

CABINET

Minutes of the Cabinet meeting held in the Conference Room, Council Offices, Ruthin on Tuesday 26 October 2004 at 9.30 a.m.

PRESENT

Councillors S A Davies, Lead Member for Business & Communications; P A Dobb, Lead Member for Health & Wellbeing; M A German, Lead Member for Children and Young People; R W Hughes, Leader and Lead Member for Regeneration; P J Marfleet, Lead Member for Finance and Personnel; D Owens, Lead Member for Lifelong Learning; S Roberts, Lead Member for Promoting Denbighshire; J Thompson Hill, Lead Member for Property and Asset Management and E W Williams, Lead Member for Environment.

Observers: Councillors R E Barton; J M Davies; M Li Davies; G C Evans; H H Evans; K N Hawkins, N J Hughes; N Hugh Jones; D Jones; M M Jones, G M Kensler and R Li Williams.

ALSO PRESENT

Chief Executive; Deputy Chief Executive / Corporate Director: Resources, Legal Services Manager and the Financial Controller.

APOLOGIES

Councillor E C Edwards, Lead Member for Communities and I K Hearle, County Clerk.

ANNOUNCEMENT

Councillor R W Hughes, Leader welcomed members of the public from Prestatyn to the meeting and detailed the format of the meeting.

316 URGENT MATTERS

[i] Nominations for WLGA Outside Bodies

[ii] Policy Agreements

317 MINUTES OF THE CABINET

The Minutes of the Cabinet meeting held on 28 September 2004 were submitted.

Item 4 Improving the council Housing Stock: Update: the pen-ultimate sentence of paragraph 1 should read: "However, at a recent meeting of the WLGA it had been agreed that the Welsh Assembly Government would meet with all Local Authorities to discuss ways of moving forward."

Councillor P A Dobb informed Members that work regarding prudential borrowing had commenced and suggested that tenants/tenants' associations should be kept up to date. Members agreed the Leader, Lead Member for Finance and Lead Member for Health and Wellbeing meet with the tenants/tenants' associations regarding this.

Item 10[a] Closure of Benefit Office, Brighton Road, Rhyl: Councillor R W Hughes detailed the meeting she and Councillor G O Rowlands had with Chris Ruane MP and the Job Centre. It had been agreed to investigate the possibility of providing an enhanced service through the use of the County's libraries, One Stop Shops and other Council buildings. Councillor P A Dobb advised Members she had been approached by the Benefits Advice Shop and the issues raised would need to be considered. Members agreed a draft letter be circulated to all Cabinet Members before being sent to the Benefits Advice Shop regarding the issue.

RESOLVED that, subject to the above, the Minutes of the Cabinet meeting held on 28 September 2004 be approved as a correct record and signed by the Leader.

318 DENBIGHSHIRE'S MUNICIPAL WASTE MANAGEMENT STRATEGY

Councillor E W Williams presented the report seeking Cabinet approval to publish the draft Municipal Waste Management Strategy. The waste management strategy set out how Denbighshire intended to meet the various waste reduction and recycling and composting targets that had been established through national policy documents, including 'Wise about Waste'. The report also described how the Council intended to combat litter and other related environmental issues.

Councillor Williams informed Members that the Environment Scrutiny Committee had received an informative presentation. He went on to detail a number of key elements included in the Strategy.

Councillor P J Marfleet reminded Members that Denbighshire were the Lead Authority for the North Wales Regional Waste Management Plan and the Denbighshire Strategy should be linked to the Regional Strategy. In response to his query as to why agricultural plastics were not included in the Strategy, Councillor Williams said agricultural plastics or any industrial waste would not be included and suggested that both supermarkets and packaging companies should be encouraged to stop producing plastics as plastic recycling was extremely expensive. In response to Councillor Marfleet's query regarding costs, the Head of Environmental Services said the cost implications were included in the full Strategy document and that any funding from the Welsh Assembly Government towards costs were not known at this time but that the service would only be developed within the funding available.

