

## **CABINET**

Minutes of the Cabinet meeting held in Conference Room 1, Council Offices, Ruthin on Tuesday 22 February 2005 at 10.00 a.m.

## **PRESENT**

Councillors S A Davies, Lead Member for Business & Communications; P A Dobb, Lead Member for Health & Wellbeing; E C Edwards, Lead Member for Communities; 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; M LI Davies; G C Evans; H H Evans; S Frobisher; K N Hawkins; C L Hughes; N J Hughes; T R Hughes; N Hugh Jones; D Jones; M M Jones; G M Kensler; N P Roberts; J A Smith; C H Williams and R LI Williams.

## **ALSO PRESENT**

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

## **APOLOGIES**

Councillor M A German, Lead Member for Children and Young People

## **ANNOUNCEMENT**

The Leader welcomed parents, the public and Councillors to the meeting and said it was important to have representatives from schools present. She and the Cabinet Members had received much correspondence regarding the Managing School Places report and the petitions from Ysgolion Prion and Dyffryn Ial would be passed to Councillors H H Evans and P J Marfleet, the Local Members. She apologised to the people who were unable to be present in the room, there was a restriction on the number of people who could be present in the rooms owing to health and safety issues. However, she would speak with those outside the offices once a resolution on the item had been agreed.

**Part II:** The Chief Executive and County Clerk reminded Members that **all** Part II reports and appendices remained confidential, even after the meeting had been held.

**Declaration of Interests - Managing School Places Report:** The County Clerk informed Cabinet Members that a declaration of interest was not appropriate in regard to the current report as it sought agreement to go to consultation, rather than a proposal to close schools in their Wards. Members of the Council who were not school governors would not need to declare an interest but should not commit themselves for or against proposals before such a report was placed before Cabinet or Council. Members of the Council who were governors of a school mentioned in such a report would need to seek dispensation from the Standards Committee when decisions on possible closures needed to be taken. He asked that Members sought his advice at that time.

Councillor P J Marfleet said he had written to the three Community Councils in his area, saying he would seek their views on any possible closure or merger or school in the Wards. The County Clerk said Community Councillors would need to consider their position if they were also school governors.

## **1 URGENT MATTERS**

There were no Urgent Matters.

## **2 MINUTES OF THE CABINET**

The Minutes of the Cabinet meeting held on 25 January 2005 were submitted.

**Asset Management Committee** Councillor J Thompson Hill said a seminar for all Members, on the Agricultural Estate, will now be held at 9.30 a.m. on Wednesday 4 May 2005. He hoped that as many Members as possible would attend.

**Item 5 Housing Revenue Account Budget 2004/2005** Councillor M LI Davies had referred to garages in Cefn Meiriadog and not Trefnant.

**Item 11 Agricultural Estate Capital Programme** Councillor J Thompson Hill said the Head of Development Services would be providing a report to the Asset Management Committee, not the Agricultural Estates Committee.

***RESOLVED** that, subject to the above, the Minutes of the Cabinet meeting held on 25 January 2005 be approved as a correct record and signed by the Leader.*

## **3 PARTNERSHIP AGREEMENT UNDER S31 OF THE HEALTH ACT 1999 FOR THE INTEGRATION OF ADULT MENTAL HEALTH SERVICES IN CONWY AND DENBIGHSHIRE**

Councillor P A Dobb presented the report seeking endorsement of the Legal Partnership Agreement for Conwy and Denbighshire Adult Mental Health and Social Care Partnership, commencing with a rolling programme from 04.07. 2005.

Councillor R W Hughes congratulated and thanked officers for being the first in Wales to achieve a Partnership Agreement.

Councillor E C Edwards also thanked the officers involved for their work on the partnership and he believed that partnership working was required in many areas, particularly for the smaller Authorities. The WLGA Leader was encouraging partnership working.

