, including accessible buildings.

Compliance with the DDA is a statutory requirement. The Council need to identify a specific financial resource to comply with legislation, this is crucial in providing Access For All within the County.

The Council hold the Two Ticks Award, Positive About Disabled People with regard to employment and equal opportunity for disabled people, to apply for employment within the Council.

Other groups of people also stand to benefit from improved access, people with children in prams/buggies, elderly people and people with a temporary impairment.

## **2. The Access Strategy**

The Council is committed to providing equal access to all, information, facilities and services. Access in the County will be further developed so as to enable all sectors of the community to have an inclusive, full and rewarding contribution in Denbighshire.

**2.1** The Access Strategy covers five broad areas

- **the physical environment**
- **information and services**
- **consultation**
- **promote Denbighshire**
- **organisational structures**

These are described in 3.2, 3.3, 3.4, 3.5, 3.6, all departments will have a contribution to make (either because the physical environment is integral to the service they provide, or because they control buildings/open areas or operate key public service points). A specific financial resource needs identifying by all services to ensure compliance with the DDA.

**2.2** The Strategy is to promote an accessible, barrier-free environment within Denbighshire and provision of accessible information and services.

**2.3** The Strategy will have particular relevance for those Council services which have clear responsibility for aspects of the built environment or open spaces e.g. architects, planners, landscape architects, highway engineers, housing officers, leisure services, and operational services.

**2.4** Achieving the aims of this strategy will involve every department, with each being responsible for implementing the Strategy within its own action and service delivery plans.

### **3. Key elements of the Strategy**

**3.1** In order to achieve the vision of making Denbighshire an accessible, barrier-free environment, the aims of the Strategy are

**Aim 1** - It is essential that the Access Strategy raises the profile of the Council on access issues –

- increasing awareness of staff within the Council
- information externally available on Council's policies
- Council to promote good practice on Access For All

**Aim 2** - Working in Partnership

- Consult with disabled people and representing organisations to identify and address access issues within the County.
- Improve communications between Council departments to identify and resolve access issues.
- External partnership working with community councils, voluntary organisations, business associations

**Aim 3** - To improve access in the built environment

- Promote an inclusive design approach to all approaches, buildings, open spaces, countryside - access is not just bricks and mortar.
- As new redevelopment or refurbishment opportunities arise, the Council will work with developers/architects/contractors and local Access Group to achieve the highest standards of accessibility for disabled people.
- The Council will go further than minimum standards of legislation – leading by example

**Aim 4** - To improve transport infrastructure

Accessible transport is essential if all members of the community are to use and enjoy what Denbighshire has to offer, ie buses, taxis, trains, local community bus schemes, ie Dial-a-Ride

**Aim 5** - To provide internal and external organisational support for Access development.

In order to ensure that Denbighshire becomes a barrier-free environment, it is vital to -

- set up structures across all Council departments
- raise access as a corporate issue
- demonstrate that there is Chief Officer and Member support.
- Conduct access audits on all Council buildings
- Provide recommendations to address issues identified in access audits

**Aim 6** – To provide written information in alternative formats when requested

- Large print
- Audio
- Braille
- Disk
- Electronic information – through the improvement of the Council's website
- On line services – renewing library books, booking a facility, making an enquiry, reporting a fault

### **3.2 The Physical Environment**

- Design of the external environment - streets, parks, squares, circulation space, car parking, etc.
- Access into buildings
- Access onto public transport.
- Design inside buildings – to include fixtures and fittings eg, counter levels, door widths, level thresholds, WC provision, height of electrical sockets, colour and size of signs, colour contrast ie walls and doors, provision of hearing loop systems in public areas, ie reception, conference facilities, etc

### **3.3 Information and Services**

- Information on services will be made available in alternative formats, to include large print, audio, Braille, disk
- Material to include books, instructions, forms, leaflets, fliers, brochures, personal correspondence
- The Council will improve access to all services by establishing centralised customer contact points ie, One Stop Shops for enquiries, request for service, complaints, training, payments, internet access.



