

COMMUNITIES SCRUTINY COMMITTEE

Minutes of the Communities Scrutiny Committee held in the Conference Room 1a, County Hall, Ruthin on Thursday, 9th June, 2011 at 9.30 a.m.

PRESENT

Councillors I.W. Armstrong, B. Blakeley, J.M. Davies, D. Hannam, T.R. Hughes, E.R. Jones, A.J. Pennington, D.I. Smith, S. Thomas, C.H. Williams and Co-opted Members Mrs G. Greenland, Dr D. Marjoram and Mr J. Saxon.

Councillors W.L. Cowie, G.C. Evans and E.W. Williams attended as Observers.

ALSO PRESENT

Corporate Director: Learning and Communities (HW), Head of Leisure, Libraries and Community Development (JG), Head of School Improvement and Inclusion (KE), Business Improvement Manager (AM), Senior Engineer - Flood Alleviation (WH), Business Planning and Performance Administrative Officer (IM), Scrutiny Coordinator (RE) and Administrative Officer (CW).

71 APOLOGIES

Councillor J. Cahill and Ms D. Houghton (Co-opted)

72 DECLARATIONS OF INTEREST

No Members declared any personal or prejudicial interests in any business identified to be considered at this meeting.

73 APPOINTMENT OF CHAIR

The Scrutiny Coordinator referred to the Education Co-opted Members' voting rights, Scrutiny Procedure Rule 4.5.3 in Part 4 (Rules of Procedure) of the Council's Constitution (page 4.5), which stipulated that the Co-opted Members for Education "shall not vote on matters other than education, though they may stay in the meeting and speak". The Education Co-opted Members would therefore not be involved in the election of the Chair and Vice-Chair of the Committee, or any of the other Scrutiny Committees, and would not be able to vote on any of the business items on the agenda apart from the item on "Allocation of Additional Resources for Pupils with Special Educational Needs".

Prior to seeking nominations for Chair of the Committee, it was proposed and seconded that the election process for the office of Chair should be held by secret ballot. As more than 50% of the membership present voted in favour of holding a secret ballot the election of Chair proceeded via this method.

Councillors A J Pennington and D I Smith had made their CVs available to Committee members ahead of the meeting as two prospective candidates for the office of Chair, both were nominated and seconded by members present. No other nominations were received. Following a secret ballot it was:-

RESOLVED – *that Councillor D.I. Smith be appointed Chair for the ensuing year.*

74 APPOINTMENT OF VICE CHAIR

Councillor D Hannam was nominated and seconded for the office of Vice-Chair for the 2011/12 municipal year. No other nominations were received. It was therefore:

RESOLVED – *that Councillor D. Hannam be appointed Vice-Chair for the ensuing year.*

The Chair extended his and the Committee's congratulations to the Denbighshire schools who had recently achieved phenomenal success in the Urdd Eisteddfod competitions in Swansea. He also referred to the recent decision taken by the board of governors of two Denbighshire schools, Ysgol

Gellifor and Ysgol Bryn Clwyd, Llandyrnog, to voluntarily amalgamate and become federated schools. He asked Councillor G C Evans, Ysgol Bryn Clwyd's Chair of Governors, to extend the Committee's congratulations and their best wishes to both schools and both sets of governors for the initiative they had shown.

75 URGENT MATTERS AS AGREED BY THE CHAIR

No items were raised which in the opinion of the Chair, should be considered at the meeting as a matter of urgency pursuant to Section 100B(4) of the Local Government Act, 1972.

76 ALLOCATION OF ADDITIONAL RESOURCES FOR PUPILS WITH SPECIAL EDUCATIONAL NEEDS

A copy of a report by the Head of School Improvement and Inclusion, which detailed the proposals on the allocation of additional resources for pupils with Special Educational Needs, was circulated with the papers for the meeting.

At its meeting on the 21st April, 2011 the Lifelong Learning Scrutiny Committee requested that a further report on the proposals for Special Education Needs funding be considered, by the appropriate new Scrutiny Committee, to ensure that the position in moving forward with the alternative proposal was monitored. The Head of School Improvement and Inclusion introduced the report which detailed the position regarding the Special Educational Needs (SEN) 'Banding' proposal, and provided an update on the progress regarding the presentation of an alternative model.

A proposal put forward in 2009, to delegate a substantial element of SEN funding to schools, had been based on additional resources being allocated on the basis of a 'banding' system to ensure that funding was allocated to those pupils demonstrating the most need. Details of the process and its key objectives had been included in the report. Due to the serious level of risk presented a decision had been taken to defer the proposal and it was agreed that a review of the proposal would be undertaken and an alternative solution sought.

