

CABINET

Minutes of the Cabinet meeting held in the Council Chamber, Prestatyn on Tuesday 25 November 2003 at 10.00 a.m.

PRESENT

Councillors P A Dobb, Lead Member for Health and Wellbeing; E C Edwards, Lead Member for Safeguarding our Communities; M A German, Lead Member for Sustainable Development and Environment; G M Kensler, Lead Member for Promoting Denbighshire; R W Hughes, Lead Member for Lifelong Learning; D M Morris, Lead Member for Communications; E A Owens, Lead Member for Finance, J A Smith, Lead Member for Social Inclusion; W R Webb, Lead Member for Property and Asset Management and E W Williams, Lead Member for Economic Wellbeing.

Observers: Councillors A E Fletcher-Williams, I M German, M M Jones, R E Jones, R J R Jones, T M Parry and G Williams.

ALSO PRESENT

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

ANNOUNCEMENT

The Deputy Leader announced the sudden death of Lisa Woolford, daughter of Eleri Woolford, our Corporate Services Administrator and extended Cabinet's sympathy to Eleri and family. Members stood in silent tribute.

The Deputy Leader, on behalf of the Cabinet, also wished Councillor W R Webb well for his forthcoming hospitalisation.

682 URGENT MATTERS

- (i) Proposal to close the Sub Post Office at the west end of Rhyl.

683 MINUTES OF THE CABINET (CABINET 2003 - 150)

The Minutes of the Cabinet meeting held on 21 October 2003 were submitted.

Item 4 Joint Review: Councillor P A Dobb said the action plan was nearing completion and should be reported to the December Cabinet meeting.

Item 6 Improving Council Housing Stock: amend to read "Councillor P A Dobb said the revenue ...".

Item 12 Ysgol Plas Brondyffryn: Councillor G M Kensler declared an interest and left the room. The Corporate Director: Lifelong Learning reported that a report on further developments would be prepared for the December 2003 Cabinet meeting.

Item 18 Conversion Grant: Hotel Marina, East Parade, Rhyl: Councillor P A Dobb said the last sentence in the second paragraph should read "The WDA have agreed in principle to grant aid 80% of the cost of external works and the Authority have been requested to cover 80% of eligible internal works to a maximum of £385k".

Item 18 Conversion Grant: Hotel Marina, East Parade, Rhyl: Amend the last main paragraph to read "The Corporate Director: Personal Services said that this is a high priority regeneration project but not a high priority in meeting housing needs".

Item 20 Transfer for Preserved Rights / Residential Care Allowance 2002/03: Members were informed that the final decision on the settlement would be available from the Welsh Assembly Government on 03.12.2003. The County Clerk confirmed that the documentation was to be considered by Counsel. Dependent on the details of the settlement and the advice received, Cabinet agreed it was possible a challenge on the Welsh Assembly Government could be made by judicial review of the final settlement. If this course of action was followed, it could delay finalisation of the settlement for the whole of Wales.

RESOLVED that subject to the above, the Minutes of the Cabinet meeting held on 21 October 2003 be approved as a correct record and signed by the Deputy Leader .

The Minutes of the Cabinet meeting held on 3 November 2003 were submitted.

Councillor R W Hughes expressed her concern at the revenue implications of the staff moves.

The Chief Executive said it would be possible to accommodate more staff than originally planned in the PFI building by utilising non-office areas as office accommodation. In reply to Councillor G M Kensler's query regarding storage, the Chief Executive said the building would require staff to keep storage to a minimum and as much use as possible would have to be made of the corporate store facility when built.

Councillor E C Edwards asked how a new building in Rhyl would be financed. The Chief Executive said any new build would be financed through prudential borrowing. Councillor E A Owens said the inclusion of a new office building in Rhyl would make a total of five items for consideration for prudential borrowing and that each item would be brought to Cabinet for consideration.

Councillor Edwards asked whether space measurement in a building should be measured in cubic metres rather than square metres and also asked whether the figure for space per person met Health and Safety requirements. The Chief Executive confirmed that space allocation should be measured in cubic metres and that the allocation met both Health and Safety as well as DDA requirements.

RESOLVED that subject to the above the Minutes of the Cabinet meeting held on 3 November 2003 be approved as a correct record and signed by the Deputy Leader.

684 PLANNING SOCIAL CARE AND HOUSING SERVICES FOR OLDER PEOPLE IN DENBIGHSHIRE (CABINET 2003 - 170)

Councillor P A Dobb presented the report seeking Cabinet endorsement of the broad approach to determining short, medium and long term strategy for planning social care and housing services for older people in Denbighshire.