### **3.4 Consultation**

- Support and work in partnership with external groups and organisations with a particular interest in securing access for all
- Identification of the access needs of disabled people in Denbighshire.
- Provide support and guidance externally to business enterprise, the private and voluntary sector
- Provision of information in alternative formats on request

Working in partnership is crucial to the success of the Strategy, partnership arrangements with groups of disabled people, together with organisations that are able to influence, provide or support improvements.

- Actively working with and supporting disabled people's organisations, and listening to what they have to say about access in the County, and the way in which the Council provides access to its information, facilities and services.
- Working in conjunction with the private sector, and others involved in the regeneration of the Council, in order to influence best practice.

It is suggested that a Focus Group be developed to ensure that the Strategy is delivered, regularly reviewed, responds to public comment, and develops a work programme with measurable outcomes which reflect priorities.

- The Focus Group should take on board the views of disabled people using the Council's facilities, and the services provided by the Council.
- The Focus Group should have significant external representation from disabled people and voluntary organisations.
- Architects, developers and business associations that could help with improving accessibility to be invited.

### **3.5 Promote Denbighshire**

- Developing Denbighshire as a place which attracts disabled tourists and business people due to the quality of its provision.

- Ensuring that there is excellent provision for disabled people within the culture and leisure facilities, as part of a tourism development strategy.
- Provision of information on facilities and services provided in Denbighshire accessible to disabled people.
- Creation of accessible buildings which make it easier for disabled people to find employment.
- Advertising 'what is' accessible in Denbighshire

### **3.6 Organisational Structures**

- Set up co-ordination mechanisms to ensure access requirements are incorporated into the mainstream thinking of every department.
- Ensure that accessibility to services complies with Part III of the Disability Discrimination Act, relating to the provision of goods, facilities and services.
- Preparation of specific Action Plans for accessibility matters, to feed into the Service Plan process, and the work programmes of individuals.
- Risk Assessments in place to allow for employment of disabled people.
- Adhere to the Two Ticks Award, positive about disabled people within employment practices.
- Ensure access for disabled people is considered as part of the Best Value reviews, Key Performance Indicators.
- Compliance with equalities standards of Welsh Local Government Association and Equal Opportunities policy
- Adhere to Welsh Assembly criteria and relevant legislation

### **3.7 Role of Access Officer**

The access officer is based within Planning Services, it is a corporate role providing guidance throughout the Council –

- Provide support within the Council – corporate and operational, ie technical advice, guidance and training
- Raise awareness of legislation and duties under the Disability Discrimination Act 1995
- Provide support and guidance to community groups, voluntary organisations and businesses within Denbighshire

- Provide information and training on the Disability Discrimination Act 1995
- Assist in preparing action plans and service delivery plans within the Council to address equal access for disabled people
- Promote Inclusive Design relating to new buildings, change of use, extensions, existing buildings, and new dwellings

#### **4. Measurements of Success**

##### **4.1 measurable outcomes could be –**

- Establishing a Focus Group, with external representation from disabled people and their organisations, business community, voluntary sector, architects and developers.
- The implementation of departmental action and service delivery plans within the council, defining actions of an inclusive service delivery for all, including disabled people, producing operational targets and outcomes.
- Setting up of an Award Scheme recognising access improvements, inclusive design and innovative ideas to existing buildings and new development undertaken in Denbighshire.
- Production of advice and information leaflets on access and current legislation. Information to be available on the website.
- Information to be available in alternative formats.

##### **4.2 However, there are several over-arching outputs against which all progress must be measured**

- A range of accessible buildings, spaces and venues developed as a result of regeneration activity.
- A minimum of one fully accessible venue for council meetings in both the north and south of the county.
- An increase in the number of buildings and streets made accessible.
- An increase in the number of fully accessible public buildings, ie hotels, restaurants, pubs, shops, leisure centre's, banks, surgeries, hospitals, offices, community centres and village halls, libraries etc
- A public transport infrastructure useable by disabled people throughout Denbighshire ie, buses, taxis and trains, community transport ie, Dial-a-Ride.
- The emergence of active and established groups related to access.

