

## **CABINET**

Minutes of the Cabinet meeting held in the Conference Room 1, Council Offices, Ruthin on Tuesday 20 July 2004 at 10.00 a.m.

### **PRESENT**

Councillors P A Dobb, Lead Member for Health & Wellbeing; E C Edwards, Lead Member for Communities; M A German, Lead Member for Children and Young People; R W Hughes, Leader and Lead Member for Regeneration; D Owens, Lead Member for Lifelong Learning and J Thompson Hill, Lead Member for Property and Asset Management.

### **APOLOGIES**

Councillors S Davies, Lead Member for Business and Communications; P J Marfleet, Lead Member for Finance and Personnel; S Roberts, Lead Member for Promoting Denbighshire and E W Williams, Lead Member for Environment.

Observers: Councillors R E Barton, G C Evans, K N Hawkins, C L Hughes, N Hugh Jones, D Jones and J A Smith and G F Roberts, Standards Committee member.

### **ALSO PRESENT**

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

## **63. URGENT MATTERS**

[i] Councillor R W Hughes, Leader welcomed Cabinet Members, Observer Members, members of staff and the public to the meeting. She outlined the way the Cabinet meetings were held and said if non Cabinet Members wished to ask questions, they should be sent in writing to the Cabinet Office at least 3 working days prior to the meeting, where consideration would be given to their inclusion in the Cabinet papers.

[ii] Councillor R W Hughes apologised to Members for the lack of consultation over 2 Cabinet seats not taken up by the Labour Group, this had been unavoidable owing to the need for the membership of Cabinet and Scrutiny Committees to be made known to enable meetings to be convened. In response to a query from Councillor M A German, on behalf of Councillor R E Barton, the Leader said further discussion, if required, could be held at the Group Leader's meeting to be held on 21.07.2004.

[iii] Part II Registration Issue Between DCC and CSIW

## **64. MINUTES OF THE CABINET**

The Minutes of the Cabinet meeting held on 25 May 2004 were submitted.

Item 13 A CCTV [Minutes of 10.05.2004] - Councillor E C Edwards updated Members on the meeting held between the North Wales Police and Denbighshire Members and officers and said the Police were willing to help as much as possible but no funding would be available. Such meetings would now be convened on a regular basis.

Item 3 Denbighshire Local Housing Needs Assessment:

In response to a query from Councillor P A Dobb, the Chief Executive said the matter was referred to in a report to the County Council meeting on 27.07.2004 although the full report was not included. Councillor R W Hughes said the meeting scheduled for 23.07.04 may be postponed until September 2004.

Councillor E C Edwards asked whether the affordable housing pilot scheme would be held in Ruthin. The Chief Executive said the pilot scheme would not be held at the current time.

Item 9 Ruthin Craft Centre Feasibility Study: Councillor E C Edwards asked that his thanks be recorded to Ruthin Town Council for their contribution of £2000 towards the cost of the Development Study.

Item 16 Ruthin - Lon Parcwr Car Park: Councillor P A Dobb asked said that not only should maximising resources be a consideration in the proposed development of the car park but what the residents of Ruthin required should also be included. Members agreed to add "important also to take account of the needs of the people of Ruthin" at the end of the second paragraph on page 15. Councillor Dobb asked that it be recorded she had voted against the proposal at the meeting on 25.05.2004.

Councillor E C Edwards asked whether there were sufficient car parking spaces in Ruthin. The Corporate Director: Environment said there were no residual parking problems and the spaces allocated in the town should be adequate. It was agreed to review the situation when the PFI car park was operational.

Item 17 Eirianfa - Councillor G M Kensler voted against the proposal.

**RESOLVED** that subject to the above, the Minutes of the Cabinet meeting held on 25 May 2004 be approved as a correct record and signed by the Leader.

The Minutes of the Asset Management Committee meeting held on 29 April 2004 were submitted.

Item 20 Access for Disabled People: Officers are in the process of providing lights outside the new building at Ysgol Plas Brondyffryn.

**RESOLVED** that subject to the above, the Minutes of the Asset Management Committee meeting held on 29 April 2004 be approved as a correct record and signed by the Leader.

