

CABINET

Minutes of the Cabinet meeting held in the Town Hall, Denbigh on Tuesday 16 December 2003 at 11.00 a.m.

PRESENT

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

Observers: Councillors S Drew, D Jones, R E Jones, R J R Jones and P O Williams.

ALSO PRESENT

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

APOLOGIES

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

ANNOUNCEMENT

The Deputy Leader welcomed both Peter Wickes, Head of ICT and Roger Ellerton, Principal Youth Officer to their first Cabinet meeting.

Members asked that a card be sent to Councillor W R Webb, wishing him a speedy recovery.

1 URGENT MATTERS

- (i) Part II - Verbal report by the County Clerk on Wirral and North Wales Purchasing Organisation

2 MINUTES OF THE CABINET (CABINET 2003 - 169)

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

Item 20 Transfer for Preserved Rights / Residential Care Allowance 2002/03: Members were informed by the County Clerk that Counsel's advice had been received regarding the position of the Welsh Assembly Government on a possible challenge by judicial review of the final settlement. The County Clerk confirmed that further documentation was to be provided to Counsel. The Chief Executive reminded Members that Cabinet would make the final decision on whether to challenge the Welsh Assembly Government by judicial review of the final settlement. Councillor E W Williams said the letter received from Sue Essex AM, Minister for Finance, Local Government and Public Services had not resolved all the difficulties but had expanded on others.

Amendment to minutes of 03.11.2003 - Councillor R W Hughes asked that the sentence be amended to read "Councillor R W Hughes expressed her concern at the implications of staff moves as regards the Education Department."

Item 7 Rhyl Youth Club - Councillor J A Smith confirmed that a report to Cabinet on all youth club facilities in Denbighshire would be provided on 27 January 2004.

Item 9 International Links - Councillor R W Hughes suggested officers should take part in European exchange study visits.

Item 12 Clwyd Leisure - Lease Guarantee - Councillor G M Kensler had not taken part in a debate or voted on this item as she had left the meeting.

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

3 JOINT REVIEW REPORT (CABINET 2003 - 182)

Councillor P A Dobb presented the report seeking Cabinet endorsement of the Management Action Plan and the linked Summary

Action Plan and for agreement to the arrangements for monitoring progress against the Action Plan.

RESOLVED that:-

- (a) *Cabinet adopts the Management Action Plan and the Summary Action Plan responding to the Joint Review Report*
- (b) *Personal Services Scrutiny Committee monitors progress against the Action Plan on a regular basis, and there is exception reporting to Cabinet on a quarterly basis, linked to the quarterly performance reports*
- (c) *an annual conference with service user / carer representatives is organised to enable progress against the Plan to be tracked.*

4 UPDATE ON CHILDREN AND FAMILY SOCIAL SERVICES (CABINET 2003 - 183)

Councillor J A Smith presented the report seeking Members' agreement to continue to endorse the current approach to stabilising Children's Services (as outlined in Appendix 1 to the report) and to note the potential budget implications of child care social work recruitment / retention for 2004/05. Members were asked to agree a further allocation at £43,207 to support short term recruitment measures for 2003/04 and note the £86,413 for short term recruitment measures in Children Services for 2004/05.

Councillor E A Owens agreed the report detailed serious problems in recruitment and retention and asked for details of steps taken to strengthen the situation. The Head of Children's Services detailed the various recruitment agencies used and said a good relationship had developed with an agency in Liverpool which helped on a short term basis. Retired qualified staff were also used whenever possible.

The Chief Executive said the situation was of great concern and he fully endorsed the proposals.

RESOLVED that Members:-

- (a) *Endorse the ongoing approach to stabilising Children's Services;*
- (b) *Approve the one-off allocation of £43,207 to support short-term recruitment measures in 2003/04, to be funded from the savings in office rentals identified in paragraph 5.2 ;*
- (c) *Support the one-off allocation of £86,413 to continue short term recruitment measures in 2004/05;*
- (ch) *Agree to receive a further report in March 2004, and*
- (d) *Note the other potential budget implications for 2004/05 (paragraph 2.2 (v))*

5 CORPORATE QUARTERLY PERFORMANCE REPORT (CABINET 2003 - 184)

Councillor E W Williams presented the report for Members' consideration of the Corporate Quarterly Performance report attached to the report at appendices I and II and for Members to closely monitor progress towards target of the statutory performance indicators with a view to considering any issue in greater depth if necessary.

Members queried various aspects of the report, in particular:

Information on the three departures from the Unitary Development Plan to be provided for Councillor P A Dobb. The Chief Executive confirmed that the Head of Planning Services would decide whether or not a scheme departed significantly from the plan.