- The availability of full and clear information concerning Access for All within Denbighshire, ie information brochures of local services available.
- Ensuring that access issues are a recognised part of Best Value service reviews,

#### **4.3 Further work will need to be done in order to clarify measurable targets on other **over-arching objectives****

- Having Denbighshire recognised as an accessible County and being known as a tourist and business destination for disabled people
- Provide a barrier free environment and accessible information to increase the number of disabled people, their family, friends, and organisations visiting Denbighshire, thus supporting economic development in the County.

### **5. Future Developments**

**5.1** It is not intended that this Strategy be static, but will be subject to review and further development. It is recognised that not all the improvements needed are going to be achieved in a short time. However, by linking in to action plans and regeneration processes in the Council, significant progress on accessibility can be made. Close and continuing liaison will be needed with Access groups in the community, in order to confirm priorities and monitor outcomes.

## Appendix 1

### An 'Access' Checklist for Conference Organisers

Most organisations use conferences, seminars and other meetings to bring people together to discuss issues, develop policies or to disseminate key messages and information. Conference organisers cannot assume that 'no' disabled people will wish to attend. If your objective is to encourage and facilitate participation it is important that disabled people are seen as an integral element in any target.

This checklist should assist in turning good intentions into 'good practice'. We know that very few conference venues and service are fully accessible in Denbighshire, but it is better to aim high and know what might be wrong, rather than compromise from the start and remain unaware of the problems participants might face at your event.

The more organisations insist on accessible conference facilities, the quicker we will move towards a situation where we can assume that facilities are accessible without rigorous checking. In the meantime, using this checklist will encourage everyone involved in conference organisation to consider access issues from the start, and encourage an Inclusive Society.

#### 1. Marketing and Information

- Ensure information gets to disabled people, make information available in different formats ie, large print, audio, Braille, cd-rom.
- Have access to a minicom (text-phone) service and ensure staff know how to use it. (For participants making further enquiries).
- Ensure information advertises 'accessibility' of the venue. eg "The venue is fully wheelchair accessible and fitted with a hearing loop system".

#### 2. Booking Procedures

Booking forms are not just a way of registering participants – organisers should use booking forms to collect information needed to ensure full participation.

Include questions on additional (not “special”) needs. You can either offer a reassuring checklist of facilities, (signer, lip speaker, interpreter, car parking, wheelchair access, loop system), or simply ask participants to list requirements (disabled people know what they need).

Don't make assumptions, providing a signer may seem good practice but might not be the appropriate support required. Always check with participants requiring a support service.

Make procedures and forms simple, they will be easier to follow or to transcribe onto tape or Braille.

### **3. Venues**

Whilst the Disability Discrimination Act 1995, covers conferences and seminars, it does not require the removal of physical barriers in existing buildings until October 2004

Since 1999 there has been a duty under the DDA to make reasonable adjustment for disabled people in the way services are provided, this could mean changes to policy, practice and procedure ie, the need to identify and use an accessible venue.

#### **Housekeeping procedures**

- Organisers to be aware of evacuation procedures
- Organisers to conduct housekeeping at the beginning
- Identify fire exits
- Explain evacuation procedure (include information for disabled people who will not be able to use a lift)

#### **Approach**

- Approach to the venue ie, arriving by public transport
- Accessible approach to and into the building
- Hard surface car park
- blue badge car parking spaces (extra width) close to entrance
- Level or ramped access to the entrance
- Entrance door large enough and easy to open for wheelchair users
- Entrance to be signposted

#### **Reception**

- Easily identified by visually impaired people
- Low level reception desks (or part of) for use by wheelchair users
- Provision of hearing loop system

- Signage to conference facilities
- Staff assistance available (if required)
- Provision of an adequate lift (where applicable)

