

CABINET

Minutes of the Cabinet meeting held at 2.00 p.m. on Tuesday 19 February 2008 in Conference Room 1, County Hall, Ruthin.

PRESENT

Councillors P A Dobb, Lead Member for Social Services; E C Edwards, Lead Member for Customer Care and Community Safety; H H Evans, Leader and Lead Member for Education; M A German, Lead Member for Environment; G M Kensler; Lead Member for Promoting Denbighshire; P J Marfleet, Lead Member for Modernisation and Improvement; G O Rowlands, Lead Member for Regeneration and Housing; J A Smith, Lead Member for Business Management, Communications & Personnel and J Thompson Hill, Lead Member for Finance.

Observers: Councillors J R Bartley; R E Barton; G C Evans; M M Jones and S Frobisher.

The meeting was chaired by Councillor H H Evans.

ALSO PRESENT

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

APOLOGIES

Corporate Director: Environment.

ANNOUNCEMENT

Councillor H H Evans said relevant questions would be received from non-Executive Members on this occasion only as two reports on the Agenda had been despatched late.

Environment Day 26 March 2008 ~ Councillor E C Edwards said the national day was for tackling environmental crime, and sought Cabinet's formal agreement to support the day. He had been in consultation with colleagues in Environmental Services and partnership organisations and had discussed an opportunity to put Denbighshire at the forefront of tackling environmental crime. It was proposed to put a team in as many Wards / Electoral Divisions of Denbighshire - the teams to be supported by 2 'Regional teams', every 5 or so teams / Wards would have the support of 2 further teams, one enforcement team, and one clean up team, each comprised of two operatives / enforcement officers. Members agreed to support the Environmental Day.

755 URGENT MATTERS

There were no Urgent Items.

756 MINUTES

The Minutes of the Cabinet meeting held on 5 February 2008 were submitted.

Item 3 Budget Proposals 2008-2009: Page 4 last paragraph – Councillor G M Kensler said a comparison could not be drawn between Ysgol Plas Brondyffryn and Blessed Edward Jones High School as Hyfrydle Children's Home was referred to and not Ysgol Plas Brondyffryn.

Page 5 Resolution – Referring to her abstention from the vote, Councillor G M Kensler said she could not vote until she and Councillor H H Evans had met with the Arts Council of Wales the following day.

RESOLVED that, subject to the above, the minutes of the meeting held on 5 February 2008 be approved as a correct record and signed by the Deputy Leader.

757 MODERNISING EDUCATION ACTION PLAN MONITORING

Councillor H H Evans presented the report seeking Members' consideration of the work undertaken to monitor the progress of the Modernising Education Agenda and the progress on the Partnership Agreement.

Referring to the Estyn Review of Youth Support Services / Modernising Education, Councillor Evans said this would be monitored in the same way as the Estyn Action Plan and said R1.4 was a high profile issue. St Winifred's School and Ysgol Dewi Sant would not be available from September 2008 and July 2009 for the provision and support for children / young people with social, emotional and behavioural difficulties. Councillor G O Rowlands said improving overall attendance figures across the Authority was progressing well.

In response to a query from Councillor R E Barton regarding the recommendations from the Modernising Education report being incorporated into any monitoring system to ensure progress being measured, Councillor H H Evans said the Modernising Education Board would form a timetable.

The Chief Executive referring to Appendix 2 and said the only information contained therein were exceptions and therefore information on the special schools review would not be included.

The Interim Head of School Improvement informed Members that she had met with all Denbighshire Headteachers and had written a draft Strategy and it was hoped Cabinet would be asked to ratify the completed policy on supporting schools in March 2008 although aspects relating to Health and Safety and Buildings Premises could cause a slight delay owing to the need for consultation.