Councillor P A Dobb asked whether any feedback had been received from older people with regard to carrying waste boxes to the kerbside and whether any work opportunities could arise from the scheme for people with learning difficulties. The Head of Environmental Services said no complaints had been received to date regarding the carrying waste boxes to the kerbside but he would discuss the matter with the contractor. He said it was hoped to set up an Intermediate Labour Market type scheme in Rhyl and recycling of computer equipment could become a part of this. He agreed to discuss the issue with Social Services.

RESOLVED that Cabinet approve the publication of the draft Municipal Waste Management Strategy for consultation [incorporating the Denbighshire County Council Litter Plan].

319 SUPPORTING PEOPLE OPERATIONAL PLAN 2005-2006

Councillor P A Dobb presented the report seeking Members' agreement to the Supporting People Operational Plan 2004-2006 and said the benefits of the scheme were immeasurable.

RESOLVED that Members agree the Supporting People Operational Plan for 2005-2006 and support the projects identified to proceed to meet the needs of vulnerable people.

320 THE CARE STANDARDS INSPECTORATE FOR WALES [CSIW] INSPECTION OF THE DENBIGHSHIRE FOSTERING SERVICE

Councillor M A German presented the report seeking Members' endorsement of the approach being taken to deliver improvements to the Fostering Service in Denbighshire.

Councillor P A Dobb said it was important to highlight the need for foster carers in Denbighshire, particularly in rural areas. She urged all Councillors to encourage people to apply to become foster carers. The Chief Executive reminded Members of their role as corporate parents. He also said the Children's Service was still under pressure although more staff had been recruited and paid tribute to the hard work of the Corporate Director: Personal Services, the Head of Children and Family Services and their team for all their hard work in difficult circumstances.

RESOLVED that Cabinet note the action plan and timetable as featured in Appendix 1 attached to the report and endorse the approach being taken to deliver the necessary improvements to the Fostering Service in Denbighshire.

321 ADOPTION SUPPORT SERVICES

Councillor M A German presented the report seeking Cabinet agreement to implement the Adoption Support Services (Wales) Regulations 2004 from 1 October 2004. Cabinet were also asked to endorse the arrangements for financial support (as per Appendix 2 to the report) including freezing the existing (former) Clwyd Adoption Allowance Scheme with immediate effect. Members were asked to note the arrangements prevailing within the North Wales Adoption Support Consortium which should enable consistency of approach and sharing of relevant information and good practice between the North Wales Authorities.

In response to a question from Councillor R W Hughes, the Head of Children and Family Services said it was difficult to provide costs as the demand for the service was unquantifiable. She said early indications were that the Court process would have an impact for the Service as to how the regulations would be applied.

RESOLVED that Cabinet:

[a] agree to implement the Adoption Support Services [Wales] Regulations 2004 from 1 October 2004 and endorse the arrangements for financial support (as per Appendix 2 to the report) including freezing the existing (former) Clwyd Adoption Allowance Scheme with immediate effect.

[b] note the arrangements prevailing within the North Wales Adoption Support Consortium which should enable consistency of approach and sharing of relevant information and good practice between the North Wales Authorities.

322 REVENUE BUDGET 2004-2005

Councillor P J Marfleet 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 overspending on services. He said improvements in performance were required each month otherwise a shortfall would occur by the year end.

Councillor Marfleet stressed that the forecast £525k overspend had to be addressed by financial year end. Figures quoted now detailed the position on gross spend and income as well as the net position. Although there were accountable reasons for the overruns, for example the temporary closure of a leisure centre for refurbishment, the overspend had to be addressed. Within the Lifelong Learning Directorate a review of the position of Behavioural Support is currently under way. Any pressure on the budget would need to be covered elsewhere in the Lifelong Learning budget. The Head of Education Services explained the reduced income received from other Authorities as they accommodate more pupils within their own facilities. He also explained the legislation which governed the charges that could be levied.

With regard to Personal Services, the gross overspend in year was being covered by the £398k underspend brought forward from the last financial year.

The Chief Executive's Department overspend had been reduced from £85k to £61k.

Councillor Marfleet encouraged Lead Cabinet Members to liaise with service heads to ensure service budgets are not overspent at year end.