### **Conference Room**

- Entrance door to facility 750mm wide (useable by wheelchair user)
- Check acoustics – Echoing rooms or poor systems make it difficult to hear. Is there provision of a 'roving' microphone?
- Provide a hearing loop system
- Lighting adequate and uniform for visually impaired people
- Moveable seating is required (ie a wheelchair user can choose where to sit)
- Where tables are used, they need to be high enough for a wheelchair user to get their legs underneath (750mm high)
- Circulation space within room for wheelchair users

### **Other facilities**

- Provision of a unisex 'accessible' toilet in the immediate vicinity of the conference room? (Is it being used as a store cupboard?)
- Where relevant bars, cafeterias, restaurants to be accessible
- Can visually impaired participants and wheelchair users get between tables
- Staff assistance available
- Are guide dogs allowed

### **Participation**

- Have agenda and papers been circulated before hand in accessible formats? (when requested)
- Provide support services when required, lip speakers, note takers etc
- Reserve front row for hearing and visually impaired attendees
- When using visual aids, (OHP, slides) describe the content for blind and visually impaired participants
- Do not segregate wheelchair users
- Use videos with subtitles

### **Evaluation**

If you think you have got it right, you are almost certainly wrong. Most conference facilities lack provision of some kind and few will meet the increased expectations of disabled people. You will also probably identify issues that affect all attendees (poor acoustics, signage).

- Include questions on access in the main evaluation forms
- Ensure proprietors are made aware of any issues affecting them
- Develop a rolling action programme to modify procedures and criteria

Feedback to venue proprietor it is important to highlight issues, most of which can be resolved at little or no cost – only a little forethought.

Remember – issues that might prevent a disabled person from participating fully will probably be a significant inconvenience for other participants.

### **RNID**

Denbighshire County Council has a corporate contract with Communication Services Unit (CSU) (Information available on Denbighshire Information Centre), **free** for appointments with Denbighshire County Council Departments, -to include sign language interpreters, lip speakers, deafblind interpreters and note takers including electronic 'speed text'

Telephone 0845 602 3116

Fax 0845 602 3117

Textphone 0845 602 3118

### **RNIB**

Information and useful contacts for transcription services available on Denbighshire Information Centre), this is not a corporate service, (each department to arrange and pay for) audio/digital/Braille/large print.



**AGENDA ITEM NO: 13 [CABINET 2003 - 113]**  
**REPORT TO CABINET**

**CABINET MEMBER: COUNCILLOR M GERMAN, LEAD MEMBER  
FOR SUSTAINABLE DEVELOPMENT**

**DATE: 22 July 2003**

**SUBJECT: Denbighshire Unitary Development Plan (UDP)**

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

**1 DECISION SOUGHT**

1.1 To obtain approval for:-

- (i) the preparation and distribution of an Addendum setting out the critical changes to the Welsh version of the UDP, following a proof reading exercise to identify errors/inaccuracies, and
- (ii) consideration and determination of all planning applications based on both the current English version of the UDP and the current Welsh version along with the Addendum set out in Appendix 1

**2 REASON FOR SEEKING DECISION**

2.1 To enable (i) the Welsh language version of UDP to maintain its equal status, and (ii) further consideration of planning applications , including those subject to Policy HSG 5.

## 2.2 Background

2.3 At the Planning Committee on 25<sup>th</sup> March 2003 a discrepancy was identified in the Welsh version of the UDP within the further explanation to policy HSG 5.

2.4 In effect the 3<sup>rd</sup> bullet point at the end of the explanation to the policy was missing in the Welsh version stating that- “**a group of houses must contain at least 6 dwellings**” was required to comply with the policy-.

2.5 This rendered consideration of the planning application impossible at the Committee

## 2.6 Assessment

2.7 As a result of the above there has been a need to further “proof-read” the Welsh version to address and rectify this and any other discrepancies that may exist. This exercise has now been completed.