***RESOLVED** that Cabinet, having considered the progress to date against tasks, request that the Modernising Education Board reviews progress against those tasks identified as "Red" or "Amber" in Appendix 2 in advance of the next monthly monitoring report.*

758 REVISION OF ENVIRONMENTAL POLICY

Councillor M A German presented the report seeking Members' approval of the adoption of the revised Environmental Policy (appendix I attached to the report). It was important the Authority promoted the Policy.

Councillor P J Marfleet said a firm commitment to the Policy was required and all Members had a duty to ensure its success.

Councillor G M Kensler queried the financial implications and mentioned in particular the enhancement of the natural environment and built heritage. The Corporate Policy Officer / Sustainability Project Co-ordinator said no specific financial costs had been identified and each policy would be looked at on an individual basis. This was the precursor to what was required and the savings involved. He confirmed that an improvement plan would be formulated and this would be updated annually.

***RESOLVED** that Cabinet recommends Council adopt the revised Environmental Policy (attached to the report).*

759 DIFFERENTIAL LEVELS FOR PARKING PENALTY CHARGE NOTICES

Councillor M A German presented the report seeking Members' agreement to the level of differential penalty charges to take effect from 31 March 2008 under Part 6 of the Traffic Management Act 2004 (TMA). He confirmed that monies collected from fines were used to fund Enforcement Officers and fund the Transport Department in various ways, including car park improvements.

RESOLVED that Cabinet sets the level of parking penalty charges at Band 2 – Higher Level PCN £70, Lower Level PCN £50.

760 SOCIAL SERVICES FEES AND CHARGES

Councillor P A Dobb presented the report seeking Cabinet agreement to the proposed increases in fee levels for providers of Nursing and Residential Care, Day Care and Home Care services for the financial year 2008/2009. Agreement was also sought for the proposed changes to the Charging Policy, increasing charges for services and broadening the scope of the Policy to introduce charging for services which were currently free of charge.

Councillor Dobb said the 4.5% increase sought was being dictated by budget pressures. The Review of Day Care Services being undertaken would result in a new contract for the services and providers would be charged an inflation only increase whilst the Review was ongoing. The impact of increases in charges on users would be monitored and those suffering hardship would be encouraged to take up waivers. Assuming the consultation exercise and legal investigations into mental health charges were satisfactorily concluded, charges could be implemented within 6 months. It was also recommended that Supporting People charges be introduced. Responding to Councillor G M Kensler's query on collaborative working with Education and Procurement, Councillor Dobb said meals provision was separate as residential homes provided meals. The Corporate Director: Social Services had recently carried out a review of meal provision costs and had renegotiated costs with providers. Some collaborative work with Education was carried out in the south of the County.

Councillor J Thompson Hill informed Members that it was a matter of policy that provision should be considered by the Procurement Unit as a matter of course.

The Chief Executive said third party increases of 4.5% and charges to recipients of 4% was achievable.

RESOLVED that the proposed fee levels for services provided in 2008/2009, as detailed in the report, are agreed for implementation from the beginning April 2008. The increases to charges, as detailed in the report, are also agreed for implementation in April 2008. It is further agreed the introduction of charges for services which are currently free of charge are implemented during 2008.

761 MONITORING PERFORMANCE AGAINST THE AUTHORITY'S KEY PERFORMANCE INDICATORS

Councillor P J Marfleet presented the report for Members to note the Corporate Quarterly Performance report: Performance against the Authority's key performance indicators for the third quarter of 2007-2008 – October, November and December 2007 and that Cabinet consider any issue in greater depth as deemed necessary. He referred to the trial Revenues and Benefits performance clinic and said this had produced actions. The department were using their performance indicators as a management tool and in how the service was being delivered.

2.20 p.m. Councillor M M Jones left the meeting at this juncture.

Councillor P J Marfleet said more than 4 indicators were required for the Children and Young People service. He felt that national indicator of data collection on only one day each year for older people could be a meaningless indicator. He stressed the need for accurate figures for food inspections carried out as many new businesses were established and many ceased trading, making food safety a high risk issue.

2.30 p.m. Councillor S Frobisher left the meeting at this juncture.