***RESOLVED** that Cabinet endorse the S31 Legal Partnership agreement for Conwy and Denbighshire Adult Mental Health and Social Care Partnership.*

#### 4 DENBIGHSHIRE COUNTY COUNCIL'S PRIORITIES

Councillor R W Hughes presented the report seeking Cabinet approval to the Authority's priorities attached at Appendix 1 to the report. She reminded Members that Education was at the top of the list.

In response to a request from Councillor S A Davies, Members agreed CO8 should read "We aim to sell £3m of surplus land and buildings each year over 2 years to improve our school buildings and roads".

The Corporate Director: Environment, in response to a query from Councillor P A Dobb, detailed "public realm" and "improving roads". He said improving roads was to bring the roads network into better condition. This did not cover new roads required as this would impact on the current capital budget. It was agreed to include "improve" when referring to roads in the current priorities. The Corporate Director: Environment said enhancing Denbighshire's distinct environment covered a range of items and the public wanted good quality services. Short term gains often resulted in long term impact.

Councillor E W Williams said the meaning of public realm covered many things. He had not known that the Cae Ddol Park, Ruthin had achieved an award as the Best in Wales until it was reported in the press but the result had been achieved by many departments working together. He said a small working group covering the north and south of the County would bring items forward to Scrutiny Committee. He said he would also be asking the Community Councils in his Ward for their views.

Councillor P J Marfleet reminded Members that these priorities were in addition to the statutory requirements, not instead of. Members needed to be aware and react to different circumstances when necessary.

The Corporate Director: Environment confirmed, in response to a query from Councillor G M Kensler, that the Best Value Green Spaces report had been discussed at both Scrutiny Committee and Cabinet but had not yet been fully implemented.

**RESOLVED** that Cabinet agree the Authority's Priorities, as amended above, be presented to Full Council on 24.04.2005 for adoption.

#### 5 CORPORATE QUARTERLY PERFORMANCE REPORT AGAINST IMPROVEMENT PLAN 2004-2005

Councillor P J Marfleet presented the report seeking Members' consideration of the Corporate Quarterly Performance Report against the Improvement Plan for 2004 / 2005 and urged Members to monitor closely the progress being made against corporate and service risks with reference to local performance indicators and progress towards target of statutory performance indicators, with a view to considering any issue in greater depth as deemed necessary.

Councillor Marfleet referred to the good progress made by the Revenues Team. He also referred to the considerable improvement achieved by Personnel with the levels of sickness absence and ill health retirement.

Councillor S A Davies said the ICT figures showed an upward trend and were moving towards the target figure of 64%. He was also pleased with the improvements being made in Equalities, as the new officer had only been in post for 6 months.

Councillor E C Edwards said it was essential he and the Principal Crime and Disorder Officer worked with the Welsh Assembly Government, there was much work still to be done. He also thanked the Acting Corporate Performance and Improvement Manager for her hard work.

The Acting Corporate Performance and Improvement Manager agreed to clarify the cumulative figures regarding NAWPI12.1 for Councillor R E Barton.

Councillor R W Hughes said as Economic Regeneration were not being measured, she would be working with the Head of Development Services to develop a Regeneration Strategy and a European Funding Strategy as part of the system.

Councillor D Owens said many of the Education indicators were annual and generally improvements were being made.

Councillor J Thompson Hill said there was slow progress with the DDA access, as some of the requirements had changed half way through the process. The following year's funding would be spread generally across the County. He suggested local PIs should also be considered.

Councillor P A Dobb again reminded officers that Councillor M A German was responsible for the looked after children PIs. She said recruitment difficulties had led to not as many houses in multiple occupation being registered in Rhyl as was hoped for. The joint target with the NHS for delayed transfers of care for social reasons per 1000 population aged 75 and over was under control and a good working relationship had been established with the NHS. Officers had reduced the number of families housed in B & B accommodation. The emergency / urgent repairs completed within target had not been met but the DSO and Housing programmes used were being looked at to ensure repairs were classed correctly to emergency or urgent.