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

323 HOUSING REVENUE ACCOUNT BUDGET 2004/2005

Councillor P A Dobb presented the report for Members to note the latest financial forecast position of the Housing Revenue Account for the current financial year. The report detailed a budget pressure of £65k.

However, Councillor Dobb reported that a retrospective climate energy grant for £240k was to be paid by the Welsh Assembly Government, the first payment of £70k was due to be paid in November 2004 and this would bring the figures back into balance.

RESOLVED that Cabinet note the figures in Appendix 1 to the report and agree the remedial actions to align projected spending levels with approved budgets.

324 FREE SWIMMING FOR OLDER PEOPLE

Councillor S Roberts presented the report seeking Members' agreement to participate in the Welsh Assembly Government's Free Swimming for Older People pilot project, and to consider arrangements for community access to swimming pools to ensure successful delivery of the scheme.

To date, Ysgol Brynhyfryd, Ruthin was the only school who had responded. It was hoped that Rhyl High School would participate from January 2005 and Clwyd Leisure had been approached for use of their facilities in Prestatyn.

Councillor P A Dobb said the more proactive people were the better their health would be. She stated that 26% of the population could not get admittance to the pools of their choice and schools should be encouraged to free more time at pools for leisure use. A 7.30 a.m. to 8.45 a.m. slot for leisure use was not enough as the last half hour or so would be particularly crowded. However, Councillor E W Williams, whilst agreeing with the benefits of free swimming for older people, said the main purpose of provision of pools was to teach children to swim and encroaching on this time could create problems. Such initiatives from the Welsh Assembly Government could in the long term cause increases in Council Tax.

Councillor S A Davies reminded Members that there were no swimming pools in Llangollen.

Councillor P J Marfleet said it was important to consider that 26% of the population of Denbighshire was over 60. Council had previously taken a decision that swimming pools would be a shared resource between the schools and public leisure use and school governors should be less intransigent and encouraged to increase the hours for leisure use. Councillor S Roberts said that whilst children should not be deprived of access she supported Councillor Marfleet's comments and Lifelong Learning Scrutiny Committee were also in support.

Members discussed the access to changing rooms and whilst agreeing with the Head of Education that adults and children should not use the same changing facilities during term time, this was not the case when open swimming sessions were held. However, all Members agreed that the safety of children was paramount.

Members agreed with Councillor R W Hughes' suggestion that a working group of relevant Members and officers be set up to aid delivery of the scheme.

RESOLVED that Cabinet:

- [a] welcome the Welsh Assembly Government's Free Swimming for Older People initiative, and agree to be a partner in the scheme.
- [b] agree to work with Rhyl and Denbigh High Schools and Ysgol Brynhyfryd, Ruthin to secure community access to the swimming pools for a minimum of one morning per week during term time for structured activity relating to this and other healthy living initiatives.
- [c] agree to a working group of relevant Members and officers be set up to aid delivery of the scheme.

325 INFORMATION MANAGEMENT PRINCIPLES

Councillor S A Davies presented the report seeking Cabinet approval to the Information Management Principles. He thanked Sian Owens-Jones, Head of Records Management for all her work on producing the policies.

Councillor Davies informed Members of the unquantifiable cost implications for provision of information and said costs for officer time could be extremely high. As and when more information became available it would be presented to Cabinet.

In response to a question from Councillor D Jones, the Chief Executive said the Freedom of Information Act did not compel the Authority to provide the information in Welsh.

The Chief Executive also thanked the Head of Records Management for her hard work. He went on to inform Members that charges could not be levied for work up to the first £450 and replies had to be provided within 20 working days.

The Head of Records Management briefly outlined the Freedom of Information and Data Protection Acts. She also outlined use of the electoral roll for both Council and constituency work.

RESOLVED that Cabinet approves and supports the Information Management Policy.

326 PRESENTATION OF REPORTS - FONT SIZE

Councillor S A Davies informed Members the report seeking Cabinet agreement to change the policy regarding font size for all reports from Arial 14 point to Arial 12 point text was withdrawn. He said a further report would be presented which would include a minimum standard for all reports and styles for use throughout the Authority.