Councillor Marfleet referred to municipal waste and said the Authority was not currently meeting the Welsh average figures. He suggested municipal waste be considered at a performance clinic. The % increase in the number of Fixed Penalty Notices issued in relation to environmental issues had incorrect symbols.

2.35 p.m. Councillor S Frobisher joined the meeting at this juncture.

Councillor Marfleet stressed the need to ensure absenteeism was closely monitored as the cumulative figure of 8.58 days was very close to the 9 days annual target and was at a higher level than the previous year. Turning to the percentage of staff who had received performance appraisals in the last year, Councillor Marfleet said the appraisals had to be carried out on a regular basis but appreciated the difficulties which some departments faced when many of their staff were not office-based.

2.38 p.m. Councillor S Frobisher left the meeting at this juncture.

Councillor G M Kensler referred to the statement by Estyn that the Authority was good at collecting data but data analysis was not always as good. She felt that information on departmental days lost where one person's sick leave could distort figures should be supported by the reasons. She queried whether there were enough resources in Food Safety to undertake the number of visits required. Councillor Kensler also suggested that much could be learnt from staff exit interviews and said schools should be encouraged to use teaching staff exit interviews.

Referring to the Children and Young People targets, Councillor P A Dobb said these were national targets. Some of the Social Services sickness absences were as a result of an older workforce and viruses amongst staff in the residential homes.

RESOLVED that Cabinet note the Quarterly Performance Report and agree to pay particular attention to issues requiring further discussion and/or remedial action, particularly those indicators which are not on target.

762 HOUSING REVENUE ACCOUNT BUDGET & CAPITAL PLAN REPORT 2007-2008

Councillor G O Rowlands presented the report for Members to note the latest financial forecast position of the Housing Revenue Account (HRA) for the current financial year.

RESOLVED that Members note the latest financial forecast position of the Housing Revenue Account (HRA) for the current financial year.

763 HOUSING REVENUE ACCOUNT BUDGET 2008-2009

Councillor G O Rowlands presented the report seeking Members' agreement to adopt the Housing Revenue Account budget [Appendix 1] and Capital Programme [Appendix 3] for 2008/2009. Members were also asked to agree rents for Council dwellings be increased in accordance with the Rent Setting Policy in Section 2.2.7 (average 6%) from Monday 7 April 2008 and that rents for leased properties be fixed in accordance with paragraph 2.4.3 of the report. Members were further asked to agree rents for Council garages be increased by £0.15 to £5.15 (3%) per week with effect from Monday 7 April 2008 along with increases in heating charges in accordance with section 2.6.3 with effect from Monday 7 April 2008.

Councillor Rowlands drew detailed attention to the major issues. The proposed budget took into account revised Determinations from the Welsh Assembly Government which affected the HRA Subsidy and were influenced by house price inflation, as well as general inflation and the reduced number of Right to Buy sales. The Housing Stock Business Plan had been reviewed and remained viable. The capital programme remained on target to achieve Welsh Housing Quality Standards

by 2012 and could be partly funded from balances in 2008/09, reducing the need for Prudential Borrowing. He then detailed the proposed rises in rents for Council dwellings, leased dwellings, and for garages, and in charges for heating on estates with communal boilers.

2.50 p.m. Councillor J A Smith joined the meeting at this juncture.

Councillor P A Dobb expressed concerns regarding the future of leased properties as the Welsh Assembly Government may not wish to continue with the programme. The Head of Housing Services said the Welsh Assembly Government in November 2007 had said the leasing subsidy would be available in 2008-2009 but that it may not be available from 2009 onwards. No confirmation of this had been received.

2.55 p.m. Councillors S Frobisher and M M Jones joined the meeting at this juncture.

Councillor E C Edwards asked for an update on housing maintenance. The Head of Housing Services said the figures for the repairs backlog was being reduced steadily and was currently at 1082, with no outstanding jobs over a year old. The retention of £100k in next year's budget should help reduce the backlog. He also confirmed that the improvement work was substantially completed on garage sites, with 4 sites having been demolished.