2.8 Following that exercise it is considered that a short **Addendum**- with the critical changes identified to enable proper consideration and full working of the policies- is prepared, printed and distributed to relevant persons and organizations. This comprises a list of ? changes covering X pages with a budget cost of about £500.

## 2.9 The Addendum

Many other “corrections” have been identified as part of the proof- reading exercise. However these are not critical for policy purposes. Many comprise “linguistic” corrections – replacing with a more accurate translation .There is no need for these to be included as, in effect need a complete reprint.

### **The Welsh Version of the UDP**

It is proposed to replace on a “like for like” basis (i.e. with the same published design setting and colours) the pages where changes are needed. There are sufficient available

copies of Welsh version of UDP to replace and distribute to all recipients of the Welsh version. The copies sent out will be re-called and replaced- with an attached covering letter.

**Appendix 1** comprises both:-

- The list of critical changes comprising the proposed **Addendum** identifying the necessary corrections needed to policies and proposals to enable full and proper consideration of planning proposals to be made.
- explanatory text which sets out the changes by deleting the incorrect parts with a ~~strikethrough~~ and inserting the new in **bold**.

#### 2.10 Conclusions

2.11 Officers have studied the Addendum and consider that there are no material implications for the consideration and determination of past or current planning applications.

2.12 Other than the matter raised at Planning Committee no representations or comments have been received regarding the accuracy or completeness of the Welsh version of the UDP.

#### **2.13 Policy HSG 5- Groups of Houses in the Countryside**

2.14 There are several planning applications submitted or in the pipeline based on policy HSG 5. To avoid un-necessary delay or confusion in processing these applications officers have looked particularly at HSG 5 and the documents published at various stages of adoption (Draft, Deposit, Proposed Changes, Inspector's Report, Proposed Modifications, Adoption) in both language versions.

2.15 The only version where the discrepancy appears is in the adopted Welsh language version. Whilst there were general objections to policy HSG5 there were:-

- (i) no objections to the bullet point requiring there to be at least 6 dwellings to form a cohesive group

- (ii) no consideration by the Inspector nor any recommendations in his Report to change the bullet point,
- (iii) no Proposed Modifications to the bullet point.

The English language version contains the bullet – as do all other English and Welsh versions of the UDP and importantly the Deposit version.

#### 2.16 Further Assessment

2.17 The Deposit UDP would in law be the adopted plan – unless there are objections which are subsequently subject to Proposed Modifications. There were no objections or Proposed Modifications in respect of the 3<sup>rd</sup> bullet point.

2.18 In effect the omission of the 3<sup>rd</sup> bullet point in the Welsh language version is simply a typing or printing error. It does not affect the standing, aim nor operation of the policy. Neither does it affect the application of the 3<sup>rd</sup> bullet point in respect of the need for there to be at least 6 dwellings forming a group of dwellings for the purposes of the policy and its use in determining planning applications.

2.19 This and other critical typing errors can be administratively addressed by attaching and sending out an Addendum.

### **3 POWER TO MAKE THE DECISION**

3.1 The Council's constitution sets out that Cabinet is the policy formulating body of the Council - it is policy matter as well as a regulatory matter.

3.2 Town and Country Planning Act 1990 as amended – and associated Regulations.

#### **4 COST IMPLICATIONS**

The costs of proof-reading, publishing and distribution of the Addendum will be contained within the existing Planning Services budget.

#### **5 FINANCIAL CONTROLLER STATEMENT**

There are no obvious significant financial implications from the content of this report.