The Corporate Director: Environment detailed the current recycling facilities available across the County and said the north of the County would be working with community groups.

In response to a query from Councillor G M Kensler, the Chief Executive said performance indicators did not measure satisfaction with building works completed and said any building works carried out for the

Council had to meet the satisfaction of the Council. The Chief Executive suggested this could be measured by local indicators.

RESOLVED that Members agree the Corporate Quarterly Performance Report (Appendices I and II).

6 POLICY AGREEMENT PROSPECTUS (CABINET 2003 - 185)

Councillor E W Williams presented the report seeking agreement to participate in the next round of policy agreements 2004-2007, responding positively to the prospectus but indicating to the Assembly the difficulty of adhering to the deadline requirements. A further report would be prepared outlining the initial proposals on all of the indicators by the Cabinet meeting on 27 January 2003.

RESOLVED that Members:-

- (a) *agree to participate in the next round of policy agreements 2004 – 2007;*
- (b) *respond to the prospectus attached to the report positively, but, nevertheless, indicating to the Assembly the difficulty of adhering to the deadline requirements, and*
- (c) *agree a report should be prepared outlining the initial proposals on all of the indicators by the Cabinet meeting on 27.01.2004.*

7 NEW VEHICLE MAINTENANCE WORKSHOPS (CABINET 2003 - 186)

Typographical error: Page 4, paragraph 3, sub para 3 to read "The Freight Transport ...".

Councillor M A German presented the report seeking approval for the provision of funding, allocated from within the Council's Capital Plan, to erect the new centralised workshop facility in Bodelwyddan Depot.

RESOLVED that:-

- (a) *Members agree to recommend to Council the allocation of capital funding to enable the construction of new workshop*

facilities in the Bodelwyddan Depot, with the lower cost option 2 being preferred;

- (b) Officers should revisit the Best Value Review report and explore / evaluate the other service delivery options identified in the report, with the outcome of the exercise to be the subject of a further report and recommendation to Members, and*
- (c) Officers should immediately act to put in place short term service continuity arrangements to cover a possible period between loss of the existing maintenance facilities and procurement of the long term service delivery solution.*

8 CAPITAL PLAN 2003-2004 AND 2004-2005 (CABINET 2003 - 187)

Councillor E A Owens presented the report for Members to note the latest revisions to the 2003-2004 general funded element of the Capital Plan and to recommend to Council the strategy proposals set out in paragraph 8 of the report. Councillor Owens said detailed information was still awaited from the Welsh Assembly Government. Slippage of £1m had been identified and Members were asked to bring forward 40% of the block allocations for 2004-2005 as a result.

Councillor E C Edwards informed Members and officers that a report on CCTV provision in the County would be brought to Cabinet in January 2004 and that urgent substantial funds were required for the service.

In response to a query from Councillor R W Hughes regarding the Area Partnership investment, Councillor Owens said the money allocated in the next financial year was for revenue or capital. Councillor E W Williams said some projects could have capacity problems and project managers could be employed to move the projects forward.

The Corporate Director: Resources indicated that a report would be brought to the next meeting indicating suggested revised procedures for the authorisation of the Capital Plan. This would include suggested improved layout to make the reports easier to read.

RESOLVED that Cabinet notes:-

- (a) *the revisions to the general funded element of the 2003-2004 Capital Plan and recommends to Council the proposal to approve 40% of the Block Allocations in respect of 2004-2005, and*
- (b) *the currently identified new projects listed in Appendix 2 to the report and the potential prudential borrowing schemes listed in Appendix 3 to the report and that they are considered for inclusion in the Capital Plan strategy for 2004-2005 and future years.*

9 REVENUE BUDGET 2003-2004 (CABINET 2003 - 188)

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. Councillor Owens reported a projected £0.5m overspend by the current year end and there would be a need to examine clawback proposals. Councillor Owens said control of the SEN budget had improved.

The Chief Executive reported that £40k of the increase in college transport was due to retendering.

Councillor E W Williams suggested more clarity on school transport contracts was required and some anticipated increases in school transport costs as required due to higher specifications.

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.

10 STANDSTILL BUDGET REQUIREMENT 2004-2005 (CABINET 2003-189)

Typographical error - date of meeting - 16.12.2003.

Councillor E A Owens presented the report detailing the final Assembly settlement for 2004-2005 and asked Members to note the impact on

the standstill position for the Authority's overall budget for 2004-2005 and provide a steer as to the basis for funding further service development. Councillor Owens pointed out that £35k of the additional resources for Teachers' Workload should be shown under the Non Delegated Education B.