In response to Councillor G M Kensler's queries, the Head of Housing Services confirmed that 6% rent increases could be perceived as being high but cited Wrexham County Borough Council as having a higher notional increase. He said the Tenants' Associations were allowed fixed amounts. Councillor Marfleet suggested Council rents were in many instances 50% less than in the private sector.

RESOLVED that Cabinet agree:

- (s) *the Housing Revenue Account budget [Appendix 1] and Capital Programme [Appendix 3] for 2008/2009 are adopted;*
- (b) *rents for Council dwellings be increased in accordance with the Rent Setting Policy in Section 2.2.7 of the report (average 6%) from Monday 7 April 2008;*
- (c) *rents for leased properties be fixed in accordance with paragraph 2.4.3 of the report;*
- (ch) *rents for Council garages be increased by £0.15 to £5.15 (3%) per week with effect from Monday 7 April 2008, and*
- (d) *heating charges be increased in accordance with section 2.6.3 of the report with effect from Monday 7 April 2008.*

764 REVENUE BUDGET PROJECTED OUTTURN 2007-2008 AND SUMMARY CAPITAL PLAN 2007-2008 TO 2009-2010

Councillor J Thompson Hill presented the report for Members to note the budget performance figures for the 2007/2008 financial year as detailed in Appendix 1 and note the summary capital plan performance for 2007/2008 financial year as detailed in Appendices 2 and 3. Members were also asked to note the initial position on the vacancy control procedure recently introduced.

The forecast overall underspend was £475k, excluding the schools' delegated budgets. Lifelong Learning were forecasting an overspend of £563k, a reduction of £99k from the previous month whilst the Social Services and Housing Directorate position had improved by £309k from the previous month. The freeze on filling

vacant posts should contribute approximately £80k per month and had been factored into the latest figures.

RESOLVED that Members note the budget performance figures for 2007/2008 as detailed in Appendix 1 to the report and note the summary capital plan performance figures for the 2007-2008 financial year as detailed in Appendices 2 and 3 to the report. Members also note the progress to date in connection with the vacancy control procedure.

765 BUDGET SETTING 2008-2009 – USE OF ONE OFF ADDITIONAL LABGI GRANT

Councillor J Thompson Hill presented the report seeking Members' consideration of the spend to save proposals for the use of the additional Local Authority Business Growth Incentive Grant (LABGI) recently announced by the Welsh Assembly Government (WAG) and recommend accordingly to full Council. The proposals had been split into three main areas:

- a) initiate a commercial review of the potential for more cost effective service delivery within the trading services of the Council with particular reference to the Cultural, Heritage & Leisure portfolios. Also to provide for any resulting costs from restructuring services - £100k;
- b) continue with the currently funded development posts in Rhyl and Prestatyn and a new post in Denbigh to deliver further external funding for schemes - £98k, and
- c) strengthen the Council's capacity within the Procurement and Business Process Reengineering functions to deliver savings - £50k.

The development post in Denbigh was a new post whilst those already funded in Rhyl and Prestatyn were extended for a further year. It was important to strengthen capacity within Procurement / Business Process to ensure efficiencies in future years.

Councillor G M Kensler felt the new funding could confuse some members of the public, and asked whether the LABGI funding would mean that libraries for example would now not have to have their opening hours reduced. Councillor J Thompson Hill said the items in the report were not linked to what had already been agreed in the budget. This was to deal with future capacity, future efficiencies and to deliver funding. The proposals for cuts in Library Services would remain. The Deputy Chief Executive / Corporate Director: Resources agreed the purpose of the additional funding was to deliver future efficiencies. The Chief Executive said the £100k allocated for a commercial review of a cost effective service delivery was to ensure businesses could be put on a more stable footing whilst at the same time reducing the Council's financial responsibility.