## **65. APPROVAL OF THE DRAFT IMPROVEMENT PLAN 2004-2005 AND SUMMARY**

Councillor R W Hughes presented the report seeking Cabinet:

- [i] assurance that the actions identified in the Improvement Plan will achieve corporate priorities for 2004 - 2005 and lead to improvements at both a corporate and service level.
- [ii] recommendation of the draft Improvement Plan 2004 - 2005 (Appendix I) and the information for the Summary (Appendix II) to Council for approval. The Summary to be published in the September edition of the County Voice.

Councillor Hughes said publication had been delayed by one month by the Assembly in view of the Council elections. A number of improvements had been made over the past year and this was reflected in the Improvement Plan.

Councillor E C Edwards agreed improvements had been made and asked whether it was possible for Groups to consider it further. The Corporate Director: Resources said the Improvement Plan needed to be published by 31.07.2004 to meet Assembly timescales but that the opportunity to review priorities would form part of the Priorities and Budget Setting exercise commencing in September 2004. The Improvement Plan was always a 'working document'.

**RESOLVED** that Cabinet recommend the draft Improvement Plan 2004-2005 [attached at Appendix 1 to the report] and Summary [attached at Appendix II to the report] to Council for approval.

## **66. IMPROVING THE HOUSING STOCK**

Councillor P A Dobb presented the report seeking Members' agreement to the process for finalising the Council's approved option for improving the housing stock and to give retrospective approval to an exemption under paragraph 35.2(d) of the Contract Procedure Rules to enable an independent due diligence review of the costs of Stock Transfer to be undertaken.

Councillor Dobb detailed the process to Members, and said costs would continue to fluctuate between now and transfer if approved. Deloitte had been appointed for this reason to carry out a due diligence review on the costs of stock transfer.

Cabinet agreed it was essential for all Members to participate in the seminars to be convened over the summer.

**RESOLVED** that Cabinet agree to the process for finalising the Council's approved option for improving the housing stock and give retrospective approval to an exemption under paragraph 35.2(d) of the Contract Procedure Rules to enable an independent due diligence review of the costs of Stock Transfer to be undertaken.

#### **67. PROGRESS IN IMPLEMENTATION OF JOINT REVIEW ACTION PLAN**

Councillor P A Dobb presented the report for Cabinet approval to the amendments to timescales and to note the risk areas arising from monitoring of the Joint Review Action Plan. Councillor Dobb highlighted the progress to date and remedial actions where progress was behind target. A further report would be provided for the October 2004 Cabinet meeting.

**RESOLVED** that Cabinet approve amendments to timescales and note risk areas arising from monitoring of the Joint Review Action Plan.

#### **68. CHANGES TO DELEGATIONS**

The Chief Executive presented the report seeking agreement to delegations to the Asset Management Committee, individual Cabinet Members and the Chief Executive as detailed in Appendix 1 to the report.

The Chief Executive said the principal changes were to transfer certain decisions of the Asset Management Committee to delegations to the Lead Member for Property and Asset Management. Some of the changes were due to legislation and others would assist for example in moving ahead quickly with decisions on commuted sums for play areas. The changes to delegations would have no effect on the protocol of consultation with local Members.

Councillor R W Hughes said if the need arose, the system of Asset Management or any delegations could be reviewed at a future date.

In response to a query from Councillor P A Dobb, the Chief Executive said as Council agreed the capital programme, any delegation re purchase of land could only be made if the funding had been made available in the capital programme. Members agreed to amend the third paragraph of the section on Lead Member for Property and Asset Management in Appendix 1 to read "Purchases of land, if funding is available in the capital programme approved by Full Council".

The Chief Executive also confirmed that domiciliary care, disability and regeneration grants were covered under the general delegations.

Councillor R W Hughes said Councillor E W Williams had suggested an Asset Management Committee of 3 Members was too small. Councillor E C Edwards agreed and said a geographic balance was required on the Committee. It was agreed the matter be discussed further as this was an interim arrangement.

The Chief Executive confirmed, in response to a question from Councillor R E Barton, that newly elected Members would only be consulted on any new decisions required in their ward.