Councillor Owens said the Welsh Assembly Government final settlement would have severe implications for the Authority. However, the potential Performance Incentive Grant would provide £1m of additional funding. GEST funding was being dramatically reduced and would cause difficulties for Lifelong Learning.

The Financial Controller detailed the changes from the draft report provided at the last Cabinet meeting. He confirmed that the housing and Council Tax benefit would now be paid directly by the Department of Work and Pensions. He also referred to funding included in the settlement for Stop Now Orders and 'end of life vehicles'.

RESOLVED that Members:-

- (a) *note the details of the final Assembly settlement for 2004-2005;*
- (b) *considered the content of the Appendix attached to the report showing the anticipated standstill position for the next financial year and agreed the methodology for establishing the standstill base, and*
- (c) *provided a steer as to the basis for funding further service development.*

11 LON PARCWR CAR PARK, RUTHIN (CABINET 2003 - 190)

The Corporate Director: Environment presented the report seeking authorisation from Members to declare the Lon Parcwr car park surplus to requirements and commence marketing the site for disposal on the open market to obtain 'expressions of interest', to be reported to the Asset Management Committee in due course.

The Corporate Director: Environment reported that Councillor K N Hawkins' comments were similar to those included in the report by Councillor E C Edwards. The Corporate Director: Environment also

reported on comments by Councillor D A Thomas, Chair of Environment Scrutiny (circulated at the meeting), who expressed his concern on the potential impact of the loss of the car park.

Councillor E C Edwards thanked officers for early consultation with the Local Members and, whilst he agreed with marketing the site, he suggested a study of both public and Council staff car parking requirements be carried out for Ruthin.

Councillor P A Dobb expressed her concerns with regard to parking and suggested rural Members be consulted on this issue. As the Older People's Champion she suggested that the site was possibly suitable for provision of housing facilities for the elderly. She suggested community needs should be taken into account and consultation carried out with the community.

The Chief Executive said marketing the site could lead to housing development proposals being submitted, and that diverse proposals may emerge.

Councillor R W Hughes asked whether the Authority could categorically say the car park was no longer required after the move into the PFI building had taken place. Councillor E A Owens suggested a survey of parking provision was required and reminded Members that if parking provision for all staff was made available, the staff could be liable to pay tax on the provision.

Councillor E C Edwards agreed with the Chief Executive that diverse proposals could emerge from marketing of the site and said this could be a planning gain for the Authority. He reminded Members that whilst it was important sufficient suitable housing provision was made for the elderly, a balance was required with housing provision for younger people to ensure Ruthin did not become a dormitory town.

Councillor G M Kensler suggested the Environment Scrutiny Committee be asked to look at various parking spaces in both Ruthin and across the County.

With regard to car parking for Council staff, the Chief Executive reminded Members that not all staff, for various reasons, would be at work at the same time and that some of those staff based in Ruthin would walk or cycle to work.

Councillor E C Edwards proposed a further resolution to 8.1 and was seconded by Councillor E A Owens, that a study of parking facilities in Ruthin be carried out.

RESOLVED that Members:-

- (a) *declare the site surplus;*
- (b) *approve marketing the site on the open market to obtain expressions of interest for a disposal, at best consideration;*
- (c) *note the results of the marketing campaign will be reported to the Asset Management Committee / Cabinet for a decision in due course, and*
- (ch) *a study of parking facilities in Ruthin be carried out and reported as soon as possible.*

12 LLAIS Y SIR / COUNTY VOICE (CABINET 2003 - 191)

Councillor D M Morris presented the report seeking agreement to secure a regular method of communication and consultation with the public through publishing Llais y Sir / County Voice monthly, funded from existing departmental advertising / publicity budgets.

Councillor P A Dobb asked how representative the random examples in the report were and why the publication was not self financing, in a similar way to Design Services being self financing. Councillor R W Hughes said many officers not living in Denbighshire would not have seen job advertisements if they were only advertised in County Voice.

In response, Councillor D M Morris said some posts would still be advertised in the national press or specialist journals.

Councillor E W Williams stressed the need to use County Voice as a way of publicising the Authority's good news.

RESOLVED that Cabinet agree to Option 1 - top slicing directorate budgets to finance the monthly publication of Llais y Sir / County Voice.

13 DENBIGHSHIRE EVENTS 2003-2004: INTERIM EVALUATION (CABINET 2003 - 192)

Councillor G M Kensler presented the report for Members to note the findings of the interim evaluation of the enhanced programme of events for 2003-2004.