Councillor J A Smith expressed his concern regarding looked after children and the ongoing difficulties with recruitment and retention of staff.

Councillor E W Williams said the Transport figures were mainly annual targets. The Planning figures were on target. The Environmental Health Department were experiencing problems, mainly as a result of the difficulties with recruitment, but some Authorities paid higher salaries and were therefore able to fill posts more easily. However, the staff were to be commended on their work. He detailed the recycling pilot project to take place in Clawddnewydd and Nantglyn.

Councillor S Roberts reported that the museums and galleries target should be met by March 2005. She offered her thanks to the Heather and Hillforts officer for her work. She was also pleased to announce that Rhyl Leisure Centre would be partly open from the following week following refurbishment. Councillor Roberts expressed concern regarding the ongoing underfunding of the book fund for the Library and Information Service but was pleased with the progress on both Nantclwyd House and the Craft Centre.

The Chief Executive thanked Members for their precis of the PIs in their portfolios. However, many of the PIs would be changing over the coming months and the number of national indicators would drop. He said the focus should be on what really is of concern to the Authority, for example the number of homeless people. Cabinet Members agreed to hold an informal discussion on items which had the greatest impact on local communities.

Councillor E W Williams said Denbighshire occasionally had differing priorities from the Assembly, which could lead to a conflict, for example TAN8 and the Spatial Plan and suggested the way forward was to use local indicators. Councillor R W Hughes agreed and said Denbighshire must be clear and strong on their priorities.

**RESOLVED** that Members note the progress on the Corporate Quarterly Performance report attached at Appendices I and II to the report.

At this juncture (12.10 a.m.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

## **6 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.

Councillor Marfleet had raised concerns at the last County Council meeting regarding school transport and said that since the current report had been prepared agreement to the payment of outstanding sums had been received. The £522k overrun was now at £366k with the Lifelong Learning overrun of £633k now at £477k. At the end of the day, the Authority would have to fund the overspend.

Councillor E W Williams suggested that some of the staff in the Lifelong Learning Directorate were becoming disillusioned with constant reference to their budget overspend and that the school transport sums were an external problem. Councillor P J Marfleet agreed the school transport sums were due to external circumstances but as the Lead Member for Finance it was his responsibility to draw attention to any shortfall in budgets.

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

## **7 REVENUE BUDGET 2005-2006 TO 2007-2008**

Councillor P J Marfleet presented the report seeking Cabinet consideration of the impact of the debate at County Council on 08.02.2005 on the budget proposals included in Appendix 1 to the report, and to note the latest position regarding budget efficiency savings in 2005-2006 and recommend to Full Council the amended budget proposals for 2005-2006 to 2007-2008.

Councillor Marfleet said the Police precept had been agreed at 4.8% with an average decrease of 0.7% agreed for Community Councils and the County Council element resulting in an increase at 4.6% for those properties remaining in the same band. Denbighshire was currently at 5.35% increase in budget requirement and he reminded Members that any increase over and above 5.4% would have been subject to capping by the Welsh Assembly Government. The Denbighshire Council Tax increase would be the lowest increase for a considerable number of years and it was unfortunate that the Government were imposing revaluation at this time.

Councillor Marfleet stressed the need for the budgets to be monitored closely and delivered and to ensure that overruns do not occur. It was essential that adequacy of reserves was also addressed.

The Financial Controller confirmed that any capping would not include the Police precept element. With regard to the WAG capping, Denbighshire had been allowed 0.4% above the increase in the SSA which would allow up to in a 5.4% increase in budget requirement.

The Deputy Chief Executive / Corporate Director: Resources said one representation on Prudential Indicators had been received previously and asked the Principal Management Accountant to outline the Prudential Indicators.