**RESOLVED** that the Cabinet:

[a] agrees changes to delegations as set out in Appendix 1 as amended above

[b] agrees to review the arrangements for property and asset issues in 6 months' time in the light of experience.

**69. FINAL REVENUE ACCOUNTS 2003-2004**

The Deputy Chief Executive / Corporate Director: Resources presented the report for Members to note the final revenue outturn position for 2003-2004 for both service and corporate budgets. Members were also asked to recommend to Council the treatment of reserves, as detailed in the report, and to consider the overall strategy for general unearmarked balances as part of the wider discussion on financial strategy.

The Deputy Chief Executive / Corporate Director: Resources informed Members that the £3m reserves had been reached and the current reserves level was in fact £3.17m.

In future years, as part of an Assembly initiative, the final accounts would need to be approved earlier, ultimately by the end of June each year, the same time as the Improvement Plan was approved.

Councillor R W Hughes thanked the previous Lead Member for Finance for her work in helping to achieve the financial recovery.

**RESOLVED** that Members:

[a] note the final revenue outturn position for 2003-2004 for both service and corporate budgets for the year ended 31 March 2004.

[b] recommend to Council the establishment of reserves and carrying forward of earmarked balances as detailed paragraphs 4.3, 4.4 and 4.8 of the report

[c] consider the overall strategy for general unearmarked balances as part of the wider discussion on financial strategy.

**70. REVENUE BUDGET 2004-2005**

The Deputy Chief Executive / Corporate Director: Resources presented the report for Members, in the light of the budget performance figures for the current financial year as detailed in the appendices attached to the report, to consider any actions necessary to reduce the balance of overspendings on services.

The Financial Controller stressed the need for departments to 'live within budget' and the current forecast was potentially a £155k overspend, mainly in Lifelong Learning with some pressures in Personal Services. The pay review settlement figure was 2.75% which would mean Directorates absorbing £113k together with the effect of topslicing of £150k in respect of County Voice and £222k to fund the ICT infrastructure improvements.

**RESOLVED** that Cabinet note the figures in the Appendices and agree the remedial actions to align projected spending levels with approved budgets.

**71. CAPITAL OUTTURN 2003-2004**

The Deputy Chief Executive / Corporate Director: Resources presented the report to update Members on the capital outturn for 2003-2004 and to approve statutory determinations.

Members were asked to note the typographical error on the heading of the appendix, which should read Capital Outturn 2003-2004.

*RESOLVED that Members approve the report and statutory determinations.*

**72. SCHEDULE OF WORKS FOR THIRD PARTIES**

Councillor R W Hughes presented the report seeking Members' approval for the continuance of the routine trading activities undertaken within the Environmental Services department, itemised in Appendix 1.

The Corporate Director: Environment, in response to a query from Councillor P A Dobb, said the sign shop had a substantial turnover which was increasing slightly each year and was entirely self funding, although demand exceeded capacity. Any increase in staff numbers would have to be approved as part of the Directorate's budget bids.

*RESOLVED that Members, in accordance with Financial Regulation 29, approve the continuance of the routine trading activities itemised in Appendix 1.*

**73. CABINET FORWARD WORK PROGRAMME**

The Chief Executive presented the report and asked Members to ensure that in discussions with the Corporate Directors and Heads of Service that items are included in the Cabinet Forward Work Programme as soon as possible.

*RESOLVED that Cabinet note the contents of the Forward Work Programme.*

**74. URGENT ITEMS**

There were no Part I Urgent Items.

**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 6, 8 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.*

**PART II**

**75. HOUSING CAPITAL PROGRAMME 2004-2005**

Councillor P A Dobb presented the report seeking Members' agreement to award the contract for the agreed Housing Capital Programme [North] to the second lowest tenderer.

*RESOLVED the Housing capital Programme [North] for 2004-2005 be awarded to the second lowest tenderer as detailed in the report.*

**76. HRA BUDGETS [REVENUE AND CAPITAL] 2004-2005**

Councillor P A Dobb presented the report for Members to adopt the revised 2004-2005 HRA budgets for revenue and capital. She informed Members the figure in paragraph 4.8 for the estimated working balance should read £961,071.