RESOLVED that Cabinet agree the proposed spend to save use of the additional one off LABGI grant funds as detailed in the report and recommend accordingly to full Council.

At this juncture (3.25 pm.) the meeting adjourned for 10 minutes to allow Members to participate in refreshments.

766 ROUTINE REPORTING ON PERSONNEL

Councillor J A Smith presented the report for Members to note the information on the staff headcount.

Members briefly discussed the rolling average and cumulative figures. The Deputy Chief Executive / Corporate Director: Resources said the rolling average figures

covered 12 months whilst the cumulative figures were from a defined point in the year.

RESOLVED that Members note the information in the report.

767 CABINET FORWARD WORK PROGRAMME

Councillor J A Smith presented the Cabinet Forward Work Programme.

RESOLVED that Cabinet note the Cabinet Forward Work Programme.

768 URGENT ITEMS

There were no Urgent Items.

PART II

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 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

769 ESTABLISHMENT OF A NORTH WALES JOINT PROCUREMENT CONTRACTING UNIT

Councillor J Thompson Hill presented the report seeking Cabinet approval to participate in the establishment and implementation of a collaborative North Wales Joint Procurement Contracting Unit. Collaborative working was encouraged by the Assembly and its Making the Connections agenda.

Whilst supporting the establishment of a Joint Procurement Contracting Unit, Councillor P A Dobb reminded colleagues that the purchase of care provision was different from the provision of most other goods and services and needed to be tailored. Councillor J Thompson Hill said producing framework agreements would involve a technical person from the relevant service along with the Procurement Officer, where required. The Head of Strategic Policy confirmed that social care had been removed from the initial year's work programme but would be included in later years. A shadow management board would be formed with the Financial Controller as a member of the board whilst the Strategic Procurement Manager would be part of the operational board, working with service specialists and reporting to the shadow management board.

Responding to Councillor G O Rowlands' comment, Councillor J Thompson Hill confirmed that smaller and medium sized businesses would be given opportunities to prepare for framework agreement opportunities. Councillor G M Kensler agreed and said when the Procurement Unit was first established it was always likely that local smaller suppliers and contractors would find it hard to compete on price.

Councillor P J Marfleet discussed the Recovery of Expenditure table which did not specify whether all 6 Authorities would use the scheme to the same degree or pro rata in relation to the population. He asked whether the North Wales Regional Waste Plan would be included. The Head of Environmental Services confirmed the Plan was not included as it was too specialised.

Councillor E C Edwards stressed the importance of using the Procurement Contracting Unit and the whole Authority should buy into it, he felt each Department should be instructed to use the Unit once established as a matter of course. He said the Emergency Services buying power should also be included. He congratulated the

Strategic Procurement Manager on his work. The Financial Controller confirmed that in future goods would be ordered electronically from an electronic catalogue, the goods in the catalogue would be the cheapest available to the Unit and the Authority would be able to monitor use by services. Councillor P J Marfleet agreed with Councillor E C Edwards that the Authority must instruct staff to use the Unit once established and suggested a procurement policy was required. The Financial Controller said this would be a requirement. It was agreed a regular report would be provided for Cabinet.

RESOLVED that Cabinet gives their approval for DCC to participate in the establishment and implementation of a collaborative North Wales Joint Procurement Contracting Unit for an initial 3 year period subject to satisfactory periodical performance management reviews.

770 AWARD OF NORTH WALES PUBLIC SECTOR PROCUREMENT OF HIGHWAY LIGHTING EQUIPMENT

Councillor M A German presented the joint report seeking Cabinet approval of the use of the Highways Lighting Engineer and Strategic Procurement Framework Agreement. The agreement covered the provision of Highways Lighting equipment, and was developed by Denbighshire CC officers on behalf of several different North Wales Authorities (Denbighshire, Conwy, Flintshire, Wrexham, and Gwynedd). The framework was a 'call-off' contract, i.e. with more than one service provider. The Council would not be committed to a wider partnership, and would not have any liability for any other Councils' actions.