The Principal Management Accountant said Prudential Indicators were an element of the budget setting and had resulted from legislation. Prudential Indicators were not forward predictions but gave an indication of where the Authority would be. The Authority needed to determine what was affordable for prudential borrowing.

In particular he outlined the ratio of financing costs to the net revenue stream and the incremental impact of capital investment decisions which showed increases in Band D as a result of the Capital Plan impacting on the revenue budget. It was possible to borrow in excess of the level supported by WAG but any excess could increase the level of Council Tax.

Councillor P A Dobb informed Members that the Housing Revenue Account figure was 12% rather than 12.83%. The Principal Management Accountant confirmed that the Housing Subsidy would impact on this figure.

In response to a query from Councillor E W Williams, the Principal Management Accountant confirmed that capping limits only applied to revenue budgets. Members had a choice of how much to allocate to meet the cost of borrowing but corresponding savings were required if that figure was exceeded. The Deputy Chief Executive / Corporate Director: Resources estimated that the revenue budget would

support roughly 10 times the £603k shown as potentially available in 2007/08 as capital funding but would cost an extra £16 on Band D.

**RESOLVED** that:-

- [a] *Members note the revised service budget proposals detailed in appendix 1, together with the efficiency savings proposals detailed in appendix 3 and recommend the total budget package to County Council for approval.*
- [b] *Members recommend the resulting 4.5% impact of the proposals on Band D of Council Tax in 2005/06 to full Council.*
- [c] *Members note the likely budget position for 2006/07 and 2007/08 and endorse the proposal to carry out further reviews of service budget requirements to identify additional efficiency savings to boost reserves, fund the development of priority areas and reduce pressure on Council Tax in these years.*

## **8 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 (HRA) for the current financial year and the surplus of £210k.

**RESOLVED** that Cabinet note the figures in Appendix 1 to the report including the surplus of £210k.

## **9 PRUDENTIAL INDICATORS 2005-2006 TO 2007-2008**

The Deputy Chief Executive / Corporate Director: Resources presented the report seeking Cabinet recommendation to Council of the Prudential Indicators for 2005-2006, 2006-2007 and 2007-2008.

The Principal Management Accountant had previously outlined the Indicators to Members in Item 7 on the Agenda.

**RESOLVED** that Cabinet recommends to Council the setting of the Prudential Indicators for 2005-2006, 2006-2007 and 2007-2008 as detailed in the report.

## **10 RESPONSE TO CONSULTATION ON THE PENSIONS GREEN PAPER**

The Deputy Chief Executive / Corporate Director: Resources presented the report seeking Cabinet approval to the Green Paper as detailed in Annex A to the report and to note the potential industrial action by unions in response to changes to the Pension Scheme.

He informed Members of the deficit within the Pension Fund, which was driving the Central Government approach to seek changes. The Authority needed to be mindful of these financial pressures but also had to balance the importance of the Pension Scheme to current and future staff.

The Deputy Chief Executive / Corporate Director: Resources agreed to review the response at Q4(b) at Councillor R E Barton's request and amend, if necessary. He also confirmed that the shortfall within the pension scheme were not as a result of employees who may have left the scheme in earlier years.

The Unison Branch Secretary said their potential strike action was aimed at the Government and not the County Council and was based on employees' expectations and rights. He hoped the situation would be resolved quickly.

**RESOLVED** that Cabinet approve the response to the Green Paper as detailed in Annex A to the report, and as amended above, and note the potential industrial action following consultation on the Green Paper.

## 11 MEMBERSHIP OF THE LOCAL GOVERNMENT ASSOCIATION

Councillor R W Hughes presented the report seeking Cabinet approval to revoke the notice to withdraw from the Local Government Association [LGA], following the agreement between the WLGA and the LGA on a new relationship between the two bodies.