Members discussed the provision of social care and housing in detail and agreed that such provision had serious and critical implications on revenue and capital. It was agreed that an integrated and imaginative strategy was required.

Councillor G M Kensler referring to Denbighshire being the County with the second oldest population asked where the County would be placed in say 20 years. She also stressed the need for a balance of provision in both rural and urban areas. The Chief Executive agreed that his vision in 20 years' time would be for a more balanced population age-wise.

Councillor P A Dobb said it was imperative that each area make their needs known and this information would form part of the Health and Social Care Needs Assessment. It would also be useful to know what facilities were available in other parts of the country.

Members agreed with Councillor R W Hughes that partnership working with various agencies was essential. Councillor E W Williams said it was difficult to make bids for services before the budget had been finalised but agreed a structured format was required.

Councillor W R Webb congratulated the Corporate Director: Personal Services on the well thought out paper. He also said partnership working was required and stressed the differing needs of various parts of the County.

The Corporate Director: Personal Services said concepts like retirement villages would be given consideration and agreed with Councillor Webb that different communities had both different needs and strengths. She stressed that partnership working was fundamental and that it would be mandatory to work with the Local Health Board.

Councillor E C Edwards drew officers' and Members' attention to Conwy County Borough Council's proposed policy where housing renovation grant monies may be used to fund improvements in residential homes for the elderly.

After further discussion, Members agreed to revise the recommendations as follows:

RESOLVED that:-

- (a) *Cabinet endorses the need for whole systems planning for older people in partnership with other agencies and participation in the development of the Service and Estates Strategy with health services in particular.*
- (b) *Cabinet endorses the notion of locality planning of social care and housing services for older people, as described in paragraph 4.3 of Annexe I attached to the report, in a County framework.*
- (c) *further detailed work is undertaken and incorporated in the Housing Strategy identifying how the housing needs of older people can be addressed more fully through use of capital resources and Social Housing Grant.*
- (ch) *any Transfer Agreement arising from Housing Stock Transfer covers arrangements to ensure continuing co-operation to meet the housing and care needs of older people.*
- (d) *Cabinet agrees to consider the inclusion of funding for essential health and safety related capital works in local authority residential homes in the Capital Programme for 2004/05, and supports funding from slippage in 2003/04, if available, pending the determination of their longer - term future.*
- (dd) *a programme of learning opportunities is agreed for members and officers to enable greater understanding of future options and best practice in services for older people.*

685 RESPONSE TO AUDITOR'S REPORT ON THE IMPROVEMENT PLAN (CABINET 2003 - 171)

Councillor E W Williams presented the report seeking Members' agreement to the Authority's draft Action Plan (attached to the report at Appendix I) and the Auditor's report on the Improvement Plan (attached to the report at Appendix II).

RESOLVED that Members approve the Action Plan in response to the Auditor's report on the Authority's Improvement Plan.

686 STANDSTILL BUDGET REQUIREMENT FOR 2004-2005 (CABINET 2003 - 172)

Councillor E A Owens presented the report for Members to note the details of the provisional Assembly settlement for the next financial year and asked Members to consider the content of the appendix attached to the report which showed the anticipated standstill position for the Authority's overall budget for 2004-2005 and to agree the methodology for establishing the standstill budget. A steer was required as to the basis for funding further service development. Councillor Owens said the Welsh Assembly Government final settlement figures would be available on 03.12.2003.

Members expressed their concerns over levels of Council Tax rises. Councillor W R Webb said funding growth mainly from efficiency savings would still mean a rise in Council Tax. Councillor E W Williams suggested the public be given information on various possible increases e.g. an increase in Council Tax for a standstill budget, whilst a further increase would give an increase in certain named services, before any decision was made by Council.

Councillor R W Hughes said an appropriate budget for the Authority was required and felt that Denbighshire residents could possibly support the Authority in putting a 1% increase in Council Tax for the education services. Councillor Hughes emphasised the need to ensure schools delegated budgets did not deteriorate.

Councillor G M Kensler said various organisations, for example the Lottery Fund or the Sports Council, were also applying cutbacks therefore the levels of grants available was much less.

Councillor E W Williams said costings would be available for Council Tax increases at various levels and that the Scrutiny Committees would be consulted on both the levels of increases and the order of priorities before Council made a final decision on Cabinet's recommendation.