The Head of Countryside and Leisure Services agreed to provide Councillor P A Dobb with dates of events.

***RESOLVED** that Members note the findings of the interim evaluation of the enhanced programme of events for 2003-2004.*

14 BUS SERVICE D6149.04 (A) - NANTGLYN AREA - CONTRACT EXTENSION (CABINET 2003 - 193)

Councillor M A German presented the report seeking approval to vary the local bus service contract D6149.04 (a) operating in the Nantglyn area, to terminate 26 September 2004. The current contract was due to expire on 4 January 2004. The extension of the contract constitutes an exception to Contract Standing Orders (Ref 9.1(b)).

***RESOLVED** that Cabinet approve extending local bus service contract D6149.04 (A) to terminate on 26 September 2004*

15 PART I URGENT ITEMS (CABINET 2003 - 194)

There were no Part I Urgent Items.

QUESTION AND ANSWER SESSION

There were no outstanding questions.

At this juncture (12.30 p.m.) the meeting adjourned for 30 minutes to allow Members to participate in refreshments provided by the Leader and for which Councillor J A Smith thanked him on behalf of those present.

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, 8, 9 and 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

PART II

16 PRESTATYN: FFRITH FESTIVAL GARDENS (CABINET 2003 - 195)

The Corporate Director: Resources presented the report seeking Members':-

- (a) agreement that there are no feasible options for public sector developments on the Ffrith;
- (b) agreement to the disposal of part of the Ffrith for non-food retail development as per Option 4 of Section 2.2;
- (c) agreement to report back to Asset Management Committee (AMC) on the precise boundaries and responsibilities (on terms to be recommended by the Corporate Director: Environment and the County Clerk);
- (ch) recommendation that a significant proportion of sales proceeds are retained for investment in Prestatyn;
- (d) agreement to urgently develop plans to address the capacity issues at Prestatyn High School and build a new primary school to meet the increased demand, and
- (dd) agreement to a programme of consultation with all interested parties, in particular the residents of Prestatyn.

The Corporate Director: Resources said the site was possibly suitable for but not ideal as a primary school site. The cost of moving the high school was prohibitive. As a result, selling part of the site for any development thereby generating a capital receipt which could be retained for investment in Prestatyn appeared the best option.

The Chief Executive verbally reported comments received from Councillor N Hugh Jones as he was unable to be present at the meeting, to the effect that Councillor Hugh Jones was opposed to a decision unless public meetings had taken place.

The Corporate Director: Resources said that in a telephone conversation, Councillor G Clague had also stressed the importance of public consultation.

Councillor S Drew agreed development of the site should take place and stressed the need for public consultation to take place. Dependent upon the development, she emphasised the need for provision of sea defences. Other planning implications were also of vital importance.

Councillor E A Owens agreed that the site was unsuitable for a primary school where proposed.

Councillor G M Kensler said she understood the residents of Prestatyn wanted to retain the area for public use and supported the need for consultation.

The Chief Executive outlined the various options in the report and suggested developing part of the site and retaining the remainder was the way forward. He suggested Members agree in principle to the disposal of part of the site and then have public consultation.

The Corporate Director: Environment emphasised the need for an 'in principle' decision to ensure further work is undertaken by the developers.

Councillor E W Williams suggested the public consultation should take place over several days including evenings, with officers being available to discuss the plans.

The Chief Executive confirmed that the Planning Department would be unable to support any retail food development on the site.

After further discussion it was:-

RESOLVED that:-

- (a) *Members agree that there are no feasible options for public sector developments on the Ffrith;*
- (b) *Members agree in principle to the disposal of part of the Ffrith for non-food retail development as per Option 4 Phase I of Section 2.2 of the report;*
- (c) *Members recommend to Council that all sales proceeds are retained for investment in Prestatyn;*
- (ch) *Members agree to urgently develop plans to address the capacity issues at Prestatyn High School and build a new primary school to meet the increased demand and to ask for the public's views on these issues, and the possible development of the parts of the Ffrith site which are not being disposed of;*
- (d) *Members agree to a programme of consultation with all interested parties, in particular the residents of Prestatyn be held with an opportunity for the public to inspect the development plans, and*
- (dd) *a press release detailing the decision be issued as soon as possible.*

17 ACCESS FOR DISABLED PEOPLE (CABINET 2003 - 196)

The Chief Executive presented the report for Members to note progress with adaptations to buildings to make them accessible for disabled people and sought agreement to recommending additional funding of £1m in the proposed capital plan for 2004-05 for adaptations to the buildings.