**RESOLVED** that Cabinet agree to revoke the notice of withdrawal from the Local Government Association.

## 12 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.

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

## 13 MANAGING SCHOOL PLACES

Councillor D Owens presented the report for Members to note the findings of the Managing School Places review and the main proposals within the report as measures to ensure the most efficient use of resources in Education that would improve the quality of provision and buildings and impact on performance. Members were also asked to authorise County officers to commence on a consultation exercise on the proposed 2 phase programme of rationalisation of primary school places as detailed in the report and to continue with the review of Standard Number of Prestatyn area primary schools.

Councillor Owens said he wished to sincerely thank officers who had prepared the report, although he realised that not everyone would agree with its contents. Many hours of work had gone into its preparation and he was grateful to everyone for their work. The report was a consultative document that was prepared as a result of direction from the Welsh Assembly Government and was actioned by the last Council.



Along with every other authority in Wales, Denbighshire had for the past three years been responding to the Welsh Assembly Government's initiative to refocus schools. The Moving Forward Together, Managing School Places Programme, was part of the response and was started in October 2001 with initial consultation with schools. Objective criteria for the review were developed and approved by Cabinet in November 2002. Since then eleven first stage consultation meetings took place. The criteria were applied to all schools and the finding of the review culminated in the current document which included improving buildings, plans for new schools, merger of primary schools to give pupils better facilities and possible closures.

As it stood currently in Denbighshire, some towns were not able to meet the demand for school places whilst in others there were so few pupils that the schools had surplus places. By 2006 it was estimated there would be 1600 surplus places. In Denbighshire schools there was a wide range of cost per pupil which also needed to be addressed. He was sure all parents would want to see a fairer distribution so that all children, regardless of where they lived, had an equal standard of education and access to resources.

Many of Denbighshire's school buildings were old and would not easily adapt to keep pace with the demands of modern teaching and learning requirements. We also had some schools without communal halls, games areas, separate dining areas, all things which were needed for modern day education.

Naturally, communities were concerned about some of the proposals. Many communities considered that rural schools played a role in community life that far exceeded that purely of education and quite rightly so. The proposals were just a starting point, one way of possibly moving forward. It was possible that the consultation would show that there were better alternatives out there. The Authority was ready and waiting to listen and to act on good constructive ideas. It would consult widely with parents, governors and community councils and consider very carefully all of their comments before developing final proposals. The full Council will decide what the final proposals would be, giving all Councillors a say on behalf of their communities, bearing in mind that they had a corporate responsibility for all the children in Denbighshire education.

He wanted to emphasise that the report does not commit any Councillor to agreeing to implement any change but sought permission to consult the public about the findings of the review.

Councillor R W Hughes read a statement she had prepared in response to representations made to her by parents, teachers and school governors, as well as from several fellow Councillors, particularly those who were elected for the first time in June last year.

"Before presenting it today I have shared the contents with Councillor Dewi Owens, Cabinet Member for Lifelong Learning.

I have become increasingly concerned as to how this extremely important matter on Managing School Places has been hijacked by a number of politicians from all levels of government. It is difficult not to see their involvement as more to do with their own

personal and political self interest than with any regard to the impact on teachers, parents and children, who all have genuine concerns about some of the draft proposals.

As a new administration and as the new Leader of this Council, we have since last June been working to make this Council one which delivers better services and which both listens and responds to the communities it serves.

Only eight months ago we inherited a range of decisions taken by the last Council which we have been evaluating and assessing as to their appropriateness to the type of Council we would wish to run. Managing School Places has been one of these issues. I feel it is necessary to set the record straight and put the facts before you on a number of points.

The first important fact is that this process, which we call Managing School Places, was not initiated by the County Council. It originated in 2001 with a report from the District Audit which resulted in an action plan being drawn up to progress the matter.

Assembly Minister Jane Davidson also developed guidance and the Assembly ruled that Counties with more than 10% surplus places in their schools were required to take steps to reduce that percentage. When we in Denbighshire took this guidance on board using the Assembly criteria for measuring school places we found that we would be nearing a 30% level of surplus places by 2006. As a result of this we were required to look at these issues locally.