The Financial Controller briefly outlined the Welsh Assembly Government's 3 year plan, which had been revised in September 2003. This had given a low settlement figure for the next year with a level figure for years 2 and 3. This plan would be revised again in March 2004, after Council Tax bills had been despatched.

Councillor E W Williams said the Welsh Assembly Government had not made their long terms plans available to Authorities and the WLGA was commenting in strong terms to the Assembly on this. He informed Members that a letter had been sent to Sue Essex AM, Minister for Finance, Local Government and Public Services requesting the potential past service award funding of £228k, identified by the National Assembly for this scheme, and which will not now used for this purpose by Denbighshire, be allocated to local authorities as part of the general revenue settlement for 2004-05.

RESOLVED that Members:-

(a) note the details of the provisional Assembly settlement for 2004/5

(b) note the content of the appendix attached to the report showing the anticipated standstill position for next financial year and agree the methodology for establishing the standstill base.

687 REVENUE BUDGET 2003-2004 (CABINET 2003 - 173)

Councillor E A Owens presented the report which advised Members that all the pressures identified in the latest budget performance figures for the current financial year should be absorbed by services in order to deliver the Council's agreed budget strategies.

The Corporate Director: Lifelong Learning confirmed the SEN figures as detailed in the report were gross. Councillor E A Owens said the Education Department were currently containing expenditure and it was expected this would prevail for the rest of the financial year.

RESOLVED that Cabinet note the figures in the appendices and consider actions to ensure the achievement of the 2003/2004 revenue budget strategy to contribute £1.0m to balances.

At this juncture (11.30 a.m) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

688 RHYL YOUTH CLUB (CABINET 2003 - 174)

Councillor J A Smith presented the report seeking endorsement of the decision to undertake emergency health and safety work at the existing youth club and to seek further urgent investigation into options and costs for a permanent solution needed by September 2004, to be reported to Cabinet in December 2003.

Councillor E A Owens suggested that as option 1 was a temporary solution and that the same situation would prevail in a year's time, Members should opt for the second option.

The Chief Executive suggested that all options for future provision of youth club facilities in Rhyl should be explored.

Councillor D M Morris reminded Members that such provision should be global and that, in comparison, more had been spent in Rhyl than in Prestatyn for example. Councillor Morris suggested that a report to Cabinet be provided on provision of youth facilities throughout the County.

The Assistant Director: Culture and Leisure explained that this was an emergency situation and that the Authority had been unable to provide a consistent service. The Corporate Property Unit were looking at available facilities in Rhyl, as well as the possible provision of a new build.

Councillor R W Hughes emphasised the need to ensure provision for young people.

The Chief Executive said a full list of expenditure in all areas was required for inclusion in the following year's capital plan.

Councillor E C Edwards emphasised the need to ensure that the Authority was not 'all policy and no service delivery'. However, he felt a much stronger prioritised policy on provision for young people was required.

In response to a query from Councillor G M Kensler, the Corporate Director: Personal Services confirmed that using Communities First monies was not an option.

RESOLVED that Members endorse the decision to undertake the immediate health and safety work at the existing youth club and authorise officers to look at the options and costs for a permanent solution for the provision of youth club facilities in Rhyl as a matter of urgency, with a report back to Cabinet in December 2003. It was further agreed that a report to Cabinet be provided detailing the current situation with all youth club facilities in Denbighshire.

689 LGA / WLGA RELATIONSHIP (CABINET 2003 -)

Councillor E W Williams presented the report seeking agreement either to retain membership of the Local Government Association (LGA), albeit involving a restructuring of financial contributions given the current provision of services to the Welsh Local Government Association (WLGA) or to withdraw from LGA membership and for the WLGA to consider buying back certain services under service level agreements arrangements. County Council would be consulted prior to a final decision being taken.

The Chief Executive detailed the likely subscription costs of only WLGA membership and said the WLGA would possibly buy back some services e.g. lobbying in Parliament.

Councillor R W Hughes commented that it was difficult to make a judgement when the Authority did not know the extent of any informal links between the two organisations and the fact that the Welsh Assembly Government had limited powers.

Councillor E W Williams said in many instances the WLGA leads on information from Parliament and they would have a form of monitoring and lobbying system in Parliament as they were the legislators.

RESOLVED that Cabinet agree in principle that the Authority withdraw from Local Government Association membership and for the Welsh Local Government Association to consider buying back certain services under specific service level agreements arrangements. Cabinet further agree to consult with County Council prior to finalising its decision.

690 INTERNATIONAL LINKS (CABINET 2003 - 176)

Councillor E W Williams presented the report seeking support for further developments with regions who have indicated a wish to co-operate with Denbighshire.