RESOLVED that *Cabinet notes progress with adaptations to buildings to make them accessible for disabled people and agrees to consider recommending additional funding of £1m for this purpose in the proposed capital plan for 2004-2005.*

18 RHYL YOUTH CLUB (CABINET 2003 - 197)

Councillor J A Smith presented the report seeking agreement to a preferred option for a permanent solution for Rhyl Youth Club.

Members discussed the various options contained in the report.

Councillor G M Kensler stressed the need to consult the young people of Rhyl on any proposed new development.

Councillor E A Owens suggested the first three options were not viable and emphasised the need for a functioning youth service provision across Rhyl.

Councillor G M Kensler proposed Members agree Option 4 as detailed in the report, with consultation with young people.

Councillor E A Owens agreed with Councillor G M Kensler's proposal and said a programme for young people be formed to ensure the Authority discharged its statutory responsibility in the interim which would include, for example, outreach workers.

RESOLVED that Members endorse Option 4 as detailed in section 2 of the report with consultation with the young people of Rhyl to ensure the building meets their requirements. It was further agreed a fully costed plan be produced in the interim to address the immediate youth club provision.

19 YSGOL PLAS BRONDYFFRYN (CABINET 2003 - 198)

(Councillor G M Kensler declared an interest in the item and left the room).

The Corporate Director: Lifelong Learning, the Corporate Director: Resources and the County Clerk presented the report for Members to note the progress to date in developing the draft Partnership Agreement and sought comments on the terms within the draft Agreement and other arrangements. Agreement was also sought to further funding of £10k, in the form of a loan, to keep the Trust operational.

Members were informed that the views of the Charity Commission were being sought, along with a precise business plan for the residential provision.

Councillor E A Owens expressed her concern as to whether the proposals would match the future needs of Denbighshire and the other Authorities using the facility. The Corporate Director: Lifelong agreed and indicated that the size of the new facility had not been finalised for this reason.

The Corporate Director: Lifelong Learning detailed the residential requirements as given in the statement of educational needs. She said the Charity Commission would address any perceived problems the Trust may have.

The Principal Management Accountant outlined the charging policy and said the benchmark levels in the current market would ensure the operating costs of the joint venture company, if established, could be recovered through reasonable charging. Fixed and variable costs would determine the charges. He outlined the results of possible increases in unit charges if less use was made of the residential facility and stressed this was a long term commitment for the Authority.

The Corporate Director: Resources indicated that the Trust (as a Charity) could not fund a statutory provision. As a consequence, Service Level Agreements would be required with other Local Authorities, although there was potentially a financial risk to the Council. The Service Level Agreements needed to be in place before the Council could enter the Partnership Agreement.

Councillor E A Owens stressed that there was a need for a clear notice of withdrawal of a pupil from the residential facilities more strictly administered than at present.

The Chief Executive said the Authority wished to carry on working with the Trust to gain an agreement which would include finance arrangements. He stressed there would always be financial risks with residential provision.

RESOLVED that Cabinet:-

- (a) note the progress to date in developing the draft Partnership Agreement;
- (b) support the terms within the draft Partnership Agreement and other arrangements, and
- (c) agree further funding of £10k in the form of a loan to keep the Trust operational.

20 ENGAGEMENT OF CONSULTANT: EXCEPTION TO TENDERING / QUOTATION PROCEDURE (CABINET 2003 - 199)

Councillor J A Smith presented the report seeking Cabinet approval to appoint a consultant to carry out an urgent review and to make recommendations regarding the provision of services to children with disabilities and their families, as an exception to the Contract Standing Orders Tendering / Quotation Procedure.

RESOLVED that Cabinet agree to appoint the consultant to carry out an urgent review and to make recommendations regarding the provision of services to children with disabilities and their families, as an exception to the Contract Standing Orders Tendering / Quotation Procedure.

21 WIRRAL AND NORTH WALES PURCHASING ORGANISATION (CABINET 2003 - 200)

The County Clerk reported that Flintshire County Council's external auditor considered that it was not possible to divide the deficit between the 4 Authorities other than on an equal basis in the absence of loss being established and it was anticipated that Counsel's written advice would confirm this.

In the circumstances it appeared the only option was to refer the matter to the appropriate Secretary of State / Welsh Assembly Government for determination in accordance with the Organisation's constitution.

RESOLVED that Members note the verbal report and support a reference for determination in accordance with the Wirral and North Wales Purchasing Organisation constitution.

The meeting concluded at 2.35 p.m.