We must not forget that Managing School Places is about building new schools, to respond to overcrowding in some of our schools. It is about continuing the development of area schools to provide a wider choice and better facilities and about making the best use of our resources.

I repeat again - in setting the record straight today these proposals were not developed by the new Council, which is what I believe has been said to some parents. Managing School Places was progressed under the leadership of Councillor Eryl Williams through Cabinet and other meetings from 2002 until 2004. Discussions took place with Cabinet as to the process on a number of occasions.

I list below a timetable of the Cabinet's considerations on the issues during this period.

In November 2002 Cabinet agreed the criteria for carrying out an analysis of the options and a consideration about the level of resource required for the task. November 25, 2003, the Authority sought Members' approval to proceed to formal consultation with schools with fewer than 30 pupils on roll. The report referred to consultation with Chairs of Governors and head teachers of all Denbighshire schools from October 2001 to May 2002. January 27, 2004 Cabinet had a progress report on a number of scenarios as to the options and way forward, the resources needed for this work and the consultation plan which included a feedback on meetings which took place with the then Corporate Director for Lifelong Learning, other education officers, staff, governors, parents and the community.

Members did not believe that some of the points raised in the letters had been covered at these meetings. My reasons for including this calendar of events this morning is to respond to the politicians who claim not to know anything about the way in which this matter was dealt with by the last administration.

Managing School Places has been a part of both the Council's and the schools' business for over two years. There seems to be a lot of selective amnesia going on with some who have been involved. It is, I believe, either naive or mischievous for any politician who has been in any way involved in the issues to now try to argue that they were unaware of the deliberations underway.

I do not think that anybody could accept that any politician from the previous Council or other local representatives working within their community, could not have been aware of the process which was going on.

In referring to politicians' behaviour I have been very concerned about the response by AM's and MP's. Up until yesterday, I had not had any communication with them about this matter. I had a phone call yesterday, but was busy with meetings relating to today and could not meet with the MP concerned. I am also aware that an AM contacted a Cabinet Member yesterday. Up until then I am not aware of any phone calls or even emails from any AM or MP about this matter now or in the last couple of years, asking for the documentation nor any request for a meeting to discuss these matters.

I have, however, as Council Leader, endeavoured to set up meetings with them to gain their views. Unfortunately this has been very difficult to progress, but I will continue to try.

I have listened to the representations which have been made to me and given the matter a great deal of thought. I have concluded that I cannot agree to the recommendations of the report, to authorise officers to commence with the consultation that was planned for the Managing School Places Programme.

The previous Leader, Councillor Eryl Williams, and the Cabinet from the last Council, for which I was a Member, believed that the consultation which was underway over the past couple of years had made people aware of the issues we are looking at today.

But faced with the situation as it is here and now it is transparently clear that the document that has been prepared for the next stage in the consultation process does not have the support necessary to take it forward.

Accordingly the next actions which I am putting forward as recommendations are:

- 1 To hold a number of members' seminars to give new members of the Council in particular an opportunity to look at how we got to where we are today and the outside influences which as a Council we have to respond to so that the decisions are not taken out of our hands. This action has been agreed with the Leaders of the Plaid Cymru, Liberal Democrats, Labour, Conservative and Independent groups on the Council.

2 To arrange meeting with all AM's and MP's representing Denbighshire.

3 To undertake a series of personal visits to all schools identified within the report along with other cabinet and local members. The meetings will include discussions about the local community as well as the school circumstances.

4 To ask Scrutiny to re look at this issue.

I hope this statement sends a clear message to all that whilst we will not all agree with all the decisions taken by the Council, those involved can be assured that any decisions will be taken only when people and Councillors feel that they had the opportunity to have their say. The most important thing is that our decisions stand up to scrutiny.