RESOLVED that Cabinet authorise the Street Lighting Engineer to use the recently developed "Highways Lighting Engineer and Strategic Procurement Framework Agreement".

771 JOINT PROCUREMENT OF WASTE TREATMENT SERVICE IN CONJUNCTION WITH THE NORTH WALES WASTE PARTNERSHIP

Councillor M A German presented the report seeking Cabinet approval to enter into joint procurement arrangements for the treatment and disposal of the Council's waste.

Councillor P J Marfleet expressed his support for the arrangements and said it was important to ensure planning and costs etc were all in place at an early stage and to ensure a memorandum of understanding was signed. Councillor G M Kensler said pressure should be brought to bear by the Government on companies and supermarkets for example, to reduce packaging on goods.

The Head of Environmental Services said the policy was being driven by sustainability which said Authorities should recycle 70% of their waste. The Chief Executive said a figure of 70% recycling was unlikely to be achieved and said concern was being expressed by all on the low level of 30% of energy from waste.

RESOLVED that Cabinet approval is given to enter into a formal partnership under the auspices of the North Wales Waste Partnership, in order to jointly procure waste treatment and/or waste disposal facilities from 2010 onwards. Cabinet also note the mandatory legal requirements that have been placed upon the Council in relation to the tonnages of waste that it can send to landfill, and to recognise the need to address the financial consequences of these requirements in forthcoming budget rounds.

772 CAPITAL PLAN 2007-2008 TO 2010-2011

Councillor J Thompson Hill presented the report for Members to note the latest position on the 2007/08 element of the Capital Plan together with the figures for 2008/09 as agreed by full Council on 12 February 2008.

The Community Learning Centres were progressing well and the Scala project was on course with the General Manager post being advertised. There was a potential delay of 14 weeks on the Ruthin Craft Centre, however this should not delay the opening in the summer 2008. The scheme is also on budget. Phase 2 Ysgol Tir Morfa had been completed and handed over to the school.

Councillor P A Dobb expressed concern regarding the anticipated 14 week delay in completion of the Ruthin Craft Centre and asked whether there would be any financial ramifications resulting from the delay. She also referred to actual and committed expenditure in the Members' Priority Fund. Councillor G M Kensler confirmed there were no financial ramifications arising from the delay in the Ruthin Craft Centre whilst Councillor J Thompson Hill said the delay arose as a result of a variation request by the contractor. It was agreed more detailed information be provided on the Ruthin Craft Centre in the next report to Cabinet.

Councillor E C Edwards discussed the Authority's asset management and said it was important that sales were pursued as a matter of urgency. He said the sale of surplus assets was an important source of capital resources for the Authority and at some point in the future, the Welsh Assembly Government would take Local Authority Asset Management Plans into account when deciding settlements. He asked that the issue be discussed at the first opportunity on an informal basis with Cabinet Members. Councillor G O Rowlands said the delay in selling one property was as the result of conveyancing difficulties.

RESOLVED that Cabinet note the latest position on the 2007/08 element of the Capital Plan, together with the figures for 2008/09 agreed by full Council on 12 February 2008.

773 HYFRYDLE CHILDREN'S HOME, DENBIGH - 52 WEEK RESIDENTIAL FACILITY

Councillor H H Evans presented the report seeking Members consideration of the 52 week provision at Hyfrydle Children's Home, Denbigh. Councillor Evans went on to say that further, more detailed information was required, along with the financial implications before any decisions were taken. He suggested further options should be considered. However, a decision on the facility had to be made during the term of the current Council.

RESOLVED that Members agree the establishment of a multi-disciplinary group of officers including Education, Social Services, Finance and Project Management and Health, along with a representative of the Hyfrydle Children's Home Governing Body to develop a financially viable option for making the best use of the provision for vulnerable children, young people or adults with complex or/and multiple special needs.

The meeting concluded at 5.15 p.m.