#### **6 CONSULTATION CARRIED OUT**

Legal Services – in agreement

#### **7 IMPLICATIONS ON OTHER POLICY AREAS INCLUDING CORPORATE**

7.1 Greater quality control of the Welsh translation of policy documents should be undertaken.

7.2 Equal status of the Welsh language versions of policy documents is maintained.

#### **8 RECOMMENDATION**

8.1 That 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 organizations and persons.

8.2 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 policy HSG 5

Essential corrections to Welsh version of UDP

Page policy

- 10 3.2 (iv) change “goblygiadau” to **“ymrwymiadau”**
- 10 3.2 (iv) change “dan unrhyw amgylchiadau” to **“mewn amgylchiadau addas”**
- 14 3.38, final line, change “oblygiadau” to **“ymrwymiadau”**
- 17 GEN 2 (ii) delete 1<sup>st</sup> line, **“”YN BODLONI’R ... GOFOD AGORED”** and add **“O OFOD AGORED”** after **“ANNERBYNIOL”**
- 18 GEN 4, commentary, penult. Sentence. After “rhuban”, add **“yn unol â’r eglurhad o bolisi GEN 1”**.
- 21 GEN 7 add **“PROFADWY”** after **“NA WNEIR UNRHYW NIWED”**.
- 22 GEN 8 Change “goblygiadau” to **“ymrwymiadau”**, on 6 occasions – in title; in the policy; twice in 1<sup>st</sup> para; twice in 2<sup>nd</sup> para.
- 43 CON 7 (i) Add **“YN ECONOMAIDD”** after **“ATGYWEIRIO”** (i.e., **“TU HWNT I’W ATGYWEIRIO’N ECONOMAIDD”**)
- 44 CON 9, commentary Add omitted paragraph, following the paragraph which ends with **“Ardaloedd Cadwraeth / Conservation Areas”** (to translate **“The use of Article 4 directions ...”**): *as follows*
- “Ni ddylid defnyddio cyfarwyddiadau Erthygl 4 ac eithrio mewn modd detholus ac ar sail gwerthusiad trwyadl o’r cymeriad a’r nodweddion pwysig, a thystiolaeth fod addasiadau neu ddatblygiad a ganiatawyd wedi arwain at newid niweidiol arwyddocaol a di-droi’n-ôl.**
- 45 CON 9, commentary, at the end of 2<sup>nd</sup> para under heading **“Archaeology”**, after **“rôl mewn addysg a thwristiaeth”** / **“role in education and tourism”**, *add* :

**“Lle bynnag y bo’n ymarferol a dymunol gwneud hynny, dylid darparu mynediad cyhoeddus I safleoedd / olion archeolegol”**

- 45 CON10, 2<sup>nd</sup> para of policy: Replace Welsh text by :  
**“LLE BYNNAG Y BO MODD, DYLLID AMGAU GYDAG UNRHYW GAIS CYNLLUNIO SY’N EFFEITHIO AR HENEBYN RHESTREDIG, NEU EI AMGYLCHFYD, GYMERADWYAETH GYFLAWN CADW AR GYFER COFADEILAD ATODLENNOL.”**
- 49 7.10, 2<sup>ND</sup> sentence Replace “gwelliannau” by **“gwerthusiad”**.
- 58 CPZ 3 (a) After “AR YR AMOD: a)”, insert **“NA”**.
- 71 HSG 5, commentary, in 1<sup>st</sup> group of bullet-points (following “...a group of houses must form” / “mae’n rhaid i grwp o dai ffurfio”),  
- delete 2<sup>nd</sup> bullet-point (which appears in English);  
- move 3<sup>rd</sup> bullet-point (as printed in Welsh version) to 2<sup>nd</sup> bullet-point;  
*and*  
- add **“rhaid i grwp gynnwys chwech neu fwy o anheddau”**.
- 74 HSG 8, final para of policy Replace “CYNNWYS” (in 3<sup>rd</sup> line) by **“PERYGLU”**.
- 76 HSG 10, commentary, 2<sup>nd</sup> para., at end of 1<sup>st</sup> sentence, add **“o’r fath”** (after “galw amlwg am dai”).
- 77 HSG 11 (vi) Change “BOD TREFNIADAU BODDHAOL WEDI’U GWNEUD ER MWYN SICRHAU ...” to **“BOD MODD GWNEUD TREFNIADAU BODDHAOL ER MWYN SICRHAU ...”**
- 77 HSG 11, commentary, 3<sup>rd</sup> para., 1<sup>st</sup> sentence. Replace “prynu tai” by “byw mewn ty”
- 78 HSG 12 (i) Replace “LLAI NA’R” by **“DDAROSTYNEDIG I’R”**.
- 79/80 HSG 14, 1<sup>st</sup> para of policy. Insert “15” after “A NODIR YM MHOLISI HSG” (i.e., should read **“YM MHOLISI HSG 15 ISOD”**)
- 80 HSG 15, (iii) Replace “SAFONAU/LLUNWEDD LLEIAFSWM” by **“SAFONAU LLUNWEDD/GOFOD LLEIAFSWM”**.