Following the deferral of the original proposal a significant amount of research had been conducted in order to identify best practice in this area. Advice had been sought and four fundamental issues had been identified which underpinned any future proposal and these had been outlined in the report.

On the basis of the issues identified it was being proposed that the way forward should capture current best practice in the system and focus on how pupils were initially identified, as well as determining the levels of support required. It was suggested therefore, that in developing the new system the following should be included:-

- The utilisation of the Pupil Level Annual Census (PLASC) as a basis for determining or identifying which pupils were entitled to additional support. This should ensure that central and school based records were aligned and that there was a common understanding across the Authority on the categorisation process. Subsequently, there would be complete transparency in tracking and monitoring individuals and identifying and providing a rationale for additional support. Training had been provided for key school based staff in PLASC.
- The development of a tracking system for pupils supported by the 5% delegated budget in order to identify the levels and type of support received and the impact on outcomes. This would ensure accountability within the system and safeguard the entitlement of pupils to receive quality provision; and be able to access additional support on the basis of professional evidence if required.
- The formation of a Panel to oversee the allocation of additional resources. The intention was that the Panel would be chaired independently and would comprise of professional representatives from the inclusion services, a member of the parent partnership and representative Headteachers. A clear and consistent referral process would be adhered to and any additional resources allocated would be tracked and monitored robustly in order to ensure impact and value for money.

In response to a question regarding the need to provide within the system a means of ensuring that pupils receive their respective entitlement to support, the Head of School Improvement and Inclusion explained that it would be important to ensure that the communication links between all the agencies were completely secure and that the system being developed encompassed robust tracking and evaluation processes. It would also be important that the Panel met on a regular basis and operated impartially and transparently.

The Head of School Improvement and Inclusion replied to a question from Mr J. Saxon and explained that she felt that schools should be monitoring children's SEN needs rigorously. She highlighted the importance of early intervention and outlined the initiatives introduced to address the problem through the Foundation Phase 2, particular reference being made to the identification and tracking of children's needs prior to secondary education and the role of Children's Services and Health Visitors in this process.

Dr D. Marjoram raised issues relating to the need for clarification in respect of aspects such as parental input, the Appeal process and the criteria for activating the Authority to readily agree to statementing. The Head of School Improvement and Inclusion highlighted the importance of ensuring that inclusion was fully entrenched in the Improvement Agenda and of robust quality assurance. It would be essential not only to meet a child's needs but to provide an assurance to parents as to exactly what was being implemented, what would be achieved and how the effectiveness of the provision would be monitored. Members supported the view expressed that a progress report be provided in six months.

Reference was made by Ms G. Greenland to the vital role played by Special Educational Needs Coordinators (SENCO), the Head of School Improvement highlighted the importance of providing training for SENCOs to ensure consistent practice across the Authority.

It was confirmed by the Head of School Improvement that the Authority was presently reviewing the Learning Development Team. She highlighted the impact of the Regional Collaboration Agenda and the need to align structures between Authorities and referred to the draft protocol currently being developed with Wrexham County Borough Council in respect of cross border issues.

The Corporate Director: Learning and Communities responded to questions from Members regarding the funding and budget provision for the service. He outlined the purpose of the exercise which had been to ensure the effective and efficient use of available funding and resources and made particular reference to the Schools Delegated Budget. In reply to a suggestion from Councillor S. Thomas that SEN funding should be ring fenced, the Corporate Director: Learning and Communities highlighted the importance of ensuring that the use of SEN funding was monitored very closely and that schools were persuaded to utilise it effectively.

During the ensuing discussion, the Chair summarised the main aspects arising from the debate which included, the importance of parental input, the need for a robust appeals process within the system, and the need to examine the possibility of ring fencing SEN funding, and that these aspects be included in the document formulating the alternative proposal.

RESOLVED – *that the Communities Scrutiny Committee*

- (a) *notes the progress to date in formulating an alternative proposal;*
- (b) *recommends that the importance of parental input, the need for a robust appeals process within the system, and the feasibility of ring fencing SEN funding be explored and contained in the final proposal prior to its submission to Headteachers for consultation; and*
- (c) *receives a progress report in six months.*

77 PRELIMINARY FLOOD RISK ASSESSMENT REPORT – FLOOD RISK REGULATIONS 2009

A copy of a report by the Senior Engineer Flood Risk Management, which sought the Committee's observations and support for the Preliminary Flood Risk Assessment (PFRA) Report (Appendix 1), was circulated with the papers for the meeting.