RESOLVED that Cabinet agree the report be withdrawn.

327 SIZE OF ASSET MANAGEMENT COMMITTEE

Councillor R W Hughes presented the report seeking Cabinet agreement to increase the size of the Asset Management Committee by 2 members to 5 members and nominated Councillor S Roberts and Councillor E W Williams as the 2 extra members.

RESOLVED that the Asset Management Committee be increased by 2 members to 5 members with immediate effect, namely Councillor S Roberts and Councillor E W Williams.

328 CABINET FORWARD WORK PROGRAMME

Councillor S A Davies presented the report and asked officers to ensure that Lead Members were fully involved in developing the Cabinet Forward Work Programme and involving Members from the start.

Councillor Davies congratulated Ms G Butler of the Planning Department on her initiative regarding planning notifications being sent in electronic format to Members unless otherwise requested. He said ICT training for Members, including ECDL, was being addressed.

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

329 URGENT ITEMS

[a] NOMINATIONS FOR WLGA APPOINTMENTS TO OUTSIDE BODIES

Councillor R W Hughes presented the nominations for the WLGA appointments to Outside Bodies paper and asked Members to send their nominations to the Cabinet Office by Wednesday 3 November 2004. However, nominees were not guaranteed appointment by the WLGA and Members would be informed accordingly if they were successful.

RESOLVED that Members send their nominations to the Cabinet Office by 03.11.2004.

[b] POLICY AGREEMENTS

Councillor R W Hughes said she, Councillor P J Marfleet, the Chief Executive and Deputy Chief Executive would be meeting Sue Essex AM, Minister for Finance, Local Government and Public Services later in the day and would be signing the Policy Agreement, circulated to Members at the meeting.

The Assistant Chief Executive: Strategy briefly outlined the Agreement, designed to aid both Denbighshire and the Welsh Assembly Government to jointly deliver certain agreed aims. Performance Incentive Grant funding would be paid to all Local Authorities to try and improve performance across Wales. This was the first of a 3 year programme of grant funding, with the proposals originally submitted to the Welsh Assembly Government in January 2004 but only now agreed by them. It was not possible to alter any of the agreement at this time. In future years targets would be set for the 20 areas in the agreement and these targets would need to be met to ensure payment of the PIG funding otherwise the grant would be in jeopardy.

Councillor P J Marfleet reminded Members that as the Council had agreed to operate on a 3 year basis it would be difficult to do this on unsecured grant funding and the Minister would be informed of this.

Councillor E W Williams said WAG should be monitoring performance but costs for monitoring would be high.

RESOLVED that Cabinet note the report.

The Leader invited Ms S Drew of the Prestatyn and District Environment Association to briefly address Members with regard to the proposals for the Ffrith Beach and the results of the survey undertaken by them.

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

PART II

330 CAPITAL PLAN 2004-2005

Councillor P J Marfleet presented the report seeking Members' consideration of any actions necessary in the management of the Capital Plan as detailed in the Appendices.

Councillor Marfleet said it was important that predicted spend was accurately estimated by Directorates as any slippage could be used to fund schemes originally planned for later in the programme.

Councillor E W Williams said it was important the block allocations were included at an early stage and included schemes in the current year's programme which could be completed quickly. Councillor Marfleet confirmed that the balance of the block allocations of £1.056m could not yet be funded until cash from capital receipts in the pipeline was actually paid over.

Councillor J Thompson Hill said he had been assured the Ruthin Depot provision would be undertaken with the earmarked capital receipt of £0.5m and would be completed in two phases.

RESOLVED that Cabinet:

[a] note the updated position in respect of the Capital Plan

[b] agree Services review the estimates of projected 2004-2005 expenditure, taking account of the in-year spend to date, with the objective of identifying any areas where slippage may arise.

331 DENBIGHSHIRE SURE START PARTNERSHIP

Councillor M A German presented the report seeking Members' retrospective agreement for the appointment of an independent consultant, in breach of the Authority's former Contract Standing Orders.