I would like to end by offering my thanks to all the officers who have done this work in good faith. We need to respect their professionalism and accept that some of this work has been because of pressures outside the Council. This has in some respects clouded and confused the issues, rather than helped. This exercise needs to be about improving education for all the children of Denbighshire.

Every Councillor is a school governor. We now need to take a step back and look at how we can work more positively together.

In conclusion, I will not be supporting the recommendations of the report before us today for the reasons outlined above. Instead I suggest that the four actions, listed above, are a more positive way forward.”

Councillor S A Davies proposed the new recommendations and was seconded by Councillor D Owens. Councillor Owens asked that school governors and parents move forward with Members on the management of school places.

Councillor E W Williams thanked Councillor R W Hughes for the new recommendations and said he wholeheartedly supported it. He also had received letters and phonecalls from school governors and parents. He said he had expressed informally to her that he was against the original proposals and agreed it was the Welsh Assembly Government who had set targets for school places. He said he had met with the then Corporate Director, the Acting Director of Education and the Head of Strategy and Resources Lifelong Learning in April 2004 to consider the findings of the consultation but the previous Council had no remit to set the timescale. He asked how many meetings had been held since the new Council was in place regarding the results of the consultation. Councillor Williams stressed the current report should not have been presented in such a way as it appeared negative. Schools required a positive message from the Council.

Councillor Williams said he had originally hoped to have the Education portfolio rather than the Environment portfolio. He felt it important to keep rural schools open. He asked that figures be provided showing a breakdown of what village communities received for their Council Tax - villages did not have grass cutting or flowers planted as they did in the towns. Councillor Williams also said the matter of school

transportation was an important factor and that parents had a legal choice of which school to send their children but the Authority was not obliged to pay for the school transport. He suggested that if there was a percentage of tolerance in the budgets it should be allocated to schools to help the public understand the importance of rural schools. Nursery school provision was a way forward and bids should be made, for example to Cadwyn Clwyd, to help with such provision.

Councillor P J Marfleet said there was no tolerance level in the budget provision and reminded Members that the Council would be subject to capping if the Council Tax exceeded 5.4%. He supported Councillor Hughes' recommendation and also agreed with Councillor Williams that rural schools were important. However, he said on reading earlier reports to Cabinet when Councillor Williams was Leader, he had at that time not said anything on school places and parents had not been updated since the consultation. Parents should not be left in a situation of stress and concern. However, he said facts change over time and he had no criticism of the report produced by officers but any future report would have to be based on the most up to date pupil occupancy figures.

Councillor E W Williams said consultation had been carried out with school governors in the spring term 2004. He asked why Council had not progressed the matter before now and said the Leader should take responsibility for the report before them. He said he had no further aspirations to be Leader of the Council again, he was there to represent the community rather than himself and although he had stood for Parliament once that had been enough. He did not wish to be the Leader of Denbighshire again.

Councillor S Roberts said she appreciated the views of the rural areas and as a school governor had been aware of the consultation and had attended one meeting on managing school places prior to the Council elections in 2004 where only two parents had bothered to attend. Meetings had been held at various locations in the County.

Councillor P A Dobb said as a rural Councillor she also was pleased the report was being withdrawn at this time and delighted at the number of people in the communities who had become involved. She encouraged parents and governors to lead the process and not lose the momentum gathered.

Councillor D Owens said the report had put him in a predicament, if the report had not been brought into the open the parents and governors would not have realised what the possible total effect could be. He hoped the schools and the Authority could move forward together.

Councillor N Hugh Jones said he felt the discussion had been constructive and that Lifelong Learning Scrutiny were prepared to consider all facts carefully.

Councillor D Jones said he felt democracy was alive in Denbighshire and whatever mistakes may have been made it was time to move forward. The Acting Corporate Director: Lifelong Learning confirmed that the figures for the two schools in Upper Denbigh were from January 2004 and assured Members that the latest figures would be made available in any future report.