The Senior Engineer Flood Risk Management referred to the Flood Risk Regulations 2009 which required Denbighshire County Council, as a Lead Local Flood Authority (LLFA), to carry out a Preliminary Flood Risk Assessment (PFRA) to identify areas at risk of flooding in Denbighshire with significant consequences, and to submit a Preliminary Flood Risk Assessment (PFRA) Report to the Environment Agency by 22nd June, 2011. Subsequently the information provided by the Environment Agency, who had been guided by the European Union following the floods which had occurred during the previous decade, indicated that there were no flood risk areas in Denbighshire. However, this did not mean that the county did not have properties or areas which were susceptible to flooding.

The PFRA process had been aimed at providing a high level overview of flood risk from local flood sources, including surface water, groundwater, ordinary watercourses and canals. The methodology for producing the PFRA had been based on the Environment Agency's Final PFRA Guidance and WAG's Guidance on selecting Flood Risk Areas, both having been published in December, 2010.

In response to concerns expressed by Members it was explained that the high risk of flooding from local sources across Denbighshire had been based on national surface water modelling, approximately 1,600 properties had been estimated to be at risk from flooding to a depth of 0.3m during a rainfall event with a 1 in 200 annual chance of occurring. The Senior Engineer Flood Risk Management confirmed that future funding applications would not be influenced by the definition of the Flood Risk Area and that previous funding sources would be maintained.

The Senior Engineer Flood Risk Management confirmed that roads and flooding was one of the Council's priorities. Approval of the PFRA Report would enable the Council to fulfil its legal obligations under the Flood Risk Regulations 2009. One of the objectives of the Regulations had been to improve the understanding of flood risk and its consequences, and to develop a risk management approach to dealing with flooding and protecting communities. It was explained that the Regulations would provide support for the Council's Vision for Denbighshire 2025.

Concerns were expressed by Councillor B. Blakeley that no flood risk problem had been identified in the Rhyl area and made reference to the problems caused by high tides and a poor and ageing drainage system. He explained that a meeting had been held with the Environment Agency and Welsh Water at which it had been indicated that there were no contingency plans in the event of flooding.

The Senior Engineer Flood Risk Management outlined the statutory process and the PFRA criteria for determining a flood risk area, explaining that not enough properties in Denbighshire had been identified as being at risk. He confirmed that flooding hot spot areas had been identified in Rhyl, and other areas in Denbighshire, and that the flood risks within the County had not been demeaned by the PFRA. It was confirmed that further work would be undertaken with the Environment Agency, Welsh Water and other interested agencies to develop a Local Flood Risk Management Strategy to deal with surface water and ordinary water courses. A number of Members expressed concern that water courses and cuts were not being maintained and cleared on a regular basis which had, in some instances, resulted in flooding in some areas.

Councillor B. Blakeley explained that a number of residents in his ward had been unable to obtain insurance cover for their properties due to the risk of flooding, the Senior Engineer Flood Risk Management confirmed that the Welsh Government (WG) had been working with the insurance industry to address this problem, and Councillor Blakeley agreed to provide a list of the properties and addresses in question. He also responded to questions from Councillor D. Hannam regarding the use of Combined Sewer Overflow Tanks, and agreed to liaise with the Halifax regarding the availability and provision of insurance for properties in the Ffordd Las area of Rhyl.

The Senior Engineer Flood Risk Management responded to concerns expressed by Councillor C.H. Williams that flood risk areas in the Llandrillo area had not been included on the map. He provided details of the criteria and requirements for the inclusion of flood risk areas on the map, and following representations from Councillor Williams it was agreed that the areas highlighted in the Llandrillo area could be included on the map for consideration by the Environment Agency, as well as being included on the flood maps for surface water. Members were also assured that the PRFA report would not be used to determine, acquire or secure future funding for flood alleviation schemes. Such applications would be based on risks identified by Denbighshire under local flood risk management plans.

In reply to concerns raised by Councillor I.W. Armstrong regarding problems in the West End of Rhyl resulting from overtopping - when waves breach the sea wall and drains not being cleared of sand – as well as the possibility of the Marine Lake Bank being breached, which could result in major flooding in various areas of the town, the Senior Engineer Flood Risk Management agreed to convey the comments and concerns expressed by Councillor Armstrong to the Environment Agency.