RESOLVED that Cabinet agree to give retrospective approval for the appointment of an independent consultant, for the breach of the former Contract Standing Orders that occurred in 2002-2003 within Denbighshire Sure Start Partnership.

332 PRESTATYN: FFRITH BEACH

Councillor J Thompson Hill presented the report seeking Members' agreement to rescind their decision of 16.12.2003 to dispose of Phase 1 of the Ffrith Beach to the preferred bidder named in the report.

Members were aware of the opinions and concerns of residents in Prestatyn and over the years much effort had gone into developing ideas for a variety of uses of the site in order to achieve a permanent solution. Development of the site with appropriate highway infrastructure would be most welcome but it was felt for the most part that this could not be achieved by a DIY store at this location.

Members discussed at length the wider financial implications involved in a decision to rescind and were advised that any such decision should be based on clear evidence. Members were also reminded as to the legal status of the lockout agreement and some members expressed a view as to whether the Council should enter into similar agreements in the future.

Councillor Thompson Hill reminded Members that a lockout agreement regarding the site was in place until 08.12.2004, and advised that if Members decided to rescind the decision, it would impact on the Authority financially and would mean a loss of a significant capital receipt and would involve the Council in more revenue spending.

Councillor S A Davies seconded the recommendation by Councillor J Thompson Hill and said he felt the site was unsuitable for a DIY store. Councillor S Roberts said she also supported Councillor S A Davies' comments but was concerned regarding the additional revenue costs.

Councillor P J Marfleet said the situation was difficult as he was aware of the opinions and concerns of some of the residents of Prestatyn with regard to the proposed development. He opposed any decision that was not based on good sound commercial judgment.

Members expressed concern that rescinding such a decision could set a precedent for the future in other areas within the County.

Councillor M A German said development of the site and the provision of a roundabout with a supermarket or affordable housing would be welcomed by many residents.

Councillor E W Williams said the Authority had tried over many years to find a solution to the development of the area which would be acceptable to the majority, however he agreed with Councillor P J Marfleet that not developing the site could lead to a Council Tax increase.

The Legal Services Manager reminded Members that the Authority was in a position of good faith until 08.12.2004 but could withdraw from the lockout agreement at any time before then. However, the Authority would be unable to market the site further until after that date.

Councillor R W Hughes reminded Members that Prestatyn had not benefited from Objective 1 or similar funding and had for the last few years had little or no capital spent in the town. She said Prestatyn was the only town in Denbighshire without a town hall and that the Scala, when developed, would be a community resource.

Councillor J Thompson Hill agreed with Councillor R W Hughes and reminded Members that they were there on behalf of the electorate. He also agreed with Councillor Marfleet that the Authority should not enter into lockout agreements in future.

Councillor J M Davies said the Prestatyn Members were full of enthusiasm with regard to the Ffrith Beach development but felt that any DIY type development should be located in the town centre rather than near the beach.

The Chief Executive informed Members of correspondence received from the proposed developer and advised Members to base their decision on clear evidence. He also reminded Members that extensive meetings had been held in the past and much time and effort had been involved in developing ideas for a variety of uses for the site.

The Corporate Director: Resources reminded Members of the need to ensure that an adequate budget was in place to meet the future needs of the site.

After further discussion it was

RESOLVED that Members:

[a] *rescind the Cabinet decision of 16.12.2003 to dispose of Phase 1 of the Ffrith Beach in principle, for the reasons stated in paragraph 2.2 of the report, namely the clearly expressed views of Prestatyn Members and the Prestatyn community and the view of the Asset Management Committee that the proposed development was inappropriate for the Ffrith and the significance of the site both to the community of Prestatyn and the tourist economy*

[b] *agree that a full thorough audit and costings of works required at the site be provided, along with full details for minimising the costs be provided to Cabinet before recommending an appropriate level of revenue budget for 2005-2006.*

[Members agreed that how they had voted be recorded. All Members present other than Councillor P J Marfleet voted in favour of resolution (a). All Members present voted in favour of resolution (b).]

The meeting concluded at 12.35 p.m.