Councillor R W Hughes said Councillor D Owens had acted in an honest way. She reminded Members that Councillor E W Williams had been Leader for 2 years and could have dealt with the matter but had chosen not to. She, as Leader, would take the responsibility.

**RESOLVED** that Members unanimously agree:

- [a] to hold a number of Members' seminars, as agreed with the Leaders of the Plaid Cymru, Liberal Democrats, Labour, Conservative and Independent Groups on the Council, to give new Members of the Council in particular an opportunity to look at how we got to where we are today and the outside influences which as a Council we have to respond to so that the decisions are not taken out of our hands.
- [b] to arrange a meeting with all AM's and MP's representing Denbighshire.
- [c] that the Leader undertake a series of personal visits to all schools identified within the report along with other Cabinet and local Members. The meetings will include discussions about the local community as well as the school circumstances.
- [ch] to ask Scrutiny to re look at this issue.

#### 14 **RESTRUCTURING AND RETIREMENT COSTS**

The Chief Executive apologised that the report had been tabled late. He introduced the report requesting Members to note the completion of the restructuring of the Chief Executive's Department, approve the costs associated with the restructuring and early retirements and note the next steps in developing area partnerships / area working.

Part of the information was personal to the individuals and it was:

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

The Deputy Chief Executive / Corporate Director: Resources gave an indication to Members of the proportion of the ongoing costs that related to the former Corporate Director: Lifelong Learning. The County Clerk stressed the need for Members to keep this information confidential.

**RESOLVED** unanimously that Members:

- [a] note the completion of the Chief Executive's department restructuring;
- [b] approve the restructuring and early retirement costs incurred, as detailed in section 2.2 of the report;

[c] *note the changes to Directorate Budgets as a result of the restructuring will be tabled at the Council meeting on 24 February 2005, as part of the finalisation of the budget process, and*

[ch] *note the forthcoming consultation on the future of Area Partnerships, including discussions on the possibility of area based delivery.*

## **15 URGENT ITEMS**

There were no 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 8 and 9 of Part 1 of Schedule 12A of the Local Government Act 1972.*

## **PART II**

### **16 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. He detailed the current position and said any slippage would be carried forward to the following year. A new column had been included in the report identifying the level of committed expenditure for the year.

Councillor Marfleet discussed the appendices in detail and said the payment arising from the Pontin's lease had been received and consideration would need to be given to where this receipt would be used in the next financial year. He detailed the predicted overspend at the Crown House, Ruthin project which would be met from the Objective 1 match funding allocation. He also expressed his concern regarding any slippage.

**RESOLVED** *that Cabinet note the updated position in respect of the Capital Plan.*

### **17 AWARD OF TRAFFIC SIGNAL MAINTENANCE CONTRACT**

Councillor E W Williams presented the report to seek Cabinet approval to the award of a new Traffic Signal Maintenance Contract for the period April 2005 to March 2009. The decision constituted an exemption from Contract Procedure Rules in accordance with CPR 9.

**RESOLVED** *that Cabinet approves the award of a new Traffic Signal Maintenance Contract for the period April 2005 to March 2009. The decision constitutes an exemption from Contract Procedure Rules in accordance with CPR 9.*

**18 RESIDUAL MATTERS RELATING TO THE FORMER WIRRAL AND NORTH WALES PURCHASING CONSORTIUM [WNWPO]**

The Deputy Chief Executive / Corporate Director: Resources presented the report for Members note the updated position and support the recommendation of officers from the four Councils concerned that the matter of allocating the accumulated losses of the former Wirral & North Wales Purchasing Consortium be placed before the relevant Welsh Assembly Government Minister for arbitration.

***RESOLVED** that Members note the updated position and support the recommendation of officers from the four Councils concerned that the matter be placed before the relevant Welsh Assembly Government Minister for arbitration.*

The meeting concluded at 1.05 p.m.

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