In response to questions from Councillor J.M. Davies regarding the purpose and aims of the PFRA report, the Senior Engineer Flood Risk Management explained that the process had arisen as a result of the Pitt Report recommendations which suggested that the UK Government should transpose the EU Flood Regulations into the UK Flood Risk Regulations and identify flood risks across the United Kingdom. Councillor Davies suggested that consideration be afforded to examining areas which had not been identified as serious flood risk areas, but did pose a risk to local residents, by producing plans to reduce the risks of flooding. The Senior Engineer Flood Risk Management explained that by working jointly with the Environment Agency and the Emergency Planning Section a Local Flood Risk Management Strategy could be compiled for all the communities at risk within the County.

The Chair and Members of the Committee concurred with the views expressed by Councillor J.M. Davies that Denbighshire produce a Flood Risk Management Plan which identified and listed all communities at risk of flooding within the County.

Following further discussion, it was:-

RESOLVED – *that the Communities Scrutiny Committee:-*

- (a) *receives the report and supports the PFRA Report for submission to the Environment Agency, subject to the issues and amendments identified by Members, and*
- (b) *recommends that Denbighshire produces a Flood Risk Management Plan which identifies and lists all Communities at risk of flooding within the County.*

78 LEISURE STRATEGY

A copy of a report by the Head of Leisure, Libraries and Community Development, which presented the Council's draft Leisure Strategy to the Scrutiny Committee, was circulated with the papers for the meeting. A copy of the Leisure Strategy had been circulated prior to the meeting.

The Head of Leisure, Libraries and Community Development introduced the report and explained that the Welsh Audit Office report in April, 2009, following the Review of the service in 2007, had recommended that Leisure Services develop and implement a Leisure Strategy for the next 5 to 10 years to maintain strategic vision and direction whilst providing a framework for a coherent Leisure Service. It also recommended that the current and future needs of the service be prioritised and that appropriate stakeholder involvement be identified.

Members were informed that the development of the Leisure Strategy had been monitored by the Lifelong Learning Scrutiny Committee, as an outstanding item in the Business Plan, and following extensive consultation with partners and stakeholders over the past 18 months, the Leisure Strategy was ready for publication. The delay in producing the Strategy was planned to enable the Service to undergo a restructuring exercise.

Details pertaining to the compilation of the Leisure Strategy, those involved in its development and the consultation process were highlighted by the Head of Leisure, Libraries and Community Development and had been detailed in the Consultation Feedback document (LE1). The timetable and process for consultation on the final document and launch had been detailed in the Leisure Strategy Consultation Timetable (LE2).

It was confirmed by the Head of Leisure, Libraries and Community Development that the development of programmes to help older people remain active and healthy supported the Demographic Change priority, the provision of Physical Education facilities which were fit for purpose and helped to put schools at the heart of the community supported the Modernising Education priority, and access to high quality leisure settings provided health and wellbeing benefits to the community, whilst working in

partnership to plan and deliver activities, supported the efficiencies agenda. It was explained that the Strategy's vision supported the Council's vision that "Denbighshire in 2025 would be the ideal place to live, work, visit, conduct business and pursue a wide range of activities."

The Head of Leisure, Libraries and Community Development referred to the Leisure Strategy, 'Opportunities for All Improving Lives', which had been circulated prior to the meeting. He provided a summary of the Leisure Strategy document which detailed the current position, strategy context, future challenges for Leisure, vision and priorities, delivering the key outcomes and managing performance. He explained that it had been recognised that leisure had an impact and benefit on numerous social aspects, and the priorities in the Leisure Strategy had been linked to the Local Service Board's (LSB's) Big Plan.

In reply to questions from Members, the Head of Leisure, Libraries and Community Development confirmed that initiatives which could see wellbeing activities being delivered in libraries were under consideration.

Details of the Chief Finance Officer's Statement, any financial implications, the consultation process undertaken and the identification of any risks had been included in the report for information purposes.

The Chair expressed his appreciation for the work undertaken and progress made to date in respect of the improvement in Leisure Services within Denbighshire. Members expressed their support for the Leisure Strategy, prior to wider circulation to partners and stakeholders which would include Elected Member Area Groups and Town and Community Councils clusters.

Following further discussion, it was:-

RESOLVED – that the Communities Scrutiny Committee supports the draft Leisure Strategy prior to wider circulation to partners and stakeholders which would include Elected Member Area Groups and Town and Community Council clusters.

79 SCRUTINY WORK PROGRAMME

A copy of a report by the Scrutiny Coordinator, which requested the Committee to review and agree its forward work programme and provided an update on relevant issues, had been circulated with the papers for the meeting. A copy of Cabinet's Forward Work Programme had been included as Appendix 3 to the report, and a copy of the officers' 'proposal form' had been attached as Appendix 2.