*RESOLVED that Members adopt the revised estimates for 2004-2005 HRA Budgets for Revenue and Capital.*

**77. PROCUREMENT OF TRAFFIC SIGNAL MAINTENANCE CONTRACT**

Councillor R W Hughes presented the report seeking Members' approval to the joint procurement, in accordance with section 7.1 of the Contract Procedure Rules (CPRs), of a new Traffic Signal

Maintenance Contract with Flintshire County Council (FCC), Wrexham County Borough Council (WCBC) and Conwy County Borough Council (CCBC).

**RESOLVED** that Cabinet approves the proposed joint procurement process in respect of a new Traffic signal Maintenance Contract, in accordance with section 7.1 of the Contract Procedure Rules.

## **78 ACQUISITION OF FORMER GWASG GEE, 12-18 CHAPEL STREET, DENBIGH**

Councillor J Thompson Hill presented the report seeking Members' agreement pursue a twin track approach to the acquisition of the former Gwasg Gee print works, initially through agreement but if negotiations fail through Compulsory Purchase and to transfer this onto Amgueddfa Argraffu Gee (Gee Museum of Printing) (more commonly known as the Trust) in a 'back-to-back' agreement at less than best value and to continue to support the project through the formation of a steering group.

Members discussed the project in detail and agreed the transfer of ownership, at less than market value, would promote social, economic and environmental wellbeing through general regeneration in the town and the enhancement of business and employment opportunities.

The Head of Development Services said a Community Fund grant of £43k had been made and a further £25k conditional offer has been received from the Heritage Lottery Fund through the THI which would cover most of the acquisition and legal costs. However, if legal and associated acquisition costs were seen to become onerous, a further report would be brought to Cabinet.

**RESOLVED** that Cabinet

*[a] authorise officers to enter into formal negotiations with the owner and his agent to purchase the property, Gwasg Gee, by agreement according to its market value, and purchase the property for an agreed amount plus any reasonable associated legal and professional costs;*

*[b] if negotiations fail, and subject to the owner not putting in place real means to undertake the works detailed in the Repairs Notice, authorise acquisition of the property through Compulsory Purchase, subject to Welsh Assembly Government approval and respond, where necessary, to objections to the order at Magistrates Court, Public Inquiry or Lands Tribunal.*

*[c] authorise officers to enter into formal discussion with Amgueddfa Argraffu Gee over a back-to-back arrangement and once acquisition is secured, transfer ownership of the property through a back-to-back, arrangement at less than best value for a nominal sum, subject to a conditional contract.*

*[ch] endorse the Trust's preferred viable option of workshops / offices supporting a heritage facility and support the creation of a steering group of relevant Members, Officers and Trustees to drive the project forward.*

## **79 URGENT ITEM**

### **REGISTRATION ISSUE BETWEEN DENBIGHSHIRE COUNTY COUNCIL AND THE CARE STANDARDS INSPECTORATE FOR WALES**

The Leader emphasised the strictly confidential nature of the report.

The Corporate Director: Personal Services presented the report seeking Cabinet support for the registration of current accommodation and care arrangements for a minor residing in Denbighshire, as a children's home until the minor's 18th birthday.

The Corporate Director: Personal Services detailed the care and funding arrangements in place already and the proposals for the future community living arrangements once the minor has reached 18.

The Chief Executive said that all interested parties were in agreement that the current care arrangements were most suited to the minor's wellbeing.

Members agreed with Councillor C L Hughes' suggestion that if similar situations arose in the future, it could be appropriate to involve the Children's Commissioner.

Members agreed the Lead Member for Children and Young People should write to the Minister expressing concerns about the way the issue been handled by the Care Standards Inspectorate.

In response to a query from Councillor R E Barton, the Corporate Director: Resources confirmed that the Council currently had no contingency budgets indicated that both Personal Services and Lifelong Learning Directorates were operating a fixed budget when their costs were variable, which caused considerable financial pressure.

***RESOLVED*** that Cabinet resolves to support the registration of the current accommodation and care arrangements of a minor residing in Denbighshire as a children's home until his 18th birthday.

The meeting concluded at 11.35 a.m.

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