Councillor R W Hughes suggested the Authority's International Officer should work closely with ECTARC, who had developed educational links and placements with many European countries. The placements / visits to North Wales had led to an increase of £200k being provided for the local economy. Councillor Hughes suggested investigating the possibility of the availability of European funding for a social services fact finding mission to Europe on the provision of care for the elderly for example.

The Chief Executive echoed Councillor Hughes' sentiments and said such links would be of long term benefit, particularly when Objective 1 had been phased out and only Interreg funding was available.

Councillor M A German asked that the name of the country visited as well as the town / area be provided in future reports.

***RESOLVED** that Cabinet notes the successful visits with other North West Wales Authorities to the Luberon, France, approves continuing progress on the development of exchanges with Alto Adige, Italy, approves continued efforts to develop Interreg projects with Clare and Kildare, Ireland and supports the new initiative with Gliwice, Poland to provide a long term basis for European Programme work with a region in the accession countries. That the Cabinet receives further reports on developments as they arise.*

691 PART I URGENT ITEMS

SUB POST OFFICE, WEST END OF RHYL (CABINET 2003 - 177)

(Councillor R W Hughes informed Cabinet that her mother lived in the area served by the sub post office but as the matter affected all residents in that locality no personal interest arose.)

Councillor R W Hughes informed Members of the letter sent by the Chief Executive, to Members in the Vale of Clwyd constituency, regarding the proposed closure of the sub post office in the west end of Rhyl, the most deprived ward in Wales. She stressed this would be a retrograde step for the community and could lead to the closure of other small shops in the vicinity which provided a much needed service for the elderly and transient population. The nearest alternative for the residents would be the main post office in the town centre.

Councillor E A Owens agreed that the facility was well used by the community. She also said many people would not wish to take up the option of drawing benefits / pensions from banks and would still wish to use post offices.

After further discussion it was

***RESOLVED** that Cabinet agree the Leader write, on their behalf, to the Post Office stressing the need for the sub post office to be kept open.*

QUESTION AND ANSWER SESSION

No questions had been received by the closing date.

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 5, 7 and 8 of Part 1 of Schedule 12A of the Local Government Act 1972.*

PART II

692 REVIEW / AUDIT OF THE MWROG STREET FLOOD ALLEVIATION SCHEME (CABINET 2003 - 178)

Councillor M A German presented the report for Members to receive the independent Contract Review / Audit Report of the Mwrog Street Flood Alleviation Scheme carried out by Davis, Langdon & Everest, to note their conclusions and adopt the recommendations arising.

The key recommendations of the report were a recommendation to Council to consider obtaining assistance in dealing with claims for additional payment, submitted to date by the contractor, or likely to be submitted in the future, and for Council to investigate the level of fees paid to design the consultants and to consider whether full design was adequately completed prior to the scheme tender process.

Councillor E C Edwards paid tribute to Wayne Hope, the resident engineer for his hard work on the project and thanked officers for the provision in the report of the well detailed account of the scheme. Councillor Edwards again suggested the formation of a Member and officer task group and whether there had been Member involvement in the scheme. He also queried whether the scheme would be completed in accordance with the press released issued.

The Chief Executive said staff had progressed the scheme following decisions taken by Members but accepted that costs were higher than originally planned. He confirmed the Welsh Assembly Government were so far paying an additional £255k towards scheme costs.

Councillor E W Williams said the report vindicated the decisions taken and the work carried out. He also expressed concern at the information leaked to the press regarding the scheme.

RESOLVED that Cabinet:-

(a) receive the Review/Audit Report

(b) accept the following recommendations, based on the proposals made by Davis, Langdon & Everest in their report:-

1 Engage specialist assistance to act on the Council's behalf in dealing with the expeditious settlement of the final account with the contractor, so as to ensure that proper contract costs are not exceeded.

In view of the fact that Davis, Langdon & Everest have developed a considerable understanding of the scheme and have delivered the initial submission to budget and on time, it is agreed that Davis, Langdon and Everest's commission be extended to include supervision of the final account agreement. Such an extension constitutes an exception to the tendering procedure in Contract Standing Orders (9.1(b))

2 The Consultants as appointed in 1 above review and check the design consultants' fees are acceptable, noting costs incurred should not exceed any potential savings.

(c) The report be passed to the Chair of Environment Scrutiny Committee for their consideration and scrutiny of the Contract Final Outturn, following the implementation of Recommendations (a), (b) 1 and 2 respectively.