The Committee endorsed the continued use of the officers' 'proposal form', Appendix 2 to the report, in order to provide Members with relevant information about the contents and purpose of reports suggested by officers and to help deliver a Member-led agenda. Members also agreed to continue with the practice of considering a maximum of 4 reports/items at each meeting of the Committee, together with the Committee's work programme report.

The Committee had been requested to consider its draft work programme for future meetings, as detailed in Appendix 1, and approve, revise or amend it as it deemed appropriate. The draft forward work programme for the Committee had been compiled based on the outcomes of a reallocation exercise on the remaining items on the forward work programmes of the former scrutiny committees and Joint Scrutiny Forum at the end of the last municipal year, which the Scrutiny Project Board had undertaken with the former Scrutiny Chairs and Vice-Chairs Group.

The Corporate Director: Learning and Communities referred to the outcome of the Communities Scrutiny Committee training session, Annex 1 of the Information Brief circulated to committee members ahead of the meeting, and summarised the following key areas which Members had identified as topics the Committee may wish to focus on:-

- Community Safety
- Schools
- Transport
- Dog Fouling

- Changes to Service Provision
- Community Sustainability
- Health Provision
- Community Facilities
- Access to the Countryside
- Local Development Plan/Planning Policy
- Waste Collection
- Closer to the Community/Community Engagement Strategy
- Proposals for the transfer of services to Town / Community Councils
- Wind Farms

Taking into consideration the topics identified, Members discussed the forward work programme for the Committee and agreed the following items for submission to the meetings scheduled to be held on the 14th July, 2011 and 15th September, 2011.

14th July, 2011

Implications of the outcome of the V2 Appeal.

Closer to the Community.

Management of Allocation of Section 106 Commuted Sums.

Control of Caravan Sites.

15th September, 2011

Modernising Education: the Edeyrnion Area Review of Primary School Provision.

21st Century Schools Programme.

Provision of Music within Schools

Progress of the Youth Service Business Plan and Locality Youth Service Provision.

A number of Members highlighted the following issues and matters for possible consideration by the Communities Scrutiny Committee:-

Royal Alexandra Hospital, Rhyl – in reply to concerns raised by Councillor D. Hannam in respect of the future use of the site and its effect on the local community, the Scrutiny Coordinator explained that Betsi Cadwaladr University Health Board (BCUHB) representatives would be attending the Partnerships Scrutiny Committee meeting in July, 2011 to discuss the future provision of in-patient beds in the Rhyl and North Denbighshire area. Members agreed that this item be deferred pending consideration of the matter by the Partnerships Scrutiny Committee.

Policing Levels – The Corporate Director: Learning and Communities informed Members that issues pertaining to Policing levels would be addressed under Community Safety.

Wrexham County Borough Council, School Transport Policy – Members agreed that an information report be provided for Members in September, 2011 outlining the effects of Wrexham County Borough Council's School Transport Policy on the Llangollen area.

Estyn Report – The Committee agreed that the Estyn Report be referred to the Performance Scrutiny Committee for consideration.

In reply to a request from Councillor J.M. Davies, it was agreed that Members of the Communities Scrutiny Committee be e-mailed copies of the Forward Work Programmes for each of the Scrutiny Committees.

Members were invited to forward any items for consideration by the Communities Scrutiny Committee to the Chair or the Scrutiny Coordinator. If there would be any doubt as to which scrutiny committee would be best placed to look at a particular subject, the matter would be referred to the Scrutiny Chairs and Vice Chairs Group for allocation to the most appropriate scrutiny committee.

Details of outstanding items referred to other more appropriate bodies for attention, or where no issue had been identified and had not been carried forward within the forward-work plan for the Committee, had been included in the training outcomes notes.

Annex 2 to the Information Brief document and associated appendices contained an information report on the Local Housing Strategy Update. The mid-year update report had previously been presented to the Social Services and Housing Scrutiny Committee in June of each year. The full report, which contained the revised Action Plan for the following year, was scheduled into the Committee's Work Programme for December, 2011.

RESOLVED – *that the Communities Scrutiny Committee agrees:-*

- (a) *that, subject to the above amendments, the Forward Work Programme as set out in Appendix 1 to the report be approved;*
- (b) *that, unless special circumstances dictate otherwise, the maximum number of reports which will be considered at any one meeting be limited to four plus the Committee's Work Programme, and*
- (c) *to the continued use of the Proposal Form for any requests from officers for the Committee to consider reports on specific subjects.*

Meeting ended at 12.10pm