80/81 HSG16, 1<sup>st</sup> para of policy. Insert “/CWRTILAU” after “DDOMESTIG”

83 MDA 2 (v) Replace the printed text by **“4.6 HECTAR O DDEFNYDDIAU BUSNES B1 YN HYTRACH NAG A1 NAD YW’N YMWNEUD Â BWYD, HEB FOD YNG NGHANOL TREF, AR HYD TALWYNEB YR A525”**

89 EMP 2 (b) Delete **“DDIFRIFOL”** after “EFFAITH”.

93 EMP 5, commentary, final para., 3<sup>rd</sup> sentence. After “datblygiadau cyflogaeth”, replace “penodol” by **“dilys, heb fod o natur hapfuddsoddol”**.

97 EMP 11, commentary, 2<sup>nd</sup> para., 2<sup>nd</sup> line. Insert **“nag”** between “mae’n well” and “adleoli”.

97/98 EMP 12, penult. para. of policy AND final para. of commentary, at line 4. In both places, replace **“DAMCANIAETHOL/ ddamcaniaethol”** by **“HAPFUDDSODDOL / hapfuddsoddol”**.

98/99 EMP 14, final para of policy. Replace **“GORAU”** by **“FFAFREDIG”**.

100 MDA 4, (i) Replace **“YN GYFFREDINOL AC”** by **“CYFAN, YNGHYD AG”**

100 MDA 4, following the conditions (i) to (xi). Remove **“FEL RHAN O GYTUNDEB S 106”** from the beginning of the sentence, and insert at the end of the sentence (following **“RHWYMEDIGAETHAU CYNLLUNIO A GANLYN”**), in the form **“FEL RHAN O GYTUNDEB ADRAN 106”**.

Facing page 101, list of policies in Chapter 11

RET 1 Replace **“TREFI A CHANOLFANNAU DOSBARTH”** by **“CANOL TREFI A CHANOLFANNAU ARDAL”**

RET 6 Replace **“TREFI A CHANOLFANNAU DOSBARTH”** by **“CANOL TREFI A CHANOLFANNAU ARDAL”**

RET 7 Replace **“TREFI A CHANOLFANNAU DOSBARTH”**



by **“CANOL TREFI A CHANOLFANNAU ARDAL”**

- 103 11.10, 3<sup>RD</sup> sub-point. Delete English text and insert **“Rhwydwaith lleol o ffyrdd sy’n gymharol wael, gan achosi trafferthion hygyrchedd / tagfeydd a pharcio ceir, gan arwain at amgylchedd siopa mwy anghroesawus”**
- 106 11.22, Table 3:  
3<sup>rd</sup> group of boxes: Change “Canolfannau Rhanbarth” to **“Canolfannau Ardal”** in 1<sup>st</sup> column; and change “Ffin canol y rhanbarth” in column 3 to **“Ffin y ganolfan ardal”**  
Final line of table, in 3<sup>rd</sup> column, change “Ffin canol yr ardal leol” to **“Ffin y ganolfan leol”**
- 107 11.26, Policy RET 1:  
In title of the policy, and in line 1, replace “TREFI A CHANOLFANNAU DOSBARTH” by **“CANOL TREFI A CHANOLFANNAU ARDAL”**