693 CLWYD LEISURE - LEASE GUARANTEE (CABINET 2003 - 179)

Councillor R E Jones presented the report which requested Cabinet to review its previous decision to refuse the request for the Council to act as guarantor for an operating lease to Clwyd Leisure Limited (CLL) for the development of the basement of the Sun Centre as a fitness centre.

The Deputy Leader welcomed Ian Eldred, Chief Executive and Peter Lloyd, Finance Manager of Clwyd Leisure along with Councillor G Williams, Chair of CLL and Councillor A E Fletcher Williams, Member of CLL.

The CLL Chief Executive thanked Cabinet for the opportunity to detail their request for the Authority to act as guarantor and provided Members with an aide memoire. He said his Board of Directors had approved the project business plan which had been prepared with help from a consultancy firm. He said grant awarding bodies did not usually support health and fitness facilities and CLL had no assets which could be used as security for a loan. He said the company reserves of £200k were earmarked for plant and unplanned breakdowns and as a cushion against any future decrease in attendance figures. He said without the Authority's support the development was unlikely to proceed and this would impact on the future CLL development programme.

The Corporate Director: Resources said Cabinet had previously given careful consideration to the request for the Authority to act as guarantor and they could reach the same decision again. However, the Authority now had a letter from an equipment supplier stating that, without the Authority acting as guarantor, they would not be able to supply the equipment.

The County Clerk confirmed that the unchanged Transfer Documents mentioned in paragraph 2 of Appendix 1 to the report had now been agreed in principle with CLL and these documents would be signed as soon as possible.

Councillor A E Fletcher Williams said whilst she understood Cabinet's earlier decision not to act as guarantor she felt this was shortsighted and that the use of the space as a health and fitness suite would be of benefit to all residents of Rhyl and the surrounding areas.

In reply to a query from Councillor J A Smith, the CLL Finance Manager confirmed that the high street banks and finance houses approached had not been interested in financing the project. It was confirmed that the CLL business plan had been received by the Corporate Director: Resources and with their agreement, a copy could be made available to Members if required.

Councillor E W Williams said the concept for the scheme was good and that a possible avenue for funding for CLL in the future would be business development grants, when funding was available. Long term funding of Trusts within Denbighshire needed to be the subject of a future debate.

Councillor G M Kensler said that whilst none of the Members were against the project or any other development in Rhyl, they had a duty of care to the Authority. The Chief Executive agreed with Members that the earlier decision had been correct, not to agree to be guarantor when the request had emerged at a very late stage. However, in the light of further information having been made available he advised members to act as guarantor on terms to be most advantageous to Council to protect the Authority's interests.

Councillor E A Owens, in responding to a query from Councillor P A Dobb, said it would be an enormous task if all Members had to examine the detail of the business plans before a decision was made. Councillor Owens said she was pleased to see the Health Service was in support of the development. She urged Members to agree the decision in principle and delegate the decision when all relevant information had been provided.

Councillor E C Edwards said he did not agree with delegating decisions involving such large sums of money.

The Chief Executive suggested Members agree the delegation requested in the earlier report.

Councillor P A Dobb voted against the proposal.

RESOLVED that Cabinet having reviewed its decision not to act as guarantor for an operating lease to Clwyd Leisure Limited for the development of the basement of the Sun Centre as a fitness centre in light of paragraphs 2.2 to 2.6 of the report it now agrees to delegate to the Leader, Lead Member for Finance and Lead Member for Promoting Denbighshire in consultation with the County Clerk and Corporate Director: Resources, authority to enter into an agreement to act as a guarantor for the Fitness Centre project, subject to Clwyd Leisure Ltd providing a suitable funding option and that the funding agreement provides the Authority with the level of protection required.

694 HOUSING STOCK CONDITION SURVEY (CABINET 2003 - 180)

Councillor P A Dobb presented the report seeking Cabinet approval to a single tender to appoint the consultants named in the report to carry out a further stock condition survey of the Council's housing stock to inform a decision on the future of Council housing.

Councillor P A Dobb said the number of housing stock to be surveyed had reduced to 3600 by excluding those who had applied for the Right to Buy which would lead to the survey costs reducing to £36k. However, an additional survey relating to asbestos was to be included which would raise the total cost to £49k.

RESOLVED that Cabinet agree to appoint the consultants named in the report to carry out a further sample stock condition survey of the Council's housing stock, to include a Level 1 asbestos survey, in accordance with Standing Orders 6.1E and 9.1C.

The meeting concluded at 1.30 p.m.
